

ORIGINAL

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the matter of:

TEXAS UTILITIES ELECTRIC
COMPANY, et al

Docket No. 50-445
50-446

(Comanche Peak Steam Electric
Station, Units 1 & 2)

Deposition of: Antonio Vega

Location: ~~Glen Rose~~, Texas

Pages: 36,500-36,659

Date: Monday, July 9, 1984

*Original to E. Pleasant
H-1149*

TR 01 0/1

1 copy to E. Johnson, Region 10

TAYLOR ASSOCIATES

Court Reporters
1625 I Street, N.W. Suite 1004
Washington, D.C. 20006
(202) 293-3950

8407170035 840709
PDR ADOCK 05000445
T PDR

mgc-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

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY & LICENSING BOARD

-----x
 In the matter of: :
 :
 TEXAS UTILITIES ELECTRIC :
 COMPANY, et al. : Docket Nos. 50-445
 : 50-446
 (Comanche Peak Steam Electric :
 Station, Units 1 and 2) :
 -----x

Glen Rose Motor Inn
Glen Rose, Texas

July 9, 1984

Deposition of: ANTONIO VEGA
called by examination by counsel for the Applicants
taken before Mary C. Simons, Court Reporter,
beginning at 10:03a.m., pursuant to agreement.

1 APPEARANCES:

2
3 FOR THE APPLICANT AND THE WITNESS:

4 MC NEILL WATKINS, II, ESQ.
5 Bishop, Liberman, Cook, Purcell & Reynolds
6 1200 17th Street, NW.
7 Washington, D.C. 20036

8 FOR THE NRC STAFF:

9 GEARY S. MIZUNO, ESQ.
10 Office of the Executive Legal Director
11 U.S. Nuclear Regulatory Commission
12 Washington, D.C. 20555

13 FOR THE JOINT INTERVENORS:

14 JUANITA ELLIS, President
15 CASE
16 1426 S. Polk
17 Dallas, Texas 75224

18 -and-

19 ANTHONY Z. ROISMAN, ESQ.
20 Trial Lawyers for Public Justice, P.C.
21 Suite 611, 2000 P Street NW
22 Washington, D.C. 20036
23
24
25

Sim-1

I N D E X1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25WITNESSEXAMINATION BY:PAGE

ANTONIO VEGA

By Mr. Roisman

36,502

By Mr. Mizuno

36,636

E X H I B I T SEXHIBIT NO.MARKED FOR IDENTIFICATIONRECEIVED

43-1

36,508

43-2

36,508

43-3

36,531

43-4

36,540

43-5

36,551

43-6

36,563

43-7

36,591

43-8

36,600

mgc 1-2

P R O C E E D I N G S

1
2 MR. ROISMAN: I think we should start this deposition
3 by indicating that the persons present for the deposition --
4 my name is Anthony Z. Roisman, and I am a counsel for the
5 Intervenor, CASE -- that is capital C A S E (spelling
6 acronym), and with me is Juanita Ellis, who is the
7 President of CASE.

8 MR. MIZUNO: My name is Geary S. Mizuno, and I am
9 the counsel for the NRC Staff.

10 MR. WATKINS: I am McNeill Watkins for the Applicants
11 in this proceeding, and also for Mr. Antonio Vega.
12 Whereupon,

13 ANTONIO VEGA
14 was called as a witness on behalf of the Applicants and,
15 having been previously duly sworn, was examined and
16 testified further as follows:

EXAMINATION

17
18 BY MR. ROISMAN:

19 Q Mr. Vega, will you identify yourself for the
20 record?

21 A Yes. My name is Antonio Vega. I am the Site
22 Quality Assurance Manager for TUGCO, T U G C O (spelling
23 acronym).

24 MR. WATKINS: Mr. Vega has been previously sworn
25 as a witness in this proceeding and continues under oath.

mgc 1-2

1 MR. ROISMAN: Mr. Watkins, I understand you have
2 a statement that you want to read into the record in the
3 beginning. If you want to do that now, and then we will
4 get to the other later.

5 MR. WATKINS: Mr. Vega is appearing voluntarily
6 and is not under subpoena for purposes of this deposition.
7 Mr. Vega's testimony has been requested from the Applicant
8 by CASE, the Intervenor, on the topics specified in
9 CASE's letter to Leonard W. Belter, dated June 27, 1984,
10 a copy of which I am handing to the Court Reporter and
11 requesting that she mark for identification as Exhibit A.

12 (The document referred to was
13 marked Applicants' Exhibit A
14 for identification.)

15 MR. WATKINS: The Applicant has stated its
16 objections to the deposition procedures being used in this
17 proceeding and intends no waiver of those objections by
18 offering Mr. Vega for deposition today.

19 At this time I would like to summarize the
20 guidelines established by the Board for this proceeding
21 and for the taking of this deposition.

22 Under the Order issued by the Board on March 15,
23 as modified by a series of subsequent telephone conference
24 rulings, the scope of this deposition is limited to the
25 taking of evidence and the making of discovery on alleged

mgc 1-3

1 harassment, intimidation and threatening of quality
2 assurance, quality control or QC/QA personnel. With
3 one exception, allegations regarding any claim of
4 harassment or intimidation of craft personnel have been
5 specifically ruled by the Board to be beyond the scope of
6 this examination and these proceedings.

7 The Board also has ruled that the only evidence base --
8 that only evidence based on personal knowledge may be
9 introduced and that hearsay, innuendo and the like are not
10 proper subjects of the evidentiary portion of this
11 deposition.

12 Finally, the Board has instructed the parties
13 to separate the evidentiary and discovery portions of
14 their examination of the witness and give effect to the
15 ruling, as well as to ensure expeditious completion of
16 this deposition, we offer Mr. Vega as a witness on the
17 evidentiary portion of this deposition. The issues in
18 this portion of the deposition are defined by CASE's
19 letter of June 27, a copy of which has been marked as
20 Exhibit A to Mr. Vega's deposition. At the conclusion of
21 the evidentiary deposition, the evidentiary record will
22 be closed, and the opening of a new transcript will be
23 separately bound for the discovery deposition of Mr. Vega
24 which will commence, should CASE decide to conduct such
25 a deposition.

mgc 1-4

1 When the transcripts are available, the witness
2 will sign the original of each of his depositions on the
3 understanding that should the executed originals not be
4 filed with the Board within seven days of the conclusion
5 of the deposition, a copy of either of the transcripts may
6 be used to the same extent as the original.

7 MR. ROISMAN: For the record, that statement
8 just made by Mr. Watkins represents the Applicants'
9 interpretation of a number of issues which are disputed,
10 including their definition of the scope of the deposition,
11 their proposition that we divide the deposition into two
12 entirely separate transcripts. It is our intent to conduct
13 only evidentiary matters here today. We do not, to the
14 extent that we would ask questions that have not been
15 previously identified in the June 27th filing by us with
16 the Applicant, that that represents a discovery matter. It
17 may arguably represent a matter for surprise.

18 We are not attempting at this time to give a full
19 or complete answer to the statement which was just made
20 by Applicant, nor do we think that one is required in order
21 to reserve our rights to dispute those points at any time
22 at which the Applicant attempts to press them before
23 the Board.

24 BY MR. ROISMAN:

25 Q Mr. Vega, would you please briefly tell me,

mgc 1-5

1 what is your present position at the company and when
2 you first reached this position with the company?

3 A My present position is that of Site Quality
4 Assurance Manager for TUGCO at Comanche Peak. I started
5 in that job on March the 16th of 1984.

6 Q And what was your position with the company prior
7 to that?

8 A Prior to that, I was the Supervisor of Quality
9 Assurance Services, working out of Dallas.

10 Q Could you briefly describe the differences between
11 those two positions? That is, what were the new
12 responsibilities that you took on with the current position
13 that you did not have before and what responsibilities that
14 you had before did you now give up?

15 A Well, it's two different job functions, two
16 different positions, reporting directly to the Manager of
17 Quality Assurance.

18 As Supervisor of Quality Assurance Services,
19 I was responsible for the independent assessment of
20 activities. That includes the audit function of the
21 architect engineers, safety-related vendors, construction
22 work start-up, operations activities, also responsible
23 for providing quality assurance support for licensing
24 activities such as answering interrogatories and this kind
25 of thing.

mgc 1-6

1 That is what my job responsibilities -- I also
2 had a surveillance group that worked out of the site that
3 reported to me.

4 In my new position, I am no longer responsible
5 for the independent assessment. I am now responsible for
6 the quality assurance functions on site. I still retain
7 the surveillance function that reports to me.

8 Again, it is two different positions with
9 little -- the only carry-over being surveillance.

10 Q And is the person who has replaced you in the
11 position that you had, does that person now report to you
12 in your new position?

13 A No, he does not. He continues to report to
14 Mr. Chapman.

15 MR. ROISMAN: I notice, Mr. Watkins, earlier
16 that you had identified a document as Exhibit A. We had
17 worked out an agreement with Mr. Downey that we would
18 identify all the documents for purposes of the transcript
19 by a common number that would begin with the room number
20 and then a hyphen and then consecutive numbers from that
21 time on, so that we would always have a running list of
22 the documents, and they would just be identified by the
23 room.

24 In light of that, I wonder if we could redesignate
25 your document as Document 43-1, and then I would ask the

mgc 1-7

1 Reporter to mark the document I am now going to give her
2 as 43-2 and continue in that way.

3 MR. WATKINS: Agreed as to marking the first
4 document 43-1.

5 (The document previously marked
6 Exhibit A for identification
7 was redesignated as Intervenor's
8 Exhibit 43-1.)

9 MR. ROISMAN: All right. And then if the
10 reporter would just mark this 43-2.

11 (The document referred to was
12 marked Intervenor's Exhibit 43-2
13 for identification.)

14 BY MR. ROISMAN:

15 Q Mr. Vega, I am going to hand you the document
16 that was just marked 43-2. It is a memorandum, Subject:
17 QA Policy. It purports to be signed by you. It' dated
18 March 22, 1984, and it's to Site QA/QC personnel.

19 Would you take a look at it and tell me if you
20 recognize the document (handing document to witness)?

21 MR. WATKINS: Mr. Roisman, do you have copies
22 of the document for counsel?

23 MR. ROISMAN: No, but the document that I have
24 I received from counsel. These are documents that I
25 received in discovery from the utility.

m ● mgc 1-8

1 MR. WATKINS: Does NRC counsel have a copy?

2 MR. MIZUNO: Not with me, no.

3 Can we go off the record at this point?

4 MR. ROISMAN: Off the record.

5 (Discussion off the record.)

6 MR. MIZUNO: While we were off -- this is
7 Mr. Mizuno -- while we were off the record, the counsel
8 for the NRC Staff requested that in the future documents
9 which will be shown to the various witnesses and made
10 exhibits -- identified as exhibits in the depositions be --
11 that copies of these documents also be provided to the
12 counsel for the other parties, and Mr. Roisman, counsel
13 for the Intervenor, indicated that he would try to do that,
14 to the extent that he could, recognizing that in part their
15 problem is that there are not sufficient Xerox facilities
16 in the area, and also that many of these documents were
17 provided by certain parties, and he didn't want to have a
18 redundant copying of documents.

19 You may proceed.

20 BY MR. ROISMAN:

21 Q Mr. Vega, if we can look at that together,
22 and then I will direct your attention to a portion of it,
23 you will notice that in paragraph 4 -- first of all, I
24 don't believe you told me on the record, do you recognize
25 the document?

mgc 1-9

1 A I have not addressed the record. Yes. Let
2 me tell you that this is a document that I signed on
3 March 22nd, having assumed the position of TUGCO Site
4 QA Manager. The document reemphasizes TUGCO policies and
5 commitments. It emphasizes TUGCO's management commitment
6 to a safe and reliable plant in full compliance with all
7 applicable requirements. It reemphasizes TUGCO's management
8 total dedication to a strong and effective quality
9 assurance/quality control program at Comanche Peak. It
10 encourages a continued free exchange of discussion between
11 all personnel in Quality Assurance and Quality Control
12 and encourages the use of a form to clarify any questions
13 and/or comments that a QC person might have on procedures.
14 It reemphasizes Mr. Grier's availability to listen to any
15 concerns and follow up on investigations on any items of
16 concern. It reemphasizes an open-door policy assuring
17 everybody that I am available and encourages people to come
18 in without fear of retribution to discuss with me any
19 comments, any concerns, that quality assurance and quality
20 control people might have.

21 It also identifies a reorganization from the
22 previous site organization wherein Quality Assurance is
23 reporting directly to the Quality Assurance Manager in
24 Dallas to add an added measure of independence, to assure
25 that that organization is even more independent than in

mgc 1-10

1 the past, to make sure that our inspection documents, our
2 inspection procedures, accurately reflect design require-
3 ments.

4 I see this as an enrichment to the program and
5 a change that I totally support.

6 Q Let me ask you in particular now about
7 Paragraph No. 4, the reorganization that you were just
8 talking about.

9 You indicated here, and I am quoting this briefly,
10 "This provides an added measure of independence for that
11 organization."

12 What, in your judgment, was the need to provide
13 an added measure of independence? Why was that a necessary
14 thing to do at that point?

15 A It was not a necessary thing. As with any other
16 element of our program, we are continuously looking to see
17 where it is that we can improve something. We don't wait
18 to get in trouble on any element of the program. If we
19 can improve it, we'll do so.

20 Q What was it that existed before that this, in
21 your judgment, represents an improvement to?

22 A Well, one of the things that has come up in the
23 past, and I believe this is particularly in protective
24 coatings, that changes were being made to accomodate the
25 construction function. This has not been the case, but it

mgc 1-11 1

2 was a perception. And what the objective here was, was
3 to go way beyond any required independence and give this
4 group an additional element of independence that everybody
5 could see. This is something that we want to make sure
6 that everybody understands, that quality engineering isn't
7 subject to any influence, even from my own office. Their
8 charge is clear: You make sure that those procedures
9 accurately address design requirements. And that is its
10 sole function on site from that standpoint.

11 Q Is it your position that when there is a
12 perception of mixture of the construction scheduling
13 question and the QC question, that it is a responsible
14 thing for the company to take steps to respond to that
15 perception, even if, in your judgment, the perception is
16 illfounded?

17 A I believe that we, as management, have a
18 responsibility to address any concern, whether it is
19 perceived or real.

20 Q Was the subject -- was the reorganization that
21 is discussed there in paragraph 4, had that been a concept
22 that had been discussed extensively prior to the time of
23 this memorandum announcing its implementation?

24 A No. No, there hadn't been extensive discussions.
25 I certainly was not involved in any extensive discussions
leading up to this. I think it was something that came

mgc 1-12

1 up -- I believe the thought originated with Mr. Chapman.
2 He felt that this would be an excellent refinement to the
3 program. I certainly concurred.

4 There was no need for additional discussion.
5 It's one of these things where you introduce an idea.
6 The idea appears to be a refinement of the program, an
7 improvement for the program, and we all support it.

8 Q Why did it happen at this time when you were
9 being put into this position, into this new position?
10 How did it happen at that time?

11 A Well, some of us felt that, you know, we were
12 going through this reorganization. This would be a good
13 time to do it.

14 Q When you say "some of us," who are you referring
15 to?

16 A Primarily Mr. Chapman and myself, or subject to
17 top management approval, but I believe probably the
18 discussions were primarily between Mr. Chapman, myself,
19 and Ms. Bielfeldt, who is the Supervisor of Quality
20 Assurance -- I'm sorry -- I mean Quality Engineering.

21 Q And was the decision to -- excuse me -- I don't
22 know whether what you got was a promotion, a lateral
23 transfer, or a demotion -- but was your change in job --
24 did you already know that was going to happen at the time
25 that you and Mr. Chapman were discussing this particular

mgc 1-13

1 piece of the reorganization?

2 A Let me clarify this thing. Under the old
3 organization, I reported to Mr. Chapman, and Ms. Bielfeldt
4 reported to Mr. Chapman. So there really wasn't a change.
5 Actually Ms. Bielfeldt assumed responsibility for the
6 quality engineering function on site, that had previously
7 reported to Mr. Tolson. So it really wasn't a change.
8 It was really -- the reporting function remained the same.

9 Ms. Bielfeldt and myself reported at the same
10 level to Mr. Chapman, and that's exactly how it continued
11 to be.

12 Q I want to come back to that in a second, but let's
13 go back to my question here.

14 At the time that you and Mr. Chapman discussed the
15 reorganization that is referred to in paragraph 4 of
16 Exhibit 43-2, were you already aware that you were going to
17 have this job change, which this exhibit announces?

18 A At the time that Mr. Chapman and I discussed the
19 organization change?

20 Q Discussed what is referred to in paragraph 4 of
21 that exhibit as a reorganization of reporting, that particu-
22 lar reorganization.

23 Did you already know you were going to get this
24 new position at the time that you and Mr. Chapman were
25 discussing that reorganization?

mgc 1-14 1

2 MR. WATKINS: We will object to this line of
3 questioning. It is not relevant to the allegations of
4 harassment, Mr. Roisman.

5 MR. ROISMAN: I don't think there's any question
6 but that it's relevant. We are trying to figure out
7 whether or not Mr. Vega's involvement in this reorganiza-
8 tion, which is certainly addressed in part, and he has
9 already testified to a perceived harassment/intimidation
10 problem, was tied to his change in job. And ultimately
11 the question is, of course, whether or not his change
12 reflected also a dissatisfaction with Mr. Tolson's carrying
13 out of responsibilities before.

14 So I think the relevance is quite clear.

15 MR. WATKINS: The fact that the quality engineer
16 reports to Dallas, and to that limited extent that the
17 reorganization took place, it's not relevant to any of
18 the allegations.

19 MR. ROISMAN: Well, your objection is noted on
20 the record.

21 BY MR. ROISMAN:

22 Q Mr. Vega, --

23 THE WITNESS: Mr. Roisman, I would like to clarify
24 a statement that you made. You quoted me inaccurately.

25 You said that I had made a statement relevant
to perceived intimidation and harassment. That's not what

mgc 1-15

1 we said.

2 You were discussing a perceived problem and
3 whether TUGCO would address it, whether it was real or
4 perceived. That is what I said. You never mentioned
5 the phrase, "harassment, intimidation and threats" in
6 regard to that statement.

7 MR. ROISMAN: That's right. I was referring
8 to your earlier voluntary comment describing the nature
9 of the motivation behind the change that's identified in
10 paragraph 4 of 43-2. But there isn't any reason for you
11 and I to discuss what you said or I said, because the
12 Court Reporter is taking care of that for us. We will
13 both know what that is, and if I misstated what you had
14 said, the record will be clear on that, and it was
15 certainly not my intent.

16 BY MR. ROISMAN:

17 Q But let me go back still again to paragraph 4.
18 I am trying to get clear the timing of your discussions
19 with Mr. Chapman regarding the reorganization which is
20 referred to in paragraph 4 and the timing of your knowledge
21 that you would be taking this new position which this
22 announcement refers to.

23 And all I am asking you is the simple question,
24 did you at the time that you and Mr. Chapman first began
25 to discuss his idea to have the reorganization referred to

mgc 1-16

End 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

in paragraph 4, did you already know that you would be getting this new position that you now hold?

mgc 2-1

1 A These two things were discussed concurrently.
2 I don't think that they were sequential.

3 Q Now would you describe to me, what was the
4 reorganization? What actually happened as a result of
5 the change that was identified in paragraph 4 of
6 Exhibit 43-2?

7 A Okay. When Mr. Tolson was in my position,
8 Quality Engineering reported to him. When -- the idea here
9 was that when I would take over, Quality Engineering would
10 be incorporated into the Quality Assurance organization
11 out of Dallas that already existed. It was, to a certain
12 extent, very much of a logical merge of two different
13 quality assurance organizations into one.

14 Q Mr. Vega, the position which you held immediately
15 before this position, did your job description include
16 job objectives? That is, did you know that there were
17 certain goals and priorities that you would be judged by
18 your superiors on, and your performance would be rated with
19 respect to that?

20 A Certainly. We are a very well-managed company,
21 and we have objectives, goals.

22 Q And what were the job objectives of your job --
23 not the current one that you have, but the one that you
24 held just before the current position?

25 A I had different accountabilities as far as what

mgc 2-2

1 we would accomplish during that particular year. I
2 remember one of the main goals that we had was assuring
3 that the audit program would cover certain areas that
4 needed to be covered, consistent with the project
5 activities on site, not only in construction but in start-up
6 and leading to operation.

7 That was probably the most significant one.

8 Q Were these written down someplace?

9 A Yes, I believe that we had them written down.

10 Q And then was there a -- were you given a
11 performance rating at the end of certain time periods to
12 see how you had performed in reference to those goals?

13 A We have performance reviews, yes, on a yearly
14 basis.

15 MR. ROISMAN: Mr. Watkins, is it possible to have
16 a copy of those?

17 MR. WATKINS: We do not have any here. If you
18 will put the request in writing, we will certainly respond.

19 MR. MIZUNO: Excuse me. Are you asking for
20 performance reviews?

21 MR. ROISMAN: I am asking for, first, the goals,
22 and then the performance ratings of Mr. Vega with respect
23 to those goals from the position that he held immediately
24 preceding the position that he now holds.

25 MR. MIZUNO: And can the Staff also obtain a copy

mgc 2-3

1 of that?

2 MR. WATKINS: We will respond to CASE's
3 request.

4 MR. MIZUNO: Okay, fine. I understand what
5 you are saying.

6 MR. WATKINS: We will serve a copy of our
7 response to the Staff.

8 MR. MIZUNO: To the Staff. Thank you.

9 BY MR. ROISMAN:

10 Q Mr. Vega, the only one of those performance goals
11 that you can remember at this moment is the one that you
12 just stated to me; is that correct?

13 A No. I said that was the most significant one.

14 Q Okay. Which others that you remember?

15 A Oh, we had several other objectives where we
16 were wanting to computerize some of our data as far as
17 surveillance reports, as far as findings and so on and
18 so forth, things that are done manually. We wanted to
19 implement more on an automatic basis things that we do
20 manually, so we would have faster recall, better pictures,
21 ability to sort by deficiency, by area, by vendor, where
22 we were planning an inspection, we could cull out the entire
23 history on an area of deficiency, criteria. This is another
24 one that we...

25 Q In other words, the goal there was to be, at

mgc 2-4

1 least in part, to be in a position to be able to look for
2 patterns of problems, using the advantages of a computerized
3 system versus memory or hand-searching?

4 A Not necessarily patterns of problems, but be
5 well-informed as to the area you are going into.

6 Q Okay.

7 A To be better informed, I would say, better
8 informed, make it more convenient, cut down on research
9 time and this kind of thing.

10 Q With regard to the primary or the first one of
11 these goals that you articulated, I believe you indicated
12 that it was to do the QA, in part, to do the QA/QC functions
13 in a manner that was consistent with project activities on
14 site.

15 What does that mean?

16 A What that means is that we obviously have to be
17 aware of what activities are ongoing on site, know which
18 activities are peaking, starting, so that we can make sure
19 that those are addressed, audited, and so on and so forth.

20 Q Who sets the schedule in that situation? If,
21 for instance, craft comes to you and says -- and I'm talking
22 now in your former position -- and says to you, "Mr. Vega,
23 we're getting ready to double our output of welds in this
24 section, and we are going to need double the number of
25 welding inspectors so that we can get those welds approved

mgc 2-5

1 or deficiencies written, as the case may be, and move on
2 with that," does that translate for you into a request,
3 an order, or just an opportunity for you to then decide
4 how you can respond? Which of those or some other option?

5 A No. Mostly the information comes from other
6 quality assurance organizations on site, and the systems
7 that we have set up to keep us apprised of what activities
8 are starting.

9 As an example, we receive copies of all procedures
10 generated on site. This tells us when an activity is about
11 to begin, and we become apprised of it, and we load it into
12 an area that needs to be audited.

13 Now there is a lot of interface with certain
14 key people on site -- the Surveillance Supervisor, what
15 areas, you know, are we looking at, what activities are
16 going on, suggestions as to what areas should be emphasized.
17 There was a lot of interface with Mr. Tolson, and it was
18 common for Mr. Tolson to give us a call and say, "I'd like
19 this area looked at. We're starting an activity in this
20 area. You know, it would be good to emphasize this
21 activity, look at it very closely before we go too far
22 under this program."

23 I would say that probably 90 percent of the
24 input probably came from key Quality Assurance people on
25 site as to areas that were emphasized.

mgc 2-6

1 Q Now by "emphasized," you mean areas in which
2 more of your attention was warranted? I'm unclear about
3 what the "emphasize" meant.

4 A Yes, that's correct. If a manager had an uneasy
5 feeling in a certain area, we would use the audit function
6 to go in, take a look -- Is there a problem? Is the program
7 working? Can we improve it in any way.

8 So we very much would use the audit function not
9 only to meet the regulatory requirements, but also as a
10 management tool.

11 Q Give me a couple of examples of what were the
12 most frequently occurring, quote, "problems," which when
13 you would go and do the audit function, you would see
14 required your attention, and you could recommend some
15 changes?

16 A Well, again, you use the word "problems."

17 Q I thought that was your own phrase.

18 A What I was talking about were areas that were
19 being started where we wanted to go in and make sure that
20 the programs were effective. An example of this is, when
21 we started doing engineering on site, we wanted to make sure
22 that any activity that was about to get started would be
23 started under a program that was in full compliance in this
24 instance with ANSI M-45.2.11, which is the ANSI standard
25 that applies to design.

mgc 2-7

1 The design activity was about to get off the
2 ground. We would audit it more frequently. We would pay
3 more attention to that activity because it was a new
4 activity. So this is an example of the kind of thing I'm
5 talking about.

6 Q Pardon me. I'm going to take you back for one
7 second to the question about our Exhibit 43-2.

8 When you discussed with Mr. Chapman the idea of
9 the reorganization that is referred to in paragraph 4 of
10 that document, did you also consult with Mr. Tolson and
11 with the woman, Bufeldt, I believe was her name.

12 A Bielfeldt (correcting pronunciation).

13 Q Bielfeldt (confirming pronunciation), who headed
14 Quality Engineering, or was it just you and Mr. Chapman?

15 A It was just me and Mr. Chapman, as far as --
16 my discussions with him were only with Mr. Chapman. I didn't
17 discuss it with Mr. Tolson or Ms. Bielfeldt. All three of
18 us reported to Mr. Chapman.

19 MR. WATKINS: Excuse me, Mr. Vegas. Could you
20 spell Bielfeldt.

21 THE WITNESS: B I E L F E L D T (spelling).

22 (Pause.)

