

ORIGINAL

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the matter of:

TEXAS UTILITIES ELECTRIC
COMPANY, et al

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

Docket No. 50-445
50-446

Deposition of: Gordon Raymond Purdy

Location: Glen Rose, Texas

Pages: 41,00-41,272

Date: Tuesday, July 10, 1984

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TAYLOE ASSOCIATES

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

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY & LICENSING BOARD

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 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 10, 1984

Deposition of: GORDON RAYMOND PURDY
called by examination by counsel for the Applicants
taken before Margaret Schneider, Court Reporter,
beginning at 9:30 a.m., pursuant to agreement.

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APPEARANCES:

On behalf of the Applicant:

RICHARD K. WALKER, Esq.
Bishop, Liberman, Cook, Purcell & Reynolds
1200 Seventeenth Street, N.W.
Washington, D.C. 20036

On behalf of the Nuclear Regulatory Commission:

RICHARD BACHMANN, Esq.
Staff Attorney
Nuclear Regulatory Commission
Washington, D. C.

On behalf of the Intervenor, CASE:

ROBERT GUILD, Esq.
Post Office Box 12097
Charleston, South Carolina 29412

On behalf of the Witness, Gordon Raymond Purdy:

CARL JORDAN, Esq.
Vincent & Elkins
First City Tower
Houston, Texas 77002

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I N D E XWITNESSEXAMINATION

Gordon Raymond Purdy

41,004

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Purdy Room 42-1	41,068
Purdy Room 42-4	41,223
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P R O C E E D I N G S

1
2 MR. WALKER: Mr. Guild, as I told you before
3 the deposition commenced, I would like at this time to
4 read into the record a prepared opening statement.

5 My name is Richard K. Walker. I am a member
6 of the law firm of Bishop, Liberman, Cook, Purcell &
7 Reynolds, counsel for Texas Utilities Electric Company,
8 Applicant in this proceeding.

9 I appear here today in that capacity. Before
10 proceeding further, I wish to point out that the witness,
11 Mr. Gordon Purdy, is appearing voluntarily, and that he
12 is not under subpoena.

13 Mr. Purdy's testimony has been requested from
14 the Applicant by CASE, Intervenor in this proceeding, on
15 the topics specified in CASE's letter to Leonard W.
16 Belter dated June 27, 1984, a copy of which has been
17 marked for identification by the reporter and appended
18 to the transcript of Mr. Tony Vega's deposition as
19 Exhibit A.

20 The Applicant has already noted its objections
21 to the deposition procedures and the schedule ordered
22 by the Board, and it intends no waiver of those objections
23 by Mr. Purdy's appearance here today.

24 I should also note for the record that Mr.
25 Purdy has asked that he be personally represented by an

1 attorney; and Mr. Carl Jordan is here at this deposition
2 acting in that capacity.

3 Whereupon,

4 GORDON RAYMOND PURDY

5 was called as a witness by and on behalf of the Intervenor
6 and, having been first duly sworn, was examined and
7 testified as follows:

8 EXAMINATION

9 BY MR. GUILD:

10 Q Good morning, Mr. Purdy.

11 A Good morning.

12 Q I assume that we're going to follow the process
13 of Intervenors going first.

14 My name is Robert Guild. I'm from Charleston,
15 South Carolina. I have been asked to assist the Intervenors
16 in some of these depositions this week.

17 First, if you would, state your full name and
18 tell me what your job is.

19 A My full name is Gordon Raymond Purdy. My
20 position is the Brown & Root site quality assurance
21 manager.

22 Q How long have you served in that capacity?

23 A I have served in that capacity since
24 November of 1981.

25 Q Were you in an acting capacity at that time?

1 A. I was originally transferred to Comanche Peak
2 November 2, 1981, in an acting capacity and accepted the
3 full-time position, I believe in March of 1982.

4 Q. So you were acting in the interim period between
5 November '81 and March of '82; correct?

6 A. That's correct.

7 Q. On whose behalf were you acting? Who was your
8 predecessor in the full-time capacity?

9 A. My predecessor was Mr. Jim Hawkins. I was
10 representing Brown & Root as the on-site QA manager at
11 that time since Mr. Hawkins was no longer with the project.

12 Q. What happened to Mr. Hawkins?

13 A. I have really no personal knowledge of what
14 happened to Mr. Hawkins. I was notified that Mr. Hawkins
15 would not be returning to the project and was asked if I
16 would take that position until such time as I either
17 accepted a full-time position or someone else took the
18 position. COTTON CONTENT

19 Q. What did you understand was the basis of Mr.
20 Hawkins' departure and your replacement of him in that
21 capacity?

22 MR. WALKER: Objection. I think the witness
23 has already answered the question. Furthermore, I suggest
24 that the question, as it is presently stated, calls for
25 the witness to answer with hearsay.

1 MR. GUILD: Well, I would submit it's not.
2 I'm interested in what the gentleman's understanding was
3 of the circumstances at the site, the responsibilities of
4 the position he inherited, and in part a basis for that
5 is his understanding of the circumstances of his
6 predecessor's departure.

7 So I would submit that it's substantive
8 evidence and bears on this gentleman's response to problems
9 that existed at the site at the time, his qualifications --
10 essentially his performance and, therefore, Applicant's
11 performance of their quality assurance obligations under
12 applicable rules.

13 So I would ask that the witness answer the
14 question.

15 MR. WALKER: Just a minute. Do I understand
16 you correctly that you're asking the question for the
17 purpose of eliciting from the witness his perception of the
18 situation and any problems that may have existed at the
19 time that he came to the site?

20 MR. GUILD: Sure. In part.

21 MR. WALKER: In part? And for what other
22 purposes?

23 MR. GUILD: Well, that's a good enough
24 starting point. There's no need in arguing all of the
25 potential bases for treating specific subjects as relevant

1 admissible evidence. If we do that, we're going to be
2 here all day.

3 I would submit that in my judgment -- in my
4 professional opinion, the subject is relevant on the
5 merits of the issue of harassment and intimidation. I
6 would like to pursue it. I don't think it's a major
7 topic, but it could certainly occupy a major amount of
8 time, if we would want to argue about it and everything
9 else that may or may not be relevant as a matter of final
10 judgment or your opinion or mine.

11 But I have a professional opinion that it's
12 a relevant subject and would intend to inquire into it
13 and would ask that the witness respond to the question.

14 MR. WALKER: Well, the witness may or may not
15 respond to the question. But I think, Mr. Guild, that we
16 need to have some sort of understanding about the implica-
17 tions of the ruling yesterday by the Board.

18 Let me articulate my understanding, and let's
19 see if we can reach agreement.

20 MR. GUILD: Why don't we go off the record
21 and see if we can handle this? It's just a matter of
22 posturing back and forth. I really don't think it's
23 productive at all to debate what the Judge said or what
24 the Judge didn't say, certainly not as a matter of
25 record.

1 You were there; I was there; we both heard
2 him. I stand by my view of the pending question as supported
3 by Judge Bloch's rulings of yesterday.

4 If you want a philosophical discussion, Mr.
5 Walker, let's have a philosophical discussion, but let's
6 not burden this record with it.

7 MR. WALKER: Well, I don't want to go off the
8 record. I'm not interested in posturing, and I'm not
9 interested in philosophical discussion.

10 I do, however, think that the Board made it
11 clear yesterday that issues as to objections may have
12 to be ruled on in the future. And because of that, I
13 think that it is necessary that we have some full
14 articulation of the respective positions of the parties
15 on the record to permit the Board to make an informed
16 ruling when and if that becomes necessary.

17 Now, it was my understanding of the ruling
18 yesterday that when an objection is interposed --
19 whether that objection goes to the issue of whether a
20 question is asked in order to obtain discovery, or
21 whether it goes to the admissibility of the evidence,
22 that counsel for the Intervenor is to reconsider the
23 propriety of the question in good faith.

24 In order for us to have any meaningful basis
25 for determining whether that is done, I think that we're

1 going to need to require an articulation of the good-faith
2 considerations that lead to the conclusion that the
3 question is one that counsel for the Intervenor feels,
4 after good-faith reflection, can and should be pursued.

5 MR. GUILD: Let's just adjourn the deposition
6 at this point. I think we're in fundamental disagreement
7 on that score, Mr. Walker. The whole point of the
8 device that was adopted by the Chairman is so that this
9 record will not be burdened with extensive arguments
10 that are only appropriate by way of offers of these
11 depositions through the proposed findings and conclusions
12 that all parties will be submitting.

13 There is plenty of opportunity to argue
14 relevance, weight, other evidentiary considerations at
15 that point in time. The whole purpose of not belaboring
16 these depositions with those kinds of considerations was
17 to expedite these proceedings and to get this job done.

18 Now, you lose all the advantages to that if
19 we have to conjure up extensive positions on the record
20 on those kinds of questions.

21 I think that the Judge's ruling was clear
22 that if you have a conviction that any counsel are not
23 acting in good faith, the remedy is for you to go forward
24 with that.

25 But I have no desire to burden this record with

1 extensive discussions about these evidentiary questions.
2 It's a total waste of time and a waste of resources for all
3 parties concerned, Mr. Walker.

4 The Judge's clear ruling is that he's going
5 to rely on the professional good faith of the participants.

6 Now, I would ask you as a matter of -- I
7 would suggest that if you are going to raise an
8 objection, which you have in the first 30 seconds of this
9 deposition -- and I expect that you will similarly
10 throughout the deposition -- that you first state fully
11 and completely the basis for your objection. You haven't
12 done that. You have simply interrupted my examination
13 and suggested that now the burden is on this party to
14 argue its position.

15 That's clearly inconsistent with the Judge's
16 procedural ruling. I would ask that -- Let's start
17 from the very beginning. From this point, if your
18 position is that this question that's pending is
19 objectionable, please now state completely and fully your
20 basis for taking that position.

21 MR. WALKER: Well, Mr. Guild, either you were
22 not listening, or you choose to mischaracterize what I
23 have said. In either case, I find that disturbing.

24 I stated at the time that I interposed the
25 objection that -- for one thing, as the question is stated,

1 I think that it calls for an answer that would involve
2 the witness and repeating hearsay.

3 And, secondly, I have serious doubts about the
4 relevance of the question.

5 Secondly, I'd like to state that I think that
6 you are seriously mischaracterizing what I have requested
7 in this situation. I'm not requesting you to conjure up
8 extensive reasons for anything.

9 In fact, I would hope that you wouldn't be
10 involved in the conjuring up of reasons.

11 MR. GUILD: I've stated my position, Mr. Walker,
12 on this particular issue; and I've stated it in sufficient
13 clarity so that you have a full understanding of the basis
14 for having formed the question in the first instance.

15 Now, that's the point where I argue and think
16 that -- it seems obvious to me that briefing the issue,
17 extensive argument simply burdens this record and is a
18 waste of all parties' time.

19 Now, if there is a way of approaching this
20 question so that we can move efficiently through this
21 deposition, let's go off the record and figure out where
22 it is.

23 But I do submit to you, sir, that you have not
24 informed me of your desire to approach this issue in any
25 different way than the matter was approached yesterday. If

1 Applicants have formulated a position with respect to the
2 Judge's ruling that requires approaching these depositions
3 in a way that was different from the way we approached
4 them yesterday, let's just settle that off the record.

5 There's no reason for either of us to be put
6 in the position of posturing or trying to respond to --
7 you know, sort of the ad hoc positions of an adversary on
8 this point.

9 The fundamental question is: How are we
10 going to resolve disputes about pending questions, disputes
11 that I submit are not resolvable or properly the subject
12 of extended exchange on the record of this proceeding.

13 MR. WALKER: Well, let me emphasize: I have
14 absolutely no interest in prolonging this proceeding. I
15 would hope that we could arrive at some accommodation that
16 would permit us to proceed expeditiously.

17 I would also suggest to you, however, that I
18 have not advocated a position that is contrary to that
19 interest in any respect.

20 I have simply asked you if you would state
21 for the record the good faith considerations that led you
22 to believe that the question was a proper question.

23 The extensiveness of the response required
24 obviously would be entirely up to you. But it does seem
25 to me that in light of Judge Bloch's ruling, I should be

1 entitled to at least some reasonable explanation of the
2 good faith considerations that Judge Bloch indicated in his
3 order yesterday that you were required to go through in
4 response to an objection to a question that you adduce.

5 MR. GUILD: I think my position is clearly
6 stated. I will -- I'm aware of the Chairman's ruling.
7 I know no basis for voir diring opposing counsel as to their
8 professional opinion on a point of evidence.

9 It's wholly inconsistent with any orderly
10 trial process that I'm aware of, Mr. Walker; and I assert
11 that it's unsupported by the Judge's ruling and is
12 burdensome and a delaying device.

13 Now, I suggest that we adjourn the deposition
14 at this point. I'm going to consult with my co-counsel. I
15 presume that Applicants are asserting the same position,
16 unless this particular counsel for Applicants is the
17 only one asserting this position.

18 If this is the uniform position of Applicants,
19 I submit that we get a ruling from the Judge, because we're
20 going to have dozens and dozens of pages of absolute
21 wasted time, effort and resources arguing these points
22 over and over again.

23 So let's recess this deposition, and I'd like
24 to consult with my colleagues.

25 MR. WALKER: Fine.

1 (Short recess.)

2 MR. GUILD: Richard, I want to try to see if
3 we can figure this one out so that we can move smoothly
4 through the rest of the morning and afternoon on these
5 matters.

6 Let's tackle this one so we can at least
7 establish some precedent.

8 Your position is that the questions pending --
9 and that is, Mr. Purdy's understanding of the circumstances
10 of his replacement -- his predecessor is not relevant.
11 I guess I heard you say that.

12 MR. WALKER: It's not relevant, and that the
13 question as stated, based on the witness' answer to your
14 preceding question, would call for him to repeat matters
15 that would constitute hearsay.

16 MR. GUILD: And I think it's fair to say that
17 Mr. Purdy had no personal knowledge. He wasn't there.
18 That's understandable. He didn't see it. He wasn't
19 there personally involved in the decision, so I think
20 it's given that he has to rely on information that comes
21 from some other source.

Now, I want to ask Mr. Purdy this question.

23 BY MR. GUILD:

24 Q Mr. Purdy, is it your view that the
25 circumstances that you found at the site, including

1 the circumstances of your predecessor's departure, were
2 not relevant? I don't mean that in a legal sense. I
3 mean relevant to you in your job, in the capacity of your
4 work, were not relevant to the performance of your
5 responsibilities.

6 MR. WALKER: Wait a minute. Mr. Guild, if you
7 could perhaps explain to me where you're going with this.
8 As you say, I think it's in your interest and ours that
9 we resolve this expeditiously.

10 It seems to me that that question
11 incorporates some of the problems of the question that
12 got us off in dealing with the objection.

13 MR. GUILD: I'm trying to cure your problem,
14 and I'm trying to respond to any concern that you might
15 have. I'm also trying to do it in a way that it's not
16 you or I testifying, or you or I making suppositions of
17 fact, but you or I only doing what advocates and counsel
18 do, and that's directing questions to the man who can
19 present competent evidence.

20 Therefore, I've withdrawn the question that was
21 pending, and I'm trying to approach it in a way that
22 cures the problem and helps us move forward.

23 So I would ask that if the question is clear --
24 and if I can make it clearer, please tell me, the
25 counsel -- or Mr. Purdy.

1 But I want to try to move ahead by reframing
2 the question and trying to present it in a format that
3 makes clear what the real issues are in dispute.

4 MR. WALKER: Okay. Then would you repeat the
5 question.

6 MR. GUILD: Sure.

7 BY MR. GUILD:

8 Q Were the circumstances of your taking this
9 job, including the circumstances of your predecessor's
10 departure, were they relevant to you in the performance
11 of your job?

12 A I'm not sure I understand "relevant to me in
13 performing my job." Could you please clarify that.

14 Q I'll try. Was it important to you to know
15 what the circumstances were at the site when you took
16 over?

17 A When I was first asked to go to Comanche
18 Peak, the sole purpose was to work on a dedicated
19 project relative to the ASME manual.

20 Therefore, the circumstances at the site
21 when I first went up there were not relevant to that
22 function.

23 Q Well, they were at least relevant to the
24 question that you needed the ASME manual fixed, weren't
25 they? You don't fix something unless it's broke, and you

1 needed to fix something, didn't you?

2 A. Yes, I did do some work on the manual.

3 Q. Okay. And then you took over general
4 responsibilities as the Brown & Root site QA manager?

5 A. That's correct.

6 Q. And in that capacity was it relevant to you,
7 was it important, was it significant -- and I'm not trying
8 to trick you, but whatever word means "important" to you --
9 was it important to you what the circumstances were
10 that involved your predecessor's performance?

11 A. When I was asked to take the position
12 temporarily, I did not spend a great deal of time trying
13 to find out the past history.

14 I have a basic belief that they may cloud my
15 objective evaluation of what the circumstances were.
16 Therefore, I tried to investigate them myself and come to
17 my own conclusions.

18 Q. All right. I'm not trying to make this
19 mysterious, Mr. Purdy or Richard, let me just show you --
20 This is what I would represent to be your testimony in
21 Mr. Atchison's Department of Labor hearing.

22 Do you recall testifying in that case?

23 A. Yes, sir, I do.

24 Q. And the transcript of that testimony is
25 available to me, and I'll be happy to share it with you.

1 At page 676 of that testimony, the general question that
2 was being talked about -- Mr. Atchison had -- how his name
3 came up when you came on the site.

4 I'm reading in part your answer. If there's
5 anything material in the rest of me, tell me. But this
6 is the point, line 14 and following.

7 I quote: "If everything had been going smooth,
8 and my predecessor, quite honestly, had just retired or
9 my predecessor, then it may not have been important."

10 MR. JORDAN: Excuse me, Bob, if you're going
11 to read him answers that he gave, I think you ought to
12 read the question.

13 MR. GUILD: I'd be happy to do that. I don't
14 think it's material. The question really doesn't make an
15 awful lot of sense.

16 "So you've got to stop and realize that
17 everybody was discussed."

18 I can go back five more questions before that,
19 but the point was talking about people who were on site
20 when you got there. Do you remember that context?

21 THE WITNESS: Yes, sir.

22 BY MR. GUILD:

23 Q And your answer was -- I'll read it in full.
24 It begins at line 6 of Transcript 676.

25 "Whenever a new manager takes over and they're

1 coming into basically an unknown set of circumstances, it's
2 obviously incumbent upon that manager to ascertain who is
3 working for them and who is doing what and what their
4 qualifications are, basically what their performance has
5 been, in an effort to try and satisfy himself that the
6 right people are in the right slots doing the right thing."

7 Then I'm going back to the quote where I
8 jumped in.

9 "If everything had been going smooth, and my
10 predecessor, quite honestly, had just retired or my
11 predecessor, then it may not have been important. But I
12 felt under the circumstances and under the situation in
13 which I was asked to come up with, it was necessary for
14 me to look at the people and find out where everybody
15 was at."

16 Do you remember that testimony?

17 A. Yes.

18 Q. Was that true then?

19 A. Yes.

20 Q. And it's true now?

21 A. Yes.

22 Q. Now, that's where I'm really driving. There's
23 no mystery to it. It appeared to be important to you
24 then, what the circumstances were.

25 And I gather that that's a true statement

1 then and it's a true statement now? right?

2 A. That's correct.

3 Q. Now, in that light -- and I'm talking about
4 your predecessor --

5 MR. WALKER: Bob, before we go any further, I
6 just need to note for the record -- apparently, Mr. Purdy
7 remembers the testimony, but there has been nothing to
8 authenticate the document from which you read.

9 We have nothing other than your representation --
10 and I'm not doubting that representation -- but I'd like to
11 note for the record that we have nothing other than your
12 representation that the material from which you read does
13 in fact represent a true and correct copy of the transcript
14 of the Department of Labor proceeding.

15 MR. GUILD: Richard, I don't have the court
16 reporter here. I only have what has been made available
17 to me. So I can only represent that's --

18 MR. WALKER: I'm not asking you for anything
19 more. I just wanted to note for the record --

20 MR. GUILD: Well, I'm suggesting that you were
21 by asking the question. So if there's any question about
22 my good faith in purporting this to be a transcript, it's
23 only what I understand to be the transcript.

24 If there's a material point about whether the
25 words are accurate --

1 BY MR. GUILD:

2 Q Mr. Purdy, do you think they are? Does it
3 sound like an accurate statement of your testimony? If
4 there's something wrong in there, please tell me.

5 A No, it sounds like an accurate representation.

6 Q That's really the only point. Now, let's turn
7 to the substance.

8 MR. GUILD: Richard, I hope that addresses
9 adequately the point that you were raising. Does it?

10 MR. WALKER: Well, it depends on what your
11 further questions are.

12 MR. GUILD: Well, there's a pending question.
13 Sir?

14 MR. WALKER: I appreciate your efforts.

15 MR. GUILD: Well, what I want to know is:
16 Does that address your concern adequately?

17 MR. WALKER: As to?

18 MR. GUILD: Whatever your concern is, and I
19 really don't know exactly where you were going or what it
20 is. But is that an appropriate approach to this particular
21 problem, or is there something that is lacking at this
22 point?

23 MR. WALKER: I'm missing something here.

24 MR. GUILD: I am, too, because I'm trying to
25 understand your problem was that goes us into this extended

1 exchange, to really get back to the question that was
2 pending before.

3 MR. WALKER: Is it your understanding to reask
4 the earlier question about Mr. Purdy's understanding of
5 the circumstances under which his predecessor left?

6 MR. GUILD: That's where we are right now.
7 That's the question that's pending.

8 In whatever particular form that it was last
9 asked, Richard, but you heard the question last asked.
10 That's where I am now.

11 MR. JORDAN: May I make a suggestion? I don't
12 believe there's a question pending, Bob, but why don't
13 you ask one. Maybe that will expedite this.

14 MR. GUILD: I still want to know from Richard
15 where we are with your problem that got us here.

16 MR. WALKER: I think we have not fully
17 addressed it. But I think Carl's suggestion is a good
18 one.

19 If you will state a question, so you have a
20 pending question, then I can respond.

21 MR. GUILD: Well, what we were talking about
22 when you made this previous testimony, Mr. Purdy, you
23 used the words, "under these circumstances and under the
24 situation."

1 BY MR. GUILD:

2 Q What were the circumstances and situation with
3 respect to your taking the job that your predecessor
4 vacated? What were the circumstances that you understood?

5 MR. WALKER: I'm not sure I understand that
6 question. I'm sorry.

7 MR. GUILD: What does he mean by the words
8 used in his previous testimony that I just quoted. Is
9 that clear enough?

10 MR. WALKER: Yes. If that's your question, I
11 don't have an objection to your asking for an explication
12 of his earlier testimony.

13 MR. GUILD: I think we've got one that you can
14 answer now, Mr. Purdy.

15 THE WITNESS: As I had indicated before when
16 I was first asked to come up to Comanche Peak, it was to
17 work on the ASME manual. The reason I was working on
18 the ASME manual is that in October of 1981, Brown & Root
19 had requested an ASME survey, the purpose of which was
20 to obtain their certificates of authorization for the
21 fabrication, installation and testing of ASME jurisdictional
22 systems.

23 BY MR. GUILD:

24 Q That's a testing certificate?

25 A No. It's a fabrication and installation --

1 It's a construction certificate.

2 Q The N-stamp?

3 A NA. Not "N." It is an NA code symbol
4 stamp.

5 The survey in October was a little bit
6 different because the project had chosen to go to ASME
7 independently for their certificates in lieu of an
8 extension of the corporate certificates.

9 That constituted a rewrite of the manual
10 to become a stand-alone document for the ASME.

11 During the October 1981 survey, the manual
12 itself was determined not to be sufficiently comprehensive
13 for the purposes of the ASME survey team as their desire
14 at that time was to conduct a survey based on the manual
15 and not the implementing procedures.

16 Q Let me stop you right there, just for
17 clarification. Who made that determination? The team?

18 A ASME, yes, sir.

19 Q The team did?

20 A Yes, sir.

21 Q Okay.

22 A ASME, depending upon the team leader, has --
23 like any organization their own particular likes and
24 dislikes on what they want to see in a QA program.

25 This particular team leader wanted the manual

1 to be totally comprehensive and to have his team be able to
2 audit the implementation of that manual, based on the
3 manual itself and not any of the supporting QA procedures.

4 The result of that survey was that the
5 certificates of authorization were not recommended to be
6 renewed -- or were not recommended to be granted, I should
7 say, by ASME.

8 Accordingly, the certificates of authorization
9 and the code symbol stamps that were previously possessed
10 by the project as a result of the corporate extension were
11 taken back by ASME.

12 I was asked by the corporate QA manager to
13 bring a couple of my quality engineers --

14 Q Clarification again. Brown & Root corporate
15 QA managers?

16 A Yes, sir.

17 To bring a couple of my quality engineers up
18 to take a look at the comments that were provided by the
19 team, to evaluate whether we thought they adequately
20 implemented the requirements of Subsection NA of the
21 code.

22 I was rewriting that. My predecessor was not
23 there at the time I came up. He was on vacation. Two
24 days after I got there, I was called and told that he would
25 not be returning. I didn't ask why, and it was not

1 volunteered why.

2 Q Who told you that?

3 A Mr. Ray Vurpillat, my boss.

4 Q All right.

5 A The context of that statement was I was in
6 a position where my primary functional responsibilities
7 at Comanche Peak had to be addressed because I no longer
8 had my certificates of authorization to certify the
9 fabrication and installation of Safety Class 1, 2 and 3
10 systems.

11 And what's more, I was not afforded, because
12 of the circumstances -- and again, I have no understanding
13 of what those circumstances are -- was not afforded a
14 turnover by my predecessor so I felt it incumbent to
15 conduct a complete evaluation of the organization -- of
16 what we were doing.

17 That's really what that means.

18 Q All right. Let me see if I can understand
19 this. Do you think it was important one way or the other
20 to your work -- the effectiveness of your performance, of
21 your work, whether things were going smooth or not?

22 That's your word. I'm using the word "smooth,"
23 because "smooth" is a word you used in your previous
24 testimony.

25 A I don't think it was necessarily important

1 that I understand all of the circumstances that preceded
2 my arrival. I didn't think it was important because I
3 have a management style that I want to totally understand
4 the circumstances under which I'm working and what I'm
5 doing.

6 Therefore, I chose to make my own evaluation.

7 Q What did you find out, if anything, about
8 the circumstances of your predecessor's departure?

9 MR. WALKER: I'm going to again interpose
10 an objection. I think that the question is calculated to
11 elicit hearsay testimony.

12 I also think that based on the witness'
13 testimony already, he has indicated that he has no personal
14 knowledge of the circumstances. And as I'm sure, Mr.
15 Guild, as you are well aware, Rule 602 of the Federal
16 Rules of Evidence states that a witness shall be limited
17 in his testimony to matters within his personal knowledge.

18 It is also my understanding -- and I cannot
19 at the moment cite you to a precise place in the transcript,
20 though if you desire, I could take a few moments and do
21 so -- that we have an earlier ruling from Judge Bloch that
22 these depositions are to be confined to matters within the
23 personal knowledge of the deponent.

24 MR. GUILD: Well, Richard, I think you've
25 mischaracterized Rule 602, because Rule 602, like the

1 hearsay rule which certainly extends probably -- most
2 characterized by the exceptions to the principle than by
3 the principle itself. And direct knowledge obviously has
4 value and probative weight.

5 But to the extent that we as human beings
6 don't all see, hear, taste or smell things ourselves
7 personally, we often rely on indirect evidence that forms
8 a basis for our conduct.

9 I trust that that was the case with Mr.
10 Purdy, like all the rest of us mortals who are not
11 omniscient, and that he had to rely on what other people
12 told him about things.

13 That in part is what he was telling us minutes
14 ago and what he said in the testimony in the Atchison
15 hearing.

16 I submit that it's absolutely clear from
17 not just my suppositions or yours, but from the witness'
18 testimony in this proceeding and that one, that the
19 circumstances of his taking the job were material to
20 him, regardless of whether or not the knowledge of the
21 circumstances was gained through his personal sensory
22 perceptions -- personal knowledge.

23 And so I would ask that you allow the
24 witness to answer the question. I think that we have
25 spent considerable time getting right back to the same

1 point.

2 Richard, I have tried very hard on this point
3 to be as clear as I possibly can about the detailed basis
4 for why I inquire into this area. I think there's a very
5 thorough evidentiary record of why -- not only in my
6 opinion as a matter of professional judgment about what's
7 relevant, but in the prior sworn testimony of this witness,
8 in his opinion, circumstances and evidence of circumstances --
9 whether direct knowledge or not -- were important to him.

10 I maintain it's important; it's relevant; and
11 I'd ask that you allow the witness to answer the
12 question.

13 I'm perfectly comfortable with the notion
14 that on other points, Richard, you may be right and I'm
15 wrong. I'm perfectly willing to say, "Listen, let's talk
16 about these issues as they come up, and I'll back off."

17 I mean, I'm not interested in sparring for
18 sparring's sake. But this is really a significant issue.
19 It's early in the day.

20 I really do want to know and think that the
21 record should reflect what the gentleman's understanding
22 was of the circumstances of his replacing his predecessor,
23 because it's really going to go a good bit to his management
24 style and what he perceived as a need for corrective
25 action and changes.

1 We're going to have to do it as a matter of
2 foundation to get through -- It's going to be a long,
3 long day.

4 I submit to you that on this one, everything
5 points in the direction that you ought to allow your client
6 to respond; and let's move ahead.

7 MR. WALKER: Well, I think since you have
8 questioned my characterization of Rule 602, it may be
9 helpful --

10 MR. GUILD: I'll withdraw that. Let's not
11 make that a point of dispute. Okay? I don't want to fight
12 about it, Richard.

13 MR. WALKER: Then let me state for the record
14 that in my opinion, in light of the witness' testimony
15 that he had no personal knowledge of the circumstances of
16 his predecessor's departure from this job, that your
17 question runs squarely afoul of the prescription in
18 Rule -- as provided in Rule 602, and that it does require
19 the witness to testify as to matters that would constitute
20 hearsay.

21 In the interest of expediting this, I am
22 prepared to allow the witness to answer the question. But
23 I want the record clearly to reflect that I think the
24 question is objectionable and should not be considered
25 for evidentiary purposes.

1 You may answer.

2 MR. GUILD: Do you want me to try again, or
3 is it clear enough where it stands?

4 THE WITNESS: One more time, please.

5 BY MR. GUILD:

6 Q. What was your understanding of the circumstances
7 of your replacing your predecessor?

8 A. During the October 1981 ASME survey, of which
9 I sat in the room with the survey team as an observer,
10 having just been through two successful ASME surveys within
11 the corporate organization on other projects, I was asked
12 to observe some of the activity.

13 There appeared to be a significant difference
14 of opinion between my predecessor and the team leader on
15 what the manual should contain.

16 There appeared to be a reticence on my
17 predecessor's part to try to put in the manual what he
18 felt was very clearly implemented through the on-site
19 procedures and instructions.

20 Very shortly thereafter, the notification
21 that the ASME survey team was not going to extend authoriza-
22 tion for the certificates caused -- at least as I would
23 have perceived it -- a concern for both the project and
24 Brown & Root.

25 It's my understanding that that hesitancy to

1 communicate between my predecessor and the team leader
2 was probably what prompted my replacement of him.

3 Q All right. Now, let me see if I can understand
4 the substantive importance of what you've just told me.
5 I'm going to try to characterize this so that we speed
6 through this, and you tell me if I'm mischaracterizing or
7 if I'm not getting the essence of what's important.

8 You've got a hierarchy of site directives
9 to which the quality assurance program is implemented.
10 High in the hierarchy in the manual that's more general in
11 application.

12 Lower in the hierarchy are implementing
13 procedures that are more specific in application. Your
14 predecessor's view was that certain elements could be
15 relegated to the lower hierarchy; implementing procedures,
16 ASME team products should go in the more generic manual.
17 Is that a fair characterization?

18 A. That's correct.

19 Q Now, let's just put this in some kind of
20 context; and you give me an example of something that
21 reflects this, if you will.

22 Let's take someone who is a visual inspector
23 of welds. What would be -- under your predecessor the
24 circumstances you found when you got on the site, what
25 would be the relative importance of those various sources

1 of guidance to the visual inspector doing an inspection of
2 ASME code pipe works?

3 A. The primary document that the individual would
4 be working to would be one of the approved procedures --

5 Q. An implementing procedure, is that what you
6 meant when you used that word?

7 A. Yes.

8 Q. And what do you call those in Brown & Root
9 at Comanche Peak? What did you call them then?

10 A. There are quality assurance procedures and
11 quality assurance inspectors.

12 Q. Are those in the same level of the hierarchy?

13 A. Procedure is a generic document discussing
14 a method. For example, we have a procedure that calls
15 the -- to the effect, an inspection of ASME piping
16 components and component supports.

17 Q. Have you got a name or number for that just
18 so we keep the record clean about what --

19 A. CPQAP-11.1.

20 Q. And what is the title of that? Best
21 paraphrase --

22 A. That was paraphrased, what I just gave you.

23 Q. Okay.

24 A. It would discuss the overall inspection
25 program of those items. There would be subordinate

1 instructions which would provide specific detail in the
2 way of piping. It would be a procedure, QIQAP.

3 Q. QIQAP?

4 A. QIQAP, which stands for quality instruction.
5 Okay. 11.1-26.

6 Q. And what's it called?

7 A. And that is, again to paraphrase, the
8 inspection of ASME piping.

9 Q. Okay. All right.

10 A. There is another subordinate instruction
11 to the -- to QAP 11.1 which is QIQAP, 11.1-28. It
12 discusses the inspection of ASME component supports.

13 Q. Such as hangers maybe?

14 A. Pipe supports, component supports, yes.

15 Q. Okay.

16 A. And there is another subordinate instruction
17 just as an example called QIQAP 11.1-39, I believe is
18 the number, and maybe 40. It discusses the inspection
19 of equipment, mechanical equipment. That's basically
20 how our program is established.

21 Q. Okay. Where in all of this does the
22 Comanche Peak quality assurance plan fit in?

23 A. The Comanche Peak quality assurance plan is
24 the owner's document. And that relays the owner's QA
25 program relative to his construction permits with

1 Comanche Peak. And I must incorporate his commitments
2 into the ASME quality assurance manual as applicable.

3 Q. When you say "I", you mean Brown & Root in
4 this case, huh?

5 A. Yes, sir.

6 Q. And is that, if you will, the top of the
7 hierarchy, the most generic of guidance documents that
8 are used for Comanche Peak?

9 A. That quality assurance plan, obviously,
10 based on the owner's commitment, based on his construc-
11 tion permits which includes their incorporation commit-
12 ment that's at CFR 50, Appendix B would be on a document
13 outlining the overall commitments.

14 Q. Okay.

15 A. Anything in addition to that would be
16 required by the ASME boiler and pressure vessels code
17 would be supplementary or in addition to, not detracting
18 from.

19 Q. Okay. Now am I missing anything in the
20 hierarchy that's material in terms of what guides your
21 people in their work? And I'm now going to get back to
22 the circumstances you found when you took the job but
23 plan, manual, implementing procedures...

24 A. And instructions.

25 Q. And instructions.

1 A. That's correct.

2 Q. I mean, that doesn't mean that -- implementing
3 procedures or instructions.

4 A. Or instructions.

5 Q. Is that "or"? Tell me about that.

6 A. Implementing procedures or instructions.

7 Q. All right. Are there two different things?

8 A. Yes. As I indicated there, for a large
9 method such as the physical inspection of installation
10 activities there would be an umbrella-ing or a generic
11 quality assurance procedure such as QAP 11.1.

12 Q. I got you. I'm following you. Fine.

13 A. Now for something on the order of a program-
14 atic requirement such as nonconformance reports, I would
15 have a QA procedure, CPQAP 16.1, which does not have
16 any sub-tier instructions. It's a stand alone procedure.

17 Q. Why don't you tell me about that just briefly.
18 That is a primary procedure for the identification and
19 documentation deficiencies, are they not?

20 A. Yes.

21 Q. All right. And that's what governs the use
22 of what's called an NCR on the job?

23 A. Yes.

24 Q. All right. Now give me that number again,
25 will you, for the record?

1 A. CPQAP 16.1.

2 Q All right. And it has no instructions. It
3 specifies how its implementation is to take place itself.

4 A. That's correct.

5 Q Now do I understand fairly that these
6 procedures are not procedures that are simply management
7 tools by Brown & Root, by the Comanche Peak organization?
8 They're required to exist and required to exist by the
9 American Society of Mechanical Engineers for code work
10 you're talking about, and ultimately by the Nuclear
11 Regulatory Commission pursuant to 10 CFR Appendix B,
12 Part 50, correct?

13 A. That's correct.

14 Q And in order to be licensed, is it fair to
15 understand in order to be licensed to operate a nuclear
16 power plant you have to demonstrate that you built the
17 plant, designed the plant according to written specific
18 procedures such as the ones we've just talked about?

19 MR. WALKER: I'm going to object to the
20 question if you're asking for his legal opinion.

21 BY MR. GUILD:

22 Q I just want your operational opinion. I'm
23 not asking you to be a lawyer. I'm just asking you as
24 you understand it in terms of your responsibilities.
25 Is that a fair characterization? Tell me it's not and

1 you can help me.

2 A. In terms of my responsibility, I should be
3 able to provide objective evidence that we have complied
4 with my procedures.

5 Q. All right. Are you -- are you familiar with
6 Appendix B to Part 50, 10 CFR?

7 A. Familiar. Not committed to memory but, yes,
8 familiar.

9 Q. All right. Well, I wouldn't be surprised if
10 you probably had a better memory of it than I do. But
11 it's more or less the bible to which you work, is it not?

12 A. Yes, it is the document upon which the Texas
13 Utilities quality assurance plan is formulated.

14 Q. All right. Well it's also a document that
15 you're familiar with in your job. I mean, it's not just
16 the people at TUGCO that deal with 10 CFR, Part 50. It's
17 something you see every day, is that --

18 A. Oh, I'm very familiar with it.

19 Q. And, in fact, to establish a foundation, the
20 NRC comes down and does some inspection and enforcement
21 work and finds an instance of noncompliance, quite
22 typically the noncompliance reflects, and I'm just
23 paraphrasing, pursuant to 10 CFR Part 50, Appendix B
24 criterion three, there's a requirement for -- I just
25 pulled three out -- design control.

1 A. Yes.

2 Q. TUGCO, Brown & Root have this provision in
3 their manual, this provision in their QA procedures,
4 this provision in their QA instructions. Contrary to
5 the above on such and such a date, this happened outside
6 procedure, violation level four. I mean that's a para-
7 phrase of what would be a typical enforcement finding,
8 is it not?

9 A. To the best of my recollection.

10 Q. Okay. And I mean, I'm not pointing my
11 finger asking you to adopt a pejorative finding about
12 a characterization of Comanche Peak, but you get
13 regulatory noncompliances all the time and in that sort
14 of finding, of violations of your instructions and your
15 procedures. That's a common -- not uncommon occurrence,
16 is it?

