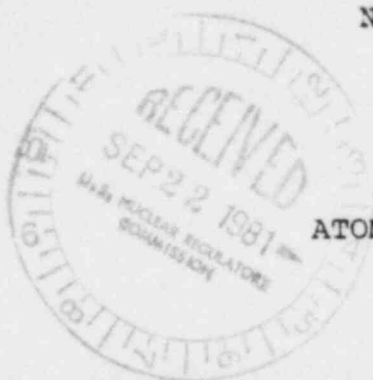


NUCLEAR REGULATORY COMMISSION

ORIGINAL



ATOMIC SAFETY AND LICENSING BOARD

In the Matter of: :


HOUSTON LIGHTING AND POWER :
 COMPANY, ET AL. :

South Texas Nuclear Project : DOCKET NOS. 50-498 OL
 Units 1 and 2 : 50-499 OL

DATE: September 15, 1981 PAGES: 8158 - 8346

AT: Houston, Texas

TRO1
s
0/1

ALDERSON  REPORTING

400 Virginia Ave., S.W. Washington, D. C. 20024

Telephone: (202) 554-2345

8109230347 810915
 PDR ADDCK 05000498
 T PDR

UNITED STATES OF AMERICA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE
NUCLEAR REGULATORY COMMISSION

In the Matter of:	X	
	X	
HOUSTON LIGHTING & POWER	X	Docket Nos. 50-498 OL
COMPANY, ET AL	X	50-499 OL
	X	
South Texas Nuclear Project	X	
Units 1 and 2	X	

Green Auditorium
South Texas College of Law
1303 San Jacinto Street
Houston, Texas

Tuesday
September 15, 1981

PURSUANT TO ADJOURNMENT, the above-entitled
matter came on for further hearing at 9:00 a.m.

APPEARANCES:

Board Members:

CHARLES BECHHOEFER, ESQ., Chairman
Administrative Judge
Atomic Safety & Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

ERNEST E. HILL, Nuclear Engineer
Administrative Judge
Atomic Safety & Licensing Board
University of California
Lawrence Livermore Laboratory, L-46
Livermore, California 94550

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES: (Continued)

DR. JAMES C. LAMB, III, Environmental Engineer
Administrative Judge
Atomic Safety & Licensing Board
313 Woodhaven Road
Chapel Hill, North Carolina 27514

For the NRC Staff:

RICHARD HERR, ESQ.
EDWIN REIS, ESQ.
JAY M. GUTIERPREZ, ESQ.
MR. SHANNON PHILLIPS
MR. DONALD SELLS
Office of the Executive Legal Director
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

For the Applicant, Houston Lighting & Power Company:

JACK R. NEWMAN, ESQ.
MAURICE AXELRAD, ESQ.
ALVIN H. GUTTERMAN, ESQ.
Lowenstein, Newman, Reis & Axelrad
1025 Connecticut Avenue, N. W.
Washington, D. C. 20036

FINIS COWN, ESQ.
THOMAS B. HUDSON, JR., ESQ.
Baker & Botts
300 One Shell Plaza
Houston, Texas 77002

For the Intervenor, Citizens for Equitable Utilities, Inc.:

WILLIAM S. JORDAN, III, ESQ.
Harman & Weiss
Suite 506
1725 "I" Street, N. W.
Washington, D. C. 20006

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES: (Continued)

For the Intervenor, Citizens Concerned About
Nuclear Power:

MR. LANNY SINKIN
838 East Magnolia Avenue
San Antonio, Texas 78212

MS. PEGGY BUCHORN
Brazoria, Texas

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

C O N T E N T S

i
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RE CROSS</u>	<u>BOARD EXAM.</u>
G. Thomas Warnick	--				
(By Mr. Sinkin)		8163			
(By Mr. Reis)		8210			
(By Judge Lamb)					8264
(By Judge Bechhoefer)					8282
(By Mr. Hudson)			8294		
(By Mr. Jorian)				8304	
(By Mr. Sinkin)				8317	
(By Mr. Reis)				8339	
(By Mr. Hudson)			8345		
(By Mr. Reis)				8345	
(By Mr. Sinkin)				8346	

E X H I B I T S

<u>NUMBER:</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
CCANP No. 51	8182	--

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

STP
1-1

P R O C E E D I N G S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

JUDGE BECHHOEFER: Good morning, ladies and gentlemen.

As you will notice today, the Board has its full complement of members.

Are there any preliminary matters before we resume the cross-examination of Mr. Warnick?

MR. AXELRAD: Mr. Chairman, were we supposed to hear this morning with respect to Mr. Shaw and the subpoena?

JUDGE BECHHOEFER: Right. Mr. Jordan?

MR. JORDAN: It's too early. It's a quarter after 7:00 in Washington, and we just slightly too late last night at the dinner break, or whenever it was that Peggy called, we were slightly too late in reaching the office that we are in contact with.

JUDGE BECHHOEFER: So presumably by the morning break you should be able to find out something?

MR. JORDAN: Yes.

JUDGE BECHHOEFER: Okay. Anything further?

(No response.)

JUDGE BECHHOEFER: Mr. Sinkin, you may resume.

Whereupon,

G. THOMAS WARNICK,

having been previously duly sworn, resumed the stand and testified further on his oath as follows:

CROSS-EXAMINATION (Continued)

BY MR. SINKIN:

Q Good morning, Mr. Warnick.

A Good morning.

Q Turning to the time when the inspectors, the QC inspectors were often on the phone to design engineering, a problem that was of some concern to you, did you discuss with the QC inspectors why they felt it necessary to continually call design engineering?

A No, I did not discuss it with the QC inspectors.

Q Were there any particular inspectors that tended to call more than others?

A A particular discipline, not a particular inspector. At that point in time there was a limited number of people, or inspectors within the rank and file, so to single out any one individual, no, I couldn't.

Q After the memo that was issued, telling them to go through the lead inspector instead of calling design engineering, what action would be taken against any QC inspector that went around lead inspection and called design engineering directly?

A The sequence was if he decided to go outside the limitations of the memo, he would be brought in before his supervisor and discuss why he did it; if he understood the memo, what it meant and how he was supposed to apply that to

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1-2 1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1-3 1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

his day-to-day activities.

The first occasion would be a discussion with him. If he repeated violations of it, that would constitute insubordination, and justification for disciplinary action or termination.

Q We've heard testimony previously about sometimes the problem being constructability, that the designer would design something, and when it got to the field construction really couldn't do that, and the designer just hadn't realized it.

Were quality control inspectors permitted to assess the constructability of a given design?

A Quality control inspectors?

Q Yes.

A No.

Q So that if construction said, "We can't build it this way," the proper response of a QC inspector would be --

A "Don't build it."

Q "Don't build it"?

A "Until you get it resolved."

Q And you'd write a FREA, perhaps?

A If they proceeded with trying to install it, and it didn't meet the design requirements, then a nonconformance report would be generated.

Q Let me understand; if the QC inspector says, "Don't

1-4

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1 build it," and construction says, "Okay, we won't build it,"
2 then you don't actually have a nonconformance, do you?

3 A. Not at that point in time, no.

4 Q. So you would take some other avenue to resolve
5 the problem?

6 A. Yes. We'd go to engineering for a resolution to it.

7 Q. And the method of getting that problem to
8 engineering would be --

9 A. Telephone communication with the lead inspector
10 or the discipline quality engineer in conjunction with the
11 construction engineer. They'd probably go together to try to
12 get it resolved.

13 Any one of them, you know, could proceed with
14 trying to get the answer, and then coordinate with the other
15 individual.

16 There's many lines of communication in that respect.

17 You could formally issue an engineering request,
18 change request, through construction engineering. So we had
19 a number of avenues of communication to get those types of
20 situations resolved.

21 Q. But the ultimate resolution would be at the design
22 engineer level?

23 A. That's correct.

24 Q. However it got there?

25 A. (Witness nods head.)

1-5

1 Q You say, on Page 21, at Line 14, that the
2 procedures for handling nonconformances have been changed
3 in some detail a few times over the life of the project.

4 How many times were those procedures changed in
5 a way that you would consider actually substantively changing
6 how to deal with a noncompliance?

7 A The name of the document was changed, as I recall,
8 on four occasions. The general content was modified over a
9 period of time. The number of times that that was modified,
10 I can't give you the exact figure.

11 But the technical content, as far as what
12 constitutes a nonconformance and what constitutes a required
13 proposed disposition and review and approval of that activity
14 has been consistent on the project. It's just the structure
15 of the form, adding additional information, the title of it;
16 technical content, as far as controlling a nonconforming
17 condition to proper resolution has been pretty consistent,
18 you know, as far as what has to be done.

19 Q And the nonconformances that were valid, under your
20 use of that word in this particular testimony, would be
21 recorded in a nonconformance log, is that correct?

22 A That is correct.

23 Q And if an inspector wrote a nonconformance report
24 and the next person up the line thought that it was not a
25 valid nonconformance, then that nonconformance report would not

1-6

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

be recorded in the NCR log, is that correct?

A. That's a time frame question.

Q. Okay. If you want to give me the time frame, that's fine.

A. The specific date of the transition of the program I can't give you.

I came on board in '78, April of '78. At that point in time, nonconformances were documented through the nonconformance control group. The document would be initiated in some form, processed through an approval cycle, and then entered into the system.

If, during the course of activities, the supervisor determined that the condition as identified was not a non-conforming condition, then the document would be reviewed and not placed in the system.

As a result of some questions being raised, the program was modified to a pre-numbered nonconformance form to be used to document any condition by the initiator.

Once that pre-numbered form was used in the system, it became a formal document of control; whether or not it was validated by a supervisor's signature or whether it was agreed upon as being an invalid document as far as condition, it still had to be maintained as a record to show that the item had been documented, had been considered, was ultimately considered invalid, and that document would be retired as a pre-serialized

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1-7

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

record.

Now, the exact transition of that program, I can't give you the specific dates on that. That occurred -- I keep thinking late '78.

Q Did it occur before you became site QA manager?

A Yes, this was before I became the site QA manager, the program changed.

Q Who composed the nonconformance control group? Who were the people?

A The nonconformance control group?

Q You mentioned a nonconformance control group.

A Okay. There's a documentation group, and all they do is provide the log that gives the numbers out to the people who initiate them and document them.

There's been transitions in that area, so I'd have to start back in '78 and come forward with names, if that's what you want.

Q The names at this point are not -- I'm beginning to understand the function. The function was essentially the assigning of the numbers.

A That's correct. They just maintained; and they kept copies of the documents, you know, for tracking purposes, and stuff like this. That's an administrative function, nothing technical associated with the nonconformance.

Q But that group was not charged with, in any way,

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1-8

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

assessing the validity of the nonconformance?

A. No. It was strictly a tracking function.

Q And when you use the term "the nonconformance was entered into the system," you mean entered into the log formally?

A. That's correct.

Q Did you ever have occasions when inspectors would want to write up a nonconformance report and you personally would say that it wasn't necessary?

A. In the course of the project, I can recall one incident in which I interceded in a document of a non-conformance. That was while I was quality engineering supervisor.

Q Could you tell me a little about that?

A. The incident arose, we had a meeting with the construction management and discussed some concerns we had in terms of activities in the field, conditions existing and resolution to conditions, punch-list items that -- I say punch-list, not in the sense that everybody understands punch-lists as they exist today, but we had a tracking mechanism of things that needed to be resolved during certain activities -- of taking the absolute position that at the time we said that this condition exists let's get it corrected, of formally documenting it on an NCR at that point in time.

We would say, "We need to collectively get it

1-9

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

resolved, and watched to make sure it got resolved.

Immediately after that meeting, in which the project QA manager, the site QC manager, or supervisor, and myself were at the meeting to discuss the conditions, we received an NCR through quality engineering for my signature.

At that time I represented the project QA manager on signature authority for nonconformance documentation. I reviewed the context of the NCR, and it addressed specifically what we had talked about at the meeting, so I talked with the QC supervisor and asked for his opinion of whether or not, you know, we had just had a meeting to discuss how we were going to approach a specific activity and here we are, immediately after we break up, we're going to turn around and do exactly what we said we weren't going to.

Here was an item that was identified, was indeed immediately corrected, but we turned around and wrote them up anyway, you know. That seems inconsistent with what we just discussed.

We mutually agreed it was -- at that point in time, after the meeting, it was not appropriate that we should go ahead and document something that had already been identified and corrected, and on that basis it was my intervening that the NCR was not issued.

Q And that's the only occasion you recall when an inspector wanted to write a nonconformance and you personally

1-10

1 were involved in blocking that nonconformance from being
2 written?

3 A. It's the only one I can specifically recall
4 right now.

5 Q. Let me see if I can refresh your memory.

6 A. Okay.

7 Q. Do you remember an event where QC inspectors said
8 that in the containment shell wall, the area around the
9 equipment hatch, that there were a lot of radial bars that
10 were not in conformance with design and they wanted to write
11 that up, and the problem came to you and you decided it
12 should not be written up?

13 A. No, I don't.

14 Q. When was it that you left Houston Lighting & Power?

15 A. I left Brown & Root at the South Texas Project on
16 February the 20th of this year.

17 JUDGE BECHHOEFER: I didn't hear your answer.

18 WITNESS WARNICK: I left Brown & Root, the South
19 Texas Project on February the 20th of this year.

20 BY MR. SINKIN:

21 Q. What was your reason for deciding to change jobs?

22 A. I had a number of factors to consider. Most of my
23 decision was personal. My wife and myself both have family
24 on the East Coast, getting up in years. I was looking at
25 getting back close to them. I had people make contact with me

1-11

✓

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

from Public Service of Indiana about employment up there in their management section, and I looked at it as an opportunity for me not only to move back towards the East but to go with the utility side of construction. I've been on the construction side of nuclear power for some time. I wanted to try the utility side for a change.

Q. I wanted to ask your assessment of some of the people who were at the project while you were there, and do correct me if I'm wrong, if they've left before you arrived, or anything like that.

- - -

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1 A. All right.

2 Q. Just tell me if you're familiar with them in your
3 assessment of their work.

4 Mr. Carl King.

5 A. Carl was on the project a short period of time
6 after I came on board and then left and then ultimately came
7 back to the Brown & Root project.

8 Carl was -- as an inspector, I found Carl to be
9 a very competent individual. Very personable individual. As
10 an auditor, a very competent individual.

11 Q. Any particular problems?

12 A. I had none with Carl.

13 Q. Paul Pellingaras.

14 A. Paul? Paul is a very knowledgeable individual in
15 the civil discipline. Well qualified for certification.

16 My only appraisal was, Paul was young. He will
17 sit down and discuss or discuss conditions that he very defi-
18 nitely had his own ideas of it. It was a little hard to get
19 him to see your side of the evaluation and I attribute that to
20 being, you know, a young man in the business. So, above and
21 beyond that, I only had a few occasions where Paul and I ever
22 had any difference, but as far as professional or knowing his
23 discipline, he did.

24 Q. Thank you.

25 MR. AXELRAD: Mr. Chairman, I don't have a specific

1 objection at this time because there's obviously no specific
2 question being addressed to Mr. Warnick, but I wonder if the
3 Board might ask Mr. Sinkin why this particular line of inquiry
4 is being pursued.

5 I'm not sure that it's appropriate to ask Mr.
6 Warnick for personal evaluations of individuals who, as far
7 as I know of, have not been mentioned in this proceeding, so
8 far. I'm not aware of whether they are going to be mentioned,
9 whether they have any relevance to the issues before this Board
10 and it just seems to me that it is a potential invasion of
11 privacy, if nothing else, to just go through a laundry list of
12 individuals.

13 JUDGE BECHHOEFER: Mr. Sinkin, are you going to
14 be able to connect up the particular individuals to --

15 MR. SINKIN: It will be connected up, not necess-
16 arily through this witness at this time but there are three
17 individuals -- there is a document that will be introduced.
18 The document is an assessment of their performance and I'm
19 trying to see Mr. Warnick's perception of their performance and
20 how it compares to this document.

21 The third individual, as a matter of fact, has
22 been mentioned quite frequently in these proceedings and he
23 would be the last one I would be asking about.

24 MR. AXELRAD: I'm still not sure I understand.

25 Even though there may be somewhere, some document

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1 assessing some individuals, I'm still not sure I understand
2 what the relevance would be of that particular document and why
3 asking Mr. Warnick about that will relate to any of the matters
4 being considered by this Board.

5 So, I'm not sure that even with the statement
6 Mr. Sinkin has made, he has shown the type of relevance which
7 I think the Board would want before this type of inquiry would
8 continue.

9 MR. SINKIN: The document in question is Mr.
10 Singleton's assessment of these individuals and this is a QA
11 manager and I wanted to see his assessment of these individuals
12 and when Mr. Singleton comes, we will introduce the document
13 that is Mr. Singleton's assessment of these individuals, and I
14 want to compare the two.

15 MR. AXELRAD: But to what purpose, Mr. Chairman?
16 I mean, even if Mr. Singleton and Mr. Warnick might differ in
17 their assessments of individuals, what is the relevance to the
18 issues before this Board?

19 JUDGE BECHHOEFER: Did any of these three people --
20 were any of them supervised by Mr. Singleton or Mr. Warnick?

21 MR. SINKIN: That is my understanding, that Mr.
22 Warnick would have been in a supervisory position above them
23 and that Mr. Singleton, at least part of the time, I think, was
24 supervisor on all three of them.

25 It may not be true as a supervisor on the first one.

1 assessment of Mr. Warnick and that might show any number of
2 things.

3 It might show that Mr. Warnick knew what was going
4 on and how qualified people were and were not and Mr. Singleton
5 did not. Or, it might show Mr. Singleton knew what was going
6 on and how people were behaving and Mr. Warnick did not.

7 It could show any number of different things that
8 could be relevant to the overall assessment of whether QA-QC
9 was operating properly.

10 JUDGE BECHHOEFER: Mr. Reis, do you have any
11 comments?

12 MR. REIS: What Mr. Sinkin has said, I don't see
13 the exact relevance of it except with respect to Mr. Forte.
14 We have memorandums in there and there's a direct conflict on
15 one of the matters that depends upon Mr. Forte's abilities.

16 As to the others, I don't think he has connected
17 it up and shown relevance.

18 As to Mr. Forte, which is the one he hasn't asked
19 about yet, I could see relevance.

20 MR. AXELRAD: Mr. Chairman, if the only individual
21 left is Mr. Forte, we will withdraw our tentative objection.

22 JUDGE BECHHOEFER: Okay. We'll resolve it that way.
23 BY MR. SINKIN:

24 Q. Mr. Warnick, let me ask you your assessment of the
25 performance of Mr. Roger Forte.

1 I'm not -- I'll have to ask Mr. Singleton. I'm not sure about
2 the time this report was made what his position was, but there
3 was a supervisory -- certainly with Mr. Warnick, there was a
4 supervisory relationship.

5 JUDGE BECHHOEFER: Mr. Sinking, could you tell us
6 either the particular persons -- what relevance to what we have
7 to decide will their competence be?

8 MR. SINKIN: Well, first of all, Mr. Chairman, I
9 can perhaps cure this problem very easily. He's given me the
10 assessment of Mr. King and Mr. Pellingaras. The other assess-
11 ment I was going to ask for was Mr. Roger Forte, who is all
12 over the record in these proceedings, in his interactions with
13 Mr. Singleton and memos written about him are in evidence and
14 written by him, are in evidence.

15 So, the only one I have left to ask about is Mr.
16 Roger Forte, so he would be relevant because of the whole record
17 existing.

18 JUDGE BECHHOEFER: Well, are these people still
19 continuing on the project or not?

20 MR. SINKIN: Mr. Forte is not.

21 I'd have to check the list to find out if Mr.
22 Pellingaras -- I don't think it's really relevant to solving
23 this question, whether they're still at the project or not.

24 What we are trying to do is compare the assessment
25 of Mr. Singleton of people who worked on the project, with the

1 A. Mr. Forte was the proverbial pain in the ass.
2 To be blunt.

3 Mr. Forte had an attitude problem concerning the
4 company he worked for. He had an attitude problem concerning
5 the project. He had an attitude -- he just had an attitude
6 problem.

7 Any effort to try and sit down and address what
8 his specific concerns were, was totally fruitless. He felt
9 that Brown & Root in some way had done him wrong and that the
10 people on South Texas, although we tracked him down one time
11 from departing and found out he was with Brown & Root at
12 Comanche Peak and still permitted him to come back to South
13 Texas project, as he wanted to, Brown & Root hadn't done right
14 by him and he'd made statements on many occasions that they
15 were going to pay any way he could make them pay and we had
16 discussions with him. We talked to him on many occasions, about
17 his attitude.

18 From a technical standpoint, he was probably
19 pretty sound. You know, there's more than just technical
20 qualifications. You have to understand job responsibilities.
21 You have to understand how they relate to the interactivities
22 going on and he -- I can't put it any other way --

23 Q. Are you aware of an incident in which Mr. Forte was
24 unhappy with the cleanliness of the pour and --

25 A. Yes.

1 Q. -- and could you tell us your understanding of
2 that incident?

3 I'd be particularly interested -- you say that
4 technically he was competent and I'd be particularly interested
5 in your assessment in that event, if you can make one, of
6 whether technically he was correct.

7 A. In that instance?

8 Q. Yes.

9 A. I'll give you my personal opinion, keeping in
10 mind I am not a civil engineer or I'm not certified in the
11 civil discipline.

12 That total incident resulted as a improper com-
13 munications, for one thing, on the part of Mr. Forte to the
14 people he was trying to coordinate with in his own discipline,
15 which was the civil discipline superintendent, Q.C. side.
16 Other interfacing lead inspectors.

17 What little bit of knowledge that I acquired in-
18 itially under the condition was limited, to say the best, from
19 what was presented by Mr. Forte to his supervisors.

20 The whole incident could have been handled in
21 terms of communication by Mr. Forte considerably better than
22 they were.

23 In Monday-morning quarterbacking, it was as though
24 it was pointing to a situation of trying to lead people into
25 doing something that he could say, "I told you so"-type

1 situation.

2 He identified, he said he had problems in the pour
3 area. He identified those specific areas to the supervisor.
4 And as I recall, the question that was asked is, those are
5 major areas of concern? Are those the ones that you feel are
6 in the non-conforming condition ?

7 And his statement was yes. Those were the areas
8 that were addressed by the supervisor involved in the
9 situation.

10 There were second opinions of the conditions from
11 qualified, certified individuals as to whether or not those
12 specific areas were in non-conforming conditions or not.

13 His attitude again, once an evaluation was made
14 by other people, instead of staying there to find out, you
15 know, if his concerns had been addressed, he opted to go on up
16 to the shack and sit in there and wait for somebody to call
17 him. When called, he flat refused to come back down and do
18 anything -- even look at it from the standpoint of, was he
19 satisfied with what was going on.

20 So, there was just a sequence of events there that
21 because of attitude -- also, as I say, it was my understanding
22 that statements had been made the day before to construction
23 management that they were going to pay hell getting that one
24 off the next day.

25 And he was going to see that it didn't get off.

1 And all those things played a part in what
2 developed in that specific instance you're identifying.

3 Now, as far as the communications, the type of
4 communications -- I'm just giving you my understanding and,
5 you know, from my involvement in the overall incident.

6 Q. Did your involvement include any assessment of
7 the cleanliness of the pour, by you?

8 A. Only to a limited extent, you know. Just from a
9 layman's understanding of what has to happen with construction
10 going and how the cleanliness has to be or a specific pour
11 area.

12 My communications and my overview of what was the
13 condition, was based upon a certified inspector's, lead
14 inspector's and the supervision in the area at the time, of which
15 I was getting basically the same type of answers from indi-
16 viduals, you know. There are a couple of areas will be cleaned.
17 The remainder of it, you know, was totally within acceptable
18 standards.