23 BY MR. ROISMAN:

24 Q All right. I'm sorry. To take you back, you
25 had given me now a second one of your prior job's goals.

mgc 2-8

1 Can you remember any other of what the goals
2 or -- that were in your job description in that prior job?

3 MR. WATKINS: Mr. Roisman, all of this is
4 cumulative of evidence that has already been presented
5 to the Board. Mr. Vega has been a witness before the
6 Board. His statement of education and professional
7 qualifications has been admitted into evidence. His job
8 description has been made available for cross-examination.
9 That's quite a lot. How far do you want to go?

10 MR. ROISMAN: If I had here a copy of what the
11 performance goals were of the job, I would not even have
12 to ask him this much. But your answer to my request for
13 the production sounded like you would like us to jump
14 through a number of procedural hoops, and then maybe you'll
15 still object to the production of the document. In that
16 case, I have no choice but to ask Mr. Vega to tell me what
17 those performance goals are, so that I will have them on
18 the record, and I am going to ask him next what his ratings
19 were on those.

20 MR. WATKINS: For the record, asking you to
21 reduce your request to writing is not requiring you to jump
22 through procedural hoops.

23 MR. ROISMAN: But I wanted you to understand why
24 I am asking him the question.
25

mgc 2-9

1 BY MR. ROISMAN:

2 Q Mr. Vega, I was asking you if you could remember
3 any of the other of your performance goals that related to
4 your prior job.

5 (Pause.)

6 (The witness and counsel confer.)

7 THE WITNESS: Yes, we had an independent
8 assessment that was done by an engineering organization that
9 reported to me, a QA engineering organization.

10 We took several systems -- well, we started out
11 with one system and concentrated on one system, the service
12 water system. But we asked ourselves the question, "Okay,
13 we've got all of these quality assurance programs in place
14 for design, for our vendors, for construction, for
15 installation, for testing. If our programs have been
16 effective, then we should be able to take a very bottomline
17 look at a major system and verify that our design commitments,
18 as specified in the FSAR, have been incorporated into the
19 physical plant."

20 We went through and we selected a sample of our
21 commitments, and we broke these up into design commitments,
22 analysis commitments, installation commitments, testing
23 commitments, and we started an assessment as to how
24 successful has our program been in meeting our commitments.

25 We -- one of the goals was to complete that study.

mgc 2-10

1 We did so, and it demonstrated that our program, indeed,
2 was very effective and that we were meeting the FSAR
3 commitments in the physical plant, including design
4 requirements, construction requirements, quality assurance
5 requirements, documentation requirements, testing
6 requirements.

7 Q I'm unclear. Was your goal, your performance
8 responsibility or performance goal, was it to have such an
9 audit done, and you did it, or --

10 A That is correct. To complete such a study.

11 Q Is that the Lobbin --

12 A No.

13 Q -- report?

14 A No.

15 Q That's a different report?

16 A No. This is -- this is --

17 Q Could you identify it for me, please?

18 A Yes. This is the service water system FSAR
19 commitment verification study that we did.

20 Q And who did it for you?

21 A It was done by my organization.

22 Q I'm sorry. I thought you said it was an
23 independent outside audit.

24 A No. It was independent from the standpoint that
25 the people who were doing it were not responsible for

mgc 2-11

1 doing the activity in the first place.

2 Q I see.

3 A And therefore independent.

4 (Pause.)

5 Q Let's turn to your present job. Do you have
6 performance criteria that you will be judged with respect
7 to with regards to your current position?

8 A Yes.

9 Q And have those been written down?

10 A We have a standard performance review document
11 that is used within Texas Utilities. That is the basis for
12 our performance reviews.

13 Q There are no special goals that are set for
14 you for your particular job by which you will be uniquely
15 measured at the end of some period of time?

16 A That document would incorporate by listing my
17 accountabilities and responsibilities, and that is what
18 provides the specificity as far as my job position is
19 concerned.

20 Q Is that a term of art that you are using there?
21 How would -- if I wanted, later on when we're talking, if
22 I wanted to refer to these, what term should I use to refer
23 to those special responsibilities of yours? Does it have
24 a term?

25 A Well, it would be the position duties,

mgc 2-12

1 responsibilities, main accountabilities.

2 (Pause.)

3 Q Are those -- do they have some priority. Are
4 there some of them that are more important than others?
5 Are they all equally important?

6 A I believe the ones that relate to an effective
7 quality assurance/quality control program would take
8 precedence over any other items.

9 Q And what are those performance goals for you,
10 first with regard to an effective QA/QC program? Are
11 there specific objective standards that you can or will
12 be measured by?

13 A No. These are, to a large extent, subjective.

14 Q Yes?

15 A And I don't have numbers attached to them.

16 Q What about the other responsibilities beyond
17 effective -- having an effective QA/QC program? What
18 other performance goals do you have?

19 (Pause.)

20 A As far as my job description, that pretty well
21 encompasses my responsibilities.

22 Q What elements make up the concept of an
23 effective QA/QC program, or is that all that is stated for
24 this responsibility?

25 A The elements that make up an effective quality

mgc 2-13

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/quality control program would be to have an adequate number of inspectors, adequately trained, with proper management support, effective in identifying and correcting problems on site.

(Pause.)

End 2

MILLERS PATS
EZERASE
COTTON CONTENT

Vega
bm/3-1

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

BY MR. ROISMAN:

Q Mr. Vega, the independent assessment that your group performed on the FAR commitment verification, when did that occur, roughly?

A To the best of my recollection, probably late '84 or early '83.

Q I'm sorry?

A Probably late '82, early '83.

Q In your present position, have you been in the position long enough to have received your first performance rating? I don't know what the schedule is at the company for those.

Have you had your first performance rating --

A No, I have not had a performance rating.

Q Those happen how often?

A Those are usually done on a yearly basis. The formal -- Of course, we have informal performance reviews really any time that ... My management and I interface.

MR. ROISMAN: I would like these marked as Exhibit 43-3.

(The documents were marked as Exhibit No. 43-3.)

/

1 BY MR. ROISMAN:

2 Q I've just had the reporter mark as
3 Exhibit 43-3 an office memorandum to Mr. J. D.
4 Hicks dated May 16, 1984, entitled "Allegation of
5 Harassment."

6 There is a note here -- a typed note,
7 and it purports to have the signature of Mr. Vega
8 on it. I'm going to hand it to Mr. Vega and ask him
9 to look at it.

10 I'm going to make available to counsel
11 everything except the top memorandum -- a copy of the
12 same material that is attached to this -- for their
13 looking at. They can look at the top memorandum.

14 I'm going to hand this to you, Mr. Vega.
15 Your counsel needs to look at the top memorandum
16 because my first question is going to relate to the top
17 memorandum on here.

18 (Pause.)

19 MR. WATKINS: We have agreed to take a
20 short recess. Off the record.

21 (Short recess.)

22 BY MR. ROISMAN:

23 Q Let's go back on. Have you looked at --
24 All right. And that copy there --

25 MR. WATKINS: A point of clarification: What

1 exactly are you identifying as Exhibit 43-3, the
2 entire package?

3 MR. ROISMAN: The entire thing, that's
4 right, because I'm going to ask a question about the
5 memorandum to J. D. Hicks. But it relates to the
6 underlying document as well.

7 The copy that you have there is different
8 only in that the cover memo was one that Mr. Vega
9 sent to yet another person.

10 MR. WATKINS: Understood. For the record
11 then, the covering memorandum to Mr. Hicks and Mr.
12 Vega dated May 16, 1984 is attached to a separate
13 memorandum to Mr. Vega from Boyce Grier dated May 9,
14 1984, consisting of a cover memorandum and four
15 attached pages representing apparently notes of
16 interviews that Mr. Grier conducted.

17 We will stipulate as to the authenticity
18 of the Grier memorandum. We object to its use as an
19 exhibit because all of it represents hearsay.

20 Mr. Vega, of course, has no personal
21 knowledge of the incidents underlying this covering
22 memorandum.

23 MR. ROISMAN: Yes.

24 BY MR. ROISMAN:

25 Q Mr. Vega, my question to you relates now

3-4

1 to the portion of Exhibit 43-3 -- that is, the
2 memorandum that's signed by you to Mr. Hicks. And
3 in the second paragraph thereof, there is this
4 statement, "Please advise the appropriate construction
5 management personnel, as well as the appropriate QC
6 personnel, of their responsibility to resolve
7 documentation and inspection issues promptly in order
8 to avoid undue inspection delays."

9 Can you tell me, what is the source of that
10 responsibility that you're referring to in that
11 paragraph?

12 A I believe the source of that responsibility
13 is we have a responsibility to perform inspections.
14 And I believe that it -- as a corollary to that, if
15 there is no reason to take excessive time, then we
16 shouldn't take excessive time.

17 Q I'm sorry. I think you -- although I
18 appreciate that answer, my question was: Is it a
19 written policy of the company or does it appear in some
20 memorandum of which you are familiar or does it come
21 from a conversation that you had with someone? I
22 didn't mean why, but where. Where does it come from?

23 A Well, I believe what you're seeing here is
24 a reflection of Mr. Grier's document.

25 Q I'm sorry. You're saying that the source

1 of the responsibility to resolve documentation and
2 expansion issues promptly in order to avoid undue
3 inspection delays comes solvely from the attachment,
4 which is a memorandum to you from Mr. Grier; or is it
5 a corporate policy? That's what I'm trying to get at.

6 A No, I don't believe that I have ever seen
7 anything in writing as to the responsibility to avoid
8 undue delays. That is left up to me to determine.

9 I am reflecting Mr. Grier's conclusion
10 that we have a responsibility to avoid unnecessary
11 delays. By that I mean if there is any -- if -- we have
12 to take whatever time needs to be taken to do an
13 effective inspection, I will insist that that time be
14 taken.

15 I will not compromise our inspections.
16 However, I believe that we have a responsibility to
17 act responsibly. That is primarily what the source of
18 this statement is.

19 Q Before Mr. Grier captured that thought in his
20 memorandum of May 9, 1984 to you, was that a concern
21 which you already possessed -- what you've just stated
22 that you got from Mr. Grier's memo; or did it start with
23 Mr. Grier's memo?

24 A Well, this isn't a concern. This is merely a
25 statement that we have a responsibility. It's a statement

3-6±

1 of responsibility. I haven't stated a concern.

2 Q Is that responsibility's origin --
3 Did you have a sense of the existence of that
4 responsibility before you received and read Mr.
5 Grier's May 9, 1984 memorandum to you?

6 A Oh, yes, I believed that, certainly.

7 Q And you have believed that as long as you
8 have held the current position you have and the one
9 that preceded it?

10 A Yes.

11 Q And that belief is not based upon a
12 corporate policy, but your own independent judgment?

13 A That is correct. My own professional
14 belief that we have a responsibility to do a quality
15 job, and that we will not compromise that by speeding
16 anything up, but on the contrary, an undue delay that
17 does not contribute in any way to the adequacy of the
18 work should be avoided.

19 It is my professional feeling as a
20 supervisor and as a manager.

21 Q Have you ever been told by any of the people
22 who supervise your work that the avoidance of undue
23 delay is a responsibility for you to attempt to carry
24 out?

25 A No.

3-7

1 Q Now, Mr. Vega, this memorandum that is the
2 cover memo that went from you to Mr. Hicks, you asked
3 him at the end of the memorandum, I believe, to advise
4 of his efforts concerning Item No. 3. Did that -- In
5 your opinion, were you directing him to deal with this
6 underlying problem of attempting to avoid undue
7 delay in the resolution of these matters? Was that
8 part of what you were asking him to do?

9 A Yes.

10 Q Now, does Item No. 3 refer to the item in
11 the underlying memo from Mr. Grier to you? Is that
12 what you mean when you refer to Item No. 3?

13 A Yes.

14 Q Can you tell me, has Mr. Hicks reported
15 back to you on this matter?

16 A Yes.

17 Q And were the actions that he took satis-
18 factory, in your judgment to address the problem of
19 Item No. 3?

20 A Mr. Hicks' actions were responsive in
21 addressing Item 3.

22 Q And what was it that Mr. Hicks did?

23 A Mr. Hicks and Ms. Bielfeldt brought about
24 a meeting of quality engineering, and the inspectors, to
25 go over the procedures and clarify any misunderstandings

3-8

±

1 that brought about the incident in the first place.

2 MR. WATKINS: Off the record for a moment
3 while counsel for CASE confer.

4 (Discussion off the record.)

5 MR. ROISMAN: Mr. Mizuno has just asked
6 if there is an extra copy of the memorandum from
7 Mr. Vega to Mr. Hicks. I have advised him no, that
8 I have an extra copy only of the underlying memorandum
9 from Mr. Grier to Mr. Vega.

10 MR. MIZUNO: Can you provide that to us
11 over -- when you finish cross-examining Mr. Vega on this
12 point since we would like to review it, and we possibly
13 may have our own questions of Mr. Vega based upon
14 these --

15 MR. ROISMAN: Yes.

16 MR. MIZUNO: This is the first time that
17 we've seen it.

18 MR. ROISMAN: Ms. Ellis, is the duplicating
19 machine up and running?

20 MS. ELLIS: I don't know.

21 MR. ROISMAN: If it's up and running, you've
22 got it after the lunch break. Okay?

23 I assume you would like one also.

24 MR. WATKINS: No.

25 MR. ROISMAN: If not, I'll get it to you as

1 soon as I can get to a duplicating machine. And when
2 I'm done with Mr. Vega, you're welcome to take and
3 use this one.

4 MR. MIZUNO: Okay.

5 BY MR. ROISMAN:

6 Q You had just told me about Mr. Hicks and
7 Ms. Bielfeldt meeting with the QC and the engineering
8 people to clarify this. Was this with respect to the
9 QC and engineering people who were directly involved
10 in the incident which is discussed in Mr. Grier's
11 memorandum to you; or was it all the engineering and
12 all the QC people at the plant site who were called
13 together?

14 A No. It was specifically between the groups
15 involved, which were the inspectors that used this
16 procedures and the quality engineer for that activity
17 and I believe Mr. Hicks was in the meeting also.

18 Q All right. In Mr. Grier's memorandum to
19 you, he says in the second sentence, paragraph numbered
20 three, "Both craft and QC should be reminded of their
21 responsibility to resolve such issues promptly and
22 avoid undue delays in completing inspections."

23 What specifically do you know of that
24 transpired in the meeting that was responsive to that
25 statement by Mr. Grier? Or if you do not know that, I

3-10

1 do not want you to answer.

2 A I was not at the meeting.

3 Q Did Mr. Hicks or Ms. Bielfeldt report to
4 you about how they dealt with that issue at the
5 meeting?

6 A Yes.

7 Q Can you tell me the substance of what
8 they reported to you?

9 A I already did.

10 Q In your memorandum to Mr. Hicks, you
11 reference and request him to be responsive to Items
12 Nos. 3, 4 and 5 of Mr. Grier's memorandum to you. And
13 then in a separate memorandum, which I would now like
14 to mark as Exhibit 43-4 --

15 (The document was marked for
16 identification as Exhibit
17 No. 43-4.)

18 BY MR. ROISMAN:

19 Q -- which I now show you, which is a
20 memorandum addressed to Mr. J. T. Merrit from you
21 and dated May 10, 1984. It has attached to it the
22 identical -- a copy of the very same memorandum that
23 was given to you by Mr. Grier that has been previously
24 identified.

25 In that memorandum to Mr. Merrit --

3-11

1 MR. WATKINS: For the record, we'll repeat
2 our objection to the underlying documents.

3 MR. ROISMAN: As you can see, we're not
4 attempting to put them in, but merely asking his
5 understanding of them.

6 BY MR. ROISMAN:

7 Q You indicate to him that conclusions and
8 recommendations on disciplinary action and request a
9 response from him by May 16 of the actions you've
10 taken or intend to take regarding this matter.

11 Can you tell me, at the time you sent that
12 memorandum to Mr. Merrit, did you have in your own
13 mind an idea of what you believed was the appropriate
14 disciplinary action to be taken, and against whom should
15 they be taken?

16 A Before I answer that question -- I didn't
17 want to interrupt you -- but you made a misstatement
18 relative to the Exhibit 43-3. I did not ask Mr. Hicks
19 to be responsive to Items 3, 4 and 5. I asked Mr.
20 Hicks to be responsive to Item 3.

21 The memo explains that I have asked Quality
22 Engineering to be responsive to Item No. 4 and No. 5.

23 Q Thank you for that clarification.

24 A In regard to Exhibit 43-4, yes.

25 Q What was your own opinion of what the

1 appropriate disciplinary action should be and against
2 whom?

3 A A counseling session where the person
4 should be refrained -- should be directed to refrain
5 from making statements to QC inspectors.

6 MR. WATKINS: You said "person." Could you
7 identify the person that should be counseled?

8 THE WITNESS: Yes. Mr. Daniels.

9 BY MR. ROISMAN:

10 Q In your judgment should Mr. Daniels have
11 been advised of the termination potential of continued
12 such conduct, if there is any; or the impact that such
13 continued conduct might have on his promotion, or
14 anything of that nature?

15 A I believe that is implied any time you
16 counsel somebody and direct them to refrain from
17 doing something. If they do it again, then obviously
18 the threat is there for termination and/or whatever
19 disciplinary action is necessary.

20 Q In your judgment, if at the first such
21 occasion, the employee were told point blank, "If you
22 do this again, you will be terminated," versus not
23 mentioning that statement, but knowing in fact that if
24 they did it again they would be terminated, which of
25 those would be, in your judgment, a more forceful

3-13

1 articulation of the corporate policy?

2 A I believe that the company policy would
3 best be served by examining each individual activity
4 or incident that comes up to determine what is the
5 best way to handle something.

6 Q What factors would enter into deciding
7 that?

8 A We feel very strongly that an adversary
9 relationship does not in itself contribute anything to
10 quality assurance. We expect both -- craft people to
11 deal in a professional manner with inspectors.

12 We also expect inspectors to be firm, but
13 professional, in their dealings.

14 In other words, we see this very much as a
15 policeman, because the policeman has full authority to
16 cite any citizen when something is not done correctly.
17 That doesn't give the policeman the right to be brutal,
18 the right to be arrogant, the right to be unprofessional.

19 I believe that the total relationship, the
20 total occurrence has to be evaluated on its merits.

21 - - -

22

23

24

25

1 Q. Is it the policy of the company that repeated
2 incidents of the type described by Mr. Greer in his memorandum
3 to you dealing with Mr. Daniels, that a termination will
4 occur?

5 A. I don't believe that you will see it exactly in
6 those words. The policy is: Harassment and intimidation
7 will not be tolerated. The policy provides for review of
8 every incident so that we may determine what the facts are
9 and manage it accordingly.

10 Q. Let me just be clear on this. So there is not
11 a particular hard or fast rule to such incidents and it's
12 out the gate, or one such incident is okay. Each case
13 is evaluated case by case, and a judgment is made?

14 A. That is correct.

15 Q. When you refer to this policy, I believe what
16 you said was that harassment and intimidation will not be
17 tolerated. Would you identify which corporate document or
18 documents that embodies that specific concept and when they
19 were formulated by the corporation?

20 A. The policy has been in existence ever since I
21 can remember, coming back to the company in 1974. The
22 latest such document that, again, reemphasizes this policy
23 is included in a letter that is posted at Comanche Peak that
24 is signed by Mr. Spence, the President of Texas Utilities
25 Generating Company.

1 Q. And the date of that letter, roughly?

2 A. I do not know.

3 Q. Would it be 1984, or an earlier year, do you
4 think?

5 A. It's probably an earlier year, but I'm speculating.
6 I don't know.

7 Q. And where's this posted?

8 A. This is posted on the bulletin boards.

9 Q. So your understanding is that there were earlier
10 documents that involved the same concept going back at least
11 as far as 1974, if not earlier?

12 A. There were--the first time that I became aware of
13 total management support for the quality assurance effort was
14 the first day that I started working for Texas Utility
15 Services. Mr. Terry Brittain, who at that time was the
16 President of TUGCO, very clearly stated to me that
17 harassment and intimidation, not in those words, but that we
18 were here to do a job and that quality assurance had the
19 total support of corporate management, and that his entire
20 office was in support of an effective, independent, strong
21 quality assurance effort.

22 Q. And that was when, roughly?

23 A. This was, I believe, on July the 5th, 1973.

24 Q. Finally, did Mr. Merritt adopt what you had
25 previously stated would have been your recommendation, or

1 what you would do, if you were making a decision with regard
2 to Mr. Daniels that he deal with the problem in that way?

3 A. Yes, he did.

4 Q. And how did you learn of that?

5 A. He sent me a memo to that effect.

6 MR. ROISMAN: We do not have a copy of that
7 memo. I believe we already have the discovery request
8 that undeniably covers it.

9 MR. WATKINS: Could you identify the document
10 again, please?

11 MR. ROISMAN: Mr. Vega, would you identify, as
12 best you can, the memorandum from Mr. Merritt to you that
13 represented his report to you on the resolution of
14 the Daniels' reprimand issue?

15 THE WITNESS: It's a memorandum that he sent to
16 me that states that a corrective action has been
17 implemented.

18 MR. WATKINS: The answer to your question, Mr.
19 Roisman, is yes, we will supply that document.

20 MR. I have a question at this point
21 for Case. Is Mr. Daniels' an incident that was
22 previously identified in the June 27th letter?

23 MR. ROISMAN: No, Mr. Daniels' is an incident
24 that we only became aware of when the utility provided
25 us with these documents.

1 MR. MIZUNO: When were those documents-- under--
2 When were those documents provided to you?

3 MR. ROISMAN: They were provided to us sometime
4 in late June but I do not have the exact dates on which that
5 we have since taken them out of the packs in which they were
6 provided. I believe that Ms. Garde would know better than
7 I, and I was going to suggest that we could take our lunch
8 break at this point. And if I catch up with her, I'll be
9 glad to ask her and give you the answer to that question.

10 MR. MIZUNO: Okay, I think at this point I guess
11 I would like to interject an objection after the fact which
12 we'll probably preserve until the future before going any
13 further into the matter involving Mr. Daniels, since that
14 was not an incident which was mentioned in the June 27th
15 letter, nor does it appear to be one of the incidents that
16 would relate to documents which were received after or just
17 prior to the development of this June 27th letter. It was
18 my understanding, Billi Garde said that there was some
19 documents which they just received, Case just received, right
20 around that time, in which they obviously could not have
21 gone through the type of promulgation of this June 27th
22 letter.

23 MR. ROISMAN: Let me state for the record that
24 our position prearticulated in the transcript and our filings
25 was that materials received by us after the 15th of June would

1 be difficult to integrate into the process because of the
2 time needed for us to digest them. These documents are
3 clearly received after that date. We've attempted to read
4 them into the fullest extent possible. Now, I also suggest
5 if you wish that you now merely state that this objection
6 you're making is a continuing one, and you will not have
7 to keep making it every time we discuss this.

8 MR. MIZUNO: Yeah, right.

9 (Discussion off the record.)

10 MR. MIZUNO: I guess I have another request.
11 Are there any other incidents which you are now, you know,
12 right now, that you are going to be asking Mr. Vega?

13 MR. ROISMAN: Yes, there are.

14 MR. WATKINS: Just to clarify, is your point
15 in that area that you have not seen these documents and you
16 have had no time to prepare?

17 MR. MIZUNO: That is partially it. But I also
18 have a separate line of objection which is that although
19 Mr. Roisman is correct in that these documents were provided
20 to Case after whatever date it was that I understand that
21 Case made a representation that they would not--that this
22 June 27th list would not be complete insofar as they talk
23 about their incidents that Case found out through documents
24 which were received late by Case from the Applicants. That
25 was my understanding.

1 MR. MIZUNO: Okay. There are two separate lines.
2 First is that I haven't seen the documents. I can't even
3 got through them. I mean, I'm glad that you provided
4 these to me now, but if you had known that you were going
5 to talk about these here, even though it occurred after the
6 June 27th date, I would have appreciated it if you would
7 have--if you would have told me.

8 MR. ROISMAN: I would have been delighted to,
9 but I felt you would be really offended, if at two o'clock
10 this morning, I had called you to tell you that these were
11 the documents I was going to talk about.

12 MR. MIZUNO: And, well, okay. Fine.

13 Is there any way that I can get a copy of these documents
14 from Applicants or from Intervenors?

15 MR. WATKINS: I will attempt to get you copies
16 immediately after we recess for lunch.

17 MR. ROISMAN: Are we in recess?

18 MR. WATKINS: Until 1:30?

19 MR. ROISMAN: Yes, let's do 1:30. It's now 12:38.

20 (A recess was taken for lunch
21 at 12:38 to reconvene at 1:30)
22
23
24
25

Simons/bm

5-1

AFTERNOON SESSION

(1:50 p.m.)

MR. ROISMAN: Let's go on the record.
Would you state your name for the record.

MR. GAITAN: I'm Eloy Gaitan. I'm a
legal intern for the Government.

MR. WATKINS: I have a preliminary matter.

MR. ROISMAN: All right.

MR. WATKINS: What exhibit number are we up
to? 43 hyphen something.

MR. MIZUNO: Four was the last one. So now
we're going to be on five.

MR. WATKINS: With your permission, I'm
going to go ahead and identify this document, which is
responsive to your request of this morning as 43-5.

MR. ROISMAN: Okay.

(The document was marked for
identification as Exhibit
No. 43-5.)

MR. WATKINS: Mr. Vega, I show you this
two-page document which has been marked for identification
as 43-5, and ask you to identify it.

THE WITNESS: Yes. This is a copy of the
office memo that was transmitted to me from John
Merrett stating that he has reviewed Mr. Grier's report

1 and transmitting a copy of the -- evidence of the action
2 taken in this matter.

3 MR. WATKINS: Is it your understanding
4 that this is the document that Mr. Roisman requested
5 this morning?

6 THE WITNESS: Yes. That is the document
7 that Mr. Roisman requested this morning.

8 MR. WATKINS: Mr. Roisman, we're making
9 this document available to you. By making it available,
10 we don't comment on whether it was responsive to the
11 document request. If you'd like to pursue that
12 separately, of course, you may.

13 MR. ROISMAN: By accepting it, I do not
14 comment on that either.

15 MR. WATKINS: Understood.

16 MR. ROISMAN: Mr. Mizuno, you had indicated
17 before the break that you might have some questions for
18 Mr. Vega regarding a document that was previously
19 marked as 43-3, I believe -- a copy which I had given
20 to you.

21 I'm getting ready to move off of those
22 documents. If you want to ask the questions now --
23 unless you have some objection --

24 MR. WATKINS: I have no objection.

25 MR. ROISMAN: -- you may do it at this point,

1 or you can wait until we're done with Mr. Vega. It's
2 up to you.

3 MR. MIZUNO: Yes. I think I would like to
4 wait until we're done with --

5 MR. ROISMAN: Okay. That's fine.

6 Mr. Mizuno, were you able to get copies
7 of the other QAI documents that I had identified on the
8 record before the break?