17 A. When findings are identified by the
18 Commission, they are referenced to 10 CFR 50. Having
19 functional responsibility for ASME responsibilities only,
20 I'm not sure how frequent it is at the project because
21 those are generally handled by the owner except on
22 areas of our ASME responsibility.

23 Q. In your area of responsibility, which is a
24 big part of the job, you see those kind of findings
25 not uncommonly, don't you?

1 A. No, they are uncommon. We have a very good
2 program.

3 Q. Well, I trust you believe that but the --
4 let's put this into context. If you violate one of your
5 procedures, that can be found to be -- to constitute a
6 noncompliance with your commitments to 10 CFR Part 50,
7 Appendix B and the basis for a finding of a -- for a
8 notice of violation, right?

9 MR. WALKER: Again, may he assume that the
10 question does not seek --

11 MR. GUILD: Sure.

12 MR. WALKER: -- his legal opinion?

13 MR. GUILD: Yeah, I'm not looking for a
14 legal opinion.

15 BY MR. GUILD:

16 Q. Right?

17 A. One more time.

18 Q. Okay.

19 A. I think I've --

20 Q. Okay. I mean, what I want to understand is,
21 if you get one notice of violation in your tenure as a
22 site QA manager, Mr. Purdy, that is not like you've been
23 convicted of murder. It happens and it happens with
24 some regularity. I'm not asking you to say you're a
25 bad manager or that there's a bad program. I'm just

1 saying that it happens that get found to be in violation,
2 and it happens with -- it happens more than once during
3 the tenure of a manager. It happens on a fairly regular
4 basis, doesn't it?

5 A. By "fairly regular," if you mean more than
6 once, that's probably correct. I don't think I share
7 probably the nonchalance when everybody gets one. I
8 don't particularly care for them.

9 Q. Okay. And that's probably a basis for your
10 superior looking pretty unhappy about each and every one
11 of them. I mean, I'm not suggesting that you're casual
12 about getting one. But you do get one and you probably
13 might get one a month. Is that a fair just order of
14 magnitude of how often these things come down?

15 A. Not to my group.

16 Q. No?

17 A. No, it's probably not a fair characterization.
18 See, not to my group it is not a fair characterization.
19 I don't get one a month.

20 Q. Okay. The way an ASME code works since you
21 have been on the job, and that's been a couple of years,
22 would you say you get an average of one a month or have
23 you gotten one a year? Just give me a ballpark estimate.

24 MR. WALKER: First of all, let me note. I
25 think your question assumes a fact somewhat inconsistent

1 with his testimony and that's that he's been on this job
2 for a couple of years.

3 MR. GUILD: Fall of '82, almost a couple of
4 years.

5 THE WITNESS: Actually, almost three.

6 BY MR. GUILD:

7 Q. Okay.

8 A. Okay. And out of the almost three years
9 that I've been on the job, there may have been three --

10 Q. Okay.

11 A. -- specific citations related to the ASME
12 activity.

13 Q. Three specific citations.

14 A. Maybe. Give me plus or minus one.

15 Q. Okay. And that includes all noncompliances?

16 A. It includes any items that the owner has told
17 or provided to me that were identified to as a responsi-
18 bility of the ASME organization to resolve.

19 Q. Okay. Is it a fair characterization, Mr.
20 Purdy, that given the significance of compliance with
21 your own QA instructions and procedures that strict
22 compliance with those instructions and procedures is a
23 significant responsibility of all your employees?

24 A. It's their job.

25 Q. Okay. So, fine. And you're familiar, are

1 you not, with criterion five of Appendix B and that's
2 with respect to instructions, procedures and drawings?

3 A. Yes, sir.

4 Q. Okay. Let me just read it so we can have it
5 in front of us. "Activities affecting quality shall be
6 prescribed by documented instructions, procedures or
7 drawings of a type appropriate to the circumstances and
8 shall be accomplished," and I emphasize that, "in accord-
9 ance with those instructions, procedures or drawings,"
10 and it goes on. That's the material part, isn't it?

11 A. (Whereupon, the witness nodded his head
12 affirmatively.)

13 MR. WALKER: I'd suggest that if the witness
14 feels the need to, he certainly has a right to review
15 the language for himself and should he request it
16 himself --

17 MR. GUILD: I'd be happy -- happy to allow
18 him to do that. In fact, if you'd like to have reference
19 to this or anything else I've got here, just tell me.

20 BY MR. GUILD:

21 Q. That portion is the operative provision that
22 says if you don't comply with your own regulation, that
23 itself can be a violation of Appendix B and a basis for
24 a violation and notice from the NRC, correct?

25 A. That's correct.

1 Q Now when a quality control inspector working
2 in your organization performs his or her responsibility,
3 they inspect to specific quality assurance procedures
4 and instructions such as the ones that you used as examples
5 earlier, correct?

6 A Yes, and the drawings.

7 Q And the drawings. Okay.

8 A Yes.

9 Q And the drawings are referenced in those
10 procedures and instructions as part of the acceptance
11 criteria for performance of an inspection, are they not?

12 A The drawings, per se, are not referenced.
13 Compliance to the configurations specified on the
14 drawing is one of the requirements of the procedures.

15 Q That's what I had in mind.

16 A Yes, sir.

17 Q You don't have the number of the drawing in
18 the procedure. It's a generic procedure. It says you
19 look to the specification or to the drawing to see if
20 it's -- the weld is in the right place or the right
21 dimensions, for example.

22 A According to the drawings, yes, sir.

23 Q Now is it a fair understanding on my part,
24 Mr. Purdy, that it's not an accurate reflection of, let's
25 say, a welding inspector, a visual inspector of welds.

1 It's not an accurate reflection. It's too casual of
2 characterization to say that a welding inspector's job
3 is to say, "That's a bad weld. This is a good weld."
4 They inspect the specific procedures that include
5 specifications and drawings. And they visually deter-
6 mine whether a weld meets those procedures, specifica-
7 tions and drawings, correct?

8 A. They visually or metallurgically determine
9 that it meets the requirements of the drawings. Okay.
10 The term "visual inspection" doesn't mean that
11 they just look at it. Visual inspection are all those
12 functions that are necessary to determine the accepta-
13 bility of the weld excluding a nondestructive examination
14 method.

15 They would be measurements, as necessary,
16 through the use of rules or gauges -- this type of a
17 metallurgical instrument -- all of those.

18 Q. What I mean to put before you and see if
19 this is an accurate understanding is, it's not simply a
20 subjective judgment by an inspector that a weld is good
21 or bad. It's an objective evaluation of a weld according
22 to those instructions, procedures, drawings and specifi-
23 cations.

24 A. That is what my procedures specify, yes.

25 Q. All right. And, in effect then, is it not

1 then a fair characterization of what a visual inspector
2 does is decides whether or not a weld is acceptable or
3 rejectable in part on the basis of whether the weld was
4 performed according to specified instructions, procedures,
5 drawings and specifications, correct?

6 A. To specifications. Let me clarify that also.
7 Okay. Our procedures are developed so that there should
8 be no need for the inspector to reference a specifica-
9 tion if you're discussing a component design specifica-
10 tion or a construction specification.

11 That's the job of my quality engineers to
12 put into the procedures what the designer wants. If
13 you're saying that the engineering approved drawing is
14 an extension of the component design specification, then
15 yes.

16 Q. Okay. Let's accept that and help the
17 clarification. Oftentimes then -- am I understanding
18 correctly of an inspector, quality control inspector,
19 and I'm just by example saying the visual welding area,
20 finds a weld rejectable because that weld is -- was not
21 performed in accordance with specified procedures.

22 A. Okay.

23 Q. Is that correct?

24 A. He could find it rejectable because of that,
25 yes.

1 Q. All right. And he should --

2 A. Yes.

3 Q. -- if it doesn't comply, wasn't performed
4 according to the specified procedures.

5 A. That's true.

6 Q. All right. And that may or may not mean
7 that that weld is bad from an engineering or design
8 standpoint but it still is rejectable because it was
9 not performed according to specified procedures.

10 A. That's correct.

11 Q. And that's good practice on a nuclear job
12 but it's also the rules, correct?

13 A. That's correct.

14 Q. Now in terms of the Appendix B requirement
15 that safety work be performed according to specified
16 objective of the acceptance criteria, is it a fair
17 understanding that it's the primary responsibility of
18 the quality control inspector to make the determination
19 of whether or not that work has been performed according
20 to that objective acceptance criteria?

21 A. It's one of his responsibilities. If you're
22 asking if it's the quality control inspector's job to
23 ensure that the welder applied that weld in accordance
24 with the qualified welding procedures specification, yes.

25 Q. All right. What I want to know, it's

1 nobody else's job to do that, is it? I mean, the welder
2 has an obligation to do the job right in the first
3 instance.

4 A. Well --

5 Q. But you don't go down there and see that
6 welds are made to acceptance criteria, do you?

7 A. That's correct.

8 Q. You rely on inspectors to do it and that's
9 their job.

10 A. That's correct.

11 Q. Now...

12 MR. JORDAN: Excuse me a second.

13 (Discussion between Mr. Jordan and the
14 witness, Mr. Purdy.)

15 MR. GUILD: Just raise your hand, Mr. Purdy,
16 if you want to take a break. That applies to anybody
17 else in the room too.

18 BY MR. GUILD:

19 Q. All right. Now have you ever heard the
20 term "over inspection" used on site?

21 A. Have I heard the term "over inspection" used
22 on the site?

23 Q. Yeah.

24 A. Not that I recall.

25 Q. Have you ever heard the term "nit-picking"

1 used on the site?

2 A. I've heard that.

3 Q. Okay. Have you ever heard it used with
4 reference to the work of quality control inspectors?

5 MR. WALKER: I'm sorry. I didn't understand
6 that.

7 MR. GUILD: The work of quality control
8 inspectors.

9 MR. WALKER: But is the question, has he
10 ever heard it used or has he ever used it?

11 MR. GUILD: No, has he ever heard it used
12 with reference to the work of quality control inspectors.

13 A. I know that the phrase has been used with
14 reference to quality control inspectors. I don't think
15 I've ever actually heard that myself.

16 Q. Have you ever heard anybody use the word
17 "nit-picking"? I'm not trying --

18 A. Well, I --

19 Q. I'm not asking you to confess to a crime
20 or anything.

21 A. No, I understand.

22 Q. What I'm saying is I find it a little hard
23 to believe that --

24 A. Well I understand. Okay. No, I think I
25 understand the question and I understand what you're

1 driving at. And I'm not trying to be evasive at all.
2 Okay. The fact that a word "nit-picker" or the fact that
3 the word "over inspection" is probably an industry
4 acronym would not strike me as being new. You asked me
5 if I ever heard it and I'm trying to recall if I had
6 ever heard that and...

7 Q. Okay. Is it fair to assume -- I'm not going
8 to pin you to a date or a time.

9 A. Yeah.

10 Q. It's not a trick question, believe me.

11 A. No, I understand.

12 Q. Okay. Those are terms that are not uncommon
13 on the job, are they?

14 A. No, they would not be uncommon on a job and
15 I imagine that anybody could call me "nit-picking."

16 Q. Okay. And, in fact, you know, let's just
17 get -- you know, establish some understandings on this
18 score. There is a dynamic tension between people who
19 perform the quality assurance function on a nuclear
20 construction job, people who do inspection functions,
21 QC inspection functions, people on the craft side. And
22 that involves inevitably, commonly, people saying your
23 work doesn't -- wasn't done right.

24 That's part of the job. And as part of the
25 job, you get a response that's not at all uncommon, having

1 a craftsman saying you're nit-picking. You're over
2 inspecting. Is that true?

3 A. I imagine that that could be a fair char-
4 acterization.

5 Q. Okay. And in -- that leads to, does it not,
6 a -- what Mr. Chapman, David Chapman -- you know Mr.
7 Chapman, don't you?

8 A. Yes, sir.

9 Q. What -- what -- he used the word "an
10 adversarial atmosphere." Is that a fair characteriza-
11 tion of the relations that can exist from time to time
12 between craft and the QC, crafts and QA?

13 A. I think it's a fair characterization it
14 could exist.

15 MR. JORDAN: Bob, I think that I would like
16 to interpose an objection to any characterizations of
17 Mr. Chapman's testimony since Mr. Purdy was not present
18 at that time.

19 BY MR. GUILD:

20 Q. I'm not asking you to tell me one way or the
21 other whether that's true he said that. I'd represent
22 to you he did, but I'm asking -- I'm putting the question
23 to you for your response and, you know, don't buy Mr.
24 Chapman's version of reality if it doesn't suit you, if
25 it's not true and complete and accurate.

1 But an adversarial atmosphere can exist from
2 time to time between people who are having their work
3 inspected and rejected and people who are doing the
4 inspection and rejection, correct?

5 A. Can exist. Is not necessarily inevitable.

6 Q. What I want to understand is, I guess, let's
7 jump into this point. If there is that natural tension
8 and that kind of adversarial atmosphere can exist, and
9 you're a manager of the people who are on one side of
10 that equation.

11 What I want to know is what your managerial
12 view is and what tools you use to try to prevent that
13 from existing or keep it to a minimum, okay? Have I
14 tackled that as a general matter? How do you approach
15 the issue of --

16 A. Sure.

17 Q. -- craft/QC conflict?

18 A. My general approach is to preclude conditions
19 of interaction, and it is not to react to them, although
20 if they occurred I certainly would. Okay.

21 I very firmly believe that no one wants to
22 do an unacceptable job and that if the crafts person
23 understands why the quality control inspector is looking
24 for what he is looking at, and the quality control
25 inspector is adequately trained and qualified to perform

1 that function and the communication flows, then it is
2 not necessarily an adversarial relationship. And my
3 effort is first and foremost to ensure that the people
4 with whom my inspectors interface are aware of the
5 requirements and why requirements are there.

6 And I -- that's worked very well with me in
7 the industry for about 24 years.

8 Q. Now I imagine everything hasn't always
9 worked out too consistent with that, those desires.
10 Are you aware of any major problems at Comanche Peak
11 historically with respect to craft/QC conflict?

12 MR. WALKER: I'm going to object to the
13 question to the extent that it may require the witness
14 to provide testimony that would constitute hearsay.

15 BY MR. GUILD:

16 Q. You can tell me -- I'd like you to tell me
17 what you know. It would be helpful, if you would, to
18 tell me which, you know, what the basis of your knowledge
19 is, whether you rely on something from someone else or
20 whether it's closer to hand. That would help me and
21 I think help the record.

22 A. I maintain very close contact with the vast
23 majority of the people with whom I have direct responsi-
24 bility. I would --

25 MR. GUILD: If the record could just reflect

1 that counsel is consulting with Mr. Purdy on the record,
2 please.

3 MR. WALKER: With Mr. Purdy's personal counsel.
4 He's consulting with Mr. Purdy on the record.

5 MR. JORDAN: As counsel for Mr. Purdy, I
6 have some confusion involved about what you mean when
7 you say "major problems." I think it would be helpful
8 to have a little more clarification of that term.

9 MR. GUILD: Well, what I want -- really, I'm
10 interested in the witness's assessment because and if
11 you need to explain something to use those terms, please
12 do so.

13 BY MR. GUILD:

14 Q But I want to use your understanding of
15 "major problems." We all know what problems are and we
16 all know what "major" versus "minor" are, and you please
17 give me enough context so we'll have a fair and accurate
18 understanding of it -- of what the point is.

19 But you tell me, please. Are you aware of
20 major problems in the QA -- in the quality control,
21 quality assurance craft relations at Comanche Peak?

22 MR. JORDAN: Well now wait a minute. If I
23 understand what you're asking, you're asking him his
24 knowledge of major problems based on his definition of
25 major problems.

1 MR. GUILD: Yes, please.

2 A. Perhaps we should address severity of
3 problems, first. A "major problem" to me would probably
4 end up in a bottom line of my personnel not being able
5 to perform or permitted to perform their job in the
6 manner prescribed by my procedures or instructions.

7 The ability of myself, at least within the
8 functional organization, to be able to sit here today
9 and tell you that we have a good plant, see, is based
10 upon my confidence in those individuals being able to
11 perform that function in the manner which I have dictated
12 to my procedures and instructions.

13 I know in my organization of no major
14 problems by that definition. Okay.

15 Q. Let me stop you now. I'm interested in --
16 so we're clear on what the questions are going to be --
17 I'm interested in your knowledge not just right now, but
18 your knowledge historically. Do you have knowledge of
19 the existence now or in the past of major problems on
20 this front and that's the relation between crafts and
21 quality assurance people?

22 MR. WALKER: Mr. Guild, before he answers
23 the question, we have three people in the room who have
24 not been identified. If you wouldn't mind --

25 MR. GUILD: Sure. Let's just go around the

1 room and just do that. That would be helpful. I think
2 we all have appearances.

3 Remember the question, Mr. Purdy, and we'll
4 come back to you.

5 MR. WALKER: Yeah, I'm sorry to interrupt
6 but I --

7 MR. GUILD: That's all right.

8 MS. SAGINAW: I'm Jane Saginaw, S-a-g-i-n-a-w.
9 And I'm an attorney with CASE.

10 MR. WARSHAWSKY: My name is Donny Warshawsky,
11 Donny Warshawsky. And I'm a clerk, a law clerk working
12 for the Intervenor.

13 MR. MCNEIL: Ferguson McNeil. I'm with
14 Carl Jordan.

15 MR. JORDAN: Vincent & Elkins.

16 MR. CARPENTER: Todd Carpenter. I'm with
17 Government Accountability Project.

18 MR. WALKER: Thank you.

19 MR. JORDAN: And now I really hate to do
20 this, but I have to have a restroom break.

21 MR. GUILD: Remember the pending question,
22 please.

23 THE WITNESS: Okay.

24 (Whereupon, a short break was taken.)

25 MR. JORDAN: Mr. Guild, I have about two

1 very quick housekeeping items if I may, when we go back
2 on.

3 MR. GUILD: Go ahead.

4 MR. JORDAN: Just a couple of quick house-
5 keeping items, please. First off, with regard to
6 objections, this issue hasn't come up but since Mr.
7 Purdy is represented by me individually here today, I
8 think it ought to be clarified.

9 Mr. Purdy, of course, is a management or an
10 employee of Brown & Root. Neither he nor Brown & Root
11 is a party to these proceedings. Consequently, we have
12 not been a party to the various conferences and decisions
13 with the Licensing Board regarding the proper scope of
14 the examination in these depositions.

15 For that reason, while we are appearing or
16 Mr. Purdy is appearing voluntarily, in the spirit of
17 cooperation we have made a decision to rely on Mr.
18 Walker's interpretation and construction of Judge Block's
19 previous rulings. And that is why Mr. Walker is in a
20 position of counseling Mr. Purdy with regard to answering
21 or not answering questions.

22 We have to rely on somebody to do that and
23 since we haven't been a party, we have I think for
24 apparent reasons chosen to rely on Mr. Walker's judgment.

25 Secondly, with regard to transcript, Mr. Purdy

1 would want an opportunity to review, correct and sign
2 his transcript. I understand they're to be made avail-
3 able in relatively short order and where are those
4 things to be sent to, Rick?

5 MR. WALKER: I don't know what the arrange-
6 ments have been.

7 MR. JORDAN: I think some people are sending
8 them to -- maybe to the office, but I think I would like
9 Mr. Purdy's transcript sent to me directly. And I am
10 here. I am in Room 3 at the motel.

11 That's it.

12 MR. GUILD: Thanks.

13 BY MR. GUILD:

14 Q. Mr. Purdy, we left before the break with the
15 pending question and let me see if I can rephrase it.
16 Using your definition of "major problems," I asked you
17 to tell me whether you are aware of the existence of any
18 major problems with respect to the relationship between
19 quality control and quality assurance people and craft
20 at Comanche Peak.

21 Now, you talked about now and you gave me your
22 opinion of things being pretty good right now and I asked
23 about -- to respond without the limitation of simply the
24 present tense.

25 But tell me your knowledge of problems past

1 or present by that definition, please.

2 A. I have been made aware of a perceived
3 problem between craft and quality control in the situa-
4 tion involving the coatings discipline. Whether or not
5 I would characterize it as being "major," it was not
6 major from the standpoint that it is my understanding
7 that the results of that did not compromise the quality
8 of the inspector or who the inspector was representing
9 when he made those concerns known to me.

10 Q. And who is that inspector, sir, so we're
11 clear about it?

12 A. The inspector was Mr. Bill Dunham.

13 Q. Mr. Dunham.

14 MR. WALKER: At this moment I'd like to
15 interject voir dire questions. Is your answer to that
16 question based on your personal knowledge?

17 THE WITNESS: I did not personally observe
18 the conflict between craft and QC.

19 MR. WALKER: Just so the record is clear,
20 I'd like to state and I will renew it from time to time
21 but I have a continuing objection to questions that
22 elicit hearsay testimony, to the extent that such
23 testimony is offered for the truth of the matter
24 asserted.

25 //

1 BY MR. GUILD:

2 Q I'm interested in you -- let's just be clear
3 so we can make this flow. Keep in mind, Mr. Purdy, we're
4 interested in the basis for your testimony as well as your
5 testimony.

6 A Uh-huh.

7 Q So it would just be helpful for you to just
8 tell us, "Now I don't know this of my personal knowledge.
9 I wasn't there but I rely on...", what? You tell me what
10 you rely on. And that way it's clear what your -- what
11 the state of your knowledge is, and I think that will help
12 us all.

13 MR. GUILD: Did I hear an objection? I wasn't
14 clear whether that was an objection to the pending
15 question.

16 MR. WALKER: Yes, and any subsequent question
17 though I will from time to time remind us all --

18 MR. GUILD: All right.

19 MR. WALKER: Okay.

20 Let me just state that we're talking about
21 problems within the dimensions of Mr. Purdy's responsi-
22 bility in the quality assurance area, problems that
23 exist whether they're in his personal knowledge or not.
24 He has to address and manage to deal with problems, and
25 I'm interested in his understanding as a foundation for

1 his conduct, his decision-making, his management. And
2 in this context I'm asking him about problems he's aware
3 of.

4 MR. WALKER: Then as you have clarified the
5 question, I believe the witness will need to clarify his
6 testimony.

7 BY MR. GUILD:

8 Q. If you do, go ahead, please.

9 A. Sure.

10 MR. WALKER: In particular, your reference
11 of what you're interested in is problems within the scope
12 of the area of his responsibility.

13 MR. GUILD: Yes.

14 Q. I'm interested in your understanding of
15 problems as we've defined them. I'm not trying to
16 redefine my question or restate my question, because I
17 think your knowledge of problems in this relationship
18 between craft and quality control assurance people bear
19 on -- well...

20 MR. GUILD: Let's take a minute off the
21 record.

22 (Whereupon, a short break was taken.)

23 MR. GUILD: Let's just -- let me withdraw
24 the pending question and let's see if we can start
25 again because I've, frankly, lost track track of where

1 we were and want to get to the main point.

2 BY MR. GUILD:

3 Q You related one instance and let's just hold
4 on to that. An instance came to your attention from Mr.
5 Dunham in the coatings area, is that correct?

6 A That's correct.

7 Q And you said that's a perceived problem,
8 and I'm not asking you to characterize it one way or the
9 other. That's a problem -- a matter that comes to mind
10 when I'm inquiring about your knowledge of problems in
11 this area, correct?

12 A Correct.

13 Q All right. Now how about giving me without
14 detail at this point, I just want you to identify major
15 problems in the relation from craft and quality assurance
16 quality control. How about if you just identify them,
17 if there are any others besides this one that you're
18 aware of.

19 MR. JORDAN: Is that within the scope of his
20 responsibility?

21 MR. GUILD: Yeah.

22 Q Within the scope of your knowledge. I want
23 to know within the scope of your knowledge.

24 A Within the scope of my knowledge or respon-
25 sibility? I think --

1 Q Knowledge, knowledge, knowledge is what I
2 want to drive at. And then if you want to condition it
3 and to me, "That's not in my area but I know there's
4 a problem out there," tell me.

5 A Well, one thing as we go through this
6 particular deposition, I would like to make sure that
7 everybody understands that my functional responsibili-
8 ties are with the ASME organization.

9 In a day-to-day dealing with personnel in
10 a non-ASME organization, I would probably not have a
11 day-to-day dealing with them. I don't have a day-to-day
12 dealing with them.

13 So, any information that I get relative to
14 those problems would be viewed through the employee
15 coming to me or through me getting that information from
16 some other party. So, I have not personally observed
17 in either organization situations where there has been
18 a conflict between craft and the QA department.

19 Q That doesn't mean they don't exist.

20 A Doesn't mean they don't exist. I just have
21 not personally observed those.

22 Q You wouldn't be surprised if they did.
23 You're in an office, right, and people come to you as
24 a manager. So you don't see -- you're not on the site
25 when a weld is being inspected, for example, typically.

1 A. That's a -- I'm not on site as all the welds
2 are being, but I do tour the site very frequently.

3 Q. Fine. I'm sure you do.

4 A. Yeah.

5 MR. WALKER: That being the case, let me again
6 state for the record that in my opinion all subsequent
7 testimony regarding major problems, the testimony that
8 your question is related to elicit would be inadmissible
9 as hearsay.

10 MR. GUILD: I disagree and I think your
11 point is, you know, stated. But you've heard mine too
12 so let's just move forward.

13 BY MR. GUILD:

14 Q. How about telling me of other major problems,
15 if there are any, that are within your knowledge -- past
16 or present.

17 A. To begin, "major" is subjective, I guess,
18 based on my interpretation of "major." The first
19 problem that I -- that was personally brought to my
20 attention was a conflict between Darlene Steiner and
21 the crafts.

22 And there was never a specific allegation
23 relative to an individual crafts man.

24 Q. All right. And just identify Darlene Steiner
25 for the record, would you? Who is she and what does she

1 do?

2 A. Darlene Steiner was an ex-employee of Brown
3 and Root, who was a welding inspector in the non-ASME
4 organization.

5 Q. And how did that matter come to your attention?

6 A. Darlene contacted me one day and had indicated
7 that she was concerned over her safety. This occurred
8 shortly following her testimony in an ASLB hearing.

9 Q. Did you take any action?

10 A. I asked Darlene specifically what her -- you
11 know, if she could identify for me what her concerns were.
12 She had indicated that she felt very uneasy coming to
13 the employee entrance, especially in view of the fact
14 that she was pregnant at the time.

15 Without any names, there was nothing that
16 I could really investigate. Therefore, I just totally
17 avoided the issue by arranging secured transportation
18 for her from the security post, where she could be left
19 off, up to her work site where she said she had no
20 concerns whatsoever.

21 Q. Okay. Let's hold that. And I just want to
22 identify things now and we may return to them.

23 A. Okay.

24 Q. But are there others?

25 A. Let's see, we've discussed the Mr. Dunham

1 issue.

2 Q Okay.

3 A I have heard that there was a discussion
4 or conflict between another coatings inspector and some
5 craft -- excuse me. That was Mr. Tom Miller.

6 Q He was the inspector or the craft?

7 A He was the inspector.

8 Q Uh-huh.

9 A Way back in the history of the project
10 somewhere, I recall there was a case where an inspector
11 was physically intimidated but I do not recall who, when,
12 where -- the scenario. It preceded my time by a great
13 deal, I understand, I would assume.

14 Q How did you come to know about that?

15 A Just the recent discussions we have had here.

16 Q In preparation for this hearing?

17 A No, wait. I do recall one other period about
18 that earlier but that was -- that was not while I was on
19 site. That was a question of physical intimidation I
20 recall when I --

21 Q Keep your voice up a little bit, Mr. Purdy.

22 A Surely. -- was up doing an employee survey
23 in 1979.

24 Q And you came to understand that there had
25 been an instance of physical intimidation at that time?

1 A. It was not one of the employees or one of
2 the interviews that I was involved in but I do remember
3 the discussion that we had that evening, that we did
4 discuss the topic.

5 Q. All right. Now let me show you a document
6 on the -- a rather thick set of documents on the letter
7 of Texas Utilities Generating Company memo, the date of
8 October 2nd, '79, entitled TUGCO QA Management Review
9 Board Interviews of the Site Electrical QC Personnel.

10 MR. WALKER: Excuse me. Has that been --

11 Q. Can you identify that document?

12 MR. WALKER: Has that been marked for identi-
13 fication?

14 MR. GUILD: It hasn't but I'm going to ask
15 if he can identify it and have it marked if he can.

16 (Pause.)

17 MR. WALKER: I'd like to see that whenever
18 you're finished.

19 MR. GUILD: Can we just get the witness to
20 answer the question?

21 BY MR. GUILD:

22 Q. Can you identify that document?

23 A. Yes. It was the summary of results of a
24 personnel evaluation done in a joint effort in 1979 by
25 Texas Utilities and myself and a gentleman from

1 Brown & Root named John Moore.

2 Q All right. And is that the survey that you
3 had reference to with respect to th last -- the example
4 that came to mind?

5 A Yes, sir. Yes, sir.

6 MR. GUILD: Counsel, let's mark this. We
7 tried to solve the logistical a little bit last name.
8 Mark it by room number. What room number are we in here?

9 MR. WALKER: 42.

10 MR. GUILD: How about -- shall we call it
11 "42-1"? Or do we want to identify it as an Intervenor
12 exhibit?

13 MR. WALKER: Well, why don't you call it
14 Purdy 1.

15 MR. GUILD: Right. Let's call it "Purdy
16 42-1," please. And if we can mark it that way, we
17 would offer that as an exhibit in evidence.

18 (The document above referred
19 was marked Purdy Rm 42-1
20 for identification, and
21 same is attached hereto.)

22
23 (Go on to the next page-----)

24

25

1 MR. WALKER: Do you have something with
2 which we could bind this? We have a lot of loose
3 pages here.

4 MR. GUILD: Well let's go off the record a
5 second, okay?

6 (Discussion off the record.)

7 BY MR. GUILD:

8 Q Now have we gone through to the point where
9 I'd asked you to identify major problems in the craft
10 quality assurance interface? And you've given me some
11 examples that had come to mind. The last one was one
12 that came to your attention during the '79 survey work
13 that you were involved in. Are there others that come
14 to mind before we leave that subject?

15 A I don't recall any other interactions
16 between craft and QC, that I can recall. I would like
17 to repeat, however, that "major" is not necessarily the
18 way that I would characterize those. It did not
19 impend the quality of the end product, and I believe
20 most of them were probably addressed properly, at
21 least within the two that I am familiar with.

22 Q Let's be clear what you're speaking of.
23 I understood your previous testimony to that effect,
24 in part. What are the two that you just had
25 reference to?

1 A Well, they were craft QC interactions of
2 which I have been made aware of. The one in the
3 case of Darlene Steiner and the other one in the
4 case of Bill Dunham.

5 It was my understanding that by their
6 own statements, none of them has affected the
7 performance of their activities, so I wouldn't
8 consider it to be a major interaction. However, they
9 were significant in that, you know, had to look into
10 the situations to determine what the validity of the
11 problem was and take necessary action.

12 Q Do you think, Mr. Purdy, that the inspectors'
13 statement that they didn't approve any bad work ends
14 the inquiry about whether or not problems in this
15 area might have had an adverse effect on the inspec-
16 tion function?

17 A I'm not sure I totally understand the
18 scope of what you're asking, Mr. Guild. Are you
19 asking is the mere statement of them that they did
20 not have any or accept any unsatisfactory work
21 should that have ended?

22 Q Yes.

23 A At that point?

24 Q Yes. Does that end the inquiry about
25 whether or not the problem created had an effect

1 on the successful implementation of your inspection
2 program?

3 A No, I think I indicated that even though
4 there was a confidence that they did not accept any of that
5 work, that we did, in fact, continue in the investi-
6 gations of those.

7 Q Why did you do that if the individual
8 inspector said, well, I didn't approve any bad work
9 as a consequence of that incident? What difference
10 does it make then?

11 A What difference does it make?

12 Q Yeah.

13 A It should be by definition unhealthy, if
14 that situation is permitted to exist and/or to expand.
15 Those specific inspectors may, in fact, and I believe
16 were, in fact, very dedicated in their job, did not,
17 as a result of those interactions, accept any deficient
18 work. That doesn't mean, however, that if the situa-
19 tion isn't addressed that you would not stand the
20 possibility of having that occur somewhere with
21 another inspector.

22 Q Is conduct that represents harassment and
23 intimidation of quality assurance personnel permitted
24 in the QA program's work as you know it?

25 A No.

1 Q Why don't you tell me how you understand
2 those terms that are commonly used terms, harassment
3 and intimidation, aren't they?

4 A They're very difficult terms to define.
5 There are several variables involved.

6 Q Tell me what your understanding is of them.

7 A The intent of the communicator, the subjective
8 evaluation of the receiver would be result of
9 what that communication could be, I think, are all
10 variables in the words harassment and intimidation.

11 I believe harassment in those situations
12 would be an interaction where the inspector considers
13 it to be an act of trying to preclude dissatisfactory
14 performance of his or her job.

15 Intimidation is probably a more overt form
16 of harassment in which there may be an implication of
17 fear, whether it be physical or whether it be some
18 other form of material fear, that would, in fact,
19 become a definite psychological deterrent or maybe
20 physical deterrent to the individual performing their
21 job. Neither one of which, harassment or intimidation,
22 are permitted, even if the individual making the
23 harassing statements or the intimidation, they did
24 not mean them but the inspector perceived they did,
25 then it's significant enough not to permit it to happen

1 on the project.

2 Q Tell me how Brown & Root communicates
3 its understanding of the use of those terms to the
4 work force in a way to see that that prohibition is
5 accomplished.

6 A The fact that harassment-intimidation are
7 permitted on the project is very clearly published
8 by Texas Utilities upper management. There are
9 statements that are in writing that are posted. They
10 will not be tolerated.

11 General indoctrination questionnaires that
12 everyone fills out when they come on the project
13 specifically addressed to QC construction interface.

14 The fact that harassment-intimidation or
15 even perceived situations of harassment-intimidation
16 are not permitted.

17 Q Let me slow you down a bit so I can have
18 an understanding of what you're talking about.

19 On the first point, published by TUGCO
20 upper management, I don't have it in front of me,
21 but do you have in mind December '83 memo from Mr.
22 Spence about one paragraph and talks on this subject,
23 does that sound like the communication you had in
24 mind?

25 A Yeah. There's a series of a couple of

1 notifications by Mr. Spence on that one.

2 Q Okay. And the second part -- do you have
3 something to add to that?

4 A No.

5 Q I'm just trying to clarify what goes on.
6 Now, in the second general indoctrination questionnaire
7 when you come on the site, give me a little more detailed
8 description of what that is so I'll know.

9 A Just general information pamphlet that's
10 provided to everything on the site. Also, more
11 recent in origin is the audio-visual presentation
12 that very clearly discusses the fact that harassment
13 and intimidation are not permitted on the site. It
14 has been made public or at least project-wide
15 knowledge in the past that there are people on the
16 site in the way of Mr. Boyce Grier, who is available
17 should any inspectors have -- or anyone -- have
18 concerns, a Hot-Line that the owner represents. My
19 management is up quite frequently interfacing with
20 all the people to make sure that they understand that
21 they have avenues of communication for concerns,
22 harassment-intimidation or any other nature.

23 More important, I guess, I feel, is that
24 the people within my organization know that neither
25 I nor either of my two direct managers would permit

1 it.

2 Q Okay. Who publishes the pamphlet that
3 you had reference to, Mr. Purdy?

4 A It's put out by the Training and Safety
5 Department as a general indoctrination.

6 Q It's a TUGCO publication or a Brown &
7 Root?

8 A No, it's a Brown & Root personnel publica-
9 tion.

10 Q What is it called, do you know?

11 A It's just really an indoctrination handout
12 that everybody is provided.

13 Q Is it, for example, include the rules of
14 conduct for employees?

15 A Discusses safety considerations and
16 discusses time. I'm not sure it discusses what you
17 refer to by rules of conduct. I'm not sure.

18 Q For example, I've seen an employee guide
19 of that sort, a little green book that you carry
20 around with you. It says, if you are absent three
21 or more times, for example, that can be cause for
22 termination, explains an employee discipline system
23 where there are graded levels of conduct and miscon-
24 duct that can result in certian action. Is there a
25 publication, this pamphlet or some other, that

1 communicates that to Brown & Root people?

2 A I'm not sure what you're talking about,
3 little green book.

4 Q Any color book or any --

5 A No, those specific items aren't addressed
6 in the book.

7 Q Are they addressed -- are rules of employee
8 conduct, standards of employee conduct, communicated
9 through any other document that's made available to
10 the Brown & Root people on the job?

11 A I can't really speak for construction,
12 Richard. I really don't know. I know that we have a
13 series of policy notes that go through my supervisors
14 and the leads and are recomunicated to the people.
15 But I don't know --

16 Q How about anything in writing that's given
17 to the work force itself. If you don't know about
18 people on the craft side, how about folks on the QA
19 side? Anything that actually gets put in the hands
20 of your people that sets rules of conduct?

21 A No, there's no piece of paper that they're
22 given other than the indoctrination and the policy
23 note by their leads.

24 Q Allright. Does that indoctrination
25 pamphlet or questionnaire, does it define the terms

1 harassment and intimidation?

2 A I don't remember the specific words. I
3 know it addresses the topic. I'm sorry, I don't
4 remember whether it addresses it in specific terms.

5 Q How about Mr. Spence's memo. Does it
6 define the terms harassment and intimidation?

7 A Again, it addresses the topic but I don't
8 recall the specific words.

9 Q You're not aware then of any written
10 communication that tells people what harassment and
11 intimidation are?

12 A I am not aware whether or not the documents
13 were discussed to define what harassment and intima-
14 tion are. I'm not sure they don't, because I don't
15 recall exactly the text of the letters.

16 Q Are you aware of any documents that do?
17 I'm really just trying to -- I'm not trying to trick
18 you, I just -- if there's something I'm not aware of,
19 please tell me about it.

20 A Not to the best of my knowledge.

21 Q How do you think you can effectively
22 communicate a prohibition against harassment and
23 intimidation if you don't even publish a definition
24 of what those terms are, Mr. Purdy?

25 MR. WALKER: I think that assumes a fact
that's not been established. He has only testified

1 that he's uncertain as to whether the documents touch
2 on the subject --

3 MR. GUILD: That's fair, that's fair.

4 MR. WALKER: -- in fact, to --

5 MR. GUILD: Let's just say that given your
6 lack of knowledge about whether they do or not, and
7 let's assume that they don't, just for purposes of
8 this question.

9 BY MR. GUILD:

10 Q If they don't, how can you effectively
11 accomplish the prohibition of harassment and intimi-
12 dation if you don't communicate what the definition
13 of those terms are?

14 A I find it hard to believe in today's
15 environment that most people don't watch TV or read
16 the newspaper. I believe that in the nuclear industry,
17 harassment and intimidation are pretty common terms.
18 You probably couldn't ask anybody out there if harass-
19 ment and intimidation were not prohibited on sight and
20 they would not be able to give you an answer.

21 Whether it is a book or not, I think
22 everybody's probably aware of the terms.

23 Q Well, I guess my question that remains is
24 are they aware of what conduct is prohibited. They're
25 aware of the terms but they don't have a basis for

1 understanding what the company means when they use
2 them, when they say it's prohibited.