19 Q. And I assume that in your recount of the incident
20 the civil QC superintendent that you're talking about is --

21 A. Mr. Singleton.

22 Q. -- Mr. Singleton.

23 I'm going to show you a document now and go over
24 it briefly with you and ask you a few questions.

25 The memo from T.B. Schreeder, Jr. -- to T. B.

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1 Schreeder, Jr. from A.J. Hammons, dated September 29, 1978,
2 that was distributed yesterday, and I ask that it be marked
3 for identification as CCANP Exhibit No. 51.

(CCANP Exhibit No.51 was marked
for identification.)

JUDGE BECHHOEFER: Was that number 51?

MR. SINKIN: 51.

BY MR. SINKIN:

Q. Have you had a chance to review the document?

A. I'm familiar with it.

Q. In September of 1978, now, what was the position
of Mr. T.B. Schreeder, Jr.?

A. He was the quality control supervisor, Brown &
Root.

Q. And I see by the signature at the bottom, Mr.
Hammons was Civil QC Supervisor?

A. That is correct.

Q. And that you are the G.T.Warnick who was copied
with this?

A. Yes, that is correct.

Q. As I read this document, I get a characterization
of the incident and I'd like to give you that characterization
and have you tell me if that's accurate -- what's reflected.

A. I will.

Q. It seems to be an incident in which, in certain

1 construction activities are permitted without QC having a
2 written procedure by which to assess whether that construction
3 procedure is permissible and I see QC complaining that they
4 are not supposed to approve any deviation, without a written
5 procedure.

6 Is that how you assess this incident?

7 A. No. That's not the true condition that exists
8 here.

9 Q. Please explain it.

10 A. Okay.

11 On the project we have design documents, design
12 specifications -- design drawings, design specifications and
13 procedure.

14 The correlation between those documents establish
15 what goes on on the project. Procedure says you will do it
16 in accordance with a design document or a design specification
17 or these are the criteria from those documents to be used.

18 Keeping in mind the documentation, Al Hammons was
19 the civil QC supervisor. Mr. C. E. Johnson was a civil quality
20 engineer. This is a group of supervision and engineering look-
21 ing at a condition that's been identified out in the field.
22 What this is saying is that, the process by which construction
23 is permitted to add or delete welds from the structure, is
24 based upon engineering -- or knowledge of the fact that they
25 are doing this and acquiring engineering's approval to do so.

1 The problem that's identified here is a sequence
2 of events in which certain activities take place, which is not
3 QC's approval but engineering's approval of what construction
4 is proposing to do or doing.

5 The procedure that is referenced in here and the
6 specific spec states that prior approval is required for the
7 activity, for the addition of a Cadweld. It did not at that
8 time state the sequence of events to occur. Whether it was
9 prior to installation or prior to pour. It just said prior
10 approval is required.

11 Some interpret it as you had to have that approval
12 from engineering before you made that Cadweld inaccessible.
13 Other interpretations was, no, you have to have that approval
14 before you actually shoot that Cadweld.

15 So, the disconnect was, what is the time frame
16 of this approval? And the purpose of this document was to get
17 clarification from engineering as to when did you mean by
18 prior approval, that you wanted that approval? Or wanted that
19 right of approval.

20 And that's what the purpose of this activity was,
21 from quality engineering and supervision going out to engineer-
22 ing and asking them that question.

23 Q. There seems to be on the first page of this
24 exhibit -- there seems to be really two problems in that first
25 sentence.

1 The one problem is the prior approval to make
2 additional new Cadwelds, and then it says, "also the specifi-
3 cations and proccdures gave no acceptance criteria as to
4 placing tolerances".

5 Now, are placing tolerances a matter for QC to
6 assess? Whether a Cadweld is out of tolerance as to where it
7 should be placed?

8 A. If a Cadweld is to be installed, there are criteria
9 established for the installation, positioning, location on the
10 bar, that is verified during the Cadweld inspection process.

11 Now, there are critical parameters that have to
12 be verified. Those conditions, in terms of the actual physical
13 installation, were being met. The question raised was
14 whether or not, you know, when you add that additional Cadweld,
15 is that putting it in the criteria that is established for
16 those already engineered in the system.

17 And what they're saying here is, there needs to
18 be clarification of the overall process by which you add a
19 Cadweld to the system. Where it says "prior approval" or
20 "tolerance", what, as I recall, what we were discussing,
21 because Claude Johnson worked for me at the time, is, we want
22 engineering to state when you install these additional, you
23 know, are the tolerances the same or do we have to look at
24 where it's at in conjunction to other adjacent Cadwelds, because
25 you can't put one adjacent to, because of possible restrictions.

1 So, you know, what is the limitation of the
2 adding of Cadwelds from the next one over, you know, adjacent
3 to it on either side.

4 And these are some of the things that we were
5 trying to get clarified.

6 Q. In determining that a Cadweld is placed with an
7 acceptable tolerance, what you're talking about is it's dis-
8 tance from another--

9 A. Various tolerances.

10 Number one, is association adjacent Cadwelds;
11 number two is the physical location on the bar that it's going
12 to be Cadwelded to. Center line. Marker locations. What have
13 you.

14 Q. And it's the civil QC inspector that will measure
15 that tolerance and determine if it is acceptable or not?

16 A. I think he sent a simple QA inspector there. They
17 are very professional individuals.

18 Q. A simple --

19 A. I said civil -- not simple.

20 Q. I thought you said simple. I apologize.

21 A. Yes. It is the Civil QC inspector's responsibility
22 to verify location, tolerances and document them on the
23 Cadweld inspection report.

24 Q. Perhaps it's the last line of Mr. Hammons' memo
25 that has me -- where he's saying that civil QC will not be

1 able to complete any Cadweld inspection until proper documen-
2 tation is available to do so.

3 A. Well, there again, you have to understand the
4 terminology -- what that is saying is, until such a time as
5 this is clarified -- because the sequence of events was the
6 FREA, was documented, verbal approval was obtained from either
7 the PSE on site or the civil engineering group in Houston and
8 we want to put this in; is it okay. Look at it. Yeah. When
9 we get it documented, we'll sign it off.

10 And then the signing of the FREA came prior to the
11 pour; when the pour was presented to QC, they had to present
12 the proof FREA at that time for that additional or added
13 Cadweld.

14 Al Hammons and the civil inspection group were
15 saying, we don't interpret it that way. It says prior
16 approval before such and such, but it didn't really get speci-
17 fic. So what Al-- and knowing Al -- what he's saying here,
18 we're taking a position right now. We will continue the
19 activity until somebody clarifies this position.

20
21 - - -
22
23
24
25

STP
3-1

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q I want to turn now to Staff Exhibit 46, which is the 79-19 investigation.

JUDGE BECHHOEFER: Mr. Sinkin, do you plan to do anything about this exhibit? Or do you want to wait?

MR. SINKIN: No, I don't think I do plan to do anything about it, Your Honor. I think having questioned Mr. Warnick about it, that will be sufficient.

JUDGE BECHHOEFER: Okay.

BY MR. SINKIN:

Q Do you have the report?

A Yes.

Q Let me direct your attention to the section where the -- I guess it's the second major section of the report, it's appendix -- well, mine doesn't say which appendix it is; it's the one with the Notice of Violation that has the various allegations in it, and direct you to Page 13, Allegation No. 2. Do you see that?

A Yes, I have it here.

MR. AXELRAD: Mr. Sinkin, that isn't Page 13 of Appendix A.

MR. SINKIN: Well, no, it is not; it's Appendix D, it must be. It has Allegation No. 2 at the top of the page.

BY MR. SINKIN:

Q Have you had a chance to read that?

A Yes.

3-2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q Do you have any knowledge as to the identities of
Individuals A-3, A-6 and A-50?

A Based on the description of the incident involved,
I have opinions. I have nothing to substantiate me who A-50
and A-3 were in the NRC's perception, but I have my opinion
who they are, based upon the incident.

Q Based on your information, can you identify for me
A-3, A-6 and A-50, realizing that A-3 and A-6 will be one or
the other, since there's two of them that did the same thing?

MR. AXELRAD: Mr. Chairmar, I would object to the
question as stated. I believe that previously we had
considered matters of this kind and it has been decided that
witnesses were not going to give opinions but would identify
informants only if they were certain that they knew who the
individuals were.

My recollection may be faulty, but I'd just like
to make sure that we all understand what ground rules we're
operating on in terms of asking witnesses to identify these
informants.

Again, we just want to make sure that we're not
in any way derogating the NRC's inspection processes or their
investigations of any matters at any project.

JUDGE BECHHOEFER: Mr. Reis, do you have comments
on that?

MR. REIS: I was about to make another objection,

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1 in that I think it's cumulative. I think this is an incident
2 that's been talked about, and I think it's very plain in the
3 record that it's been talked about and the people have been
4 identified, at least the protagonists, not the witnesses but
5 the protagonists. I don't see where the witnesses are
6 relevant, and I think yesterday it was said, not in the context
7 of an I&E report but in the context of an actual incident of
8 what happened, and I think just trying to connect it up with
9 the I&E report is just cumulative and not particularly --
10 doesn't lead us any particular place.

11 We've already heard testimony yesterday on the
12 particular incident, and I think that's enough.

13 MR. SINKIN: Mr. Chairman, I think Mr. Reis is
14 perhaps talking from a basis of knowledge more extensive than
15 my own. We've heard testimony about a number of instances.
16 I don't know that it was that clear from the testimony we
17 received that any one instance is this particular instance.

18 MR. REIS: I don't think we need the witnesses
19 and the informants identified. I think the principals, if
20 they're the same principals as were named before to the
21 incident yesterday, I think that's sufficient, and I think
22 he did identify it and talk to it yesterday.

23 I think there's no question that he did.

24 MR. SINKIN: Well, maybe I can just ask Mr. Warnick
25 what incident he has in mind when he reads this, and if he has

3-4

1 already testified to it --

2 JUDGE BECHHOEFER: That's the tie-up that doesn't
3 exist yet.

4 MR. SINKIN: All right.

5 BY MR. SINKIN:

6 Q Mr. Warnick, when you read this, what incident
7 springs to mind?

8 MR. AXELRAD: I would object to that question.
9 I think the question should be asked more precisely. Is
10 this an incident as described here which you believe you've
11 previously discussed in your testimony?

12 I am not suggesting at all what the answer of the
13 witness would be. I just don't want to have anything in the
14 record with respect to what springs to mind as if similarities
15 or anything else are relevant to this.

16 If this is the incident and Mr. Warnick believes
17 it is, then that question should be asked.

18 MR. SINKIN: I'll withdraw the question.

19 BY MR. SINKIN:

20 Q Mr. Warnick, you said after you read this that you
21 believed after reading it that you knew what the incident was
22 and who the people were involved.

23 Let me first ask, is it an incident that you
24 believe you've already testified to?

25 A I believe it is.

3-5

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q Can you identify for me what incident that was?

A I believe that what this allegation is talking about is the specific incident identified with Mr. Parton and Mr. -- I'd say Mr. Prince; the only thing concerning me is the early November '79 date. I think it was late October that that occurred. Where it says conditions, to me imply Mr. Parton and Mr. Prince. I could be wrong.

Q I believe you testified yesterday that the Parton-Prince incident took place on 10-31-79.

A I think that's correct.

Q So the early November is the part that bothers you?

A (Witness nods head.)

Q Just to be sure we don't get too far afield, you also mentioned the Parton-Slumberger incident around the same time. You said November the 19th.

A That's correct.

Q Does this description not seem to fit that incident?

A It doesn't seem to fit it from my view of it.

Q In the Parton-Prince incident, was Mr. Singleton present when the threat took place?

A Yes, he was.

Q And judging from that, if we assume for the moment that A-50 is Mr. Parton, when you turn to Allegation No. 3, which also seems to involve the same individual, I'd like you

3-6

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1 to read through Allegation No. 3 and see if you are familiar
2 with that.

3 A (Witness reviews document.)

4 Q You've had a chance to review it?

5 A Yes.

6 Q Can you tell me who the concrete foreman who
7 knowingly allowed concrete placement to continue under
8 deficient conditions would be?

9 A I can't -- A-50, of course, we know. A-45, I
10 can't place a name with that position right now.

11 Q Let me ask you to turn to Page 26, Allegation
12 No. 1-A, and ask you to read that and see if you're familiar
13 with that event.

14 A (Witness reviews document.)

15 Q You've had a chance to review that?

16 A Yes.

17 Q Are you familiar with this?

18 A I am only limited familiar with this.

19 Q Do you want to tell me the extent of your
20 familiarity?

21 A The extent of my knowledge of it is discussion
22 with the superintendent -- supervisor at that point in time,
23 of the specific position and individual involved and the
24 criteria for inspection of the specific curing activity,
25 and that the criteria had been met and the sign-off of the card

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1 was a -- were the results of the activity being verified as
2 being qualified, you know, meeting the criteria, and there
3 again, you know, it's my discussion with a superintendent
4 or supervisor on the incident.

5 Q Who was the supervisor?

6 A Mr. Singleton.

7 Q Are you saying that it was your own conclusion
8 from those interviews that the initials of the inspector had
9 not been written by someone else?

10 A I don't know as this applies, being written by
11 somebody else. I didn't read that into this. I believe it
12 states that it was his initials or there.

13 Q Well, maybe I'm misunderstanding it. It says,
14 A-5 identified Brown & Root quality examination checks as
15 documents bearing his initials which falsely indicate he
16 inspected concrete curing.

17 Then was it your conclusion that A-5 had put his
18 initials on concrete curing but had not actually visually
19 inspected it?

20 A That's how I interpret this, and from my knowledge
21 of the incident -- or what was alleged to be the incident.

22 Q And A-31, his direct supervisor, do you know who
23 that was?

24 A I can't put a name to that during that time period.
25 We had -- it would be a lead inspector, and we had a number of

3-8

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

lead inspectors. I can't put a specific name to that.

Q Turning to the next page, Page 27, Allegation 2-A, does that sound familiar to you?

A To put a specific incident, when we had a couple of action items associated with Item A-50, I can make an assumption of where it fits in, but I won't say specifically.

Q Well, we have the fall of 1979.

A Which fits into Mr. Parton and Mr. Slumberger, in my opinion, that classification.

- - -

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 534-2345

1 Q. On the next page, allegation 3 A , we have
2 another incident in the October and November, '79 period with a
3 construction superintendent and a QC inspector.

4 Let me ask you this, Mr. Parton's position was
5 construction superintendent or construction general foreman?

6 A. At that point in time of these activities, he
7 was general foreman at the time, as I recall.

8 Q. General foreman.

9 Did he later become a construction superintendent?

10 A. I don't remember what title -- he was promoted,
11 I know, but I don't remember what the title was that was
12 associated with that. Whether it was superintendent or --

13 I believe it was but I won't say that that's it.
14 They changed titles around down there and I don't know the
15 exact title.

16 Q. Okay.

17 Was he still there -- excuse me --

18 A. At the time I left the project, yes, still there,
19 when I left the project in February.

20 Q. Then returning to Allegation 3A, where a construc
21 tion superintendent threatened at quality control inspector in
22 October and November of 1979; did that incident come to your
23 attention?

24 A. I'm not sure what instance that is referring to,
25 so I can't say yes or no, whether it came to my attention.

(sic)

1 Q. Mr. Singleton, I want to ask you about a series
2 of I & E reports and you testified yesterday you had been involved
3 in almost every I & E investigation that had gone on since you
4 came out to the plant.

5 JUDGE BECHHOEFER: Mr. Sinkin, are we going to get
6 to a new area?

7 MR. SINKIN: Do you want to take a break?

8 That might be helpful. I can give them a list of
9 the ones we're going to go through and they can have them --

10 JUDGE BECHHOEFER: That would be helpful, I think.
11 We will take about 15 minutes.

12 (Short recess was taken.)

13 JUDGE BECHHOEFER: On the record.

14 MR. JORDAN: Mr. Chairman, before we get right
15 back on track, we have been in touch with the authorities in
16 the State of Washington and they tell us they have been in
17 contact with Mr. Shaw and they expect to serve him tonight.
18 They have talked to him about it. So, we will expect that he
19 will be served tonight and be here.

20 Would it be useful to discuss with you privately
21 the amount of cross-examination, so that we would know whether
22 Mr. Shaw conceivably could start on Thursday or whether he
23 should wait until Friday?

24 MR. JORDAN: I guess we could do that. You are
25 the ones who would be able best to make the judgment whether

1 -- given everyone's estimate -- it depends on whether the staff
2 is ready to give an estimate at this point.

3 I could have an hour or two.

4 MR. SINKIN: Yeah, and I would have, at most, an
5 hour. Maybe less.

6 MR. JORDAN: You also have Mr. Williams.

7 JUDGE BECHHOEFER: I take it Mr. Williams will be
8 added to the other panel --

9 MR. AXELRAD: No. Mr. Williams is testifying
10 separately. Mr. Williams is in construction.

11 JUDGE BECHHOEFER: I realize that, but he will be
12 on separately?

13 MR. AXELRAD: Yes. He will be on whenever the
14 Warnick and Singleton segment of the panel is completed.

15 JUDGE BECHHOEFER: Okay. Fine.

16 MR. SINKIN: That's very difficult, you know,
17 unless he says something really outrageous, I doubt if I'll
18 have a great deal to ask.

19 MR. REIS: The Staff feels the same way.

20 MR. JORDAN: Well, why don't we proceed with this
21 cross and then you will have a better opportunity, over lunch
22 or something, to give us an idea based on your own evaluation,
23 as to what kind of scheduling we could do.

24 MR. AXELRAD: Does the Board have an updated
25 estimate from the other parties as to how long the cross-

1 examination of the other two members of this panel will take?

2 At first it had been contemplated that the
3 testimony of all three members of the segmented panel, plus
4 Mr. Williams, would have been completed in two days. As of
5 yesterday, we were told that Mr. Singleton will not get on
6 before lunch today and that Mr. Wilson will not get on before
7 some time tomorrow and it doesn't appear that we are too near
8 completion of Mr. Warnick. I may be wrong.

9 I would suggest that by lunchtime or so that the
10 parties give the Board some additional estimates of what they
11 think will be required for this three-member panel.

12 JUDGE BECHHOEFER: We have had separate estimates
13 from the Intervenors. The Staff gave us a lump estimate.

14 MR. AXELRAD: If the Board has all the information
15 it needs, that's fine.

16 JUDGE BECHHOEFER: Mr. Sinkin, are you pretty much
17 on the schedule you gave us? You would have used up three-
18 quarters of what you gave us?

19 MR. SINKIN: Yes. I'm in the last -- asking about
20 the I&E reports is the last segment of my questioning and then
21 I'm finished.

22 JUDGE BECHHOEFER: Okay.

23 MR. SINKIN: Before I do get to the I&E reports, I
24 had one area I forgot to cover earlier and I wanted to ask
25 you about it. I'm sorry.

1 BY MR. SINKIN:

2 Q. In the area of waterproof membranes, Mr. Warnick,
3 are you familiar with what a waterproof membrane is?

4 A. Limited. I know what it is. Know what it's
5 supposed to do.

6 Q. Has there ever been an occasion where you have
7 seen damaged waterproof memberane on a building at the South
8 Texas Project?

9 A. Yes.

10 Q. Was there ever an occasion where you saw damaged
11 waterproof membrane covered over by backfill before being
12 corrected?

13 A. Myself, personally? No.

14 Q. Were you ever told by anyone of such an instance?

15 A. I seem to recall where we had documented a case
16 where we had some damaged membrane that had been backfilled.
17 If I'm not mistaken, that was documented on a non-conformance
18 report.

19 Q. Do you remember at all the date of that event?

20 A. No, I don't.

21 Q. Turning to the I&E reports -- let me direct your
22 attention first to Staff Exhibit No. 8.

23 I ask you to --

24 A. I'll proceed with this one.

25 Q. Okay.

(Document passed to witness.)

BY MR. SINKIN:

Q. Now, we might short-circuit this a little bit.
The investigation was conducted in July of 1978.

A. July?

Q. The investigation was conducted in July of '78.
The report is dated August of '78.

A. Oh. I've got the wrong exhibit. Sorry.

Q. Are you familiar with --

A. Yes, I am.

Q. You are familiar with this? Fine.

Turning to the 5th page, I'm wondering if you are
any of the lettered individuals A through N? In other words,
if there is a letter that stands for you?

A. No.

Q. The next one is Exhibit 12 and my question is
similar on Page 4, are you any of the individuals A through L?

A. No.

Q. Thank you.

Turning to Exhibit 60 --

JUDGE BECHHOEFER: Off the record.

(Discussion off the record.)

JUDGE BECHHOEFER: On the record.

BY MR. SINKIN:

Q. The question would be whether you are any of the

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1 individuals A through O?

2 A. I'm trying to recall. This was during the
3 transitional period -- I'm trying to recall the extent of my --
4 if any -- involvement in this specific --

5 I have not read this in its entirety, so that's
6 why it is difficult for me to say yes or no, whether one of
7 these identified is me.

8 Q. Wait. I might be able to assist you. I'm looking
9 at the interview of Individual C on Page 5, right about the
10 lower middle part of that paragraph, it says, "Notified the
11 site QA manager, Individual E." It's in the period of November,
12 1979.

13 A. Yes. I know what this is about now.

14 Q. Okay.

15 A. I am identified in this.

16 Q. As --

17 A. Individual E.

18 Q. E. Thank you.

19 Turning to Exhibit 61, whether you are any of
20 individuals A through C?

21 A. No.

22 Q. Turning to Exhibit 67, whether you are any of the
23 individuals A through U?

24 A. Yes. One of them. Now, let's figure out which
25 one it is.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q. Okay.

A. I stand corrected on this specific item. This is in PPM activities and I was related to another instance and I don't believe I am identified within the body of this.

Q. Okay.

- - -

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

5-1 1 Okay. Turning to No. 70, Exhibit No. 70, whether you are
2 any of the Individuals A through I.

3 A. No, I do not believe I'm in this.

4 Q. Turning to No. 73 --

5 MR. AXELRAD: Mr. Chairman, if I may interpose,
6 I'm not sure that the witness has had an opportunity, based
7 upon the quickness of his response, to read an entire report
8 to make sure whether or not he is one of the individuals.

9 MR. SINKIN: If the witness wants to take more
10 time to assure himself, I have absolutely no objection to that.

11 BY MR. SINKIN:

12 Q. I want you to be sure, when you say you're not,
13 that you feel confident you know you were not involved.

14 Is there a particular one?

15 MR. AXELRAD: No. I have no basis for saying that,
16 other than the response came very quickly.

17 MR. SINKIN: Yes.

18 BY MR. SINKIN:

19 Q. Well, be sure and take your time.

20 A. I'm saying to the best of my knowledge I don't
21 believe I'm involved in this, based upon the original reason
22 for the investigation and where it's located.

23 JUDGE BECHHOEFER: Did you state that for 73?

24 BY MR. SINKIN:

25 Q. I don't believe that you have answered on 73 yet.

1 A. 73?

2 Q. Yes, as to whether you are any of the lettered
3 individuals.

4 A. 73, no, I'm not identified.

5 JUDGE BECHHOEFER: Mr. Warnick, yesterday
6 Mr. Jordan asked you, I think, a question concerning drug
7 use on the site. I'm not sure we ever -- well, I think you
8 lumped that in with a number of incidents. Then I don't think
9 Mr. Jordan ever got back to asking you about that one, when
10 you separated it out from the verbal abuse.

11 Would that have anything to do with these
12 allegations here?

13 WITNESS WARNICK: No, I don't believe it would, sir.
14 It's a totally unrelated incident.

15 JUDGE BECHHOEFER: Okay.

16 BY MR. SINKIN:

17 Q. But you were involved in the -- I remember you were
18 listing events for Mr. Jordan. I understand it's not this one.

19 A. Yes.

20 Q. But when you were listing events for Mr. Jordan
21 that you were involved in investigating, you had one group
22 that was verbal threats, and then there was that other one
23 that was, I think, seven terminations, or something.