9 MR. MIZUNO: Yes. The Applicants provided
10 to me copies of what I believe is QAI007, 0013 and
11 0021.

12 MR. WATKINS: Let me clarify, if I may. I
13 have no idea whether the package that I have before me
14 and the package that I delivered to Mr. Mizuno are
15 identical to the ones that we have provided CASE. I'm
16 not sure we're working with the same documents.

17 MR. ROISMAN: Okay. Well, I will, of
18 course, show you what I'm referring to as we go into
19 this.

20 I'd like now to look at the QAI-0007. That
21 involves the previously mentioned person who had
22 initially sought confidentiality. For the record, I have
23 no problem if we conduct all our questioning here and
24 treat the person as X. The person's name is not
25 pertinent to this.

1 Mr. Vega and both counsel, I believe, know
2 who the person is. If that becomes relevant, we can
3 discuss a way to do that, if you wish to protect the
4 person's name.

5 If not, we'll just treat it as having been
6 disclosed without protection, which it was disclosed to
7 us without any protection, and go on from there.

8 MR. WATKINS: It may not matter. And if
9 you'll permit me to ask Mr. Vega one question.

10 MR. ROISMAN: Surely.

11 MR. WATKINS: Mr. Vega, is the person who
12 made the allegations that triggered QAI-0007 a QC
13 inspector?

14 THE WITNESS: I believe the document is very
15 clear in stating that the person in question -- Person X --
16 is not a QC inspector.

17 MR. WATKINS: Was that person employed in the
18 QA organization at all?

19 THE WITNESS: No. The document clearly states
20 that the person was assigned to the paper flow group and,
21 therefore, is not a QC person.

22 MR. WATKINS: Mr. Roisman, we can discuss
23 this QAI. I would suggest we also identify QAI-00013,
24 to which we're going to raise the same objections, so that
25 we can discuss them together.

1 MR. MIZUNO: May I ask one question first of
2 Mr. Vega?

3 MR. ROISMAN: Yes.

4 MR. MIZUNO: This Person X doesn't work
5 either in the QC group or the QA group?

6 THE WITNESS: That is correct. This person
7 is not a quality assurance or quality control person.
8 It's a person who works outside of the quality
9 assurance/quality control organization.

10 MR. ROISMAN: Okay. Are you indicating an
11 objection to my asking questions of Mr. Vega on either
12 of these on the basis that the person who is the
13 subject of the memorandum in both cases is not a QC
14 employee or that the matters do not relate to QC/QA
15 responsibilities?

16 MR. WATKINS: Why don't we have Mr. Vega
17 identify the document that I have just handed him,
18 which relates to QAI-00013, and ask him on the basis
19 of his review of that package whether the person who
20 originally made the allegations was a QC inspector?

21 THE WITNESS: No. The person who made
22 the allegation on QAI-003 is not a QC inspector.

23 MR. WATKINS: Was he employed by the QA
24 organization?

25 THE WITNESS: No, he was not employed by the

1 QA or QC organization.

2 MR. WATKINS: Mr. Roisman, we will object
3 to any examination of Mr. Vega on the basis of either
4 of these QA investigations. They do not involve
5 allegations by QC inspectors. They do not involve
6 allegations regarding quality assurance or quality
7 control employees. They strictly involve craft, and
8 that is beyond the scope of this proceeding, which
9 deals with alleged harassment and intimidation of QC
10 inspectors.

11 MR. MIZUNO: The Staff would also interpose
12 an objection on the same basis.

13 MR. ROISMAN: Let me turn first to the
14 Varlon Cummings incident. The reason for the submittal
15 there is for the purpose of contrasting the actions
16 taken against an employee who is charged with having
17 deliberately falsified or covered up a faulty wire
18 with subsequent actions taken against QA/QC inspectors
19 who are alleged to have not fully fulfilled their
20 responsibilities.

21 It is to demonstrate that the company
22 attitude is to give special preference to the craft
23 people when they engage in misconduct compared to how
24 they deal with the QA/QC people when they engage in
25 alleged misconduct.

1 That is the reason why I believe that the
2 0013 incident is pertinent here.

3 With regard to the 007 incident, it's my
4 understanding that document control is part of the
5 Appendix B responsibilities, and that while this
6 particular person was not employed in the plant under
7 the QC/QA responsibilities, in fact, under Appendix B
8 of CFR, Part 50, part of the QA/QC responsibility
9 includes document control.

10 I am perfectly willing to have Mr. Vega
11 correct me on that and indicate to me that document
12 control is not in his judgment part of the Appendix B
13 QA/QC responsibilities, and for purposes of this
14 deposition I will abide by his statement on that.

15 MR. WATKINS: Before he answers the
16 question, the issue in this phase of the proceedings
17 is whether QC inspectors have been harassed and
18 intimidated, either by their superiors or by craft; and
19 if so, what effect does that have on the safety of the
20 plant.

21 What disciplinary action the company might
22 have meted out to crafts people for whatever misdeeds
23 is simply not relevant to that issue.

24 MR. ROISMAN: Well, I believe it is since
25 the punishment given to an inspector for doing something

1 wrong, if disproportionate to comparable misconduct
2 by someone else in the plant, is a very severe form of
3 harassment and intimidation of the QC people.

4 Thus, I don't think that there's any
5 question but that it would be relevant if we were
6 able to demonstrate -- and I think we do through this
7 example -- that there was varying treatment.

8 MR. MIZUNO: Does it matter that perhaps
9 the QC inspectors were subject to different supervisors --
10 different department -- perhaps even different
11 contractors than the crafts people?

12 I was specifically thinking that crafts
13 people may have been disciplined pursuant to Brown &
14 Root procedures whereas the QC inspectors may have
15 been within the Applicants' -- you know, may have just
16 been Applicants' employees as opposed to Brown & Root
17 employees.

18 So, therefore, perhaps disciplinary measures
19 were -- Any differences, if there are, may have stemmed
20 from that as to different treatment.

21 MR. ROISMAN: I assume that that is potential
22 rebuttal testimony. Whether it would be conclusive,
23 given the chain of responsibility that ultimately rests
24 with TUGCO regardless of the contractors or subcontractors
25 or the like, I don't know.

1 But that certainly represents one theory
2 of rebuttal that might be pursued by the Applicant or
3 the Staff, if they saw fit, on that issue. I don't
4 think it disposes of the relevancy question, though.

5 It simply shows that there is a potential
6 dispute of fact on a relevant question.

7 Do you want to talk about -- I mean, that
8 is the discussion that deals with Varlon Cummings. Do
9 you want to talk about the 0007 incident?

10 MR. WATKINS: Yes. Our view is that --
11 Document control is, of course, part of the craft
12 organization. The reason for which the Board limited
13 this proceeding to alleged harassment and intimidation
14 of QC inspectors was because, assuming that a crafts
15 person harassed another crafts person, and as a result
16 there was some problem with the work, it would be
17 picked up in a subsequent QC inspection.

18 The same is true as DCC. If there
19 are document irregularities, the inspector performing
20 the inspection, with the appropriate documents, would
21 pick it up then. It's as simple as that.

22 MR. ROISMAN: All right. I will hold on
23 0007 at this point. I will pursue on 0013.

24 MR. WATKINS: I will instruct Mr. Vega not
25 to answer questions. I suggest we take this up with

1 the Board.

2 MR. ROISMAN: The Board has ruled on this
3 question this morning. Absent your establishing that
4 I do not have a good faith basis for my belief that
5 this is a relevant line of inquiry, you are not
6 allowed to instruct the witness not to answer, and the
7 Board has asked us not to be calling them on those
8 kinds of questions.

9 That is the ruling. If you insist, of
10 course, we'll call the Board and have it out.

11 MR. MIZUNO: The Staff thinks that you do
12 have a reason for pursuing 0013. I would still object
13 to it, but I don't believe it would -- The Staff
14 will not involve itself into the argument as to
15 whether witnesses should be allowed to -- permitted
16 not to answer the question. We'll step back from
17 that.

18 As far as 0007 -- Can you just repeat
19 your basis again on that?

20 MR. WATKINS: I think Mr. Roisman has
21 offered to defer 0007 for now.

22 MR. ROISMAN: That's right. In other
23 words, during the re-examination that the Board requested
24 this morning --

25 MR. MIZUNO: Is it going to come up later,

1 though?

2 MR. ROISMAN: If Mr. Vega is excused, I'm
3 not going to call him back. I don't have that
4 privilege. So I have to decide -- at a break or
5 something, after thinking about it some more --
6 whether I really feel that it is -- you know, I think
7 the counterargument that is made is not in my judgment
8 frivolous, and I want to think it through.

9 MR. MIZUNO: Okay. I guess if we are going
10 to break -- at some point, if we are, in fact, going
11 to call the Board, I would like to take up both matters
12 at the same time, as opposed to calling Judge Bloch up
13 once and then going back, and then possibly you going
14 back to --

15 MR. WATKINS: Perhaps it won't come to that.
16 Let me ask Mr. Roisman this.

17 The basis on which you have stated you
18 intend to pursue QAI-0013, it seems to me that on the
19 same basis you could drag in any and all disciplinary
20 actions taken by Brown & Root, by TUGCO, or by any of
21 the contractors on the site and compare them to
22 disciplinary action meted out to those accused of
23 harassing or intimidating QC inspectors. Am I correct?

24 MR. ROISMAN: Yes, if I thought that they
25 were relevant, the theory would cover that.

1 MR. WATKINS: We object then on that
2 basis -- on the basis stated.

3 MR. ROISMAN: All right. Well, let me
4 also note the fact that the matter in question
5 ended up under the control of the TUGCO site QA
6 manager, so that TUGCO itself apparently on the
7 record appears to perceive that it is tied in to the
8 QA/QC work at the site.

9 Mr. Vega's memorandum of May 21, 1984
10 is directed to Mr. Merrett, who is in charge of -- as
11 I understand it -- site construction. It comes from
12 him. He's the one. He, I believe -- Yes. He is
13 the recipient of the allegations regarding cover-up
14 of defective wiring report which came from Mr. Boyce
15 Grier.

16 MR. WATKINS: Perhaps we can take a short
17 recess while I confer with Mr. Vega.

18 MR. ROISMAN: Okay. That's fine. Off
19 the record.

20 (Short recess.

21 - - -

22

23

24

25

mgc 6-1

1 MR. ROISMAN: We are back on the record.

2 At this point, the issue is the propriety
3 of allowing questioning by CASE based upon the document
4 which I would now like to have marked as 43-6, please.

5 (The document referred to was
6 marked Intervenors' Exhibit 43-6
7 for identification.)

8 MR. ROISMAN: It is a document which consists
9 of cover memorandum to Mr. Merritt from Mr. Vega, dated
10 May 21, 1984, to which attached is a memorandum to Mr. Vega
11 from Grier of two basic pages and one, two, three, four,
12 five, six, seven, eight, nine, ten, eleven, twelve,
13 thirteen pages. And the document in question is entitled
14 on the cover memorandum "Report on Allegation Regarding
15 Coverup of Defective Wiring."

16 It is the position of CASE that the document
17 in question is a -- represents a relative inquiry for the
18 purpose of demonstrating the disparity in treatment for
19 misconduct by craft versus the treatment for misconduct
20 by QC inspectors where the misconduct took place by
21 someone who was also reporting deficiencies in plant as
22 part of their responsibilities.

23 The utility objects, and I will allow
24 Mr. Watkins to state his objection, and the Staff also
25 has a point to make. They will make their point, and

mgc 6-2

1 we've agreed that those points be preserved on the record
2 for later argument by the parties, that I may then
3 proceed to ask Mr. Vega the questions I want to ask him
4 for the record.

5 MR. WATKINS: Applicants' objections are
6 on the record.

7 MR. MIZUNO: The Staff's objections include
8 those of the Applicants, but with an additional point that
9 in order to show that there was a pattern or a disparity
10 in treatment between the QC inspectors and the craft
11 people, that one would have to develop a pattern of
12 treatment with regards to both QC inspectors and for
13 crafts people.

14 The Intervenor has indicated that this is the
15 only incident involving crafts people that they intend
16 to develop on the record, and therefore the Staff does
17 not believe that this would, in and of itself, be sufficient
18 to establish a pattern of disciplinary action with regards
19 to the crafts people, and so therefore any further inquiry
20 into this area of disciplinary measures for crafts people
21 would be inappropriate at this time.

22 MR. WATKINS: Mr. Roisman, is that your
23 intention, to limit disciplinary action taken in the
24 craft context, as this one is? Is it your intention that
25 this is the only incident that you will raise?

mgc 6-3

1 MR. ROISMAN: This will be the only incident
2 that I intend to raise with regard to Mr. Vega that relates
3 to a report of an alleged impropriety by a member of
4 craft, whose only relationship to the question of
5 intimidation and harassment of QA/QC inspectors is for
6 the purpose of contrasting the nature of the punishments
7 meted out for misconduct.

8 MR. WATKINS: May I see the document just
9 for the purpose of determining whether I have the same ones?

10 MR. ROISMAN: Yes, of course.

11 (Counsel Roisman tenders the document to
12 Counsel Watkins.)

13 (Pause.)

14 MR. WATKINS: With the caveat that you have
15 a better copy than I do, Mr. Roisman, it is the same
16 document, and this is 43-?

17 MR. ROISMAN: Hyphen-6.

18 (Pause.)

19 BY MR. ROISMAN:

20 Q Mr. Vega, I am going to ask you now to take
21 a look at Exhibit 43-6, and first of all, is this, in fact,
22 a memorandum which you sent to Mr. Merritt, dated May 21,
23 1984 (handing document to witness).

24 (The witness examines the document.)

25 A Yes, it is.

mgc 6-4

1 Q And would you please look on page 2 of the
2 memorandum to you from Mr. Boyce Grier, which is attached
3 immediately after that one page memorandum and tell me,
4 are the handwritten notes on the side there, which show at
5 the end and appear to be the initials AV, your handwritten
6 notes, and are those your initials at the end?

7 A Yes, they are.

8 Q Okay. Thank you.

9 Now my question to you is this: On the
10 cover memorandum sending Mr. Boyce Grier's report on to
11 Mr. Merritt, you indicate, "This report is for your use in
12 administering appropriate action."

13 At the time that you wrote that, did you have
14 an opinion as to what you believe was appropriate action,
15 and if so, what was that opinion?

16 A No, I did not have an opinion.

17 Q And to your knowledge, does TUGCO have a
18 procedure for what is the appropriate action to take, given
19 the conclusions that Mr. Grier's had reached regarding his
20 investigation?

21 A I think I need to clarify what transpired
22 leading to this.

23 Q That's all right.

24 A First of all, there are no Quality Assurance
25 personnel involved in this particular incident. Mr. Merritt

mgc 6-5

1 asked me if we would do him a service and have Mr. Grier
2 look at this particular incident. We are really the only --
3 from the standpoint of investigating allegations, we're
4 set up to do it for Mr. Grier.

5 This was entirely a craft issue. It was a
6 craft person that had been ROF'd, making an allegation
7 against his craft foreman. Mr. Merritt wanted to make sure
8 that he had the complete facts. I agreed to have Mr. Grier
9 support him in that area. Mr. Grier did this investigation,
10 and in essence I merely transmitted the results of his
11 investigation to Mr. Merritt for his benefit. There were
12 no QA/QC issues involved. Neither of the characters
13 involved in this incident either mentioned or made
14 allegations of harassment, intimidation and/or threats of
15 any QA/QC inspectors.

16 What we did here was merely perform a service
17 to Mr. Merritt. He wanted the facts. I had Boyce Grier
18 look at them. I passed it on to him. What he did was his
19 action.

20 Q So you were just merely a conduit for
21 Mr. Merritt to get Mr. Grier to perform the investigation
22 that he wanted done, nothing more than that?

23 A That is exactly right.

24 Q Is that a common practice? I mean, does that
25 frequently happen?

mgc 6-6

1 A Yes, it does, because what we wanted -- what
2 we -- you know, we don't have the independent investigation
3 organization available at site full-time. By that, I mean
4 Mr. Grier and/or Mr. Andrews, who conduct independent
5 investigations when asked. It is a convenient thing for
6 Mr. Grier to initiate investigations into many different
7 areas of concern, whether they be safety-related or not.
8 Mr. Grier is there to coordinate not only the instances
9 where a safety concern might be voice, but, you know, he's
10 there full-time, if he can assist in developing facts, well,
11 you know, we certainly support Mr. Merritt in that area.

12 Q Would it be burdensome for you to get more
13 involved in these on the basis that if there is any kind
14 of harassment or intimidation taking place on the site,
15 regardless of by whom or against whom, that it is related
16 to your business?

17 A If this incident had involved QA/QC personnel
18 in any way or an inspection function in any way, then I
19 would have gotten involved in it. In this particular case,
20 there was none of that involved. Mr. Grier did not
21 sacrifice any of his primary functions to investigate
22 concerns or safety issues. He had the time to do it. He
23 performed a service to Mr. Merritt, wrote a report. I
24 transmitted the report for Mr. Merritt's action.

25 Q And you don't feel that part of your

mgc 6-7

1 responsibility should be to examine each of these, even
2 though you are the conduit, examine each of these and
3 determine what lessons you can learn from them for purposes
4 of your QC?

5 A Oh, I have an obligation as a manager to see
6 where I can improve things, but that doesn't mean that I have
7 to take action on any -- on every non-safety-related
8 activity that goes on on site.

9 Yes, I think from an experience standpoint,
10 from a what-can-I-learn-from-this issue, certainly. And I
11 don't think that my actions exclude that. Because I don't
12 participate in a decision leading up to a disposition on
13 this item doesn't mean that I am totally divorcing myself
14 from any experience and/or lessons learned from an incident
15 such as this.

16 Q Well, I mean, for instance, do you -- you,
17 in the memorandum to Mr. Merritt, you do not recommend any
18 particular conduct or action that he should take one way
19 or the other; is that correct?

20 A That is absolutely correct. What I'm doing
21 is transmitting information for his purpose.

22 Q And you feel that it would be inappropriate
23 for you to get into that, because it did not involve QA
24 or QC?

25 A No, I didn't say it would be inappropriate.

mgc 6-8

1 Mr. Merritt probably would have welcomed input, had I had
2 any thoughts on it. But it was an investigation that he
3 asked for. He wanted the facts. We gave him the facts.
4 Mr. Merritt is perfectly capable to take these facts and
5 administer an appropriate action in this case.

6 Q I don't know what the total number of these
7 QAIs are at this point, but I think we've seen numbers up
8 into the early forties or so.

9 What percentage of those do you feel or is
10 it your recollection are ones where you were merely the
11 conduit, as opposed to being the principal requestor of
12 the Boyce Grier investigation?

13 (Pause.)

14 A Mr. Roisman, I don't have a feel for that.
15 I would be speculating, and I don't believe that's what you
16 want.

17 Q Okay. All right.

18 (Pause.)

19 Did you look at Mr. Merritt's request to
20 determine whether it is, in your judgment, meritorious
21 before you asked Mr. Grier to investigate it?

22 A Yes. I look at these things before they go
23 to Mr. Grier, and we communicate very closely, Mr. Merritt
24 and myself.

25 Q And do you look at the results that come in

mgc 6-9

1 from Mr. Grier and develop any positions with regard to
2 what he is reporting back to Mr. Merritt?

3 A I make sure that I understand what the facts
4 are, and I satisfy myself that either there are or that
5 there are no quality assurance/quality control problems that
6 need to be addressed.

7 Q So as soon as that's apparent to you, then
8 your involvement is over?

9 A Not necessarily. If there are problems, I
10 will address them.

11 Q If there are none. I'm sorry.

12 A If there are any quality assurance/quality
13 control, I will address them.

14 Q If there are no QA/QC problems in it, then
15 your involvement is over.

16 A That is correct. I would say, in general,
17 that's correct.

18 Q Now on the second page of Mr. Grier's report
19 back to you, you have a handwritten note there in which
20 you indicate that there are two possible conclusions that
21 one can draw regarding the actions that Mr. Grier is
22 reporting on and that, in your judgment, I believe, if you
23 were to do something, it's either one or the other.

24 What was your purpose in putting that note
25 on there? To whom were you sending that note?

mgc 6-10

1 (The witness examines the document.)

2 MR. ROISMAN: It's one more page back.

3 (The witness continues to examine the
4 document.)

5 THE WITNESS: Okay. This is what I received
6 from Mr. Grier.

7 MR. ROISMAN: All right.

8 THE WITNESS: This is what I attached to it.

9 MR. ROISMAN: Let the record show that
10 when the witness said, "This is what I received from
11 Mr. Grier," he is talking about starting on the second page
12 of Exhibit 43-6, and when he was saying, "This is what I
13 sent attached to it" to send to Mr. Merritt, he is talking
14 about the first page of it.

15 THE WITNESS: That is correct. A letter of
16 transmittal. I sat down and I read the report, and it
17 wasn't clear to me what exactly Mr. Grier was concluding.
18 So I sat down with him, and he explained to me that either
19 the person had done it -- had either been negligent or he
20 had done it purposefully. In either case, we had a
21 situation that Mr. Merritt needed to be aware of.

22 I wanted to make it very clear that Mr. Grier
23 had made a conclusion that one or the other had happened;
24 however, I wanted Mr. Merritt to know that if he wanted to
25 know which one of those two had, indeed, occurred, that he

mgc 6-11

1 needed to go beyond this.

2 I wasn't certain whether that was important
3 or not, whether the item is negligent -- whether the item
4 was handled in a negligent manner, whether it was handled
5 intentionally. You know, I didn't feel that Mr. Merritt
6 needed to know one way or the other, but I wanted him to
7 know that one or the other had occurred. I just wanted
8 to make sure that Mr. Merritt understood Mr. Grier's point.

9 BY MR. ROISMAN:

10 Q Why did you get involved in that, once you
11 realized that this didn't have anything to do with QA/QC?
12 Why did you go ahead, have the meeting with Mr. Merritt,
13 put the note -- I'm sorry -- with Mr. Grier, put the note
14 on there? Why didn't you just treat this as something in
15 which you had to have no involvement beyond assuring yourself
16 that it was not a QA/QC matter?

17 A Because I'm very particular as to what I become
18 involved in. I want to make sure that I understand
19 information that I am communicating to another person, and
20 if I have a question as to what is there, I like to clarify
21 it from the standpoint of professional pride, if you want
22 to call it that. That is why I clarified it.

23 Q Now do you have any knowledge as to what the
24 ultimate disposition was, first of the question that you
25 raised, whether it was one interpretation or the other

mgc 6-12

1 interpretation of what Mr. Barcomb had actually done,
2 whether that further investigation occurred and what the
3 result of it was, do you have any knowledge of that?

4 A I know that Mr. Merritt and myself and
5 Mr. Grier visited after this report was received by
6 Mr. Merritt, and Mr. Merritt wanted to understand exactly
7 what had happened and some of the details of what did you
8 find, what does this mean -- well, did you find this -- well,
9 did you find that.

10 I know there was extensive discussion and
11 clarification. I don't know what else Mr. Merritt did.
12 At that particular point, I withdrew from it. Mr. Grier
13 withdrew from it. And what Mr. Merritt did, I don't have
14 any firsthand knowledge of.

15 Q You mean in terms of the further
16 investigation?

17 A In terms of further investigation and/or
18 final disposition of the item.

19 MR. WATKINS: Could we go off?

20 (Discussion off the record.)

End 6

21
22
23
24
25

mgc 7-1

1 (The reporter read the record as requested.)

2 BY MR. ROISMAN:

3 Q So that you have no further knowledge as to
4 what was ultimately done with Mr. Barcomb; is that correct?

5 A I understand he was terminated, but this
6 is hearsay. I do not, after that --

7 MR. ROISMAN: Hearsay is inadmissible.

8 MR. WATKINS: We object.

9 BY MR. ROISMAN:

10 Q In the QA/QC area, is there any specific
11 procedure that indicates which items of misconduct would
12 be terminable offenses? Is there a written procedure, or
13 do you have in your head a known set of, "These things
14 are all terminable"? When they happen, you terminate.

15 MR. WATKINS: Now, clarification. Are you
16 talking about for QA/QC employees?

17 MR. ROISMAN: QA/QC employees, correct.

18 THE WITNESS: Yes, there is.

19 MR. ROISMAN: Okay.

20 BY MR. ROISMAN:

21 Q Can you tell me, what are those items, and
22 first, are they a written procedure, or is it something
23 that you have in your head?

24 A No. It's written.

25 Q Okay, fine.

mgc 7-2

1 A I believe -- and I haven't seen this document
2 in quite some time -- I believe that sleeping on the job
3 is one of them.

4 Q Yes?

5 A Theft, fighting on the job.

6 MR. WATKINS: Excuse me. Does that mean
7 physical fighting or verbal fighting?

8 THE WITNESS: No, no. I believe this is
9 fighting.

10 BY MR. ROISMAN:

11 Q Physical fighting.

12 A Physical fighting. I believe intentional
13 disregard of safety precautions.

14 Q Are you referring there to a construction site
15 safety precaution related to the safety of a fellow worker
16 or an NRC safety precaution for the plant?

17 A No. I am referring to personnel safety.

18 Q Okay.

19 MR. MIZUNO: Excuse me. You mean OSHA-type
20 safety?

21 THE WITNESS: OSHA-type safety.

22 MR. ROISMAN: Don't feel constrained.

23 (Pause.)

24 THE WITNESS: Use of drugs and alcohol on
25 site. I believe those are the ones. Again, I have not seen

mgc 7-3

1 this document in quite some time.

2 BY MR. ROISMAN:

3 Q How are employees made aware of the document?
4 How would a new QA/QC person coming on site learn about
5 these?

6 MR. WATKINS: May I clarify something?

7 MR. ROISMAN: Yes.

8 MR. WATKINS: Mr. Vega, are there different
9 written policies for Brown & Root employees as opposed
10 to other contractors' employees who are, indeed, TUGCO
11 employees?

12 THE WITNESS: Well, there are different
13 policy manuals for the different contractors that are on
14 site, such as Ebasco, such as Brown & Root. They are
15 companies that have their own employees and have their
16 own policy manuals.

17 What I have done is, I have taken a list
18 of guidelines and have endorsed them at the site.

19 BY MR. ROISMAN:

20 Q Now are those guidelines what include this
21 particular list you just gave me.

22 A Those are the ones that I gave you; that's
23 correct.

24 Q Okay. And how do the employees learn of
25 these guidelines?

mgc 7-4

1 A Employees are required to acknowledge their
2 knowledge of these policies at the time they are hired,
3 I believe. What I have done, since I've been on site,
4 I issued a memo to all QA/QC supervisors, asking that their
5 employees be notified, that they implement this, that,
6 you know, we document our personnel actions relative to this,
7 so people can be well-informed on what is the policy.