3 A I think they're very much aware of the
4 fact that the company and the project expects them to
5 be able to do their job in accordance with our program
6 with a sufficient freedom that's defined in our
7 program. And anything that would preclude them from
8 doing that, there's no doubt in my mind that they would
9 be able to construe as harassment or intimidation
10 and preclude that activity.

11 Q Are you aware of any other written communi-
12 cation to the work force that prohibits or communicates
13 the prohibition against the conduct that represents
14 harassment and intimidation? Do you follow my
15 question?

16 A Well, I follow -- yes, I follow your
17 question. I'm not sure that -- I'm not sure the
18 answer that I could give you is going to substantiate
19 the existence or non-existence of a documenta on.
20 I don't look at all -- I don't recall any documents
21 that would specifically address it, not because I
22 don't know they don't exist, but within my direct
23 functioning organization, the necessity of having
24 to define it doesn't raise its head.

25 Q Well, let's just -- let's see if we can

1 bring it a little more personally to your area of
2 responsibility.

3 When an employee comes to you and says
4 they've been harassed and intimidated, what do you
5 have reference to by way of the company policy, company
6 procedures, published standards of behavior, to be
7 able to apprise yourself of whether there's a valid
8 harassment or intimidation that has occurred?

9 A We're assuming, if an employee does come
10 to me and say that, you know, what is available,
11 because I haven't had a very frequent opportunity,
12 you know, to implement that kind of management
13 evaluation. But in the situation where they did
14 directly bring it to my attention, I believe the
15 good management technique in the fact that whether
16 the employee is actually being harassed or intimidated
17 really doesn't make a whole lot of difference, if they
18 perceive they are. And therefore standard management
19 techniques or evaluation and corrective action should
20 take care of that. So I'm not sure I understand the
21 two words.

22 Q You're being responsive. Let's approach
23 this by a metaphor. Out there in society as a whole
24 we've got rules of conduct, and we have things we
25 call crimes. And let's say everyone knows that

1 stealing is a crime. And everyone knows that if you
2 are caught for stealing, the law provides that you are
3 adjudged guilty or innocent of a crime, and if you did
4 it and you got caught, the state proves its case against
5 you, the judge hands down a verdict and says you've
6 been found guilty of stealing. Those crimes reflect
7 what stealing is, and punishment is metered out. A
8 person goes to jail. A person is required to make
9 restitution.

10 And we understand as a community that that
11 establishes that specific conduct is prohibited and
12 if you commit that conduct, you will be punished. The
13 results of that punishment are known.

14 Now, why doesn't it make common sense to
15 apply by analogy that experience on the job at Comanche
16 Peak when we talk about serious conduct is prohibited,
17 harassment and intimidation? To say that there ought
18 to be a clear definition of what it is so that people
19 who are not supposed to do it will know what they're
20 not supposed to do; people who are victimized by it,
21 like someone who's got something stolen from them, will
22 know when someone does something wrong to them, they've
23 been harassed and intimidated. Managers like yourself will
24 know it when you see it, and the work force will know
25 that TUGCO and Brown & Root prohibit conduct of the

1 specified sort and take action when it happens. Why
2 shouldn't it be analogous to the crime of stealing
3 when Brown & Root and TUGCO say that harassment and
4 intimidation is prohibited at Comanche Peak?

5 A I think in a certain way you've just drawn
6 the analogy that I said. Everybody knows it's against
7 the law to steal, but I doubt if everybody has read
8 the judicial requirements that say stealing is
9 illegal. They know that taking something by defini-
10 tion and by their peer group is not a permitted
11 activity. I doubt very seriously if they have read
12 the statutes that prohibit that. Similarly, I believe
13 all of our people understand that harassment-intimida-
14 tion aren't permitted. Although they may not have
15 read the particular judicial documents in the code of
16 federal regulations that says you're not going to do
17 that. They know it's prohibited. They don't know what
18 the punishment is or they don't know the process by
19 which they are investigated or either judged innocent
20 or guilty, but they do know that they're going to be
21 judged.

22 We do have a policy that gives construction
23 management and QA management the prerogative of terminat-
24 ing people for cause. Now, I think that that's probably
25 sufficient guidelines in these instances since the

1 definitions and the perpetration of the act is well
2 known to be prohibited.

3 Q Someone in the public may not have that
4 statute against stealing in front of them when they
5 regulate their conduct. I think that's a real
6 responsive answer. It makes sense to me.

7 But you'd agree that we couldn't have a
8 organized community if judges and law enforcement
9 officers and the state simply locked everybody up
10 they thought had stolen without a specified under-
11 standing and legally some definition of what stealing
12 is. You would agree with that, wouldn't you?

13 A Certainly.

14 Q How do you, as a manager of Brown & Root
15 at Comanche Peak, enforce a prohibition against
16 harassment and intimidation in a fair, consistent
17 fashion, without knowledge of what the definition
18 of those terms are in a clear and specific, non-
19 ambiguous way?

20 MR. WALKER: I'm going to have to object
21 to the question because it assumes that he doesn't
22 know the definition of the terms, and I think he is
23 here today defining --

24 MR. GUILD: That's fair. Let me see if
25 I can rephrase it. You're correct and counsel's

1 correct in having said you explained your understand-
2 ing of those terms, but I think the record also
3 reflects that you're not aware of Brown & Root or
4 TUGCO having defined the terms. They may have and
5 you're not aware that they have, you're not aware of
6 a specific document or source of a definition.
7 That's true, isn't it?

8 THE WITNESS: That's true.

9 BY MR. GUILD:

10 Q Given that, and that answer, how can you
11 as a manager apply that prohibition?

12 A I think that it's been effectively
13 applied. I think it's been effectively applied by
14 information disseminated throughout the project
15 verbally, through the example that the personnel
16 in the field receive from their supervision and
17 management, I believe that they understand that it
18 is a prohibited activity. I'm not sure that it's
19 necessary within our purposes to give them a
20 literal definition because it's the act and not
21 the words that are not tolerated. The act of
22 preventing somebody from doing their job, either
23 through verbal harassment or intimidating acts,
24 everyone know, is not permitted. I'm not sure I
25 need a statute.

1 Q Okay. Now, how about punishment? What's
2 the punishment or the sanction, if you will, for
3 harassment and intimidation?

4 A Let me qualify my response if I can. I
5 know that if internally --

6 MR. WALKER: Wait a minute. I want to
7 object to the question. It's a little subtle, but
8 I think it calls for a hearsay answer. Let me
9 explain to you why.

10 I think that, if I understand the context
11 of your line of questioning, what you're getting at
12 is intimidation and harassment by craft people of
13 QA/QC people. And to the extent that you are
14 addressing that sort of issue, I think it needs to
15 be understood that Mr. Purdy does not have line
16 supervisory responsibility over craft people, and
17 therefore would not be the person responsible for
18 meting out punishment if punishment were appropriate.

19 MR. GUILD: That's a fair observation.
20 I think that's clear already and it's appropriate
21 to note that. I'm interested in your knowledge, and
22 I think that does bear on the performance of your job
23 in enforcing those policies within your responsibilities.
24 So, I ask that he answer the question with that note.

25 BY THE WITNESS:

1 A I believe that if a situation were to
2 occur in which there was a proven case of intended
3 harassment and intimidation of a QC inspector by a
4 crafts person, that construction would take disciplinary
5 action up to and probably including termination.

6 I know that within my organization, if
7 any of my supervisors tried to prevent their people
8 from doing what I had published, there would be no
9 doubt in my mind that they would be subject to
10 termination.

11 Q Now, is that punishment set forth anywhere,
12 what you tell me, if you know it's set out in writing
13 anywhere and otherwise, what your understand is?
14 What the basis is for your understanding?

15 A There is a quality assurance policy that
16 discusses evaluation and methodology by which any
17 resulting action, be it disciplinary or reconstruc-
18 tive, should be implemented. That particular policy
19 is known to all of my people, and the right of
20 management to terminate for cause is also know.

21 Q That's a policy that applies to conduct,
22 misconduct or evaluations of your people, right?

23 A Does not specifically address harassment-
24 intimidation. That's correct.

25 Q And does not apply to craft people?

1 A And does not apply to craft people.

2 Q How about identifying this policy? Do
3 you know what it is? Give me it's title and number to
4 the best of your recollection?

5 A Of mine?

6 Q Yeah.

7 A Sure. It is Section 10 of my quality
8 assurance policy number. Not ten -- excuse me -- I
9 believe it's 16.

10 Q The best you recall, Section 16 of the QA
11 policy manual?

12 A My QA policy notes.

13 Q Policy notes, I'm sorry.

14 And what's a policy note?

15 A They're a set of administrative policies that
16 I've promulgated over the last two and a half years for
17 implementing administrative functions within Brown
18 & Root QA department.

19 Q Okay. And are those generally made avail-
20 able to QA work force, are they available only to
21 supervision? Just who has policy notes?

22 A They're disseminated to a standard
23 distribution which includes all supervisors and leads
24 and the leads having them are available to their
25 personnel.

1 Q Are they kept in a binder available to people
2 in the field?

3 A With the leads.

4 Q By lead, that's what, a foreman, somebody
5 over a crew?

6 A Yeah. We have the same type of organizational
7 structure. The lead would be an employee.

8 Q All right.

9 And how about craft, on the craft side. Do
10 you have any knowledge of what the policy would be that
11 would provide for the punishment for conduct that
12 represents harassment-intimidation?

13 A No, I don't.

14 Q Are the Brown & Root craft people on the
15 job?

16 A (Nodding affirmatively.)

17 Q Does Brown & Root have a policy that is
18 more general application than your policy notes?

19 A Brown & Root has a generic policy or a
20 generic policy addressing terminations or disciplinary
21 action. And I would assume that that is what the
22 construction personnel implement within their
23 organization. I can't really speak to that separately.

24 Q Okay. Let's talk -- can you identify that
25 generic policy in more -- more particularly?

1 A I'm sorry. I don't recall the title
2 of it or what it would be.

3 Q Let's talk a moment about management
4 approach to the harassment and intimidation issue.

5 I think it's helpful to have put in context
6 that you're only responsible for half of the process.
7 You supervise the people on the QA side and have
8 policies that govern behavior of your people, QA
9 people. On the other side they're construction craft
10 people.

11 Tell me, if at all, whether there've been
12 any management meetings, discussions, communication
13 between craft and QA management on this subject?

14 A I don't recall any meetings where I
15 discussed construction specifically as an issue.

16 Q Who do you report to, Mr. Purdy?

17 A R. J. Vurpillat.

18 Q And he's Brown & Root corporate QA, Houston,
19 right?

20 A Yes.

21 Q Now, who do you report to on the site with
22 respect to the -- strike that.

23 Who next above you, if anybody, is respon-
24 sible for both construction craft at Comanche Peak and
25 QA at Comanche Peak?

1 A No one.

2 Q Say again?

3 A Nobody.

4 Q Who do you report to with Brown & Root, if
5 anybody, who has responsibility for both QA and craft
6 at Comanche Peak?

7 A Not until you get all the way up to the
8 executive vice president of land-based operations is
9 there a common denominator.

10 Q So who at, short of that gentleman, if any-
11 one, has the authority to make the management decisions
12 that can encompass prohibition of harassment and
13 intimidation of QA at Comanche Peak by craft at
14 Comanche Peak, who work in the Brown & Root organiza-
15 tion?

16 A Mr. Frankum in charge of the craft and has
17 full authority to tell the craft not to harass or
18 intimidate QA.

19 Q Who's Frankum?

20 A Mr. Frankum is a project construction
21 manager. He does not work for me and I don't work
22 for him, but he certainly has that authority. That
23 authority is derived through his organization chain,
24 which ends up again at Mr. Gossett, the executive
25 vice president for land-based operations.

1 Q Gossett?

2 A Gossett.

3 Q Spell that correctly, if you know.

4 A G-o-s-s-e-t-t.

5 Q And where does Mr. Gossett work?

6 A Houston?

7 Q And what's Mr. Gossett's involvement been
8 on the subject of harassment and intimidation of
9 Comanche Peak, if any?

10 A I'm sure that Mr. Gossett's been made
11 aware of it. I have not been there, but there are
12 frequent management meetings between Brown & Root
13 executive management in Texas Utilities. There's monthly get-
14 togethers generally between those individuals, and I'm sure
15 that the discussions went...

16 Q You're confident they exist but I assume
17 that is based on something other than your knowledge?

18 A That's right. You're asking me what my
19 confidence was and I would assume that, and I have
20 no reason to believe, that it would not have gotten
21 this way to the highest management level of Brown &
22 Root just like it has with Mr. Spence of Texas
23 Utilities.

24 Q Why don't you tell me what the basis for
25 that confidence is. If you have any in particular,

1 I'd be interested in knowing. Have you seen any
2 memos that come from Mr. Gossett's office on the
3 subject, for example?

4 A I see day-to-day involvement between myself
5 and Houston management. I have -- communicate with
6 several vice presidents very frequently that are
7 involved in Brown & Root projects, and it would be
8 within those chains.

9 If senior vice presidents are interested
10 enough to come down with me on the project, there's
11 no doubt in my mind that they are interested enough
12 to get the information up to the top levels of Brown
13 & Root management.

14 Q Tell me about what these people have done
15 on the subject of harassment-intimidation.

16 A What have they done?

17 Q Yes.

18 A I'm not sure I can point out directly to
19 you other than everybody understanding it is not a
20 permitted activity and it is fully endorsed by Brown
21 & Root management that harassment-intimidation would
22 not be tolerated, what else I could say.

23 Q That's fine. I just want you to tell me
24 what you know. And you're not aware of anything
25 specifically that these individuals have had to do

1 on the subject of harassment-intimidation?

2 A I have been, have discussed QA problems,
3 including those of many perceived harassment or
4 intimidation with many of my upper level supervision
5 and management, and I believe that if I had a problem,
6 they would certainly come down and provide me assis-
7 tance in that.

8 Q What I'm -- I appreciate your confidence.
9 What I'm interested in and trying to elicit is knowl-
10 edge that you have about anything they actually have
11 done, and particularly given the fact that you're
12 not responsible for the craft side. When you get
13 right down to it, the craft side of it is the side
14 where the prohibitions probably mean the most, if
15 they mean anything at all. They're the ones whose
16 conduct is prohibiting, if you will, and I just want
17 to know, have any of these senior people with the
18 company, Brown & Root, taken any action that you
19 know of on that issue?

20 A If you're talking about issuing letters
21 stating that it would not be tolerated or something
22 to that effect on corporate policies, then I believe
23 Mr. Spence did that very effectively for the owner.

24 Q You don't work for Mr. Spence, do you?

25 A We all work for Mr. Spence.

1 Q Mr. Spence doesn't hire and fire you, does
2 he?

3 A Mr. Spence can hire and fire Brown & Root,
4 if Mr. Spence so desires.

5 Q But he doesn't take disciplinary action
6 against you or your people or Mr. Frankline and his
7 people, does he?

8 A Mr. Spence doesn't fire me. But if it went
9 down to my job, if Mr. Spence wanted somebody else to
10 take my job, then I could be asked to leave the project
11 very rapidly.

12 Q Now, has there ever been a finding of
13 actual harassment and intimidation at Comanche Peak,
14 to your knowledge?

15 MR. JORDAN: Finding by whom, Bob?

16 MR. GUILD: Whoever is the appropriate
17 decision-maker. I'm using the terms the witness has
18 employed, himself.

19 MR. JORDAN: Are you talking about internal
20 investigations?

21 MR. GUILD: I'm talking about his knowledge.

22 MR. JORDAN: Of internal investigations?

23 MR. GUILD: I'm talking about his knowledge
24 of findings of harassment and intimidation at Comanche
25 Peak.

1 MR. GUILD: I heard no objection. I'm
2 not aware -- is that an objection to relevance?
3 Is that an objection that I can make some response
4 to, I really don't know. The question seems to me
5 is stated in the terms that have been used by the
6 witness in his own testimony, and I'd that the
7 question be answered the way it was asked.

8 And that is, have there ever been, to
9 your knowledge, findings of actual harassment and
10 intimidation at Comanche Peak?

11 MR. JORDAN: Well, again -- you may answer
12 the question but in doing so, you should communicate
13 what your interpretation of the question is.

14 MR. GUILD: Please do, at all points.
15 And if you have a problem interpreting a question,
16 I want you to do whatever explanation you need to
17 to have an accurate and complete answer, all right?

18 MR. WALKER: Bob, could we go off the
19 record for just a minute? We've got a logistical
20 question here.

21
22
23 (Go on to the next page-----)
24
25

MS/bm

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1 MR. JORDAN: Let me briefly state that I
2 am instructing Mr. Purdy in light of Mr. Guild's
3 refusal to clarify his question to answer the question,
4 but to limit your answer to situations with which you
5 are familiar, or have knowledge involving internal
6 management investigations by either TUGCO or Brown &
7 Root of alleged instances of harassment or intimidation.

8 MR. GUILD: I'd ask the witness to respond
9 to the question the way it was asked. If there's anything
10 that's unclear about that question, please tell me. But
11 the witness' own previous testimony is that he uses
12 the terms "actual finding of harassment, intimidation."

13 Those are his words, not mine. I've asked
14 that the witness tell me whether or not there have been
15 to his knowledge any actual findings of harassment and
16 intimidation.

17 In order to answer that question fully and
18 completely and truthfully to the best of his knowledge,
19 if he needs to condition that or explain that, the limits
20 of his knowledge, the limits of his answer, I would ask
21 that he do that, and that he do that at all points.

22 But it's highly inappropriate for his
23 personal counsel to define the questions that -- define
24 the questions that this party seeks to ask of the
25 witness.

1 MR. JORDAN: Mr. Guild, I'm not attempting
2 to define your questions, except when you refuse to
3 define them. Then I have no option.

4 If you're going to ask him about external
5 investigations, as well as internal, then just make
6 that clear. That's all I'm asking you to do. If you
7 can't do that much, then --

8 MR. GUILD: I don't know what's in your
9 mind, counsel. There seems to be --

10 MR. JORDAN: I don't have anything in my
11 mind --

12 MR. GUILD: There seems to be some pregnant
13 significance to this point that you have not disclosed
14 to me because you have made a rather significant point
15 about it.

16 If there is something here that I need to
17 know about to have a clear and complete record on the
18 issue of whether or not there have been actual findings
19 of harassment and intimidation, within this witness'
20 knowledge at Comanche Peak, I'd sure like to know about
21 that.

22 That's the question that's pending, you see.
23 Because with your instructions to your client, you've
24 limited the scope of his answer. I submit that there
25 appears to be inference that by so limiting the scope

1 his answer would not be full and complete. Now, I'd
2 like a full and complete answer for the record.

3 MR. JORDAN: You mean you would like for him
4 to articulate any external findings of which he is aware,
5 as well as any internal?

6 MR. GUILD: If that's the material significance
7 of your limiting instructions, yes; I'd like those
8 limiting instructions to not apply -- to narrow the
9 scope of the response.

10 I'd like the response to be full and complete.

11 MR. JORDAN: That's all I asked in the first
12 place. If you had said that in the beginning, we wouldn't
13 have had this discussion.

14 You may answer.

15 THE WITNESS: Internally, I was not -- nor am
16 I aware of any direct allegations of harassment or
17 intimidation that have been substantiated.

18 The only allegations of harassment within
19 my internal organization have been subsequent to a
20 couple of employees leaving my employment.

21 Therefore, I was not aware of any concern
22 during the period of their employment. So neither do I
23 know of any allegations, nor do I know of any findings
24 that substantiate the allegations which didn't exist
25 within my group.

1 If it is outside my group, still internal,
2 the vast majority of personnel problems external to my
3 group would be handled directly through the owner's
4 functioning organization.

5 I would assume that Mr. Grier may have been
6 involved in the investigation of harassment and intima-
7 tion. I am not made aware of the results of those
8 findings.

9 I'm not saying that I wouldn't be if there
10 were substantiated, but I'm saying that I haven't
11 been.

12 BY MR. GUILD:

13 Q You're not aware of any?

14 A Yes.

15 Externally, I know of no allegations of
16 harassment or intimidation that have been substantiated,
17 or any findings that have been made against the owner
18 for substantiated cases of harassment and intimidation.

19 Q So the answer to the question is no; right?

20 A Yes. Qualified internal and external, I have
21 not heard of any substantiated; that's correct.

22 MR. JORDAN: So much for the pregnancy.

23 MR. GUILD: Well, that doesn't solve the
24 question of whether the answer is true. I'm not
25 suggesting that the witness has not answered within his

1 knowledge, but that may be for other sources than Mr.
2 Purdy.

3 BY MR. GUILD:

4 Q Is it consistent with your understanding of
5 company policy, Mr. Purdy, that were there to be such a
6 finding of harassment/intimidation, that the results of
7 that finding would be communicated to the site generally?

8 A You're asking a hypothetical question. I'm
9 going to have to give you a hypothetical answer.

10 Q Well, if you have to do a hypothetical, that
11 would be fine. But if there's a procedure or a policy
12 that specifies how it's to be done, even though it has
13 never happened, tell me that to, please.

14 A Well, I think I've already said that to my
15 knowledge there is no policy that describes harassment/
16 intimidation per se on the project.

17 I would have to assume -- and I would be very
18 vocal in saying that if one of my people were being
19 harassed by the craft, and it was, in fact, substantiated
20 to the point where it was substantiated harassment/
21 intimidation, I would want it to be communicated.

22 Q And how would you want it to be communicated?

23 A I would probably communicate that in a
24 documented memo to all personnel on the project.

25 Q And why would you do that?

1 A Just to insure and reinforce the fact that
2 it is prohibited, and we in project management will not
3 tolerate it.

4 Q Is it fair to conclude that you think it
5 would be a useful purpose served by such communication
6 in determining such conduct -- conduct of that specific
7 sort from repetition?

8 A I think it would be useful only from the
9 standpoint of reemphasizing to those who may have a
10 tendency to do that that it's not prohibited. I do not
11 believe that it is predominant in one of the projects.

12 Q All right. Would it be useful to communicate
13 such result or finding in order to reinforce to your own
14 people that such conduct is prohibited? Would that be a
15 purpose served by such communication?

16 A Well, because I don't think my people are
17 the kind that would tolerate harassment/intimidation --
18 I ~~ask~~ them please most of the time. I don't think there's
19 any fear in my mind of any of my people being harassed
20 or intimidated either because of their own dedication to
21 the job or because they know that we wouldn't do it -- or
22 wouldn't tolerate it.

23 Q What is the process by which a person who
24 has -- Strike that.

25 What is the process by which an occurrence of

1 harassment and intimidation is identified, is
2 investigated, is made the subject of findings --
3 using the word that you used -- and subsequent
4 action?

5 A If one of the people in my organization felt
6 that they were the subject of harassment or intimidation,
7 they would go to their leads or supervisors and make
8 that known to them.

9 If they didn't go to their leads and
10 supervisors, they can come to anybody in the management
11 team to make it known to them.

12 Questions of harassment/intimidation would
13 undoubtedly end up with either one of my managers and
14 eventually with me.

15 I would want to talk to the individual and
16 would then refer him to Mr. Boyce Grier, who has very
17 good success in being able to conduct independent
18 investigations into those activities.

19 I would expect Mr. Grier to be able to
20 provide Mr. Vega and myself with a conclusion of his
21 investigation.

22 Mr. Grier doesn't provide recommendations on
23 disciplinary actions or things of this nature, but he
24 does provide results of his investigation.

25 If Mr. Grier, through his investigating

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1 of these purported acts of harassment and intimidation,
2 substantiated them, then Mr. Vega, myself, Mr. Frank
3 and Mr. Merritt, I am sure, would resolve the issue
4 internally within the project and take the necessary
5 action to correct the situation and make sure that it
6 wasn't known -- that it was known. Pardon me.

7 Q All right. Now, if that's the process as
8 you understand it, how is that process communicated
9 to persons working on the project?

10 A Every person on the project within the QA
11 department knows that they are to bring problems to their
12 lead or supervision. And it's not such a large organiza-
13 tion that the path from then on isn't fairly well
14 defined.

15 Q Is there a policy with respect to harassment
16 and intimidation that specifies the process that you've
17 described?

18 A Written policy?

19 Q Yes.

20 A Not to the best of my knowledge. Not that
21 I recall.

22 Q So it's your testimony that this is a policy
23 that's communicated informally -- communicated verbally?

24 A It's communicated verbally. It's an
25 understood employee/supervision relationship, I believe,

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1 in any industry.

2 Q Do you have any -- Strike that.

3 What is the policy at the site with respect
4 to access by site employees to the Nuclear Regulatory
5 Commission?

6 A Everybody at the site is aware of the fact
7 that they have access to the Nuclear Regulatory Commission,
8 should they not be able to get satisfactory resolution
9 to their concerns through supervision and management,
10 including myself.

11 Q Is that the policy?

12 A Yes, sir.

13 Q How is that policy communicated?

14 A The policy for access to the Commission is
15 posted on the project, first of all. The responsibility
16 to report concerns is proceduralized and is well known on
17 the project.

18 Q I want to focus on the NRC. How is the
19 policy with respect to access to the NRC proceduralized?

20 A Okay. The standard posters on -- I think it
21 is the new NRC Form 3 and Part 55E's and 21's are posted
22 on the project.

23 It is made known to them through the audiovisual
24 presentation that is currently given and has been given
25 to everybody on the project.

1 It is verbally communicated any time the
2 situation arises or a question arises that may address
3 what avenues an individual has to report concerns that
4 they don't seek adequate resolution on.

5 I have personally made sure that my people
6 know that I would certainly like a first crack at
7 solving their problem, that they ought to know that they
8 have access to the Commission and/or anyone they feel
9 necessary to resolve a problem whenever they like.

10 Q I'm sorry. Were you through?

11 A Yes.

12 Q Now, in terms of written policy with respect
13 to access to the NRC, is there anything in writing other
14 than the NRC's Form 3?

15 A As I said, there's the audiovisual presenta-
16 tion that is a form of documentation to that employee of
17 their access to the NRC.

18 I believe that Mr. Spence also put out a
19 letter relative to that. I believe the right of everyone
20 to go to the NRC is also addressed in that introductory
21 little handout that we were discussing earlier -- I
22 believe.

23 Q Do you know whether that handout -- Perhaps
24 I should ask counsel.

25 MR. GUILD: Do you know whether that handout

1 was made available in discovery?

2 MR. WALKER: I don't know the answer. I have
3 nothing to do with document production. We could
4 probably find out.

5 MR. GUILD: I think it would be useful for
6 us to -- I haven't seen it. I would desire that it
7 be included. I don't even know what it says, but I
8 think that it would be useful to have it to have a
9 complete record.

10 And perhaps off the record or over lunch
11 or something, we could see if we have one. I'll check
12 with my folks, but I haven't seen it yet.

13 THE WITNESS: All of my personnel in the QA
14 department have an introductory required reading list
15 that requires them to read certain regulatory commitments,
16 including Part 21, 10 CFR 5055E, ANSI N.45.2.

17 BY MR. GUILD:

18 Q Where do they get their readings from?

19 A We have all of those documents available for
20 them -- make them available to them when they come on
21 site to complete the required reading list.

22 Q You make copies for them?

23 A I get copies of 10 CFR Appendix B, and most
24 of those is part of my QA procedures. It's an appendix
25 to the manual. We have copies available for the other

4-12

1 documents that we provide to them to read.

2 Q Each employee has a manual, and it includes
3 a copy of Appendix B in that manual?

4 A They are in the manual. Each employee does
5 not necessarily have a manual, but they are made available
6 to them during their indoctrination to read, and they
7 are -- Appendix B is part of the appendices to my QA
8 procedures manual. The other documents we make available
9 to them.

10 Q Make available can cover a variety of
11 conditions, shall we say. The NRC always tells me that
12 documents are available in the Public Document Room in
13 Washington, D. C., if I want to catch a plane a thousand
14 miles and do that, but that doesn't really help much.

15 In terms of knowledge of the content of those
16 materials, are people tested on their knowledge of
17 Appendix B? Have all of the people read Appendix B?

18 A To my knowledge, all the people in my
19 organization have read Appendix B. That should be
20 documented in their training files. Every clerk that
21 comes in, all the way up, has that required list that
22 includes those documents.

23
24 (Go on to the next page-----)
25

End 4

MS/bm
5-1

1 Q Do you test people on their knowledge of
2 their rights to access to the NRC?

3 A No, I don't test people on the reading
4 list. I tell them if they have any questions to certainly
5 bring them to our attention, but I don't give them a --
6 you know, ten-question quiz on Appendix B, no.

7 Q Well, you test them on their qualification to
8 be an inspector, don't you?

9 A Yes, that's right.

10 Q One of the things you don't test them on
11 is whether they understand their rights?

12 A Knowledge -- No, we do not test that on an
13 examination.

14 Q Now, the Form 3 you've referred to as the
15 new Form 3 --

16 A Whenever it came out.

17 Q There was only one. You don't know of any
18 newer one than the only one, do you?

19 A No. In fact, Form 3, I had to look at it
20 a while back to remember what Form 3 was. I've seen
21 a poster --

22 Q It has got a picture of the USA on it,
23 doesn't it?

24 A Right.

25 Q That's all I can remember. You've got those

1 up on the site?

2 A Yes, on the site.

3 Q What does that form have to say about the
4 responsibility of a person to go to their management
5 prior to going to the NRC, if you know?

6 A I don't recall -- It emphasizes -- and
7 I've been through this a couple of times, but I don't
8 recall the exact words on the thing -- it emphasizes
9 the necessity for them to report their problems. I
10 don't ...

11 Q Is it your understanding that your people
12 are responsible for coming to the management with a
13 problem before they go to the NRC?

14 A My people can go to whoever they want to. I
15 would hope they would give me the first crack at it.

16 Q What's the policy on that?

17 A What's the policy on that? The NRC has an
18 open-door policy. I can't stop anybody from going to
19 the Commission with their concerns, nor would I want
20 to.

21 I would be concerned if they didn't have
22 enough confidence in me or their immediate management
23 to try and address their problem, if they didn't give
24 us a crack at it. But there's certainly no policy to
25 include that. And there's certainly no problem if that's

1 what they choose to do.

2 Q Are you aware of any instances of
3 discouraging employees from going to the NRC?

4 A No.

5 Q Are you aware of any allegations or
6 expressions of concern to that same effect?

7 A Allegations or concerns by --

8 Q By people about being discouraged.

9 A Being discouraged?

10 Q Yes.

11 A No.

12 Q Would you tell me a little bit about this
13 audiovisual presentation? Does it have a name, for
14 example?

15 A Well, it's a "Quality Is My Job" presentation.
16 It was quite professionally put together by the owner
17 describing the quality assurance process, design,
18 fabrication, installation and testing of Comanche
19 Peak.

20 It identified within that audiovisual presenta-
21 tion everybody's responsibility to ensure that it was a
22 safe plant and identifies how people have the opportunity
23 to report concerns through various management and/or to
24 the Nuclear Regulatory Commission and/or hot lines to
25 make concerns known.

1 It's a very good presentation.

2 Q And how long has that been around on the
3 site, approximately?

4 A Six or eight months. It was given to everybody
5 on the project after it was finalized. It's very
6 good.

7 Q And do your people have any role in its
8 production or content?

9 A Several of my people are in it. It shows
10 actual -- well, circumstances and them performing
11 activities in various manufacturers -- or in the
12 field, some actual field inspection.

13 The audiovisual presentation was presented
14 to myself, two of my managers for any improvements and/or
15 amplifications on it before it was finalized. It was
16 then generally issued and shown to everybody.

17 Q Did you have any contribution at that point?

18 A I thought it was very well done as for people
19 and what some of the good representations may be that
20 show people working to achieve an end product of
21 quality, like I have one inspector that's out there
22 looking at some valve installation work.

23 It graphically depicts it very well.

24 Q And that's put together by the TUGCO people?

25 A Yes.

1 Q Can you tell me who, what organization, either
2 by title or name?

3 A Let me make sure ...

4 Q What does it have to say -- and describe
5 if you will -- it would be useful if there's a script
6 of something. Have you ever seen a script of this thing?

7 A No.

8 Q Describe if you would, the best you recall,
9 what does it communicate on the subject of access to the
10 NRC. What is its content on that?

11 A It very clearly emphasizes that personnel
12 have the right of access to the Nuclear Regulatory
13 Commission for the identification and resolution of
14 concerns, that they feel they cannot get achieved from
15 management.

16 It obviously identifies that your supervision
17 or management are obvious points in that succession, if
18 you're trying to get a concern resolved or identified.
19 It indicates and emphasizes that you always have the
20 right to bring those attentions -- those concerns to the
21 attention of the Nuclear Regulatory Commission.

22 Q Does it state specifically that they are
23 encouraged to do that?

24 A I don't recall.

25 Q Does it state specifically that they are

1 free to go to the NRC regardless of whether they go to
2 site supervision?

3 A I believe it does.

4 Q Are the terms "harassment" and "intimidation"
5 used in the audiovisual presentation?

6 A I believe they are, but that's not the topic
7 that is discussed. Again, I --

8 Q Tell me what the content is on that subject.

9 A That it will not be tolerated. Everybody has
10 their job to do, and that quality is doing a job that
11 is required by the owner, and the construction permits
12 and by the law.

13 Q Does it define the terms?

14 A You'd have to go to the text in which it
15 was discussed. I've only watched it four or five
16 times. I don't remember the exact words.

17 Q Are there -- At other facilities, Mr.
18 Purdy -- nuclear facilities under construction, there
19 are what I'll just characterize for you as sort of the
20 legendary incidents of craft/quality control inspector
21 confrontations -- if you would.

22 And what I mean by that -- to give you some
23 foundation for this series of questions -- there are run-
24 ins between people, that sort of everybody on the job
25 is involved in QC or QA knows about or knows about fourth,

1 fifth, sixth or eighth hand, perhaps, but has heard
2 of; and they form sort of a basis of perception or
3 understanding on the part of the people who get this
4 information.

5 I'm not submitting to you that it's
6 accurate one way or the other. I'm just saying they
7 get an impression of a course of conduct. Those
8 instances, I submit to you, have an effect -- in the
9 case of a quality control inspector -- that inspector's
10 understanding of how incidents of that sort, as he
11 understands those incidents, will be handled by
12 management based on how they've been handled before.

13 Just to give you an example: A craftsman
14 and an inspector are up on a scaffold looking at a
15 pipe weld. It has been a long day. The circumstances
16 are such that it's a difficult piece of work.

17 The craftsman is tired, and the inspector
18 has rejected a weld for not an atypical rejectable
19 condition -- let's say, excess weave widths. They're
20 just not doing it right. It's done over and over again.
21 They're a lot of repair work.

22 Tempers flare; personalities may be involved.
23 The craftsman says, "If you don't stop nitpicking me or
24 you don't leave me alone, I'll throw you off this
25 scaffold."

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1 That gets handled. A complaint gets lodged.
2 There's an investigation, and there's some kind of
3 action taken. Okay.

4 But for maybe months and years, people on the
5 job know about Joe and Sam the fitter or the weld foreman
6 and what happened in that incident.

7 Now, you've worked at this project and other
8 nuclear projects. Is that consistent with your
9 experience that there are incidents on the job of people
10 in the QC discipline have an understanding about -- sort
11 of in the legend category?

12 Am I communicating to you experience that's
13 consistent with yours?

14 A Well, I'm a lousy story teller. I don't
15 even remember the punch lines to jokes.

16 Q We're on the same wave length. Me either.

17 A There was a story at a previous project that
18 I may be able to relate to legend. I don't recall
19 any here or on previous projects that would qualify
20 as legendary confrontations.

21 Q Where was that project?

22 A South Texas.

23 Q Okay. And was it the sort I'm talking about?

24 A QC/craft run-in?

25 A Yes, it was of that sort. The irony of it

1 was that the general foreman was about 18 inches shorter
2 and a hundred pounds lighter than the QC inspector,
3 which is predominantly what made it legendary. But
4 that also predominantly hit the papers -- a horrendous
5 situation of harassment.

6 The following are the words of the QC
7 inspector: "Pick your place."

8 But I've never interviewed the 6' 4",
9 245-pound inspector that was up on the catwalk. I don't
10 remember anything of that legendary nature at either
11 San Ofre or up here.

12 Q You're not aware of any -- I'm not asking
13 you to tell me only -- identify only the most glaring --
14 if you will. But when you came on the job in your
15 present capacity and in the acting situation, you did
16 as you've testified in Mr. Atchison's DOL hearing --

17 A Uh-huh.

18 Q -- sort of got the lay of the land, talked
19 to people about -- you know -- what people's reputations
20 were and how people do their jobs, did what I assume is
21 good management practice for a new manager.

22 Did it come to your attention that there
23 were any stories, legends, any instances that had
24 general circulation, widespread circulation that formed
25 part of your QA people's understanding of how craft/QA

1 interacted.

2 MR. WALKER: I'm going to have to interpose
3 a hearsay objection to that question, to the extent that --

4 MR. GUILD: Well, I appreciate -- I'm not
5 asking him to attest to the truthfulness of any of those
6 things. And what I'm trying to do is form a basis for
7 understanding how he approached the identification of
8 problems, if he identified problems or perceived
9 problems, and how he handled -- as a foundation for how
10 he handled the harassment and intimidation issue.

11 I, of course, don't suggest there's any
12 truthfulness that's asserted -- attached to his
13 understanding at this point.

14 MR. WALKER: You may answer.

15 THE WITNESS: I'm trying to think of one.

16 Probably the most legendary interface that
17 I can think of -- whether it was before or after I got
18 here -- was when my QC manager took the field construction
19 piping manager, and he went for a ride. We established
20 what the next QA management's policies were relative
21 to getting the job done.

22 That's sort of common knowledge everywhere.

23 BY MR. GUILD:

24 Q Tell us a little bit about that so I'll
25 understand what the circumstances were.

5-11

1 A My QC manager is very forthright and is a
2 very dedicated man.

3 Q Who is that, please?

4 A Bob Siever.

5 He tends to do his job the right way and
6 not have any of his people interfered with, which he
7 does very effectively. He made that fact known to the
8 construction superintendent, and we haven't had a
9 problem since.

10 Q Tell me the story as it's understood.

11 A That's about it.

12 Q Okay. Who is the construction manager
13 that he had a ride with?

14 A Ken Liford.

15 Q And why did he have need to do this in the
16 first place? What were the circumstances?

17 A Well, he brought Bob up to the site with
18 me. He says, "Who is the meanest man in construction?"

19 I said, "Liford."

20 And he said, "Fine. I'll get back with
21 you."

22 Those were the circumstances.

23 Q What was the interface between Mr. Siever
24 and Mr. Liford? How does the story circulate?

25 A Apparently it was very successful -- the

1 story that was circulated by Mr. Liford and Mr.
2 Siever.

3 Q All right. Are you aware of any instances
4 that perhaps don't reflect so positively on the
5 relationship between craft and quality assurance? What
6 I have in mind -- I think you understand -- circumstances
7 where people said, you know, "That fellow rejected
8 somebody's final visual, and he threatened to punch him
9 in the nose."