24 A. I think it all resulted in seven terminations,
25 as I recall it.

1 Q And that involved QC inspectors?

2 A Yes.

3 Q That were terminated?

4 A That's correct.

5 Q Were they all seven QC inspectors?

6 A From the total I'm giving you, that is correct,
7 but I only speak for quality assurance activities on the
8 project.

9 Q Oh, there might have been people --

10 A And all quality control, quality assurance people.

11 Q Okay. Can you identify for me the drug in question,
12 or drugs in question?

13 A Any drugs in question at the point in time of the
14 specific investigation was marijuana and the possibility of
15 cocaine, were the two specifics.

16 Q And the reason for the terminations of the QC
17 inspectors was?

18 A Basically, the reason for termination was failure
19 to cooperate with the company in our efforts to either prove
20 or disprove the allegations that were made.

21 The company put forth an effort to give them a
22 chance to defend the allegations made, and they either refused
23 or they opted to depart themselves, so the basis for
24 termination was they wouldn't cooperate in the company's
25 effort to provide them a means of recourse.

5-4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q You have here an event in which QC inspectors with a great deal of responsibility are charged with what I presume management views as a serious offense.

What precisely was the opportunity given to them?

MR. AXELRAD: Mr. Chairman, I'm going to have to object to that question. I'm not sure that this relates to any of the matters that are before this Board at this time.

There's been no relationship made between that particular event and any intimidation or harassment allegations.

I've tried not to object because I didn't know how far Mr. Sinkin wanted to carry this, but if we're going to get into an extended discussion of that particular event, I believe it's irrelevant to the issues and contentions before this Board.

MR. SINKIN: Mr. Chairman, I think I've carried it precisely to the point of relevance, after having laid a foundation, and the point of relevance is here you have QC inspectors charged with a fairly serious offense that leads to the termination of seven inspectors, and the witness has said that the reasons for termination included that the opportunities afforded them by management to prove or disprove the charges were not used by the QC inspectors, and my question now is what was the nature of that opportunity that was given to a QC inspector to defend himself against a very serious charge that ultimately resulted in his termination. I think

5-5 1 that's directly relevant to how QC and management support and
2 how QC perceives the project, and all that sort of thing.

3 MR. REIS: I think the relevance is very
4 attenuated, on behalf of the Staff. I don't see it directly
5 relevant to intimidation and harassment.

6 JUDGE BECHHOEFER: The Board is going to sustain
7 that objection. We think the connection is too tenuous.

8 BY MR. SINKIN:

9 Q Turning to Exhibit No. 75 -- excuse me.

10 MR. SINKIN: Is that sustained on the grounds of
11 relevancy or --

12 JUDGE BECHHOEFER: Yeah. It's too tenuous.

13 MR. SINKIN: Too tenuous.

14 BY MR. SINKIN:

15 Q Exhibit 75, whether you are any of the Individuals A
16 through K.

17 A (Witness reviews document.)

18 (Long pause.)

19 Q I see you've taken the advice of Mr. Axelrad to
20 heart.

21 A My problem is, this Cadweld issue has been
22 discussed a number of times on the project and the statements
23 in here, I don't know whether I can equate to this specific --

24 Q This is an October 1980 investigation.

25 A In respect to the interview with the QA supervisor,

1 I do not believe they're referring specifically to me in this
2 case. I know there were a number of QA supervisors involved
3 in this over-all task force for Cadwelds, and I can't relate
4 this, the way it's presented here, as being specifically my
5 response, although it would equate to.

6 Q That's fine. A few more. No. 78, any of
7 Individuals A through G.

8 A May I ask how many pages do you have in the one
9 you're referring to?

10 Q Let me just double-check. You're looking at I&E
11 report what, 80 --

12 A 80-34.

13 Q Okay. In this one there are eight pages.

14 A You asked A through G?

15 Q Right.

16 A I see C and N, but I see nothing associated with
17 any comments by a total of A through G, so -- unless they are
18 within the context of the statements made.

19 Q Do you identify yourself with any of those you see?

20 A I can't answer that right now. I'm just trying to
21 get the correlation of this report.

22 (Witness reviews document.)

23 Q Okay.

24 A No, I am not identified in this report.

25 Q Okay. Let me check with you. I don't think we

5-7

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

did 75. I think I skipped over it.

MR. AXELRAD: We did 75.

MR. SINKIN: We did do 75? Okay.

BY MR. SINKIN:

Q Okay. The last one I want you to look at is to go back to 32.

MR. REIS: Excuse me. Was that 32?

MR. SINKIN: 32.

BY MR. SINKIN:

Q And to shorten it up, if you'll turn to Page 12 of No. 32, Allegation No. 9, it states that a QC inspector was given verbal instructions to disregard a stop work notice and sign the concrete pour card for a particular placement.

Do you know who gave those verbal instructions --

A Yes.

Q -- to the QC inspector?

Was that you?

A That is correct.

MR. SINKIN: That concludes my cross-examination, Your Honor.

JUDGE BECHHOEFER: Mr. Reis or Mr. Gutierrez?

MR. REIS: Yes, sir.

CROSS-EXAMINATION

BY MR. REIS:

Q Mr. Warnick, yesterday, in the course of your

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

5-8
1 testimony, you mentioned five construction foremen or
2 superintendents who had threatened two female quality control
3 inspectors.

4 Can you tell me when that happened?

5 A I'm trying to relate -- the incident occurred,
6 as I recall, July of '80 -- yes, July of '80.

7 Q Thank you.

8 Can you tell me the nature of the threats?

9 A I have a little difficulty, Mr. Reis, in that
10 at the time of the incident I was on vacation, and at that
11 time the project QA manager was on board representing the
12 management activities on the project.

13 I have very limited information as to what
14 transpired. It was handled by the project QA manager and
15 construction management.

16 As far as what went on, language and stuff used,
17 I have no information on that, sir.

18 Q This isn't information that would normally come to
19 you in the course of your duties as site QC manager -- QA
20 manager, I'm sorry.

21 A It probably is something that I may be required to
22 know in detail, but at that point in time when I returned, it
23 had been addressed by the senior man on the project, which was
24 the project quality assurance manager and by HL&P, and except
25 for just general information, I did not go into any of the
details of the incident.

1 Q. That QA man on the site that you just referred to?

2 A. At that time was Mr. Chuck Vincent, who was -- or
3 Charles Vincent, who was the project QA manager.

4 Q. Is there -- were there any incidences of threats,
5 threates involving a Mr. McGuire and any quality control
6 inspectors?

7 A. I think the record will show that there were --
8 Mr. McGuire was involved in two, as I recall, instances in
9 which, if I'm not mistaken, the Nuclear Regulatory Commission
10 investigated those two instants of Mr. McGuire.

11 Q. What were those instances? Can you detail them
12 for me?

13 A. I can't relate specifically those details. Those
14 were -- as far as Mr. McGuire is concerned.

15 Q. Okay.

16 A. Right now I can't --

17 Q. Has Mr. Evans also been involved in two incidents
18 of the same type?

19 A. Mr. Evans has been involved in two instances -- when
20 you say of the same type -- Mr. Evans was not of a supervisory
21 level as was Mr. McGuire.

22 Mr. Evans was an engineering tech, which is, you
23 know, a day to day activity, support function, in the field.

24 Q. What was Mr. McGuire's function?

25 A. Mr. McGuire, as I remember, was a general foreman,

1 concrete. General foreman.

2 Q. Have construction supervisors, foremen, superin-
3 tendents, ever been let go by Brown & Root for harassing or
4 intimidating --

5 A. Yes.

6 Q. -- construction people?

7 Can you give me their names?

8 I'm sorry. Quality assurance people.

9 A. Ch. Quality assurance people.

10 MR. AXELRAD: I'm sorry. Could we have a repeti-
11 tion of what the question is now?

12 BY MR. REIS:

13 Q. Have there been any construction supervisors,
14 including foremen, ever let go for harrassing quality assurance
15 people or intimidating or attempting to intimidate quality
16 assurance people?

17 A. Again, I have to answer yes. I think -- I apologize.
18 I thought that was basically the same question you asked
19 originally, I guess. I'm getting ahead of myself.

20 Yes. Construction has reprimanded supervision in
21 that form. Limited, but it has occurred.

22 Specifics --

23 Q. Calling your attention to --

24 MR. AXELRAD: Mr. Chairman, perhaps I either mis-
25 understood the question or the answer.

1 What was that last question, again, that the
2 witness --

3 BY MR. REIS:

4 Q. Have construction supervisors ever been discharged
5 for intimidating, harassing, attempting to intimidate quality
6 control personnel.

7 MR. AXELRAD: Thank you.

8 BY MR. REIS:

9 Q. Calling your attention to --

10 JUDGE BECHHOEFER: Did the witness seek to -- did
11 you seek to add some explanation to that?

12 THE WITNESS: I did and stopped.

13 JUDGE BECHHOEFER: What was the explanation you
14 were going to add?

15 THE WITNESS: As far as specifics, to set here and
16 recall specific names -- it would be a little difficult. I
17 could call them out.

18 BY MR. REIS:

19 Q. Calling your attention to Staff Exhibit No. 47,
20 which is Houston Light and Power Company's reply to
21 Inspection 79-19 and calling your attention to Page 7, Item N
22 at the top of the page; were you involved in those meetings?

23 A. Yes, sir.

24 Q. And can you tell me what transpired in those
25 meetings?

1 A. The meeting was scheduled after providing the
2 inspectors a week -- all the inspectors and all the disciplines,
3 one week to put together a culmination of questions and concerns
4 that they had, because it was difficult to try to address
5 individual people's concerns. We opted to go this route.

6 We had them put them together and had them
7 coordinated within the discipline and then presented at the
8 meeting with myself and my staff, where we could address them
9 or make some provisions for getting answers for them to their
10 questioned concerns.

11 I stand corrected.

12 I'm on the wrong meeting. I stand corrected.

13 This is in regard to HL&P and I'm on a different
14 subject. Let me read this again and then address the question,
15 if I may.

16 Q. Surely.

17 A. (Witness reading document.)

18 JUDGE BECHHOEFER: Point of inquiry. What page are
19 we on?

20 MR. REIS: Page 7. Item N at the top of the page.

21 MR. AXELRAD: We are referring to a meeting held
22 on May 8th, 9th, 1980?

23 MR. REIS: Right.

24 THE WITNESS: Okay.

25 The meeting was to -- this specific meeting was

1 to address the specifics of information presented to us by
2 the client, to perceive the issues that had to be addressed
3 and we were looking into our perception of what those condi-
4 tions meant, where the condition appeared to exist and what we
5 may be required to do to address that concern and our commit-
6 ment was to look into the problem areas and determined, you
7 know, why our communication hadn't been as good as it could have
8 been and what we could do to improve it.

9 BY MR. REIS:

10 Q. Did you at that time have before you the specific
11 items in the Notice of Violation and the examples of various
12 violations?

13 A. At this point in time, I don't remember whether
14 we had the specifics or it was information that had been
15 supplied to me by my immediate supervisor, through the client.

16 I can't say specifically whether I had the full
17 report in front of me or not, but it was identified -- you know,
18 these were what were perceived to be the problems and those
19 were what we were going to address.

20 Q. Turning to Staff Exhibit 46, which is the Notice
21 of Violation and 79-19 etcetera, and going to Appendix A
22 Page 2, and continuing -- looking at Page 2, 3, 4, 5, did you at
23 that time have that list of examples?

24 A. I cannot give -- no, to my knowledge, I don't
25 recall these being any part of that.

1 Q. Have you seen this list of examples before?

2 A. Yes.

3 Q. When is about the first time you saw this list,
4 first?

5 A. That's difficult for me to say. I'd have to give
6 a time frame of somewhere -- April through approximately June
7 of 1980. That's right now, without going back to records on
8 the project.

9 Q. Was the reply to 79-19 and the reply to be sub-
10 mitted to 79-19, discussed with you before it was submitted?

11 A. Yes. In collective group -- I wasn't specifically
12 come to and said, "What do you think?" I was addressed with
13 the group.

14 Q. And was there any attempt at that time to identify
15 and verify the instances set out, that I have previously
16 pointed to in Staff Exhibit 46?

17 A. Yes.

18 Q. Thank you.

19 Now, going back to Staff Exhibit 47 and going to
20 Page 5 of that, Item I, can you tell me who those personnel
21 were who were removed?

22 A. Would you please repeat that, sir?

23 Q. On -- going to Staff Exhibit 47, Page 5, Item I
24 on that page, which states essentially that two B&R construction
25 supervisory personnel against whom some allegations of intimi-

1 dation had been made, were removed from the project in January
2 and February of 1980.

3 I ask you who those people were.

4 A. I can't give you an absolute. I can give you what
5 I -- who I think they were during ~~that~~ time period. As far as
6 being able to state specifically this gentleman and this
7 gentleman, I can't do that right now.

8 Q. Was it Mr. Parton or Mr. McGuire?

9 A. No. Not Mr. Parton or Mr. McGuire.

10 Q. Do you know what attempt was made to see whether
11 the allegations of those who were removed were true?

12 A. I'm not sure I understand that question, sir.
13 Would you repeat it?

14 Q. Essentially, did Brown & Root take any actions
15 to see whether the allegations of these two supervisory people
16 who were removed, whether those allegations were true?

17 A. I do not know what construction management did in
18 this case specifically, as to their investigation or what they
19 did. This was the construction side of the house.

20 Q. Yesterday, Mr. Warnick, did you not testify to a
21 series of threats of various types to QC personnel by construc-
22 tion personnel?

23 A. A series of threats. ?

24 Q. A group of threats.

25 A. I testified that there were instants of threats.

1 I have difficulty with the term "series".

2 Q. That's fine.

3 Now, let me ask you this.

4 About how many were there yesterday that were in
5 that were in that group? About a half a dozen?

6 A. Possibly six, as I recall.

7 Q. Were you aware of a construction superintendent
8 threatening to beat up an inspector?

9 A. I need more detail of the incident before I can
10 answer that, sir. That's kind of general.

11 Q. Are you aware of an instance where a construction
12 superintendent said to an inspector, "I ought to stomp your
13 ass."?

14 MR. AXELRAD: Mr. Chairman, we have the same type
15 of objection that we made when Mr. Reis attempted to ask those
16 kinds of questions of previous witnesses. He is obviously
17 reading from some document. If he has a particular event,
18 mentioned in some kind of I&E report and he was to know if
19 this particular individual has some knowledge of it, if he would
20 refer him to that event so the individual could see exactly what
21 it is, what Mr. Reis is referring to, he will get an answer
22 for the record which will be helpful and complete.

23 These are presumably not hypotheticals that Mr.
24 Reis is talking about. If he has something specific in mind,
25 let us find out if this individual has any personal knowledge of

1 it.

2 MR. REIS: I don't see why I have to do that. I
3 think the question is perfectly proper. I don't see why I
4 have to premise it by pointing to the written document from
5 which I asked the question.

6 I am testing his memory and his veracity and I
7 think I can ask the question without pointing to the writing.
8 Then we can connect the writing.

9 MR. AXELRAD: And the question is asked in such
10 general terms without any sufficient specifics or dates or
11 anything which might be useful or help the witness to identify
12 what it is that his memory is being tested as to; if that's
13 the purpose of the question.

14 I think it is objectionable on that ground.

15 MR. JORDAN: Your Honor, I would like to jump in
16 on this. That question is perfectly -- absolutely proper.
17 Mr. Reis is testing the recollection of this witness, as he
18 said, and obviously you can ask a general question, you can
19 ask a specific question. You don't have to give the kind of
20 details Mr. Axelrad is talking about.

21 Frankly, I think these objections come absolutely
22 out of the blue, with no basis whatsoever.

23 JUDGE BECHHOEFER: I think we'll overrule the
24 objection.

25 MR. AXELRAD: Can we have the question repeated,

1 Mr. Chairman?

2 JUDGE BECHHOEFER: Yes.

3 MR. REIS: I can't remember the question exactly
4 but I'm going to rephrase it.

5 JUDGE BECHHOEFER: Okay.

6 MR. REIS: Which will essentially be the same
7 question.

8 BY MR. REIS:

9 Q. Prior to December 1979, were you aware of a con-
10 struction superintendent threatening to beat up an inspector
11 on the site?

12 A. Prior to December? No.

13 Q. I see.

14 Prior to December, 1979, were you aware of a
15 carpenter threatening to hit an inspector with a crescent
16 wrench?

17 A. No. Prior to December of '79.

18 Q. Prior to December of --

19 MR. AXELRAD: May I interrupt for one minute?

20 Are these questions addressed as to when the
21 individual -- when Mr. Warnick knew or when the event allegedly
22 took place? What does the prior refer to?

23 MR. REIS: The prior in my question refers to when
24 Mr. Warnick might have learned about this. Not the date of
25 the incident.

1 Did you understand the question that way, Mr.
2 Warnick?

3 THE WITNESS: I understand where you're coming
4 from.

5 MR. REIS: Okay.

6 BY MR. REIS:

7 Q. Prior to December, 1979, were you aware of a
8 threat by a person in construction to throw a quality inspector
9 off the dome of the containment?

10 A. No.

11 Q. Were you aware of a threat to a quality control
12 inspector from a construction person, to hit him with a shovel?

13 A. No.

14 Q. Were you aware that a quality control -- I'm sorry.
15 Let me rephrase that.

16 Were you aware that a construction person had
17 threatened to get a quality control inspector in the parking
18 lot with a .357 magnum?

19 A. Prior to December of '79, sir?

20 Q. That's right, sir.

21 A. No.

22 Q. In your duties and your responsibilities as
23 quality control manager, should these matters have been
24 reported to you?

25 A. In the course of activity, yes. If the individual

1 felt they were significant enough to warrant management atten-
2 tion, they should have been brought to my attention.

3 Q. Mr. Warnick, I think later -- do you -- have you
4 gone out and sought to find out what threats were made on the
5 project by construction personnel to quality control personnel?

6 MR. AXELRAD: Could we ask what time frame?

7 MR. REIS: In the period 1978, when you arrived
8 as quality assurance supervisor on the site, to the end of
9 '79. What attempts did you make to go out and find out what
10 threats were made by construction personnel to quality control
11 personnel?

12 MR. HUDSON: Your Honor, I would object to that
13 question. There has been no foundation laid showing that
14 threats were made or detailing what threats Mr. Warnick was
15 supposedly supposed to go out and investigate.

16 MR. REIS: Mr. Chairman, I think yesterday we
17 had a series of threats testified to. I think today we will
18 connect up the threats we have just talked about and I think
19 the question is perfectly proper. We've certainly had a number
20 of instances talked about yesterday and the question is, what
21 other instances and how did he go about finding such instances?
22 Did he go looking for such instances?

23 MR. HUDSON: I'll object, then, that the question
24 is cumulative. Yesterday he explained what he did in investi-
25 gating those events that he was aware of. We've already heard

1 that testimony.

2 Now, if the question is, did you seek to find out
3 about events other than those that you testified to yesterday,
4 I think we need to have some identification of what those other
5 events were that Mr. Warnick was supposed to investigate.

6 MR. REIS: I think the question is perfectly proper
7 as to whether he sought out such events. He learned about a
8 few of them. Did he seek out others?

9 I don't see anything wrong with that question.

10 JUDGE BECHHOEFER: I think we'll overrule the
11 objection.

12 THE WITNESS: Would you repeat -- I'm not certain
13 of the question you're asking.

14 BY MR. REIS:

15 Q. In the period from the time you arrived -- you
16 took your position as quality assurance supervisor, to the end
17 of 1979, what actions did you take to see whether there were
18 threats to quality control personnel from construction personnel
19 on the site?

20 A. Specific actions was through the staff who had
21 the responsibility for supervision of the individuals, the
22 inspectors, individual inspectors in the field, identifying to
23 them and through meetings with inspectors and stressing the
24 need for communications up through the rank and file to manage-
25 ment on any instance that would arise out there.

1 April of '78, when I came on board as quality
2 engineering supervisor, until February of '79 when I became the
3 site QA manager, my activities in that area was limited to
4 quality engineering aspects.

5 From February of '79 forward, until the end of
6 '79, actions taken were communication with the supervisors;
7 occasional communications with the QC inspectors to escalate
8 any conditions, to make us aware of what's going on out in the
9 field.

10 Direct involvement in the investigations of
11 incidents were identified. That's basically the avenue taken
12 to try to detect, understand and investigate any conditions
13 that developed.

14 Q. Prior to joining Brown & Root, what civil QC or
15 QA expericen had you had regarding civil construction on
16 nuclear projects?

17 A. Other than terminology of what it meant, none, sir.

18 Q. Now, in your opinion, Mr. Warnick, did the quality
19 control inspectors who inspected welding have proper qualifi-
20 cations for that job?

21 A. Yes, sir.

22 Q. Are you aware of the deficiencies found in welding
23 reported in inspection report 79-19?

24 A. Yes, sir.

25 Q. Did you factor those deficiencies in your answer

1 that you just gave me?

2 A. The question you asked me was not related to 79-19
3 but in my opinion of whether or not the welding inspectors were
4 qualified, and to the requirements and criteria established in
5 the qualifications, yes, they were, and that's what I
6 answered.

7 Q. Do you know whether those welding inspectors had
8 passed welds that were deficient?

9 MR. HUDSON: Your Honor, I'm going to object to
10 this. It has no relevance to the purpose for which this witness
11 has been put on the stand. It's also outside the scope of his
12 direct and I've allowed it to go on for a few questions to see
13 if Mr. Reis was going to tie it up somehow, but he hasn't done
14 so. So, I'll object at this point.

15 MR. REIS: Yesterday he talked about people being
16 qualified. About checking qualifications. I think a perfectly
17 good question is to talk about whether inspectors are qualified,
18 is whether they passed deficient material, and that's what I'm
19 getting at.

20 JUDGE BECHHOEFER: I believe it does relate to the
21 direct testimony. I will overrule the objection.

22 THE WITNESS: Would you please repeat the question?
23 I'm as confused as you are, right now.

24 BY MR. REIS:

25 Q. Did the inspectors -- did the welding inspectors

1 pass deficient welds?

2 A. Yes. We detected areas where welds were passed
3 by certified inspectors.

4 Q. Was this a -- did you hear Mr. Broom's testimony
5 or review Mr. Broom's testimony on the extent to which welds
6 were passed that were deficient?

7 A. No, I don't recall being here during the testimony
8 and I don't recall reading anything in terms of --

9 Q. Thank you.

10 Am I correct in remembering yesterday's testimony,
11 that you did not check, did not verify previous employment
12 experience and education of potential QC hires until after
13 report 79-19?

14 A. That's correct.

15 - - -

8-1

1 Q Calling your attention to the direct testimony
2 at Page 14, how did you make a determination of whether a
3 verbal threat presented a serious possibility of physical
4 confrontation?

5 And I'm looking particularly at your answer to 16
6 on that page.

7 A The position that's discussed in this portion is
8 from being involved in construction activities and under-
9 standing language and attitudes and what transpires on a
10 project, construction project, or any project where people
11 are closely related, interrelating activities, lines and types
12 of communication used.

13 Our total assessment is, over-all, the number of
14 times that people have disagreements and express themselves
15 in their own way of expressing themselves does not constitute
16 verbal threats.

17 Only on rare occasions, if it gets to the point
18 of a potential physical altercation taking place.

19 Q I see. So you're telling me that someone who says,
20 "I'm going to get you with a .357 Magnum" is not threatening
21 the person he directs that language towards?

22 MR. AXELRAD: We object to that question. That is
23 not what the witness just said.

24 MR. REIS: I think the witness can very well answer
25 that question.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. HUDSON: Mr. Reis is leading the witness.

JUDGE BECHHOEFER: Well, why don't you rephrase it, would you consider it a verbal threat.