8 Q And are these offenses, is there anything to
9 indicate whether you get one free, or you don't get any
10 free, or if you get caught three times in a month, or are
11 there any such criteria like that?

12 A Again, there is latitude in these areas, and
13 the procedure requires that these disciplinary matters
14 be brought up through supervision to the appropriate
15 manager's attention.

16 Q Now this related only to QA/QC employees;
17 is that correct?

18 A That is correct.

19 Q So that it is possible that a different list
20 exists with regard to craft or even no list with regard
21 to craft, so far as you know?

22 A I don't want to speculate.

23 Q But you don't know that the contractors --

24 A I don't have any personal knowledge.

25 Q Okay. All right. What criteria govern the

mgc 7-5

1 exercise of the latitude that may be used in these areas
2 to decide when to terminate because of the existence of
3 the offense, when to warn because of the existence of the
4 offense, or when to take some other action?

5 A The general policy that we follow is the
6 desirability, except in the most flagrant actions, to
7 implement a policy of increasing disciplinary action leading
8 to termination. We feel that it is our responsibility to
9 apprise people of their performance, and when they fall
10 short, to do everything we can to make them better employees.
11 Accordingly, we implement a program of progressive
12 disciplinary action at Comanche Peak.

13 Q All right. And how do you decide where a
14 particular incident falls on the scale?

15 A That is a judgment that I, as responsible
16 manager, the responsible manager involved, must make.

17 Q And can you give me what the criteria are
18 for making that judgment?

19 A Well, there's many factors involved. There
20 may be extenuating circumstances, and I find it very difficult
21 to discuss all ramifications, any kind of mitigating action.
22 What you are asking me is to give you in general terms the
23 criteria that I use to look at each case individually, and
24 I find that very difficult to do here at this point.

25 Q So that from the perspective of the QA/QC

mgc 7-6

1 employee who gets into a fight or falls asleep on the job,
2 they don't know, after they're caught in this particular
3 act, for certain what standards will be used to evaluate
4 which one of the graduated levels of punishment will be
5 imposed against them for the conduct. They only know that
6 the conduct is prohibited and could result in termination.

7 A That is correct. It would depend on whether
8 they had done this before, whether they had been counseled
9 before, whether they had been admonished before, whether
10 they are on probation of a result of a previous incident
11 of the same nature.

12 Again, I have to look at these things on an
13 individual case basis. I cannot give you a specific, "Here
14 is a roadmap that I follow in each and every item that comes
15 before me." I have to use my professional judgment.

16 Q So in sum, it is basically a subjective, as
17 opposed to an objective, determination.

18 A By necessity, you have to use subjective
19 judgment. Although we would all like to have everything
20 very clean and very objective, things never do come
21 black and white. If they do, they wouldn't get to my level.
22 Consequently, I must deal in the gray areas.

23 Q Are the termination decisions made at your
24 level?

25 A They are made in consultation with my management.

mgc 7-7

1 Q By your management, you mean the people to
2 whom you report.

3 A That is correct.

4 Q But they are not made by people beneath
5 you without your involvement in the decision.

6 A That is correct.

7 Q Now you have listed for me five terminable
8 offenses which you say you feel represent the ones that
9 are contained in your memorandum.

10 MR. WATKINS: Policy guidelines.

11 MR. ROISMAN: Excuse me. Thank you,
12 Mr. Watkins. Policy guidelines.

13 BY MR. ROISMAN:

14 Q Are there other actions that can result in
15 termination, but it is not included in the policy
16 guidelines, ones that are not written down but that might
17 result in termination?

18 MR. WATKINS: Mr. Roisman, we will object
19 on relevance grounds. You are talking about disciplinary
20 action meted out to QC inspectors. We fail to see the
21 relevance of that to allegations of QC inspectors being
22 harassed or intimidated. What is the relevance of this?

23 MR. ROISMAN: Well, one of the bases for
24 the harassment and intimidation claims of people such
25 as Chuck Atchison and Bill Dunham and Dogie Hatley and

mgc 7-8

1 Billy Orr is that they were fired, terminated from their
2 jobs, and I am trying to figure out whether there is a
3 standard by which these terminations occur, or whether it is
4 that they are made on a totally subjective basis, and that
5 the subjective basis is factoring in sub rosa the fact that
6 these employees were also reporting safety problems.

7 MR. WATKINS: Well, having registered my
8 objection, you must decide for yourself whether you want
9 to go on.

10 MR. ROISMAN: Well, I don't even see a close
11 question here, I must say, unless I'm missing something
12 that you are saying that I don't understand. Finding out
13 what are the criteria that are used for deciding what
14 conduct results in termination when one of the issues is
15 whether or not employees were being terminated on trumped
16 up bases, I think, is very relevant.

17 BY MR. ROISMAN:

18 Q Anyway, Mr. Vega, let me go back again to
19 the question, which is, are there other unwritten actions
20 that can result in termination?

21 A Mr. Roisman, I don't see how I could answer
22 that in anything other than the affirmative. Obviously,
23 if somebody goes and shoots somebody on site, we would do
24 something about it. If somebody goes and rapes somebody
25 on site, we would do something about it. I can't sit here

mgc 7-9

1 and tell you that those are the only things that will
2 result in termination at Comanche Peak.

3 Q Well, for instance, is leaving work early,
4 is that a terminable offense?

5 (Pause.)

6 A Not in itself. So I mean not an isolated
7 instance of that.

8 Q But can habitual, once a week leaving work
9 early?

10 A If there is a pattern of excessive absences
11 and/or late arrivals, early departures, to the point where
12 the person is adversely affecting Quality Control's
13 ability to do its job, a person would be counseled, and we
14 would do everything we could to get the attendance problem
15 solved.

16 Again, I would have to use my judgment as to
17 at what point an increasing disciplinary action should be
18 administered. I would certainly discuss this with my
19 management as we escalated the disciplinary action.

20 Q When you refer to your management, is the
21 first person up that chain Mr. Chapman?

22 A Mr. Chapman is my immediate supervisor, yes.

23 MR. WATKINS: Mr. Roisman, are you through
24 with Exhibit 43-6?

25 (Discussion off the record.)

mgc 7-10

1 MR. MIZUNO: Even though we're not
2 offering it into the record, wouldn't it make the
3 transcript more readable if we had the documents bound
4 in? So we might reach a stipulation to that effect, since
5 no decision has been made as to whether they are offered
6 into evidence or not.

7 MR. ROISMAN: I would love to do that if I
8 had the extra copies to provide her with and also to have
9 them for me. But I don't have that. My approach, my
10 intent had been that at the time we do propose findings,
11 we would append the documents which we wish to put into
12 evidence to the proposed findings.

13 I feel, number one, that will substantially
14 reduce the physical size of what goes in, as opposed to
15 making transcripts that long.

16 MR. MIZUNO: That's true, but the only reason
17 I bring this up is that it's been Judge Bloch's penchant
18 to have those documents bound in, even if they are
19 not necessarily submitted into evidence. And I personally
20 find it to be a very helpful thing, because when you are
21 talking about a document, you don't have to go and pull
22 some separate file of documents. It's right there.

23 MR. ROISMAN: I would like to accomodate that.
24 I am not in a position to be able to do so. I do not have
25 an extra copy, and I don't have -- the volume of documents

mgc 7-11

1 that you are talking about, not just in this but in other
2 depositions, we have no Xeroxing capability here, and we
3 have a tabletop Xeroxer that is very slow.

4 MR. MIZUNO: Okay, I can understand that.
5 The further point, though, is that in the future, I can't
6 rely upon Applicants to be providing the documents. So
7 I assume you are going to be identifying these documents
8 in the future and giving us copies, so at some point
9 we're -- I mean, we're not going to have people being
10 deposed on documents and them not being included in the
11 transcript and the Staff still not having a copy ever to
12 look at, unless we conduct, quote, "further discovery,"
13 which we shouldn't really be in that position.

14 MR. WATKINS: Right.

15 MR. ROISMAN: My position on this is that
16 the documents we are using have been provided to us in
17 discovery by the Applicant. If the Staff did not seek a
18 copy of it, I am not going to remedy that by giving the
19 Staff one at this point.

20 MR. MIZUNO: I understand --

21 MR. ROISMAN: I am more than willing --

22 MR. MIZUNO: I understand what you are
23 saying, but the fact is that you are talking about, in a
24 deposition, an evidentiary deposition, and you later
25 intend to submit it into evidence, you are, I think --

mgc 7-12

1 I think fairness, just fundamental fairness, would require
2 you to submit the copies of those documents to the Staff
3 in sufficient time so that if it had any further questions
4 to ask at those depositions which are acting as evidentiary --
5 or acting in place of evidentiary hearings, that we be given
6 them, so that we can do whatever is necessary.

7 It has been the continuing practice in the
8 depositions -- in the hearings, extending even before
9 Judge Bloch, that documents are to be provided to the
10 parties, and that that, at the hearings, when these
11 documents are known by the counsel to be used in the
12 cross-examination or in the direct examination of their
13 witnesses -- it's just unfair.

14 MR. ROISMAN: I would love to accomodate you,
15 but I have no Xerox facility available. If I had a Xerox
16 facility available, and if I weren't looking at the
17 documents myself and could spare them to put them into
18 Xercxing, I'd Xerox them for you.

19 But I don't. And I have assumed that you
20 got a copy of the documents in discovery that we got, and
21 that having gotten them, you did what we did, which is
22 that you put them into some sort of a rational order, and
23 that therefore they would be accessible to you.

24 It now appears that that assumption was wrong.
25 I cannot help you to correct it in order to address the

mgc 7-13

1 particular problem you are identifying. When I go to
2 offer them into evidence as part of the proposed findings,
3 that will be filed on the 20th of August, I will, of course,
4 attach to me filings, to every part including the Staff,
5 what I'm offering.

6 MR. MIZUNO: Okay. And I'm saying that that
7 is insufficient insofar as the fact -- the point is that
8 we, the Staff, cannot conduct any semblance of a
9 reasonable cross-examination until we actually have those
10 documents in hand, and that to wait until the actual
11 filings of findings of fact is much too late.

12 It's obvious that the whole purpose of
13 having the Staff here at these depositions -- I mean, we
14 might as well not show up. That's what I'm saying.

15 MR. WATKINS: I think Mr. Mizuno's point is
16 an entirely reasonable one.

17 MR. ROISMAN: Look --

18 MR. WATKINS: (Interposing).

19 MR. ROISMAN: Wait a second. I do not want
20 to spend all this time, when we've got Mr. Vega, whose
21 got more important business, I'm sure, in his mind than
22 to be here arguing about this.

23 I am telling you, this is a stone. There
24 is no blood in it. There isn't a Xerox machine here for
25 us to use to make you the copies.

mgc 7-14

1 Now, Mr. Mizuno, state your objection on the
2 record, and let's go back to business.

3 MR. MIZUNO: Okay, I --

4 MR. ROISMAN: I have given you my copies of
5 these documents to look at while I am here talking about
6 them. I will do anything else that I can reasonably do,
7 but I do not have the capability to make the copies that
8 you want.

End 7

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

mgc 8-1

1 MR. MIZUNO: I have a practical proposal.
2 I'm not trying to make a big thing out of this. I'm
3 just saying, let's try to work something out. And it would
4 appear that if you can identify that that is a document
5 you intend to use, like say tonight, that we, the NRC,
6 has some Xerox capabilities at the site, there's a
7 possibility that, you know, if you give us documents to
8 Xerox, that we can have them Xeroxed, and we'll work out
9 the costs later.

10 But I'm saying that I think there's a way
11 to do this. As long as you identify the documents and give
12 us copies, we can have copies made, you know, in advance.

13 MR. ROISMAN: What I cannot guarantee you
14 is that I can tell you in time for you to Xerox them, which
15 they are, as I said already on the record earlier today,
16 these documents that I am doing, I knew which ones they
17 were at two o'clock last night.

18 MR. MIZUNO: Are you going to be doing the
19 same thing for each day, in other words?

20 MR. ROISMAN: Yes. As soon as I get a little
21 relief in terms of this, I will get a little ahead of
22 things. And some of my lawyers are doing them on the spot,
23 and some of them are doing -- now you did see all the
24 documents that we had in the files that we made available
25 to the utility that were in the files for each of our

mgc 8-2

1 witnesses, and they included all the information that we
2 had in those files at the time we had those files.

3 The information that we are going through now
4 is not documents that we produced in discovery to someone
5 else and didn't give to the Staff. The information that
6 we're talking about now is information that was produced
7 to us in discovery from the Applicants, some of which --
8 these reports, by the way, the so-called exit interviews,
9 these reports were made available to us on the 6th of July
10 or the evening of the 5th of July.

11 I don't know when we were going to have time
12 to start Xeroxing the copies. We barely had time to get
13 them down here for ourselves.

14 I don't know the solution to your problem,
15 because my people need to look at the very document that
16 you want to make a copy of.

17 MR. WATKINS: May I suggest that your point
18 was to get Mr. Vega here for his deposition. Perhaps we
19 can address this later.

20 MR. ROISMAN: I'm willing to do what I can.
21 I'm just trying to tell you what I know I can't do.

22 MR. MIZUNO: Okay. I would propose that
23 we have a little conference call with Judge Bloch at the
24 end of Mr. Vega's deposition on this matter.

25 MR. ROISMAN: You have, Mr. Mizuno, my copy

mgc 8-3

1 of 0015, I believe, Mr. Perry. It's QA Incident 0015.

2 MR. MIZUNO: Yes.

3 MR. ROISMAN: Am I correct, Mr. Watkins, that
4 you and Mr. Mizuno now also have copies of the same
5 document?

6 MR. WATKINS: I don't know if it's the
7 same one. I have documents that say QAI-0015.

8 MR. ROISMAN: Okay. Let me mark this, and
9 then I will let you take a look and see if you have the
10 same one.

11 Would you mark this, please, 43-7?

12 (The document referred to was
13 marked Intervenors' Exhibit 43-7
14 for identification.)

15 MR. ROISMAN: All right, Mr. Watkins, if you
16 want to take a look at what is now marked 43-7, the cover
17 of which is a memorandum signed by Mr. Vega and to
18 Mr. Merrit, entitled "Allegation of Intimidation," and
19 attached to it is a memorandum to Mr. Vega from Mr. Grier,
20 which consists of fifteen pages, and see if this is the
21 same as the document which you have in your possession.

22 (Pause.)

23 MR. WATKINS: It is the same. In fact, I
24 think this is a copy of what you are holding, Mr. Roisman.

25 MR. ROISMAN: I think that's correct.

mgc 8-4

1 I think my copy which I gave to Mr. Mizuno is now not
2 here.

3 Mr. Mizuno, may I look at this pile?

4 MR. MIZUNO: Sure. Go ahead.

5 MR. WATKINS: I believe I have it somehow.

6 (Discussion off the record.)

7 MR. ROISMAN: I, in fact, have it. It's in
8 three parts in my file, and the portion that I was
9 interested in are the earlier pages.

10 All right. I believe we are all now looking
11 at the same, and for simplicity's sake, I am going to
12 use the full document as we have now identified it.

13 BY MR. ROISMAN:

14 Q All right, Mr. Vega, I am going to hand
15 you what has been marked as Exhibit 43-7, which is a
16 memorandum from you to Mr. Merritt, entitled "Allegation
17 of Intimidation, QA-0015," and ask you to take a look at
18 the first two pages of it, and just refresh your
19 recollection and tell me if that memorandum that is page 1
20 is by you and if the memorandum which is page 2, which is
21 addressed to you from Mr. Boyce Grier is one that you
22 did receive?

23 MR. WATKINS: We will object to the use of
24 the Grier memorandum and attachments on the hearsay basis
25 articulated earlier. In fact, it's hearsay within hearsay.

mgc 8-5

1 BY MR. ROISMAN:

2 Q I'm just interested in knowing the answer
3 to the question, whether the first memorandum is one that
4 you sent to Mr. Merritt and whether the second page is
5 something which you received from Mr. Grier.

6 A Yes.

7 Q Okay. All right. I'm not going to get into
8 this. I am interested in the memorandum that is addressed
9 to Mr. Merritt from you, which says, "Transmitted herewith
10 Mr. Boyce Grier's report concerning an allegation of
11 intimidation. Please respond by June 11, 1984, the actions
12 you have taken or intend to take regarding this matter."

13 My first question is, at the time that you
14 sent that to Mr. Merritt, did you have a perception or
15 an opinion as to what you thought were the actions that
16 Mr. Merritt should take, and if so, what were those actions?

17 A My idea of what Mr. Merritt should have done
18 was to visit with Mr. Powers and to direct him to be more
19 careful in regard to statements that were made that could
20 be perceived by inspectors to be intimidating, if you want
21 to call it that.

22 Q In your judgment, should Mr. Merritt have
23 advised his employee that any particular action would be
24 taken with regard to the employee if the employee continued
25 that conduct?

mgc 8-6 1

(Pause.)

2 A I would have expected Mr. Merritt to have told
3 Mr. Powers that any recurring incident of this nature would
4 be a basis for further disciplinary action.

5 Q And what would further disciplinary action
6 encompass? What other things can happen?

7 A Well, any provisions for escalating disciplinary
8 action. Again, Mr. Merritt would have to deal with it on an
9 individual case basis, depending on what the facts surrounding
10 any incident would be or should be.

11 Q Well, for instance, is docking pay for two
12 days one step, and is firing another step, and is denial
13 of promotion another step, and is putting a bad report
14 into the person's personnel file another step? Are those
15 all possible steps available to Mr. Merritt?

16 A Certainly. Mr. Merritt has any of those
17 options at his disposal. It would be up to him to determine
18 what would be appropriate.

19 Q Do you believe that in this particular incident
20 that you have any independent authority to seek different
21 action if, in your judgment, the action taken by Mr. Merritt
22 was inadequate?

23 A Certainly.

24 Q How would you go about doing that?

25 A I could stop work.

mgc 8-7

1 Q I'm sorry. You could stop?

2 A I could stop work. Yes, I could stop work
3 in Mr. Powers' building. I could pull every inspector out
4 of there and tell Mr. Merritt to come back and talk to me
5 after he had squared away the situation. That's totally
6 within my authority

7 Q And that would not involve having to go to
8 your management?

9 A Not involve having to go to my management.
10 That is a decision that I am fully authorized to make
11 without consultation with anybody.

12 Q Have you ever done that, Mr. Vega?

13 A No, I have never found it necessary to do
14 that.

15 Q Have you ever taken any action to attempt to
16 compel Mr. Merritt or some other person in his position
17 to take further disciplinary action against one of his
18 employees who was found to have engaged in conduct which
19 could be interpreted as having harassed or intimidated
20 one of your employees?

21 A There have been discussions with Mr. Merritt
22 as to what I feel is an appropriate action, and in each
23 case, Mr. Merritt has concurred and has supported my input,
24 my request, whenever I have felt that such was appropriate.

25 Q Well, does that arise because Mr. Merritt

mgc 8-8

1 proposes to take an action, you then believe that's not
2 enough and say, "Let's meet"? Or do you go to Mr. Merritt
3 even before he's made a judgment as to what he's going to
4 do and indicate to him your opinion of what he should do?

5 A No. He comes to me, and he -- we have a
6 very good working relationship. He will come to me and
7 say, "Tony, what do I need to do to satisfy you on this?"
8 I'll say, "John, you need to do this." He'll say, "You've
9 got it, sir." He'll walk and go do it.

10 Q Is that what happened in this case?

11 A I believe that is what happened in that case.

12 Q Okay. And what was it that Mr. Merritt
13 proposed to you that you considered to be satisfactory in
14 this case?

15 A I proposed to him that he talk to Fred Powers
16 and that he discuss with him the necessity to deal in a
17 professional manner. Mr. Powers came by my office and
18 said, "Tony, I want you to understand that I was not
19 in any way trying to make the person uncomfortable. What
20 I was talking about was the position, the interpretation
21 being unreasonable," or as he called it, "asinine."

22 He was not calling the inspector an asinine
23 person and wanted to make sure that I understood that he,
24 Fred Powers, would never do anything to compromise what he
25 perceived was a very good working relationship with Quality

mgc 8-9

1 Assurance.

2 I told Mr. Powers that he needed to be very
3 careful about how he phrased his statements and that he
4 needed to conduct himself and make his statements in a
5 totally professional manner. He agreed, and Mister -- we
6 have not had any recurring incidents of that nature.

7 Q Now what did you do with Mr. Perry? He was
8 the person who made the allegation.

9 A Yes.

10 (The witness refers to the document.)

11 Mr. Grier subsequently got together with
12 Mr. Perry to explain to him the actions that had been taken
13 and to relate to him the corrective actions. He was
14 advised that he was correct, encouraged him to continue
15 making sure that if a drawing calls for full contact, that
16 that's exactly what's done, and to the best of my
17 recollection, Mr. Grier did, indeed, meet with Mr. Perry,
18 and Mr. Perry subsequently stated that he had no further
19 problem with this incident.

20 Q And how did you learn of that?

21 A I believe Mr. Grier forwarded a memo to me
22 to that effect.

23 Q Did you meet with Mr. Grier before he met with
24 Mr. Perry to express your view as to how he should deal
25 with Mr. Perry?

mgc 8-10

1 A Only from an information standpoint.

2 "Mr. Grier, this is what's been done. We need to communicate
3 it to the inspector, and if there is anything that needs to
4 be done as a result of your discussion, please bring it to
5 my attention and we'll continue working on it."

6 Q Does Mr. Perry have anything in his file that
7 indicates that he had identified an incident, correctly
8 identified an incident of possible harassment and
9 intimidation?

10 A No, I don't believe -- well, as a matter of
11 fact, I'm certain that there is nothing in his file that
12 would indicate that he made that complaint.

13 Q That he was later proven correct?

14 A No, I don't believe that there would be
15 anything.

16 Let me make sure that we understand. May
17 I see the document again?

18 Q Yes (handing document to witness).

19 A Mr. Grier did meet with him on June 18th,
20 met in his office with Mr. Perry to inform him of the
21 results and to confirm that corrective action was taken.
22 Mr. Perry stated that he was satisfied with the results
23 and had no further problem.

24 (The witness continues to review the
25 document.)

mgc 8-11

1 I want to point out that Mr. Grier concluded
2 that the meeting was not for the purpose of intimidating
3 the inspector. It was a meeting that was held to discuss
4 the details of acceptance criteria. The inspector did his
5 job by identifying what he saw the requirements to be. That
6 is his job. That's what the man gets paid for.

7 Q How do you deal -- what is your process for
8 dealing with the question of an inspector who perceives
9 that conduct that he was subjected to was -- I believe the
10 words that are used in Mr. Grier's memorandum to you, quote,
11 "browbeating," unquote?

12 A You -- the first thing that I do, of course,
13 is forward it for Mr. Boyce Grier's investigation, to get
14 the facts, to talk to the people, to understand what it is
15 that the person was trying to communicate, and to explain
16 to the person what the intent was of that person and to
17 make sure that the inspector understands that there was no
18 effort to intimidate him and to make sure that the inspector
19 understands that he is supported by management in his
20 interpretation of the requirements and to make sure that if
21 they document -- that if Engineering is saying, "Hey, that
22 is not what we mean," that there is something clear that
23 comes down from Engineering that very clearly defines what
24 is expected of the inspector.

25 The bottomline? To make sure that the

mgc 8-12

1 inspector knows that he has our total support in doing his
2 inspection properly.

3 Q And now I would like for you to -- well --

4 MR. ROISMAN: Would you mark this 43-8,
5 please?

6 MR. WATKINS: Which document is this, now?

7 MR. ROISMAN: This is 21. Yes, 21.

8 (The document referred to was
9 marked Intervenor's Exhibit 43-8
10 for identification.)

11 MR. ROISMAN: I have had the reporter mark
12 Exhibit 43-8, a document the first page of which is an
13 Investigation Request dated 6/28/84 regarding an
14 allegation made by Gary L. Scruggs. It's got a number,
15 QAI-0021 attached to it. There are three additional
16 pages, the first one of which is a memorandum from Boyce
17 Grier to A. Vega recounting an interview with Gary L. Scruggs,
18 and the next two pages are a questionnaire apparently
19 filled out in part by Mr. Scruggs and signed by him, and
20 in part by Mr. Grier and signed by him.

21 BY MR. ROISMAN:

22 Q Mr. Vega, I am going to hand you this
23 four-page document and ask you if you, first, if the
24 document on the first page is a document which you wrote
25 yourself, and secondly if you have seen the three pages

mgc 8-13

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

that are attached to this report?

A Yes, I have.

Q Is the one on the front the one that you yourself wrote, the first page of the document?

A It was typed under my direction.

End 8

RECEIVED
COTTON CONFERENCE
RELEASE
MILLERS BILLS

1 BY MR. ROISMAN:

2 Q If I understand correctly, you have asked
3 Mr. Grier in the first page of the document to
4 investigate the allegations of substantive deficiencies
5 which Mr. Scruggs has identified in his meeting with
6 Mr. Grier; is that correct?

7 MR. WATKINS: On that basis, we object.
8 This document on its face has nothing to do with
9 allegations of harassment or intimidation; it's
10 strictly a substantive matter.

11 MR. ROISMAN: On its face the document
12 reflects the fact that the employee is unwilling to
13 tell the company and would talk only to the NRC about
14 these concerns. And so the question is -- and that's
15 the next question to Mr. Vega: Why did he not ask
16 for an investigation of the employee's stated
17 reluctance to talk to the company about his concerns.

18 THE WITNESS: I would like to go back to
19 your first question where you stated that it included
20 substantive deficiencies. There are no substantive
21 deficiencies. That is your characterization of what is
22 here.

23 BY MR. ROISMAN:

24 Q I'm sorry. Claimed substantive deficiencies.
25 I can't tell from that whether they are or not.

1 A It's allegations of electrical
2 deficiencies.

3 Q Correct.

4 A Okay. In regard to this particular
5 gentleman, I asked Mr. Grier to look into this. I
6 was particularly curious because Mr. Scruggs had
7 been quite upset that his security clearance had not
8 come through.

9 Mr. -- As you know, as we approach the
10 fuel load of Unit 1, we must have our people cleared
11 to work on Unit 1. Mr. Scruggs was one of the QA/QC
12 personnel whose security clearance was denied.

13 I wrote a letter to Mr. Scruggs advising
14 him of the security turndown. I advised him that if he
15 wanted to go into additional detail as to the basis
16 for having the turndown of his security that he should
17 transmit to me a letter requesting that the information
18 be made available to him.

19 I did receive such a memo, and Mr. Scruggs
20 came into my office to discuss it personally. I told
21 him that the decision to turn down his security
22 clearance was made at the corporate security level.