10 The guy who threatened him went out the gate
11 the next day, or didn't go out the gate the next day.

12 Do you have any understanding of there being
13 incidents of common or general knowledge reflecting
14 adversely on the craft/quality assurance relationship?

15 MR. WALKER: Once again, to the extent that
16 the question seeks to elicit testimony that is or may
17 be adduced for the purpose of proving the truth of the
18 matter asserted, it's my position that it is objectionable,
19 as calling for hearsay testimony.

20 MR. GUILD: I appreciate that.

21 THE WITNESS: I will again state that I am
22 not aware of any legendary or serious craft or QC
23 interactions that have not been positive.

24 If you ever have the opportunity to see some
25 of my people, you'd probably see why that was the case.

1 BY MR. GUILD:

2 Q And you believed that it would be important
3 when you came on the job, Mr. Purdy, to make yourself
4 aware of the existence of any such commonly discussed
5 or commonly known instances?

6 A I believe it would be important for me to
7 ascertain factual situations that occurred on the
8 project. I wasn't particularly interested in hearsay.

9 Q Well, I appreciate that you wanted to know
10 what actually happened, too. But I think you can see,
11 don't you, that perceptions oftentimes are as important
12 as fact? Perceptions are facts, of course. You've
13 stated that, haven't you?

14 A At least to the individual that perceives,
15 that's correct.

16 Q Sure. And that's what I'm -- If you don't
17 think it's important, just tell me. But when you came
18 on the job, did you think it was important to ascertain
19 whether or not there were perceived -- commonly perceived
20 incidents of adverse relations between craft and QC?

21 A No, I didn't think it was important because
22 the reason I felt it was important for me to come on the
23 job was to get the ASME certificates back, as I have
24 explained earlier.

25 I didn't perceive it as a major craft/QC

1 interaction problem.

2 Q Well, I don't want to limit you to when
3 you're doing your paper revisions. But you -- Do
4 you get the drift of my question?

5 A I understand the drift of your question.

6 Q And the point I'm focusing on is: Do you
7 think it was important to find out whether there were
8 commonly known instances -- because of the perception
9 that that reflected on the part of the people who had
10 those understandings, right or wrong?

11 A Well, I think it was important for me to
12 establish myself in my management position, regardless
13 of what happened in the past -- whatever that may be --
14 that we were here to run an organization the way that
15 we felt it was necessary to both professionally and
16 ethnically run it.

17 Q Okay. I appreciate that.

18 You don't disagree with me -- and I think
19 you've said this before -- if there's perceived commonly
20 on the site to be problems, then there are problems,
21 regardless of whether those perceptions are based on
22 inaccurate understanding of facts. That's true, isn't
23 it?

24 MR. WALKER: Let me object to the question.
25

5-15

1 I think the question is stated much more broadly
2 than --

3 MR. GUILD: It is. I'm trying to ask a
4 broad question just to kind of summarize. And I
5 appreciate that it's broad. I could narrow it, if
6 that's necessary, if the witness has a problem with it
7 as stated, just tell me.

8 Can I try it that way?

9 BY MR. GUILD:

10 Q I think you've told me already that if
11 people perceive that there are problems, then there are
12 problems.

13 A When I came to the project, the perceived
14 problems were technical and programmatic. They weren't
15 intrapersonal.

16 Q Right. That's a significant understanding
17 on your part, and you've said that very clearly now.
18 Okay.

19 But, generally speaking, let's assume that
20 wasn't the case. Let's assume you didn't know. Would
21 you agree that having an understanding of the nature of
22 perceived problems is important to you as a manager?

23 A Yes. If I had perceived that as the major
24 problem.

25 Q Okay. Fine.

5-17

1 It's a question that's answerable with explanation.
2 I'm not trying to get the witness to endorse an
3 unqualified answer of one set or another. So feel
4 free to explain any way you'd like.

5 It poses, though, a premise that there
6 were perceptions of common problems in the QC/craft
7 relation that he did not identify. I asked him to
8 accept that as a premise for the question without
9 endorsing the accuracy because he just said that he
10 didn't perceive any. He doesn't believe they're there.

11 But with that premise -- and accepting that
12 premise, doesn't it follow that if you failed to
13 identify the perceptions of problems in that relationship,
14 that that would adversely affect your ability to
15 manage the QA function under your responsibility?

16 THE WITNESS: If you're asking whether
17 or not a perceived question among the quality assurance
18 personnel that there was in fact a dynamic tension
19 between craft --

20 THE REPORTER: Pardon me?

21 THE WITNESS: If one of the perceptions
22 was that there was a dynamic tension between craft
23 and QC -- an unstabilizing influence on the project when
24 I took over and I did not investigate that, would I be
25 remiss in my duty, then the answer is yes.

1 BY MR. GUILD:

2 Q And if you didn't identify that problem at
3 all and the problem was still there, likewise you would
4 be remiss in your duty, wouldn't you?

5 A I assume that in that situation you're
6 talking about dynamics with a constant velocity -- I
7 would be remiss in my duty if it was pervasive. I would
8 not be remiss in my duty if it was sporadic and did not
9 identify it here -- That didn't mean it existed
10 between Point A and B. It may just to Point A.

11 But I would still have to identify that.

12 MR. GUILD: Let's take a break now.

13 (Whereupon, at 1:00 p.m., the deposition
14 was recessed, to resume at 2:00 p.m. of the
15 same day.)

JRB:jrb
FlsMaggie
Schneider

1 AFTERNOON SESSION

2 (2:27 p.m.)

3 Whereupon,

4 GORDON PURDY

5 the deponent, resumed the stand and, having been previously
6 duly sworn, was further examined and further testified as
7 follows:

8 DIRECT EXAMINATION (Cont'd)

9 BY MR. GUILD:

10 Q Mr. Purdy, are you required to, as part of your
11 responsibility as QA for ASME code work to make available neces-
12 sary information and the opportunity for inspection of your
13 work place by an authorized nuclear inspector from the
14 Hartford Steam Boiler Inspection Insurance Company?

15 A Yes.

16 Q And do you have procedures in your Comanche Peak
17 Quality Assurance Program that specify the duties and respon-
18 sibilities of the ANI Inspector?

19 A We don't have a procedure that discusses the duties
20 and responsibilities of the ANI Inspector. We have a proce-
21 dure that discusses what we have to do to support the
22 independent inspector verification.

23 Q And like the other quality assurance procedures we
24 discussed this morning, compliance with those procedures with
25 respect to cooperation with the ANI is a requirement

1 that under -- under Appendix B, 10 CFR Part 50?

2 A It's a requirement of the code, and, in that the
3 Applicant committed to the ASME boiler pressure vessel code,
4 it would be a part of the Appendix B; yes.

5 MR. GUILD: At this point, then, I would ask that
6 a series of documents be marked for identification as Purdy
7 42-2.

8 (The documents referred to were
9 marked Purdy Deposition Exhibit
10 No. 42-2 for identification.)

11 BY MR. GUILD:

12 Q Mr. Purdy, I show you documents entitled SIS
13 Records for Monitoring QA/QC Programs, The Hartford Steam
14 Boiler Inspection & Insurance Company, and ask you if you can
15 identify those as -- can you identify those documents?

16 (Handing documents to witness)

17 MR. WALKER: Can we go off the record for a minute?

18 MR. GUILD: Sure.

19 (Discussion off the record)

20 MR. GUILD: Back on the record.

21 BY MR. GUILD:

22 Q And the question pending is, please, Mr. Purday,
23 can you identify those documents?

24 A Those appear to be SIS documents from the ANI
25 group.

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XXXX

1 MR. GUILD: For the record, there are a series of
2 these; and let me simply read them off:

3 There is an identifying number that appears in the
4 upper right-hand corner of the SIS documents; and the series
5 is No. 314; No. 322A; No. G as in "Green"-051; No. 362A;
6 No. 363A; 367-B; and 367-A.

7 At this time we would ask these documents so identi-
8 fied be bound into the record and received as exhibits.

9 MR. WALKER: May I examine the copy that's going
10 to be the original exhibit.

11 (Pause)

12 MS. ELLIS: I would like to state for the record
13 that we have discussed these documents with Applicant's
14 lead attorney, Mr. Reynolds; and it is our understanding
15 having spoken with him, that the objections Applicants
16 previously had to our use of these documents in these proceed-
17 ings on the basis that we had obtained these in the rate
18 hearings, is now withdrawn.

19 And these documents are to be used in the same manner
20 that any documents normally could be used in these proceedings.

21 We have not reached agreement as to relevance or
22 any other matters along that line. The agreement strictly has
23 to do with use.

24 It is our understanding from this that Applicants
25 have no intention of now or later suing CASE or in any matter

1 taking similar further legal action for our having used these
2 documents in this proceedings.

3 BY MR. GUILD:

4 Q As part of your obligations under the ASME Code and
5 as a condition to performance of safety work pursuant to that
6 Code, Mr. Purdy, would you agree that you are obligated to
7 ensure that the authorized nuclear inspector, the ANI man,
8 have free access to perform his inspection function?

9 A That is correct.

10 Q And you would agree that it would be inconsistent
11 with your obligations under the Code and, by application, under
12 Appendix B, if the authorized nuclear inspector were
13 harassed, intimidated or otherwise impeded in the performance
14 of his inspection function?

15 A Correct.

16 Q Do you have a copy of those documents that we have
17 been talking about, and have read the package there; if you
18 would, look at the first of those numbered documents, and that
19 is SIS 314?

20 Does that reflect an unsatisfactory finding by the
21 ANI?

22 A Yes, it does.

23 Q October 14, 1982 report?

24 A Yes.

25 MR. WALKER: Before we go any further with that

1 I think it is going to be necessary for me to interpose
2 at this point an objection on hearsay grounds to both these
3 documents and any attempts to draw a conclusion based on their
4 contents.

5 MR. GUILD: We, of course, maintain that these are
6 permissible for proof of the truthfulness of the matters
7 asserted therein; they are records that are made in the normal
8 course of the implementation of the quality assurance
9 program for Comanche Peak Facility.

10 And, as such, they have probative value of the
11 substance of what's contained in those documents.

12 I represent to you, as the statement of Ms. Ellis
13 reflects, that they were provided to CASE by Applicants and
14 are, to the best of my knowledge, accurate photo reproductions
15 of the original records as they appear to be on their face.

16 MR. WALKER: Okay.

17 I also need to request that -- I am not waiving my
18 objection -- but I need to request a little bit of time to go
19 through these.

20 I realize these have apparently been the subject of
21 intensive discussions between you and Mr. Reynolds. However,
22 I have responsibility for representing the Utility in this
23 deposition; and I have not had an opportunity to look at them.

24 So I would request that you defer questioning
25 about them until I have an opportunity to at least in a

1 cursory manner prepare myself with the documents.

2 MR. GUILD: That's fine.

3 What I would do, I would intend to examine from
4 the documents; so let's do another subject, then, at this
5 point. And we can take this matter up shortly.

6 MR. WALKER: I appreciate your consideration.

7 Off the record.

8 (Discussion off the record)

9 MR. GUILD: Back on the record.

10 I have asked that what has been identified as
11 Purdy Exhibit 42-2, the series of numbered reports from the
12 Authorized Nuclear Inspector, be received in evidence and
13 bound into the transcript, as we did with the previous
14 exhibit.

15 MR. WALKER: I am going to have to reassert my
16 objection on the basis of hearsay, and also I would state
17 I would like to take an objection on the grounds of relevance;
18 keeping in mind, as I mentioned before the break, while I
19 have not had an opportunity to review these documents, it might
20 be very helpful for me in terms of resolving at least the
21 relevance issue, if you could state for the record how you
22 perceive these documents to be relevant to the inquiry in
23 the present proceedings?

24 MR. GUILD: Ms. Ellis informs me that collectively
25 counsel for Applicants have had these documents -- of course,

1 they've had them for weeks.

2 And Ms. Ellis informed Applicant's counsel by
3 correspondence quite a while ago of her intention to use
4 these documents in this proceeding; and that is the basis
5 for the agreement that she related she had with Mr. Reynolds.

6 So we certainly don't think there's a timeliness
7 question in terms of the ability to address the substance.

8 Actually, I have no problem with, you know, taking
9 what time you need to, to review documents today; but, on the
10 merits:

11 It is clear to us that as the witness stated in
12 response to my questions, the ASME Code work requires
13 compliance by Applicants with assurances that the Authorized
14 Nuclear Inspector who performs quality assurance inspection
15 functions at the facility be unimpeded in the performance
16 of his work by harassment, intimidation or other conduct that
17 impedes the performance of inspection.

18 We believe that these documents are direct evidence
19 of Applicant's failures to adhere to that obligation, and
20 provide direct evidence of harassment, intimidation.

21 And that evidence of harassment and intimidation
22 as documented by the records of the ANI representatives,
23 we believe are direct evidence supporting CASE's position
24 on the harassment and intimidation issue now before the
25 Licensing Board.

1 MR. WALKER: Just so I am clear, you are referring
2 to harassment and intimidation of the ANI?

3 MR. GUILD: Both the ANI representative --
4 the harassment and intimidation were directed both at himself
5 and harassment and intimidation of those performing
6 inspection functions, including quality control inspectors
7 of Applicant's.

8 MR. WALKER: So it is your contention that these
9 documents contain evidence of harassment and intimidation
10 of QA/QC inspectors and personnel at the site.

11 MR. GUILD: Harassment both of ANI and of quality
12 control site personnel.

13 MR. WALKER: Just so the record is entirely clear,
14 I do not intend to suggest, and it is not my position that
15 the use of the documents is in some way untimely in terms of
16 its use or their use, generally, in these proceedings.

17 My point simply was, like you, Bob, I'm not a
18 regular player in the Licensing proceedings. I do have respon-
19 sibility for this deposition and for interposing whatever
20 objections may be appropriate and for providing whatever
21 advice to Texas Utilities and the Witness as may be appropriate
22 in light of things that come up in the deposition.

23 I have not personally had an opportunity to review
24 these documents.

25 We can proceed in one of two ways -- and let me make

1 the offer of the alternatives; because if you have a strong
2 preference for one over the other, I am perfectly willing to
3 do my best to accommodate your preference.

4 It is my understanding that Mr. Reynolds and
5 Ms. Ellis have been involved in discussions over these docu-
6 ments for some time; and, therefore, I am confident that
7 Mr. Reynolds is quite familiar with them.

8 We can see if we can locate him and have him step
9 in to this deposition for the purpose of handling the
10 issues touching on these documents, including any interroga-
11 tion of the witness regarding these.

12 Or, alternatively, I would have to ask, as I did,
13 as a matter of courtesy, to me, that you give me a reasonable
14 opportunity to acquaint myself with the contents before we
15 proceed with interrogation.

16 MR. GUILD: At this time let's move to another
17 subject.

18 Perhaps if you could alert Mr. Reynolds to that
19 problem?

20 I am also faced with professional obligations
21 elsewhere, and I need to catch a plane later this afternoon.
22 So I want to try to cover, complete the rest of the deposi-
23 tion of Mr. Purdy; but I am unable to extend to you the
24 professional courtesy of taking time for recessing the
25 deposition to allow you to prepare by reading the documents,

1 and accomplish my obligations to see that the other subjects
2 of examination are covered.

3 So what I would intend to do is to turn from the
4 subject of these documents and to complete the balance of the
5 deposition.

6 And if there's time at the end, perhaps we can
7 take a recess so that you can review these, or perhaps get
8 Mr. Reynolds to step around the corner and handle this
9 subject.

10 But for now, if perhaps you want to alert him to that
11 problem, this might be a good time to do it; otherwise, I
12 think the best thing to do is move with the balance of Mr.
13 Purdy's examination.

14 MR. WALKER: Okay.

15 One additional consideration, and that is, it is
16 my understanding that Mr. Reynolds is leaving sometime this
17 afternoon, as well. And if it is your intention to complete
18 the deposition today -- and I certainly hope we could --
19 perhaps I should see if I could locate him now. Because
20 otherwise we may find ourselves at the end of the day with
21 you not having sufficient time for me to be able to review
22 the documents, and Mr. Reynolds no longer available as an
23 alternative.

24 MR. GUILD: Let's take about five minutes and see
25 if we can hash that one out.

1 (Recess)

2 MR. GUILD: Back on the record.

3 MR. WALKER: We should establish on the record
4 what the resolution is.

5 MR. GUILD: I should state that, given our schedul-
6 ing exigencies and the fact that we all have to catch planes
7 and complete Mr. Purdy this afternoon, that I have agreed
8 not to examine on the subject or the content of the documents.

9 And our position is that they are in evidence
10 as substantive evidence for purposes of proving the truth
11 of the matters contained in those documents, since, clearly
12 properly received as, among other things, records kept as
13 specified by the QA program in the normal course of implemen-
14 tation of that program at the facility; as well as for pur-
15 poses of demonstrating the state of Mr. Purdy's awareness,
16 knowledge or opportunity to be aware of the incidents of
17 harassment, intimidation and impediments in the ability of the
18 ANI inspectors to perform their job.

19 So we offer them as substantive evidence and rely
20 on them for that purpose.

21 MR. WALKER: For purposes of clarity of the record,
22 it is my understanding that the fact that a document is
23 offered into evidence in this proceeding, by no means means
24 that it has been received into evidence until such time as
25 the Board rules on its acceptability.

1 And let me again state, so that we're perfectly
2 clear on it, that the offer is made by the Intervenor subject
3 to my objection, first, on relevancy grounds; and, second,
4 on hearsay grounds.

5 MR. GUILD: That's understood.

6 MR. WALKER: And I believe that Mr. Bachmann
7 may wish to add something.

8 MR. BACHMANN: Staff objects to the admission as
9 evidence.

10 Staff does not agree that these should be received
11 in evidence as to the truth of the matters asserted therein;
12 that is basically the hearsay objection; we cannot cross-
13 examine the preparer of the reports.

14 We do not object to their being admitted as
15 business documents, but that the narrative or writings in these
16 documents -- this goes to the weight of the evidence, that
17 the Board, when it rules upon admissibility, should be aware
18 that there's no opportunity to question the preparer.

19 And, therefore, we do not agree they should be
20 accepted for the truth of the matters stated therein.

21 MR. GUILD: I'll try to move quickly through a series
22 of questions with you, and, of course, you take whatever time
23 you need to complete your answer. But let me just preface it
24 by saying, what I am interested in ascertaining is your
25 description of your knowledge and involvement in a number of

1 events relating to specific named people whom I'm sure you'll
2 be aware of, a number of whom you have identified already.

3 These are people who in one way or another were
4 involved and were the victims of conduct that we assert
5 represents harassment, intimidation, or actions that impeded
6 or sought to impede the performance of their safety
7 functions at the facility.

8 And, along the lines of the examination that has
9 taken place so far, I am interested in your involvement in
10 those instances, and the basis for your conclusions regarding
11 those instances.

12 And I state that so you'll have some handle on where
13 I'm going with this.

14 And I would be interested in you telling me what
15 facts you know that bear on that line of inquiry, when we
16 go through these subjects.

17 Let's talk first about an inspector named
18 Linda Carol Barnes.

19 Do you know Ms. Barnes?

20 A Yes, I do.

21 Q All right.

22 And what work did Ms. Barnes perform at the facility?

23 A Ms. Barnes was in a documentation review process.

24 Q What was her position?

25 A She was a document -- she was a document

1 technician, by job description, who reviewed in-process
2 documentation to assure compliance with the QA program.

3 Q Are you aware of any concerns on her part that
4 she was impeded in the performance of that function?

5 A I became aware when she informed me of those facts
6 after she had, for all practical purposes, left the site;
7 yes, sir.

8 Q Just describe briefly for us what's important about
9 how you learned that and what you learned and what you did as
10 a result of what you learned?

11 A Yes.

12 Ms. Barnes did not arrive for work one day. And I
13 became aware of her absence as she was also going to give
14 testimony in another Department of Labor investigation.

15 Q And who did that involve?

16 A That was for Sue Neumeyer.

17 Q All right.

18 A Ms. Barnes did not come in to work the Thursday,
19 and we tried to contact her; but she had no telephone we could
20 reach her at.

21 Similarly, she did not contact me on Friday, the
22 following day.

23 The following Monday she had not made any contact
24 into the office, and my administrative assistant asked me
25 how I wanted to handle the situation; as, normally, three days

1 without calling in, you assume the employee is not coming
2 back.

3 And I told my administrative assistant, I said,
4 "Ms. Barnes didn't have a telephone and that we had been
5 unable to locate her. I didn't want to terminate her, as
6 there might be a rational reason for her not calling in."

7 I believe it was Tuesday when the other employee
8 notified me that Ms. Barnes had talked to her, and that she had
9 some problems. And the other employee had urged Ms. Barnes
10 to get ahold of me, as the other employee felt that I should
11 be able to hear and respond to Ms. Barnes concerns, which
12 Ms. Barnes agreed to do so -- the following Wednesday she
13 called.

14 And she asked if I had a few minutes to discuss
15 some problems she had.

16 And I said, "certainly."

17 And she said, "well, it might be rather lengthy
18 over the phone."

19 And I asked her: would she feel more comfortable
20 talking to me personally?

21 She said, yes, she would.

22 I said, "Well, would you like to come back down
23 to the project in my office, or what would you prefer, to
24 meet me somewhere else? Whatever you would like?"

25 She said she'd like to meet me somewhere else.

1 And I said, "All right, where would you like me to
2 meet you?"

3 And she asked if I could meet her on the square
4 in downtown Granbury.

5 And I made arrangements to meet Linda down there
6 about 1:30.

7 And I was a few minutes late in arriving, but when
8 I got there, I asked Linda if she was planning on coming back
9 to work; and she said she wasn't really sure.

10 And I asked her or I relayed to her that I was
11 aware she had some problems, that the other employee had already
12 told me; she had already talked to me. And I asked her if
13 she would tell me what her concerns were.

14 MR. WALKER: Excuse me.

15 Before Mr. Purdy begins his description of Ms.
16 Barnes' report to him of what her problems may be, -- may have
17 been -- we would like to interpose an objection on the
18 basis of hearsay, to the extent that there may be any
19 intention on the part of Intervenors to use Mr. Purdy's report
20 of what Ms. Barnes told him for or in an attempt to prove
21 the truth of the matters asserted in Ms. Barnes' statements
22 to him.

23 Bob, if you like, I realize that you're probably
24 operating under the tightest time constraints of any of us;
25 I'd be willing to find some sort of abbreviated way of

1 asserting this kind of objection any time your questions seek
2 to elicit what would otherwise be hearsay testimony.

3 And I'm not -- I don't have a specific proposal
4 in mind; but in the interest of making it possible for you to
5 meet your schedule, if you have any suggestions, as long as
6 we can have my objection clearly noted, and considered by the
7 Board at such time and in the event when this issue may
8 arise; I am perfectly happy to do my best to aid you in your
9 interest in getting out of here.

10 MR. GUILD: I would just suggest that's fine.
11 I appreciate the offer.

12 If you just -- it would be helpful, it seems to me,
13 if you state or just note your hearsay objection.

14 I don't believe you are obligated to, frankly; I
15 think that if you assert that objection later -- all objections
16 of that sort are certainly reserved, as best I understand
17 the agreed-upon procedure.

18 But in any event it seems to me that just simply
19 noting that you have a hearsay objection seems to clear that
20 point. And that would save us a lot of extended argumenta-
21 tion.

22 This topic will likely come up as we move through
23 a series of witnesses. And that would certainly suffice for
24 my purposes.

25 MR. WALKER: Fine.

1 Then when the issue comes up I'll simply state some-
2 thing along the lines of "objection on the grounds of hearsay,"
3 or something like that.

4 BY MR. GUILD:

5 Q Now, then, Mr. Purdy, what did she relate to you?
6 What problems did Ms. Barnes raise to you?

7 A Ms. Barnes related that she had a problem with her
8 compensation in the tasks she was doing.

9 She related the concern that nobody appeared to
10 know what they were doing.

11 Q Meaning the document reviewers?

12 A Document reviewers.

13 She stated the concern that on one returning
14 from vacation that some construction procedures and
15 engineering specifications that she would use in her job were
16 no longer there; they had been taken over by quality
17 engineering.

18 And she stated that one supervisor reminded her
19 that he would put whatever he had to on a piece of paper to
20 get her to sign it.

21 Q Who was that supervisor?

22 A As I recall it was a gentleman named Dwight
23 Woodyard.

24 Her concern with the procedures and specifications
25 was when she questioned the individual that had them who was a

1 site mechanic level-3.

2 She said, "Well, how am I supposed to use the
3 documentation?"

4 And he related to her, "Well, if you need them, I
5 have them."

6 And she asked, "Do you have all of them?"

7 And he says, "I don't know. I got whatever they
8 gave me."

9 That, I am assuming implied to her, that he wasn't
10 sure whether he had all the tools that were required to do
11 the job.

12 I responded to each of those concerns of hers
13 verbally, with Ms. Barnes.

14 And I explained to her the system of compensation
15 and some of the efforts that were being made to investigate
16 the compensation.

17 And she related to me that we had basically lied
18 to her once before in the way of compensation.

19 And I explained to her, that really was incorrect.
20 That we were attempting to implement a program to recognize
21 sequential levels of proficiency within the documentation
22 area; and that prior to being able to implement those the
23 salary program changed; but we were now looking at other
24 avenues.

25 And that had been a question, I guess, for, oh,

1 three months, we'd been looking at that, somewhere in that
2 vicinity.

3 Q She raised that question of you before?

4 A She raised it to me once before, and strictly as
5 conversation at that time.

6 Q And had you assured her that you would look into
7 seeing she was appropriately certified for the duties she was
8 performing?

9 A I told her I would look into seeing if there was
10 something relative to the compensation. And if she should
11 basically be compensated for that, that we'd take a look at
12 the entire process of compensation; that would be the new
13 certification program.

14 Q Did you do it?

15 MR. WALKER: I think we should clarify which of the
16 two conversations with her you were just referring to?

17 THE WITNESS: That was the first conversation about
18 three months earlier.

19 BY MR. GUILD:

20 Q Did you honor your commitments made to her in that
21 first conversation?

22 A I honored my commitments to look into it.

23 In fact, I came to the point of trying to implement
24 another program across the project; but that was subsequently
25 voided out in about November; because we changed the project

1-21

1 compensation, the wage and salary compensation.

2 Q You still haven't answered my question to you.

3 Did you honor your commitments to her?

4 A I said I would look into it and see what I could do.

5 Q Did you tell her that?

6 A Yes.

7 Q Before she came to you the second time?

8 A Yes.

9 Q And what did you do then?

10 A I believe passing in the hall one day, she had asked
11 how we were making out. I told her "not very well."

12 I don't believe I sat down and explained it to her
13 in detail.

14 Q Before you go to the other details, Mr. Purdy, is
15 it your testimony that Ms. Barnes did not raise a concern
16 about sexual harassment?

17 A Sexual harassment?

18 Q Yes?

19 A Never mentioned it.

20 Q In those words or in substance?

21 A Wait a minute. Let me step back one.

22 She mentioned something about Mr. Bennetcin
23 making a statement to her that she didn't particularly care
24 for.

25 Q And did she ask you if that was sexual harassment?

1 A I think she probably could have.

2 Q Who is Mr. Bennetcin?

3 A He is one of the supervisors.

4 Q He was her supervisor at this time?

5 A Yes, at that time he was.

6 Q Now, I think you were telling me that she responded
7 to each of these concerns verbally at the time?

8 A Yes, sir.

9 I told her that I would again look into the
10 question of compensation; that the subject had not been
11 forgotten. It was just taking a little bit more time than
12 we anticipated for coming up with a program where we could
13 evaluate where a person in documentation review, to establish
14 a compensation program for them.

15 Relative to specifications, I discussed with her
16 that I really wasn't sure why the specifications and
17 construction procedures were necessary for her to do her
18 job; because the Part 2A procedure was supposed to define
19 what was necessary in the way of document verification.

20 I explained to her that I was sure that the site
21 mechanic level-3 said he got what he got and what they gave
22 him, was really his way of responding to the question. I don't
23 think he meant to imply that he didn't have everything, or
24 he didn't care if he had everything, or that he only had what
25 was given to him.

1 But that I would look into that.

2 I responded to her concern about nobody really
3 understanding what they were doing by asking her if the
4 requirements for the document review were not identified in
5 the procedures?

6 She says, "well, yes and no; but that nobody
7 appeared to be trained or -- on the programs to be
8 implemented relative to the document review."

9 And I had indicated to her that I would certainly
10 look at that one; because it was my understanding that
11 everybody was in fact trained to perform that through on the
12 job training, and the information was available in QA
13 procedures and instructions that were to implement those
14 requirements.

15 And that I would get back to her on that one, also.

16 And I told her that I would talk to the supervisors
17 to try and ascertain the intent of their statements of --
18 relative to -- at that time I think I just committed to
19 looking into the statement of whatever you want on a piece
20 of paper to get you to sign it off, -- meaning that I would
21 talk to Mr. Woodyard about that, about that particular
22 statement.

23 I asked her at that particular point -- I guess the
24 conversation took about, oh, maybe 15, 20 minutes -- I asked
25 her at that particular point if she would like to come back

1 and go to work, because she was a valuable employee and I
2 had really no desire at all for her not to come back to work;
3 and that I would definitely take care of and look into those
4 considerations and get back to her on them.

5 And she had indicated to me, well, she wasn't quite
6 sure at that time; she wasn't sure she wanted to go back to
7 work.

8 So I asked her if she would at least sit down and
9 think about it, since she had brought some concerns to my
10 attention that I thought were significant and warranted look-
11 ing into; and that she certainly didn't have to be afraid
12 of any of the supervisors or people that she was working
13 with getting on her case about bringing her concerns to me;
14 because I appreciated the opportunity to address them.

15 And she said, well, -- again she said, well, I
16 don't think I am going to come back to work.

17 And I asked her if she would at least call me
18 Monday and let me give her a status on what I'd looked into
19 and what I'd found.

20 And to make her decision at that time if she'd
21 like to come back to work.

22 She said that she'd do that.

23 And that afternoon I went back to work and started
24 a personal extensive review of the QA procedures and the
25 programs; took a look at the personnel that were doing the

1 document review, and discussed with the owners the necessity
2 of coming up with a compensatory program that would provide
3 those personnel with an economic benefit predicated upon
4 their qualifications, of course.

5 I talked to a few of the individuals, and what I
6 found out was that in any given activity, they understood
7 what they were supposed to do.

8 Of course, they actually understood how to look at
9 a weld data card and to determine whether or not the right
10 welding procedure had been verified by QC, and what was used,
11 and whether the hold points were identified, and basic
12 requirements of 45-209 for accuracy and legibility were
13 accomplished.

14 But they didn't understand how that weld data
15 card fit into the entire completion of the particular line.

16 And so it dawned on me that that particular point,
17 that even though they may be getting on the job training,
18 for the specific actions, they may not understand the overall
19 program relative to system completeness that they were getting
20 involved in.

21 I look into procedures and, again, found that
22 although the requirements were there, there were several
23 procedures that you had to go to in order to be able to
24 draw the whole picture.

25 It wasn't -- it wasn't a question of being able

1 to look at one procedure and give the entire story from
2 A-to-Z relative to the final verification process.

3 I talked to the quality engineering manager and
4 asked him about the movement of the codes or specifications
5 and construction procedures.

6 And he iterated to me that they were being moved
7 because it is a quality engineering assurance responsibility
8 to maintain those, and that any changes to issues to those
9 procedures or specifications are required by the program
10 to be reviewed in the Brown & Root program -- be reviewed by
11 quality engineering to determine procedural changes should
12 be made and the QA program should be addressed relative to
13 those changes.

14 And that really emphasized the fact that it was
15 our intent to provide very clear and precise procedures to
16 QA personnel and not make it necessary that they go to
17 numerous other documents to try and figure out what they had
18 to do relative to determining how to complete their job.

19 I asked him to look into the level-3 statement about,
20 well, I have everything they gave me.

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JB/Sim 2-1 1

2 We verified through the audit that we had the
3 necessary changes. What he was doing was just giving one
4 of his typical responses which probably was not appropriate
5 under the circumstances, but it didn't mean to allude to
6 anything technically.

7 I started at that time on a project to pull
8 the procedures back into a very clear picture of the document
9 review people on how to perform their functions and what was
10 necessary for them to verify.

11 As I indicated, I started rewriting that procedure.
12 I went down and talked to the owner and discussed with the
13 owner the necessity of implementing a more formal training
14 program for the documentation personnel which covered not
15 only the individual activities but the entire scope of the
16 verification process from the acceptability of a piece of
17 documentation through the certification of the entire
18 system.

19 I told them that I felt that under the circum-
20 stances that we should probably, and it would be probably
21 more than to provide a valid certification of their
22 qualifications in lieu of the fact that we were going to
23 be proposing very specific training for them in that
24 function and that in doing so it would also provide me to
25 encompass them under the normal inspector wage and salary
program which the owner agreed to do.

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2 Linda called back Monday and I indicated to
3 her that I had looked into some of her concerns and that I
4 found that some of those concerns definitely required
5 addressing, not because I was concerned with what had been
6 done in the past, but because I wanted to make sure that
7 everybody in the organization understood what was necessary
8 for ASME certification from the beginning to the end, and
9 in view of that had also developed a program with the owner
10 to implement more formal training and examination and
11 certification in that process and told her that the Quality
12 Engineering Manager had got back to me and had indicated
13 that there was no malice and intent in the level three
14 statements, that he thought he had 1 of the documents,
15 but he didn't know, he had whatever we sent him, and
16 iterated to her again that I appreciated her coming and
17 would like her to come back to work and that she certainly
18 didn't have to worry about anybody there.

19 She said no, I don't think I am ready yet, and
20 I said well, I am going to be starting the first formal
21 class in the verification inspection, the new classification
22 Wednesday at 3:30 and that will be on our time, and indicated
23 to her that she had been a very good employee during the
24 time that she was there and that she had a good amount of
25 experience in the review of piping documentation and I hated
to lose her talent and asked her if she wouldn't reconsider

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1 and if she showed up at the first class Wednesday, I would
2 assumed that she was just off without pay and would start
3 over again.

4 She didn't show up Wednesday and didn't show
5 up Thursday. On Friday she called and I asked her, I take
6 it you weren't too excited about coming back to work since
7 you didn't come to class on Wednesday, and she said I
8 decided not to return.

9 I said do I interpret from that that you are
10 resigning, and she says well can I get an ROF, and I indicated
11 to her that it was not practical at that time or possible
12 at that time for me to give her an ROF since there were
13 very specific requirements under which ROF's were administered
14 under the project, and that in fact her absence would be
15 a loss in the group and I would probably end up having to
16 bring someone else up out of the field in order to get the
17 work done and that I was not undergoing a general reduction
18 in force and I couldn't see how I could within our policies
19 give her an ROF.

20 She said well, I guess that is the way it has
21 got to be, and I put her down as a voluntary resignation
22 and that was the last I heard until the Department of Labor
23 issue.

24 Q Did Ms. Barns say to you words to the effect
25 that in light of the fact that quality assurance procedures

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1 are unavailable or not current, how can she properly perform
2 her function as a reviewer of quality assurance documentation?

3 A I don't recall her talking about quality
4 assurance procedures. I recall her talking about the
5 specifications in the construction procedures which shouldn't
6 have been necessary to do the job.

7 Q Do you recall answering in substance that you
8 can't?

9 A If the quality assurance procedures weren't
10 there.

11 Q Did you tell her that? Did you agree with her?

12 A I am trying to recall. She may have mentioned
13 quality assurance procedures, in which case I would definitely
14 indicate you can't. That is distinctly possible.

15 Q And I believe you stated that in your opinion
16 Barns was a competent employee.

17 A Yes, and I have no reason to believe otherwise.

18 Q Ms. Sue Ann Newmeyer, do you know Ms. Newmeyer?

19 A Yes.

20 Q Would you identify her and what job did she
21 hold at the facility?

22 A Sue Ann Newmeyer at the time she left was a
23 fully qualified quality control inspector in the ASME/OC
24 organization.

25 Q What discipline was she in?

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1 A ASME/QC. I only have the one discipline.

2 Q And they all do weld inspection and they do
3 fit-up inspection and they do hangers, et cetera?

4 A We have developed the program so that we have
5 expanded their horizons into piping and supports.

6 MR. WALKER: For clarification purposes, at
7 several points in this deposition the example that has been
8 used has been welding inspection. It is my understanding
9 that not all welding inspection is done in the ASME program.

10 THE WITNESS: That is correct. Only the safety
11 class one, two and three welding is inspected under the ASME
12 program.

13 BY MR. GUILD:

14 Q Did it ever come to your attention that
15 Ms. Newmeyer raised concerns regarding harassment, intimidation
16 or interference with her ability to perform her functions
17 effectively as a quality control inspector?

18 MR. WALKER: Objection, hearsay.

19 THE WITNESS: The fact that she was concerned
20 about her position within the quality control organization
21 come to my attention, yes.

22 BY MR. GUILD:

23 Q And describe the circumstances of that, how
24 you became aware of that and what you did about it.

25 A Miss Sue Ann Newmeyer had had some back trouble,

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1 and had ended up having some nonsurgical correction done,
2 and I am not sure what the name of it is. As a result of
3 that, the doctor had recommended or had basically given her
4 a prescription that she should be placed on light duty for
5 a period of time.

6 Miss Sue Ann Newmeyer was placed over in the
7 fabrication shop doing inspections since she was a qualified
8 inspector. She had indicated to her supervisor that she
9 was having trouble even at that point in standing up and
10 asked if he had a desk job.

11 At that particular time we were just starting
12 the N-5 certification program and the supervisor had
13 indicated to her that he had the N-5 program going and
14 he could transfer her down there since she had been on the
15 project for quite a while and would a credible amount of, or
16 a large amount of basically maturity to the organization.

17 She said that would be fine. She was transferred
18 down to that organization for a while and came to the
19 supervisor one day indicating that ---

20 Q Who is the supervisor you are talking about?

21 A This is Dwight Woodyard. --- indicating that
22 she was coming under a lot of pressure in there because
23 everybody was concerning that she was making so much more
24 than they were and asked if she could be moved somewhere
25 else.

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1 At that particular time we also had an opening
2 in the in-process documentation review group under Dwight.
3 She was transferred up there and during the process of her
4 documentation review found an inconsistency in a piece
5 of welding documentation where there was a question on the
6 day that the QC inspector performed an inspection with respect
7 to the day that the activity actually took place.

8 It appeared that he signed off the inspection
9 by the documentation, by the date on the documentation the
10 day before the actual process occurred.

11 She discussed this with Mr. Woodyard, and
12 Mr. Woodyard said well, you certainly have to identify that
13 as non-conforming. She wrote a non-conformance report on
14 it and the QC manager came in to talk to me about it and ---

15 Q Who is that, please?

16 A Bob Seaver. He said that what he wanted to do
17 was to get the inspector up there with Mr. Woodyard himself
18 and Sue Ann and discuss exactly what had been found on that
19 and get to the bottom of the story.