BY MR. REIS:

Q. Would you consider it a verbal threat where someone threatened to shoot another one with a .357 Magnum?

A. Directed that way, yes.

Q. Would you consider it a verbal threat where one threatened to hit somebody with a wrench?

A. I'm having a little difficulty. I'd have to know the circumstances in which it was said. I've jokingly said to a friend of mine that I'm going to knock you on your ass, too; not meaning it, but is that a threat?

I have to know the context of what we're discussing.

Q. Well, let's put it in the context of a discussion between quality assurance -- quality control personnel and construction personnel about the sufficiency of construction.

A. And in that case I would consider it a verbal threat.

Q. How about a general course of generally telling quality control inspectors on the job, construction people generally telling quality control inspectors on the job, you have to be careful around here because things might fall off and hit you on the head?

A. In general conversation, general between

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

construction and QC? That's rather a general statement.

Again, you know, you're talking circumstances. If a specific individual told another individual that you better be careful around here, something may fall on your head, I might consider it a verbal threat. Passing the word out from construction to QC, you get something thrown on your head, I might have a little difficulty with that.

Q On Page 14 of your direct testimony, going to Line 46, you use the word verbal harassment, and up above you use the word verbal threats.

Can you tell me what you mean by verbal harassment?

A Harassment, verbal harassment is statements which tend to upset individuals or poke fun at them, or do those things which are irritants but would not necessarily cause anyone undue concern to go out and do something in violation of a requirement.

Q And there were instances of such verbal harassment called to your attention on this job?

A Yes.

Q Did you ever try to stop verbal harassment on this job?

A Oh, yes.

Q What actions did you take to do that?

A Talked with individuals on the construction side of the house as far as the supervision of management that they

8-4

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

needed to instill in their people, that even though statements made to them may appear jokingly at the time made, other people perceive it to be other than that. They may be insulted by it or offended by it and, you know, they needed to address that with their people during the meetings to weigh their activities, how it may be perceived by individuals they're talking to.

Q Did you --

A Excuse me. And definitely not to get, you know, proceed into an involvement that may continue on into other than just the verbal discussion.

Q Mr. Warnick, there was testimony about NCR's and the reporting of NCR's yesterday, and I call your attention to Page 21 of your testimony, I believe it is, that's talking about it, and particularly lines -- starting at Line 14.

Now, it was essentially on the quality assurance or quality control supervisors to determine whether an NCR was valid?

A That's correct.

Q Wasn't that a design decision?

A The design decision is at the point of a document being issued that's considered a valid nonconforming condition. Quality assurance, quality control supervision are in a position to address what has been documented by the initiator of the NCR to determine whether or not the interpretation was correct as to the requirements of what is documented.

1 Now, that position has always been established and
2 is consistent with -- in the QA program.

3 Q Were these supervisors, QA/QC supervisors,
4 engineers?

5 A May I ask for a clarification? You mean degreed
6 engineers?

7 Q That's right, sir.

8 A No, sir.

9 Q In deciding that an NCR was not valid, wasn't
10 the same -- didn't it have the same effect as saying use the
11 material as is, or use as is, as a practical matter in the
12 course of construction of the work?

13 A No, sir, I don't interpret it that way.

14 Q Why not?

15 A For the simple reason, the position taken at the
16 point in time is that there is no nonconforming condition.
17 The use-as-is disposition by the engineer is the fact that a
18 condition exists that is not in compliance with the original
19 design criteria but is within the limitations of an engineering
20 acceptance judgment.

21 Q And it's a non-engineering decision, and a non-
22 engineer can make the decision, but it falls within the
23 engineering criteria?

24 A The supervisor has that authority, yes, sir.

25 Q At what point were NCR's numbered, before or after

8-6

1 it was decided whether they were valid?

2 A I need a clarification, a time frame on --

3 Q If the practice changed, then explain to me when
4 the practice changed and what happened before a date you may
5 give me and after the date you may give me.

6 A Okay.

7 MR. HUDSON: Objection, Your Honor. It's
8 cumulative, as I -- unless a different is being asked, but
9 I thought he had already explained that system of pre-numbered
10 versus unnumbered NCR's earlier.

11 MR. REIS: I don't think it was discussed in terms
12 of when valid NCR's or when invalid NCR's were issued and
13 when they were numbered and when they weren't numbered.

14 In other words, it very well may be, and I don't
15 know at this point, that up to a certain date only valid NCR's
16 were numbered, but after a certain date all NCR's, whether
17 they were valid or invalid, were numbered, and that's what
18 I'm trying to get at.

19 MR. HUDSON: I think that's exactly what he stated
20 earlier.

21 JUDGE BECHHOEFER: We'll overrule the objection.
22 I don't remember all of those details, certainly; some of
23 them, possibly, perhaps.

24 BY MR. REIS:

25 Q In the period when you arrived -- let me break down

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

8-7

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the question.

In the period you arrived on the job, were NCR's serialized?

A. No, sir.

Q. Were they serialized -- when did they first become serialized?

A. During that time period once it was initiated and validated by the supervisor, then a number was assigned and it became a control document.

Q. Okay. Did there come a point where NCR's were numbered prior to determining whether they were valid by supervisors?

A. Yes, sir.

Q. And when was that?

A. Again I'd have to give a general time frame, and I have to give the latter part of '78 in which we initiated that program. I can't give a specific date. Early '79; the latter part of '78 or first part of '79 is when the program changed. I can't give a specific date on it.

Q. In the period 1978 through 1979, do you know how many NCR's were rejected by supervisors as not being valid in contrast to the number of NCR's issued?

A. I can't give an actual percentage, but it was very minimal.

Q. When you say very minimal, do you mean less than

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

8-8

300 7TH STREET, N.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1 25 percent, less than 5 percent?

2 A. Less than one percent, probably.

3 Q. You testified before that you reviewed part of
4 Dr. Broom's testimony here.

5 A. That's correct.

6 Q. And did you also review part of Mr. Grote's
7 testimony?

8 A. I don't recall reading a portion of Mr. Grote's
9 testimony.

10 Q. In the course of your position on the South Texas
11 site, did you become aware of the report of a time lapse
12 organization, an organization with the name Time Lapse,
13 dealing with the quality control work at the site?

14 A. Yes, sir.

15 Q. Were you aware, when you prepared your testimony
16 here, of how that report viewed the quality control inspectors'
17 perception of this board of quality assurance management?

18 A. Yes, sir.

19 Q. When you prepared your report here were you also
20 aware of Staff Exhibit 8, which is NPC Report 78-12, and
21 Staff Exhibit 9, which is 78-13?

22 A. Yes, I was aware of these two reports, sir.

23 Q. At the time you took your position as QA manager
24 were you aware of the concerns expressed by Mr. Frazar to
25 Brown & Root a few months before, concerning the quality

8-9

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

assurance program at the South Texas site?

A. Without more specifics, I can't address that question.

Q I'll call your attention to Applicants' Exhibit 44 and ask you whether you were aware of the matters set out there.

A. (Witness reviews document.)
Would you please repeat the question associated with this?

Q Were you aware that Mr. Frazar made the presentation to Brown & Root that is indicated in Applicants' Exhibit 44?

A. No, sir, I'm not aware of this document.

Q Did anyone in Brown & Root call it to your attention that HL&P at any time felt that Brown & Root quality assurance supervision was not supportive of Brown & Root's quality control inspectors?

A. I don't recall any specific direct input on it.

Q Were you aware that the NRC felt, as shown in those exhibits, Staff Exhibits 8 and 9, that there might be a problem of QA supervision support of QC inspectors?

A. Yes. I was aware of those.

- - -

1 Q Were you aware -- one second.

2 JUDGE BECHHOEFER: Mr. Reis, at some point in the
3 near future we'll aim for a lunch break.

4 MR. REIS: Right.

5 JUDGE BECHHOEFER: So when you get to a good
6 breaking point.

7 MR. REIS: I think that's all I have, until after
8 lunch. I think this is a good time to break.

9 JUDGE BECHHOEFER: Let's break for an hour and
10 15 minutes.

11 MR. AXELRAD: Mr. Chairman, if I may bring up
12 just one additional item before we break.

13 JUDGE BECHHOEFER: Oh, okay.

14 MR. AXELRAD: At the morning recess I asked
15 Mr. Gutterman to call Mr. Shaw, to try to reach Mr. Shaw to
16 ascertain whether Mr. Shaw had in fact been served.

17 Mr. Shaw -- Mr. Gutterman was able to reach him,
18 and Mr. Shaw indicated he had been contacted, I believe, by
19 the sheriff and told him that he would be served this evening
20 at his residence. As I understand it, Mr. Shaw has not
21 voiced any objection to appearing at this hearing, but his
22 problem is that it is very short notice to be told today and
23 expect to get here from the West Coast in time to testify on
24 Thursday.

25 He asked Mr. Gutterman as to what he might be able

1 to do to, I guess, arrange it for some other time. The only
2 solution that Mr. Gutterman could make would be that he might
3 want to reach the Chairman of the Board in that connection,
4 but I thought to the extent that the Board is going to be
5 thinking about schedules, the information that we have might
6 be -- the schedule for the appearance of Mr. Shaw, that that
7 might be one factor the Board might want to take into account.

8 Mr. Gutterman, did I omit anything on Mr. Shaw?

9 MR. GUTTERMAN: No.

10 (Board conference.)

11 JUDGE BECHHOEFER: I think it would be a good idea
12 is if we get, and we would like to get a current update of the
13 remaining time estimates so that we can decide on whether it's
14 even practicable to bring Mr. Shaw here this week, or whether
15 we will have to plan for the future.

16 We do not want Friday to be wasted, and we want
17 some witnesses here every day, but we'll have to -- we would
18 hope that maybe we could get an updated time estimate of the
19 remaining time on this panel and also the next panel. Well,
20 the next panel plus Mr. Williams.

21 MR. AXELRAD: Mr. Chairman, perhaps you could
22 inquire of --

23 JUDGE BECHHOEFER: We can decide after lunch.

24 MR. AXELRAD: -- of Mr. Sinkin as to whether there
25 is any possibility that any of his four witnesses who are local

9-3

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

might be available to testify on Friday or Thursday.

MR. SINKIN: If the problem Mr. Shaw has raised with the attorneys for the Applicants is the shortness of notice and arranging to come, I would think that problem applies to any witness that's going to be notified today or tomorrow that they're to testify on Thursday or Friday.

JUDGE BECHHOEFER: It might make a difference --

MR. AXELRAD: This guy is coming from the West Coast.

JUDGE BECHHOEFER: Right.

MR. AXELRAD: Others are within an hour or two of travel time.

JUDGE BECHHOEFER: Yes, to travel a short distance might make a difference than to travel from Seattle, which is fairly substantial and takes some time by air. - mean, you lose time to get here traveling that direction, and there's a problem there, so that if we could get an updated estimate we might be able to ascertain more closely what day we're talking about and -- what was the -- Mr. Jordan, did you have any estimate about how long you thought Mr. Shaw's direct plus cross would take?

MR. JORDAN: Two days.

JUDGE BECHHOEFER: I see.

MR. SINKIN: That was going to be Thursday and Friday.

9-4
✓
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

JUDGE BECHHOEFER: Okay. Well, before -- after we break let's get the time estimates, and then after lunch we'll try to put them together and see where we are.

It will be desirable to get Mr. Shaw here just once.

MR. JORDAN: All in one sitting; is that what you mean?

JUDGE BECHHOEFER: At one sitting, yeah.

(Whereupon, at 12:25 p.m., a recess was taken until 1:45 p.m., the same day.)

- - -

AFTERNOON SESSION

1:45 p.m.

1 JUDGE BECHHOEFER: On the record.

2 We are going to go off the record briefly to talk
3 about scheduling and Counsel and the representatives can
4 discuss scheduling.
5

6 We're off the record now.

7 (Discussion off the record.)

8 JUDGE BECHHOEFER: On the record.

9 We have just been discussing certain scheduling
10 matters. We have determined that Mr. Shaw will not be required
11 to testify this week and so the subpoena, to the extent necessary,
12 can be modified to include a date which we later determine he
13 will be required.
14

15 The Board doubts whether it can finish the Appli-
16 cant's case this week, so we had projected that that case would
17 take through probably half of the following the Tuesday. The
18 Applicants are going to check with their operations panel con-
19 cerning the scheduling of that panel.

20 Is there anything further that other parties think
21 should go on the record?

22 (No response.)

23 JUDGE BECHHOEFER: Otherwise, we will resume the
24 cross-examination of Mr. Warnick.
25

1 CROSS-EXAMINATION (Continued)

2 BY MR. REIS:

3 Q. Mr. Warnick, you testified yesterday about the
4 preparation of your testimony. I wasn't clear as to one thing.5 When the original draft of your testimony was
6 presented to you, were both the questions and answers presented
7 to you or only the questions?8 A. As I recall, both questions and answers were
9 presented in the original draft. That's my recollection.

10 Q. Thank you.

11 Now, you talked about your work with Bailey
12 Controls. When you came over here, who else came from Bailey
13 Controls here? Did somebody bring you here from Bailey?14 A. The project QA manager, Mr. Chuck, Charles Vincent,
15 was previously employed with Bailey Controls.16 Q. Was there anybody else who came to South Texas
17 Project, that you know?18 A. At the time I came on board, no. Mr. Vincent was
19 the only one from B&W that I knew or from Bailey Controls, that
20 I knew21 Q. What does one have to do to become a lead inspector,
22 as contrasted with the ordinary inspector?23 Q. Qualification and determination of promotion to
24 lead, is basically a management, supervisory decision. The
25 individual has to have demonstrated or have a very sound back-

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1 ground in the quality control discipline and have demonstrated
2 some supervisory abilities. Then it's discussed among the
3 discipline supervisors and other lead inspectors and QA manage-
4 ment, as to whether or not that individual would indeed perform
5 as a lead inspector.

6 And that's the basis for the decision for promotion.

7 Q. And you felt your lead inspectors were competent?

8 A. Yes, sir.

9 Q. Thank you.

10 Now, you talked previously about check lists and
11 check lists being developed for the project.

12 Can you tell me when the check list was developed
13 for welding?

14 A. For welding?

15 Check lists are developed during the development
16 of the procedure to which they apply. The check list would have
17 been developed at the point in time at which the procedure was
18 developed for the welding activities.

19 Q. Calling your attention to Page 11, Question 14 of
20 your direct testimony and your answer thereto; am I right in
21 interpreting that answer, that there was tension between con-
22 struction and quality control at the time you arrived? At STP.

23 A. At the time of my arrival in '78, my perception was
24 there were some tension existing; as to whether or not it was
25 greater or lesser than it was, than what had been experienced

1 in the past, I was in no position to judge that, but I did
2 recognize that there was some tension existing, yes.

3 Q. What did you do to allay that tension? Or lessen
4 that tension?

5 A. Lessen? Most of our activities were directed at
6 construction management in discussing with them programtic
7 requirements, QA programs; expressing them concern with the
8 lack of understanding of the construction supervision out in
9 the field as to what was required of the QC inspector and the
10 lead inspectors, their responsibilities. How they interfaced
11 with the overall construction activity.

12 Discussion with the rank and file of the quality
13 assurance department. Gettin their perception of what was
14 transpiring, areas that we needed to discuss with construction.
15 Trying to, you know, develop more of a formal communication
16 path , so that people better understood one another's responsi-
17 bilities on the project and why those responsibilities existed
18 and how they were administered by the individuals.

19 Above and beyond that, other than addressing
20 specific things as they occurred and going to construction
21 management for their action or disciplinary action, whatever
22 the case may be and making sure they followed through with their
23 activities.

24 Q. Now, you say in Answer 14, "there have been periods
25 when there was concern about tension."

1 Can you tell us what those period were, by date?

2 A. That statement you're reading is a joint statement
3 from Mr. Singleton and myself. One of the specific areas that
4 is being referenced in here will be part of Mr. Singleton's
5 testimony. I was not on board at the time of the reference
6 for the specific areas.

7 Q. Well, let's talk about since you came on board --
8 is it May, '78?

9 A. I came on board April of '78.

10 Q. April of '78.

11 Were there periods when there was concern about
12 tensions between construction and QC personnel?

13 A. There were periods, yes, sir.

14 Q. What were those periods?

15 A. Let's see if I can give time frames.

16 I would have to time frame the latter part of '78
17 or the last quarter of '78. Having had a chance for project
18 CA manager and myself and the QC supervisor to look back over
19 from the time we came on board to that point in time, activities
20 had transpired would be what I would consider identifying an
21 area of tension. What we considered needed to be addressed at
22 that point in time.

23 Q. When you say the latter half of '79, can you --
24 I mean, '78, could you be more specific?

25 A. The last quarter of '78. October, November would

1 be a time frame. You know, as far as specific dates, I can't
2 give that but --

3 Q. Now, the NCR's inspection reports, which are Staff
4 Exhibits 8 and 9, 78-12 and 13 address tensions and they were
5 earlier in that year.

6 Was that also a period of concern about tensions?

7 A. During that time period, my involvement in project
8 activities was in the quality engineering aspects. We had the
9 project QA manager on site and this time frame would have been
10 addressed by him with the quality control supervisor.

11 Q. Recall to me when you became quality assurance
12 manager. I forgot.

13 A. That was in February of '79.

14 Q. I see.

15 Now, in the first half of 1979, were there also
16 concerns about tensions between construction and quality control
17 personnel?

18 A. That's difficult. There's always a concern of
19 tensions developing. To say specifically there was one point
20 in time where we were more concerned or something had made us,
21 you know, sit up and take notice, so to speak, or something
22 significant developing, I can't relate to any one specific time
23 that we -- there was always the concern of what was transpiring
24 in the field and what may be perceived as causing tensions and
25 ways of relieving it.

1 Q. You testified yesterday about a dispute or a fight
2 or a pushing incident between Mr. Lacey and Mr. May.

3 A. That's correct.

4 Q. Now, you said you did not know all the details and
5 then you said, "however, you went out in the field and this
6 was not uncommon at the time".

7 When you used the word uncommon, did you mean such
8 disputes were not uncommon?

9 A. No, what I was referring to, it was not uncommon
10 for me to go into the field to look at conditions, if certain
11 conditions developed as the result of a supervisor calling me
12 or maybe a direct contact from a lead inspector.

13 Q. Now, there has been talk before about two instances
14 of Mr. Parton threatening physical action against QC inspectors.

15 A. That's correct.

16 Q. Is Mr. Parton still on the job, to your knowledge?
17 Was he there when you left?

18 A. When I left, Mr. Parton was still on the project.

19 Q. Between October, 1979 and the time you left, was
20 Mr. Parton promoted?

21 A. It's my understanding that it was a promotion, yes.

22 Q. And Mr. McGuire, were there two instances of
23 threats by Mr. McGuire to quality control people?

24 A. Having specific detail, myself investigating it,
25 in the records there, there is indication there were two instances.

1 Q. And was Mr. McGuire promoted?

2 A. I can't answer that, sir.

3 Q. At the time you left the site, was he still on
4 the site?

5 A. That's -- I can't answer that, sir.

6 Q. Who was the foreman in charge of complex concrete
7 pours on the site? Who is the foreman who supervised the
8 majority of the complex concrete pours in the shell walls of
9 the containment?

10 A. We would have to get into specific areas of
11 responsibility. When you talk containment, you could have more
12 than one foreman responsible for an area. There are a number
13 of civil foremen on the project.

14 Q. Was there one foreman who was involved with more
15 of those pours than any other foreman? To your knowledge?

16 A. To my knowledge, I couldn't say one was involved
17 more than another.

18 Q. There was also talk earlier today about two -- or
19 yesterday -- about two instances involving a Mr. Evans. Was
20 Mr. Evans on the site at the time you left the job?

21 A. It is my recollection that he was still on the site,
22 yes.

23 Q. Had he been promoted between, let's say, October
24 of '79 and the time you left the site?

25 A. I can't answer that.

1 Q. Now, you testified yesterday that there was an
2 allegation that a Mr. Moreno pulled a knife; is that so?

3 A. That was an allegation, yes.

4 Q. And that Mr. Moreno was thereupon escorted off the
5 site.

6 A. That is correct.

7 Q. What action was taken to verify whether or not
8 this instance happened?

9 A. Construction management called in the superintendents
10 and the foremen of the area in which the incident occurred. We
11 checked around with individuals to see if anyone had direct
12 knowledge of the incident or was witness to the incident.

13 Based upon the information we received, construc-
14 tion management received, a decision was made but although we
15 could not find anyone who actually witnessed the knife, but
16 the allegation and the condition was serious enough that con-
17 struction management took the action of terminating the
18 individual.

19 Q. You testified earlier today about the non-conform-
20 ance control group saying it was purely an administrative
21 function. They assigned numbers.

22 Was that the scope of your testimony?

23 A. Yes. To assign numbers and control the documents
24 in and out of the organization. It was the control point for --

25 Q. Did they do any trending?

1 Any trending of non-conformances?

2 A. There was a section that was associated with them.
3 Not directly under the non-conformance group but associated
4 with them that did trend -- did non-conformance documents.
5 Predominantly in the welding area.

6 Q. When you say associated with them, was it a
7 different group of people? What do you mean by associated?

8 A. They were within the proximity for the access of
9 documentation but they weren't under a supervisor of the non-
10 conformance tracking group.

11 Q. Did Mr. Singleton ever make recommendations to
12 you as to whether Mr. Parton or Mr. McGuire should be continued
13 in employment with Brown & Root?

14 A. I'm not sure what you mean by the term recommenda-
15 tions. The circumstances of Mr. Parton and Mr. McGuire were
16 discussed with me on occasion but, as far as recommending, you
17 know, that QA take a position for termination, not to my
18 knowledge.

19 Q. He never did that?

20 A. Directly, no. Not to my knowledge.

21 Q. Mr. Warnick, did the construction control people
22 in the field need radios to report non-conformances or improper
23 work, get instructions?

24 A. I can't answer for construction control.

25 Q. I'm sorry. Do the quality control people in the

1 field need radios to report non-conformances or ask for assis-
2 tance when they see something is going on that they feel might
3 not conform with specifications?

4 A. I would say there would be circumstances where
5 the need was established. There are also circumstances where
6 it may not be required that each and every individual have
7 radios, but have access to someone who does have a radio.

8 Q. What individuals would they have access to that
9 had radios?

10 A. Predominantly to a lead inspector or one inspector
11 assigned a radio for an activity taking place involving a
12 number of inspectors.

13 Q. Were these activities always in close proximity
14 to each other or were these inspectors within hailing, shouting
15 distance of each other?

16 A. In general that would be the criteria for the
17 number of radios required for a specific activity.

18 Q. And your testimony is that in the past, prior to
19 inspection report 79-19, whenever there were inspectors on the
20 job at an activity, one of them had a radio?

21 A. There was a radio accessible for that activity,
22 yes.

23 Q. Okay. Was that radio in the quality control
24 inspectors' control all the time?

25 MR. HUDSON: I'll object to the question. I think

1 we need a definition of the word "control".

2 Is he asking, did the man never lend his radio
3 out or --

4 BY MR. REIS:

5 Q. Was the radio in the possession of one of the
6 quality control inspectors at that time?

7 A. I would say as a general rule, yes. It was in
8 the control of the quality control organization, whether it
9 be the lead inspector or a inspector -- senior inspector assigned
10 to an activity.

11 Q. Was there ever a time on this job where you expected
12 the quality control personnel to use the radios of the con-
13 struction people, that they had out in the field?

14 A. When you say "expected them to use", there were a
15 time when they did use or had access to a construction
16 individual's radio and used same.

17 As to whether -- it was not a case of expecting
18 them to use. As I stated --

19 Q. What did you state?

20 A. If they needed to make communication and the lead
21 inspector was not right specifically in the area, that was not
22 an unusual situation for them to use a construction individual's
23 radio.

24 Q. And they would borrow the construc -- what if they
25 wanted to report a non-conformance on the part of construction?