23 MR. WATKINS: Excuse me. But surely you
24 don't want to get into the reasons for which his
25 security clearance was turned down?

1 MR. ROISMAN: No.

2 MR. WATKINS: You'll accept that limitation.

3 THE WITNESS: I wasn't getting into that.

4 But the point that I am wanting to make is that at
5 this point, Mr. Scruggs told me that he knew why his
6 security clearance had been turned down.

7 I said, "Mr. Scruggs, I don't get involved
8 with the reasons why the security clearances are
9 passed or not passed. That's a corporate security
10 matter. What I want to do is make sure that you have
11 every opportunity to understand why this action was
12 taken so that you can be aware of the basis."

13 He said, "Well, I know that it's not going
14 to be changed." He said, "I know why it happened. But
15 I want to know what would be the next source of
16 appeal beyond your company."

17 I said, "Mr. Scruggs, why don't you visit
18 with Mr. Andrews. Let him visit with you. You ask him
19 that question."

20 I said, "I know that we have regulatory
21 guides that are very clear about what has to be met
22 and what constitutes basis for not clearing your
23 security."

24 I said, "You'll have to visit with him on
25 that."

1 He said, "Well, you know it's very
2 important for me to stay with this project." He
3 said, "I've been on it for many years. I really
4 enjoy working here. I don't want to leave."

5 I said, "That's why I want to give you every
6 opportunity to change your clearance."

7 The next incident or the next time that I
8 heard of Mr. Scruggs was we had an ROF. And it was in
9 regard to this ROF that Mr. Scruggs filled out this
10 questionnaire.

11 And so, of course, Mr. Grier then conducted
12 the investigation in regard to this. What -- To
13 start with, Mr. Scruggs did not convey -- I looked
14 into this personally from the standpoing that Mr.
15 Scruggs did make a mention -- finally agreed to
16 identify one area of concern, that he had informed
17 his lead, "Duck" Snow of a problem that had not
18 been corrected.

19 I talked to Mr. Snow. I wanted to know
20 what had been identified to him that had not been
21 corrected.

22 Mr. Snow informed me that contrary to
23 what Scruggs was saying, he had never brought any
24 problem to him directly. He speculated -- and again
25 here's speculation.

1 We have a situation where cover on a
2 cable tray is an engineering resolution to a separation
3 concern.

4 Placing a cover on that tray is the
5 engineering-approved disposition. There was an
6 instance where engineering added a cable in a cable
7 tray. In order to add that cable, you had to remove the
8 cable tray.

9 The moment that -- I'm sorry. You had to
10 remove the cable tray cover.

11 The moment that you removed the cable tray
12 cover, you now had a separation deficiency because now
13 you no longer have the cable tray cover on.

14 Mr. Snow talked to a supervisor that I
15 believe this gentleman worked for, and they went
16 through the travelers and the inspection removal notice
17 paperwork, and they clearly could see that the paperwork
18 itself provided for the reinstallation of the cable tray
19 cover.

20 The matter was something that was totally
21 within the provisions of the quality assurance program.
22 There was absolutely no substantive concern. It
23 appears to me that what we have here is an employee that
24 was quite upset, frankly, over not having the security
25 clearance that he felt he should have had.

1 BY MR. ROISMAN:

2 Q Mr. Vega, I'll ask my question again, and I
3 would appreciate it if you would answer my question.
4 I appreciate your giving me all that information.

5 I still want to know why did you not have
6 Mr. Grier investigate this employee's unwillingness to
7 tell the company what his problems were when he filled
8 out his exit interview, and his insistance initially --
9 and then even his reluctance later to tell the company
10 what it was, and to talk only to the NRC. Why did you
11 not have that investigated?

12 A Well, sir, if you will notice, this comment
13 was made to Mr. Grier in the first place. These comments
14 were not made to a third party. They were made directly
15 to Mr. Grier.

16 The document is very clear on that.

17 Q The document indicates in the memorandum
18 from Mr. Grier to you that Scruggs stated that he had
19 been in contact with the NRC regarding his concerns; he
20 identified the NRC as Darrell Eisenhut, Ben Hays, and
21 Brooks Griffin.

22 "He stated that he expected to meet with
23 Brooks Griffin to provide him with details on his
24 concern. He declined to give me details of his concerns,"
25 and then it goes on.

1 He indicates he's back and forth with him.

2 Then Mr. Grier says, "Scruggs finally agreed
3 to identify one area of concern," and that's the area
4 we're talking about.

5 My question to you is: Why did you not ask
6 Mr. Grier to investigate Mr. Scruggs' unwillingness to
7 fully disclose -- and without reservation disclose to Mr.
8 Grier at the time of his exit from the plant site his
9 concerns about these safety problems?

10 MR. WATKINS: And Mr. Vega answered that he
11 conducted his own investigation. The question has been
12 answered.

13 MR. ROISMAN: I have not heard him say
14 anything about investigating Mr. Scruggs' reluctance to
15 talk to the company.

16 Am I to understand from your statement, Mr.
17 Watkins, that everything I've heard represents all that
18 Mr. Vega did with regard -- or asked Mr. Grier to do --
19 with regard to investigating Mr. Scruggs' unwillingness
20 to talk to the company; and that it represents Mr. Vega's
21 entire explanation for why he didn't do anything more?

22 If so, then -- Are you telling me that it has
23 been asked and answered or not, because I want --

24 MR. WATKINS: Yes.

25 MR. ROISMAN: Then we're through. If the

1 question has been asked and answered, then it's asked
2 and answered.

3 BY MR. ROISMAN:

4 Q Mr. Vega, in 1979 you were a member of a
5 management review board that conducted or supervised
6 and conducted interviews of site QC inspectors. Do you
7 remember that? Other members on the board were Mr.
8 Boron, Ms. Anderson, Mr. Moore, Mr. Purdy, Ms. Spencer
9 and Mr. Valdez.

10 A I remember that.

11 Q Do you remember how it happened that this
12 TUGCO QA management review board was established and how
13 you happened to be on it?

14 A Yes, I remember the discussions leading up to
15 this item. I remember that there were discussions in
16 house. I believe these discussions were primarily between
17 Mr. Tolson, Mr. Chapman, myself, Mr. Boron.

18 We wanted to take the initiative and go see
19 how things were going with the quality assurance program
20 at Comanche Peak.

21 As I mentioned to you earlier, we do this a
22 lot. If Mr. Tolson feels uncomfortable with any area in
23 his organization, he asks for a management audit. "Hey,
24 I don't feel comfortable here. I'd appreciate it if you'd
25 come in and look at it and tell me if I have a problem."

1 primary responsibility for authoring different elements
2 of that. We all concurred with that, signed the
3 different elements of the report.

4 Q But, in other words, only the ones that you
5 have primary responsibility for would be the ones in
6 which you really had personal knowledge of the informa-
7 tion that was contained in there?

8 A Not personal knowledge, but rather I had
9 information as to what had been said by the inspectors.

10 Q On the ones that you had responsibility for,
11 were you conducting the interviews?

12 A Yes, I was.

13 Q It wasn't the people working for you? You
14 were doing the interviewing yourself?

15 A I was doing the interviewing myself.

16 Q So the information that's contained in this
17 document reflects what it was that the person doing the
18 interview actually heard the QC inspector that they were
19 interviewing say?

20 A That's correct.

21 Q I notice that when these documents were
22 produced in discovery -- and I'm talking about the
23 interviews themselves -- they're all identified A, B,
24 C, D, with numbers as opposed to individual names.

25 Can you tell me why was that procedure used

1 and was that the way the reports were actually written
2 up originally, or did they include the names originally?

3 A No. We wanted to get as much input as we
4 could get. We wanted to make sure that the inspectors
5 understood that we were not after names; we were not
6 after titles. We wanted information.

7 We couldn't care less whether it was this
8 person or that person. What we wanted was feedback.

9 When people went in there, we told them that
10 we had a key; there was only one copy of that key; and
11 that their identification -- if you want to call it that --
12 would be safeguarded because the questionnaires would
13 only have a certain prefix and a number.

14 It was for that purpose that this code was
15 generated.

16 Q So the originals had the code on them to
17 start with is what you're telling me. There never was a
18 questionnaire that had the person's actual name written
19 on it?

20 A There never was a questionnaire that had a
21 person's name written on it. Absolutely not.

22 Q Why did you do that?

23 A We wanted to promote as free of an exchange
24 of information as possible without anybody knowing who
25 said what.

1 Q Why should anybody have been concerned about
2 who said what?

3 A Well, I don't know of any reason why anybody
4 should be concerned. But there are people that don't
5 like to sign their names to different things. I mean,
6 this can be a suggestion or a letter to an editor or
7 whatever.

8 People are at times reluctant to identify
9 themselves. If you divorce the entire process from names
10 and persons, and you promote -- you concentrate your
11 efforts on a free and confidential exchange of information,
12 we felt that it would help for a freer communication.

13 It was our opinion as members of the group --
14 nobody told us to do it. We just thought it would be a
15 good idea.

16 Q Did you ask the people whether they would
17 mind if their names were used; or did you assume that
18 they would not want it used, and just used your system
19 for all of it?

20 A We didn't want to use names. That was our
21 decision. We never even asked them.

22 Q Did you have any sense -- You describe it
23 as almost a natural, somewhat universal, although not
24 total, universal feeling. What is your opinion as to
25 why such a feeling would exist, why these people would in

1 any way give you different answers if they knew their
2 names were going to go on the questionnaire?

3 A I'm not saying that they would give me
4 different answers if their names were on the questionnaire.
5 We just wanted to eliminate the subject in the first place.

6 Q When the reports were completed -- the
7 summaries that were done, to which all of the members
8 put their signatures -- did you continue to have any
9 involvement with regard to the review of the TUGCO
10 management review board summaries or implementation of
11 any actions that may have been taken or not taken in light
12 of them; or were you now through?

13 A Well we were pretty well through. We
14 generated the reports. We turned them over to management.
15 I remember we made some presentations.

16 After that we did not get involved in it.
17 It was pretty much we were through with our involvement.

18 Q What was your position in the company at the
19 time that you were on this TUGCO QC management review
20 board; do you remember?

21 A I was probably Supervisor of Quality
22 Assurance Services at that time, but I don't know for
23 sure.

24 Q I'm sorry, I always have trouble with all of
25 these. Is that the same position that you were holding

1 just before you entered your current position, or was
2 there a change?

3 A It would have been the same position.

4 Q In which of these areas did you do the actual
5 interviewing? Which was your area; do you remember?

6 A Mr. Roisman, this was so long ago. I
7 really couldn't tell you for certain. I don't think
8 I could pinpoint something specifically.

9 Q The other people who were on there, as I
10 understand it, if your recollection is correct that you
11 were in fact involved in the job which was essentially
12 the same as the job you held just before your present
13 one -- all these QC people were people whose work was
14 in one way or another subject to your review; is that
15 correct?

16 A Certainly.

17 Q So there was no one area in which you could
18 particularly go and talk to people who you wouldn't
19 know who the person was that you were talking to?
20 You knew them and they knew you at least by name, if
21 nothing else.

22 A No, not at all. Not at all. These are
23 inspectors. I come in and we look at programs. We
24 look at documentation. We talk to people, but we're
25 not based at Comanche Peak.

1 Q That was true of all the other people on the
2 management review board at that time?

3 A Everybody on that list was officing and
4 reporting off site.

5 MR. WATKINS: Could we take a real short
6 recess?

7 MR. ROISMAN: Sure.

8 (Short recess.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

mgc 10-1

1 MR. ROISMAN: We are back on the record.

2 BY MR. ROISMAN:

3 Q When you did the Management Review Board
4 work in 1979, in your judgment, did the summary produce
5 any things that surprised you? Were there any things
6 that you found that were better than you expected, worse
7 than you expected, different than you had expected,
8 compared to when you were going in and getting ready to
9 start it? Did you have any surprises?

10 A Gosh, you are asking me to go back five
11 years.

12 (Pause.)

13 I really don't remember what I expected.

14 Q Is it hard for you at this point to have a
15 very clear memory even of what it was that was concluded?

16 A I remember some of the things that came out
17 that we addressed, that stick in my mind. But other than
18 that, my recollection of this whole thing is very vague.

19 Q If such a review were conducted today, a
20 management review, I assume it would be one in which you
21 would not be involved because now you are at the site, and
22 it would be your, if you will, work force that was the
23 subject of the review. But if such a one were conducted
24 today, can you think of anything that would be done
25 differently in terms of doing that review than the way

mgc 10-2

1 it was done before?

2 MR. MIZUNO: Objection. Why is that
3 relevant, if one was to be conducted today?

4 MR. ROISMAN: Well, I think it's appropriate
5 to ask the hypothetical question based upon seeking to
6 determine whether, in the witness' judgment, conditions
7 or events at the plant have changed in such a way that this
8 kind of a review would be done differently and then to probe
9 that. And if he does not believe that it has changed, that
10 is also relevant because --

11 MR. MIZUNO: But it is not established that
12 he, in fact -- the Applicants have determined that one
13 would be -- a review board of this type would be necessary
14 now or desirable.

15 MR. ROISMAN: That's true. The only people
16 who have made that decision is the NRC Staff.

17 MR. MIZUNO: And so therefore I don't
18 believe that it's -- since the Staff has required it or
19 because the Applicants have not done this of their own
20 volition, that any questions regarding this would be
21 speculative and not relevant.

22 MR. WATKINS: We endorse that objection and
23 would add that if you would like Mr. Vega to speculate,
24 so long as we identify his answer as speculation, --

25 MR. ROISMAN: It's not important enough. I

mgc 10-3

1 will drop the question.

2 BY MR. ROISMAN:

3 Q Mr. Vega, are you familiar with a document
4 entitled CPSES Policy Regarding Investigation and
5 Reporting of Quality Matters Related to Nuclear Safety?
6 Does that document ring a bell with you, dated sometime
7 around the end of 1983?

8 A (No response.)

9 Q It's CPSES Policy Regarding Investigation and
10 Reporting of Quality Matters Related to Nuclear Safety.

11 MR. MIZUNO: Is this a document which the
12 Intervenors have in their possession?

13 MR. ROISMAN: I don't have it, but I believe
14 that counsel in one of the other rooms has it, the one
15 copy.

16 MR. MIZUNO: The same objection as far as
17 providing it.

18 THE WITNESS: CPSES Policy Regarding
19 Investigation and Reporting of Quality Matters Regarding...?

20 MR. ROISMAN: -- Related to Nuclear Safety.

21 THE WITNESS: May I ask if there is a
22 procedure number associated with this?

23 MR. ROISMAN: I have no such designation.
24 If it is not familiar to you, just tell me no, and we will
25 just go on.

mgc 10-4

1 THE WITNESS: I do not recognize it.

2 BY MR. ROISMAN:

3 Q Do you know or are you able to tell me the
4 forms of documents or the names of documents, to start
5 with, that are used for reporting nonconforming conditions
6 at the Comanche Peak site under the QA/QC program?

7 A Yes.

8 Q Could you list those for me, please?

9 A We have two primary documents. One of them
10 is an inspection report referred to as an IR. The other
11 is a nonconformance report called an NCR.

12 Q And what are the criteria -- well, let me
13 ask you, what are -- is there a written statement of what
14 the criteria are for identifying when you use an NCR and
15 when you use an IR?

16 MR. WATKINS: Objection. Mr. Roisman, this
17 very subject has been the subject of extensive cross-
18 examination before the Board. This is cumulative evidence
19 which does not add anything to the record.

20 MR. ROISMAN: I believe the Board ruled this
21 morning, and I am willing to accept as the alternative
22 that if that is the claim, you produce the transcript and
23 the witness be asked to look at the page of the transcript
24 and verify that that is a correct statement, in his
25 opinion.

mgc 10-5

1 MR. WATKINS: We can take a recess, and
2 I will go locate the transcript.

3 MR. ROISMAN: All right. Well, I'll tell
4 you what. I think it's a little early to take an
5 afternoon recess. Why don't we just put that aside for
6 a moment, and then when we take a recess, you can look
7 that up.

8 MR. WATKINS: All right.

9 MR. MIZUNO: Could you just repeat that
10 question again?

11 MR. ROISMAN: I want to know if there is a
12 published document which indicates, printed document which
13 indicates what the criteria are for when you use an NCR
14 and when you use an IR.

15 (Pause.)

16 BY MR. ROISMAN:

17 Q Mr. Vega, do your responsibilities include
18 being brought in every time one of your inspectors makes
19 a claim that they have been subjected to harassment and
20 intimidation? Would all of those automatically always be
21 seen by you as well as whatever other people might be
22 involved, or is there some differentiation that is made,
23 and only some are seen by you?

24 A The procedure requires that these people
25 be brought to visit with Mr. Boyce Grier. I would see

mgc 10-6

1 every report that is issued by Mr. Grier.

2 Q Would you yourself have any interview or
3 interaction with the person as a normal course?

4 A No.

5 MR. MIZUNO: Can I ask a question to clarify
6 this point?

7 MR. ROISMAN: Yes.

8 MR. MIZUNO: Mr. Vega, you must be
9 speaking about a procedure which I guess is currently
10 in force at the plant. Can you indicate whether there
11 has been a change in that through the history of the
12 plant or at least when you were there?

13 I understand that Mr. Boyce Grier's position
14 was created relatively recently. I want to get at what
15 the procedure was before Mr. Grier was -- Mr. Grier's
16 position was created, okay?

17 THE WITNESS: Do you understand, Mr. Mizuno,
18 that I came to the site subsequent to Mr. Grier being
19 assigned, and so I am speaking from firsthand knowledge
20 from March the 16th on, and so that procedure has been in
21 effect as long as I have been responsible for this
22 activity.

23 MR. MIZUNO: But you are not aware of what
24 occurred prior to that time? In other words, you might
25 not have been on site, but you certainly must have known

mgc 10-7 1

what was going on at the plant. Or maybe not.

2

THE WITNESS: Well, as far as the specific procedure that was followed, I don't have firsthand information on that subject. I do know that we had instances where I was asked to investigate allegations of different sources prior to Mr. Grier being brought on site.

3

4

5

6

7

8

BY MR. ROISMAN:

9

10

11

12

13

Q Mr. Vega, do you have any recollection of any instances in which you yourself personally interviewed people who had made allegations of harassment, intimidation, pressure not to report nonconforming conditions?

14

15

MR. WATKINS: Is that the end of your question?

16

17

18

MR. ROISMAN: Yes.
MR. WATKINS: I object on hearsay grounds. That is the purest hearsay.

19

20

21

22

MR. ROISMAN: The question I asked him was, did he ever interview any such people? There is no hearsay involved in asking him whether he ever interviewed such people.

23

24

MR. WATKINS: I will withdraw the objection to that question.

25

THE WITNESS: The answer is, yes, I have

mgc 10-8

1 talked to people who have made such an allegation.

2 BY MR. ROISMAN:

3 Q Did you do that since you've been in your
4 current position or when you were in your prior position?

5 A When I was in my prior position.

6 Q And what was the purpose of you doing that
7 interview? Why were you the one that was involved in that?

8 A Because I was not reporting to anybody on
9 site. I had experience -- I have experience in the audit
10 area, the investigation area. This experience is directly
11 applicable to investigations of this type, and I was
12 assigned these responsibilities by my management to do it.

13 Q And when you say your management, you mean
14 Mr. Chapman?

15 A Yes.

16 Q Now were you the person who was asked to
17 interview every person who was a QC employee who made an
18 allegation of harassment and intimidation?

19 A No.

20 Q Do you know, were there -- was there some
21 basis for deciding which ones you would do and which ones
22 you would not do?

23 (Pause.)

24 A Some were handled on site, depending on who
25 might have received any concern. Some others, Mr. Tolson

mgc 10-9

1 would forward to Mr. Chapman, who would then ask me to
2 look at them.

3 As to what the specific criteria was for
4 deciding whether I would do it or whether it would be done
5 on site, I would say would primarily be a combinatio of
6 discussions between Mr. Tolson and Mr. Chapman.

7 Q When you say whether you would do it or it
8 would be done on site, you are not talking about the
9 physical location of the interview, are you? You are
10 talking about whether the interviewer would be an on-site
11 or an off-site personnel; is that correct?

12 A That is correct.

13 Q Do you have any recollection of doing any
14 of those interviews where they were tape-recorded?

15 A Yes, I remember having recorded several of
16 them.

17 Q Do you remember why you chose to record
18 some?

19 A Oh, primarily I would say because my
20 workload was such that I didn't have the time to sit
21 down and write a report without interruption. My notes
22 were at least -- were at times sketchy, and I did it
23 primarily as an aid in helping me generate a report.

24 Q Did you ever experience any resistance from
25 the people whose interview you were taping to having it

mgc 10-10 1

taped?

2 A If a person felt uncomfortable with the
3 taping, I wouldn't tape. I would just, you know, be a little
4 bit more careful with my notes.

5 Q Did you give a copy of the tape recordings
6 to the person who you had interviewed?

7 A Absolutely not.

8 Q Did you give a copy of the taperecording to
9 anybody else?

10 A No. These tapes were used over and over
11 again. I would write the report and, you know, just keep
12 the tape for use whenever I needed it again.

13 Q Would you make a transcript of the tape?

14 A I would extract -- there were times when
15 I would never even listen to the tape. I would, you know,
16 make my notes, and there might be an occasion for me to go
17 back and says, "Now, well did he say this or that?" And
18 I would, you know -- it would be an aid in generating a
19 report. But as far as me sitting down and saying, you know,
20 listening to the tape again, I don't think I ever did that
21 in any single instance.

22 Q Did you give any consideration to whether the
23 presence of the taperecording would itself be something of
24 an inhibition to the person who was being interviewed,
25 say comparable to the type of inhibition that you were

mgc 10-11

1 concerned about in 1979 when you didn't want to put names
2 on the engineers?

3 A Well, in 1979, we had a questionnaire, and
4 it was a matter of six people sitting down and recording
5 question to predetermined -- I mean answers to predetermined
6 questions.

7 Q Right.

8 A It was more convenient. We knew what we were
9 going to ask, and it was merely yes, no, or a note to,
10 you know, somehow remind us of a unique twist or something.

11 Q Uh-huh.

12 A This is different. You ask a question. You
13 follow it up. If you see an inconsistency, you try and
14 address it. "Well, wait a minute. Here you said it may
15 have been this. Now you're saying this. Which is
16 correct?"

17 Q Uh-huh.

18 A Really trying to ascertain what the facts
19 were. From that standpoint, it is more difficult -- what
20 I was doing was more difficult than what we did in '79.

21 Q Yes. I'm sorry. I wasn't asking why you
22 taperecorded in '79 or why you did at some of the
23 subsequent. I was merely asking you to contrast your
24 concern in '79 about inhibiting the person giving you a
25 full and complete answer, and they knew their name would

mgc 10-12 1

2 be used, and tell me whether applying that same kind of
3 sensitivity, you can see any concern that a person might
4 have with being fully forthcoming if their interview with
5 you was being taperecorded at an entirely subsequent time.

6 A And, Mr. Roisman, I made the comment a little
7 earlier that if there was any indication that there was
8 any reluctance on the part of the person that I was talking
9 to to have the recorder on, I would turn the doggone thing
10 off.

11 Q Mr. Vega, in either late '83 or early 1984,
12 the company made the decision -- I think it was
13 Mr. Chapman ultimately -- to institute a system, a so-called
14 hotline and an ombudsman.

15 Did you participate in any way in the
16 consideration of whether there should be a hotline and an
17 ombudsman?

18 A No. What participation I had could probably
19 be summed up as a total of fifteen minutes. I didn't --
20 I wasn't involved in that.

End 10

21
22
23
24
25

mgc 11-1

1 Q Mr. Vega, in the course of your
2 employment in your preceding job and in you present job,
3 did you ever receive either a memorandum or participate in
4 a meeting or have a conversation with a person who would
5 be considered your management or above that, Mr. Chapman
6 or above, in which anyone indicated to you what scheduling
7 problems the plant might have -- that is, prospective
8 dates by which they wanted certain things to be finished,
9 any financial consequences that might flow to the company
10 if they didn't make some of those deadlines, or in any
11 other way, did anyone make aware to you in such
12 conversations, memoranda, or otherwise from your management,
13 that there were any such considerations?

14 A Absolutely not.

15 Q Do you know what are the scheduling deadlines
16 that this company now has for the completion of its
17 construction?

18 A Certainly. I am aware of those, but every
19 time that something is publicized, my management goes to
20 pains to make sure that I understand that I am divorced
21 from that consideration. My management can then -- and
22 now I'm talking about not only Mr. Chapman, but Mr. Clements,
23 Mr. Garry, Mr. Spence -- "You are responsible for making
24 sure we do not cut corners. You are responsible for
25 making sure that what we do is correct. You are not

mgc 11-2

1 responsible for costs. You are not responsible for
2 schedule. You are responsible for making sure that this
3 is a safe, reliable plant and that QC does not cut corners."
4 And they emphasize this every opportunity they get.

5 Q I wonder, Mr. Vega, whether there is any
6 hyperbole in that. What do you mean by "every opportunity
7 they get"? Do you mean that every time you speak to
8 Mr. Chapman, this little litany which you have just
9 recited to me, he adds into the conversation?

10 A No. What I'm saying is, that if, for example,
11 there is a publication, and Mr. Clements comes by the office,
12 Mr. Spence comes by the office, "Tony, how are things
13 going?"

14 "Oh, going fine, Mr. Clements. Going fine,
15 Mr. Spence."

16 "Okay. You know, Tony, you're responsible
17 to make sure it's done right, okay. You know we don't
18 want anybody cutting any corners."

19 I understand that. I understand that. I
20 understand that.

21 Q But you don't mean to tell me that they
22 actually say that to you every time they see you?

23 A Perhaps that was an overstatement on my
24 part. I was trying to emphasize the intensity, you know,
25 the intensity that certainly I perceive. They go to pains

mgc 11-3

1 to communicate to me, "Hey, your job is not the schedule.
2 Don't let 'em cut corners. Your job is to make sure it's
3 done right."

4 Q Are you aware of any -- strike that.

5 Do you have a written procedure that goes
6 into detail on how to address claims of harassment and
7 intimidation beyond what you've indicated in your
8 deposition today, which is that Mr. Boyce Grier is
9 requested to investigate those allegations and report his
10 findings back to you?

11 A Yes.

12 Q Okay. What is that, and where does it appear?

13 A It is a compilation of documents that defines
14 how the process is started, the initiation and assignment
15 of a QAI, the entering of the QAI on the log, how it is
16 tracked, how it is documented, the format of the report,
17 the distribution, the availability of resources to the
18 person assigned the responsibility for doing the
19 investigation, the generation of the report, the tracking
20 to close out and the feedback to the person making the
21 allegation or claim.