20 I was not at that meeting, but it was my under-
21 standing at that meeting, however ---

22 Q Tell me what your understanding comes from, if
23 you would, please.

24 A In discussions with Mr. Seaver. It is my
25 understanding that in all aspects Mr. Seaver and Mr. Woodyard

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1 commended Sue Ann for bringing the thing to his attention
2 and definitely put the burden of proof on the inspector to
3 verify that he in fact had not falsified that particular
4 record.

5 Apparently Sue Ann Newmeyer, which I personally
6 do not believe, construed that to be that she was going to
7 lose her job for identifying a non-conformance.

8 This was brought to my attention only after
9 Boyce Grier called me in and said that Sue Ann had been
10 down to see him and was very concerned about her job because
11 of identifying the non-conformance with welding documentation.

12 I assured Boyce that I was aware of that particular
13 situation and that in no way, shape or form was Sue Ann
14 doing anything other than exactly what she was supposed to
15 do and there was definitely nothing relative to her job
16 that was in danger at all. In fact, quite the contrary.

17 Sue Ann had been on a week's vacation earlier
18 and shortly after that episode submitted a letter of resigna-
19 tion to go to a different job. As that time approached,
20 I guess the day before her resignation was to become effective,
21 She Ann came in and said that is it, I want to leave now and
22 I don't want to wait around. We went ahead and processed
23 her out the gate and that was the last I heard of Sue Ann
24 Newmeyer until the Department of Labor case.

25 Sue Ann Newmeyer would not have been terminated

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1 and would still be working today, and to the best of my
2 knowledge by all the information I have and from what I had
3 seen was a very good inspector. In fact, on two occasions
4 I went to the home office to get educational assistance,
5 money to reimburse Sue Ann for some independent studies she
6 had conducted relative to some ASNT work and for a welding
7 metals course at the University of Ohio.

8 Q What did Ms. Newmeyer state to you was her
9 concern about the way that the non-conformance report
10 processing had been handled?

11 A As I recall, she didn't say anything to me
12 about that. Just before she terminated she brought me
13 an open letter. I think the title of it was "An Open Letter
14 To Brown and Root Management" that discussed issues like
15 treating adults like adults and together we can conquer the
16 world, except that we are bound to fail. I am not being
17 facetious. That is basically the type of words that were
18 in the letter, and I wasn't quite understanding where it
19 was coming from.

20 Then after Sue Ann had left it was brought to
21 my attention that she had marked on an exit interview with
22 the owner that she had marked on an exit interview with the
23 owner that she was -- could no longer stand the pressures
24 of the "nuclear MAFIA" -- whoever the hell that is.

25 I will reiterate, however, that I never had any

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1 detrimental reports or any negative reports about Sue Ann
2 in her employment.

3 Nor did Sue Ann come in relating any of the concerns
4 she had.

5 Q I am going to read a statement that I would purport
6 to be Ms. Neumeyer's statement made to the Texas Employment
7 Commission with respect to an application for unemployment
8 compensation.

9 MR. WALKER: Excuse me, Bob, do you intend to make
10 that an exhibit?

11 MR. GUILD: I don't, no.

12 And I just want to -- it's a summary of the events
13 relating to the subject we were just talking about. And
14 what I would like you to do is to listen to it, and you can
15 read it if you'd like to; but tell me if there is anything
16 in there that you know to be misstatements of fact,
17 inaccuracies.

18 MR. WALKER: I am going to need to object to the
19 questioning based on this document, first, the lack of
20 foundation; second, on hearsay grounds, and, third, because
21 the document itself is not to be made an exhibit to this.

22 BY MR. GUILD:

23 Q I wrote an NCR, a nonconformance report, against
24 weld engineering and an inspector for not following
25 procedure. After I wrote the NCR, I was called into a meeting

1 with my supervisor, 2 superintendents, and leadmans. I was
2 questioned as to why I did not check with the inspector
3 involved, and I told them that I had, and the inspector had
4 told me that his lead man, the one present in the room,
5 had told him to sign the documentation. This was against
6 procedure.

7 After that I was afraid for my job and went to
8 see a Mr. Boyce Grier. He said he would investigate my
9 concerns and get back with me.

10 Mr. Greier called a couple of hours later and told
11 me not to worry. Later I was taken aside by my supervisor
12 and told my name was on top of the layoff list. I asked why,
13 as I was an A-inspector for almost five years with the
14 colmpany, was I ahead of the 15 new people that had been
15 brought into QC from craft.

16 I said when those people were brought in to QC
17 management had told the rest of us inspectors that the new
18 people were trainees and understood that they would be laid
19 off first.

20 Later my supervisor came back to me and said they
21 were planning on transferring me to weld engineering, but
22 with a cut in pay from \$14.35 per hour to possibly \$6 per
23 hour.

24 I feel that all of this came about because of the
25 NCR which the superintendent voided and asked me to sign

1 concurrence with. I refused. I was afraid that those
2 fictitious charges and documentation would be trumped up
3 against me. I had seen this done to another inspector and
4 I would not be able to pursue my profession. So at that
5 point I resigned.

6 I share the statement with you and I represent
7 to you that it's the statement of Ms. Neumeyer, and what I
8 would like you to do is, if you can, if there's anything in
9 there that you know to be incorrect factually, please
10 identify that, please? And explain?

11 A The NCR was against the inspector, and not weld
12 engineering, since he was the individual actually involved
13 in inspection. I mean, welding engineering didn't have
14 anything to do with it.

15 Q Okay.

16 I recall the superintendent did call her in and
17 asked her if she checked with the inspector, but in no way
18 was it a harassing type of a meeting. They were asking her
19 if she had checked to see whether or not he had made a
20 mistake, or if he could justify the mistake.

21 Mr. Woodyard explained that meeting to me. I was
22 not there. But that's the way I understand it.

23 I do not believe that the lead man, the one present
24 in the room, told the inspector to sign off the documenta-
25 tion.

1 Again, that, again, is strictly personal opinion,
2 because that's not my understanding of the scenario.

3 Q Who was the lead man?

4 A That was Terry Mancini.

5 It definitely was against procedure, and that's
6 why I do not believe that Terry would do that.

7 I saw no reason for her to be afraid for her to be
8 afraid for her job.

9 My discussions with Mr. Seaver and Mr. Woodyard
10 indicate that they were certainly not using that as a
11 concern for her job.

12 Mr. Grier probably called her after this discussion
13 was made.

14 There's never been a layoff list. There was not a
15 layoff list during that time. We had not addressed having
16 a layoff at that time because we still had a great deal of
17 work to do.

18 And I am afraid that her concerns about seniority
19 and layoffs may be in time with the project, but I don't
20 believe that there would have been any implication that she
21 was going to be on the layoff list.

22 And, in fact, she would not have been, even if there
23 was one.

24 I had never discussed transferring her to welding
25 engineering, nor had Bob Seaver. She has never undergone a

1 reduction in pay, nor was one intended.

2 The NCR was voided after obtaining corroborative
3 evidence from an individual who was not particularly a friend
4 of the inspector, although a fellow inspector; but he was
5 there on the date it occurred; and that the gentleman did in
6 fact put down the wrong date.

7 He had in his record that it was on the day when
8 the welding, after the welding had actually occurred.

9 And it was my understanding that Sue Ann did accept
10 that answer and the voiding. It was discussed with her.

11 And I've already said that any time we void an
12 NCR that the voided NCR returns to the lead and is discussed
13 with the individual initiating the NCR to be sure that they
14 understand.

15 Q Let me interrupt you for one moment:

16 The corroborative evidence came from whom?

17 A It came from another inspector that was with the
18 man, a trainee.

19 Q Do you know who that was?

20 A I don't recall the name.

21 Q And how did you come to understand about the
22 corroborative evidence?

23 A My QC manager.

24 Q I will show you a document, it's entitled Brown &
25 Root Quality Assurance Department Nonconformance Report

1 and it is identified as NCR No. 12963, and I ask if you can
2 identify that. It is a copy?

3 That's one page out of nine.

4 A It appears to be a copy of the NCR in question.

5 I wish the other 8 pages were here because they
6 also contain, I believe, an amplification of what I have
7 been discussing.

8 Q I've got some other pages of this. Let's piece
9 together what we need to make a complete set.

10 Is this a weld data card that's associated with
11 that, the weld in question?

12 A It appears to be.

13 Q Okay.

14 I've got another weld data card, the same piece.

15 MR. WALKER: All of these, for the record, appear
16 to be copies.

17 BY MR. GUILD:

18 Q I am showing you the second document which I
19 purport to be part of the same package.

20 Does this -- showing you one that's -- does the
21 identifying information appear in the upper left-hand corner,
22 Mr. Purdy?

23 Is that the weld number?

24 A This is the line number.

25 Q What do you need to identify this particular

1 document or piece of work? Which number is the identifying
2 number?

3 A This is a line number that it would be on. This
4 is a particular BRP. This is a weld number.

5 Q All right.

6 Now, I show you what appear to be copies of the
7 same document. They are not very good copies, I submit.

8 One has a date, a rubber stamp on it that says,
9 "for office and engineering use only."

10 Correct?

11 A Uh-huh.

12 Q And the other has the same text without the
13 rubber stamp, but the addition of a handwriting on the
14 document.

15 And can you read that handwriting, please?

16 A Um-huh.

17 It says "dated in error. Jack Sanford, 1-26-84."

18 Q Is Mr. Sanford the QC Inspector who was the subject
19 of the NCR?

20 A Yes, he was.

21 Q All right.

22 And can you see on the face of both copies of the
23 document, obscured under the rubber stamp on the one, the
24 dates that are the subject of the nonconformance report?
25 The dating that is the subject of the nonconformance report?

1 A 14-84, I think.

2 Q All right. Marked through, and what date is
3 substituted for that?

4 MR. WALKER: I question that date. I think he
5 misread it.

6 THE WITNESS: I think that's 1-14-84 in the lined-
7 through.

8 Here's the one that's actually in question. The
9 line-through is 1-17-84.

10 MR. GUILD: That's my understanding. Okay.

11 BY MR. GUILD:

12 Q The NCR and the NCR package at different points in
13 their processing would have included the weld data card both
14 before and after the notation was made on it that you read,
15 which states, "dated in error, 1-26-84".

16 Correct?

17 A Would you lay that on me one more time? I
18 am not sure what you said.

19 Q All right.

20 Mr. Sanford, the inspector, according to your
21 testimony, indicated on the face of the weld data card that
22 the language "dated in error 1-26-84" and initialed that
23 notation?

24 A That's correct.

25 Q All right.

1 Prior to 1-26-84, the version of the document that
2 I am showing you, does not include that notation?

3 MR. WALKER: Let the record reflect that the
4 copy being referred to in the last question is the copy that
5 appears to have been stamped with a rubber stamp with the
6 phrase "for office and engineering use only."

7 MR. GUILD: Yes.

8 THE WITNESS: Yes.

9 BY MR. GUILD:

10 Q And do you see under that rubber stamp the same
11 dates, 1-14-84, lined out, lined through; and 1-17-84?

12 A Yes, I do.

13 Q It appears to be the same document?

14 A Yes.

15 With the one exception.

16 Q With that exception? All right.

17 MR. WALKER: I think the record should also
18 reflect that, Bob, you mentioned that these are not very good
19 copies.

20 And one of the copies, the one that appears to have
21 been rubber-stamped, particularly, has at least some of its
22 text cut off in the right-hand margin due to the manner in
23 which this document was photocopied.

24 I think we need to note that for the record.

25 MR. GUILD: Yes.

1 BY MR. GUILD:

2 Q And, Mr. Purdy, if any of the information that's
3 material appears on that part of it that's not available,
4 tell me; but the focus of the nonconformance report is on the
5 part of the document that's available to us, and that's the
6 dating which appears in the center of the document.

7 Correct?

8 A Correct.

9 Q Now, help me with this a little bit:

10 We've got some other documents, and they may add
11 up to the total number of pages.

12 A All right.

13 Q I am going to hand you a series of seven additional
14 pages and could you identify those? They are in no particular
15 order, so maybe you could put them in order as you go
16 through.

17 MR. WALKER: Are you going to make these exhibits?

18 (Pause)

19 THE WITNESS: Page 3 of 9, I cannot find a page 2
20 of 9.

21 BY MR. GUILD:

22 Q What should page 2 be?

23 A I am not sure. If I had the original NCR package...

24 Q All right.

25 Okay, we're missing a page?

1 A Page 3 of 9 is a process sheet for the field weld
2 40C, which appears to be the weld number. We're missing the
3 number on the drawing.

4 MR. WALKER: For the record, you are missing part of
5 the line number on which of the pages?

6 THE WITNESS: Repair process sheet. Page 3 of 9.

7 MR. WALKER: Also for the record, it would
8 appear that part of the number, the drawing number on
9 the weld data card is missing, on both copies, I believe.

10 MR. GUILD: Counsel, I represent for the record
11 that these copies were obtained from Ms. Neumeyer and
12 maybe, Mr. Purdy, you could just tell me:

13 BY MR. GUILD:

14 Q During the normal course of business would the
15 originals of these, these nonconformance report with attach-
16 ments, be maintained as part of the plant's permanent
17 quality assurance records?

18 A Right, definitely.

19 Q So you would have this NCR at the site?

20 A We would have it at the site; yes, sir.

21 MR. GUILD: Counsel, I intend to have this marked
22 after we go through this, and if there is a better copy that
23 could be substituted, or if there are any material parts
24 of these that are unclear or illegible I would be more than
25 happy to ask that we substitute a better copy from Applicant's

1 records, if need be.

2 MR. WALKER: Well, that's fine. I think, however,
3 it's necessary that we note these situations in which
4 identifying marks are either obscured or not visible on the
5 documents; because part of what we are attempting to ascertain
6 here is whether all of these psieces of paper that you have
7 provided are in fact part of the same NCR package.

8 MR. GUILD: Yes.

9 BY MR. GUILD:

10 Q We got through 3 of 9?

11 A 4 of 9 is a NDE Part-2 report.

12 Q TAke a look at that page 4, now, Mr. Purdy; does
13 that reflect that that weld was radiographed on or after
14 the 14th of January 1984?

15 A That wes the subject of the NCR.

16 Q Okay.

17 It was radiographed on the 16th?

18 A Information RT was performed on 1-16-84.

19 Q All right, thank you.

20 Rejectible indication?

21 A Yes.

22 I have 5 of 9, it's a 1-15-84, RT report, apparently
23 conducted the day earlier than page 4 of 9, apparently on the
24 same weld.

25 Q And what day was the RT conducted?

1 A The RT was conducted the 15th, it was rejected on
2 that date; and on the 16th it was accepted.

3 Q Page 4 of 9 shows an acceptance?

4 A Yuh, page 4 of 9 shows the acceptance; 5 of 9 shows
5 the rejection.

6 Q All right.

7 Page 4 of 9 shows an accept on 1-16, and page 5
8 of 9 shows the reject the previous day.

9 A Yes, sir.

10 Q Thank you.

11 With reference to those two documents, the original
12 weld data card, the original weld repair -- I'm sorry --
13 that's page 3 of 9.

14 A Um-huh.

15 Q Does the Comanche Peak quality assurance procedures
16 or construction procedures provide that final visual inspection
17 has to be indicated through the signature or the initials
18 and dating by quality control inspector for this type of
19 weld?

20 A On the original weld data card? Is that what you
21 are referring to?

22 The final VT has to be by the QC inspector; yes.

23 Q Right.

24 And when was that? When -- did the inspector not
25 indicate approved final visual on 1-14-84?

1 A He did originally.

2 Q All right.

3 A That was the date indicated.

4 Q And then was not that weld radiographed on 1-15-84,
5 and rejected, showing a rejectible radiographic indication?

6 A That's correct.

7 Q All right.

8 Then it was the subject of repair work?

9 A Correct.

10 Q And re-radiographing on 1-16, which shows that
11 it was acceptable after repairs.

12 A That's correct.

13 Q And then it was signed off on final visual after
14 repair by the same welding inspector, 1-17-84.

15 A That's correct.

16 Q But the welding inspector's reinspection is indicated
17 only by him having stricken through his original 1-14 final
18 visual, and substituted the dates, 1-17-84; correct?

19 A I think the full scenario was that he didn't do a
20 final VT on the 14th, he did it on the 17th; he didn't visually
21 inspect it the 14th.

22 That's what the subject of the NCR was.

23 Q Well, that's what the findings of the NCR was;

24 A That's the finding of the NCR. The identified
25 nonconforming condition was that it appeared the man had

1 accepted visually the welds, done a final VT on it, three
2 days before the repair processes were completed.

3 Q And wasn't it Ms. Neumeyer's position that the
4 final visual indicated the weld was acceptable; it was
5 rejected upon RT; and instead of the weld being subject to
6 specification for repair by submission to quality assurance,
7 for the establishment of new hold points, review of the
8 weld in question by the authorized nuclear inspector, that
9 instead the weld was simply repaired by weld engineering
10 without submission to quality assurance, re-radiographed,
11 found acceptable, and the original approval of 1-14 on final
12 visual was improperly and contrary to procedures, changed
13 by the welding inspector to show a 1-17 final visual approval?

14 MR. WALKER: I am sorry, Bob:

15 First of all, that was obviously a very lengthy
16 question.

17 Secondly, if I understood the question correctly,
18 you are asking Mr. Purdy for what was Ms. Neumeyer's
19 position.

20 And I don't think that Mr. Purdy is in a position
21 to speak for Ms. Neumeyer's position.

22 MR. GUILD: My question goes to his understanding
23 of her position. And I certainly don't mean to establish
24 through Mr. Purdy what her position was or was not as a
25 matter of substantive evidence; she can and likely will speak

1 for herself. She is indicated as a witness in the proceeding.

2 I want to know what his understanding was with
3 her position.

4 And if I have stated it incorrectly, or he doesn't
5 agree with my submission, I ask that he so state for the
6 record.

7 MR. WALKER: Well, also, I think he can and should
8 if he feels this way, state for the record his -- any problem
9 he may have, as I have, with remembering the first part of
10 the question by the time I got to the last part of it.

11 MR. GUILD: Fine, too.

12 THE WITNESS: Perhaps you can restate the chronology.

13 MR. JORDAN: I got lost, too.

14 MR. GUILD: The chronology is reflected in the
15 document. I think your testimony previously states that.

16 What I am driving at, Mr. Purdy, is -- I'll withdraw
17 the last question and see if we can get to the core of
18 it.

19 BY MR. GUILD:

20 Q What did you understand Ms. Neumeyer's position
21 to be about what actually happened.

22 And is that accurately reflected in the disposition
23 of the nonconformance report?

24 A The nonconformance as I understood it, Ms. Neumeyer
25 identified the QC inspector that to all appearances had in

1 essence falsified the record by signing off a final visual
2 examination before the actual process had been completed on a
3 weld.

4 Q Yes.

5 And the resolution was that the inspector had done
6 that in error, and that's the significance of his notation
7 on 1-26 on the face of the second copy of the -- is it a weld
8 data card? I can't remember the name of the form now.

9 A Yes.

10 Q The significance of the notation on the weld data
11 card is that he had made an error.

12 A It is my understanding --

13 Q Is the answer yes? Is that the significance of
14 the notation he had made the original notation in error?

15 MR. WALKER: Before the question is answered, I
16 really need to know for the record -- I know we mentioned
17 this: we are talking about, as I understand it, anyway,
18 and this has been a little confusing, but I think we are talking
19 about an NCR package that I believe everyone can see is
20 missing at least one page.

21 And I suggest we have to bear that in mind.

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24

25

1 MR. GUILD: Absolutely, if there's something on
2 that missing page that bears on this sequence of events, or
3 explains those, please, you know, let's clarify it for
4 accuracy of the NCR and its processing.

5 I submit my belief is that the material points are
6 contained in the documents we have.

7 And I am directing your attention to the weld data
8 card, two versions of it.

9 And the pending question, or the question that
10 was pending was:

11 BY MR. GUILD:

12 Q One version has the notation by the inspector
13 after the fact that his original sign off of final visual
14 is in error.

15 And isn't that the significance of that notation,
16 explaining that noting for this NCR, since it is 1-14 on
17 approval, marked through and restated as 1-17, that reflected
18 an original error on his part?

19 A Yes.

20 Q Now, was it Ms. Neumeyer's position when she
21 documented the nonconformance report that the welding
22 inspector had made a mistake?

23 MR. WALKER: Again, you're asking for his under-
24 standing --

25 MR. GUILD: As you understand?

1 THE WITNESS: It's my understanding that when
2 Ms. Neumeyer questioned the inspector that he did not give
3 her a satisfactory answer.

4 Therefore, her assumption was that he in fact had
5 falsified the record.

6 BY MR. GUILD:

7 Q Did she say that? -- to you?

8 A Now, you're asking me what, you know, what I
9 perceived out of her assumption. That's what I perceived out
10 of that.

11 Q All right.

12 A Ms. Neumeyer didn't bring this one to life, did
13 she?

14 Q All right, she was presented with a nonconformance
15 report; and that is page 1 of 9.

16 And she has her description of the circumstances
17 of the nonconforming condition appearing in her handwriting,
18 signed by her at the top portion of the NCR. Right?

19 MR. WALKER: Objection, assumes a fact that hasn't
20 been established.

21 MR. GUILD: What's that, counsel?

22 MR. WALKER: That this document is in fact in her
23 handwriting.

24 BY MR. GUILD:

25 Q All right.

1 Do you recognize this to be her handwriting?

2 Do you know?

3 A I wouldn't know her handwriting.

4 Q Does it appear to be signed by Sue Ann Neumeyer?

5 A That is her name; yes.

6 Q And you aware that she originated this
7 nonconformance report?

8 A Yes, I am.

9 Q And that states as follows:

10 "WDC 40851 for FW 440C shows a final PT and DT
11 signed originally 1-14-84. Because of an information RT
12 reject dated 1-15-84, serial number SNRT30964, and in-process
13 weld repair was issued by weld engineering with weld tech
14 hold points; PT and DT hold points on WDC 40851 were signed
15 by QC entries on VT and PT, were lined through, initialed
16 and dated 1-17-84."

17 And here's the point:

18 "Because it appears final NDT was signed at time
19 of issuance of RPS 1-16-84, QC hold points needed to be
20 established and reviewed by the ANI."

21 Now, doesn't that reflect Ms. Neumeyer's position
22 with respect to the nonconformance?

23 The nonconformance in her view was not an error in
24 the date. It was a failure to follow procedure as described
25 in the phrases I just read to you.

1 MR. WALKER: I am going to object to the question
2 on the grounds that I think the document speaks for itself,
3 incomplete though it is.

4 MR. GUILD: That page is complete, it completely
5 states what Ms. Neumeyer set forth when she originated
6 the NRC.

7 BY MR. GUILD:

8 Q Isn't that true?

9 A I would assume so.

10 Q How does the resolution or the disposition of the
11 NCR address the nonconformance that she identified?

12 A Assuming that the answer to the disposition was not
13 her concern, then either her concern was not as stated; or
14 I am under a wrong impression because of the information
15 from Mr. Seaver and Mr. Woodyard that her concern had in fact
16 been resolved; and she had agreed with that.

17 Q Well, let's assume for purposes of this discussion
18 that she's not satisfied with it. Mr. Seaver is either
19 incorrectly informed or has not correctly informed you?

20 A Well, I wish she had come and told me.

21 Q All right.

22 Well, her own language, what appears to be her
23 language or what I submit I believe it to be, states that
24 her concern is as you just posed it, that you bypassed the
25 hold points that needed to be established and reviewed by
the ANI.

1 Now, if that's her concern, my question to you is:
2 How did the process of the NCR address that concern?

3 MR. WALKER: Bob, I'm going to have to object.
4 I am afraid I don't see the relevance of this line of
5 questioning to the issue of harassment and intimidation.

6 MR. GUILD: It's obviously, apparent, to me; and
7 I'm going to press the point. I would like to be allowed to
8 complete the examination.

9 Ms. Neumeyer's contention is that the way this
10 document was processed reflected harassment of her efforts
11 to document that nonconformance.

12 And that's our position, even if the document does
13 speak for itself in that regard; and it is supported by
14 foundation in the witness' own testimony and his description
15 of her perception of the meeting that occurred after the
16 initiation of the NCR.

17 Now, he may disagree with that. That's his right
18 to do.

19 But what I want him to address is whether or not
20 the NCR's disposition addressed her stated -- the nonconformance
21 that she states in the original NCR.

22 MR. WALKER: But my question can be stated very
23 succinctly:

24 What does either the content of the NCR or its
25 disposition have to do with the issues of harassment and

1 intimidation, the subject of this proceeding?

2 MR. GUILD: She states that she was pressured into
3 concurring with the disposition to an NCR which she did not
4 agree.

5 MR. WALKER: She states that?

6 MR. GUILD: She states that. And I submit the
7 statement that I asked Mr. Purdy to comment to, the statement
8 I represent to be hers, given to the Texas Employment
9 Security Commission, reflects just that position.

10 Now, I'm not asking him to agree that's true.
11 I simply submit to you that that's our view of the circum-
12 stances; and I am asking him now to address the questions
13 of how the disposition of this NCR responded to her expressed
14 concern in that NCR.

15 MR. WALKER: Okay. I appreciate your clarifica-
16 tion of what you are doing.

17 But in light of that, I recast my objection, which
18 is: this question is based not on a fact established in this
19 record,, but on your representation based on a document
20 that you are not making an exhibit to this deposition, that
21 that is Ms. Neumeyer's position.

22 MR. GUILD: I ask you to assume it as a fact, and
23 you can treat it as a hypothetical for purposes of this
24 examination.

25 I submit Ms. Neumeyer will testify and we will seek

1 to show by competent evidence the facts which I represent.

2 But for purposes of this examination, take it to be
3 factual to assume.

4 Beyond that fact, the documents, the nonconformance,
5 and assuming she wasn't satisfied with this disposition,
6 Mr. Purdy, if that bears on your answer, how does it --

7 MR. BACHMANN: I need to ask a question:

8 Could Mr. Purdy explain perhaps in more layman-
9 like terms what it appears from that document what Ms.
10 Neumeyer's concern was?

11 MR. WALKER: "This" document? For the record,
12 what document?

13 MR. BACHMANN: I am talking about the NCR that
14 she created, signed, whatever.

15 MR. WALKER: Page 1. Okay.

16 THE WITNESS: The NCR as written indicates
17 to me that because final DT and PT or MT were performed on
18 1-14, instead of the 1-17 that's indicated there, that
19 the final NDU was signed at time of issuance of the RPS,
20 that RPS of which was to appear as rejected information RT,
21 that the QC hold points that were necessary following that
22 repair of the RPS for an additional PT or MT and a VT
23 were not established by QC and the ANI. It was done without
24 that.

25 MR. GUILD: By weld engineer.

1 THE WITNESS: What I -- what I am saying is
2 that if the man signed this in error and it was in fact the
3 17th instead of the 14th, which is what they are trying to
4 say here, they didn't bypass QC and ANI hold points for the
5 final VT and PT; they hadn't got there yet -- if his date
6 was in error.

7 That's all I understand in the scenario.

8 BY MR. GUILD:

9 Q Yes. Now, with that explanation that is the
10 outcome.

11 I ask you to assume, as I submit was the case,
12 I ask you to assume as I submit it was Ms. Neumeyer's
13 concern, that was that the signature wasn't in error at all,
14 but that the final occurred on the date as originally
15 indicated.

16 Now, assuming those facts, which I ask you to do
17 how does the NCR address her concern about the establishment
18 of hold points?

19 MR. WALKER: Are you asking him to assume those
20 as facts, or are you asking him to assume Ms. Neumeyer believed
21 those as facts?

22 THE WITNESS: Yuh, assuming Ms. Neumeyer believed
23 that to be true, that the date really was the 14th, then
24 that probably doesn't address her concern; would not address
25 her concern.

1 That's why it was my understanding that she did
2 concur with that.

3 Now, if she thought she was forced to concur with
4 that interpretation, and the inspector and a witness that
5 it is my understanding has no lost love for the individual,
6 who corroborated that he actually did it on the 17th and
7 not the 14th, okay, then, if there was any doubt in her mind
8 about that; then she has avenues, options open to bringing
9 that to somebody else's attention as I discussed earlier.
10 Which she didn't do. She didn't tell me.

11 BY MR. GUILD:

12 Q And would you agree with me, Mr. Purdy, that if
13 she were pressured to concur in the disposition with which
14 she didn't agree, a disposition that may have been
15 inappropriate, -- and we submit that we intend to show that
16 it was -- that would be improper?

17 It would be improper pressure on her to concur
18 with a disposition that she didn't agree with?

19 A Certainly.

20 MR. GUILD: Let's see if we can mark this here,
21 and recognizing the document's deficiencies, the copy's
22 deficiencies, as it exists, and I would hope that we can get
23 a better copy that will clarify some of the illegibility,
24 et cetera; that would help.

25 But as previously identified, missing one page,

1 and I would ask that the NCR number of 12-1-63 be
2 identified as Purdy Exhibit 42-3, and we offer it in
3 evidence.

4 (The document referred to was
5 marked Purdy Deposition
6 Exhibit 42-3 for identification
7 and offered in evidence.)

8 MR. WALKER: I will object to its admission on
9 the ground that it is first of all incomplete. The copies
10 that have been produced are of such quality as to preclude
11 a definitive determination of the accuracy of the contents
12 or the authenticity of the document.

13 MR. BACHMANN: I would suggest that when the
14 transcript is received by the applicants for Mr. Purdy's
15 review and signature that the Applicants, that when they
16 return that original, they enclose clean copies made from
17 their own records, a complete copy, and any notations that
18 have changed Purdy's testimony based on the availability of
19 the original document.

20 MR. GUILD: Well, I submit that first the document
21 is authenticated, has been authenticated, and although it
22 has the deficiencies noted, it is properly receivable in
23 its present form.

24 I do think it is helpful and agree that
25 if there is a better copy, it could be included.

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1 The mechanism suggested by counsel for the Staff is fine,
2 with one exception, and that is, first, Mr. Purdy in
3 reviewing his deposition is not permitted to make substantive
4 changes in his testimony.

5 The practice is to allow him to review the
6 document, make changes, make corrections that are of a
7 typographical error or that reflect inaccuracies in the
8 transcription of that testimony; and not substantive
9 changes.

10 If there is a need to make changes of substantive
11 character, there are remedies for doing that. But they are
12 not by way of corrections to the transcript.

13 MR. BACHMANN: Well, my suggestion was based upon
14 having a clearer, cleaner copy, and that he may not have
15 been able to read something from the missing page 2 of 9;
16 and that might require additional comments.

17 It is agreed that it is not a complete set and it
18 is not totally legible.

19 MR. GUILD: There are remedies available for doing
20 that, but they are like the remedies available for any other
21 evidence that comes available after a witness have left the
22 stand.

23 And there is no reason to construct a special
24 proceeding to handle this any differently from any other
25 matter of that sort.

1 My point is that I assert that the material
2 portions of that document are available to us, and we've
3 discussed them.

4 MR. WALKER: Well, I think there is a good reason
5 for some special handling in this particular case inasmuch
6 as this is not a basic run of the mill deposition, but a
7 deposition that is being taken for -- expressly for
8 evidentiary purposes.

9 As you well know, Bob, I think, any copy of a
10 document as imperfect as that one was, missing one out of
11 nine cases and -- one out of nine pages -- and some of the
12 pages that are there having information that may or may not
13 be material cut off in the copying process.

14 I can't imagine that any trier of fact would
15 allow you to examine the witness on the basis of such a
16 document.

17 Therefore, for the record, I would like to state
18 now, my position, which is that all of the testimony should
19 be stricken unless we can have some accommodation so that
20 if when Mr. Purdy has an opportunity to review a copy of the
21 document that does not suffer from the defects that this one
22 does, he can be permitted to make whatever changes in his
23 testimony as may be mandated by his review of a true and
24 accurate copy of the document.

25 MR. GUILD: We would strenuously except from that

1 proposal.

2 This document comes, is available, only through
3 the diligence of an employee, an ex-employee of Applicants,
4 who believes that she was the victim of harassment and
5 intimidation at the hands of quality assurance personnel
6 of Applicants.

7 She has the best evidence available and that
8 happens to be a copy that may have some deficiencies to it.
9 But it is evidentiary and of obvious probative value.

10 The fact that we don't have the original document
11 nor the luxury of a more pristine copy available at the
12 moment from Applicant's files, should not hamper us in the
13 ability to offer what is of obvious value as evidence.

14 Nor should we privilege of this witness or
15 Applicants with wholesale leave to alter the substance of the
16 testimony for reasons that have nothing to do with the
17 deficiencies in the document.

18 And I submit that if there's need to make changes
19 in the testimony that do bear, that are related to deficiencies
20 in the document, that Applicants have abundant remedies
21 to be able to make a case to do that.

22 And I have a problem with that, if that's genuinely
23 the case. I am not going to stipulate to wholesale leave
24 for Mr. Purdy or Applicant's counsel to change the
25 gentleman's testimony because of a bad copy.

1 I think our positions are well-reflected on the
2 record. I do think we should have a good copy in, but I
3 don't think that that should require us to waive rights
4 to insist on an opportunity to examine the witness now -- well,
5 or at a later time.

6 MR. WALKER: Because I think our respective
7 positions are going to necessitate ultimately a ruling by
8 the Board on this issue, I think there are a couple more
9 points that I need to make for the record:

10 First of all, whether Intervenors came by their
11 copy as a result of the diligence of a former employee, or
12 as a result of the improper removal of documents from the
13 site, that is something that I suppose remains to be
14 determined.

15 The --

16 MR. GUILD: Is that an allegation that counsel is
17 making?

18 MR. WALKER: No. It's not an allegation. It is
19 something that seems to be will need to be determined.

20 And it was your characterization originally, which
21 may or may not be accurate; I would just like to reflect that
22 based on what little I know about the situation, there is at
23 least one other characterization which comes to mind.

24 Secondly, I think the -- your position is at best
25 somewhat disingenuous when you argue that you should not be

1 prejudiced or disadvantaged in any respect because of
2 your not having a perfect copy.

3 Presumably you have had access to the copy which
4 you submit here today for some time. As you know, there's
5 been a rather comprehensive document request filed in this
6 proceeding. It was not, however, cast in such a manner
7 as to request the production of the very document on which
8 you have examined the witness here today.

9 I think there was an alternative available to
10 you, readily available to you; and exercised quite exten-
11 sively with respect to other documents in this proceeding;
12 and there's no apparent reason why it could not have been
13 utilized with respect to this document.

14 So I think that what we have here is a case of
15 the Intervenor's failure to obtain a useable copy of the
16 document.

17 I think under those circumstances the insistence
18 that Mr. Purdy's testimony must stand as is, irrespective
19 of whether review of a complete, true and correct copy of the
20 original of the NCR in question might militate a correction
21 of some portion or all of his testimony, is quite
22 unreasonable and improper.

23 MR. GUILD: I don't have any more speeches to make
24 on it, because I think our positions are well reflected on
25 the record.

1 MR. JORDAN: I would state for the record that I am
2 not aware of any limitations in the rules of procedure
3 with regards to the nature of changes to be made in the
4 transcript.

5 I do not mean to suggest that Purdy would need or
6 desire to substantively change his testimony given here
7 today.

8 However, absent some prior ruling of the Board,
9 of which I am unaware, which would preempt the application
10 of the federal rules, as I say, I am not aware that those
11 rules are limiting on the nature of changes which may be
12 made at the time the witness reviews the transcript.

13 Whether or not those changes are substantive may
14 be the subject of argument to the Board with regard to the
15 weight to be given those changes; but I do not believe they
16 are precluded.

17 MR. GUILD: Is that Applicant's position?

18 MR. WALKER: Yes.

19 MR. GUILD: You have the right to know our view
20 that is not only inconsistent with the provisions of the
21 rules, but the practice.

22 And if it's Applicant's intention to make wholesale
23 changes in the witness' testimony that's been recorded, which
24 changes do not bear on the accuracy of the transcription,
25 but more on obvious typographical-transcription errors,

1 we would strongly object and suggest that that matter be
2 resolved before much time and effort is wasted in such
3 an endeavor.

4 I am not suggesting we do that now. I am just
5 saying if you intend to offer a ream of substantive changes
6 let's get a ruling on it; because I would sense it is highly
7 improper, and we might as well get that advance ruling before
8 you go ahead and do it.

9 MR. WALKER: Well, I think the issue will not and
10 would not be ripe for resolution until such time as
11 changes in a transcript are submitted that in your view will
12 be more extensive than would be allowed by whatever
13 restrictions you think might apply.

14 MR. GUILD: It's our view that such changes would
15 necessitate Applicants' or the witness' counsel, if the
16 witness seeks to make a change independent of Applicants,
17 seeking a relief that will permit that.

18 MR. WALKER: We certainly would not agree to that,
19 but I do not see the need to argue it further.

20 MR. GUILD: That, we agree on.

21 (Recess)

22 MR. GUILD: Okay.

23 BY MR. GUILD:

24 Q Would you please comment on what is described as
25 the T-shirt incident?

1 And also what was your involvement in that matter?

2 A They were Brown & Root employees involved in the
3 electrical inspection group, safeguards building.

4 Q Quality control inspectors?

5 A Yes, sir.

6 MR. WALKER: Just a moment.

7 Bob, I'm going to have to ask you, since this is
8 beyond the scope of the issues identified as those that you
9 intended, that CASE intended, to examine Mr. Purdy on in
10 this deposition, I need to ask you to indicate at this time
11 whether this examination is intended for discovery?

12 MR. GUILD: It is not. And I submit that it is
13 within the scope of the subjects that are listed on the
14 appendix that's been described as the -- Appendix A Generic
15 Items Reflecting Knowledge of Instances of Alleged Harassment,
16 Intimidation of Quality Control Inspectors.

17 I am paraphrasing, I don't have the document in
18 front of me.

19 We submit it is within the scope, including the
20 direct examination.

21 MR. WALKER: Well, for the record, let me state that
22 I submit that it is not.

23 You may proceed with your examination subject to
24 that objection which of course would put it in issue whether
25 this portion of the transcript is discovery or evidentiary.

1 MR. GUILD: You put it in issue if you want.

2 BY MR. GUILD:

3 Q Mr. Purdy, does that incident reflect the expression
4 of concerns by quality control inspectors that they were
5 impeded in the performance of their inspection effort, or
6 that they were the subject of harassment and intimidation?

7 MR. WALKER: I am going to object on hearsay
8 grounds to that question.

9 THE WITNESS: Actually, the way I understand
10 the situation, and I was not directly involved in the
11 incident that actually led up to the T-shirt situation, but
12 only in being called down as the administrator to interface
13 with that.

14 It was most probably a show of or sign for being
15 what they considered being a concern for being impeded in
16 their inspection effort. At least that's the way I would
17 look at it.

18 Q What did the T-shirts involve? Just give us a
19 short version, so we can identify the incident; and I am
20 interested in your involvement?

21 A Apparently a number of T-shirts that had something
22 to the effect of "we're nitpickers, we pick nits" -- it was
23 located across the front of the T-shirt.

24 There were eight of them, as I recall that wore
25 them in one day.

1 It is my understanding that as a group, they
2 walked through the area of their responsibility and that
3 there was some question between management and the QC
4 personnel over whether that was appropriate in the area.