1 Could they borrow -- would construction give them the radio to
2 use?

3 A. I know of no incident in which construction ever
4 refused an inspector access to a radio.

5 Q. Well, there has been a lot of testimony about
6 incidents of possible intimidation or harassment. All of these
7 incidents in the civil construction field? Were any in NDA
8 or mechanical or in any other field? Electrical?

9 A. One of the incidents we related to just previously
10 was outside of the civil discipline. It was within the area
11 of permanent plant equipment maintenance.

12 Q. But the vast majority of what we've talked about
13 has all been within the civil discipline?

14 A. Yes, sir.

15 Q. And who are the civil QC supervisors?

16 A. There were a number of them, sir. You had the
17 discipline superintendent or supervisor, depending on time
18 frame. You had during the course of my tenure there, anywhere
19 from four to six lead inspectors, which were supervisors.

20 Q. When did Mr. Singleton become the civil discipline
21 supervisor?

22 A. I can't recall the exact date Mr. Singleton took
23 over that responsibility. Sometime in the second or third
24 quarter of '79, as I recall.

25 Q. Did it ever come to your attention that Mr.

300 7TH STREET, S.W. , REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Vincent came to the site at the time that a concrete pour was stopped and threatened to fire the quality control inspector if he ever stopped a pour again?

A. I am not aware of the specific details of that nature, no,sir.

Q. You know of no such instance?

A. Where he physically threatened the inspector himself? Is that what you're referring to?

Q. Or threatened anyone.

- - -

11-1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

JUDGE BECHHOEFER: I was going to say I don't understand that, because for one thing, I don't know who else could stop a concrete pour.

MR. AXELRAD: Could we have the question rephrased? Perhaps that would be the best way.

JUDGE BECHHOEFER: Yeah, I understood it to be related to concrete pours.

MR. REIS: Yes.

BY MR. REIS:

Q Did Mr. Vincent ever come to the site when a concrete pour was stopped and threaten to fire the QC inspector if he ever stopped a pour again?

MR. AXELRAD: The witness has already answered that question, I believe.

MR. REIS: Okay. Well, I thought his question was, well, who did he threaten, and I said the inspector or anyone, and I'm waiting for an answer.

WITNESS WARNICK: No. I think my statement was, are you talking about a specific inspector or incident where he made a direct statement of that nature to the inspector himself.

BY MR. REIS:

Q Where he made such a statement to any person.

A I do not recall being directly involved in any incident where Mr. Vincent made a direct statement to an

11-2

1 inspector or, you know, that he would be fired on the spot, no.

2 Q You say you were not directly involved. Was this
3 reported to you, or did you hear about such an incident?

4 A The only incident I can recall is where
5 Mr. Vincent had came on board, went out into the field on a
6 condition and evluated and determined that the inspector,
7 through information from discipline people, the inspector was
8 not proper in his interpretation of what was going on, and
9 his position was that the pour shouldn't have been stopped,
10 and was very adamant in the position as far as, you know,
11 statements to the effect that the individual would be fired
12 on the spot, I -- the exact phraseology, no.

13 Q When you say he talked to discipline people, what --
14 who are these people?

15 A Civil discipline would be Singleton, lead
16 inspectors involved in the area. The inspector would be one
17 of the individuals.

18 Q But you don't know -- did he go to design
19 engineering?

20 A I don't know, sir, whehter he went to design
21 engineering or not.

22 Q It wasn't uncommon on the site for construction
23 to challenge interpretation of specifications of quality
24 control inspectors, was it?

25 A Oh, no.

11-3

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q And when they did so, they didn't use the politest language, they cursed, they used profanity?

A That's correct. They used site language.

Q Did it ever come to your attention, as Mr. Singleton's supervisor, that his employees thought he signed off on work that wasn't acceptable?

A Did it ever come to my attention?

Q Yes.

A Yes, sir.

Q I see. What inquiries did you make to determine the validity of these allegations?

A Once I was informed of the situation by NRC, we did a lot of asking questions of where the nickname came from.

Q What was the nickname?

A Somewhere along the line he was pegged with the nickname of SOS, Sign-Off Singleton, which came to light for us during the NRC investigation for the first time, for myself anyway.

Q You were saying what investigation you made. I think I cut you off.

A The Nuclear Regulatory, 79-19.

Q No, you said you were looking into this allegation and --

A Well, once it was brought to my attention, during my interview, I went back to my office and checked around to

11-4

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

find out, you know, specifically what was developing as far as the nickname, if it was something that had been common knowledge out in the field that I wasn't aware of, and that was the first indication, and I could not get any additional substantiation that it was something that had gone on for a period of time. Now, whether or not people were totally honest with me, I can't say.

Q Did construction always have work available in a time frame sufficient for inspection to perform a proper and adequate inspection?

A That's difficult to answer, when you say did they always have schedules. If you're asking me was the schedule in such a way that it permitted us time to do inspections --

Q Yes.

A I would say there were occasions when the time frame was tight, but by the same token, I'm certain that adequate inspections were performed prior to permitting any activity to proceed.

Q And were there times when construction was not tactful in dealing with the comments of QC on the work?

A On occasions, sir.

Q Looking at Page 24 of your testimony, I see much about QA not being on the job, not doing things in the proper time, QC not being tactful; where in your testimony is the other side of the story that you just told me about?

11-5

1 A. I think in the total context of the testimony
2 what we were addressing was those things perceived to be
3 conditions within the QA/QC organization, the evaluation of
4 our performance, conditions that existed that had a direct
5 impact on the quality assurance department.

6 I think if you read throughout the testimony
7 we're looking at tensions perceived or identified during
8 periods of time. We've identified some of the causes of the
9 conditions relating to construction.

10 This specific answer is in response to Question 27,
11 which is asking whether or not construction was critical of
12 the QC inspectors. I can't answer as to why there isn't a
13 specific question as regards to construction's attitude or
14 what have you.

15 Q And you had a substantial part in preparing this
16 testimony?

17 A. Yes, sir, I did.

18 Q And you suggested questions at times for this
19 testimony?

20 A. Suggested topics or areas that should be considered.
21 As far as formulating questions, I guess collectively we
22 formulated those.

23 Q Looking at your testimony, also Pages 24 to 26,
24 generally, and throughout your testimony, sir, is there any
25 mention in it of QC's need not to be concerned with costs and

11-6

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

scheduling?

A. No, sir, I don't believe we addressed that. We did not address things that were, in our opinion, common knowledge on the project. Quality assurance is totally immune from cost and schedule activities.

Q. What action -- does quality assurance have any responsibilities to see that the project is completed on time and within the costs?

A. No, sir.

Q. What actions was construction taking to make sure that its people were tactful in dealing with quality control personnel at the times you talk about on Page 24 to 26 of your testimony?

A. Relating to my portion of the testimony, which is, of course, from April of '78 to '80, construction, through a progression, developed training programs that involved further amplification to the construction rank and file coming on board of what QA's role was at the project, what they were indeed obligated to do in terms of nonconformances, bringing their supervision in on meetings to discuss their communication with their people on attitudes and professionalism and approach to doing business on the project. Those are the types of things that I recognize a construction's management effort into making their people more aware of the day-to-day activities and the interfacing relationships on the project.

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

11-7

1 Q This morning you gave some names to Mr. Sinkin
2 as to people who construction complained about. Isn't there
3 a -- were any of those people also threatened by construction
4 personnel?

5 A Some of those individuals were involved in some
6 of the incidents we related, yes.

7 Q Mr. Warnick, looking back at your tenure at
8 Brown & Root and at the South Texas Project, do you think
9 there was ever a time when you were over-concerned about the
10 criticism of construction with the quality assurance program?

11 A Over-concerned?

12 Q Yes, sir.

13 A I'm not sure I understand. Would you please repeat
14 the question?

15 Q Looking back to your tenure at the South Texas
16 Project, do you think there was a time when you were over-
17 concerned about the criticism of construction about the job
18 quality assurance was doing?

19 A I was over-concerned?

20 Q Yes, sir.

21 A No, sir, I don't believe there was a time when I
22 was over-concerned. I think during my tenure that anything
23 that transpired on the project relating to the QA that I was
24 concerned. I don't think to the point of overreaction or over-
25 concern, though.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q Were the -- do you think your quality control inspectors were truthful in their inspection reports?

A Yes, sir.

Q And truthful generally in reporting to authorities when they were questioned?

A Yes, sir.

MR. REIS: That's all I have.

JUDGE BECHHOEFER: We'll take a break before our questions.

(A short recess was taken.)

- - -

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

JUDGE BECHHOEFER: Back on the record.

Dr. Lamb will start the Board's questions.

MR. SINKIN: Mr. Chairman, before the Board starts, there is a matter that I wanted to bring to the Board's attention.

Mr. Warnick was questioned about a document, Exhibit 51 that was marked for identification and identified Mr. Schreeder as the Director of QC and during the course, I wanted to check this, that's why I hadn't brought it up earlier, during the course of discovery we asked for Mr. Schreeder's qualifications and Houston Lighting and Power said they would not provide us with Mr. Schreeder's qualifications because he was QA and not QC.

Now, we now have sworn testimony that Mr. Schreeder was QC and at this time, we would like to ask again, then, based on that information, for Mr. Schreeder's qualifications.

THE WITNESS: May I clarify the statement I gave?

I identified Mr. Schreeder as quality control supervisor. Not director of anything.

MR. SINKIN: Quality control supervisor?

THE WITNESS: He was just part of quality assurance management supervision on the project.

JUDGE BECHHOEFER: I don't recollect all of the discovery responses, so that --

MR. HUDSON: I wasn't involved in it so neither do

1 I but we will endeavor to look at the file and see if we can
2 find a resume for Mr. Schreeder. If we find one, we'll give
3 it to Mr. Sinkin.

4 Mr. SINKIN: Thank you.

5 BOARD EXAMINATION

6 BY JUDGE LAMB:

7 Q. Now, Mr. Warnick, when you came into your QA
8 manager job, were you brought into that job -- was it your view
9 that you were brought into that job to solve some of the probl-
10 ems or types of problems which you've been discussing?

11 A. That would be an integral part of it. I was
12 brought into that position because of a reorganization and
13 splitting, somewhat, of responsibilities.

14 The project QA manager would maintain ultimate
15 responsibility for the total project. My position would be as
16 staff function to the project QA manager responsible for the
17 South Texas Project, the overall quality assurance program on
18 the project.

19 An integral part of that responsibility would be
20 to address concerns or solve problems as they develop or which
21 may have existed. That would be an integral part of that
22 function.

23 Q. During the discussions as a prelude to your moving
24 into that position, was this discussed with you that specific-
25 ally these problems existed and part of your role was to try to

1 ferret them out or straighten them out?

2 A. I can't say it was specifically discussed with me.
3 Because of my role in quality engineering, I interfaced with the
4 staff members and the project QA manager. Any of those
5 conditions were basically knowledge to me, you know, at the
6 point of my becoming site QA manager.

7 Q. Did you have any specific instructions with res-
8 pect to those types of problems, as part of your charge in
9 your job?

10 A. No, sir, not specific instructions. An assumed
11 responsibility for a site QA manager, he addresses all and every
12 condition that exists associated with quality assurance program.

13 Q. I was wondering about the context in which these
14 problems were placed with you during those discussions or if
15 there were such discussions.

16 A. There were no discussions which specifically
17 addressed those, sir.

18 Q. In other words, nobody said, "We have specific
19 problems of the type that you have been discussing here, con-
20 cerning the harassment incidents."?

21 A. No, sir.

22 Q. Were any constraints placed on you with respect
23 to tackling those types of problems?

24 A. When you talk constraints, the only criteria that
25 was established as far as my function as site QA manager was

1 if, in the course of my activities, something required a
2 corporate QA program change, that had to be addressed through
3 the project's QA manager to the power group's QA manager
4 because our overall program impacts not only for South Texas
5 but for other projects we're associated with.

6 So, I had to interface with them to make certain
7 that what we were proposing, you know, fell within either the
8 site application or within the power group application. That
9 was the constraints that was placed on the specific activities
10 on quality assurance on South Texas.

11 Q. At the time you came into the job, how did you
12 view the relationship between B&R and HL&P relative to the
13 QA-QC program?

14 A. I thought we had a very good working relationship.

15 Q. You didn't feel that there were any, well, major
16 problems between the two organizations at that point?

17 A. No, sir, not in working relationship.

18 Q. Do you know Mr. Swayze?

19 A. Yes, sir.

20 Q. What was your connection, if any, with him?

21 A. Mr. Swayze was on the quality control side. I was
22 responsible for quality engineering throughout the time that I
23 knew Mr. Swayze. So, I had no responsibility for the individual.

24 Q. Because when you came into that job, he was
25 already out of the company; is that correct?

1 Q. You mean site QA manager, sir?

2 A. Yes. He was already out of the company.

3 Q. But the incidents that led to his leaving the
4 company, you were with the company at the time that occurred?

5 A. Yes, sir.

6 Q. And you do know him?

7 A. Yes, sir.

8 Q. Do you have any first-hand knowledge of his work
9 or the incidents which led to his leaving the company?

10 A. I had no involvement or other than what is common
11 knowledge on the project as to what transpired on this incident.
12 That was handled strictly by the quality control side of the
13 house, projects management and executive management.

14 Q. You were not involved in that at all?

15 A. No, sir.

16 Q. Now, there have been several cases of verbal
17 threats and harassments, some of which you described earlier
18 today in discussions, I guess, with Mr. Sinkin and some of
19 which you and Mr. Reis discussed.

20 Do you perceive any common denominator or common
21 connection among those?

22 A. No, sir.

23 Q. For example, were all of these or most of these
24 in certain areas or disciplines?

25 A. There are common denominators, such as the

1 discipline and construction and QA.

2 Above and beyond that, taking into account all
3 the factors you would look at, to say there is one specific
4 common denominator, other than those three conditions, I found
5 no common denominator.

6 Q. What would be the common denominator that you
7 suggested with respect to the discipline?

8 A. To look at a situation that has developed, you
9 have to look at each and every aspect of it and the operation
10 on a project such as this, each type of operation has some
11 similarities and many uniquenesses. The pours have their own
12 personality, I call it.

13 Each one has certain things that have to be done
14 but each one has certain things that are unique.

15 Conditions. In one case we may have a rebar,
16 you know, write up a rebar for being dislocated. Maybe dis-
17 agreed by construction. Interpretation of the rebar require-
18 ment may be the next condition that the misunderstanding starts
19 over.

20 Pour areas. Pour rates. Pouring too fast. The
21 different things that are involved that ultimately develop into
22 construction and QA not agreeing, you know. So, each of them
23 have their own uniqueness and to say that there's a common-
24 ality between them where you can say because of this specific
25 one, then we do have something existing. I had difficulty

12-7

1 being able to associate that.

2 Q. Do most of these or all of these fall in the civil
3 area?

4 A. The majority that we have talked about, yes, sir.

5 Q. Do you see any reason for that?

6 A. Yes, sir, because the biggest bulk of the activity
7 going on at the project during this time was civil. Very
8 limited mechanical. Very limited electrical.

9 That was the bulk of the activity.

10 Q. Do you attribute any of the difficulty with res-
11 spect to the civil personnel either in QC or in construction?

12 A. I think all -- on both sides of the house, you
13 have a number of individuals involved and, yes, there would be
14 some consideration for the individuals involved in it.

15 Q. Any particular ones, whom you would consider prime
16 movers in this type of problem or --

17 I'm looking for patterns of commonalities.

18 A. I think we have discussed a number of incidents
19 in which the same names on both sides of the house have come up.
20 But I also have to look, you know, at the number of personnel
21 over a period of time on the project. The number over a time
22 period. Different individuals involved in different situations.

23 You said several incidents. I look at it -- we've
24 had a few incidents. Based upon the number of conditions that
25 exist in which there is the potential for that -- the thousands

1 of inspections made on a daily basis, which permit, you know
2 -- provide the opportunity for there to be a disagreement
3 between construction and QA or QC and then look at the number of
4 items that have been documented over the course of that project.
5 Considerably very few.

6 Q. And you view these as principally isolated
7 individual incidents, as opposed to generic type of problem?

8 A. Yes, sir, I do.

9 Q. How do the number of these incidents on the STP
10 project compare or contrast with other comparable projects?

11 A. I say STP is no more, no less than any other
12 project, in terms of where construction and QA don't see eye to
13 eye on interpretation or what's required.

14 Q. Do you have any basis for that? And by that I
15 mean, statistics or something which would help us in comparing
16 these?

17 A. No, sir, no specific statistics. Just looking at it
18 from experience, not only in construction but in manufacturing.
19 In manufacturing they have the same conditions existing, where
20 people don't specifically see eye to eye and, there again,
21 it doesn't take statistics to look at the work activities on
22 a day to day basis and look at the number of times a QC
23 inspector has to attest to a construction craft's performance
24 and say that on this day we had 25, 30, 50, NCR's written up,
25 against a thousand inspections and over a course of two weeks,

1 somebody disagreed.

2 Q. I guess what I was concerned about -- not concerned
3 about, but asking about, had to do with the number of flare-ups
4 of verbal threats, physical violence -- although you haven't
5 had many of those apparently -- but of the types of harassment
6 and threats we've talked about today.

7 A. I don't find it unusual that we have recorded the
8 number we have in a project this size, with the number of
9 personnel, you know, in terms of turnover, day to day contacts.

10 I would say that in my household of four people,
11 you know, over a week's period of time there may be a disagree-
12 ment. Of course, I'm kind of reserved. I don't flare-up,
13 but you put a body of people the size that we have together,
14 I don't find it uncommon.

15 Q. How about Marble Hill? How would these compare
16 with Marble Hill?

17 A. That's a little unfair question. (Laughter)
18 I'm still employed there. I want to stay there.

19 I think the position I would have to respond to is,
20 each project has its own personality, has its own group of
21 people. The same conditions existing on another project may not
22 be as highlighted or as readily visible or as much of a concern
23 to the individuals involved, as they appear to be on STP.

24 Maybe even more so on another project.

25 I won't sit here and tell you that Marble Hill did

12-10

1 not have disagreements between the contract managers and the --
 2 I mean the project engineers and the construction engineers.
 3 The way they are handled may be different. The individuals
 4 involved may be different.

5 How one person perceives the other in their coming
 6 across; in other words, the old adage of diplomacy, you know,
 7 you tell somebody to go to hell and make him look forward to
 8 making the trip if you do it with diplomacy; the other way
 9 you may offend him, you know, so individuals.

10 Q From the point of view of how these incidents
 11 were handled here, how would you compare that with how they're
 12 handled on other projects, Marble Hill and elsewhere?

13 A I would say that the pattern of handling is no
 14 different. You escalate up to management, to the highest
 15 management on the project, where the decision is made. You
 16 may have a circumstance that may be escalated higher because
 17 of maybe disagreements between site management. It wouldn't
 18 be unusual in those circumstances to go on up to executive
 19 management, you know, for resolution. I don't think it's any
 20 different on any project. You escalate the problem up through
 21 levels of management.

- - -

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

22
23
24
25

13-1

1 Q In other words, the manner in which investigations
2 were conducted and the decisions that were reached, disciplinary
3 decisions that were reached, were, on this project, more, about
4 the same, or less rigorous than on others?

5 A I would say they were comparative. In fact,
6 management investigated, site management made the decision on
7 disciplinary action.

8 Q Is the type of decisions it reached were consistent,
9 do you think, with practices in general?

10 A I think so.

11 Q In the Staff Exhibit No. 46, you can turn to
12 Page 2-22 --

13 A Yes, sir.

14 Q -- there are a couple of statements on there,
15 you've indicated that you're A-40 --

16 A Yes, sir.

17 Q -- and so I'll ask you about your statements.

18 One of them, I gather -- well, let's take the first
19 one, which is in the sixth paragraph, beginning, "I'm not
20 aware of," are you saying that that statement you did not make?

21 A This statement?

22 Q Yes.

23 A No, sir. I did not make the statement.

24 Q Okay. So there's no point in asking you what you
25 meant by that one.

1 A. That's correct.

2 Q. How about the next paragraph, now, that one in which
3 you state every time you go to the NRC we find out; that's been
4 interpreted by some different people in some different ways,
5 and what I would like to hear is your interpretation, if
6 you would.

7 A. All right, sir.

8 In the process of a meeting with the -- with all
9 the quality assurance personnel on this specific date one
10 group of people, an individual who is an old-time inspection
11 hand, raised the question during the presentation that
12 specifically asked me, why are we having so many NRC
13 investigations.

14 And I said because they are getting allegations.

15 His next question to me was, well, why are they
16 getting so many allegations? I said, I can't answer that;
17 only the people who are going can make that out now, so
18 some general conversation transpired and the individual who
19 is a character, he says, damn, these people come to management,
20 and I said, Joe, I can't answer your question.

21 He said, well, why does this happen, Tom? I said,
22 I can sit here and give you my version of it and it won't
23 mean a thing. I can't specifically address it.

24 Somebody else, I don't even remember who it was,
25 said, well, you know, they're showing up a lot, and it would

1 seem to me like we could find out who was doing this, and
2 my statement was, well, one thing for certain, you know, when
3 they go to NRC we know because they show up at the gate;
4 general statement.

5 And something else was said about the number of
6 times that they had been in, and I said, yeah, you know, if
7 I was NRC and getting all these phone calls and being able
8 to not substantiate those allegations I'd be tired of getting
9 them; just a general comment.

10 The continuation of that meeting was a stressing
11 of, you know, you need -- if you have a feeling that you're
12 not being properly addressed, you have an obligation to go
13 to the NRC. This was stressed, you know, I thought pretty well
14 throughout most of the meeting that covered NRC application
15 and coming on board, but evidently somebody misinterpreted or --
16 which I have no control over, you know, why they interpreted
17 that I was implying if they did go that they would be in
18 trouble. I got no control over what they interpret.

19 So that's the general attitude of the meeting and
20 my recollection of what the conversation was and what was said
21 at the meeting, what I said specifically, and above and beyond
22 that, that's all I can give you.

23 Q Was there any implication in there that they should
24 not go to the NRC?

25 A No, sir, not in my opinion. I strongly support

1 that position, that they should have the right of access to
2 the NRC.

3 Q Was there any suggestion in the context in which
4 it was presented, or did you intend any, when you said every
5 time you go to the NRC we find out; did you mean by this you
6 found out the individual or --

7 A The total context of my statement, I don't
8 believe, is in here. I don't have a copy of mine, which I
9 wasn't afforded a copy of it, but I think, if I'm not mistaken,
10 I clarified we find out because they show up at the gate,
11 you know. It's common knowledge on the project.

12 I didn't say anything that wasn't already known,
13 you know, when somebody makes an allegation within a day or two
14 the NRC is going to be there because they're permitted by their
15 charter to investigate them.

16 Q You're saying this was not a suggestion, then,
17 that if Individual Z went to the NRC that you would find out
18 that that person went?

19 A No, sir.

20 Q Anything else that you think of that we should
21 know about that incident, because it's come up several times,
22 and I'd like to make certain we understand all sides of it?

23 A No, sir. Above and beyond what I said in the
24 environment in which it was said, and what I meant by it,
25 that's all I can give you. I can't tell you why, you know,

1 other individuals interpret it as being a statement of if we
2 find out who it is, you know, there'll be repercussions. I
3 don't know why it would be interpreted that way. Only then can
4 answer that.

5 Q On Page 26 of your testimony -- actually, this is
6 not yours, I'm referring here to Question 30, dealing with
7 card playing, and this is not your testimony, this is
8 Mr. Singleton's testimony.

9 What I wanted to ask you is what do you know about
10 the card playing?

11 A During -- I wasn't on board during this time
12 period. I came on board in '78. Anything that I would
13 present at this point in time would strictly be on what I have
14 heard as a result of this allegation from individuals.