22 MR. ROISMAN: Mr. Watkins, I'm not sure, but
23 I don't believe we have all of that.

24 MR. WATKINS: I do not know one way or the
25 other. At the break, why don't I investigate it.

mgc 11-4 1

2 MR. ROISMAN: I will also check with my
3 people, but the nature of our filing system is such that
4 presumably, if it existed, it would be either in the files
5 that we would have identified with respect to Mr. Chapman,
6 or it would be in the files with regard to Mr. Vega.

7 I had in my files one document which was
8 merely the initiating memorandum that set up the
9 ombudsman/hotline process, which predates Mr. Vega's
10 direct involvement in this question. But I don't know of
11 anything else.

12 If we don't have it, I would like to request
13 that it be made available.

14 MR. WATKINS: I will make every attempt to
15 get it to you as soon as I can, if we haven't furnished
16 it already.

17 MR. MIZUNO: Staff would also like to have
18 a copy, if it hasn't been produced. And in any case, I
19 would like to have Mr. Vega identify for the record, to the
20 best possible level that he knows, what these documents
21 are, and to identify them as specifically as possible,
22 so that if the NRC Staff wanted to look at them on site,
23 that they could.

24 MR. WATKINS: Do they have a procedure
25 number?

THE WITNESS: They are, as I said, a

mgc 11-5

1 compilation of guideline memos, who does what, the
2 interfaces.

3 BY MR. ROISMAN:

4 Q Is it contained within a book or --

5 A It would be probably in a file, filed under
6 one common file. At least that is how we would have them
7 at the site.

8 MR. MIZUNO: In whose office?

9 THE WITNESS: Specifically two people,
10 Mr. Boyce Grier and another gentleman who acts in his
11 absence when Mr. Grier is not available.

12 MR. MIZUNO: I will continue my questions
13 later on that.

14 BY MR. ROISMAN:

15 Q And these documents, would they have been
16 generated generally by Mr. Boyce Grier or by other people?

17 A Well, primarily by Mr. Chapman. Some, I
18 believe, signed by myself.

19 Q How about Mr. Tolson in his earlier --

20 A There may be some signed by Mr. Tolson.

21 Q Mr. Vega, at an earlier time in this hearing,
22 you have testified regarding the Comanche Peak Steam
23 Electric Station Quality Assurance Plan. My files
24 indicate that the date of your testimony -- well, you
25 signed and swore to the testimony which is pre- -- it's

mgc 11-6

1 actually an affidavit -- on the 7th of May 1982 and then
2 Attachment 2 to that is a document called the "Comanche
3 Peak Steam Electric Station Quality Assurance Plan,
4 Texas Utility Generating Company, Texas Utility Services,
5 Inc."

6 Since this document, I believe, is already
7 in evidence and I assume already has an exhibit number,
8 unless you, Mr. Watkins, or you, Mr. Mizuno, have
9 objection, I would not separately mark it, and I have
10 a very simple couple of questions to ask Mr. Vega about
11 it, which is really merely to update it -- that is, to
12 find out, is this still the plan, has it been changed,
13 where are the changes, and so forth.

14 MR. WATKINS: What is the exhibit number,
15 do you know?

16 MR. ROISMAN: No, I don't. That's the
17 problem. What I have is just what you see here, which
18 was taken out of Mrs. Ellis' files and sent up to me.

19 MR. WATKINS: Maybe I can help you.

20 (Discussion off the record.)

21 MR. ROISMAN: Back on the record.

22 Mr. Watkins, why don't you identify, if
23 you would, just for the record, what is the exhibit number
24 that is already in the record of the Comanche Peak Steam
25 Electric Station Quality Assurance Plan and the first

mgc 11-7

1 page of it, the Statement of Authority dated May 21, '81
2 and signed by R.J. Garry, and the individual pages -- in
3 one, two, three, four, the fifth page is a page entitled
4 TUGCO-2-CPSES Quality Assurance Plan, Approval and
5 Instructions, Approved, and then there is a signature which
6 appears to be D.N. Chapman. There's a date opposite which
7 says May 6, 1982, which would appear to indicate what the
8 latest date is that the document has.

9 Is that the same document that you've got
10 there, and if so, would you just give us the exhibit
11 number?

12 MR. WATKINS: It is the same document.
13 It's Applicants' Exhibit 43-A.

14 MR. ROISMAN: Irony or ironies. It's a 43.

15 BY MR. ROISMAN:

16 Q All right. And my question for you,
17 Mr. Vega, is, looking at Applicants' Exhibit 43-A, can
18 you tell me, to the best of your knowledge, whether there
19 are any substantive changes that have been made in that
20 document that altered authorities or responsibilities or
21 descriptions of duties, and through what period of time
22 are you able to give me an answer based upon your personal
23 knowledge?

24 A Okay. Up until March the 16th of 1984,
25 I was responsible for the issuance and control of the

mgc 11-8 1

2 Comanche Peak Steam Electric Station Quality Assurance
3 Plan. Up to that point, to my knowledge, there had been
4 no substantive changes made to the Quality Assurance Plan.

5 Since March the 16th, I have not been
6 responsible for this particular manual. The only change
7 that I know of are some changes where titles were changed
8 to coincide with present titles. But again, I know of
9 no substantive changes.

10 Q Okay. And who would now be the person who
11 would have the specific knowledge and responsibility for
12 the update of this?

13 A It would be under the present Quality
14 Assurance Services Supervisor, a gentleman by the name
15 of Bob Spangler.

16 Q Spangler, okay.

17 MR. ROISMAN: As they say on TV, your
18 witness.

19 MR. MIZUNO: Thank you.

20 EXAMINATION

21 BY MR. MIZUNO:

22 Q Can you just repeat Bob Spangler's title?

23 A Supervisor, Quality Assurance Services.

24 (Pause.)

25 MR. ROISMAN: By the way, we are still
reserving, or when we take a real break, to find out about

mgc 11-9

1 that transcript page.

2 MR. WATKINS: Understood.

3 MR. ROISMAN: Okay.

4 (Pause.)

5 BY MR. MIZUNO:

6 Q Mr. Vega, this morning I believe you were
7 asked a question regarding how the crafts' needs for
8 inspections are translated into or transmitted to you
9 in order to determine how to allocate the QC inspectors.

10 And I didn't quite understand -- I didn't --
11 I don't think you directly answered the question, so I
12 wonder if you could now be more precise in your answer.

13 A Okay. The specific question asked of me
14 this morning was how the interfaces were handled and work
15 force was one specific example. I answered that question.

16 Specifically, if you want to know how
17 manpower requirements are communicated, it is primarily
18 done at the Building Manager, Building QC Supervisor level.
19 We have a very close working relationship. We meet on a
20 periodic basis as to what craft expects to be working, in
21 what areas, how many people are going to be working from
22 the craft. We come back and independently project our
23 manpower needs based on these discussions that take place
24 on a building group basis.

25 Q Have you ever received any feedback from the

mgc 11-10 1

2 Building Supervisor or any other supervisor indicating that
3 they were displeased with your allocation of inspectors
4 to cover the work of the crafts people?

5 MR. WATKINS: Are you talking about the
6 number?

7 MR. MIZUNO: Yes, the number.

8 THE WITNESS: We have discussions from the
9 standpoint that the Building Supervisor might communicate
10 to one of my supervisors that, "Hey, you know, we expect
11 to have so many craft here. You may need to get
12 additional people." There are suggestions that are made.
13 There are observations that are made. There are
14 recommendations that are made. But it is our responsibility
15 and it is our decision as to how many people we employ,
16 who we assign. That is totally within our control.

17 BY MR. MIZUNO:

18 Q You don't recall any specific cases, then,
19 where someone came to you and said, "Hey, Mr. Vega, we
20 are displeased with the inadequate number of QC inspectors
21 being assigned to cover a given area"?

22 (Pause.)

23 A No. The instances that I remember have been,
24 "We plan to have so many people in the building. We plan
25 to add 60 more people here." You know, just giving you --
and what I have done, I have asked Building Managers to give

mgc 11-11

1 me this information as far in advance as possible, because
2 it's a lot easier for craft to add people than it is for
3 me to add inspectors. My inspectors have to undergo
4 training, certification, on-the-job training. It takes me
5 a lot longer to get an inspector out in the field than it
6 takes the craft to do the same thing.

7 So I have time and time again gone to these
8 people and said, "Hey, you know, you need to let me know
9 what your projected manpower needs are, of how many people
10 you plan to do. If you plan to crank up on activity there,
11 you'd better let me know, because I, you know, I need some
12 advance information to do this."

13 It is in this context that we communicate.
14 As far as somebody having come to me and said, "Vega, you
15 don't have enough inspectors in this area," I really can't
16 recall any specific instances of that.

17 Q What about the case where someone said --
18 well, has anyone come to you and said, "Mr. Vega, well,
19 you may have been assigning -- you may -- you will be
20 assigning the appropriate number of inspectors to cover an
21 area, but you're doing it a month after we're going to be
22 through the area. It's going to really slow things done,'
23 I mean, has anyone come to you with that kind of a complaint?

24 A No.

25 Q Do you understand what I'm asking you?

mgc 11-12 1

(Pause.)

2 A I believe I understand what you are asking,
3 whether somebody has come to me and said, "You need more
4 people. Get some more people in there to start with."

5 They don't dare direct me.

6 MR. ROISMAN: That would be intimidation
7 of craft.

8 (Laughter.)

9 BY MR. MIZUNO:

10 Q Mr. Vega, are you aware of any instances
11 where either through reading reports or interviewing
12 inspectors where people have indicated that they thought
13 that they were being terminated or being subjected to
14 disciplinary action unfairly as compared to a crafts
15 person?

16 A No, I have never had anybody complain about
17 a difference in treatment of Quality Assurance people as
18 compared to craftsmen. I think on the contrary, we are
19 most cautious as to what we do with inspection personnel.

20 End 11
21
22
23
24
25

Sim 12-1

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

BY MR. MIZUNO:

Q This morning you indicated that there were various documents which set forth the company policy on intimidation, and that the latest document was actually a letter which was sent by Mr. Spence and was posted at Comanche Peak?

A That is correct.

Q Prior to this letter, can you identify any other documents specifically that set forth this policy on intimidation?

A The policy was stated in the form of a policy letter stating that decisions made in the realm of quality assurance are made on behalf of corporate management and may be overruled only by the person signing that document.

In all cases those were the corporate officers under who were quality assurance reports and were independent of the engineering and construction side of the house.

Q Were these documents made known to the QC inspectors themselves?

A They are made known at the time of their basic and introductory indoctrination and training as they are hired into quality assurance. There is a mandatory reading list that includes these documents.

Q In addition to reading them, are they actually given copies of these documents?

Sim 12-2

1 A No, not at all. These are a part of controlled
2 documents that are available.

3 Q Do you have a periodic reindoctrination program
4 to assure that the QC inspectors are aware of their
5 independence from the craft and from schedule or pressures,
6 so that, you know, this policy is re-emphasized?

7 A That point is continuously emphasized day in and
8 day out that you do not work for construction.

9 Q My understanding is that prior to this letter
10 signed by Mr. Spence, which was posted at Comanche Peak,
11 there is nothing that specifically references or uses the
12 words intimidation or harassment.

13 A Well, that particular phrase has been coined
14 rather in the recent past, "harassment and intimidation and
15 threats." I myself have never heard that phrase until
16 fairly recently which I guess 210 came into effect.

17 Q Were you aware of any incidents prior to the
18 signing of the letter by Mr. Spence of incidents which could
19 be considered to be intimidation or harassment, and when
20 I say aware, I mean people reported to you directly or
21 that you read reports which were generated under your
22 supervision?

23 MR. WATKINS: I will object because the question
24 demands that the reponse be in the form of hearsay. I think
25 the Board has been clear that it is interested if there is

Sim 12-3

1 going to be evidence on incidents that it should be based
2 on firsthand knowledge.

3 MR. ROISMAN: At least we are finding out whether
4 Mr. Vega was aware of them, and that is firsthand knowledge,
5 what he heard. If Mr. Mizuno then wants to use it to prove
6 the truth that therefore there was such harassment and
7 intimidation, then we may remedy your problem.

8 MR. MIZUNO: And if I may just follow up. I
9 don't want to pursue the line of the specific alleged
10 incidents, but rather I want to pursue the line of finding
11 out what Mr. Vega did in response.

12 Given that he knew about these incidents, whether
13 they may be true or not, what was the appropriate corporate
14 response and, in particular, what did he do given that
15 knowledge?

16 MR. WATKINS: On that understanding, then we
17 may proceed.

18 THE WITNESS: Okay. I previously testified
19 or made statements in regard to Mr. Roisman's questions
20 that I did investigate these in my previous job responsibility.
21 So the answer would be yes, that I was assigned the respon-
22 sibility to investigate allegations of harassment and
23 intimidation.

24 BY MR. MIZUNO:

25 Q Now given that you did investigate some of these

Sim 12-4

1 incidents, regardless of whether they were true or not, do
2 you believe that in order to emphasize the fact that
3 intimidation and harassment was adverse to the quality
4 assurance program at Comanche Peak, that perhaps a more
5 explicit statement saying that these incidents of this
6 sort would not be tolerated would have been advisable?

7 A Well, there have always been statements and
8 re-emphasis of our corporate policy in support of an inde-
9 pendent strong and effective quality assurance program, and
10 then re-emphasis has occurred throughout the course of the
11 project.

12 So in answer to your question, the answer is
13 yes, it would be appropriate and it has been done.

14 Q I am not trying to trick you or anything. I am
15 just trying to understand what specific things, whether they
16 be letters or policy statements which are known to the QC
17 inspectors, that you think that a person at their educational
18 level and their experience would be sufficient for them to
19 know that intimidation and harassment of QC inspectors
20 would not be tolerated and they should report it or have
21 found some procedure for resolving such incidents?

22 A Are you asking me about actions that I have
23 taken since I assumed responsibility, or do you want me to
24 recount to you what my predecessor may have done? I was
25 not stationed at Comanche Peak. I know from my own

im 12-5

1 experience, and I know from hearsay, if you want to call it
2 that, that emphasis has been stated and restated, and the
3 bulletin boards have had memos signed by different officers
4 re-emphasizing the independence and re-emphasizing the support
5 for a strong and effective quality assurance program.

6 Must of this communication is dependent on the
7 management and supervision and the working force communication
8 on the day-in and day-out basis.

9 Q Okay. Can you identify what it is that a QC
10 inspector would have read during your current tenture in your
11 present job or prior to that, that a QC inspector would
12 be given information that there was an outlet for him to
13 notify management that he had been harassed or intimidated
14 for performing his job function?

15 A Well, you can take it right down to his basic
16 indoctrination on Appendix B and Criterion 1 and Criterion
17 2 that very clearly specifies that the inspector must have
18 the authority and the freedom to identify quality problems
19 and that this is supported by management.

20 You cannot communicate that and simultaneously
21 exclude a awareness that if that is not the case, to bring
22 it up to your supervisor's attention.

23 Again, this is where the requirement for indepen-
24 dence exists and these are on the mandatory reading lists.
25 People sat through training programs and training sessions

1 telling them you are independence from construction, you
2 don't take your orders from construction, and if you have
3 any problem you come to your supervision.

4 MR. MIZUNO: Okay. I am trying to find that
5 reference now.

6 (Pause.)

7 BY MR. MIZUNO:

8 Q But there was a QAI report involving electrical
9 43-6.

10 (Pause.)

11 I guess on page 1 of the memo from Mr. Grier
12 to you, in Item 2 Mr. Grier says that he concludes that
13 there was no effect on the quality of construction. Do
14 you know what was the basis for Mr. Grier's statement in
15 Item 2 was?

16 A His investigation.

17 Q Does he have the professional background
18 necessary to make that judgment?

19 A Absolutely.

20 MR. WATKINS: He is a former NRC staff member.

21 (Laughter.)

22 THE WITNESS: He is the former Director of
23 Region I and has about 20 to 25 years of experience as
24 a reactor inspector. His credentials are beyond reproach.

25

Sim 12-7

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

BY MR. MIZUNO:

Q He is an engineer?

A Yes, he is.

MR. ROISMAN: I might just add for the record that I don't believe Mr. Vega is qualified to give that opinion regarding the competence of Mr. Grier. I am assuming you are not going to offer it into evidence.

MR. MIZUNO: It doesn't reflect whether Mr. Grier was qualified or not, but I wanted to know what was the basis or his knowledge of the basis for that statement.

(Pause.)

BY MR. MIZUNO:

Q On 43-6 that we were discussing earlier this afternoon, and you were referring to the note on page 2 of the memo from Boyce Grier to yourself?

A Yes.

Q And you indicated that that it was either a cover-up or negligence in this case. Then you indicated that, or at least it is my understanding that the distinction between whether it was a coverup or negligence was not important to Mr. Merritt for purposes of his deciding what appropriate disciplinary action was necessary. Is that correct?

A No. I said that it was important for Mr. Merritt to understand that either one or the other existed and the

Sim 12-8

1 information here could not conclude which one.

2 Q Do you believe that it is important for
3 Mr. Merritt to conclude whether it was a coverup or negligence
4 prior to taking disciplinary action against Mr Barcomb?

5 A Mr. Barcomb works for Mr. Merritt, and that would
6 be Mr. Merritt's decision. I was merely pointing out what
7 Mr. Grier was reporting.

8 Q You indicated that at times you give advice
9 to Mr. Merritt as to what would be appropriate disciplinary
10 action. Did you do so in this case?

11 A I believe we discussed what was involved here,
12 and in essence we went over the facts and the basis I had
13 for my concluding and concurring with Mr. Grier's conclusion
14 that we had one or the other.

15 I don't believe that I made a recommendation
16 to Mr. Merritt on this particular item, again because it
17 did not involve QA and QC personnel.

18 Q I understand that, but at times you do offer
19 recommendations regarding disciplinary action involving
20 non-QA/QC personnel and at other times you don't offer any
21 suggestions or recommendations?

22 A There is a QA interface there, and I mentioned
23 that I would satisfy myself that the corrective action was
24 appropriate. Mr. Merritt wants to know whether I will be
25 satisfied, and I will tell him what will satisfy me and

Sim 12-9

1 what doesn't.

2 I also mentioned that if I was not satisfied,
3 I had a recourse. I could stop work in the area in question
4 and I would have absolutely no hesitation to do that.

5 Q I will ask you again perhaps to be more explicit.
6 In this case we did have a situation which did involve
7 a craft person and therefore he was not directly under your
8 disciplinary I guess chain of command and you didn't provide
9 the recommendation to Mr. Merritt and I just wanted to know
10 why?

11 A Mr. Mizuno, again I will repeat my answer, because
12 it did not involve one of my people. If it involves one
13 of my people, then I will make doggone certain that the
14 corrective action is adequate.

15 Q Thank you. I wanted to have an explicit statement.

16 MR. MIZUNO: I guess before I ask Mr. Vega
17 this question, I wanted to put this question to counsel and
18 I can see that it might be objectionable, and I would be
19 willing to abide by it.

20 But I wanted to ask Mr. Vega whether he felt
21 that if it was a QC inspector that was involved in this case
22 and it was unclear whether it was a case of coverup or of
23 negligence upon the QC inspector's part, whether it would
24 be important for Mr. Vega to determine whether it was
25 one or the other prior to determining what appropriate

Sim 12-10

1 disciplinary action should be taken.

2 MR. WATKINS: The question does to some extent
3 call for speculation.

4 MR. ROISMAN: I agree.

5 MR. MIZUNO: Okay. Let's go on.

6 BY MR. MIZUNO:

7 Q Mr. Vega, you gave a statement regarding your
8 involvement with termination decisions of QC inspectors,
9 and it is my understanding that you are always aware of
10 decisions which lead to the termination of QC inspectors,
11 though you might not necessarily have a say in terms of a
12 vote in that; is that true?

13 A I did not say that, Mr. Mizuno. I will always
14 have a say.

15 Q You will always have a say. Okay.

16 (Pause.)

end Take 12
end Sim
Sim fols

17

18

19

20

21

22

23

24

25

Sim-13-11

BY MR. MIZUNO:

2 Q Mr. Scruggs I think came in talking about problems
3 and you explained that you thought it was an area involving
4 cable tray covers being removed resulting in a separation
5 violation?

6 A No, sir, that is not what I said. What I said
7 is that Mr. Scruggs talked to me about his security
8 clearance prior to him being ROF'ed.

9 When he was ROF'ed, he filled out a questionnaire
10 that was being handled or processed by Mr. Boyce Grier.
11 After he had left, the questionnaire came to my attention.
12 At that point I called the QC supervisor wanting to know
13 whether that gentleman had brought to his attention a problem.

14 It was at that point that the gentleman, Doug
15 Snow I believe is his name, advised me that it had not been
16 brought directly to him, but that he had answered a concern
17 that was brought to him, Mr. Snow, by a supervisor that I
18 believe Mr. Scruggs worked for.

19 It was that statement that I made. Mr. Scruggs
20 never talked to me about any problem.

21 Q Okay. Do you know exactly what cable tray covers
22 were involved here and what part of the plant?

23 A I don't have the information here. I know the
24 general area in which it happened.

25 Q Can you identify that area?

Sim 13-2

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

A Not here.

Q You don't know what room or anything, or elevation?

A I would have to get the details.

MR. MIZUNO: I have no further questions.

MR. ROISMAN: May I get that back?

(The document was handed by Counsel Mizuno to Counsel Roisman.

MR. WATKINS: What is your gentlemen's understanding of the procedure at this point?

MR. ROISMAN: My understanding is that with the exception of "surprise" if we have questions to ask Mr. Vega that relate to questions that he has been asked by us, that you are supposed to ask them now. The exception to that is affirmative case material. In other words, if it is an affirmative case, let's say, which did not happen here, that he had broken down in tears and was really terribly destroyed and you wanted to rehabilitate, then now is the time that you would do that unless it was something that you couldn't have been reasonably prepared to do.

An affirmative case is for him to go on and talk more about the QA plan, or something like that, and that is reserved for the first of next week.

MR. WATKINS: May I suggest, I may have one or two questions, but may I suggest a short recess, ten minutes?

Sim 13-3

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

MR. ROISMAN: Sure.

MR. WATKINS: Among other things, I want to go through these three volumes of material on the ---

MR. ROISMAN: And find that thing that we were talking about?

MR. WATKINS: Yes. There is a great deal of material is here concerning the CAT investigation of, among other things, the distinctions between NCR's and IR's and other reporting documents. So I will explore that during the break. I believe other than that, Mr. Roisman, we have been requested to supply certain guideline memos or policy papers regarding harassment and intimidation.

MR. ROISMAN: Oh, yes, and while we take the break I will check with Ms. Garde and find out if in fact we already have that.

MR. WATKINS: So we have two outstanding items. Are you ready to go off the record?

MR. ROISMAN: Yes.

(Short recess.)

MR. ROISMAN: During the recess I checked and determined that it is unnecessary for us to ask any further questions of Mr. Vega regarding criteria or purposes for the distinctions between NCR's and IR's and thus I am withdrawing the question and withdrawing the need for Mr. Watkins to identify the portion of the record at which

Sim 13-4

1 these items were previously discussed.

2 MR. MIZUNO: Okay. I have a few additional
3 questions now upon reflection.

INDEXXXXXXXXX

4 EXAMINATION BY COUNSEL FOR THE NRC

5 BY MR. MIZUNO:

6 Q Mr. Vega, in addition to the inspection reports
7 that you were cross-examined on today ---

8 MR. WATKINS: The investigation reports.

9 MR. MIZUNO: I am sorry, the investigation reports.

10 MR. ROISMAN: You are talking about the QAI's?

11 MR. MIZUNO: Right.

12 BY MR. MIZUNO:

13 Q Are there any other QAI's or other reports that
14 were generated by the applicants regarding the intimidation
15 of QC inspectors or other QA personnel, excluding Mr. Charles
16 Atchison and Mr. Dunnum?

17 A Mr. Mizuno, you are asking me to mentally go
18 through a list of documents and tell you what each one
19 of them implies and I don't believe that I can do that.

20 The only way I can do that without total
21 speculation is to review those files.

22 Q Are you aware of any other instances that were
23 documented in such reports that you yourself would
24 characterize as intimidation or harassment of QC inspectors
25 or QA personnel?

Sim 13-5

1 MR. WATKINS: I might suggest something. I still
2 don't know whether we also served you with copies of the
3 document production that was given to CASE?

4 MR. MIZUNO: No.

5 MR. WATKINS: If there any way for that which
6 he apparently is seeking that he can go through your
7 production documents?

8 MR. ROISMAN: The QAI reports?

9 MR. MIZUNO: Well, I am looking for more than
10 just QAI reports. I mean I don't care whether they be ---

11 MR. ROISMAN: I would be more than happy ---

12 MR. MIZUNO: In other words, are there other
13 incidents contained in QAI's?

14 MR. ROISMAN: Yes, we have a file that we call
15 our incidents file and that contains all the incidents that
16 we have received in the course of the discovery. Barring
17 the fact that someone may have it out, you are more than
18 welcome to go through that file. It is here in Glen Rose
19 in a little hut that we are renting down the road a piece.
20 I mean subject to checking with Billie Garde and making sure
21 that there is not some sort of confidential memoranda in
22 there that relate to trial strategy, or otherwise confidential,
23 you are welcome to use that.

24 These files which I brought in with me today
25 are an example of what is in the file. These are all

SIM 13-6

1 organized by the QAI numbers, and these are the incident
2 reports which we got at the end of the day on the 5th of
3 July.

4 There are also some other items that are in there
5 and some of the so-called big items are not in there, like
6 the Atchison file isn't separately in there and the Dunnum
7 file isn't separately in there and the Steiner stuff isn't
8 separately in there. But there are exit interviews and there
9 are hot-line items that we got in discovery from the
10 applicant which you are welcome to take a look at.

11 MR. MIZUNO: Okay. If we can go off the record
12 a little bit here.

13 (Discussion off the record.)

14 MR. ROISMAN: I just want to state clearly what
15 my view is. I think that if the staff felt that the applicant
16 had harassment and intimidation information in its possession
17 of which the staff was not aware, that the proper course
18 for the staff to follow would be to seek discovery from
19 the applicant or take the discovery that we sought from the
20 applicant and go through it and come to Mr. Vega's deposition
21 prepared to ask them about it.

22 I don't think it is fair, and I don't even know
23 that it is unfair to CASE as much as I think it is unfair
24 to Mr. Vega and to TUGCO to come to the deposition not
25 having done discovery and then expect that in the course

Sim 13-7

1 of the deposition to get information or ideas that you learn
2 of that you think would be interesting for the staff to
3 pursue, that are then going to be pursued. I don't think
4 that is right.