5 That was brought to the attention of the site
6 QA supervisor --

7 Q Who is that?

8 A Tolson.

9 Who had them brought over to the administration
10 building to ascertain what the purpose of the group T-shirt
11 issue was.

12 Because there was some fear of construction,
13 physical problems, or reprisals relative to that, they were
14 took in the administration building until Dallas, Texas
15 Utilities, had been apprised of it.

16 And I talked to the gentlemen very briefly when I
17 went in and indicated that the primary reason we'd like them
18 to stay in the area was because there was some fear of
19 the Applicant and construction supervision in the area, not
20 thinking in a humorous fashion; and that until we could
21 decide what we would like to do with the situation, we would
22 like them to stay in the area and talk to Grier about problems.

23 Later that day, shortly after lunch, I guess, maybe
24 two or three, I got back and asked them when they were
25 through talking to Boyce if they could go home, please don't

1 wear the shirts back in again since it was obviously
2 creating a disruption in the project; we'd appreciate it.

3 That was the sum and essence of my involvement.

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4 MR. GUILD: We'll take five minutes.
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BY MR. GUILD:

Q. I asked you about the T-shirt incident and your involvement. How did the matter come to your attention? How were you asked to take any action in that?

A. I was asked by Mr. Tolson to come down to his office to observe the individuals that were wearing the shirts and to participate in whatever was going to occur.

Q. And what did you observe when you got there?

A. Audit inspectors in T-shirts. I believed that there was probably a great deal of management concern on the thing. In fact if it were me, I would almost, to my own way of thinking, consider it a sight that they were probably harassing me--not me but management. You might say I considered the thing to be moderately childish and juvenile, very unprofessional.

Q. Did you consider that the inspectors were being malicious or mean-spirited in the matter or was it a more fair characterization of their even being light in trying to express some humor about something, about a little bit of tension on the job?

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A. No, I think it would be more important to characterize it as arrogance and arrogant humor, not to try and spread jovial feelings among the job.

Q. So you thought it was mean-spirited.

A. Pardon me?

MR. WALKER: Objection.

BY GUILD:

Q. Could you represent that it was mean-spirited?

A. I was think it was a disruptive spirit.

BY GUILD:

Q. Disruptive to the extent that your management didn't view it as a matter of any humor?

A. As I indicated, I didn't think it was very funny. I thought it was very unprofessional.

Q. How did Mr. Tolson respond?

A. Similarly.

Q. Were you angry?

A. Was I angry? No. Disappointed, I believe would probably be a better characterization.

Q. Was Mr. Tolson angry?

MR. WALKER: Objection. Mr. Guild,

1 Mr. Tolson's deposition is going in just a few
2 rooms from us right now or at least everything
3 that's still going on, it seems to me that Mr.
4 Tolson can best attest to what his reactions
5 were.

6 MR. GUILD: I guess I think that
7 shouldn't preclude me from asking another person
8 who was present and witnessed the matter and he
9 was responsible in part for some management
10 response to the incident that he observed. He
11 certainly is competent to testify.

12 MR. WALKER: I don't know that he is
13 competent to testify as to Mr. Walker's reactions.

14 MR. GUILD: I'd ask that he answer it
15 to the best of his ability if he can answer it.
16 Would you explain why I'd ask him to explain why,
17 please.

18 THE WITNESS: When I got there,
19 Mr. Tolson said very little. And then, very
20 shortly after I got down there, I started interfacing
21 with Mr. Grier to make a decision--shortly after
22 I got down there, Mr. Merritt and myself were
23 the prime individuals involved in ascertaining what
24 should be done to the individuals or with the
25 individuals.

1 BY MR. GUILD:

2 Q. Who's Mr. Merritt?

3 A. Mr. Merritt is the Texas Utilities
4 project manager. He was interfacing at the time
5 with Mr. David Chapman and Mr. Bill Clements, who
6 he was speaking on behalf of and communicating
7 with them.

8 Q. And the question again was Mr. Tolson
9 angry?

10 A. I don't think he was very happy but
11 the degree to which he was angry I would be hard
12 pressed to tell you, because I talked with him
13 in essence none a few minutes after I got down
14 there.

15 Q. Mr. Tolson called you and that's what
16 got you to his office, is that right?

17 A. That's correct.

18 Q. Was he angry in talking to you on the
19 phone? How did he appear?

20 A. He appeared irritated, angry.

21 Q. All right. Now, how did you--did you have
22 any communication with Mr. Chapman or Mr. Clements
23 or others in Dallas management's position on this
24 at the time?

25 A. Not that I recall.

1 Q. How did you receive your instructions
2 or whatever guidance you got from senior management
3 about how you were to respond, if you did?

4 MR. WALKER: I want to object to that
5 question to a limited extent; it's a question that's
6 strictly seeking to obtain information about
7 guidance from management, then my objection would
8 not apply to the extent that it may be seeking
9 to obtain privileged attorney/client contact,
10 then I would object and direct the witness not
11 to answer the question regarding contact with
12 Counsel.

13 MR. GUILD: Well, that sort of submits
14 that you talked to a lawyer.

15 BY MR. GUILD:

16 Q. Did you talk to a lawyer?

17 MR. WALKER: I direct the witness
18 not to answer.

19 MR. GUILD: Counsel, I will respect
20 the substantive position that the record should
21 have a foundation that he talked to a lawyer and
22 that's a matter of fact. That is clearly not
23 protected under any extension of the attorney/
24 client privilege that I'm aware of underlying
25 facts and circumstances even those that are

1 communicated in a client/attorney exchange are
2 not immune from inquiry. And my question is much
3 more limited. I simply want to ascertain whether
4 or not he--Mr. Purdy--had such contact. I think
5 the record needs to reflect that. If you're
6 asserting such an objection, Walker, would you
7 permit me a moment to confer with Mr. Purdy's
8 personal Counsel.

9 MR. GUILD: Sure.

10 (Discussion off the record.)

11 MR. WALKER: Sorry for the interruption.
12 We are prepared to permit the witness to answer
13 the pending question, but we would alert Counsel
14 for the Intervenor to the fact that any question
15 seeking to determine the substance of any such
16 conversations might largely be impermissible and
17 we will direct the witness not to answer such
18 questions.

19 BY MR. GUILD:

20 Q. Mr. Purdy, how about answering the
21 last question, please?

22 A. Mr. Merritt and myself met with a
23 young gentlemen from Vinson & Elkins by the name
24 of Toby White.

25 Q. And he was a lawyer?

1 A. He was a lawyer. At that particular
2 point, we determined there was absolutely nothing--

3 MR. WALKER: Objection. Witness, I'm
4 sorry.

5 MR. JORDAN: I need to talk to Mr.
6 Purdy.

7 MR. GUILD: I'd appreciate whatever
8 you say now you say on the record, please. If
9 you want to counsel Mr. Purdy on this point, as
10 he just consolved it, and there's a pending question.
11 In fact, the witness was interrupted in the middle
12 of the questions. State what you want to state
13 on the record, if you want to.

14 MR. JORDAN: No, I want to counsel
15 with my client because Toby White is my
16 associate and in order to state--in order to
17 determine whether or not I have an objection,
18 I need to discuss with Mr. Purdy the substance
19 of--

20 THE WITNESS: I would like to consult
21 with my Counsel.

22 MR. GUILD: Well, I would ask that you
23 not do that. I mean, obviously you're free to do
24 what you want to do. But I would ask that the
25 record reflect that I have a question pending.

1 That the witness was in the middle of answering.

2 MR. JORDAN: I believe he answered
3 the question.

4 MR. GUILD: Excuse me, sir. He didn't
5 answer the question. He was cut off by a different
6 counsel in the middle of his sentence here. I want
7 this record to reflect the true, complete and
8 accurate statement of the gentleman's testimony,
9 unschooled by his lawyer, unschooled by the lawyer
10 for the Applicants, and I should be entitled to
11 his spontaneity. It's an area to response that's
12 not subject to counsel, and I would ask that the
13 witness complete the answer to the question and
14 testify further on this line. I've stated my
15 position on the subject previously; you know what
16 it is that was part of the last break, but I request
17 that you not counsel with him and you allow him to
18 answer the question.

19 MR. JORDAN: I'm going to counsel with
20 him.

21 MR. GUILD: Would the records please
22 reflect that the witness left the room--

23 MR. JORDAN: With his Counsel.

24 MR. WALKER: With his personal counsel,
25 Counsel for the Applicant is remaining in the room.

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MR. JORDAN: I have a statement for the record.

A moment ago I interrupted Mr. Purdy's answer because I believed he had answered a question that had been asked and was about to volunteer what was privileged and confidential material; that is the subject of his conversations with his lawyers.

I have taken the opportunity to discuss the substance of his communications with counsel with Mr. Purdy, and he is now prepared to finish the answer to the question that was asked.

MR. GUILD: The record should reflect that that counseling took several minutes and that the answer is subject presumably to the instructions of counsel.

MR. JORDAN: The record should also reflect that counsel only took a couple of minutes, not several minutes, and that the lengthy delay that we have had here is primarily occasioned by Intervenor's counsel being absent from the room.

MR. GUILD: We can fight about who took how many seconds, but the testimony which follows is nonetheless subject to the recess insisted upon by counsel for the witness.

BY MR. GUILD:

Q Mr. Purdy, please provide whatever answer

1 you are prepared to provide.

2 A I said I spoke with Toby White, the lawyer
3 from Vinson & Elkins, an associate of Mr. Jordan's, who
4 was representing Brown & Root -- has represented Brown &
5 Root, and was representing me at the time as Brown &
6 Root management. I also had a conversation with Mr. Nick
7 Reynolds of Debevoise & Liberman.

8 Q Does that complete your answer?

9 A Yes, sir.

10 Q Now help me understand this. During your
11 normal work you get a call from Mr. Tolson telling you
12 about the T-shirt incident, and at that point you sought
13 out counsel?

14 A No, not at that point. I sought out
15 counsel, Mr. White was down there on another Brown & Root
16 personnel matter at the time.

17 Q I just can't hear you.

18 A Mr. White was down there on another Brown
19 & Root personnel matter at the time, and I sought out
20 Mr. White.

21 MR. JORDAN: I am going to object to any
22 further questions about communications with Mr. White,
23 asserting the attorney-client privilege. I think you got
24 the answer to your question. I don't think you are
25 entitled to probe around the circumstances of attorney-

1 client consultations.

2 MR. GUILD: I don't think you have any
3 such blanket prerogative to prevent the flow of relevant
4 evidence that bears on this license case, counsel. If
5 you have a specific basis for asserting privilege as to
6 this subject, I wish you'd state it, because you have
7 simply only made a blanket assertion and I think you said
8 the subjects of consultation were even privileged. If
9 you have an authority that supports that blanket assertion
10 of privilege, that I maintain applies very clearly not
11 to underlying facts that are relevant to this litigation,
12 but only conceivably to bonafide advice that is entitled
13 to that confidence, I would ask that you state specifically
14 what the basis for your assertion of blanket privilege is.

15 MR. JORDAN: I'm not asserting any blanket
16 privilege. I think the witness has testified that he had --
17 he sought out my associate, Mr. White, who was down here
18 acting in his capacity as counsel to Brown & Root at the
19 time, and that he sought Mr. White out in the performance
20 of his management responsibilities as an employee of
21 Brown & Root.

22 MR. GUILD: He hasn't said a thing about
23 that.

24 MR. JORDAN: That's exactly what his
25 testimony was, and I am submitting that you are not entitled

1 to go into the substance of that consultation.

2 MR. GUILD: Counsel, I think you have -- I
3 think you are wrong, and I think you make claims that are
4 unsupportable or are much too broad, and the last
5 observation elicited a fact or submitted a fact which was
6 not elicited from the witness, but properly should be, and
7 not be the subject of counsel's stipulations or assertions
8 or be advanced in the context of a claim of privilege.

9 I am entitled to seek facts and you are not
10 entitled to cloud those facts or hide those facts simply
11 by blanket assertion of privilege, which is what I had
12 understood you to have done.

13 You maintain otherwise, but since you have
14 objected, I don't know how else I can -- you have objected
15 to the subject matter. It can only viewed as an overbroad
16 and nonspecific fashion.

17 How else can I understand the claim of
18 privilege? I am sensitive to a genuine claim of privilege.
19 I started out saying I have no desire to transgress
20 that legitimate prohibition, but all I hear from you,
21 counsel, is anything you might possibly ask on this
22 subject is beyond that.

23 MR. JORDAN: Mr. Guild, I do not think you
24 have any right to inquire into the substance of
25 communications between a client and his or her attorney, and

1 I think that your arguments to the contrary are an
2 indication of bad faith.

3 MR. GUILD: You can say whatever you
4 like, sir, but that is uncalled for and not true. I can
5 resent it all I like and state that for the record, that
6 it's uncalled for and unnecessary. Your resort to that as
7 an ad hominem reflects, it seems to me, on your professionalism
8 and is certainly not based on anything I have had to say.

9 BY MR. GUILD:

10 Q Now, to the witness, your counsel offered
11 his factual observation that you were seeking counsel as a
12 manager of Brown & Root. Do you do that regularly? Do
13 you consult with a lawyer before you make management
14 decisions with respect to how you respond to concerns
15 by quality control inspectors, for example?

16 MR. JORDAN: Objection. I instruct the
17 witness not to answer.

18 MR. GUILD: On what basis?

19 MR. JORDAN: Again I think you are getting
20 into the substance of the communications by questioning
21 the witness about his practices in dealing with counsel.
22 He has testified very clearly that he sought Mr. White's
23 advice and that he was acting in his capacity as a Brown &
24 Root management official in doing so. It's on the record.

25 MR. GUILD: He didn't say that.

1 MR. JORDAN: It's on the record.

2 MR. GUILD: You said that. I'm not asking
3 about communication. I asked the question that's pending
4 and that was in the course of performing his duties, does
5 he regularly consult with counsel before he makes
6 management decisions?

7 I am entitled to that, sir. It has nothing
8 to do with anything that is privileged. It has to do with
9 his exercise of his performance as a manager. By any
10 conceivable analysis you could place on that question, it
11 is no confidence that that probes or is focused on, sir.
12 And tell me if it is, because I want to understand the
13 nature of your claim.

14 I think the nature of the claim is bogus.
15 I think the assertion of it at this point reflects the
16 fact it's an overbroad --

17 MR. WALKER: If I may --

18 MR. GUILD: It's the claims being asserted
19 now by his personal lawyer and I'd like to have him state
20 very specifically a basis for the claim of privilege.
21 That was the last claim.

22 MR. WALKER: I'd like to make a procedural
23 point.

24 MR. GUILD: First I'd like to have that
25 response, please.

1 MR. WALKER: I think this procedural point
2 is one that can and should be made here. I think that
3 you have to recognize, Bob, that the issue of attorney-
4 client privilege is a sensitive one. As you well know,
5 the privilege, once waived, cannot be reclaimed. I don't
6 know about anyone else in this room, but I personally
7 do not know whether the question of the regularity of
8 consultation with counsel is a self-privilege, but if it is,
9 and that risks a waiver, I can appreciate the difficulty
10 that Mr. Jordan is placed in by your question.

11 MR. GUILD: Let me cut this short. I went
12 to the NRC with this very issue. Applicants in the
13 Catawba operating proceeding asserted with great vigor
14 that I was not entitled, since they were employees of --
15 since counsel for Applicants, your firm, sir, Debevoise &
16 Liberman at the time, asserted blanket claims of privilege
17 that would prevent me, either from on the stand or off the
18 stand, inquiring into the substance of communication.
19 Facts, now, the facts that were communicated far closer
20 to the point than anything that's been said by these
21 gentlemen. They took it all the way to the Commission
22 and the Commission ruled and issued a decision dismissing
23 out of hand the request of stay and the request to deal
24 on the merits of the broad sweeping assertions of privilege
25 that your firm made in that case.

EXHIBIT
COTTON CONTENT

1 I submit to you, sir, that both the
2 Licensing Board, the Appeal Board and the full Commission
3 rejected your firm's claims of blanket privilege in that
4 case, so I am speaking to having fought this issue or an
5 allied issue, closely allied with this point, through
6 three levels of the NRC, and I speak with a fair sense
7 of confidence that I am not treading on privileged
8 communication, at least as the Nuclear Regulatory
9 Commission has interpreted this as it applies to workers
10 and licensees in these proceedings.

11 So, Richard, I am not trying to transgress
12 in an area where there is the least bit of question in
13 my professional judgment about the propriety of asking
14 the question that is now pending, and that is whether or not
15 his consultation with counsel is common practice, is what
16 he regularly does, so that I can understand the basis
17 for him seeking counsel at this point.

18 I didn't ask what lawyer said to client
19 or client said to lawyer, and I am trying to avoid even
20 raising a question like that, because frankly the line
21 of questions at the outset and the responses at the outset
22 seemed of complete innocence to me, and only the zeal to
23 which the witness and his counsel resist the line of
24 inquiry reinforced to me the point that there is something
25 by way of fact here that is very, very damning to Applicant's

1 case or to this man as an individual.

2 MR. JORDAN: That is sheer speculation
3 on your part, totally ill-founded, without any support
4 whatsoever, and you have no right to assume that, based
5 on the legitimate efforts of our law firm -- or, rather,
6 of Mr. Purdy, the management representative of Brown &
7 Root. In fact, the senior quality assurance representative
8 of Brown & Root on this jobsite, to protect the attorney-
9 client privilege involving his communications with Brown
10 & Root counsel.

11 MR. GUILD: Are you asserting this privilege
12 on behalf of Brown & Root or on behalf of Mr. Purdy, or
13 both?

14 MR. JORDAN: On behalf of Brown & Root,
15 because Mr. Purdy had not retained us as his individual
16 counsel at the time of the conversation.

17 MR. GUILD: Are you his individual counsel
18 now?

19 MR. JORDAN: I am.

20 MR. GUILD: Are you also representing Brown
21 & Root now?

22 MR. JORDAN: I am not representing Brown
23 & Root in connection with -- I shouldn't say that. I have
24 a client relationship with Brown & Root which is
25 continuing. Brown & Root is not, however, I think as you know

1 a party to these lawsuits and proceedings.

2 MR. WALKER: If I could just make the
3 procedural point I started to before you interrupted me.
4 All I was trying to say is we are dealing with a sensitive
5 issue. I don't doubt the strength of your conviction. You
6 have amply demonstrated that for us. I hope you can
7 appreciate the fact that at least to my knowledge no one
8 in this room, including myself, has been a participant
9 in the Catawba proceedings that you described, and I
10 frankly don't know what the rulings were or the context or
11 anything of that sort, but that is really beside the point.

12 What I am trying to get at is all of us,
13 including you, as I understand it, have some time constraints.
14 My suggestion is, in view of the sensitivity of the
15 privilege issue, and the fact that Mr. Jordan has made
16 clear that in his view further questioning along this line
17 is improper, that we go into another subject so that we
18 can complete everything but that inquiry, and if a ruling
19 by the Board is necessary at the conclusion of the deposition,
20 then we can pursue that at whatever time is convenient.

21 MR. GUILD: I think that is an appropriate
22 suggestion, and I just want to make clear that we reserve
23 our rights to press this point.

24 I think you are wrong and I appreciate the
25 strength with which you assert your views, but it seems to me

1 the appropriate thing to do is to try to complete what is
2 in front of us.

3 MR. JORDAN: I think that is a wise
4 suggestion. I want to make two points for the record:

5 Number one, the vigor with which we are
6 asserting this view is based on the integrity of the
7 privilege and not on any damning underlying information.

8 Number two, the reason I object to the
9 questioning -- the reason I object and question the
10 inquiry regarding the regularity with which Mr. Purdy
11 seeks counsel on behalf of Brown & Root is because I do not
12 believe that question is in any way relevant to the
13 exercise of the privilege. Any time a person acting in
14 his individual capacity or acting as a representative
15 of a corporation seeks out legal counsel on behalf of that
16 corporation or his own behalf, he is entitled to assert
17 the privilege.

18 MR. GUILD: I will maintain otherwise,
19 counsel, but I do maintain that it's relevant to understand
20 this gentleman's exercise of his management responsibilities
21 to be able to understand the context in which he seeks
22 counsel.

23 That doesn't mean I'm not seeking the
24 content of the communication, but I am trying to understand
25 as a manager the tools he uses. I am just posing this

1 hypothetical because the subject is one we are not going
2 to pursue at this point. But if it is a regular management
3 tool that he seeks with some regularity, and if I were
4 to have directed the question to him with respect to a
5 number of these other subjects of dispute and the answer
6 had been yes, I sought counsel at that point and that
7 was the end of the inquiry, so we had a factual record
8 to establish a contextual basis for understanding the
9 seeking of counsel in this instance, it would be abundantly
10 clear whether or not access to counsel and seeking counsel
11 formed a regular part of the exercise of his management
12 responsibilities.

13 I maintain it is relevant, and let's just
14 agree to disagree in terms of --

15 MR. JORDAN: That's fine, but let me just
16 point out that asking the question did you seek counsel
17 in this particular situation is very, very different
18 from asking the question do you regularly seek counsel
19 in such situations. That question, we submit, is improper
20 and is getting too much into the substance of the client's
21 dealings with his counsel and communications relationship.

22 MR. GUILD: I could argue at length, and
23 I'm sure we could come up with a number of evidentiary
24 theories to support what I believe in good faith to be
25 the validity of this line of questioning.

ar3pbl

1 We have agreed we're not going to go into it now.

2 MR. WALKER: If I may, since this sounds like it
3 may well be an issue that ends up needing to be decided by
4 the Board, I think it appropriate, especially inasmuch as
5 I believe you're leaving, and I may be leaving, that all of
6 the parties represented should briefly establish their
7 positions. And therefore, for the record, I would like to
8 state that among other problems with the line of questioning
9 I don't see that it is relevant to the issues in this
10 proceeding.

11 Mr. Bachmann, do you want to take a position on
12 behalf of the NRC?

13 MR. BACHMANN: I would say that the Staff's position
14 goes to the relevancy of the line of questioning we have not
15 objected, in the interest of moving the deposition along
16 and getting information out. However, if there is an objection
17 on the floor to the line of questioning, we would certainly
18 object on the basis of relevancy.

19 I fail to see how this connects with specific
20 acts of intimidation that have been alleged.

21 MR. GUILD: Our position, if need be, will be
22 amplified at the time we argue the point. The time is now
23 5:30 and we have occupied considerable time on this subject.

24 MR. BACHMANN: I might want to just reiterate my
25 caution that I may need up to 20 minutes.

ar3pb2

1 MR. GUILD: Fine.

2 BY MR. GUILD:

3 Q Mr. Purdy, let's turn to another subject and see
4 if we can complete what's ahead of us. Do you know a
5 Mr. J.J. Lipinsky?

6 A No, sir.

7 Q Have you ever heard the name?

8 A No, sir.

9 Q Who is Harry Williams?

10 A Harry Williams was a supervisor, QC supervisor in
11 the protective coatings group.

12 Q I think you have testified previously that there
13 have been some problems in the protective coatings area.

14 A Yes, sir.

15 Q And what was Mr. Williams' involvement in those
16 problems, if you understand it, or if you know?

17 MR. WALKER: Objection, hearsay.

18 BY MR. GUILD:

19 Q Please answer.

20 A It is my understanding that Mr. Williams had
21 definite communications problems with some of his field QC
22 inspectors.

23 Q And was Mr. Williams terminated?

24 MR. WALKER: Objection, hearsay.

25 THE WITNESS: I don't know.

ar3pb3

1 BY MR. GUILD:

2 Q What do you understand the circumstances of Mr.
3 Williams' departure to be?

4 MR. WALKER: Same objection.

5 THE WITNESS: Mr. Williams, to the best of my
6 knowledge was transferred by Gibbs & Hill. As I understand
7 it, it was in discussion for quite some time.

8 BY MR. GUILD:

9 Q Was Mr. Williams, to your knowledge the subject
10 of any adverse action by his employer or by Applicants, or
11 other responsible authorities of the site for his conduct
12 with respect to quality assurance?

13 MR. WALKER: Objection, hearsay.

14 THE WITNESS: Let me make sure I understand. It
15 was Mr. Williams -- was anything done to Mr. Williams as a
16 result of this, sir? Is that what the question is?

17 BY MR. GUILD:

18 Q Yes, yes.

19 A Not to the best of my knowledge.

20 Q I show you a document that's entitled departmental
21 correspondence with the date of August 8, 1983. It says to
22 R.B. Roth from J.J. Lipinsky, subject "Trip Report" OBC,
23 job number H8301 (Comanche Peak Unit 1, Glen Rose, Texas.)

24 MR. WALKER: Let me ask, Bob, do you intend to
25 make this document an exhibit at this deposition?

ar3pb4

1 MR. GUILD: Let's mark it then as Purdy 42-4.
2 (The document referred to as
3 Purdy Exhibit No. 42-4 was
4 marked for identification.)

5 MR. ROTH: I object to the admission of this
6 document on the basis that Mr. Lipinsky is due to be deposed
7 some time this week and that is the proper time to introduce
8 it.

9 MR. WALKER: I'd like to state the same objection.
10 I'd also like to object, if it is counsel's intention to
11 move its admission into evidence on the grounds that it is
12 hearsay.

13 MR. GUILD: I ask that it be received in evidence.

14 BY MR. GUILD:

15 Q Now I direct your attention to some portions of
16 this document. It's --

17 MR. WALKER: To save time, Bob, let me note a
18 continuing objection to any questions relating to this
19 document, based on two grounds. First, the failure to
20 authenticate and lay a foundation.

21 And secondly, the fact that the document itself
22 is hearsay and inadmissible.

23 BY MR. GUILD:

24 Q Page 3 of the document, the following writer's
25 observations and opinions of the site visit.

ar3pb5

1 To some extent a parallel can be drawn with
2 Comanche Peak and Zimmer. Comanche Peak is doing inspections
3 to the degree that they, Comanche Peak, are comfortable with
4 or will tolerate. However, in the real world, there are
5 requirements that have to be satisfied in at least the area
6 of materials, storage, painter qualifications/indoctrination,
7 documentation and traceability.

8 Indications are that Comanche Peak falls short
9 in adequately satisfying these requirements. The writer's
10 opinion is that management at Comanche Peak has deluded
11 itself into thinking that everything is all right, or it
12 will all come out in the wash. The fact that management attempts
13 to squash any efforts to point out quality problems
14 has led to a morale problem with the inspection staff. Let
15 me direct your attention to some of the factual observations
16 that are made in that passage.

17 First, in at least the areas of material storage,
18 painter qualification and traceability, indications are that
19 Comanche Peak falls short in adequately satisfying these
20 requirements. Now, are you aware of any deficiencies in
21 those noted areas with respect to compliance with either
22 site procedures, policies or NRC regulatory requirements?

23 MR. WALKER: As to that question, I need to
24 interpose the additional objection that the witness, to my
25 knowledge, is not in a position to have personal knowledge

ar3pb6

1 regarding those issues.

2 MR. GUILD: That should be reflected in the
3 witness' answer for the record, and it doesn't seem to me
4 to be a basis for counsel's objection or not. But would the
5 witness comment on that? Would the witness respond to the
6 question? Please respond and let us know what the basis of
7 your knowledge is?

8 THE WITNESS: I have no responsibility for the
9 protective coatings program. I don't know what their
10 procedures say or contain, and would have absolutely no way
11 of being able to answer intelligently on that, even through
12 hearsay. I don't get into communications about the building
13 program.

14 BY MR. GUILD:

15 Q Who is responsible for quality control on the
16 coatings program?

17 A The Applicant has the non-ASME program.

18 Q TUGCO?

19 A Yes.

20 Q Who would be the responsible official who would
21 have knowledge of deficiencies in the coatings program?

22 A I would imagine Mr. Vega.

23 Q The observation further on that same passage
24 which I read for the record, the fact that management attempts
25 to squash any efforts to point out quality problems, no NCRS,

ar3pb7

1 QC reporting to production, et cetera, to some extent confirms
2 the above, has led to a morale problem with the inspection
3 staff.

4 Are you aware of a morale problem with the
5 inspection staff, Mr. Purdy?

6 A I am aware that the inspection staff has had
7 morale problems, yes, sir.

8 Q Are you aware of management attempts to squash
9 any efforts to point out quality problems, and he cites some
10 examples?

11 A I am not aware of any attempts by management to
12 squash the identification of quality problems. I am aware
13 however, of the continuing debate over NCRs versus unsatis-
14 factory inspection reports.

15 Q Is that generally the case, or is that with
16 reference with the coatings area?

17 A Yes, sir.

18 Q When did Mr. Williams leave the site, do you
19 know, approximately?

20 A I think it was about the week after -- about a
21 week after the 26th, so it would be somewhere around the
22 first week in September.

23 Q 1983 I assume?

24 A Yes, sir.

25 Q Do you know Bobby Bronson?

ar3pb8

1 A I am familiar with Mr. Bronson, yes.

2 Q What did Mr. Bronson do at Comanche Peak?

3 A Mr. Bronson came to Comanche Peak, probably in
4 '82, late '81 as a QC inspector trainee in ASME. And
5 subsequently achieved a couple of qualifications in ASME
6 inspections.

7 Q And what were the circumstances of his departure
8 from the site, if you know?

9 MR. WALKER: I will object to the question on
10 the grounds of hearsay, inasmuch as I don't know myself
11 about the circumstances, so I'm not sure whether the witness
12 is in a position to have knowledge other than that which
13 would be based on hearsay.

14 BY MR. GUILD:

15 Q Mr. Purdy?

16 A The first time I recall the question of Mr.
17 Bronson's departure from the site coming up was when one
18 of my supervisors in the group he was working, indicated
19 that he hadn't been to work for several days and had an
20 attendance problem previously.

21 Several days passed after one episode and my
22 quality engineering manager was going to terminate Mr.
23 Bronson for failure to return when Mr. Bronson called and
24 said that he was quitting.

25 Q Called who, please, if you know?

ar3pb9

1 A My quality engineering manager and that was the
2 last I heard of Mr. Bronson until his limited appearance
3 at the June '83 ASLB hearings.

4 Q June '83?

5 A I believe, summer of '83.

6 Q September '82? If you don't know --

7 A I don't really remember them. It was probably
8 the first one.

9 Q Might it have been September of 1982?

10 A It could have been, yes, sir.

11 Q And he would have left the site approximately
12 that time, September of '82?

13 A Probably a few weeks before that, yes, sir.

14 MR. GUILD: Let me show you a document and let's
15 get this one marked, and this is the end. Let's mark this
16 as -- this is a document entitled notice to employer of claim
17 for unemployment insurance, name Bobby W. Bronson. It has
18 a date, signed by Mr. Bronson on apparently 9-16-82, and
19 let's mark this if we can please as Purdy 42-5.

20 (The document referred to as
21 Purdy Exhibit No. 42-5 was
22 marked for identification.0

23 MR. WALKER: Do you intend to move this into
24 evidence?

25 MR. GUILD: Yes, and I ask that it be received

ar3pb10

1 into evidence.

2 MR. WALKER: Then I must object to its admission
3 on the grounds that it is hearsay and on failure to lay a
4 proper foundation.

5 MR. BACHMANN: Staff joins that objection.

6 BY MR. GUILD:

7 Q Now, let me show you the document. It reflects
8 as follows, and I'm simply reading from the document. This
9 is the detail of Mr. Bronson's -- appears to be the detail
10 of Mr. Bronson's claim. The quality control work standards
11 are in violation of QC procedures. I was forbidden by the
12 lead man in materials verification to write NCRs on any
13 code violation I would witness. This is a violation of
14 10 CFR 50, ASME Section 3.

15 Also I testified before the Nuclear Regulatory
16 Commission 9-15-82 about these conditions. I feel B&R
17 wanted me to compromise my credibility as an inspector. Now
18 you're aware of Mr. Bronson's expression of concern that
19 he had been forbidden by his lead man in materials verification
20 to write NCRs on code violations?

21 A I was after his appearance.

22 Q D'd you take any action as a result of that
23 information?

24 A Yes, he's the lawyer.

25 Q Well, that seems to be your conclusion and

ar3pb11

1 expression of opinion. How about telling me what you did
2 and how you arrived at and formulated the opinion that you
3 expressed?

4 A I did a great deal of investigation of my
5 personnel. The gentleman that he was talking to at the
6 time is a young gentleman named Danny Leigh who never forbid
7 him to write an NCR.

8 Q How do you spell his last name?

9 A L-e-i-g-h.

end 3.

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1 Q How did you reach that conclusion?

2 A By talking to Mr. Leigh, by talking to Mr. Blixt,
3 by talking to some people in the group that were working
4 materials verification with Mr. Leigh and with Mr. Bronson.

5 Mr. Bronson had a very hard time understanding the
6 program and I am convinced after my investigation that
7 Mr. Bronson had no desire to understand the program.

8 Q You appear to have a very strong opinion on the
9 subject, Mr. Purdy?

10 A Yes, sir, I take objection to Mr. Bronson's limited
11 appearance in the hearings. I tried to rebut it. He made
12 allegations against the qualifications of my personnel. He
13 made allegations about the quality of the program and I would
14 stack the program and the people up against anybody in the
15 country.

16 Q When you say "rebut" what form did that rebuttal
17 take?

18 A I had requested at the time to also make a limited
19 appearance.

20 Q Did you do that?

21 A No, sir.

22 Q Who did you make that request of?

23 A Judge Bloch.

24 Q And what was --

25 A It wasn't appropriate since I was already testifying.

1 Q Had you testified previously?

2 A We were in the process of it and Mr. Bronson made
3 a limited appearance in the middle of our testimony.

4 Q Did you subsequently testify on this?

5 A No, sir.

6 Q I don't want to plough ground that has already
7 been ploughed.

8 A No, I did not.

9 Q You have subsequently testified?

10 A I have never testified to his allegations.

11 Q But you subsequently offered testimony and Applicants
12 did not present testimony from you on the subject, is that
13 the case?

14 A We did not address specifically Mr. Bronson. We
15 probably touched on some of the issues but I don't believe --
16 I don't recall directly addressing Mr. Bronson's allegations.

17 Q Why didn't you?

18 MR. WALKER: Objection.

19 It obviously gets into question of -- or at least
20 potentially gets into questions of legal strategy.

21 MR. GUILD: The witness himself opened the door
22 to this point and stated that he had prepared a rebuttal to
23 Mr. Bronson's position.

24 I believe the only fair inference to be drawn from
25 Applicants' failure to take what appears from the witness's

1 testimony to have offered evidence rebutting Mr. Bronson's
2 limited appearance claims, the only inference that can be
3 drawn is that that evidence would not have effectively
4 rebutted Mr. Bronson's claim.

5 MR. WALKER: Well, you obviously are at liberty
6 to draw whatever inference you will; however, I think you
7 are sufficiently experienced at litigation to know that there
8 may be any of a myriad of reasons that would enter into the
9 determination of why certain evidence might or might not be
10 offered.

11 MR. GUILD: That is why I want to know his under-
12 standing. I don't want counsel to offer suppositions about
13 the record as it stands now.

14 The witness claimed he could rebut that and he was
15 prepared at the time to rebut it. He was not offered by
16 Applicants and I submit an explanation of why that offer was
17 not made, if within the knowledge of the witness should be
18 made -- that is the pending question.

19 MR. WALKER: I take exception to that. If the
20 decision not to offer the evidence was the witness's then
21 you may have a legitimate right to know what was the basis
22 for that decision.

23 On the other hand, if the decision not to offer the
24 evidence was that of trial counsel, then I submit, Bob, that
25 you have absolutely no right, whether the witness knows or

1 not what provided the basis for that.

2 MR. GUILD: I disagree with that view and think
3 the principle is as I have stated it and I would ask the
4 witness to answer the question.

5 MR. WALKER: I will direct the witness not to
6 answer the question except if the decision not to offer
7 evidence on this issue was his and his alone or his in
8 conjunction with others excluding trial counsel.

9 MR. GUILD: There is no basis for instructing the
10 witness to narrow his answer that way. The witness has yet
11 to identify -- it is counsel's supposition that there is even
12 a lawyer involved in the subject.

13 Now it may or may not be a fair supposition, but the
14 fact of the matter is that the pending question doesn't seek
15 to elicit anything that could conceivably be privileged
16 because the pending question simply says why didn't you offer
17 this testimony, when it seems to me appropriate the witness
18 answers the question.

19 If you want to for the record, counsel, instruct
20 the witness to refrain from disclosing confidences and make
21 that instruction a matter of record, it suits me fine.

22 But I think that the question as it stands right
23 now is totally unobjectionable. It certainly doesn't call for
24 privileged information.

25 MR. WALKER: As you know, I was not trial counsel

1 or I assume you know I was not trial counsel in the
2 proceedings in question.

3 If you don't know that, let me establish that for
4 the record. I was not involved in the proceedings in any
5 way at the time. I have no idea what decisions were made
6 or their basis.

7 Just as you expressed with great vigor your
8 conviction the privilege issue we discussed earlier, let me
9 state with at least equal vigor my conviction that neither
10 you nor any other party to any litigation has the right to
11 obtain the basis on which decision as to trial strategy are
12 made and that would include decisions made or participated in
13 by legal counsel regarding the adduction or refraining from
14 the adduction of particular pieces of evidence that were
15 or may have been available at the time.

16 MR. GUILD: I disagree with your view and would ask
17 that the witness answer the question. If you want to try
18 to instruct him in a way that we can move forward, that would
19 suit me fine, but I really want to get to the point of if
20 he knows why did he not offer what he asserts to be the
21 factual rebuttal to Mr. Bronson's claim, which he said he
22 didn't offer.

23 MR. WALKER: Then let me attempt to reiterate and
24 perhaps clarify my earlier instruction, which would be that
25 the witness, if he knows the reason for which the evidence

1 was not submitted and if his knowledge extends to the fact
2 that such decision was made or participated in at the time
3 by trial counsel, then I instruct the witness not to answer.

4 However, I think he should respond in a way that
5 indicates whether he is answering pursuant to my instruction
6 or whether he just does not know.

7 BY MR. GUILD:

8 Q How about taking a shot at it, Mr. Purdy?

9 A I really don't know.

10 (Laughter.)

11 Q That's a perfectly good answer to my question -- how
12 did you learn that you would not testify? Maybe that will
13 help us establish it.

14 A I had requested to go on as a limited appearance
15 not in the form of Applicant and/or an official panel and I
16 learned when Judge Bloch decided he did not want a limited
17 appearance by somebody that was involved in the testimony.

18 Q And that was the end of it as far as you know?

19 A That was the end of it as far as I know.

20 MR. GUILD: I only have one of these, but this
21 we've asked to be received as 42-5 and I think everybody has
22 stated their position on it for the record and given the
23 hour is now six o'clock, that concludes my examination of
24 the witness subject to the reserved points that we have
25 stated for the record.

6:00 p.m.

1 MR. WALKER: The reservation is as to the disputes
2 in the course of the deposition that we have been unable to
3 resolve here today.

4 MR. GUILD: Yes, right, and thank you, Mr. Purdy.
5 I appreciate your patience and responsiveness.

6 (Discussion off the record.)