15 Q None of this took place while you were in this
16 position?

17 A No, sir. Not even while I was with Brown & Root.

18 Q In other words, on a firsthand basis you know
19 nothing about it?

20 A No, sir.

21 Q But was there any card playing of this type which
22 would interfere with inspections during the time when you were
23 with the company?

24 A No, sir.

25 Q Was any reported to you?

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1 A No, sir, not during my tenure on the project.

2 Q In other words, card playing was extinct as far

3 as you know?

4 A As far as I know, they --

5 Q During your tenure?

6 A Yes, sir.

7 Q On Page 27, in the sentence beginning on Line 27,

8 beginning with the "QC program," I find that sentence

9 difficult to understand. I'm not certain just what you're

10 saying there. I wonder if you could interpret that, read that

11 and interpret it for me.

12 A Okay. What we're endeavoring to point out in this

13 statement was a lot of contentions were made that the quality

14 assurance program on the South Texas Project was not effective,

15 and what I'm saying is it was effective in that the system that

16 was in existence during my tenure on the project, and the

17 number of documented nonconformances that everybody keeps

18 equating to, the fact that we documented, was our system working.

19 That's what the quality assurance system is for.

20 You get out there and you verify what is happening,

21 and if it's not in compliance you document it. I would be more

22 suspicious of a non-working program if there were considerably

23 less NCR's or if there was, you know, just a total indifference,

24 but this attests to the fact that we were identifying and we

25 were documenting, which is buying the program.

1 Q Are you suggesting that the more NCR's you have
2 the better the program was working?

3 A No, sir, not necessarily, but it is one measure of
4 the over-all performance of the program requirements. DCN's,
5 there are other documents that attest to that portion of the
6 quality program which have been established and followed by
7 procedures.

8 Q Now, on Page 35 -- this is Mr. Wilson's testimony,
9 the sentence beginning on Line 6 -- as a matter of fact, a
10 couple of sentences there, beginning with, "It is ironic"; do
11 you agree with that statement?

12 A Yes, sir, I do.

13 Q This statement appears to be saying that one
14 cannot run an effective QC program without the friction. Is
15 that, in your view, correct?

16 A I would say within any organization where there is
17 individual -- there are individuals responsible for performing
18 an action and other individuals responsible for verifying
19 their workmanship or their application to those requirements.

20 There will be some level of tension existing. You
21 know, I have personal pride. Somebody comes along and tells me
22 that what I just did isn't what it's supposed to be, and I think
23 it is, I'm going to take exception to his position until I'm
24 proven that I am wrong.

25 Q This says in effect that that the fact that the

1 friction was greater than normal indicated that the job was
2 being done well.

3 A I think, in terms of greater than normal, the
4 environment on the project was such that it verified to QA
5 management, QC management, that the inspectors were out there
6 doing their job. That's what I -- I don't want to put words
7 in Mr. Wilson's mouth. I'm just looking at the reference to
8 what you made, in my own --

9 Q No, I was just asking for your view of it.

10 A I feel that the -- that condition did reflect good
11 address to the QA/QC program.

12 Q Do you think that the existence of more than normal
13 friction proves that the program was good?

14 A Well, I'm -- I might have trouble with the term
15 normal friction. I would agree that a level -- a certain
16 amount of friction within work stations would be a measuring
17 stick, to a certain extent, that the program was working well.

18 Q Could greater than normal friction also be
19 generated in a program which was working very poorly?

20 A In my opinion, not from a quality standpoint.

21 Q I'm not referring to one necessarily which is
22 working poorly because of underaction but perhaps working
23 poorly just because of the manner in which it is being
24 conducted.

25 A I have a little difficulty with that position.

13-9
✓
300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345
10
11
12
12
14
15
16
17
18
19
20
21
22
23
24
25

1 If it was a case where the quality control people were not
2 doing their job, which would be a poor QA program, then I feel
3 pretty confident that construction would be less inclined to
4 have any animosity or any concerns towards QC because that --
5 basically, because nobody's doing a really good check on
6 their -- on bringing them to task on their performance.

7 Q So generally you agree with this position?

8 A Yes, sir.

9 JUDGE LAMB: Thank you. That's all I have.

10 - - -

1 JUDGE BECHHOEFER: Mr. Warnick, actually, most
2 of my pre-planned questions have already been asked by Dr. Lamb.

3 I have a few things I want to follow up on.

4 Q. First, just to fill out the record, on Page 8 of
5 your testimony, you mentioned that ^{there} was approximate 125 inspec-
6 tors in 1979 .

7 Do you know how many there were when you left the
8 project?

9 A. I would have give an approximate, sir.

10 Q. All right. Give an approximate.

11 A. We were probably staffed at approximately 142-145,
12 somewhere in there, as I recall it.

13 Q. Doyou know how many there are today?

14 A. No, sir. I've been away from there since March.

15 Q. With respect to the testimony starting on Page 9,
16 I believe you were asked questions about the training of QC
17 inspectors -- I believe this was yesterday -- and at least when
18 you were on the project, was it the practice of hiring QC
19 inspectors who were qualified at that time for a particular
20 inspection job or would you hire a person with general quali-
21 fications and train him or her for the specific requirements
22 of the particular inspection?

23 You mentioned that they go t a certification. Were
24 they trained to get the particular certification?

25 A. Individuals were hired on the project based upon

1 their information concerning their education and their work
2 time experience in this particular discipline.

3 Once brought on board, interviewed and brought on
4 board, then they had to proceed through our formal qualifica-
5 tion training program and acquire certification. There were
6 occasions on the project where an individual who was hired into
7 a non-technical aspect of the project with very limited back-
8 ground and everything, did not qualify per se on a specific
9 discipline but because of time on the project, a year or two,
10 working within certain areas, developed an understanding and
11 a background, we provided what we call promotional avenues for
12 individuals, employees, to give them a chance to progress and
13 in order to do that, they had to work their way through the
14 on-the-job training, go through training exercises to a point
15 of where a certified level III, which is the highest certifi-
16 cation under the certification program, would attest to the
17 fact that these individuals had developed the background, the
18 expertise and had the educational background for qualification
19 for certification.

20 At that time we did not hire individuals per se
21 with a general background. We looked for specific discipline
22 application types of individuals.

23 Q. So they presumably had some training and/or
24 experience, prior to their being hired?

25 A. Yes.

1 Q. Did Brown & Root utilize or make use of the -- of
2 any waiver provisions with respect to education? Were there
3 waivers of qualifications?

4 A. Yes, sir. One time on the project there was a
5 provision made for waivering certain education or work time
6 experience requirements, as defined under 45-26 or -- but these
7 were as permitted by those specific standards.

8 They were documented on what was to be considered
9 and who had the authority to consider the waivers and sign the
10 authorization. Those were documented in our program.

11 There was a period in which that specific applica-
12 tion was used on the project.

13 Q. Well, was that abandoned at some point?

14 A. Yes, sir. It was amended to a limitation of no-
15 waiver of work time experience or education, as defined within
16 the structure of the procedure and our qualification program.

17 Q. Do you know when that amendment took place?
18 Approximately. I don't need the particular day or minute.

19 A. That particular position was established after
20 "show cause". The specific date on that, I would have to use
21 a time frame of February through April, 1980.

22 Q. If you could remember this, were any of the persons
23 for whom waivers were used, the subject of any of the complaints
24 about QCinspectors which you had at construction -- personnel
25 you had at various occasions and times?

1 Is there any connection between that?

2 A. I can't recall that being an inspector who was
3 in that classification -- it would be very difficult to corre-
4 late, without going back to the subject individual. I couldn't
5 make a statement on that.

6 Q. I wanted to ask you one or two questions about
7 the inspection reports but --

8 Do you have a copy of Staff Exhibit 46 in front
9 of you? On Page 3-2 of the appendix, I guess, about three-
10 quarters -- the fourth paragraph from the end, there's a statement
11 that A-10 stated that he heard you threaten to fire inspectors
12 who constantly refused to sign off places.

13 I wonder if you know anything about that?

14 A. Repeat that, sir.

15 Q. On Page 3-2 it says, "A-10 stated the he heard
16 A-40 threaten to fire inspectors who constantly refused to
17 sign off places. A concrete place."

18 I wondered if you knew anything about that?

19 A. A-40. Yes, sir. No, sir.

20 Q. I take it you also don't know who A-10 is?

21 A. I can't -- I don't know who A-10 is.

22 Q. And again, I take it you deny making a statement
23 of that sort?

24 A. Yes, sir. I do.

25 Q. Anyway, this is Page 2-1 of report 79-19, the

1 second paragraph from the end, is this a paragraph that would
2 apply to your SOS statements?

3 A. Yes, sir.

4 Q. I take it A-35 is Mr. Singleton?

5 A. Yes, sir.

6 Q. Turn now to Page 18 of the report proper, under
7 heading Allegation 6.

8 A. All right, sir.

9 Q. Would you read the paragraph, just to yourself,
10 the investigative findings paragraph.

11 I know you have made some statements already about
12 the QC inspectors and support of their supervisors. I wondered
13 if you would have any comments on findings that are set forth
14 here? And particularly as it relates to A-40, which is you.
15 Any additional things which you think the record might justify
16 beyond what you've already testified as to your general support
17 of QC inspectors.

18 A. It's a little hard to address. Individuals, they
19 perceive they're not getting support, that's their individual
20 interpretation. If they can substantiate it. I don't necess-
21 arily have to agree with it but I cannot challenge their right
22 to have that opinion.

23 Q. Are there any particular allegations here that
24 you don't agree with?

25 A. Well, I feel that the items identified within the

1 body of this specific finding have validity, because they're
2 stated by Mr. Singleton as some of his testimony as to some
3 of the conditions that are identified here.

4 But beyond that --

5 Q. Let's see. Turn to page 21.

6 I believe Mr. Reis asked you a question about
7 whether you had ever heard about this incident prior to -- I
8 think it was December '79. Since that time but prior to reading
9 this report, did you find out anything about that incident?

10 By the way, I'm going to ask you the same ques-
11 tions to fill in the dates on the other items that Mr. Reis
12 asked you about.

13 A. Looking at this specific allegation, once it was
14 identified, I and, of course, I guess my supervisor, addressed
15 the concern. It was expressed by what had transpired and
16 the bottom line on our investigation was, that the individual
17 who, the one from the QC side of the house, that was involved
18 in this situation, really didn't consider as a serious threat
19 to him, since the individual weights approximately 280 to 300
20 pounds, the individual was going to -- alleged he was going to
21 through him off that containment and he weighs about 105, so
22 -- this is one incident I wasn't aware of and primarily because
23 the individual didn't think it was serious enough to escalate
24 up at the time and this is the type of thing when we were
25 talking about some of the other incidents we were going through.

1 Individuals directly involved in those incidents were not
2 concerned at the time they occurred or they would have
3 escalated it to the next level of management, of which it was
4 thought adequately resolved at that time.

5 There is another reason why, through my investi-
6 gation, it didn't get to me to where I was aware of it when I
7 was asked the question.

8 Incidents have been identified. People just
9 didn't consider them that serious to escalate them up or -- we
10 talk about the incident where the carpenter was going to hit
11 somebody with a wrench. The inspector brought it to the
12 supervisor's attention. They went out to find out where the
13 carpenter was at, to get his name. He was gone. The inspector
14 couldn't remember who it was, but he didn't -- in other words,
15 something happens, it's over and done with and he didn't have
16 any more concern about it, so the supervisor didn't come in
17 and tell me about it because he thought it was, in his opinion,
18 resolved. It didn't have anything to do with the quality
19 aspects of the project, so he felt that he had handled it
20 properly.

21 Another reason why I wasn't aware of the specific
22 incident. This specific one here, though, once it was identified,
23 I shouldn't have take it lightly but when you stop and consider
24 a 280-pound man didn't consider it serious that a 105-pound man
25 was going to -- I think the statement made by the individual,

1 it was, "I told him to pick the spot."

2 Q. I take it from what you've been saying, that the
3 incident probably took place but it wasn't considered by any-
4 body, really as a threat .

5 A. Especially the individual involved. He looked
6 at it, you know, if this guy wants to write that kind of a check
7 he's not too hot upstairs, you know.

8 Q. The same as the incident that is recorded on Page
9 2-3, the top paragraph?

10 A. Yes, sir, I believe that's the same incident as
11 just referred to.

12 Q. Okay.

13 Now, the other incident that you mentioned, -- let
14 me check my page -- the other incident you mentioned, is that
15 the one in Allegation No. 10 on Page 22?

16 A. Yes, sir.

17 Q. Turn to Page 28, Allegation 3A. Is this any of
18 the particular incidents you've testified about or do you have
19 any comments on this one?

20 Or are you aware of this one at all?

21 A. I can't equate this specific one, sir.

22 Q. And I take it when you testified yesterday about
23 hitting the gate, that's the incident on Page 29, Allegation
24 4A?

25 MR. AXELRAD: Mr. Chairman, may I get a clarifica-

1 tion of your question as to what you mean by when he testified
2 yesterday with respect to --

3 JUDGE BECHHOEFER: Mr. Jordan asked him yesterday
4 -- I think it was Mr. Jordan -- asked him a number of questions
5 about hitting the gate and what that meant and --

6 MR. AXELRAD: I may be wrong. My recollection was
7 he said he didn't recall any incident involving hitting the
8 gate. That's my recollection.

9 Maybe I'm incorrect.

10 JUDGE BECHHOEFER: Maybe -- well, maybe he did.
11 Let me ask him.

12 BY JUDGE BECHHOEFER:

13 Q. Do you know anything about this allegation Number
14 4A on Page 29? Do you have any knowledge of the Allegation
15 No. 4A discussed on Page 29?

16 A. Only from this document.

17 Q. I meant independently.

18 A. Oh. No, sir.

19
20 - - -
21
22
23
24
25

16-1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

Q Turn now to Staff Exhibit 45, which is Inspection Report 80-25. On Page 4, are you aware of the incident or situation described in the second to the last paragraph on the page?

MR. AXELRAD: Mr. Chairman, are you talking about the one that begins, "One inspector felt" --

JUDGE BECHHOEFER: Yes.

A No, sir. During this time period of this specific report, dated 10-29-80 --

BY JUDGE BECHHOEFER:

Q Right.

A -- these specific responses would be generated by the project quality assurance manager and the site management group that was on board at that time. At this point in time I was quality control manager, and other than providing the numbers and information here, I was not directly involved in the investigation and the response to this specific area.

Q So you would have no detailed knowledge of the particular incidents --

A No, sir.

Q -- discussed in this document?

Okay. This one, during the period just prior to April 1980 were you in a position to know why certain QC inspectors might have been terminated?

A April of '80, yes, sir.

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q Yeah. Turn to Staff Exhibit 55. The portion I'm interested in is an allegation that one particular inspector, a mechanical quality and control inspector was fired for being too effective in his job.

Is that in an area that you would have any knowledge of? Do you have any knowledge of this particular incident or allegation, I should say, because it was unsubstantiated, as far as the Staff was concerned?

A. Yes, sir, I have knowledge of this specific incident.

Q Could you make some comment on it and describe what you think happened?

A. The individuals were alleged to be using drugs on the project.

Q Is this the seven you mentioned?

A. This identifies, if I'm not mistaken in this report I state -- I believe I only -- I need to read through it.

Q Well, are these a portion of the seven?

A. These are a portion, yes, sir.

Q So that would be the same incident you discussed earlier?

A. Yes, sir.

Q Turn to Staff Exhibit 60, and the portion I'm referring to is on Page 13, Allegation 4.

Are you aware of this particular incident or

1 allegation? Or doesn't this come close enough to the area --
2 to your area?

3 MR. AXELRAD: Mr. Chairman, I'm reluctant to
4 object to any question from the Board Chairman, but does this
5 allegation have anything to do with QA/QC or any matter that
6 this Board is interested in?

7 JUDGE BECHHOEFER: No, that's what I asked him, is
8 the Brown & Root receiving department that is in no way
9 connected with QA at all.

10 MR. AXELRAD: I'm not sure he understood the
11 question that way.

12 JUDGE BECHHOEFER: Yeah, that's what I tried to ask,
13 if he had any knowledge of that. If he doesn't, or if it --

14 WITNESS WARNICK: No, sir, I don't. This is
15 outside of quality assurance as I'm interpreting that section.

16 JUDGE BECHHOEFER: Oh, okay. Well, that's all I
17 wanted to find out, just to make sure.

18 I believe that's all the questions I have.

19 Do you have any redirect? Would you like a few
20 minutes?

21 MR. AXELRAD: Could we have a short recess, please?

22 JUDGE BECHHOEFER: Right. What do you need, ten
23 minutes, fifteen minutes?

24 MR. HUDSON: Ten minutes will be fine.

25 (A short recess was taken.)

16-4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

JUDGE BECHHOEFER: Back on the record.

Mr. Hudson or Mr. Axelrad, are you prepared with redirect?

MR. HUDSON: Yes, Your Honor, we're prepared.

REDIRECT EXAMINATION

BY MR. HUDSON:

Q Mr. Warnick, yesterday you described an incident involving a Mr. Evans and a Mr. Dave, in which, as I understood it, the two men had an argument and both men were disciplined for failing to escalate their disagreement up to higher management in accordance with project procedures.

Did either party threaten the other, as you understand the disagreement they had?

A No, there was no threat involved in it.

Q It was simply an argument, a disagreement of some type?

A That is correct.

Q Yesterday you also testified regarding salary complaints of the QC inspectors and indicated that they were no different on this project than on any other project, with the possible exception, I believe you said, that not enough visibility was given to what management was doing.

I wanted to ask you, what was management doing about the salary complaints?

A Management had initiated on various occasions

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1 proposed wage and salary program revisions, different ways of
 2 classification based upon certification programs, to upper
 3 management, and we went through three cycles over a period of
 4 time in order to try to address wage and salary on the project
 5 from a construction project standpoint rather than what we felt
 6 was an office or administrative type salary structure.

7 The rules of the road in any organization is that
 8 during the planning phases and during discussions that type of
 9 information is within the management rank and file confidential,
 10 so to speak, and it wouldn't be in the best interest of the
 11 project to put that information out to the individuals,
 12 building their hopes up or implying something was going to
 13 happen and then not have it happen.

14 But during the process of my time on the project
 15 we initiated a number of requests, a number of proposed
 16 programs for a wage and salary program modification, and that
 17 was what I meant by we were doing things which we could not,
 18 you know, at that point in time, make known to the inspection
 19 level, the personnel on board the project.

20 Q In other words, you weren't able to tell the
 21 inspectors what you were attempting to do on their behalf?

22 A No, sir.

23 Q In response to some questions from Mr. Sinkin
 24 you discussed the process of preparing checklists that were
 25 used by the QC inspectors, and particularly the relationship

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

between a checklist and a pre-placement plan.

Were the checklists prepared individually for each placement during the pre-placement process, or were there standard checklists that were used on all placements?

A. Checklists were developed as the procedure which controlled the specific activities were developed. Standard checklists were always the standard inspection plan for a specific activity, including the placement of concrete, pre-placement activities.

What I was referring to when I said checklists used in conjunction with the pre-planning is if during the course of the pre-planning activities areas were identified that needed special consideration, that weren't an integral part of the original checklist, these were added to it as check points for the inspectors, to make certain that activities required for that pre-placement plan were indeed covered.

- - -

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1 Q. I'd like to direct your attention to Staff
2 Exhibit 46, I believe, I&E report 79-19, Page 26.

3 Do you have that?

4 A. Yes, I do.

5 Q. Okay. This is the page that has Allegation 1A
6 on it?

7 A. Yes, sir.

8 Q. And I believe you were asked some questions
9 regarding this allegation by Mr. Sinkin.

10 I wanted to ask you -- it involves, as I read it,
11 a curing examination check; is that correct?

12 A. That is correct.

13 Q. Was the curing examination that is documented on
14 this check list in question, was the inspection actually
15 performed by a qualified inspector?

16 A. Yes, it was.

17 Q. So what is the nature of the falsification that
18 is involved in this allegation?

19 A. During the course of the curing activity, it was
20 covered by a certified inspector, qualified for the curing
21 activity. Upon the completion of the activity, the individual
22 who had performed the last inspection was not available on the
23 day on which the attesting to the finalization of the inspection
24 was to be completed.

25 For a period of time we had been pushing the

1 inspectors to finalize their documentation and get it into
2 the flow where it was supposed to be, as a quality record
3 and, in my discussion with the supervision associated with this
4 they went through the documentation and verified that individuals
5 who were qualified had performed inspections and as the
6 activities required and that the individual was asked, because
7 he was a certified inspector, based upon the information that
8 was presented, to sign-off the fact that the activity had been
9 properly covered and properly performed and the gentleman who
10 signed it had not performed the last inspection but he did,
11 indeed, sign the final acceptance of the curing activity.

12 This was interpreted as being falsification of
13 records because he had not been the individual who did the
14 final acceptance of the specific activity.

15 Q. Were the results of the inspections that had been
16 done previously by the other inspectors, documented any place
17 for the inspector who signed the card to look at?

18 A. Activities on a day-to-day basis are documented
19 and passed on to the other qualified inspectors for continuity
20 of activities. My recollection of discussion with supervisory
21 personnel was that these were documented showing consistency
22 of the activity, up to the point of sign-off of the card and
23 that the curing activity was done properly.

24 Q. Do you have any doubt at this point in time that
25 the curing activity itself was properly inspected and done?

1 A. No.

2 Q. I'd like you to turn your attention to Staff
3 Exhibit No. 32, please. Page 12 of that exhibit.

4 A. I have it.

5 Q. On Page 12, Allegation No. 9, I believe Mr.
6 Sinkin asked you if you were the individual who gave the verbal
7 approval that's discussed there and you answered, yes, you
8 were.

9 Is that correct?

10 A. That is correct.

11 Q. Could you explain more fully what this situation
12 was? What verbal approval you were given and what the allega-
13 tion was and what resulted from it?

14 A. We had a condition that developed on the project,
15 which was well documented, of the apparent mix up of materials
16 for anchor bolt materials. A-36 material versus A-193.

17 As a result of the condition and an engineering
18 evaluation, part of the proposed resolution to the problem was
19 a formalized test program established by engineering to run
20 Rockwell tests on each of the anchor bolts in the respective
21 pour areas and to verify whether the material was within the
22 A-36 or A-193 range.

23 The program was validated, signed-off, procedural-
24 ized and team members were put together and trained within the
25 procedure to perform that specific test function.

1 The program was that these teams would go into
2 the field on associated scheduled pours and they would perform
3 the test on the anchor bolt, since that was the area of
4 concern and document test results as to the material within
5 those respective pour areas.

6 As each set of of testing was completed, if the
7 test results indicated that the material in the anchor bolts
8 in those pours was within the accept-reject range of the
9 material, that we would release on a controlled basis, each of
10 the pours as they were cleared.

11 This specific pour was one of the first -- was
12 involved in the schedule of activities for four pours where
13 these materials were involved.

14 The pour was held pending the final results of
15 the testing --

16 Q. Excuse me.

17 You say the pour was held. You mean it was
18 stopped?

19 A. It was stopped. Did not proceed until the testing
20 was complete, the data acquired was evaluated and was verified
21 as meeting the requirements for the material.

22 This specific pour, the only thing that was hold-
23 ing it up was the anchor bolt material question. The test
24 was completed, the test team member and the QC inspector brought
25 the test results into my office. The results was documented,

1 properly documented and properly reviewed and signed off as
2 meeting all the criteria for the specific material identified
3 in the pour. It was the general consensus of the test team
4 member and the QC inspector and I also talked with the QC
5 lead that was involved in the activity, that this being the
6 only item outstanding and having met all the test requirements,
7 that there was nothing remaining outstanding on the pour, so
8 the question was asked of me, what do we do?