5 MR. MIZUNO: It is not a question of conducting
6 unbridled discovery. What the staff is interested in is
7 whether there are specific incidents which the applicants
8 claim, or in their own mind or thought processes believed
9 to be intimidation or harassment of QC inspectors or QA
10 personnel which they have selected of themselves and have
11 developed a case in anticipation of you doing something, and
12 we would want to know that.

13 MR. WATKINS: Let me suggest this. We will offer
14 to duplicate all of the documents that you have given CASE.
15 I think that Mr. Roisman is right that you should review
16 those documents and cross-examine on that basis.

17 MR. ROISMAN: And I am willing to let you look
18 at the files of those documents, that is our organization
19 of those documents in our files to the extent that our
20 lawyers have not taken them out of our files to prepare for
21 the depositions that they are doing on the subsequent days.

22 I think that a significant number of these reports
23 that you are talking about at least are contained in the
24 files and are going to be available to look at. But I can't
25 represent to you that it will be everything, because one

Sim 13-8

1 of our lawyers may have taken one or more of them out to
2 get ready for their depositions on another day.

3 I will say that most of what is in that file
4 is material that has evolved only since the applicants have
5 put in the ombudsman hot-line program that was briefly
6 referred to today in the affidavit, and with the exception
7 of the 1979 interviews that we also talked about in the
8 deposition today, there is precious little of other individual
9 incidents that aren't already documented primarily through
10 the information that CASE has put into the record in this
11 case and you got it in the form of copies of our files as
12 they related to particular CASE witnesses.

13 MR. MIZUNO: Okay. So other than the relatively
14 newly provided information to CASE, basically everything that
15 you have on intimidation was contained within those files
16 which were provided to us.

17 MR. ROISMAN: Yes, because those were pieces of
18 information related to events that we had learned of through
19 people that we were calling as CASE witnesses.

20 MR. MIZUNO: Okay, fine.

21 MR. ROISMAN: But that is not to say that there
22 may not be an individual incident in our incident file that
23 predates our hot-line ombudsman program that doesn't show
24 up in one of our files. But I am telling you that the great
25 bulk of stuff is in three groups, the '79 interviews of all

Sim 13-9

1 the CASE witness people who have their affidavits and
2 complaints and whose names are known and the QAI documents.

3 For instance, I will give you an exception.
4 There is that special investigation that was done by Spangler
5 and Taylor, and that was an harassment and intimidation
6 investigation. It was done by the utility and it is the
7 subject of the deposition that is going on today down
8 the way here.

9 MR. MIZUNO: Okay.

10 MR. ROISMAN: How do you want to proceed?

11 MR. MIZUNO: Well, I guess I will just end at
12 this point.

13 MR. ROISMAN: Okay.

14 MR. WATKINS: That concludes the deposition.

15 (Whereupon, at 6:30 p.m., the taking of the
16 Deposition of ANTONIO VEGA concluded.)

17 * * * * *

18

19

20

21

ANTONIO VEGA

22

23

24

25

CERTIFICATE OF PROCEEDINGS

This is to certify that the attached proceedings before the
NRC COMMISSION

In the matter of: The Deposition of ANTONIO VEGA
TUGCO, et al.

Date of Proceeding: Monday, July 9, 1984

Place of Proceeding: Glen Rose, Texas, Glen Rose Motor Inn
were held as herein appears, and that this is the original
transcript for the file of the Commission.

Mary C. Simons

Official Reporter - Typed

Mary C. Simons

Official Reporter - Signature

7/9/83 ~~EX A~~
EX # 43-1

TRIAL LAWYERS FOR PUBLIC JUSTICE, P.C.

COUNSELLORS AT LAW

SUITE 611

2000 P STREET, NORTHWEST

WASHINGTON, D.C. 20036

(202) 463-8600

June 27, 1984

Leonard W. Belter, Esquire
Bishop, Liberman, Cook,
Purcell & Reynolds
1200 Seventeenth Street, N.W.
Washington, D.C. 20036

Dear Mr. Belter:

The attached information is provided in accordance with the agreements between the parties and the Board regarding the production of a final witness list and the identification of the incidents, examples, or results of harassment and intimidation known to identified witnesses.¹

There are, as you know, outstanding document requests which require resolution from your office. We have requested that you provide us with all the information in your possession relevant to the issue of harassment and intimidation. This was articulated in our discovery requests numbers 17 and 18, and further clarified in our April 7, June 4 and June 20, 1984 letters. You have represented that you have provided to us all information that could reasonably be responsive to the requests we have made. That includes all documents regarding any incidents, examples, complaints, etc. as described in the clarification of Question 3 (attached) from TUGCO, Brown and Root, Inc. or any of its contractors. (It should be noted that we have not received any information from any of the other subcontractors at all, a fact we find curious since at least some of the potential witnesses worked for subcontractors other than TUGCO or Brown and Root at the Comanche peak site.) At the June 25, 1984 meeting at your office you represented that all the information that now exists regarding these matters has been provided, although apparently there was or may have been other documents which would have been responsive to our request, that no longer exist. Based on this representation, which we want in writing, we will consider any

1

This agreement was first articulated in the June 14, 1984 pre-hearing conference, and has been discussed in detail among the parties subsequent to that time.

documentation provided or introduced beyond this time period which is within the scope of our Question 3 as "surprise" and therefore a basis for delay.²

As you know the information and witness list attached to this letter does not in any way reflect the information which was made available to CASE at the Dallas QA office last week. That information, approximately two feet thick, appears to have significant additional information regarding incidents of harassment reported internally as well as the results of a 1979 questionnaire of the entire QA/QC department. Counsel for CASE has not yet been able to determine whether or not the information recently provided will require additional witnesses, discovery clarification, or any further responses. We intend to review the material as soon as it is received from your client. It is our understanding from you that there are no further documents relevant to the 1979 questionnaire which your client or contractors can find and thus there is no documented response to the reported incidents of harassment and intimidation.

Finally, we expect that you will provide us with a summary, such as is provided here, as to what you are planning to question CASE witnesses on, as well as the names and a summary of the testimony of your affirmative witnesses not later than twelve days prior to the beginning of the depositions of each of these groups of witnesses. (This coincides with the number of days "lead time" that you are being provided with by CASE assuming that depositions begin on July 9, 1984.)

A problem still pending is the production of information which is now the basis of pending investigations by the Office of Investigations (OI). As you are well aware the problem of the release of information provided to OI which is relevant to issues under litigation in other proceedings is currently facing at least three CASE witnesses in the context of their Department of Labor proceedings.³ A similar problem faces the parties in this proceeding. Although this was discussed during the pre-hearing conference, and it was addressed in briefs by the parties regarding the use of confidential information, the problem remains unresolved. We have identified those items which are

2

At this point every available hour of both of CASE's counsel's time is occupied with preparation for the depositions. Any additional information produced will necessitate a delay to incorporate that information into our case, including possible call of witnesses at the hearings.

3

Those cases are Hatley v. Brown & Root, 84 ERA-23; Orr v. Brown & Root, 84-ERA-23; and Neumeyer v. Brown & Root, 84-ERA-26.

relevant to this proceeding, are admittedly subject to your discovery request, yet are apparently the basis of OI investigations. The OI policy to date has been that information derived or obtained during the pendency of an investigation should not be provided to the parties until after completion of its investigations. We understand that this applies to identified documents, as well as to testimony, which reveals the substance of the documentation. CASE wishes to use this information. Rather than release it without regard to OI's desires CASE prefers that the resolution of this matter include the Board. Thus on June 28th we will request the Board to immediately invite OI on the record to state its concerns, to allow the parties to express their views and to resolve the issue.

We have completed our contacts with all of those persons who GAP or CASE have contacted or had contact with in the past and have included in the list below those individuals who have information relevant to this issue and have indicated a willingness to testify through the evidentiary deposition process. Where there are restraints, or Counsel has been unable to get in contact with the individual, or there is some other problem, that is so indicated on our witness list.

We have not provided the information or included on the witness list those individuals who we have identified as craft or whose testimony does not substantially bear on the implementation of the QA/QC program.

A very small number of witnesses have indicated they would testify under the terms of a protective order and an affidavit of non-disclosure. We have modified slightly the documents used in the Byron/Catawba proceeding and submit herewith a draft for your comments. As soon as an agreement can be reached on this matter we will provide the names/information relevant to those witnesses.

We note that in a few cases we have what appear to be unresolvable problems with witnesses. Those are explained on the witness list. CASE will continue to attempt to persuade those individuals to testify at least "in camera". Should we fail we will bring the matter to the Board for resolution. In all other cases where a witness refused to testify we have either foregone the information, or believe that the information is independently verifiable.

Sincerely,



Billie P. Garde

cc: Honorable Peter Bloch
Stuart Treby
Renea Hicks

The wording of question 3 is clarified as follows:

3. Supply for inspection and copying any and all documents between management (including supervisors, foremen, middle management, upper management, etc.) and employees regarding the following:

(a) Any and all management/employee disputes, complaints, differences, and/or discussions pertaining to:

(1) policy disputes, complaints, differences, and/or problems regarding enforcement, application, or interpretation of procedures, instructions, or regulations relating to the job or work of the employee or of employees under his/her supervision (including, but not limited to, overinspecting, "nitpicking," etc.);

(2) intimidation, harassment, threats, pressure to meet production, or other kinds of pressure;

(3) management directives (written or verbal) regarding the reporting of nonconforming conditions);

(4) and the like.

(b) Any and all letters of resignation by employees and responses by management in which such employees indicate concern or dissatisfaction with:

(1) the enforcement, application, or interpretation of procedures, instructions, or regulations relating to the job or work of the employee or of employees under his/her supervision (including, but not limited to, overinspecting, "nitpicking", etc.);

(2) intimidation, harassment, threats, pressure to meet production, or other kinds of pressure;

(3) management directives (written or verbal) regarding the reporting of nonconforming conditions;

(4) and the like.

(c) Counseling reports, termination reports, and exit interviews regarding (a) and (b) preceding.

(d) Any and all procedures, instructions, regulations, and/or management directives (including those supplied by employees) involved in (a)(1), (a)(3), (b)(1), and (b)(3) preceding.

(e) Internal investigations conducted by management into such disputes, complaints, differences, problems, discussions, concerns or dissatisfaction, including those by the "ombudsman."

(f) Any and all internal files Applicants or their employees have on employees contacted by the NRC.

For purposes of your answer, the following definitions shall apply:

The term "documents" shall be construed in the broad sense of the word and shall include any writings, drawings, graphs, charts, photographs, reports, studies, slides, internal memoranda, handwritten notes, tape recordings, calculations, and any other data compilations from which information can be obtained. (See item 8, page 2, of CASE's 3/14/84 Eighteenth Set)

The term "employees" shall be construed in the broad sense of the word and shall include Quality Control Inspectors, craftspeople, engineers, and any other employees employed by Brown and Root, Gibbs & Hill, Ebasco, any consultants, sub-contractors, and anyone else performing work or services on behalf of the Applicants or their agents or sub-contractors. (See item 2, page 1, of CASE's 3/14/84 Eighteenth Set)

The terms "procedures" and "instructions" shall be construed to include, but not be limited to: the written or verbal procedures or instructions under which the employees work; the written or verbal methods of reporting of nonconforming conditions by means of nonconformance reports (NCRs), inspection reports (IRs), component modification cards (CMCs), design change authorizations (DCAs), nondestructive examination reports (NDRs), field deficiency reports (FDRs), and/or any other method used for reporting nonconforming conditions.

The term "regulations" shall be construed to include, but not be limited to: the Code of Federal Regulations (CFR), especially 10 CFR; Applicant's Final Safety Analysis Report (FSAR); industry codes and practices; industry standards; etc.

CASE's Motion To Compel Applicants To
Provide Complete Answers To CASE's
Seventeenth, Eighteenth, Nineteenth,
And Twentieth Sets Of Interrogatories
And Requests To Produce To Applicants
(April 16, 1984)

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
TEXAS UTILITIES ELECTRIC)
COMPANY, et al.) Docket Nos. 50-445-2
) and 50-446-2
(Comanche peak Steam Electric)
Station, Units 1 and 2))

PROTECTIVE ORDER

Counsel and representatives of the parties to this proceeding who have executed an Affidavit of Non-Disclosure in the form attached shall be permitted to "protected information"^{1/} upon the following conditions:

1. Only counsel and one technical representative of the parties who have executed an Affidavit of Non-Disclosure may have access to protected information.^{2/} All executed Affidavits of Non-Disclosure or copies shall be provided to the Appeal Board and the parties.

2. Counsel and representatives who receive any protected information (including any documents that contain or otherwise reveal protected information) shall maintain its confidentiality

^{1/} As used in this order, "protected information" has the same meaning as used in the Affidavit of Non-Disclosure, attached hereto. The provisions of this protective Order do not apply to Nuclear Regulatory Commission employees; they are subject to internal requirements (see NRC Manual Appendix 2101) concerning the treatment of protected information.

^{2/} That representative will identify those technical issues, if any, which require resolution, and the name of such representative shall be submitted prior to any disclosures to allow for objections, if any.

as required by the attached Affidavit of Non-Disclosure, the terms of which are hereby incorporated into this protective order.

3. Counsel and representatives who receive any protected information shall use it solely for the purpose of participation in matters directly pertaining to this proceeding and any further proceedings in this case and for no other purposes. Nothing in this protective order, however, shall preclude any party from moving the Appeal Board for the release of particular information for appropriate purposes, such as for use before another adjudicatory body.

4. Counsel and representatives shall keep a record of all documents containing protected information in their possession and shall account for and deliver that information to counsel for the staff in this proceeding in accordance with the Affidavit of Non-Disclosure that each has executed.

5. In addition to the requirements specified in the Affidavit of Non-Disclosure, all papers filed in this proceeding that contain any protected information shall be segregated and:

(a) served only on the counsel or other representatives of each of the parties who have executed an Affidavit of Non-Disclosure;

(b) served in a heavy opaque inner envelope bearing the name of the addressee and statement "PRIVATE. TO BE OPENED BY ADDRESSEE ONLY". Addressees shall take all necessary precautions to ensure that they alone will open envelopes so marked.

6. Counsel, representatives, or any other individual who has reason to suspect that documents containing protected information may have been lost or misplaced (for example, because an expected paper has not been received), or that protected information has otherwise become available to unauthorized persons, shall notify this Board promptly of those suspicions and the reasons for them.

IT IS SO ORDERED.

PETER BLOCH

AFFIDAVIT OF NON-DISCLOSURE

I, _____, being duly sworn, state:

1. As used in this Affidavit of Non-Disclosure,

(a) "protected information" is (1) information revealed in connection with in camera hearings in the Comanche peak operating license proceeding, including particularly the names of and identifying facts about in camera witnesses, and any other related information, particularly documents, specifically designated by the Licensing Board; or (2) any information obtained by virtue of these proceedings which is not otherwise a matter of public record and which deals with the in camera hearings.

(b) An "authorized person" is a person who, at the invitation of the Atomic Safety and Licensing Board ("Licensing Board"), has executed a copy of this Affidavit.

2. I shall not disclose protected information to anyone except an authorized person, unless that information has previously been disclosed in the public record of this proceeding. I will safeguard protected information in written form (including any portions of transcripts of in camera hearings, filed testimony or any other documents that contain such information), so that it remains at all times under the control of an authorized person and is not disclosed to anyone else.

3. I will not reproduce any protected information by any means without the Licensing Board's express approval or direction. So long as I possess protected information, I shall continue to take these precautions until further order of the Licensing Board.

4. I shall similarly safeguard and hold in confidence any data, notes, or copies of protected information and all other papers which contain any protected information by means of the following:

(a) My use of the protected information will be made at a place of business.

(b) I will keep and safeguard all such material in a locked facility.

(c) Any secretarial work performed at my request or under my supervision will be performed at the above location by one secretary of my designation who will also execute an affidavit of non-disclosure.

(d) All mailings by me involving protected information shall be made by me directly to the United States Postal Service or by personal delivery.

5. If I prepare papers containing protected information in order to participate in further proceedings in this case, I will assure that any secretary or other individual who must receive protected information in order to help me prepare those papers has executed an affidavit like this one and has agreed to abide by its terms. Copies of any such affidavit will be filed with and accepted by the Licensing Board before I reveal any protected information to any such person.

6. I shall use protected information only for the purpose of preparation, including any investigations which may be necessary, for this proceeding or any further proceedings in this case dealing with quality assurance and quality control issues, and for no other purpose.

7. I will avoid disclosure of protected information to the best of my ability. However, it must be recognized that in the course of conducting investigations in connection with this proceeding, certain protected information may be independently discerned incident to that investigation which might result in the inadvertent disclosure of protected information.

8. I shall keep a record of all protected information in my possession, including any copies of that information made by or for me. At the conclusion of this proceeding, I shall account to the Licensing Board or to a Commission employee designated by that Board for all the papers or other materials containing protected information in my possession and deliver them as provided herein. When I have finished using the protected information they contain, but in no event later than the conclusion of this proceeding, I shall deliver those papers and materials to the Licensing Board (or to a Commission employee designated by the Board), together with all notes and data which contain protected information for safekeeping until further order of the Board.

Subscribed and sworn to before me
this ____ day of _____, 1984.

Notary public

WITNESS LIST

* The parties are attempting to reach agreements on the facts involved in the harassment and intimidation testimony of these witnesses, and/or to reach stipulations or admissions on the same. Where possible the previous (or future) testimony of a witness will be agreed upon as a joint narrative by the parties as being the testimony for the purposes of this hearing. CASE anticipates that these matters will be resolved shortly. This effort will, hopefully, eliminate duplication or repetitive testimony of major witnesses surrounding events/incidents relating to identified deponents.

+ Information pertaining to the substantive allegations (i.e., hardware issues or wrongdoing issues) have been turned over to OI.

++ Detailed information has been provided in confidence to GAP investigators and cannot be released without permission of the witness.

WITNESS

Henry Stiner*

INCIDENT

He will testify about the harassment and intimidation incident listed on page 28 of the OI Report, and listed in his September 15, 1983 statement to the NRC, incorporated as Attachment 7 to the OI Report (supra). Although craft Mr. Stiner's harassment has been included in this hearing by the Board.

APPLICANT
WITNESS

Larry Thompson
Fred Coleva
Doug Frankum
Callicut
Liffert
Ronnie Johnson

NRC WITNESS

Brooks Griffin
R. Taylor

WITNESS**INCIDENT****APPLICANT
WITNESS****NRC WITNESS**

Darlene Stiner*

She will testify regarding the meetings with Tolson regarding her pregnancy. The effect of the Circuit Breaker, the bus incident, failure of the guard to protect Darlene, office moves, also those incidents recorded in her September 15, 1983 statement to OI, and those listed on page 26 of the OI Report and the results of the harassment and intimidation as described in her affidavit filed in the CASE pleading 11/28/83.

Ron Tolson
Tom Brandt

P.R.
employee re:
Circuit Breaker
Randy Smith

Brooks Griffin

WITNESS

Billie Orr

INCIDENT

Will testify that she was verbally and physically harassed and intimidated by QC craft "runners" and supervisors during her position as QC Document Control Clerk, specifically she had a staple remover thrown at her and on other occasions was threatened with "getting fired" if she did not turn over documentation out of procedure.+

APPLICANT
WITNESS

NRC WITNESS

Tom Ippilito
Brooks Griffin

WITNESS

INCIDENT

APPLICANT
WITNESS

NRC WITNESS

Linda Barnes
(Confirmation of
testimony
pending.)

Document Quality Control Inspector, will testify that on or about April 1984 she was prevented from using proper procedures to complete document review, and that she was therefore in non-compliance with procedural requirements and that the pressure for her to continue to do document review in violation of procedures resulted in her having no choice but to leave the site. She will also testify as to her knowledge of other pressures to violate procedures in QC Document Review.

G. Purdy

Tom Ippilito

WITNESS

Witness A
(Requires "in
camera" presenta-
tion.)

INCIDENT

"T-shirt incident", (facts to be stipulated),
and the efforts of the employees to secure assistance
from the NRC. (Unable to contact to this point. If
unable to contact we will offer two witness who will
testify as to what this witness told them regarding
this incident.)++

APPLICANT
WITNESS

NRC WITNESS

John Collins
Resident Inspect

WITNESS**INCIDENT****APPLICANT
WITNESS****NRC WITNESS**

Witness B*
(Has not yet
agreed to testify
in camera, only
ex parte.)

Will testify to the common knowledge among QC employees in one department that refusal to go along with instructions, even if a violation of procedure, will result in termination. Will also testify as to the management attitude on the site regarding employees going to the NRC, GAP, CASE, or others with information of violations of procedures. Also would provide corroborative testimony for several other named witnesses. Finally would testify about personal actions taken, knowingly in violation of established procedures, for fear of loss of job.++

Gordon Purdy

Tom Ippilito
Brooks Griffin

WITNESS

INCIDENT

APPLICANT
WITNESS

NRC WITNESS

Witness C
(Have not been
able to contact
as of yet.)

Has information regarding the use of harassment and
intimidation in the paint QC department which is not
cumulative of the Dunham incident. Will testify
about a meeting on harassment and intimidation with
Harry Williams about being too picky.

Harry Williams

WITNESS

INCIDENT

APPLICANT
WITNESS

NRC WITNESS

Witness D
(Only reached
today; will
decide by Friday
if will partici-
pate.)

Will testify about the continuous attitude of
management to disregard the recommendations of QC
inspectors, also about a meeting at which Harry
Williams said he would pull certification of
inspectors who didn't stop writing NCRs.

Harry Williams

WITNESS

INCIDENT

APPLICANT
WITNESS

MRC WITNESS

Witness E
(Still unable to
confirm whether
or not he will
testify.)

Will corroborate testimony of Witness F and
provide further examples.

WITNESS

**Witness P
(name will be
provided)**

INCIDENT

Will testify about failure of TUGCO management and QC in the electrical test group/electrical start-up engineering during Spring 1984, and related incidents of harassment, intimidation, pressure to withdraw complaints and questions about STE/ETG procedures. (Affidavit to be submitted to parties upon execution of a protective order and receipt of affidavit.)

**APPLICANT
WITNESS**

NRC WITNESS

WITNESS NAME

INCIDENT

**APPLICANT
WITNESS**

NRC WITNESS

Lester Smith

Smith will testify that he was aware of employee intimidation at Comanche peak. Instances of employees being discouraged from doing work right were revealed by Mr. Smith in an affidavit to CASE. Mr. Smith will testify that instead of responding in an affirmative manner TUGCO QC head, Mr. Vega, questioned his efforts and reacted negatively, leading Mr. Smith to the belief that QC was not interested in finding out about construction errors at Comanche peak. Mr. Smith will further testify that after talking with Mr. Vega he became aware that his termination was imminent as a direct result of his coming forth and that QCs' attempts to encourage employees to report faulty construction was actually an attempt to identify those who might blow the whistle. See Lester Smith Affidavit, 11/18/83 and 10/26/83 Deposition.

A. Vega
R. Tolson

Brooks Griffin
Richard Herr

WITNESS NAME	INCIDENT	APPLICANT WITNESS	NRC WITNESS
Bob Hamilton*	<p>His testimony will reveal instances of harassment to both himself and others in the form of threats stating that unless Hamilton and others stopped inspecting so meticulously and start "loosening up" specifically on QC coatings inspectors, he would terminate them (pp. 43 & 53). Furthermore, Hamilton's testimony will report general knowledge of various instances of harassment of other QC inspectors. In addition to threats of termination Hamilton's supervisor told him to stop writing NCRs. Finally Hamilton's testimony will reveal that the pattern of intimidation and job emasculation culminated in his procedurally improper termination for refusing to perform an exceedingly dangerous inspection (p. 8) while other inspectors who also refused were not terminated (p. 26). This only slightly expands the testimony of Mr. Hamilton beyond his previously submitted testimony. [References to 7/16/82 testimony of Robert Hamilton before the ASLR.]</p>	<p>Jim Hawkins Harry Williams</p>	Brooks Griffin

WITNESS

Stan Miles

INCIDENT

Stan Miles will testify that he was aware of instances of employee intimidation through threats of termination by foremen and superintendents. personal witness to Chuck Atchison's harassment and intimidation and other techniques used to undermine and demoralize the conscientious employee. See Affidavit 11/18/83.

APPLICANT
WITNESS

Dale Bullard
W. Simmons
R. Tolson

NRC WITNESS

Brooks Griffin
Robert Taylor

WITNESS**INCIDENT****APPLICANT
WITNESS****NRC WITNESS****Robbie Robinson**

Robinson will testify that it is common knowledge among all personnel at Comanche Peak that when someone goes to TUSI or Brown & Root or the NRC with allegations of deficiencies and illegal work practices they will be given a reduction of force (laid off). Robinson will testify that this intimidation is so pervasive on the jobsite that even those employees who would normally report construction problems to QC refuse to do so because they know that their job and their career would be suddenly terminated without reason. Robinson was himself terminated at Comanche peak after nearly nine years (almost 5 years as General Foreman of the Structural Fab Shop) after reporting to TUSI's Joe George and Antonio Vega about make-work, mis-use of materials for personal use, ordering and use of rebar eaters, theft of materials, etc. See Affidavit 11/18/83.

A. Vega
J. George
Larry Wilkerson
Wayne Mansfield

Brooks Griffin

APPLICANT
WITNESS

A. Vega
D. Chapman
M. Sanders
H. Goodson
D. Frankum

NRC WITNESS

Brooks Griffin
Richard Herr
R. Stewart

INCIDENT

Messerly will testify that he was aware of numerous specific instances of employee intimidation including QC inspectors who have been threatened by Supervision for slowing down production with their inspections (p. 3). Messerly will testify that after making a complaint to QC head Antonio Vega and then to Dave Chapman he was fired. Specific instances of intimidation are referred to in his Affidavit dated Nov. 26, 1983 (p. 2).

WITNESS

Robert Messerly

WITNESS**INCIDENT****APPLICANT
WITNESS****NRC WITNESS****Joseph Krolak**

Krolak will testify that he was aware of various instances of intimidation and of employees being discouraged from doing work properly. Krolak will testify that QC Supervisor Harry Williams caused many improper practices to occur through his instructions to inspectors and intimidated his inspectors by threatening to fire them if they didn't do things his way (p. 5 Affidavit). Mr. Krolak will testify that although he was terminated for refusing to perform an inspection on a narrow rail without scaffolding he believes the actual reason was because he conducted his inspections in accordance with QC procedures thereby holding up production in some cases. (Joe Fazi wouldn't do the inspection either but he wasn't fired (see p. 7, 11/18/83 Affidavit).