7 EXAMINATION

XXX

8 BY MR. BACHMANN:

9 Q Mr. Purdy, this morning in response to a question
10 as to any major problems past or present in your organization
11 you indicated four -- Darlene Stiner, Bill Dunham, Tom Miller
12 and an unidentified person that happened before your time.

13 Is that correct? Or phrase it if I didn't get that
14 right.

15 A I recall discussing this. I think I tried not to
16 characterize them as major but they were significant in that
17 I felt that they required some investigation.

18 Q I am going to take each one and I am going to tell
19 you now, this applies to each one, I would like you to be
20 very specific as to what you are telling me is your own
21 personal knowledge and observation or whether somebody else
22 told you about it, just so we get that straight.

23 First of all, Darlene Stiner. There were indications
24 in your testimony that there was some form of perceived
25 intimidation or harassment surrounding Darlene Stiner when

1 she was a welding inspector. Could you clarify that or
2 amplify that?

3 MR. WALKER: If I may, to save time, I will state
4 here a continuing objection to any questions that can or may
5 elicit hearsay testimony.

6 MR. BACHMANN: Let me respond to that.

7 I am looking at Mr. Purdy in his capacity as the
8 head of QA for Brown and Root and therefore as he would
9 receive certain information that would ordinarily be considered
10 hearsay I don't consider it would be hearsay in this, because
11 it is information he needs to do his job.

12 And I want to know what he knew or what people were
13 telling him. I am not going to the truth of the matters
14 asserted contained in what was told him.

15 MR. WALKER: If not offered for the truth of the
16 matter, I would agree that the hearsay objection does not
17 pertain.

18 BY MR. BACHMANN:

19 Q Darlene Stiner, who was a former Brown and Root
20 welding inspector, I assume that she was in your chain of
21 command?

22 A Darlene was in the non-ASME inspection activities
23 but she personally conveyed those concerns to me.

24 Q Could you amplify a bit more from what you told
25 us from what I recall you said she was concerned about getting

1 from the gate to her place of work?

2 A Yes, sir.

3 Q Could you explain what you know from your personal
4 knowledge of Darlene Stiner's problem, of what she told you?

5 A Darlene, in addition to being pregnant, was
6 concerned that she would be jostled or something of this
7 nature intentionally while coming through the employee
8 entrance because of her participation in the ASLB hearings.

9 She was also concerned that once through the gate
10 there was very long walk up over the top of the hill over
11 and up the easiest terrain to traverse and that she might
12 fall down and endanger her pregnancy.

13 Q Did Darlene Stiner ever indicate to you to your
14 personal knowledge that she was the subject of any forms of
15 harassment or intimidation, real, perceived, or threatened?

16 A No, sir.

17 Q Did anyone ever indicate to you in your official
18 capacity that Darlene Stiner might have been the target of
19 any form of harassment or intimidation?

20 A No, sir.

21 Q But Darlene Stiner did?

22 A Darlene Stiner did.

23 Q And that was the sum total of your communications
24 with her, was to arrange transportation from the gate to the
25 place of work for her?

1 A No, sir.

2 Q Was he also a non-ASME inspector?

3 A Yes, sir.

4 Q So the only information you have on Mr. Miller
5 was what was told to you by Mr. Dunham?

6 A Yes, sir. Subsequently, Mr. Miller has come up
7 and talked to me.

8 Q What was the substance of his --

9 A -- advancement, obtaining qualifications and
10 certifications, some security questions relative to access,
11 unrestricted access.

12 Q During the course of this conversation or conver-
13 sations you personally had with Mr. Miller, did Mr. Miller
14 ever make any statements to you that would indicate any form
15 of harassment or intimidation, real, threatened, or perceived
16 by Mr. Miller?

17 A I think Mr. Miller is a prime example of an
18 individual where harassment is only harassment if you perceive
19 it as being harassment.

20 He didn't indicate to me that he perceived that
21 as harassment or intimidation.

22 Q Did you ever bring up anything to Mr. Miller about
23 what Mr. Dunham said about him?

24 A No, sir. Not that I recall.

25 Q If I could just skip to the last one, I will get

1 back to Mr. Dunham.

2 You indicated there had been physical intimidation
3 of an inspector which was before your time.

4 Yesterday I was present at Mr. Chapman's deposition
5 and he indicated or actually stated that there was a female
6 inspector that had been seized by her lapels or words to that
7 effect. Is that the same incident?

8 A Yes, sir.

9 Q Mr. Dunham I understand was in your chain of
10 command?

End 4.

11 A No, sir.

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1 Q All right. Were they also non-ASME?
2 A Yes, sir.
3 Q Now I understand Mr. Dunham reported to
4 Mr. Williams; is that correct?
5 A Yes, sir.
6 Q And Mr. Dunham was a Coatings Inspector?
7 A Yes, sir.
8 Q And I, for some reason, have some notes here
9 that I took from someplace that indicated that Williams
10 reported to you; is that correct?
11 A No, sir.
12 Q I think you stated just a short time ago
13 that Williams was a Gibbs & Hill employee.
14 A Harry Williams was a Gibbs & Hill employee
15 working within the Owners Organization.
16 Q So then Mr. Williams would report to
17 Mr. Tolson; is that correct?
18 A To Mr. Tolson through Mr. Brandt; yes, sir.
19 Q Through Mr. Brandt?
20 A Yes, sir.
21 Q I should have brought one of those papers
22 that had their organizational charts.
23 Did you have any direct involvement with
24 Mr. Dunham and his problem?
25 A Mr. Dunham came to me June -- mid-June,

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1 somewhere in there, of 1983, with special concerns; yes,
2 sir.

3 Q What was the substance of the concerns,
4 as he expressed them to you?

5 A He felt he had no confidence in Mr. Williams'
6 supervisory capability. He thought Mr. Williams did not
7 support them in the craft.

8 MR. GUILD: I'm sorry? Did not support him?

9 THE WITNESS: With the craft. With respect
10 to him personally, he indicated a situation where
11 Mr. Williams and one of the craft superintendents had
12 physically stood over his shoulder, querying him about his
13 inspections while he was trying to perform the activities.

14 Mr. Dunham expressed concern of the NCR
15 versus Unsat. IR situation and indicated that he had some
16 technical problems, problems with the coatings program,
17 technical applications of it, some of the testing and
18 inspection criteria.

19 Q Do you have an opinion as to why Mr. Dunham
20 would go to you instead of Mr. Brandt or Mr. Tolson?
21 It seems like a lot of people confided in you.

22 A Mr. Dunham, at the time, didn't feel like he
23 could go to Mr. Brandt, because Harry Williams apparently
24 gave everyone the impression that a lot of the edicts that
25 were coming down, that may or may not have been correct --

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1 I don't know -- but were not adequately explained were
2 coming from Mr. Brandt.

3 Q Is this what Mr. Dunham told you?

4 A Yes, sir.

5 Q Did you construe what Mr. Dunham told you --
6 let me put it this way.

7 Do you construe what Mr. Dunham told you
8 as to his problem with the craft as constituting
9 intimidation or harassment as we've talked about today?

10 A The text of Mr. -- maybe that's where I
11 slipped off track. The text of Mr. Dunham's statement
12 was really more oriented toward his own internal
13 supervision, not necessarily the craft, except for the
14 one instance he had indicated. In that instance, I would
15 perceive that there would be a QC -- supervisory QC
16 conflict, and I could understand why Mr. Dunham, if his
17 perceptions were correct to him -- at least they were
18 perceptions, and I assume that he at least thought that
19 and felt that he was being harassed by his supervision.

20 Q Now when you say he was harassed by his
21 supervision, was it the type of harassment that would
22 preclude him from performing his job as inspector properly?
23 Was it that type of harassment?

24 A No. Mr. Dunham, I doubt very seriously if
25 anything would sway him from doing his job properly.

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1 Q In other words, would it be proper to
2 characterize Mr. Dunham as a person, as we have defined
3 harassment and intimidation in the context of this
4 hearing, who could not be harassed or intimidated to the
5 extent that he would not report something that he should
6 report, something to that effect?

7 A I do not believe Mr. Dunham would be
8 harassed or intimidated to that effect; no, sir.

9 Q Now were you present during Mr. Dunham's
10 last day as an employee on the site?

11 A Yes, sir, I was.

12 Q Were you present at the meeting in which
13 Mr. Dunham was dismissed?

14 A I was at the meeting. I dismissed
15 Mr. Dunham.

16 Q How is it that since he is not in your
17 chain of command that you would be the person to dismiss
18 him?

19 A Brown & Root employees, even though they
20 are not under my functional control or direct functional
21 line, I am responsible for them administratively.
22 Generally if there is any discipline to be meted out,
23 that is subject to my evaluation and my concurrence and
24 my evaluation since the owner really is not in a position
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1 to do that, to a Brown & Root employee. He can tell me
2 to get the employee off the project, but he's not going
3 to sit down and fire him from the Brown & Root payroll.

4 Q On Mr. Dunham's last day on the job, did
5 you call him into the office?

6 A One of his --

7 Q My next question is going to be, what was
8 the reason for calling him to the office?

9 A Mr. Dunham had behaved unprofessionally in
10 a meeting that had been held a couple of days earlier.

11 Q Had you been at that meeting?

12 A No, sir, I was not.

13 Q And you got this information from whom?

14 A I got the information from Mr. Brandt, who
15 was also not at the meeting. But at the same meeting where
16 I got the information, there were three individuals who
17 were at the meeting.

18 Q Do you know the names of those individuals?

19 A Yes, sir. Curly Krisher, Everett Mauser,
20 Harry Williams were in the area.

21 Q Now what was the information that you
22 received about Mr. Dunham at this previous meeting?

23 A That he had behaved himself very obnoxiously,
24 was rude, disruptive, and the net result was that the
25 meeting was not capable of being -- or coming to the

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1 intended purpose and satisfying the objectives of the
2 meeting.

3 Q Were you given any more details than what
4 you've said to me? I'm trying to get what you remember
5 Mr. Brandt told you.

6 A There was the statement that he kept
7 interrupting, asking questions that were not germane to
8 the questions that were on the table.

9 Q What were the questions on the table?

10 A I don't recall. I'm not even sure we
11 discussed the questions per se.

12 Q Continue with what you were saying.

13 A At that particular time, I asked Mr. Mauser
14 and Mr. Krisher if that was a fair representation of
15 the meeting, and they concurred that that was a fair
16 representation of the meeting. It was my understanding,
17 as relayed by Mr. Brandt, that Mr. Keeley, who was also
18 involved in the meeting, was rather upset at Mr. Dunham's
19 behavior.

20 I asked Mr. Brandt what he would recommend
21 to do. His recommendation was to counsel Mr. Dunham and
22 to give him three days off. I corroborated that with
23 Mr. Tolson at the time. They wanted to discuss it with
24 Mr. Dunham that evening. It was very late in the evening,
25 and if they were going to do something of that nature,

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1 it requires some paperwork and sitting down with
2 Mr. Dunham, and I felt it was not appropriate to do it
3 that evening. I asked if we could do it the next morning.
4 They agreed to that. It became very late in the afternoon,
5 about four-thirty, before I was able to do that. I had
6 several other commitments that I had to satisfy relative
7 to this project, some programs that were going on.

8 By that time, it had become about two days
9 after the fact, and it became a disciplinary action that
10 many days after the fact may be of limited value.
11 Apparently Mr. Tolson felt likewise, because in conversation
12 with Mr. Krisher, they agreed that he should just be
13 counseled and not given the time off.

14 Mr. Krisher prepared a counseling report
15 which summarized his position, his statements.

16 Q I show you this document. Is this the
17 counseling report that was prepared?

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1 discussed it for a few minutes. He probably got there
2 about 15 minutes earlier. We had a cup of coffee and
3 were discussing generalities. About 4:30 Mr. Dunham came
4 up to the door with Mr. Mouser, opened the door and waltzed
5 in like a ballerina, and I asked him to sit down and he
6 sat on my righthand side, furthest away from me at the end
7 of the table, and Mr. Mouser was on my right, closest to
8 me, and Mr. Krisher was across from Mr. Dunham.

9 And I told him that his supervisor had prepared
10 a counseling report relative to his attitude and I'd like
11 him to read it, and let's discuss it, and handed it to him.
12 As indicated here, it appeared to be a very quick perusal.
13 He threw it back across the table at me and, as also
14 indicated here, said, You might as well walk me to the gate
15 because I'm not going to change.

16 Q Excuse me just for a second. I would like your
17 opinion as to what that statement meant, I'm not going
18 to change.

19 A My opinion was that he was being counseled, and
20 if he read this he was being counseled for the way he
21 presented himself for the presentation. And what I construed
22 out of that was that he just wasn't going to change his
23 attitude or the way he presented himself.

24 Q Okay. And how would you describe in your mind
25 this attitude?

1 A His attitude?

2 Q Yes.

3 A He was very aggressive at the time and very
4 vociferous, very animated. And if no other reason, his
5 attitude was such that I was not going to be able to talk
6 to him, frankly.

7 I asked him if he wouldn't like to think about it
8 for just a minute and let's talk about what the problems
9 were, and he again restated the statement and basically gave
10 me two options; I could either forget it or walk him to the
11 gate as he had iterated twice, and I did that. I was
12 rather disturbed at the way he presented himself.

13 Q Okay. The second document which I happened to
14 put here, is this the termination papers on Mr. Dunham?

15 A Yes, sir, it appears to be.

16 Q Is that your signature on the paper?

17 A In the lower righthand corner, yes, sir.

18 MR. BACHMANN: I'd like to identify this
19 as Purdy 42-7.

20 (The document referred to was
21 marked Purdy Exhibit 42-7 for
22 identification.)

23 MR. BACHMANN: The foundation has been laid and
24 authenticated.

25 MR. WALKER: I have no objection.

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1 MR.GUILD: We reserve our position on the
2 document.

3 BY MR. BACHMANN:

4 Q In your dealing with Mr. Dunham -- this is going
5 to sound very much like a question I asked you before --
6 is there anything in his actions, words or anything that
7 we have, giving you the impression that anyone had -- and
8 let me just stop here for a second; excluding his problems
9 with Harry Williams -- that anyone had ever tried to
10 intimidate him or even attempted to intimidate him to not
11 report a deficiency in the QC/QA area?

12 A No, sir. As a matter of fact, after the initial
13 meeting that I was at with Mr. Dunham, Mr. Tolson and
14 Mr. Brandt subsequently, Mr. Brandt indicated to me that
15 Mr. Dunham was communicating with him very well, and there
16 didn't appear to be a concern relative to Mr. Dunham's
17 ability to talk to Mr. Brandt.

18 And Mr. Brandt didn't indicate to me that
19 Mr. Dunham was expressing concerns of harrassment or
20 intimidation.

21 Q Okay. Harry Williams. Statements were made
22 earlier about there's a communications problem, or I think
23 you used words similar to that. Did you have any personal
24 feelings with Mr. Williams?

25 A No, sir, not other than just how are you, hello;

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1 nothing professional.

2 Q Have you had any -- have you received, or did
3 you receive any information from, say, Mr. Tolson or
4 Mr. Brandt or someone like that about Mr. Williams?

5 A No, sir.

6 Q The reason I ask is you seem to have formed at
7 least a partial opinion that Mr. Williams had communications
8 problems. I was wondering what you based that on.

9 A If we are discussing what they told me their
10 problems were with Mr. Williams specifically in conversations,
11 then I would answer no. I do recall that Mr. Brandt
12 indicated that Mr. Williams sometimes had trouble
13 communicating to the people, and he felt that that was a
14 major problem.

15 Q Correct me if I'm wrong, but I get the impression
16 that you had said pretty much the same thing about Mr. Dunham.
17 His communications skills, or lack of same. Is that a
18 fair characterization, or did I misstate it?

19 A No, I think the manner in which the communications
20 were conducted was significantly different, although I
21 don't know that. I don't thin that Mr. Williams was
22 necessarily disruptive or arbitrary in any group gatherings.
23 That was the only situation that I related to Mr. Dunham.

24 Q Okay. Now we've gone through -- and as I've said,
25 we're not going to discuss the occurrence that happened

1 before you arrived there since you had just the remotest
2 knowledge of that. Are there any other significant events
3 that you can recall, or even perhaps insignificant events
4 that you can recall, that touched upon this area of
5 harrassment or intimidation?

6 And let me -- just before you answer that, I'm
7 looking for any information you may have received either
8 directly or indirectly in your official capacity that would
9 somehow indicate that a QC inspector was being somehow
10 influenced to gloss over or not report some deficiency.

11 MR. WALKER: I ask if the question is --

12 MR. BACHMANN: That is a long question.

13 MR. WALKER: -- if the purpose of the question
14 is to elicit testimony regarding such reports for the truth
15 of the matter reported.

16 MR. BACHMANN: No. What I'm trying -- quite
17 frankly, from what I've been listening to Mr. Purdy all
18 day, I think he's going to tell me he hasn't heard of any
19 and this might clean the record and make sure that there
20 isn't any other event perhaps that may have come to his
21 mind. I'm not really sure what he's going to answer.

22 MR. WALKER: Let me state for the record a
23 hearsay objection. In the event that some party to the
24 proceeding might attempt to utilize the answer for the
25 purpose of proving the truth of the matter.

1 MR. BACHMANN: I'm seeking it for knowing whether
2 this type of information was communicated to Mr. Purdy.
3 Whether it's true or not is not material, other than what
4 we've already discussed, you and I, in response to my
5 questions.

6 THE WITNESS: I have heard of other instances
7 that occurred on the site. I'm not sure I can characterize
8 any question of perceived harrassment or intimidation as
9 insignificant, but whether they resulted in something that
10 was not substantive or not corroborated I guess would be
11 different.

12 I have heard of problems between construction
13 management and protective coatings inspection personnel.

14 BY MR. BACHMANN:

15 Q Who did you hear this from?

16 A I heard that walking out of a management meeting
17 with Mr. Vega and Mr. Merritt talking to each other.

18 Q Who?

19 A Mr. Merritt.

20 Q Let me put it this way. I'm not really interested
21 in overheard conversations. Has anyone come to you and
22 said, Mr. Purdy, I think we've got some harrassment or
23 intimidation or words to that effect, or some inspector is
24 being prevented from doing his job properly?

25 A No, not other than the ones I've mentioned, sir.

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1 Q I'd just like to go back to Harry Williams for
2 a brief second. Was Harry Williams -- excuse me. Was
3 Harry Williams demoted in the spring of '83 from a more
4 responsible position to a less responsible position?

5 MR. WALKER: Objection, hearsay.

6 MR. BACHMANN: You haven't let him answer it yet.

7 MR. WALKER: Given what I know about the
8 organizational structure, it would be my presumption that
9 if Mr. Purdy has any information on it, that any information
10 he would have would constitute hearsay.

11 BY MR. BACHMANN:

12 Q Do you have any direct knowledge of that?

13 A I have no direct knowledge. I do -- maybe I'm
14 not sure what you mean by direct knowledge. I have found
15 out, through subsequent discussions relative to Mr. Williams --

16 Q Mr. Williams told you?

17 A No, no. Subsequent discussions on the issues
18 of Mr. Williams and Mr. Dunham's and Mr. Williams' and the
19 various coating inspectors. And Mr. Williams was assigned
20 -- that Mr. Williams, at about that time frame as I recall,
21 was assigned just the responsibility of protective coatings
22 where he had previously had protective coatings and some civil
23 activities, I believe.

24 Q Was this meeting or discussion that you had, where
25 you learned about Mr. Williams, was this a typical discussion

1 that leads you to the opinion that perhaps Mr. Williams
2 had communications problems? Was this the type of discussion
3 that --

4 A I don't even recall if it was a formal discussion.

5 MR. BACHMANN: Okay, that's it.

6 BY MR. BACHMANN:

7 Q If it were not for Mr. Dunham's precipitant action
8 on that fateful Friday, would you have retained him?

9 A Yes, sir.

10 MR. GUILD: Did you say yes or no?

11 THE WITNESS: Yes, sir.

12 MR. BACHMANN: That's all the questions I have.

13 MR. WALKER: Bob, I would estimate I have about
14 15 minutes, perhaps less. Out of consideration for your
15 schedule, if you'd prefer, I'd be happy to defer the few
16 questions that I do have, relating to Mr. Purdy's testimony
17 earlier today, until such time as we introduce Mr. Purdy as
18 a witness in our affirmative case.

19 I'm perfectly willing to defer to your wishes.

20 MR. GUILD: That sounds like a fine way of
21 handling it. Before you decide, I've got one brief line
22 of questions responsive to a new area that counsel for
23 Staff --

24 MR. WALKER: Let me say that I tentatively make
25 that commitment, though I need to reserve it, depending on

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1 what we get into here.

2 FURTHER EXAMINATION

3 BY MR. GUILD:

4 Q Mr. Purdy, isn't it true, sir, that the
5 United States Department of Labor, in response to a complaint
6 against Brown & Root made the following finding with respect
7 to his termination. The facts show Mr. Dunham was
8 scheduled for termination before his final counseling session
9 with Mr. Purdy. He was terminated in his opposition to
10 intimidation, harassment, and threats made by management to
11 the QC inspector?

12 A I assume that's what -- as I recall, that's how
13 it was in the Department of Labor finding.

14 MR. GUILD: I'm showing you a letter which I'd
15 like to have marked and received. It's addressed to you and
16 it's dated October 18, 1983, subject William Dunham versus
17 Brown & Root, containing the quoted passage. And it is
18 signed Curtis L. Poer, P-O-E-R, Director of that department.

19 MR. BACHMANN: I have no objection to the
20 admission of that.

21 MR. GUILD: I'd ask that that be marked as
22 Purdy 42-8.

23 (The document referred to was
24 marked as Purdy Exhibit No.
25 42-8 for identification.)

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1 MR. GUILD: That's all I have. Thank you again,
2 Mr. Purdy.

3 MR. WALKER: I will object to admission of the
4 document on hearsay grounds and relevancy grounds.

5 MR. GUILD: What is the basis for the hearsay
6 objection?

7 MR. WALKER: It is an out of court statement,
8 presumably offered for the truth of the matter, sir.

9 MR. GUILD: And I would submit that it's a clear
10 exception to the hearsay rule. It represents a finding,
11 an official finding, of the U.S. Department of Labor in
12 response to that complaint. A letter document addressed to
13 the witness directly, contradicting his testimony to the
14 effect that Mr. Dunham would not have been terminated but
15 for his conduct during the last meeting.

16 MR. WALKER: And I take the position that the
17 exception cited by counsel for the Intervenor does not apply,
18 inasmuch as the letter purports to represent an administrative
19 finding, not the result of a judicial process in which there
20 was an opportunity to aduce evidence and to cross examine
21 witness and to engage in the other procedural rights generally
22 accorded by the due process of law.

23 And moreover, as you may or may not be aware, the
24 administrative finding is currently on appeal to the
25 Department of Labor and there has been a judicial proceeding.

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1 There has not, as yet, been a decision to
2 emanate from that proceeding, but it is my understanding of
3 the Department of Labor procedural regulations that once
4 a notice of appeal from the administrative finding is issued,
5 such finding is vacated and the party initiating the appeal
6 is entitled to trial de novo on the issue pending the
7 investigation.

8 MR. GUILD: Let's take up this question of
9 whether you're going to reserve your examination.

10 MR. WALKER: If both counsel for the Intervenor
11 and counsel for the NRC Staff are agreeable, out of
12 consideration for Mr. Guild's schedule, I am prepared to
13 defer any questions that I otherwise might like to ask,
14 relating to Mr. Purdy's testimony earlier today, until such
15 time as we introduce Mr. Purdy for purposes of aducing evidence
16 on our affirmative case.

17 MR. GUILD: I guess one of the things I was
18 trying to understand is I sort of wandered into a room down
19 the hall where they have a discussion about this question of
20 when Applicants put on their affirmative case. And without
21 trying to unearth a question I'm not competent to carry very
22 far, isn't this the time for you to aduce your affirmative
23 case?

24 MR. WALKER: That is not my understanding of the
25 procedure.

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1 MR. GUILD: I'm not in a position where I can
2 very intelligently waive rights of the Intervenor with
3 respect to procedural matters to which I am just not privy.

4 So subject to -- based on my ignorance, I just
5 want to simply state if this is not the time for you to
6 offer your affirmative case and you would do so otherwise,
7 it seems to be of no practical value or significance to
8 do your examination of Mr. Purdy now, as contrasted with then.
9 And it would certainly make life more pleasant for all of us
10 to be able to adjourn at this point.

11 MR. WALKER: I make the offer solely out of
12 consideration for your schedule. But if anyone is
13 uncomfortable, I am certainly willing to proceed.

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1 (Discussion off the record.)

XXXXXXX

2 EXAMINATION

3 BY MR. WALKER:

4 Q Mr. Purdy, in response to an earlier question, I
5 believe you characterized Mr. Dunham's behavior as
6 aggressive.

7 Would you explain what you meant by that?

8 A On two occasions, I had noticed or had occasion
9 to be discussing with Mr. Dunham situations. The first
10 one with Mr. Tolson, in which he became very easily agitated
11 and irritated at some of the questions that were being asked.

12 The latter case was where the man, you know, rose
13 to his height and actually was just very vocal, appearing
14 to me that he was actually just giving me one of two options
15 that he was providing me with, you know, the option of
16 either forget it, he's come to do whatever the hell he wants
17 and there's nothing I can do to discuss that with him, or
18 that I can walk him to the gate.

19 I don't know how to say -- I'm not sure I
20 answered the question.

21 Q Did you intend anything else by the use of the
22 descriptive word "aggressive" in reference to Mr. Dunham's
23 behavior?

24 A No, not really.

25 Q Mr. Purdy, you also testified earlier, as I

1 recall, that there has never been at Comanche Peak, in your
2 organization, a layoff list or an ROF list.

3 Is that a fair characterization of your earlier
4 testimony?

5 A I believe my earlier testimony was discussing it
6 in relationship to the Sue Ann Neumeyer situation.

7 We have anticipated or did plan a reduction in
8 force at one time. As it turned out, I did not have to have
9 that reduction in force, because there were places --
10 because I was able to place people in openings and therefore
11 ended up laying off nobody.

12 Q Had Sue Ann Neumeyer at that time still been
13 employed at Comanche Peak, in your opinion would she have
14 been laid off on that occasion?

15 A No, not in my opinion.

16 Q What is your basis for that conclusion?

17 A The basis is she was a fully qualified inspector,
18 With the exception of the period of time when she was having
19 medical problems, her reliability and her attendance
20 certainly wasn't that bad. And therefore, there would be
21 no reason for me to believe that I wouldn't have given a
22 lesser qualified person for someone who was fully qualified
23 to everything.

24 Q But as of this date, there has been -- there have
25 been no layoffs out of the ASME organization?

1 A There have been ROF's.

2 For example, when we were originally looking at
3 a couple of people who volunteered to be on that ROF list
4 and those people were ROF'd out of the organization, their
5 volunteering to be ROF'd reduced the number significantly,
6 that I didn't have to make a management decision on who had
7 to go and who wanted to go.

8 Q In testifying in response to Mr. Guild's questions
9 regarding the Linda Barnes' matter, as I recall your testimony
10 was that there was some period of time -- and I don't
11 remember exactly what it was, but some period of time,
12 three days or more, during which she was absent from work and
13 did not report in; is that correct?

14 A Yes, sir.

15 Q What is the normal procedure when an employee is
16 absent from work for three or more days and does not call in?

17 A They are subject to immediate termination.

18 Q On what do you base that conclusion?

19 A That is an established policy on the project.

20 Q Is that policy recorded anywhere in writing?

21 A Yes, sir. It's in that policy note that I was
22 discussing earlier in the deposition. I believe it's
23 Section 16 of the QA policy note.

24 Q Well, then, if an employee, under the established
25 policy, would be subject to immediate termination on such an

1 occasion, why was that procedure not followed in Ms. Barnes'
2 case?

3 A First of all, she didn't have a phone.

4 Secondly, I was concerned if she was upset over
5 possibly being involved in having to discuss the
6 Sue Ann Neumeyer situation. I didn't want to terminate her
7 without talking to her to see what the problem was.

8 Q You said she didn't have a telephone. Yet, I
9 believe your earlier testimony indicated that there were
10 telephone conversations between you and her.

11 And if I remember correctly, on one or more of
12 those occasions, the telephone calls you indicated were
13 initiated by her?

14 A Yes, sir.

15 Q How can you reconcile that with your representa-
16 tion that you knew she did not have a telephone?

17 A The last time she called me was from a phone
18 booth. We did not have a number listed for her, nor was a
19 number in the Granbury directory for her.

20 In fact, she said she had no phone.

21 Q In another portion of your portion of your
22 earlier testimony, you indicated that it was the policy of
23 Brown & Root -- or at least that portion of Brown & Root
24 management for which you were responsible -- that all
25 employees have the right to take any problems or concerns

1 that they may have to the NRC, irrespective of whether they
2 had first raised those problems with Brown & Root management;
3 is that correct?

4 A Yes, sir.

5 In fact, I think if people would check with my
6 people, I encourage them to talk to anybody, including the
7 NRC, that they want to about problems. They don't have to
8 talk to me.

9 Q As specifically as you can -- I would assume if
10 it's on more than one occasion, the precise wording may
11 differ somewhat. But what do you tell people about their
12 rights in that regard?

13 A I have communicated it with my supervisor and
14 my leads, to make sure that they understand, and with my
15 managers, to make sure that they understand it. But I
16 would like to feel that we are responsive to the leads in
17 identifying and resolving concerns of people, but that I am
18 not afraid and would encourage them if they have a problem
19 to get it identified and get it resolved, even to the point
20 that I am not concerned about allegations, only the inability
21 to answer allegations. It's very simple.

22 Basically, that's the scenario that I give
23 quite frequently.

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1 Q In response to another line of questioning
2 by Mr. Guild, as I recall it and as my notes reflect,
3 Mr. Guild was asking you if there were findings of
4 harrassment or intimidation at Comanche Peak, whether in
5 your opinion that finding should be communicated generally
6 to all employees on the site. And as I recall, your
7 answer to that question was in the affirmative. Is that
8 correct?

9 A Yes, sir. I definitely think it should be
10 communicated if it is of a significant nature.

11 Q Would there be any circumstances in which you
12 would think that it would be unnecessary or undesirable
13 to have such a finding communicated generally?

14 A It probably wouldn't be necessary to communicate
15 it to the site if the party involved was satisfied it had
16 been reconciled or had not been an intended case of
17 harrassment or intimidation.

18 It probably would not be necessary if the
19 results of harrassment and intimidation resulted in
20 termination because about the quickest way to have anything
21 get around on the project is to terminate somebody for
22 intimidation or harrassment. I imagine the word would
23 spread faster than I could ever put out a memorandum on
24 it. I think there are situations that would warrant that.
25 In major ones I believe it would.

1 Q In yet another line of questioning gone into
2 by Mr. Guild, he asked you a series of questions, I believe,
3 that in essence, amounted to an inquiry as to whether you
4 thought it possible to effectively enforce a policy against
5 intimidation and harrassment if there did not exist at the
6 site some sort of documentary definition of what harrassment
7 and intimidation are. Do you remember that line of
8 questioning?

9 A Yes, sir.

10 Q And I believe, as I recall your testimony and
11 according to my notes, your testimony was that you knew, in
12 effect, that there were some documents onsite that deal with
13 the issue of harrassment and intimidation that you were unsure
14 whether the content of those documents actually set forth
15 a definition, formal or informal, of the terms. Is that
16 true?

17 A That's true.

18 Q What, if any, any other areas of conduct are
19 subject to discipline at Comanche Peak under the Brown and
20 Root personnel policies? At least that portion of the
21 policies that you're responsible for administering. What,
22 if any other conduct is proscribed expressly as is -- if I
23 recall your testimony correctly -- harrassment and
24 intimidation?

25 A What else -- ?

1 Q The question is, are there other specific
2 categories of conduct that Brown and Root personnel policies
3 forbid, and for engaging in which Brown and Root employees
4 may be subject to discipline?

5 A The policy that I have addresses, as we discussed,
6 the absence without calling in for three days.

7 MR. BACHMANN: May I make a suggestion at this
8 point? If you will look at Purdy 42-7, the termination form,
9 which has been introduced into evidence, there's a list of
10 boxes to be checked as reasons for termination.

11 Mr. Purdy, I now show you Exhibit 7 and ask if
12 that refreshes your recollection about any specific
13 categories of conduct that may be subject to disciplinary
14 action if engaged in by Brown and Root employees.

15 THE WITNESS: Brown & Root employees are subject
16 by Brown & Root QA policies -- for theft, for destruction
17 of project or company property, failure to report in. They
18 are subject to immediate termination for falsification of
19 records in the QA Department. Other acts may be subject to
20 termination but those four at least are indicated in my
21 policies as grounds for immediate termination.

22 BY MR. BACHMANN:

23 Q As to those instances, let's take an example,
24 theft. Is theft, to your knowledge, anywhere defined in
25 Brown & Root personnel policies or documents available to

1 employees at the site?

2 A Not in my policy. I mentioned it would be in
3 the dictionary.

4 Q What about insubordination? Is that somewhere
5 defined in documents relating to Brown & Root personnel
6 policies?

7 A No, sir.

8 Q In your experience as a manager both here and
9 elsewhere, how often have you encountered disciplinary
10 procedures that set forth detailed and explicit definitions
11 of the categories of conduct proscribed in the disciplinary
12 policy?

13 A About the only one I can think of right offhand
14 is the Uniform Code of Military Justice, and it pretty
15 much defines what I could and couldn't do. I can't recall
16 any others.

17 MR. WALKER: I have no further questions at
18 this time.

19 MR. JORDAN: I have no questions.

20 MR. GUILD: Thank you, Mr. Purdy.

21 (Whereupon, at 7:15 p.m., the deposition of
22 Mr. Purdy was concluded.)

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GORDON PURDY

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CERTIFICATE OF PROCEEDINGS

This is to certify that the attached proceedings before
the NRC Commission:

In the matter of: Texas Utilities Electric Company,
et al., (Comanche Peak Steam
Electric Station, Units 1 and 2)

Date of Proceeding: July 10, 1984

Place of Proceeding: Glen Rose, Texas

Witness: Gordon Raymond Purdy

were held as herein appears, and that this is the original
transcript for the file of the Commission.

Margaret Schneider
Official Reporter - Typed

Margaret K. Schneider
Official Reporter - Signature

MIDLAND VALLEY
EXCHANGE
COTTON CENTER

CERTIFICATE OF PROCEEDINGS

This is to certify that the attached proceedings before the
NRC COMMISSION

In the matter of: Texas Utilities Electric Company

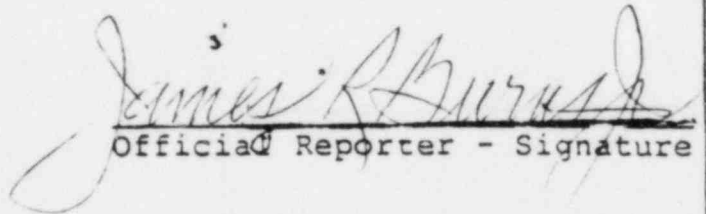
Date of Proceeding: Tuesday, July 10, 1984

Place of Proceeding: Glen Rose, Texas

were held as herein appears, and that this is the original
transcript for the file of the Commission.

James R. Burns, Jr.

Official Reporter - Typed


Official Reporter - Signature

CERTIFICATE OF PROCEEDINGS

This is to certify that the attached proceedings before the
NRC COMMISSION

In the matter of: Texas Utilities Electric Company

Date of Proceeding: Tuesday, July 10, 1984

Place of Proceeding: Glen Rose, Texas

were held as herein appears, and that this is the original
transcript for the file of the Commission.

Ann Riley

Official Reporter - Typed

Ann Riley

Official Reporter - Signature

ATTACHMENT A

QC ELECTRICAL PERSONNEL

TRAINING

1. Recurring field related inspection problems are not being discussed in the classroom training programs.
2. Some QC Inspectors have not had any previous related work experience in the activity they are inspecting.
3. There is a need to establish an inspector re-certification program based on performance.
4. People providing on-the-job training should be selected on the basis of their teaching ability and receive training on methods of providing on-the-job training.
5. A training instructor is teaching students inspection criteria which are not contained in procedures.
6. As a training aid, pictures of inspection tools are being shown to QC Inspectors but a hands-on demonstration is also needed.

DOCUMENTATION

1. DCA's and CMC's are received by construction 2 to 5 days before they are received by QC inspectors.
2. Gibbs & Hill drawings are so congested that inspection criteria are easy to miss.
3. Procedures are vague, are subject to interpretation, and contain too many references.
4. Some inspection documents do not contain enough information on how to perform the inspection. The technique for performing the inspection is often missing.
5. All drawings required for QC to perform their inspections should be available directly to QC instead of their having to use construction's drawings.
6. The latest issues of drawings are not being kept updated in a timely manner at all field work stations.

MANAGEMENT

1. A significant number of inspectors expressed the feeling that the function of QC at CPSES is something other than to assure quality. Other functions mentioned include:
 - a) Cosmetics
 - b) Paperwork or documentation
 - c) Training the crafts
2. Too much time is being spent inspecting temporary installations.
3. The pay differential for performing the same type inspection work is too broad. Some supervisors are paid less than the inspectors they supervise, and there is no type of incentive plan to encourage inspectors to expand their certification.
4. QC inspection time is not being fully utilized. Some inspections now being performed separately could be combined into one function.
5. Instructions are being relayed from QC management straight to the inspectors instead of going through the chain of command.
6. Electrical QC personnel are not being provided with the tools required to perform their jobs (tapes, inspection mirrors, flashlights, etc.). Excessive time is being wasted on obtaining replacements for such things as batteries.
7. Several QC inspectors expressed the feeling that QC management views them as being intellectually inferior and lacks confidence in their decisions.

COMMUNICATION

1. QC inspectors are not asked for input when procedures are written or changed.
2. Some QC inspectors are not being told why they are not certified immediately after passing their certification examination and completing their on-the-job training.
3. QC inspectors feel they are not included in the chain of communication. They are isolated from what is going on and why.
4. Some QC inspectors have been waiting for their promised raise not knowing why it is being held up.
5. QC inspection personnel are not familiar with site upper QC management personnel, either visually or by name.
6. Requests from the crafts for inspections are coming directly to inspectors instead of their supervisors.
7. There is not an adequate system for changing procedures or informing other QC inspectors of typical field inspection problems.

MAJOR PROBLEMS

The following three (3) items are considered the major concerns of electrical QC at the site.

1. Electrical separation requirements have been eliminated by the use of a design change. QC personnel view this as a management decision which allows the crafts to install electrical systems in disregard of design requirements. The inspectors recognize that inspections are to be done after all installations are complete and rework done as necessary. However, they are alarmed by what they see as a lack of effort by construction to observe some separation requirements. They feel the volume of rework that could result from this approach is excessive.
2. There is a consistent feeling among QC inspectors that the main emphasis at CPSES is production at all costs and not on quality. Equipment is installed to take credit for footage and production quotas. The fact that a high percentage of this work must be redone is not being given due consideration.

This creates an atmosphere of arguments, hot discussions, yelling and name calling between craft and QC, occasional threats and even one act of violence.