9 I evaluated the situation, found no non-conforming
10 conditions existing associated with it, other than the fact
11 that we had the formality of proceeding over and generating
12 what we use as partial release activities. There would be a
13 notation made to the stop-work order, that Partial Release No.
14 1 was for a specific pour area and had met all the require-
15 ments of the established test criteria and was, therefore,
16 released for processing.

17 On that basis, QC inspector wanted direction. I
18 told him based on the information available, proceed with the
19 pour. When he left the office I felt we were in agreement with
20 what was going to transpire and I started over to revise the
21 "stop work" that is maintained in the document control section,
22 which was in the QA vault, dislocated from my specific area.

23 I started over and in the process of going across
24 to the other area, I ran into a construction manager who had
25 just came -- became aware of a problem in the field; was

1 requested to go to the construction -- assistant project
2 manager's office to discuss the condition that had developed
3 at that point in time.

4 And I got deterred from where I was intending to
5 go and in the course of activities that evening, things just
6 developed up to a point of around 7:30 or 8:00 o'clock, we
7 finally came to the conclusion that we had addressed about
8 everything that we could possibly address at that point in
9 time and I did not proceed on down to fill out the stop work,
10 partial release.

11 A QC inspector, having been given the directive,
12 once he arrived at the pour site, in order -- I guess he felt
13 in order -- and in his opinion, protect himself -- he made the
14 notation on the pour that the pour was authorized released by
15 the site QA manager, which, indeed it was.

16 So, as far as the quality of the pour and every-
17 thing made on it, there's not any question. We met all the
18 criteria. The only thing is the sequence of events that led up
19 to the final partial release on the stop work order, which
20 was not in a timely fashion.

21 Q. Were you the individual on the site at that time
22 who had the authority to issue partial releases of stop work?

23 A. At that point in time, it was my opinion -- I was
24 making a management decision to proceed with the work activity.
25 I felt I was authorized to make that decision from a management

1 standpoint. I was the senior man on the project for quality
2 assurance at that time, yes.

3 Q. In cross-examination by Mr. Reis for the Staff,
4 he directed your attention to an earlier piece of testimony
5 in which you had mentioned an incident in which five Brown &
6 Root construction supervision personnel, I believe, were
7 accused by two female QC inspectors and you mentioned that this
8 had happened, I think, while you were on vacation and he asked
9 you what the date of that was, and as I recall, you said July
10 1980.

11 Is that the correct date?

12 A. No. That is an incorrect date and I was going to
13 address a correction to that.

14 The date was 1979, vice 1980. That was during a
15 brief period in 1980 and there was no time for vacation during
16 that time period. It was 1979, vice 1980.

17 MR. HUDSON: Your Honor, that concludes our
18 redirect.

19 JUDGE BECHOEFER: Mr. Jordan?

20 MR. JORDAN: Yes, sir.

21
22 - - -
23
24
25

1 RE-CROSS-EXAMINATION

2 BY MR. JORDAN:

3 Q Mr. Warnick, if you would, turn to Staff Exhibit 47.

4 (Witness complies.)

5 Page 5, item I. I would like to make sure that
6 I understood what you testified before in talking with Mr. Reis.7 This statement of "January and February, 1980, two B&R
8 construction supervisory personnel against whom allegations of
9 intimidation and harassment had been made were removed from the
10 project."11 As I recall your testimony, you didn't know who those
12 two people were, is that correct?

13 A That is correct.

14 Q Do you know of any B&R construction supervisory
15 personnel against whom such allegations had been made who were
16 removed for that reason?17 A I can't testify that that was the specific reason.
18 I know of construction supervisory personnel removed from the
19 project, but I can't sit here and stipulate the reason was
20 harassment and intimidation or perceived harassment and
21 intimidation.22 Q Do you know the reasons at all for the ones that you
23 know about?24 A All I can attest to was the period of time after the
25 show cause when a number of construction supervisory personnel

1 were let go from the project.

2 One of the incidents occurred while I was not on the
3 project. I was away on business from the project. I do not know
4 the specific details of what is listed on the termination. I'm
5 privy to that information.

6 Q Of those construction superintendents about whose
7 termination you are aware, in any case, did anyone tell you that
8 they were fired because of alleged harassment or intimidation?

9 A No.

10 Q You testified I think in response to Dr. Lamb con-
11 cerning your knowledge, or lack of knowledge, of the card playing
12 that is discussed by Mr. Singleton in his testimony and I'd
13 simply like to go to that for just a moment.

14 When you were on the project, is it your testimony
15 that there was no card playing at all among quality assurance
16 personnel?

17 A I think Judge Lamb's question was during my tenure
18 on the project did card playing proceed that would impact what
19 was going on, if I'm not correct.

20 Q That may well have been, but that's not my question.

21 A Your question was, was any card playing going on,
22 is that correct?

23 Q That's correct.

24 A I can only remember one occasion that I know of where
25

1 card playing was involved that I have knowledge of.

2 Q What was that?

3 A That was an after-hours situation shortly after the
4 show cause full information was presented in which the '77
5 allegation of card playing was presented. I had the occasion
6 to walk into a QC controlled area after the workshift was over
7 and some individuals was playing cards.

8 I challenged them on it. All those individuals was
9 off work and were waiting for their ride. They rode with the
10 van pool and the individual who drove the van was working over.
11 They did not have access to transportation, so they were sitting
12 there playing cards. And I reacted to the condition and they
13 ceased playing cards. I'm not too sure that they were too
14 pleased with the fact that they ceased playing cards, but that's
15 the only occasion that I can think of during my tenure on the
16 project and all those individuals were no longer on work time
17 or responsible for any inspection activities.

18 Q How many were there?

19 A I don't know. I would say five, maybe six.

20 Q Do you recall who they were?

21 A I don't even recall who they were.

22 Q All right. I would ask you to turn to Staff

23 Exhibit 46.

24 A 56?

25 Q 46.

1 A. 46.

2 Q. Page 21, Allegation 9, I believe it is.

3 You testified at some length about the -- whatever,
4 the 250-pound man and the 105-pound man. I take it that A-2
5 was the heavier of the two?

6 A. That is correct.

7 Q. What was his name?

8 A. Mickey Wiser.

9 Q. Mickey Wiser.

10 Now, I gather Mr. --

11 A. Now, I'm saying this from what my recollection is.

12 Q. That's your --

13 A. Mickey Wiser is -- let me think. I've got a number
14 of large-sized individuals down there and this was back some
15 time ago. I believe A-2 would be identified as Mr. Wiser.
16 I can't be sure. I've got a number of faces to put the names
17 with them.

18 Q. Are you finished?

19 A. Yes.

20 Q. Putting the question slightly differently, you did
21 investigate the matter and talked with the people involved?

22 A. Yes. I talked with Mr. Singleton, who had done
23 the investigation on the condition that was identified.

24 Q. And --?

25 A. And he relayed the story and this was pretty much

1 confirmed by statements made or documented in the NRC reports
2 as well.

3 Q Now, with respect to Mr. Wiser. In this case he
4 apparently made what you view as a reasonable judgment that this
5 was either a meaningless or a foolish threat on the part of the
6 other individuals, right?

7 A This was the general consensus, yes.

8 Q Are you familiar with Mr. Wiser's work on the project
9 and his ability with his responsibilities in carrying out his
10 job?

11 A My knowledge of his responsibilities on the job was,
12 he did a competent job.

13 Q In your view, he used what you would consider good
14 judgment in which judgment was called for in his position as
15 quality assurance/quality control responsibilities?

16 A For those which I have knowledge of, yes.

17 Q If you would now, turn to 2-1 of the same document,
18 Exhibit 46.

19 (Witness complies.)

20 This is a summary of the statement by A-1, and I
21 would -- my question to you is whether you know who anyone is,
22 and I would refer you, and let you read this, specifically to
23 the fourth paragraph, the largest paragraph on that page which
24 may well assist you.

25 (Witness reviews document.)

1 A. Only to the extent I can associate the incident with
2 two inspectors. Now which A-1 is of the two, I can't.

3 Q. Okay. What's the incident?

4 A. This was the incident related to the postplacement
5 meeting in which A-50 and the discussion as to he hadn't violated
6 and the inspector disagreed with his position and A-50 made the
7 statement he called me a liar. This was the incident.

8 Q. A-50 was Mr. Parton in that incident?

9 A. That is correct.

10 Q. Who were the inspectors that you were referring to?

11 A. Danny Prince was one of the inspectors and I can't
12 remember the name of the other inspector.

13 Q. Do you know if Mickey Wiser was the other inspector?

14 A. No, I don't believe Mickey Wiser was the other
15 inspector. I could be wrong, but I don't believe so.

16 Q. And you weren't there at the time, you got your
17 information from Mr. Singleton; is that correct?

18 A. Right.

19 Q. Recalling the incident, this says that A-1 says,
20 "I notified my boss, A-30, who arrived after the placement
21 started." Do you know who that would be?

22 A. No because there are a number -- A-30 would be a
23 lead inspector and there were a number of lead inspectors in
24 the civil area.

25 Q. So A-1 could have had a number of bosses?

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1 A. Depending on which area it was in. The inspector may
2 be assigned to one lead for a specific area and possibly to
3 another one on the next day for another certified and all this,
4 within the discipline.

5 Q With respect to Mr. Prince, I believe you mentioned
6 him --

7 A. Yes. He was one of the inspectors that I recall
8 from the conversation.

9 Q Were you familiar with his ability on the job and
10 his function, the quality of his work in carrying out his
11 responsibilities?

12 A. My contact was very limited from those in the
13 position. From what I knew of Danny, he was a young individual
14 but was very conscientious in his work. He was qualified for
15 certification. That's basically the perception I can give you,
16 a young, eager individual.

17 Q To your knowledge, he used reasonably good judgment
18 in carrying out his responsibilities?

19 MR. HUDSON: I will object to the question, Your
20 Honor. I believe the witness has testified that he had
21 limited contact with the individual. I can't see how he is
22 qualified to make the judgment call that is required here.

23 MR. JORDAN: I specifically qualified the statement
24 by saying, "to your knowledge." He either has the knowledge or
25 he doesn't.

1 MR. HUDSON: I believe it's impossible for the witness
2 to answer that question.

3 MR. JORDAN: That is flatly wrong. He can say he
4 doesn't have knowledge.

5 MR. HUDSON: There has been no foundation laid showing
6 that this witness has any knowledge that would enable him to
7 make that opinion or to answer that question.

8 MR. JORDAN: I feel as if the more recent several
9 answers that he's given haven't been given if the argument
10 that Mr. Hudson is making is valid.

11 He has made his statement relating to his knowledge
12 of the individual's work. And he made a judgment, as a matter
13 of fact, to the degree of quality in his work. I simply asked
14 him to carry on with his judgment. He either has the knowledge
15 to make the statement or not, but it seems to me that he's already
16 told us enough to show he might be able to.

17 JUDGE BECHHOEFER: Let me ask the witness: do you
18 have enough knowledge to answer that question?

19 WITNESS WARNICK: I made the statement I have limited
20 knowledge in the overall performance, but I would have difficulty
21 in taking a very strong position.

22 JUDGE BECHHOEFER: You may answer the question, but
23 you may qualify it in terms of how much knowledge you have of
24 any particular statements.

25 A. From my standpoint, in the limited contact I had with

1 Mr. Prince, I would say I'm not in a position on the broad
2 scope of the project to state a position. I just have a
3 personal observation of limited contact.

4 Q The question was whether, to your knowledge of his
5 work, he exercised reasonably good judgment or not when
6 judgment was called for.

7 A My contact with him in those activities, yes.
8 I would say yes in limited contact.

9 Q I would ask you now to turn to page 26 of Staff
10 Exhibit 46, Allegation 1A. You discussed this allegation
11 with Mr. Hudson, testifying that the inspection was actually
12 done and so on. And I would like to ask you, to your knowledge,
13 then, who is A-5?

14 A A-5 in this report is, in my opinion, Mr. Carl Hart.

15 Q And he was the quality control inspector?

16 A He was the quality control curing inspector. That
17 was his certification.

18 Q Are you familiar with his performance of his work?

19 A Again, not having day-to-day contact with him,
20 limited familiarization with the individual.

21 Q And to the extent that you were familiar, was it your
22 view that he was --

23 MR. JORDAN: Change the question.

24 Q Could you tell us whether he performed his job well,
25 as far as you know, competently?

1 MR. HUDSON: Your Honor, I'm going to object to that
2 question. I think we're going to have the same line of questions
3 we had about the other individual. I don't see that it's relevant,
4 particularly after the witness has testified that he's only had
5 limited contact with these people. I don't see how his opinion,
6 based on that limited contact, can be worth very much.

7 Moreover, the general subject of why his opinion about
8 these people is relevant has not been demonstrated.

9 JUDGE BECHHOEFER: Could you explain the latter.

10 MR. JORDAN: Could we approach the bench, Your
11 Honor, or dismiss the witness, as the case may be?

12 JUDGE BECHHOEFER: You may approach the bench.

13 (A conference was had at the bench.)

14 JUDGE BECHHOEFER: For reasons stated by Mr. Jordan
15 and Mr. Reis at the bench conference, we will overrule the
16 objection and not elaborate at this point.

17 MR. JORDAN: Do you recall the question?

18 THE WITNESS: No, I don't.

19 BY MR. JORDAN:

20 Q. Concerning Carl Hart, who you had identified as A-5,
21 in Allegation 1A, page 26 of Staff Exhibit 46, my question
22 simply was, first, are you -- I believe I asked if you were
23 familiar with the quality of his work and you said you were.
24 I want to ask you, is it your view that he did perform his
25 tasks well and competently in his position?

1 A. Is that the question being asked now?

2 Q. That is the question being asked now.

3 A. For clarification, I believe I said I had limited
4 knowledge of the individual.

5 Q. Yes.

6 A. And my limited knowledge of it is that the individual
7 had difficulty in performing assigned duties. He was limited
8 in certification due to background, work time experience,
9 Level I certification, as I recall, and curing operations was
10 basically the extent to which he was qualified and certified.
11 My recollection is there had been a couple of occasions in
12 which Mr. Hart was discussed with me as to his understanding
13 of what he was assigned to do in performing his responsibility.

14 That's the extent of my limited knowledge with
15 Mr. Hart.

16 Q. Well, let me get it clear what you're saying.

17 It sounds to me like you're saying he was limited
18 in his technical knowledge?

19 A. And limited in what he could do as far as criteria
20 on a project.

21 Q. What do you mean by the latter statement? How does
22 it differ from limitations in technical knowledge?

23 A. None.

24 Q. I gather he had a relatively narrow responsibility.
25 Was it a responsibility in which you would expect him to

1 exercise judgment?

2 A In the specific area of responsibility, there was
3 some judgment involved.

4 Q And to your knowledge, did he use reasonable judgment
5 in performing that task?

6 A I can't answer that as far as judgment aspects.

7 Q Let me ask you, with respect to another individual
8 noted in here, which is A-31. It says, "A-5 [which would be
9 Mr. Hart] advised that he falsely signed off on B3 and B4 under
10 the direct instructions of his supervisor, A-31." Do you know
11 who A-31 is, his supervisor?

12 A A-31, as I recall the incident and discussion would
13 be Mr. Dan Hope, H-o-p-e.

14 Q And what was his position?

15 A He was a lead inspector.

16 Q Was this a lead civil QC inspector?

17 A Yes, sir, lead civil QC inspector.

18 Q And with respect to Mr. Hope, what's your opinion
19 of his performance of the jobs that were his responsibility
20 as lead QC inspector?

21 A Mr. Hope was a very competent, very professional
22 individual, well qualified within the discipline.

23 Q He was?

24 A Yes.

25 Q You seem to have no hesitation. Did you have

1 fairly extensive contact with him?

2 A. Yes, I had. I had extensive contact with Mr. Hope.

3 Q. And what is your view to the extent that he exercised
4 judgment in his position? Is it your view that he exercised
5 good judgment?

6 A. I feel, from a supervisory standpoint, he evaluated
7 the conditions that existed and based upon verification of
8 activities that had been completed, requested somebody qualified
9 in the discipline to initiate the action and sign it. I have
10 to put this in the same category as my signing this type work.
11 It was a supervisory decision he made.

12 Q. You're talking about the specific matter discussed
13 in Allegation 1A?

14 A. That's correct.

15 Q. Okay. I was really asking as a general matter.

16 A. Oh, as a general matter, it was my experience that
17 he used good judgment in any action that he was involved in on
18 the project.

19 Q. If you would turn, then, to page 3-2, which is the
20 results of interview with A-10.

21 (Witness reviews document.)

22

23 //

24 //

25 //

1 Would you review that for a moment and tell us
2 whether you know whether who A-10 is or not?

3 A. No, I do not know who A-10 is.

4 Q. Now, if you would turn to -- I guess you've already
5 answered that for me, so that doesn't matter.

6 You discussed with Mr. Hudson the question of
7 salary complaints and the efforts that you made to change the
8 salary structure, and so on, to take care of complaints, and
9 I just wanted to be clear on something, that you were
10 testifying to your efforts at your level in the company, put
11 together a plan for your employees that you felt might be
12 better for them, and the reason you didn't want to tell them
13 about it was because you didn't know whether you'd be able to
14 get that through the company or not.

15 A. That is correct.

16 MR. JORDAN: That is my recross.

17 JUDGE BECHHOEFER: Mr. Sinkin?

18 REXCROSS-EXAMINATION

19 BY MR. SINKIN:

20 Q. Returning for a moment, Mr. Warnick, to the firing
21 of supervisory personnel right after the Order to Show Cause,
22 do you know how many supervisory personnel were dismissed in
23 that January-February 1980 period?

24 A. I don't know the exact total. I know there was a
25 period of time that they called St. Valentine's Day. I don't

19-2
1 know the exact number involved in that specific layoff,
2 termination.

3 Q. Was that known as the St. Valentine's Day Massacre?

4 A. That's correct.

5 Q. Are there any of the construction supervisory
6 personnel whom you know of that were dismissed who you believe
7 engaged in intimidation and harassment?

8 A. The only individual in -- that I have looked at as
9 having what might be construed as direct involvement in what is
10 termed harassment or intimidation would be the concrete
11 superintendent, who was dismissed from the project.

12 Q. Who was that?

13 A. That was Mr. Quenton Lindsay.

14 Q. Yes. You had another?

15 A. The other gentleman, who was the assistant project
16 construction manager, Mr. Jim Salvetti, I -- Jim was a hard man
17 but I never placed him in a category of being a true harassment
18 and intimidation, and I'm talking from my time period in the
19 site QA manager position.

20 Q. I understand.

21 A. Of the other superintendents who were involved in
22 the layoffs, some of those individuals I looked upon as being
23 most supportive of our program, our QA program.

24 Q. Who did you perceive as among the most supportive
25 of the QA program in terms of supervisory personnel that were

19-3 1 fired?

2 A. A Mr. William Kimper was in the February the 14th
3 action, and Bill was, you know, any time that we went to Bill
4 with a problem, he immediately addressed it and tried to get it
5 resolved.

6 Another individual -- I'm trying to think of his
7 last name -- was in the piping section. I can't remember the
8 gentleman's last name, but he was a piping superintendent.

9 Q. What was his first name?

10 A. Bill. I can't remember his name, but any time we
11 went to him with problems associated with piping activities
12 he never failed to provide us support to get things resolved.

13 Some of the others in that group I was not as
14 familiar with, you know, from day-to-day activities, as were
15 these individuals.

16 I guess that's all I can give you at this point in
17 time.

18 Q. Okay. Coming back to Mr. Salvetti for a moment,
19 I'm not sure I heard you right; did you say he was a hardhead?

20 A. I said that Mr. Salvetti was hard, from a
21 construction standpoint.

22 Q. Hard?

23 A. Hard; which, you get to be a construction manager,
24 that's not too bad a trait, in the true sense of the word. I
25 found Jim, when I went to him with problems, he didn't hesitate

19-4 1 to sit down and discuss and endeavor to get them resolved for me.
2 I don't know what the working relationship may have been
3 previously on the project with him. I can only speak for my
4 time period on the project.

5 We spent a lot of time discussing QA philosophies
6 and he worked with me to try to solve problems.

7 Q Well, when you say he was hard, are you talking
8 about abrasive out in the field or --

9 A With the name Salvetti, there's an inherent
10 association with temperance levels, or tolerance levels, but
11 Jim was spontaneous in terms of response or opinions, very
12 quick to give you his opinion of whether or not he thought you
13 were right or wrong. It may be perceived by somebody to be a
14 fault. To me it isn't, because occasionally I get very
15 spontaneous.

16 Q Do you know, from your examination of Staff
17 Exhibit 46, the Show Cause Violations, if any of the
18 allegations in there involved Mr. Lindsay?

19 A I would have to go -- I haven't been through these
20 recently. I'd have to go from what I recollect from when I did
21 go through them, and it seems that Mr. Lindsay was identified
22 in some of the allegations.

23 Q Do you have a recollection at all of the kind of
24 event it was? That might help us.

25 A The kind of event? It would be associated with --

19-5 1 I believe it was involved in discussions with Mr. Parton's
2 actions, and in one case it also involved Mr. Lindsay, if my
3 recollection is correct. I could be wrong. As I say, I
4 haven't been in these --

5 Q Excuse me. I think there may be some confusion.
6 I'm asking you about Mr. Lindsay.

7 A Quenton Lindsay.

8 Q You said it might be involved with Mr. Parton or
9 Mr. Lindsay. Did you mean Lindsay?

10 A Quenton?

11 Q Yes.

12 A Not between the two, but Quenton was Parton's boss.

13 Q Okay. I understand.

14 A I seem to recall mention of Mr. Quenton Lindsay in,
15 you know, you asked within the context of this whole report.
16 I can't give you a specific area within this -- it's just my
17 recollection, but somewhere in this thing Mr. Quenton Lindsay
18 was....

19 Q Well, let's take a stab at one. Try Page 2-24.
20 This would be the statement of A-45.

21 MR. AXELRAD: Mr. Chairman, before we go much
22 further on this, I would like to object on the basis that it
23 is not clear to me how the questions at this point are proper
24 on recross, which the previous questions, as well as this one,
25 relate to.

19-6 1 MR. SINKIN: Well, we started with the supervisory
2 personnel that Mr. Warnick had indicated he had some feeling for
3 were engaged in intimidation and harassment.

4 He said Mr. Lindsay was a borderline case,
5 essentially; that he was hard, but not necessarily one of the
6 harassers, and I'm trying to find out the incidents that
7 Mr. Lindsay was involved in that would lead him to make that
8 judgment.

9 MR. AXELRAD: I still don't understand,
10 Mr. Chairman. It seems to me that perhaps the identification
11 of the possible individuals might somehow have related to
12 what happened on direct examination and on cross, but they're
13 now going on further as to whether one of those individuals,
14 if they might have been Lindsay, was somehow involved in other
15 events. I'm not sure that that relates to the scope of the
16 original cross-examination.

17 MR. SINKIN: I'll try again, if you want.

18 We start with the fact that Mr. Warnick is aware
19 of supervisory personnel who were dismissed that in his opinion
20 engaged in intimidation and harassment. He named -- I'm sorry,
21 he named Mr. Lindsay as one who engaged in intimidation and
22 harassment. It was Mr. Salvetti that was borderline.

23 I'm trying to go from that to his knowledge of the
24 Order to Show Cause, the events that Mr. Lindsay might have
25 been involved in, and see what kind of events Mr. Lindsay was

19-7

1 involved in, and if those are the kind of events that led him
2 to conclude Mr. Lindsay was engaged in intimidation and
3 harassment.

4 MR. RE S: Mr. Chairman, this seems quite attenuous
5 as redirect -- as recross. It may have been proper for cross,
6 but for recross the scope should be rather narrow and be
7 directly relevant to what was asked before, and this gets
8 beyond that.