**Mark Wells
Harry Williams
Tom Brandt**

WITNESS

INCIDENT

APPLICANT
WITNESS

NRC WITNESS

Charles Atchison*

There is voluminous material available on this witness in the context of both this proceeding and the DOL proceedings. We do not see a need to present him separately in this hearing, except as to his testimony that the harassment and intimidation that he was subjected to was widespread at the site and had a native impact on the willingness of QC inspectors to do their job. We will however question the named individuals regarding their knowledge of management's response to the specific harassment, intimidation and termination of Mr. Atchison.

Thomas Brandt
R. Tolson
Lou Fikar
Dave Chapman
Mike Spence
_____ EBASCO

Robert Taylor
Don Driscoll
John Collins

WITNESS**INCIDENT****APPLICANT
WITNESS****NRC WITNESS**

Robert Bronson+
(Mr. Bronson is
in transit and
has not yet been
contacted by CASE.
We expect to call
him.)

Mr. Bronson was a QC inspector. He will testify to his experiences as a QC inspector at CPSES with harassment and intimidation and pressure. The testimony will be virtually the same as his statement in the CASE 11/28/83 filing. Although his deposition will expand on the results of the constant pressure on his ability to be a good QC inspector there will be no substantive addition to his testimony.

Mr. Snellgrove
J.P. Patton
R. Tolson
A. Vega
G. Purdy

Brooks Griffin
D. Driscoll

WITNESS

INCIDENT

Jack Doyle*

Like Mr. Atchison there is extensive material on the record of this case from and about Mr. Doyle. However, it is within the context of this proceeding that Mr. Doyle can first present the harassment and intimidation which he received on the job, and subsequent to leaving the job as a result of the problems he identified. Mr. Doyle will also testify as to the inability of the QC program to adequately identify the problems, and the inability of the staff to deal with complex technical issues at the Inspector level and the resultant "chilling atmosphere" this breakdown causes. See principally the affidavit submitted by CASE on 11/20/83; also 1/18/83.

APPLICANT
WITNESS

Gary Krishnan
Doug Frankum
M. Spence
R. Tolson
P. Britton

NRC WITNESS

Brooks Griffin
Robert Taylor
John Collins

WITNESS

George Clancy
(Have not been
able to contact
to confirm his
continued
willingness to
testify.)

INCIDENT

Former TUGCO inspector. He will testify to the breakdown of the QC department during the time of his employment at CPSES (1977-1979). His testimony will be essentially repetitive of the affidavit submitted in the 11/28/83 CASE pleading (supra) and his interview with OI which was released in the OI report on harassment and intimidation.

**APPLICANT
WITNESSES**

Robert Murray
R. Tolson
P. Clark

NRC WITNESS

Brooks Griffin
Robert Taylor

WITNESS

Ernest Hadley
Tom Carpenter

INCIDENT

Investigators of the Government Accountability Project who have investigated allegations of wrongdoing by the workforce at the Comanche peak site. Their testimony will report the information brought to them by former employees at the site about fear of reprisals or "blackballing," their mistrust of the Nuclear Regulatory Commission, and their lack of knowledge of their rights under Section 210 of the Energy Reorganization Act. They will testify as to the truth of what they have been told by those workers they have contacted regarding harassment and intimidation.

APPLICANT
WITNESS

NRC WITNESS

WITNESS**INCIDENT****APPLICANT
WITNESS****NRC WITNESS****Dobie Hatley***

Will testify about atmosphere of intimidation and harassment from craft and QC supervisors to pressure document control clerks, including herself and her supervisor, to violate existing procedures regarding issuance of documents. She would also testify about the pre-notification audit rigging as a result of fear of the consequences of failing the audit. Finally she would testify about personal information regarding harassment and intimidation of others on the site, including employees being forced to use illegal drugs on the site by their supervisors, and the failure of management to take any action. Ms. Hatley would also testify about her termination as supervisor of document control satellite stations.

**Frank Strand
H. Hutchison
Ray Yockey****Brooks Griffin
Paul Check**

WITNESS

INCIDENT

APPLICANT
WITNESS

NRC WITNESS

Freddie Ray
Harrell

Will testify about his lay-off following the reporting of information to Antonio Vega. See Statement of 11/28/83.

A. Vega

Brooks Griffin

WITNESS**INCIDENT****APPLICANT
WITNESS****NRC WITNESS****Cordelia Hamilton**

Will testify about Fall 1980 meeting in Jim Hawkins office in which inspectors were told to stop nitpicking. Also about the lack of support QC inspectors in Harry Williams department received. See pre-filed testimony of Hamilton, 7/16/82, and OI Interview (p. 18).

**Harry Williams
Jim Hawkins****Brooks Griffin**

WITNESS

INCIDENT

APPLICANT
WITNESS

NRC WITNESS

Jerry Artrip

EBASCO QC inspector, currently employed at South Texas. Will testify about harassment and intimidation in the paint department and the management attitude toward identification of problems by supervisors in that department. He will also testify about the results of such treatment on implementation of the QC program.

Harry Williams
Jim Hawkins

WITNESS

INCIDENT

WITNESS

NRC WITNESS

Bill Dunham*

Paint QC Inspector, who was fired for alleged misconduct at a group paint QC meeting. His testimony will be about the attitude at the site regarding the raising of questions by QC inspectors. His testimony, except as to the results of harassment and intimidation throughout the site, is contained within the Department of Labor record of his discrimination complaint.

R. Tolson
C. Kristemer
T. Brandt

F. Hawkins
L.D. Gilbert

WITNESS

Sue Ann Neumeyer

INCIDENT

Welding QC Inspector. Resigned in February 1984. She will testify that she believes she was harassed, intimidated, and pressured into accepting work which was not acceptable, and in some cases not legal, at times throughout the entire course of her employment at CPSES, and that personal knowledge that the NRC is not interested in examples or evidence of harassment, intimidation, pressure. Also her knowledge of the meeting discouraging workers to talk to GAP.+

**APPLICANT
WITNESS**

Jack Stanford
Fred Evans
Dwight Woodyard
Ted Blixt
Bob Seever
Gordon Purdy
A. Vega
R. Tolson
M. Spence

NRC WITNESS

R. Taylor
Brooks Griffin

WITNESS

INCIDENT

APPLICANT
WITNESS

NRC WITNESS

Betty Brink

Former Intervenor, currently reporter. Will testify regarding the breach of confidentiality by the NRC after providing names of workers to OI representatives. See Brink letter to NRC Commissioner Palladino, May 1984.

Brooks Griffin

WITNESS

INCIDENT

APPLICANT
WITNESS

NRC WITNESS

Dennis Culton
(Has not yet
agreed to testify.)

Will testify that the NRC interview and inspection/
investigation process was so hostile and intimi-
dating that he wants nothing further to do with
the NRC, and that his treatment, if known to
others, would convince them not to turn to the
NRC for help in raising or identifying a problem.
(See Culton Affidavit, 6/29/83).

Robert Stewart
Dan Tomlison
Richard Herr

WITNESS

INCIDENT

APPLICANT
WITNESS

NRC WITNESS

Richard Hubbard
(Mr. Hubbard has
been previously
used as an expert
in the South Texas
proceedings about
B&R competency, in
part regarding
their QA/QC
program.)

Will testify to the generic significance of inde-
pendent inspection efforts on a plant. Will also
comment on the appropriateness of the Applicant's
response to the individual and collective problems
raised by the CASE witnesses. (Mr. Hubbard will
have to read the testimony of the CASE and
Applicant witnesses prior to being able to
present that testimony.)

WITNESS

INCIDENT

APPLICANT
WITNESS

NRC WITNESS

(An industrial
psychologist
confirmation of
our retention of
this expert is
pending.)

Will testify that the morale problems, and subsequent lowering of the willingness of the QC force to identify problems and comply with procedures which they are constantly undermined in becomes fruitless. Futher he will testify about the effects of "example discipline."

WITNESS

Walter Elliott*
Don Davis
R. Euline
Corey Allen
Tom Miller

INCIDENT

These employees of the paint Coatings QC department testified in the Department of Labor hearing of Bill Dunham. They will testify to the harassment and intimidation in the paint coatings department, both as to their personal experience and as to the effect the Dunham incident had on them in the performance of their job.

APPLICANT
WITNESS

Harry Williams

NRC WITNESS

D. Driscoll
Brooks Griffin
F. Hawkins

WITNESS

Eddie Snyder*
Jack Pitts
D.T. Oliver
A. Ambrose
M. Barfield
Lon Davis
Bruce Hearn
Ron Jones
Gerald Prior
Jerry Staplin

INCIDENT

Eight QC employees in the electrical department reported to work wearing "T-shirts" that said "NIT PICKERS PICK NITS." These employees were rounded up and taken to the office of Ron Tolson where they were questioned by management, their personal materials taken from their desks, and then interviewed by the site ombudsman. Efforts to attempt to get the NRC to stop the detention failed. CASE will demonstrate that the T-shirts were worn as an expression of the frustration of site QC inspectors, that the response by management was oppressive, and that the lack of response by NRC was nonfeasance. Further that instead of there being no reprisal against those who wore the T-shirts the employees were first cut down to 40 hours per week, some were transferred, some quit, and most recently some were laid off. Of all the inspectors only a few remain on the job.+

**APPLICANT
WITNESS**

Ron Tolson
Boyce Grier
A. Vega
D. Chapman
M. Welch

NRC WITNESS

Site Resident
Brooks Griffin
John Collins

WITNESS

J.J. Lipinsky

INCIDENT

He will testify about the pressure he was put under following the writing of the October 1983 memo regarding paint findings. Specifically about the comments and information from TUGCO/Brown & Root management to him regarding the consequences of his writing the memo.

**APPLICANT
WITNESS**

M. Spence
G. Purdy
R. Tolson
T. Brandt

NRC WITNESS

F. Hawkins*
(deposition)

APPLICANT WITNESSES

NAME	INCIDENTS REQUESTED TO BE PREPARED FOR DEPOSITION	REFERENCE
Mike Spence Perry Britton Lou Fikar	CPSES policy regarding intimidation, harassment or threats, December 20, 1983	
	The establishment of a CPSES "hot-line"	
	The 1979 interviews of QA QC personnel	
	The management response to the August 1983 Report on Allegations of Cover-Up and Intimidation by TUGCO, Dallas Quality Assurance	
	Communications with the NRC regarding problems at CPSES of harassment, intimidation. Specifically surrounding the creation and implementation of the "task force" in March 1984.	
	All management meetings or discussions regarding complaints of harassment or intimidation or lack of support of QC program at CPSES	
	Harassment and intimidation and termination of Charles Atchison	Charles Atchison
	Harassment and intimidation and blacklisting of Jack Doyle/Mark Walsh	Jack Doyle
	Harassment and intimidation and pressure to accept sub-quality work on Sue Ann Neumeyer	Sue Ann Neumeyer
	Harassment and intimidation and pressure of J.J. Lipinsky after Lipinsky wrote a 1983 memo re: paint	J.J. Lipinsky
	(Generic items listed in Appendix A to Witness List)	

NAME	INCIDENTS REQUESTED TO BE PREPARED FOR DEPOSITION	REFERENCE
------	--	-----------

Ron Tolson	His experience as QA/QC personnel management His performance ratings at TUGCO His past job descriptions The 1979 QC interviews and reasons for and results/recommendations thereof His interaction with craft supervision His speech given to QC inspectors Any other group presentations regarding QA/QC The Charles Atchison firing The termination of Dobie Hatley The resignation of Susie Neumeyer The termination of Bill Dunham The harassment of Lester Smith The harassment of Stan Miles The harassment of Darlene Stiner The harassment of Robert Bronson The harassment of Jack Doyle The harassment of George Clancy The reason for his removal as QA in February 1984 His new job description Any new performance ratings since the change His role in the "T-shirt incident"	
------------	---	--

NAME	INCIDENTS REQUESTED TO BE PREPARED FOR DEPOSITION	REFERENCE
------	---	-----------

Ron Tolson

His role in the preparation of response to the Eisenhut letters, re: harassment and intimidation issues

His interaction with the cost and schedule for the plant

His relationship with R. Taylor, NRC

His relationship with the current NRC resident inspector

His knowledge of the speech given in February by Gordon Purdy

His knowledge of the use of NRC Form 3 at CPSES

His knowledge regarding the development of the December 1983 policy on harassment and intimidation

Any other information he has about incidents of harassment and intimidation and of management actions taken to cope with harassment and intimidation incidents or surrounding attitudes

(Generic items listed in Appendix A to Witness List)

Antonio Vega

His experience in QA/QC management

His experience as personnel management

His performance ratings at TUGCO

His past job descriptions

The 1979 QC interviews and reasons for and results/recommendations thereof

His interaction with craft supervision

His instructions given to QC inspectors regarding reporting of non-conformance

NAME	INCIDENTS REQUESTED TO BE PREPARED FOR DEPOSITION	REFERENCE
------	--	-----------

Antonio Vega	<p>Any other group presentations regarding QA/QC</p> <p>The Charles Atchison firing</p> <p>The termination of Dobie Hatley</p> <p>The resignation of Susan Neumayaer</p> <p>The termination of Bill Dunham</p> <p>His role in the T-shirt incident</p> <p>His role in the repeated pressuring of Bob Bronson</p> <p>His role in the harassment, intimidation and pressure of Sue Ann Neumeyer</p> <p>His role in the intimidation of Lester Smith,</p> <p>Termination of Robbie Robinson</p> <p>Termination of Robert Messerly</p> <p>His knowledge of QC/QA problems in the paint coatings department</p> <p>The reason for Tolson's removal as QA in February 1984</p> <p>His new job description</p> <p>Any new performance ratings since the change</p> <p>His role in the "T-shirt incident"</p> <p>His role in the preparation of response to the Eisenhut letters, re: harassment and intimidation issues</p> <p>His interaction with the cost and schedule for the plant</p>	
--------------	--	--

NAME	INCIDENTS REQUESTED TO BE PREPARED FOR DEPOSITION	REFERENCE
------	--	-----------

Antonio Vega	<p>His relationship with R. Taylor, NRC</p> <p>His relationship with _____, SRI</p> <p>His knowledge of the speech given in February by Gordon Purdy</p> <p>His knowledge of the use of NRC Form 3 at CPSES</p> <p>His knowledge regarding the development of the December 1983 policy on harassment and intimidation</p> <p>Any other information he has about incidents of harassment and intimidation and of management actions taken to cope with harassment and intimidation incidents or surrounding attitudes.</p>	
Jim Hawkins	<p>Threats to Bob Hamilton about over strenuous inspections</p> <p>His knowledge of the QA/QC program requirements regarding identification of problems</p> <p>Any conversations/meetings he had with management regarding the Hamilton incident</p> <p>His knowledge of the reputation of Mr. Harry Williams as an oppressive supervisor</p> <p>(Generic items listed in Appendix A to Witness List)</p>	B. Hamilton
J. George	<p>The termination of Robbie Robinson after his reporting "make-work," etc.</p> <p>The statements and actions of Mr. Vega and himself in response to Mr. Robinson's complaints.</p> <p>Any conversations with management regarding Mr. Robinson's termination</p>	R. Robinson

NAME	INCIDENTS REQUESTED TO BE PREPARED FOR DEPOSITION	REFERENCE
	<p>His knowledge of the QA/QC program requirements regarding identification of problems</p> <p>Any conversations/meetings he had with management regarding the Hamilton incidents</p> <p>(Generic items listed in Appendix A to Witness List)</p>	
Robert Murray	<p>The testimony of Mr. George Clancy regarding his instructions to Mr. Clancy</p> <p>Any conversations with management regarding Mr. Clancy's termination</p> <p>His knowledge of the QA/QC program requirements regarding identification of problems</p> <p>Any conversations/meetings he had with management regarding the Hamilton incident</p> <p>(Generic items listed in Appendix A to Witness List)</p>	G. Clancy
Wayne Simmons	<p>Termination of Chuck Atchison</p> <p>(Generic items listed in Appendix A to Witness List)</p>	
Mark Wells	<p>Ordering employees, along with Harry Williams, to disregard safety requirements</p> <p>(Generic items listed in Appendix A to Witness List)</p>	
Jack Stanford	<p>Harassment and intimidation and pressure to accept faulty work on Sue Ann Neumeyer</p> <p>(Generic items listed in Appendix A to Witness List)</p>	

NAME	INCIDENTS REQUESTED TO BE PREPARED FOR DEPOSITION	REFERENCE
Larry Wilkerson	Termination of Robbie Robinson (Generic items listed in Appendix A to Witness List)	
Wayne Mansfield	Termination of Robbie Robinson (Generic items listed in Appendix A to Witness List)	
Doug Frankum	Harassment and intimidation and blacklisting of Jack Doyle and R. Messerly (Generic items listed in Appendix A to Witness List)	Jack Doyle R. Messerly
Dale Bullard	Harassment and intimidation and threatened termination of Stan Miles and others (Generic items listed in Appendix A to Witness List)	Stan Miles
Fred Evans	Harassment and intimidation of and pressure to accept faulty work, put on Sue Ann Neumeyer (Generic items listed in Appendix A to Witness List)	Sue Ann Neumeyer
Fred Coleman	Ordering H. Stiner to perform impro- per melds in February, 1980, while Coleman watched for QC (Generic items listed in Appendix A to Witness List)	H. Stiner
Ken Liffert	Threatening H. Stiner, R. Johnson and others with termination in September, 1980, unless that per- formed sub-quality melds quickly (Generic items listed in Appendix A to Witness List)	H. Stiner

NAME	INCIDENTS REQUESTED TO BE PREPARED FOR DEPOSITION	REFERENCE
Jimmy Green	Instructing H. Stiner in July 1981 to make improper melds	H. Stiner
	H. Stiner's subsequent termination (Generic items listed in Appendix A to Witness List)	H. Stiner
Larry Thompson	Ordering H. Stiner to violate procedures re: I-beams in April 1981	H. Stiner
	(Generic items listed in Appendix A to Witness List)	
Ronnie Johnson	Threatened along with H. Stiner and others with termination unless they performed sub-quality welds.	H. Stiner
	Threatened by Frankum, Callicutt, Liffert, and Heabart (September 1980)	
	(Generic items listed in Appendix A to Witness List)	
Callicutt	Threatening Ronnie Johnson and his crew (including H. Stiner) with termination unless they completed a meld quickly (with consequent sub-quality standard) (September 1980)	H. Stiner
	His knowledge of pressure on QC Document Review/Document Control Clerks	L. Bamas Dobie Hatley
	(Generic items listed in Appendix A to Witness List)	
PR Dept. Representative	Production of "Circuit Breaker" and inclusion in some of worker allegations	Darlene Stiner and others
	(Generic items listed in Appendix A to Witness List)	
Randy Smith	Harassment and intimidation of Darlene Stiner, especially during and relating to her pregnancy	Darlene Stiner
	(Generic items listed in Appendix A to Witness List)	

NAME	INCIDENTS REQUESTED TO BE PREPARED FOR DEPOSITION	REFERENCE
Snellgrove	Harassment and intimidation and pressure on Bob Bronson (Generic items listed in Appendix A to Witness List)	Bob Bronson
J.P. Patton	Harassment and intimidation and pressure on Bob Bronson (Generic items listed in Appendix A to Witness List)	Bob Bronson
Gary Krishnan	Harassment and intimidation of Jack Doyle (Generic items listed in Appendix A to Witness List)	Jack Doyle
Dwight Woodard	Harassment and intimidation and pressure to approve faulty work, on Sue Ann Neumeyer; meeting discouraging workers from talking to GAP (Generic items listed in Appendix A to Witness List)	Sue Ann Neumeyer
Ted Blixt	Harassment and intimidation of Sue Ann Neumeyer to approve faulty work; meeting discouraging workers from talking to GAP (Generic items listed in Appendix A to Witness List)	Sue Ann Neumeyer
Bob Sievers	Harassment and intimidation of Sue Ann Neumeyer; pressure on Sue Ann Neumeyer to approve faulty work; meeting discouraging workers from talking to GAP (Generic items listed in Appendix A to Witness List)	Sue Ann Neumeyer
Hal Goodson	Intimidation of R. Messerly Termination of H. Stiner (Generic items listed in Appendix A to Witness List)	R. Messerly H. Stiner

NAME	INCIDENTS REQUESTED TO BE PREPARED FOR DEPOSITION	REFERENCE
M. Sanders	Intimidation of Messerly; intimidating Messerly into loaning out "re-bar eaters" without documentation (Generic items listed in Appendix A to Witness List)	R. Messerly
Curly Krishner	Termination of Bill Dunham (Generic items listed in Appendix A to Witness List)	Bill Dunham
Boyce Grier	His role in the T-shirt incident His knowledge of the incidents of harassment and intimidation His knowledge of the Sue Ann Ann Neumeyer investigation His knowledge of the Dobie Hatley investigation His knowledge of other investigations His job's objective (Generic items listed in Appendix A to Witness List)	Eddie Snyder; Jack Pitts; D.T. Oliver; A. Ambrose; M. Barfield; Lon Davis; Bruce Hearn; Ron Jones; Gerald Prior; Jerry Staplin
D. Chapman	His role in the T-shirt incident His knowledge of the 1979 interviews His knowledge of internal investigations in harassment and intimidation His interface with management on harassment and intimidation Harassment and intimidation of Charles Atchison Termination of Robert Messerly (Generic items listed in Appendix A to Witness List)	Eddie Snyder; Jack Pitts; D. T. Oliver; A. Ambrose; M. Barfield; Lon Davis; Bruce Hearn; Ron Jones; Gerald Prior; Jerry Staplin Charles Atchison R. Messerly

NAME	INCIDENTS REQUESTED TO BE PREPARED FOR DEPOSITION	REFERENCE
M. Welsh	His role in T-shirt incident (Generic items listed in Appendix A to Witness List)	Eddie Snyder; Jack Pitts; D. T. Oliver A. Ambrose; M. Barfield; Lon Davis; Bruce Hearn; Ron Jones; Gerald Prior; Jerry Staplin
Thomas Brandt	Harassment, intimidation, and termination of Charles Atchison Termination of Bill Dunham Termination of Joseph Krolak pressure and intimidation of J.J. Lipinsky Harassment and intimidation of Darlene Stiner, especially during and relating to her pregnancy (Generic items listed in Appendix A to Witness List)	C. Atchison Bill Dunham Joseph Krolak J.J. Lipinsky Darlene Stiner
Harry Williams	Harassment and intimidation of Bill Dunham; effects of that harassment and intimidation on other inspectors Harassment, intimidation and termination of Bob Hamilton Intimidation of J. Krolak, and orders to Krolak and others to do sub-quality work (Generic items listed in Appendix A to Witness List)	
Gordon Purdy	Interference with Barnes' attempts to use proper document review procedure Harassment and intimidation of J.J. Lipinsky following Lipinsky's 1983 memo (re: paint)	

NAME	INCIDENTS REQUESTED TO BE PREPARED FOR DEPOSITION	REFERENCE
------	--	-----------

Harassment of Bob Bronson

Harassment and intimidation of Sue Ann Neumeyer; pressure on Sue Ann Neumeyer to approve faulty work; meeting discouraging workers from talking to GAP

Gordon Purdy

Knowledge of discontent among the QA/QC inspectors regarding use of NCRs

(Generic items listed in Appendix A to Witness List)

Gil Keeley
R. G. Spangler
R. E. Kahler

Report on Allegations of Cover-Up and Intimidation by TUGCO, Dallas Quality Assurance, August 19, 1983

(Generic items listed in Appendix A to Witness List)

F. Strand
H. Hutchison

The constant pressure on Document Control by craft and QC to issue incomplete and incorrect packages

L. Barnes
D. Hatley

(Generic items listed in Appendix A to Witness List)

Bill Clements

Will testify about the preparation of TUGCO response to the Eisenhut letters regarding allegations, including harassment and intimidation

Should also be prepared to testify about items of which he has knowledge listed for Mike Spence, et al.

(Generic items listed in Appendix A to Witness List)

Ray Yockey

Will testify about the termination policies and practices at CPSES, as well as the employee rights and responsibilities as contained in any relevant employee manual

(Generic items listed in Appendix A to Witness List)

NRC STAFF WITNESSES

NAME	INCIDENTS REQUESTED TO TESTIFY ABOUT
John Collins (all regula- tory actions except OI on CPSES)	Requested to testify about the policy of NRC staff regarding harassment and intimidation; the decision to issue a \$40,000.00 civil penalty regarding Mr. Atchison's issues, the decision to postpone the fine; the attitude of the NRC regional staff toward reports of harassment and intimidation.
Robert Taylor also current esident insp.	Requested to testify about the policy of NRC staff, regarding harassment and intimidation; the decision to issue a \$40,000.00 civil penalty regarding Mr. Atchison's issues, the decision to postpone the fine; the attitude of the NRC regional staff toward reports of harassment and intimidation.
	The T-shirt incident
	Harassment and intimidation of George Clancy
	Harassment and intimidation and pressure to accept faulty work on Sue Ann Neumeyer
	Harassment and intimidation of H. Stiner
	Harassment and intimidation of Charles Atchison
	Harassment and intimidation of Jack Doyle
	His knowledge of Sue Ann Neumeyer's cooperation with an NRC investigation into Henry's concerns
	The findings of the OIA Report
	His policies regarding her on the site that includes harassment and intimidation complaints
	His specific knowledge of the allegaton of harassment and intimidation by those CASE witnesses listed below. The expectation of the NRC from an applicant about an QA/QC program
D. Driscoll Brooks Griffin Richard Hers Paul Check	Requested to testify about actions taken in response to allegations of harassment and intimidation, his judgment as to the seriousness of harassment and intimidation on the Comanche peak site; his understanding of the NRC's policies regarding harassment and intimidation; his investigation of the complaints of al named witnesses. The release of names provided by Bett Brink.
F. Hawkins	His inspection efforts into the allegations of J. J.

Lipinsky and the allegations made by Bill Dunham

Robert Stewart Interview of Dennis Culton and his interview techniques employed to determine Mr. Culton's allegation

Dan Tomlison Interview of Dennis Culton

Richard Herr Interview of Dennis Culton

Tom Ippilito The ongoing "task force efforts", how the task force would deal with the problems resulting from the prevailing attitude of harassment and intimidation; the importance of harassment and intimidation; his understanding of NRC policies regarding harassment and intimidation

APPENDIX A

Generic Items For Witnesses To Be Prepared To Testify About

- Basic background and experience prior to going to work at CPSES (Provide resume if one exists).
- Work history at CPSES, positions, supervisors, duties, etc.
- The witness' understanding of policies of TUGCO, B&R, and other contractor regarding reporting of non-conforming items.
- Specific incidents of harassment and intimidation on CPSES site known to each individual
- Any knowledge about management actions taken to cope with harassment and intimidation, pressure on QC inspectors, pressure to not write non-conformance reports or to ignore construction problems.
- Management procedures to insure that QA/QC programs are being implemented.