9 MR. JORDAN: It seems to me this is directly
10 relevant to the questions which the Chairman raised on the
11 two people who were fired, whatever they called it,
12 construction supervisors, who were fired for harassment and
13 intimidation in January and February of 1980, and we're
14 really just pursuing that to try and find out whether that's
15 the case or not.

16 You're not limited to one or two questions; a line
17 of questions was opened up.

18 (Board conference.)

19 JUDGE BECHHOEFER: I think we're going to sustain
20 that objection. I think it's getting a little tenuous.

21 BY MR. SINKIN:

22 Q In discussing verbal harassment, you used a phrase
23 that I thought probably capsulated it, you said site language,
24 by which I assume you mean rougher language than is normally
25 used out in the everyday world because it's a construction site;

19-8

✓

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

is that what you meant by that term?

A. That's correct.

Q. And such language is common on construction sites,
in your experience?

A. Yes.

- - -

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1 Q. If you're experiencing an inordinate amount of
2 friction between construction and QC, as has happened in this
3 project, on occasion, do you feel from your experience on
4 construction projects, that written instructions to construc-
5 tion personnel, to always say please and thank you and sir, are
6 an effective way of dealing with that problem?

7 A. They are a means of communicating management's
8 position, and making people conscious of what their conver-
9 sation may be interpreted as.

10 As far as saying what I can do with a document to
11 make people change what they are, you know, significantly, or
12 overnight or make a saint out of a sinner, no.

13 Q. Do you think it's realistic for management to
14 expect such a directive to reduce verbal harassment?

15 A. In a singular application of the procedure? I'd
16 have to qualify my response.

17 Q. I'm talking about a single memorandum sent to all
18 construction personnel saying, "From now on you should use
19 Please, Thank You, Sir."?

20 A. No, I don't think a single memorandum is going to
21 do that.

22 Q. Thank you.

23 You characterized one incident as pertaining to
24 permanent plant equipment maintenance.

25 Do you remember that?

1 A. Yes.

2 Q. Which incident was it you were referring to?

3 A. The individual who is identified involving the
4 two inspectors and the five construction supervisory personnel.

5 Q. That's the one you changed the date on; is that
6 correct?

7 A. That is correct.

8 Q. In changing the date from 1980 to 1979, are you
9 leaving July as the month?

10 A. I was on vacation during the latter part of July
11 and the first part of August. The specific date on that would
12 be either the tail-end of July or the first part of August.

13 Q. Thank you.

14 You answered a few questions about Chuck Vincent.
15 Was he based on the site or in Houston?

16 A. From 1978, April of '78, Mr. Vincent was on the
17 project until the transition of project QA management to Houston,
18 which occurred in February of '79, then he was based in
19 Houston.

20 Q. You also mentioned, in response to a question that
21 there were certain people construction complained about. QC,
22 that construction complained about, who were also QC that were
23 threatened by construction.

24 Can you tie the two together for us and tell us
25 who you're talking about?

1 A. I believe my statement were, there were people
2 who were identified by construction as having concerns of the
3 performance and they were also involved in the incidents
4 identified; if I'm not mistaken.

5 Q. Well, now -- either I have misunderstood or it is
6 not what you testified to. I don't know which.

7 Let me just ask a straight question, then.

8 To your knowledge, among the inspectors construc-
9 tion complained about, did any of those inspectors experience
10 intimidation and harassment from construction?

11 A. Yes.

12 Q. And which ones were those, that you remember?

13 A. To go back to the original presentation, which
14 harassment and intimidation, we have Danny Prince -- Dave --
15 I'm not sure I gave that name. I was just thinking of an
16 instance --

17 Right now I can't think of any other names that
18 were specifically identified in any incidents so that I can
19 relate at this point in time.

20 Q. Okay.

21 In saying that Mr. Dave experienced harassment
22 or intimidation from construction, are you referring to the
23 incident Mr. Hudson questioned you about or to another incident?

24 Do you remember Mr. Hudson questioning you on
25 recross?

1 A. I'm trying --

2 Q. Or redirect.

3 Mr. Hudson questioned you on redirect regarding the
4 incident of Mr. Dave and Mr. Evans.

5 A. Evans. That's correct.

6 Q. And his question was whether it was a threat or
7 just a disagreement; when you say Mr. Dave experienced intimi-
8 dation or harassment, are you referring to that encounter with
9 Mr. Evans or are you referring to some other incident?

10 A. I'm referring to individuals who were part of the
11 incidents and also were identified, have been identified in
12 one form or another by construction as being a concern to them
13 in support of the activity.

14 As I say, I don't know whether I mentioned Mr.
15 Dave in the initial information.

16 Q. Earlier, in listing inspectors in a group, you
17 had a female inspector named Cecilia, whose last name you
18 couldn't remember. Have you by any chance remembered her last
19 name?

20 A. Cecilia Esposito.

21 Q. Esposito. Thank you.

22 Did you have any direct interactions with Mr.
23 Swayze?

24 A. Not from a project responsibility standpoint, no.

25 Q. Other than a project responsibility standpoint?

1 A. I have talked with Mr. Swayze on occasion, but as
2 far as to know what QC was doing and their interactions within
3 the organization, I had no responsibility for any of his
4 activities.

5 Q. When you say you talked to Mr. Swayze, you mean
6 at the time you and he were both on the project?

7 A. That's correct.

8 Q. In response to questions from Chairman Bechhoefer,
9 you were going through the incidents that you were not aware of;
10 the wrench, the throwing off the dome; those things. And I
11 don't think we quite finished that up.

12 You testified that Mr. Singleton investigated the
13 throwing off the building charge and I guess I do have a
14 question about that.

15 Maybe you can enlighten me a little bit.

16 Q. Do you know -- referring to 2-3 in the Exhibit 46,
17 you have identified A-2. Do you know who the construction
18 person was that said "I'm going to throw you off the building."?

19 A. No, I do not. I do not personally know who the
20 construction worker was.

21 Q. And where do you get the knowledge as to his weight?

22 A. From Mr. Singleton. Also from the individual
23 involved in the incident in terms of -- I'm trying to relate
24 specific information.

25 Mr. Singleton made the comparison of the two

1 individuals and the individuals more or less kind of joked
2 with an attitude to him about, why, because of his size.
3 So the primary input on that was from the individual -- I mean,
4 from Mr. Singleton.

5 Q. Now, you said A-2 is Mickey Wisser -- to the best
6 of your --

7 A. That's what I've stated. To my knowledge and
8 understanding of the incident with A-2 was, and I put that
9 name together because of the size of the individual, but I
10 had three individuals who were of that --

11 Q. Size?

12 A. Size.

13 Q. Okay.

14 JUDGE BECHHOEFER: Mr. Warnick, was Mr. Wisser
15 the same person that you mentioned someone was complained about
16 because he couldn't fit into small places?

17 WITNESS WARNICK: No. That was nother gentleman,
18 Mr. C. D. Smith.

19 BY MR. SINKIN:

20 Q. Okay. I guess what has me sort of hung up is the
21 use of the term Friar Tuck here.

22 Do you know who Friar Tuck was?

23 A. I could only make an assumption on this point,
24 and I don't --

25

20-7 1 Q No, I mean actually in literature, do you know
2 who Friar Tuck was?

3 MR. REIS: I object to the question.

4 MR. SINKIN: I can make it directly relevant.

5 MR. REIS: I don't think it's very relevant. I
6 think the hour is getting late and let's go.

7 MR. SINKIN: We probably needed that.

8 JUDGE BECHHOEFER: I think I'll sustain that.

9 MR. SINKIN: I didn't get to explain the relevance,
10 but, okay.

11 BY MR. SINKIN:

12 Q On the crescent wrench event, the threatening with
13 the crescent wrench, who was it that reported to you the
14 details of that event?

15 A Mr. Singleton.

16 Q And what do you know about what happened in the
17 incident where the construction man threatened the QC man
18 with a shovel and threatened to get him in the parking lot
19 with a .357 Magnum? Did anyone ever report to you on that?

20 A No.

21 Q Mr. Singleton didn't --

22 JUDGE BECHHOEFER: Didn't he answer that question
23 before?

24 MR. SINKIN: No. When you were going through, you
25 didn't ask that one. That's why I was coming back to it.

20-8

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

JUDGE BECHHOEFER: Oh, okay.

BY MR. SINKIN:

Q You say you did not receive any report?

A I don't recall a specific report on that specific incident.

Q You have never at any time received a report on that particular incident?

A Not that I can....

Q Did you ever discover the identity of any individual who had called the NRC with a complaint?

MR. HUDSON: Objection, Your Honor. I don't believe that's within the scope of the direct examination.

MR. SINKIN: Oh, it's very much so. Mr. Warnick was asked about a statement attributed to him that if you call the NRC we find out about it, and that is the question I'm addressing.

(Board conference.)

JUDGE BECHHOEFER: That objection is overruled.

BY MR. SINKIN:

Q The question is, did you ever discover the identity of any individual who called the NRC to make a complaint?

A No.

Q In questioning about that remark about if you call the NRC we hear about it, you related a circumstance in which

1 you said things that you feel may have been misinterpreted,
2 and you said that there was an old QC hand named Joe. Could
3 you give me Joe's last name?

4 A. Joe Keane.

5 Q. Joe Keane.

6 Turning to 2-22, Exhibit 46, the fifth paragraph,
7 if you would just read that for a moment.

8 All right. We know that A-50 is Parton and
9 A-35 is Singleton.

10 Can you tell me what you're referring to there,
11 what conversation, and what alleged direction given to
12 Singleton?

13 A. Yes.

14 MR. AXELRAD: Mr. Chairman, can I object to that?

15 JUDGE BECHHOEFER: Yes.

16 MR. AXELRAD: What is the scope of that to the --
17 any previous questions that were asked on cross examination?

18 MR. SINKIN: He was asked a number of questions
19 about this statement.

20 MR. HUDSON: He was also asked a number of
21 statements about this report, but that doesn't allow you to
22 ask questions about everything that's in this report.

23 MR. REIS: I don't recall that paragraph being
24 asked about.

25 JUDGE BECHHOEFER: I take it you didn't ask about

20-10 1 that, Mr. Reis. That's correct.

2 We'll sustain that objection.

3 BY MR. SINKIN:

4 Q Referring to Page 26 of the Order to Show Cause
5 report, this is the signing off on the cure that you've talked
6 about extensively, when would the last inspector normally sign
7 off on a cure? Would he sign off the day it was cured? Would
8 he wait a week? Would he wait a month? When would he normally
9 sign off?

10 A Curing activities are time framed, established time
11 periods for curing activities, whether it be wet curing or
12 membrane, or whatever it may be. The final sign-off would be
13 at the completion of the curing cycle, when it's verified that
14 everything is as it should be and no physical damage to the
15 surface, discontinuities, or what have you, and that would be
16 the time frame in which that activity would be finalized.

17 Q To your knowledge, did the inspector who signed
18 actually review the records you testified were available
19 regarding the previous inspection work?

20 A I can't testify absolutely that he sat down and
21 reviewed them.

22 Q Is it your conclusion that Mr. Dan Hope told
23 Mr. Hart to sign off, even though Mr. Hart had not done the
24 final inspection?

25 A It's my conclusion that Dan Hope presented what was

20-11

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

considered the sequence of events and asked Mr. Hart to sign
 off on the document.

- - -

300 7TH STREET, S.W. , REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

21-1
1 BY MR. SINKIN:

2 Q Did any person ever tell you, or any document ever
3 provide you with the source for the authority to issue a partial
4 stop-work release?

5 A I assume you mean a formalized program for that
6 partial release.

7 Q I am looking for what you would consider your source
8 of authority for ordering a partial stop-work release, related
9 to the time of the incident we have discussed.

10 A Procedural requirement, as I interpret them would
11 provide authority for controlled release of a stop-work order,
12 the primary purpose of a stop-work order being to control the
13 activity to insure that it probably addressed in the proper
14 resolution to the condition prior to resuming work.

15 Q Is there any particular procedure that you can point
16 to that would give you that authority?

17 A Within the non-conformance reporting procedure
18 program on the project, provisions for issuance of stop-work
19 and the criteria for releasing work controlled by that stop-
20 work document, and it more or less is final signoff by the --
21 at that point in time was the signoff of site to a manager as
22 authorization to proceed with work activities.

23 Q When you say the non-conformance reporting procedure
24 are you referring to a document or an actual document that is a
25 control document at the site?

21-2

1 A That is correct.

2 Q And that document gives the site QA Manager the
3 authority to issue a partial stop-work order release?

4 A It gives the site QA Manager the authority to release
5 the activity controlled by it. It does not authorize or negate
6 exercising partial stop-work releases. That's a decision as
7 long as it is under controlled conditions that release is made.

8 Q Was it customary for you to release stop-work orders,
9 partially or otherwise?

10 A Customary? It was mandatory. I was the only one that
11 actually could release them.

12 Q The document, itself?

13 A The activity. The document was only a formalization
14 of stopping the activity.

15 Q I seem to be hearing that there is a document, a
16 stop-work order, and that for the activity to go forward you
17 have to let the activity go forward, and at the same time you
18 have the authority to deal with the document and say, "Okay. I
19 now sign on this document and say that the stop-work is
20 release."

21 A It may be better if I give you a sequence of events
22 so that you can better understand.

23 A condition arises which in the opinion of Quality
24 Assurance Management warrants to cease and desist this operation
25 until we resolve the condition.

21-3 1 A notification to construction is made. It is
2 documented on a formal stop-work notice, number of control, the
3 whole programatic requirement.

4 That document is hand carried over to the Construction
5 Supervisor who had the responsibility of stopping the activity;
6 either the Assistant Construction Manager, or the Construction
7 Manager. He acknowledge the fact that he was being issued a
8 stop-work order. And it was his responsibility to make certain
9 that the Construction Supervision shut the activity down.

10 From that point it went into a resolution of the
11 problem identified, the proposed corrective action would come
12 in, be evaluated as to whether or not that activity would indeed
13 solve the problem, correct the condition existing, to evaluation
14 by quality engineering, myself. We would determine whether or
15 not we considered the action adequate to solve the problem.

16 If it was determined to be adequate, and the
17 signature on the project which was authorization to lift that
18 stop-work or portions thereof was with the site QA Management.

19 MR. SINKIN: That concludes my recross, Your Honor.

20 MR. REIS: Mr. Chairman, just to give you an idea,
21 I think I can conclude in about 15 minutes, unless the Board
22 has more questions.

23 JUDGE BECHHOEFER: Are you finished?

24 MR. SINKIN: Yes, sir.

25 JUDGE BECHHOEFER: Let's take a short break before

21-4
1 you start, but you wish Mr. Warnick to be able to return after
2 today?

3 MR. AXELRAD: Yes. We very much would like to let
4 Mr. Warnick to be able to go back to Indiana, so if we could
5 finish him this evening we would appreciate that.

6 JUDGE BECHHOEFER: We will take just a five-minute
7 break.

8 (A short recess was taken.)

9 JUDGE BECHHOEFER: On the record.

10 MR. REIS: May I proceed?

11 JUDGE BECHHOEFER: Yes.

12 RE-CROSS-EXAMINATION

13 BY MR. REIS:

14 Q Mr. Warnick, in Exhibit 46, Staff Exhibit 46, I call
15 your attention again to Page 2.3. The statement is quoted:

16 "Don't give us any trouble. We'll throw you off
17 the wall and you can pick your side."

18 Do you know how many people were with the construction
19 man who made that statement?

20 A No. I do not.

21 Q Was there six or eight other construction men up
22 there, and one --

23 A I don't --

24 Q -- QC Inspector?

25 A I don't know how many people were involved, or were

1 present with the construction man at that time.

2 Q And you don't know whether this was a threat voice
3 by one person on behalf of many?

4 A My understanding is that one individual made the
5 statement.

6 Q But you don't know whether he was part of a group?

7 A No.

8 Q Now, looking at Allegations 9 and 10 which you
9 testified to before, which are on pages 21 and 22 in Staff
10 Exhibit 46, do you know whether at the time of those incidences
11 the QC Inspectors had radios with them?

12 A No, I don't.

13 Q Looking at Allegation 1A on page 26, did your
14 investigation show whether A-5 worked on the dates in question
15 where his initials appeared?

16 A No, I don't believe so.

17 Q He did not work on those dates?

18 A I don't believe my investigation verified that
19 specific position.

20 Q I see, so you investigated this but you didn't
21 see, you didn't attempt or you didn't find out whether this
22 gentleman worked on the dates that were inititalled there?

23 A No, sir.

24 Q What were you looking for in your investigation if
25 you didn't look at that?

1 A. I believe that Mr. Singleton, that we discuss at
2 length what had transpired with this activity and the documen-
3 tation was reviewed and verified as activity having been
4 performed by qualified individuals and that the action that
5 was taken by individual A-5 was the results of evaluation.

6 Mr. Singleton and Mr. Hope was involved in the
7 documentation in that the activities had been completed by
8 qualified certified individuals and he was asked to finalize
9 a report.

10 Q But you don't know whether it was falsely dated?

11 A. Falsely dated, no, sir.

12 Q. You don't know that?

13 A. I don't know that.

14 Q. As is reported in this statement.

15 A. No, sir.

16 Q. It says here, in addition review -- in going
17 down under investigative findings, about the tenth line,
18 "In addition, review of Brown & Root Labor Control Sheet D5
19 verifies that A-5 did not work on the two dates so indicated
20 by his initials."

21 A. For which he signed for those dates, that is correct.

22 Q. He did not work on those dates?

23 A. That is correct.

24 Q. Thank you.

25 Why didn't somebody who verified it who worked on

1 those dates sign it?

2 A. As I recall the overall review of the documentation,
3 individuals had made notation of the fact that they had covered
4 the activity and they had neglected to sign for those specific
5 dates but there was documents that they had covered the activity.
6 That's as I recall the sequence of events that occurred. And,
7 on that basis, Mr. Hope had asked Mr. Hart to sign off when
8 he came on board because these signatures were missing.

9 Q. Why didn't Mr. Hope ask the people who actually
10 inspected the work to sign it?

11 A. They were not available on that specific day that
12 he was trying to sign off the activity.

13 Q. Going to Staff Exhibit 32 on page 12, there was
14 talk before, this is the release of the stop work order which
15 you did orally. Can you cite me to the number of the procedure
16 that allows the verbal lifting of a stop work order? Is there
17 one?

18 A. There is no procedure for the verbal lifting of
19 stop work orders, sir.

20 Q. Thank you.

21 Now, going to your testimony on page 27, I believe
22 Judge Lamb asked you some questions about the final paragraph
23 there.

24 You say the QC program was working as evidenced in
25 part by the problems that have identified through the NCR's

1 written in the course of carrying out the QC program.

2 In answering that question, did you factor into your
3 answer the violations found in Investigative Report 79-19?

4 A. Those findings were addressed as concerns, but
5 looking at the overall quality assurance program on the project,
6 our assessment was, in our opinion or in my opinion, from my
7 testimony, there is significant evidence that the program was
8 working, based upon documented deficiencies and resolutions to
9 those problems. Some of the areas identified in the 79-19 we
10 had previously identified or addressed.

11 Q. And you feel that your quality control/quality
12 assurance program was properly working as, for instance, for
13 welding and the control of welding activities?

14 A. Yes, sir.

15 Q. Was your quality assurance/quality control program
16 identifying defects in welds?

17 A. Yes, sir.

18 Q. Was it allowing the passing of radiographs of welds
19 that were fogged or otherwise unreadable?

20 A. There were conditions identified that needed to be
21 corrected which were documentd.

22 Q. Were these documented before or after 79-19 was
23 conducted?

24 A. The specifics which were formally addressed in
25 79-19 may not have been formally documented at that point in

1 time, but we had already initiated action to cut down on
2 welding operations pending a review of the program.

3 Q And you had initiated that action before you had
4 a conference with the NRC in December of 1979 which identified
5 the welding problem? That's your testimony?

6 A I cannot remember the specific date I signed the
7 stop work order for the shut down of welding, both ASME and
8 AWS.

9 Q Do you know the dates that you initiated 50.55(e)'s
10 on welding?

11 A No, sir. Those are initiated by the licensing
12 review board or ASME review board.

13 Q Going to Allegation No. 6 on page 18. In November
14 of 1979, how many inspectors were there in the civil discipline,
15 approximately?

16 A I would have to identify approximately thirty-four
17 to forty-two, somewhere in that range, as I recall it. I would
18 have to go to the records to get the exact number.

19 MR. REIS: That's all I have.

20 JUDGE BECHHOEFER: The Board has no questions at
21 this time.

22 Mr. Hudson?

23 (Counsel conferring.)

24 MR. HUDSON: I think we have one matter we would like
25 to ask some questions about.

1 FURTHER REDIRECT EXAMINATION

2 BY MR. HUDSON:

3 Q Mr. Warnick, you were asked on recross whether you
4 discovered the identities of any persons who had ever phones
5 in complaints to the NRC, and you answered that you had not;
6 is that correct?

7 A That's correct.

8 Q Are you aware that Mr. Singleton has phoned the
9 NRC on occasions?

10 A I believe that's in a part of his testimony.

11 Q Is it true that you were aware of that one incident
12 and, if so, when did you become aware of it?13 A In that specific incident, I became aware of it
14 during the development of the testimony. I was not aware of
15 any one prior to that specific incident, and I did not equate
16 that as a response to the question.

17 MR. HUDSON: That's all.

18 MR. REIS: Mr. Chairman, that leads me to another
19 question.

20 FURTHER RE-CROSS-EXAMINATION

21 BY MR. REIS:

22 Q Did Mr. Singleton tell you which incident?

23 A No.

24 MR. REIS: No.

25 JUDGE BECHHOEFER: Mr. Jordan or Mr. Sinkin?

1 MR. JORDAN: I would like to go home.

2 MR. BECHHOEFER: Anything further?

3 MR. SINKIN: Does that mean you have nothing

4 further?

5 MR. JORDAN: Yes.

6 MR. SINKIN: Just one question.

7 FURTHER RECROSS-EXAMINATION

8 BY MR. SINKIN:

9 Q Returning to that, 2-3, we're at Unit One --

10 A I have it.

11 Q -- elevation 60 feet and talking about A-45's
12 crew. I'm wondering if you have any feel for how many people
13 you would expect to be on a crew in those circumstances.

14 A One to one hundred.

15 Q Okay.

16 A It would depend on what activity was transpiring at
17 that elevation at that time.

18 MR. SINKIN: Okay. That's all I have.

19 JUDGE BECHHOEFER: Mr. Warnick, I believe you're
20 excused. Have a nice trip back to Indiana.

21 We will be back at 9:00 o'clock tomorrow and will
22 adjourn at this time.

23 (Whereupon at 6:35 o'clock p.m., the
24 hearing in the above referenced matter was
25 adjourned, to reconvene at 9:00 o'clock,
September 16, 1981.)

This is to certify that the attached proceedings before the
NUCLEAR REGULATORY COMMISSION

in the matter of: HOUSTON LIGHTING & POWER COMPANY
SOUTH TEXAS NUCLEAR PROJECT UNITS 1&2

DATE of proceedings. September 15, 1981

DOCKET Number: 50-498 OL; 50-499 OL

PLACE of proceedings: Houston, Texas

were held as herein appears, and that this is the original
transcript thereof for the file of the Commission.

Lagailda Barnes
Official Reporter (Typed)

Lagailda Barnes
Official Reporter (Signature)

This is to certify that the attached proceedings before the
NUCLEAR REGULATORY COMMISSION

in the matter of: HOUSTON LIGHTING & POWER COMPANY
SOUTH TEXAS NUCLEAR PROJECT UNITS 1&2

DATE of proceedings: September 15, 1981

DOCKET Number: 50-498 OL; 50-499 OL

PLACE of proceedings: Houston, Texas

were held as herein appears, and that this is the original
transcript thereof for the file of the Commission.

Lagailda Barnes
Official Reporter (Typed)

Lagailda Barnes
Official Reporter (Signature)