3. Inspectors interviewed expressed grave concern over what they feel is an inordinate number of "Use As Is" dispositions to NCR's. It was expressed that craft personnel feel, and comment to QC personnel, that any and all deviations to drawings, specifications or procedure requirements will be accepted "as is". It appears to inspectors there is no pressure on the crafts to perform their activities in conformance to stated requirements. Construction personnel convey an attitude that they can ignore any specific requirement with impunity.

Due to the above, the morale and effectiveness of the inspection function is sharply reduced. Inspectors feel their credibility has deteriorated. Inspectors question engineering documents in light of the acceptability of deviations to them.

TEXAS UTILITIES GENERATING COMPANY

OFFICE MEMORANDUM

To D.N. Chapman/R.G. Tolson Glen Rose, Texas 10-9-79

Subject TUGCO QA MANAGEMENT REVIEW BOARD
INTERVIEWS OF THE SITE MECHANICAL QC PERSONNEL

The TUGCo QA Management Review Board has completed it's interviews with all available Site Mechanical QC inspection personnel. Attachment A contains the problems identified during the interviews which we have categorized into the areas of training, documentation, management, communication, other, and major problems.

As requested, this report is forwarded to the Manager, Quality Assurance and the Site QA Supervisor for review and necessary action.

In accordance with your overall plan, we request that you transmit to the TUGCo QA Audit Group a description of proposed corrective action and a schedule for implementation to aid in follow-up activities.

MANAGEMENT REVIEW BOARD

Attachment

Albert H. Boren
Albert Boren

Debra Anderson
Debra Anderson

Jon T. Moore
Jon Moore

Gordon Purdy
Gordon Purdy

Susan Spencer
Susan Spencer

J. Antonio Valdez
J. Antonio Valdez

Antonio Vega
Antonio Vega

ATTACHMENT A
QC MECHANICAL PERSONNEL

TRAINING

1. QC Inspectors feel that there is a need for classroom training on the specifics of how to inspect pipe hangers. At the present time QC inspectors are expected to read and interpret procedures on their own.
2. QC Inspectors feel that there is a need to tailor training requirements to individual experience levels. There appears to be a need for additional classroom and on-the-job NDE training for inspectors who have no prior NDE experience.
3. Training handouts are taken up at the end of each class. Students are not allowed to keep these handouts as reference material.
4. Training on inspection of welding ground connections is not being provided.
5. Instructors are not always able to answer classroom questions and communicate well. Inspectors interpret this as a lack of practical field experience on the part of the instructor.
6. Inspectors feel that there is no preplanned time for training to allow for improvement of their skills.
7. Constant changes in training requirements confuse inspectors.
Example: Changes in required on-the-job training hours, and limitations on time between classroom training and examinations.

DOCUMENTATION

1. Document changes are received by construction 2 to 5 days before they are received by QC.
2. The following problems have been identified with the Weld Data Cards:
 - a) Wrong line numbers
 - b) Wrong class
 - c) Too many types of cards in use.
 - d) Not enough review prior to issuance to the field
 - e) Not sent to ANI
3. QC Inspectors feel that craft should be required to sign off on the Weld Data Cards after each operation.
4. Drawings are not legible.
5. Relative to pipe sleeves, the following problems were identified:
 - a) No procedures for verifying locations
 - b) Pipe Sleeve Location List is 6 months out of date
 - c) The inspector has not been certified.

MANAGEMENT

- ✓ 1. Inspectors complain that construction supervision exerts excessive pressure on crafts for production. This results in a decline in Quality of Workmanship. Also, when inspectors reject items the crafts are distressed because their production quotas have not been met.
2. Some QC Inspectors have been specifically instructed to NOT identify observed deficiencies that are beyond the scope of their assigned inspections.
- ✓ 3. Inspectors are concerned relative to job security.
- ✓ 4. QC Inspectors feel they lack sufficient authority to perform their job.
5. QC Management supports the construction production effort rather than the quality effort.
- ✓ 6. Inspectors complain that the pay differentials between personnel performing the same job are too great.
7. Inspectors feel they are professionals and want to be treated as such. They complain that when QC Management lacks technical knowledge, arrogance and authority are used as a substitute. No explanations for decisions or directives are given.
8. Inspectors have been promised additional training, upgrading and transfer within specified times. Some have been kept on the same low level jobs far in excess of the periods promised.
- ✓ 9. Numerous complaints were voiced relative to the excessive time lag between being notified of a proposed increase and the effective date of the raise , with no provision for retroactive pay.
10. Inspectors feel that middle management should perform actual surveillance of inspection activities. Some inspectors have never seen anyone above their lead inspectors in the field.

Another complaint was that middle management fails to recognize the limits of being a "Buddy" and being a manager.

MANAGEMENT CONT.

- ✓ 11. QC Inspectors feel there is undue pressure put on employees who do not give enough to the United Way. Some feel they will be fired for insufficient contributions.
- ✓ 12. Inspectors feel that the benefit policies are unfair. Apparently, the program keeps changing. Current policies differ from those explained at the time of hire.

COMMUNICATION

1. Many Inspectors do not know who is in Quality Control Management.
2. Inspectors feel that they are not being made aware of organization changes. Some inspectors have not been shown an organization chart in three months to two years.
3. Inspectors cited instances where the chain of command is not being observed.
4. Inspectors have indicated that there are no meetings held to inform them on the latest information.

OTHER

1. Inspectors expressed concern over Material Transmittal Forms (MTF's) not being reviewed after spools are refabricated. Therefore the as-built configuration is not being accurately documented.
2. Welding machines are out of calibration.
3. Carbon steel wire is being used as a temporary hanger to hold up stainless steel pipe.
4. Too much inspection time is wasted inspecting temporary pipe hangers.
5. Travel speed is primary data for calculating heat input in Kilojoules. However, the WPS shows travel speed as "not applicable."
6. There is no orientation program at CPSES for new employees concerning site policies.
7. Adequate tools and supplies are not being provided. In addition they are not being placed in locations where the work is and are too far from the work areas. Equipment needed is: Micrometers, LP cleaners, rulers, scales, protractors, multimeters, telephones, UT equipment, print shack on each level, water coolers, and rest rooms.
8. A minimum inspection tool list per certification should be issued. A kit should be provided to the inspector who is then held responsible for maintaining the kit complete. It would be desirable to establish a company store for replacements

MAJOR PROBLEMS

1. The following three (3) problems are considered the major concerns of mechanical QC at the site:

- ✓ 1. Procedure CPM 6.9 is considered inadequate. It is impractical in that it is vague, hard to understand and open to excessive interpretation. It has too many references and lacks continuity in that requirements for a single activity are found in different sections throughout the procedure.
2. Inspectors express concern and frustration over verbal directives to use good common sense and judgement in lieu of written instructions and acceptance criteria. These verbal instructions are causing confusion in the areas of root pass inspections, thin wall inspections, and cleanliness inspections.
3. Inspectors question the adequacy of corrective actions to prevent recurrence of problems identified. These problems are documented on NCR's and dispositioned, but keep recurring.

TEXAS UTILITIES GENERATING COMPANY

OFFICE MEMORANDUM

To D.N. Chapman/R.G. Tolson Glen Rose, Texas 10-10-79

Subject TUGCO QA MANAGEMENT REVIEW BOARD
INTERVIEWS OF THE SITE INSTRUMENTATION QC PERSONNEL

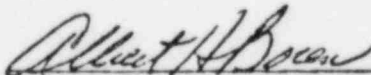
The TUGCo QA Management Review Board has completed it's interviews with all available Site Instrumentation QC inspection personnel. Attachment A contains the problems identified during the interviews.

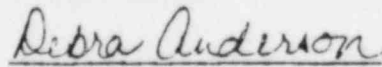
As requested, this report is forwarded to the Manager, Quality Assurance and the Site QA Supervisor for review and necessary action.

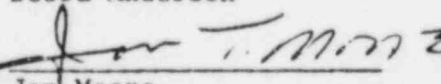
In accordance with your overall plan, we request that you transmit to the TUGCo QA Audit Group a description of proposed corrective action and a schedule for implementation to aid in follow-up activities.

Attachment

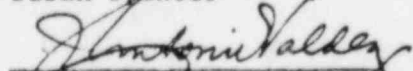
MANAGEMENT REVIEW BOARD

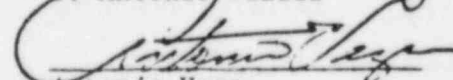

Albert Boren


Debra Anderson


Jon Moore


Susan Spencer


W. Antonio Valdez


Antonio Vega

ATTACHMENT A
QC INSTRUMENTATION PERSONNEL

QC Inspectors Interviewed Expressed the Following:

1. The Checklist for Traceability of Instrument Racks does not have enough detail.
2. Communication with the QC inspectors needs to be improved. Inspectors are not being informed of document changes. When procedures are revised there should be meetings held to discuss the changes.
3. The pay differential for performing the same type inspection activities is too broad.
4. Inspectors feel that the benefit policies are unfair. Apparently the program keeps changing. Current policies differ from those explained at time of hire.
5. Procedure CPM 6.9 is considered inadequate. It is impractical in that it is vague, hard to understand and open to excessive interpretation. It has too many references and lacks continuity and detail.
6. The new system distributing DCA's does not assure that all DCA's will be included on drawings.
7. QC inspectors feel that QC management does not support QC. QC management seems to support construction.
8. Greater emphasis should be placed on hiring people with experience, especially in the supervisory positions.
9. The "Use As Is" disposition is frustrating. The QC inspectors need an adequate explanation of why NCR's are dispositioned as "Use As Is".

TEXAS UTILITIES GENERATING COMPANY

OFFICE MEMORANDUM

To D. N. Chapman/R. G. Tolson

Dallas, Texas October 15, 1979

Subject TUGCO QA MANAGEMENT REVIEW BOARD
INTERVIEWS WITH THE SITE CIVIL QC INSPECTION PERSONNEL

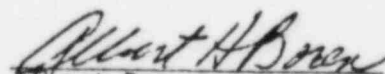
The TUGCO QA Management Review Board has completed its' interviews with all available Site Civil QC inspection personnel. Attachment A contains the problems identified during the interviews.

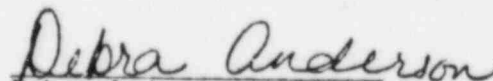
As requested, this report is forwarded to the Manager, Quality Assurance and the Site QA Supervisor for review and necessary action.

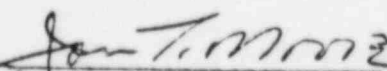
In accordance with your overall plan, we request that you transmit to the TUGCO QA Audit Group a description of proposed corrective action and a schedule for implementation to aid in follow-up activities.

MANAGEMENT REVIEW BOARD

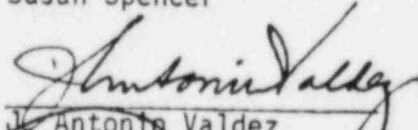
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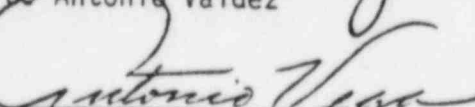

Albert Boren


Debra Anderson


Joe McCre


Susan Spencer


Antonio Valdez


Antonio Vega

ATTACHMENT A
QC CIVIL PERSONNEL

TEXAS UTILITIES GENERATING COMPANY

OFFICE MEMORANDUM

To D.N. Chapman/R.G. Tolson Glen Rose, Texas 10-18-79

Subject TUGCO QA MANAGEMENT REVIEW BOARD
INTERVIEWS WITH QA ADMINISTRATIVE PERSONNEL

The TUGCO QA Management Review Board has completed its' interviews with all available QA Administrative Personnel. Attachment A contains the problems identified during the interviews.


As requested this is forwarded to the Manager, Quality Assurance and the Site QA Supervisor for review and necessary action.

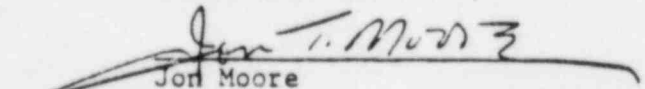
In accordance with your overall plan, we request that you transmit to the TUGCO QA Audit Group a description of proposed corrective action and a schedule for implementation to aid in follow-up activities.

Attachment

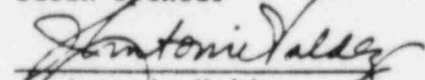
MANAGEMENT REVIEW BOARD

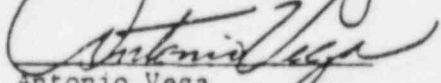

Albert Boren


Debra Anderson


Jon Moore


Susan Spencer


J. Antonio Valdez


Antonio Vega

QC Inspectors Interviewed Expressed the Following:

1. The training program and examinations should be more detailed.
2. QC inspectors should receive more classroom and on-the-job training.
3. Classroom training needs to include visual aids such as slides of various rejectable cadwelds.
4. Inspectors should receive training on how to read prints.
5. QC does not always have current DCA's and drawings available for their use.
6. The reproduction quality of drawings is poor, therefore, drawings are often hard to read.
7. QC procedures are vague and leave too much room for interpretation.
8. The QC Inspection Report Form needs additional space for inspector's comments.
9. There is no checklist to describe what needs to be verified. Instead the inspector writes in on the Inspection Report Form what was verified.
10. QC inspectors should be required to work the same hours as construction workers to insure quality.
11. A tremendous feeling of job insecurity exists. Inspectors are not sure if they will be needed in other disciplines since civil activities are decreasing.
12. The relationship between Brown & Root, Gibbs & Hill, and TUGCO is confusing.
13. There is no close relationship between TUGCO and Brown & Root when it comes to personnel evaluations.
14. There is a feeling that construction quotas have priority over quality.
15. Inspectors feel they have no authority. They feel that engineering can override every discrepancy.
16. There is a feeling that Brown & Root's upper level management does not support civil activities.

ATTACHMENT A
QA ADMINISTRATIVE PERSONNEL

QC Personnel interviewed expressed the following:

1. The flow of communication up and down the chain of command is inadequate to inform the people on what is going on.
2. Supervisors do not inform personnel of changes until the last minute.
3. There are no equitable policies or selection processes for hiring qualified QC personnel.
4. Xerox equipment availability is inadequate.

TEXAS UTILITIES GENERATING COMPANY

OFFICE MEMORANDUM

To D. N. Chapman/R. G. Tolson Glen Rose, Texas 10-18-79

Subject TUGCO QA MANAGEMENT REVIEW BOARD
INTERVIEWS OF THE SITE QC RECEIVING INSPECTORS

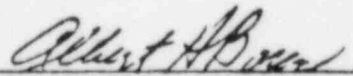
The TUGCO QA Management Review Board has completed its interviews with the Site QC Receiving Inspectors. Attachment A contains the problems identified during the interviews which we have categorized into the areas of training, documentation, management, communication, supervision, and other problems.

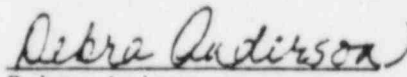
As requested, this report is forwarded to the Manager, Quality Assurance and the Site QA Supervisor for review and necessary action.

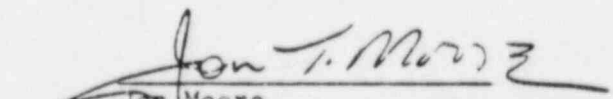
In accordance with your overall plan, we request that you transmit to the TUGCO QA Audit Group a description of proposed corrective action and a schedule for implementation to aid in follow-up activities.

Attachment

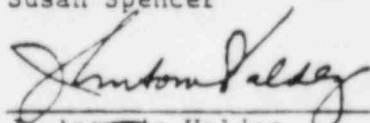
MANAGEMENT REVIEW BOARD

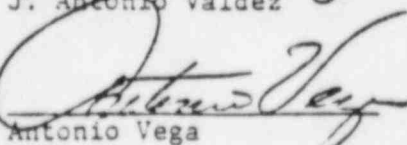

Albert Boren


Debra Anderson


Jon T. Moore


Susan Spencer


J. Antonio Valdez


Antonio Vega

ATTACHMENT A

QC RECEIVING INSPECTORS

TRAINING

1. QC inspectors expressed concern that receiving inspectors are not trained to inspect electrical equipment or to inspect welds.
2. QC Inspectors feel that training and examinations given to them were inadequate. Some feel that the "On-the-Job" training was marginal. They feel the training should come from a person other than the lead man.
3. QC Inspectors feel that the crafts should be trained on filling out their required forms.
4. QC Inspectors feel that the present B&R training program does not allow a QC Inspector to attend other schools so as to get another certification. They state there is no room for cross-training.
5. QC Inspectors expressed a belief that the crafts should be indoctrinated on quality requirements for Nuclear Power Plants.
6. QC Inspectors feel that expeditors for pipe hangers are not knowledgeable in what they are doing.

DOCUMENTATION

1. QC Inspectors have complained about procedure CPM-6.9. They have expressed concern that it has many references and at times is contradictory to receiving procedures.
2. QC Inspectors are concerned that there is no procedure to cover receiving inspection of hangers.

MANAGEMENT

1. QC Inspectors view management support as follows:
 - a. QC inspectors feel that management supports construction at the expense of quality. They see QC bowing down to construction's will.
 - b. QC Inspectors feel that management thinks QC is delaying construction.
 - c. Some Inspectors feel there is no channel of communication available to them to talk to upper management.
 - d. Some Inspectors expressed concern that they have not seen upper management personnel in the field.
2. QC Inspectors feel B&R exerted excessive harassment on them to participate in the United Way Fund Drive.
3. The feeling was expressed that there is too much personnel turnover in the warehouses.
4. The feeling was expressed that planning is inadequate as evidenced by construction always needing an item immediately.
5. Many QC Inspectors complained about salary structure and about B&R's policies on benefits.
6. Some QC Inspectors have yet to see their performance evaluation. This evaluation has a bearing on their wages.

COMMUNICATION

1. QC inspectors feel that construction has a better system of communication since they know when equipment will arrive before the receiving personnel.
2. QC Inspectors feel that a better channel of communication has to be established between upper management and inspectors to discuss field problems.
3. QC Inspectors indicated that there is no interaction between QC groups or among themselves.
4. Distribution of procedures is inadequate.
5. There are too many verbal directions given, which are not followed up by written instruction.

SUPERVISION

1. Some QC Inspectors feel that there are personal conflicts between some inspectors and their supervisor.
2. Some QC Inspectors feel their supervisor does not answer their questions adequately. They also feel his decisions are inconsistent.
3. Inspectors expressed dissatisfaction with overtime administration. They state its administration is kept secret and based on favoritism.
4. Some QC Inspectors feel their supervisor is not qualified to perform receiving inspection of supports.

OTHER

The following comments were expressed by receiving QC Inspectors.

1. B&R fabricated pipe spools are being bought off without the ANI signature.
2. There is excessive duplication on the RIR.
3. Crafts are depending on receiving to verify heat numbers that are documented on the MRR's.
4. Weld material is improperly stored.
5. Vendor surveillance group is missing many deviations that are eventually detected by the site inspection.
6. No attention is paid to storage requirements.
7. There is not enough warehouse space.
8. Level A storage has inadequate dust control.
9. Cable trays are being used before MRR's are filled out.
10. Traceability of cable trays is lost when they go to the galvanizing process, especially T.J. Cope's cable trays.
11. QC Inspectors have to go through too many people to acquire a missing document from a vendor.
12. Some storage levels are changed through a memo only.
13. Hangers, where source inspection has been waived, present excessive inspection problems.
14. An excessive number of hangers are being sent to salvage.

TEXAS UTILITIES GENERATING COMPANY

OFFICE MEMORANDUM

To D. N. Chapman/R. G. Tolson

Glen Rose, Texas October 18, 1979

Subject

TUGCO QA MANAGEMENT REVIEW BOARD
INTERVIEWS WITH QA/QC SITE SURVEILLANCE GROUP

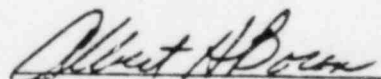
The TUGCO QA Management Review Board has completed its interviews with all available QA/QC Site Surveillance Personnel. Attachment A contains the problems identified during the interviews.

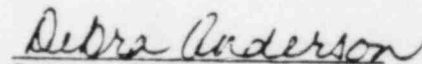
As requested this is forwarded to the Manager, Quality Assurance and the Site QA Supervisor for review and necessary action.

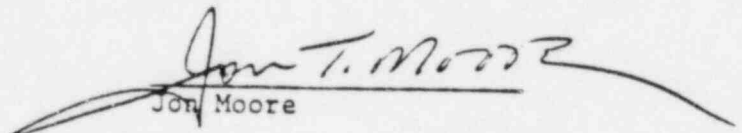
In accordance with your overall plan, we request that you transmit to the TUGCO QA Audit Group a description of proposed corrective action and a schedule for implementation to aid in follow-up activities.

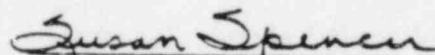
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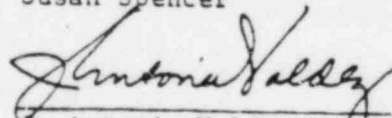
MANAGEMENT REVIEW BOARD

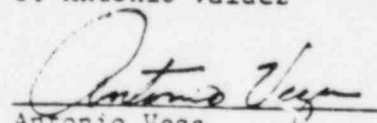

Albert Boren


Debra Anderson


Jon Moore


Susan Spencer


J. Antonio Valdez


Antonio Vega

ATTACHMENT A

QA/QC SITE SURVEILLANCE PERSONNEL

The following statements or concerns were expressed by the Site Surveillance Group:

MANAGEMENT

1. Proficiency in the group has been adversely affected by continuous changes in the organization structure.
2. Different philosophies of operation prevail. Consequently, decisions have been inconsistent at times.
3. Construction's objective is to build without due consideration of quality requirements. Craft foremen do not seem to care about quality and that same attitude is carried over to the crafts.
4. Management does not support the quality control effort at CPSES, especially construction management.
5. Construction management should indoctrinate crafts that quality is built into a product by crafts themselves and not by Quality Control. QC only verifies quality.
6. Brown and Root's salary policy is inadequate and is causing low morale and high turnover.
7. Management has a parent-child attitude towards QC.
8. Some electrical inspectors do not have enough experience in electrical work.
9. There is no personnel counseling from supervision and/or management.

COMMUNICATION

1. Communication channels have too many intermediaries to get objectives accomplished.
2. The Use-As-Is syndrome is detrimental to QC Inspectors morale. No explanations are given on accepting rejected work.

TRAINING

1. Training is inadequate in the classroom. This is due to the weakness of some instructors.

TEXAS UTILITIES GENERATING COMPANY

OFFICE MEMORANDUM

To D. N. Chapman/R. G. Tolson Glen Rose, Texas 10-18-79

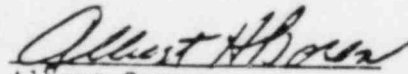
Subject TUGCO QA MANAGEMENT REVIEW BOARD
INTERVIEWS OF THE SITE PROTECTIVE COATINGS QC PERSONNEL

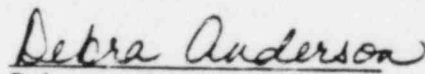
The TUGCO QA Management Review Board has completed its interviews with the Site Protective Coatings QC personnel. Attachment A contains the problems identified during the interviews which we have categorized into the areas of training, documentation, management and other problems.

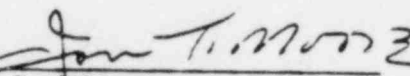
As requested, this report is forwarded to the Manager, Quality Assurance and the Site QA Supervisor for review and necessary action.

In accordance with your overall plan, we request that you transmit to the TUGCO QA Audit Group a description of proposed corrective action and a schedule for implementation to aid in follow-up activities.

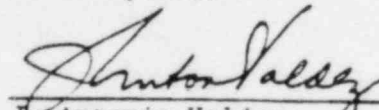
MANAGEMENT REVIEW BOARD

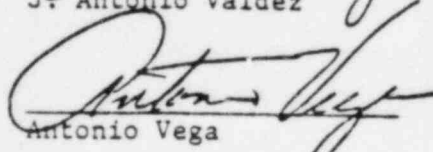

Albert Boren


Debra Anderson


Jon Moore


Susan Spencer


J. Antonio Valdez


Antonio Vega

ATTACHMENT A

QC PROTECTIVE COATINGS PERSONNEL

TRAINING

1. The formal training program is considered inadequate.
2. The formal training instructor seems to lack practical experience and is actually misleading people.
3. Training aids and exams could be improved.
4. On-the-job training is too short for new coating inspectors.
5. A recertification program should be incorporated to make sure inspectors are doing their inspections properly.

DOCUMENTATION

1. Specifications are inadequate and need to be rewritten. Examples cited were CCP-30 and CCP-40.
2. Procedures are illogical. They could be more specific and meet the needs of the field.
3. There are inconsistent requirements on manufacturer's technical data sheets. An example cited was Carboline.
4. An excessive amount of DCA's are being dispositioned as "Use As Is" without adequate explanation to the QC inspector as to why.
5. Some important inspection points are being looked at unofficially.

MANAGEMENT

1. There is dissention within the group because of pay inequities; also, because QC does not get cost of living raises and the craft does.
2. Construction applies excessive pressure on QC inspectors to buy off rejectable work. An example cited was missed spots in sandblasting.
3. Upper level management applies excessive pressure on engineering to loosen specification requirements to accomodate construction activities.
4. There is a need to hire inspectors with more coatings experience.
5. Inspectors are not familiar with QC management personnel.

OTHER

1. Gold hats are bypassing the proper communication channels by contacting vendors directly when there is a problem meeting specification requirements. They get the vendor to adjust the requirements which enables construction work to proceed with less impact on schedule. It is felt that the vendors are willing to sign anything to accommodate the customer. This applies to application and handling requirements.
2. There is a problem between paint crew shifts. Material is prepared during the day shift and coated during the night shift. At times the curing requirement is not met which results in non-cured items being coated.
3. Some safety problems are being ignored. These are things such as unsafe scaffolding being used and poor health conditions.
4. There is no system of coatings traceability. A system is needed to identify where a specific batch was actually used.
5. Construction does not give adequate notification of activities which require QC support.
6. Some people in authority appear to lack practical field experience.
7. Mixes for quality related work are being prepared without QC inspectors present, in violation of procedure.
8. Non-certified painters are being used on quality related work inside the containment.

TEXAS UTILITIES GENERATING COMPANY

OFFICE MEMORANDUM

To D.N. Chapman/R.G. Tolson Glen Rose, Texas October 17, 1979
Subject TUGCO QA MANAGEMENT REVIEW BOARD
INTERVIEWS WITH THE SITE QC TEST LAB PERSONNEL

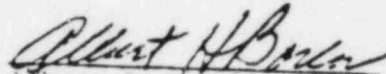
The TUGCO QA Management Review Board has completed its' interviews with all available Site QC Test Lab personnel. Attachment A contains the problems identified during the interviews.

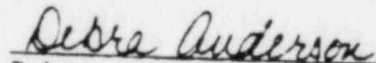
As requested, this report is forwarded to the Manager, Quality Assurance and the Site QA Supervisor for review and necessary action.

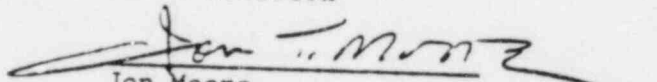
In accordance with your overall plan, we request that you transmit to the TUGCO QA Audit Group a description of proposed corrective action and a schedule for implementation to aid in follow-up activities.


MANAGEMENT REVIEW BOARD

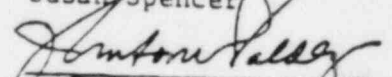
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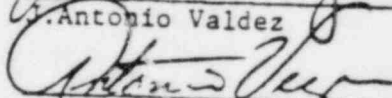

Albert Boren


Debra Anderson


Jon Moore


Susan Spencer


J. Antonio Valdez


Antonio Vega

ATTACHMENT A
QC TEST LAB PERSONNEL

QC Personnel interviewed are experiencing the following problems:

1. They have trouble finding the responsible craft person to sign off on their portion of the "placement card".
2. There is excessive fluctuation in the work load due to a lack of pre-planning by construction.
3. There is a pay differential between QC groups.
4. Test procedures could be more precise and contain more detail.
5. Either more radios need to be provided or the ones they have need to be given better service or maintenance.
6. Port-A-Johns are not clean.

TEXAS UTILITIES GENERATING COMPANY

OFFICE MEMORANDUM

To D. N. Chapman/R. G. Tolson

Glen Rose, Texas 10-18-79

Subject

TUGCO QA MANAGEMENT REVIEW BOARD
INTERVIEWS OF THE SITE QA/QC STAFF PERSONNEL

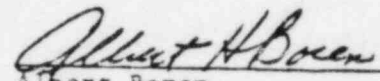
The TUGCO QA Management Review Board has completed its interviews with the Site QA/QC Staff personnel. Attachment A contains the problems identified during the interviews which we have categorized into the areas of training, documentation, management, communication, and other.

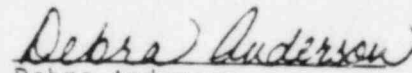
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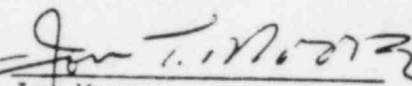
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MANAGEMENT REVIEW BOARD

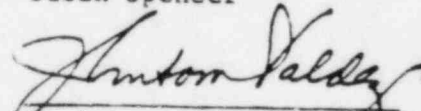
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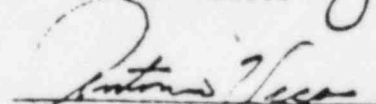

Albert Boren


Debra Anderson


Jon Moore


Susan Spencer


J. Antonio Valdez


Antonio Vega

ATTACHMENT A

QA/QC STAFF PERSONNEL

NOTE: Due to the diverse nature of this group, the problems identified were not necessarily voiced by more than one person. However, we feel they merit attention.

MANAGEMENT

QA/QC Staff personnel interviewed expressed the following:

1. There has been so much reorganization and changes to activities that they are not being given enough time to implement the changes before someone is deemed inadequate and fired.
2. There is a power struggle in the field between construction and QC personnel.
3. Top construction management does not have a quality oriented attitude which results in craft who are not indoctrinated in the importance of quality control.
4. Lack of support by Construction and QC management is resulting in poor communication between craft and QC personnel.
5. TUGCO management does not always take a strong enough stand against construction to assure required quality.
6. The emphasis should be on finding, stopping, and correcting problems instead of relying on costly rework at a later date.
7. The split in the QA/QC organization (B&R vs TUGCO) is confusing.
8. Management support of QA/QC varies widely; i.e. goes from total support of quality to support of production/scheduling.
9. More emphasis should be placed on making the crafts stick to requirements (drawings, procedures) instead of changing good requirements to accommodate the craft. The attitude appears to be that when problems are found, QC is holding up construction not that the crafts are not doing their job right.
10. Upper QC management is not accessible.
11. Some QC supervisors lack practical field experience.
12. B&R management attitude toward their personnel is poor. They do not take a personal approach in dealing with employees.
13. QC management has made verbal agreements with the ANI which have caused problems.

COMMUNICATION

QA/QC Staff personnel interviewed expressed the following:

1. The high turnover in management personnel has resulted in constant program changes which have resulted in confusion.
2. An adversary relationship exists between crafts and QC which at times has resulted in threats of physical violence.
3. QC personnel are not kept informed of organization changes which is resulting in feelings of insecurity and instability.
4. Interface between Power Engineering (Houston) and Materials Engineering(Site) in the area of procedural changes is inadequate.

TRAINING

QA/QC Staff personnel interviewed expressed the following:

1. Interim Change Notices (ICNs) to CPM 6.9 are not getting to instructors in a timely manner.
2. Lesson plans and examinations need updating.
3. Indoctrination on procedures is not adequate. The instructor is not given enough time to become familiar with it and to conduct classes prior to implementation.
4. Instruction for electrical QC personnel is inadequate. They are not adequately certified to do their jobs.
5. There is a need for a training course in blueprint reading.

DOCUMENTATION

QA/QC Staff personnel interviewed expressed the following:

1. CPM 6.9 is illogical. It needs indexing and restructuring to make it a useful tool.
2. Vault and document administration is inadequate.
3. Engineering Instructions (not sent out by DCC) are not adequately distributed.
4. Concern was expressed over traceability and identification of 3/4" and under piping and components for use in vent and drain assemblies which have not been given line item designations by the A-E.
5. Reproduction of documentation is of generally poor quality.
6. Too much unnecessary paperwork is being generated.
7. QC personnel are working to outdated procedures.

OTHER

QA/QC Staff personnel interviewed expressed the following:

1. Staff personnel are not treated as professionals by B&R management (ex. cattleshoot, in and out privileges).
2. Staff personnel feel that the pay structure is totally inadequate. Examples:
 - a) Should have equal pay for equal responsibilities
 - b) Job knowledge and length of service should mean something
 - c) Length of time between evaluation and raises is excessive and QC has no provision for retroactive pay
3. In the Startup/Turnover area, the total scope of review has not yet been defined, but the current scope seems inadequate due to the problems being found (i.e. errors in inspection reports, travelers not arriving on time)

TEXAS UTILITIES GENERATING COMPANY

OFFICE MEMORANDUM

To D. N. Chapman/R. G. Tolson Glen Rose, Texas 10-19-79

Subject TUGCO QA MANAGEMENT REVIEW BOARD
INTERVIEWS OF THE SITE QC DOCUMENTATION PERSONNEL

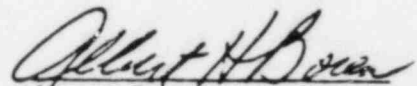
The TUGCO QA Management Review Board has completed its interviews with all available Site QC Documentation personnel. Attachment A contains the problems identified during the interviews which we have categorized into the areas of training, documentation, management, communication, morale, and other problems.

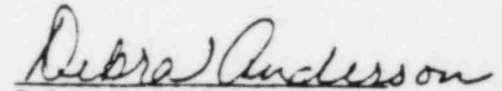
As requested, this report is forwarded to the Manager, Quality Assurance and the Site QA Supervisor for review and necessary action.

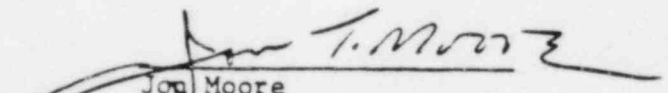
In accordance with your overall plan, we request that you transmit to the TUGCO QA Audit Group a description of proposed corrective action and a schedule for implementation to aid in follow-up activities.

Attachment

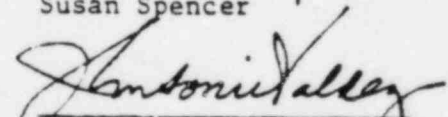
MANAGEMENT REVIEW BOARD

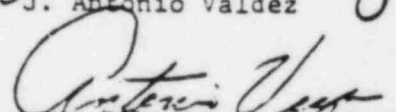

Albert Boren


Debra Anderson


Joe Moore


Susan Spencer


J. Antonio Valdez


Antonio Vega

ATTACHMENT A

QC DOCUMENTATION PERSONNEL

OTHER

QC Personnel interviewed expressed the following:

1. Cameras and scaffolding are considered unsafe.
2. There is difficulty in obtaining necessary equipment such as stopwatches, portable lighting, extension cords, special jigs, cherry pickers and cranes.
3. There is no effective preventive maintenance program for radiographic equipment.
4. Interpretations of radiographs are not consistent between organizations such as Brown and Root QC, Brown and Root Materials Engineering and Gibbs & Hill.
5. Weld preps on RT joints are not per ASME Section III. This makes interpretation difficult.
6. There is an excessive amount of weld rejects. Presently there are over 200 weld repairs outstanding.
7. Housekeeping is poor to the extent that it presents a safety hazard.
8. RT procedures are considered inadequate. They are vague, subject to interpretation, and have excessive loopholes. Techniques are poorly defined.
9. QC Personnel feel the night shift Radiation Safety Officer is not technically qualified.

TRAINING

QC Documentation personnel interviewed expressed the following:

1. Training on procedures and changes is inadequate. Personnel are expected to read procedures and learn by trial and error.
2. QC personnel expressed a desire to obtain additional training in certain areas to better understand their jobs. These areas include ASME and other related codes and applications. Such training is not available even on a voluntary after hours basis.

DOCUMENTATION

QC Documentation personnel interviewed expressed the following:

1. Procedure CPM 6.9 is inadequate. It is vague, unorganized, contradictory, and confusing.
2. Document control problems are being experienced. Current drawings are not always available and at times must be obtained from craft. There is a similar problem with procedures.
3. Drawings are not always legible. They are cluttered and hard to read without magnification.
4. There are inconsistencies between construction and QC procedures.
5. Too many errors are being found on the Weld Data Cards after they have been completed by the field.

MANAGEMENT

1. Management is too production oriented. There is not enough support of QC activities. For example, QC Personnel have been informed that documentation need only be 90% correct. The remaining 10% will be caught by the field.
2. QC Personnel feel that there is inadequate planning and coordination. As a result, workload and program effectiveness suffers.
3. QC Personnel feel that their supervisor is unqualified. They would like better direction and firm, fair supervision. The following are some of the concerns expressed:
 - a) They feel that the supervisor does not have good control of the group.
 - b) The supervisor's decisions are based on personal opinion rather than on valid inputs.
 - c) They are concerned that the supervisor's knowledge of hangers appears marginal.
 - d) Supervisor's verbal instructions are disrupting the group's ability to work as a unit.
4. QC Personnel do not know whether TUGCO, TUSI or Brown and Root is in charge of the Quality Control Department. They feel that the client overrules B&R personnel assignments.
5. QC Personnel state that there are no job descriptions. Consequently, they do not understand their job scope, duties, responsibilities or authority.
6. QC Personnel feel that there are too many verbal instructions, some of which are in conflict with specifications, procedures, or code requirements. QC Personnel also feel insecure when following verbal orders. They feel that management will not support them when conflicts are identified.
7. QC Personnel feel that Brown and Root personnel policies cause confusion. Some of the comments expressed by the QC Personnel are:
 - a) There is no set and equal pay scale.
 - b) Raises that have been promised have not yet been received.
 - c) Doing a good job is counterproductive towards promotions. Supervisor wants to keep productive people in present job.
 - d) Job openings are not publicized; promotions go to relatives or buddies.
 - e) Brown and Root's policy on sick leave and absence for personal business is not well defined.
 - f) QC Personnel resent the cancellation of benefits such as the parking policy.

COMMUNICATION

QC Documentation personnel interviewed expressed the following:

1. Complaints of poor communication are frequent, specifically interface communication between QC personnel and engineering, crafts and supervisors.
2. Information applicable to the entire group should be presented accordingly instead of on a selected individual basis.
3. There are complaints of excessive delay in obtaining answers to QC personnel questions.
4. Information needed to perform one's job is difficult to obtain.

MORALE

The following were identified as underlying causes for low morale:

1. Personnel feel their job security is threatened if verbal directions are not followed, even if the instructions are contrary to written requirements.
2. There are excessive verbal instructions which are resulting in inconsistent directives.
3. There are problems with salary administration, promotion practices, and selective enforcement of B&R "mickey mouse" policies, all of which are biased by favoritism.
4. There is no opportunity to upgrade oneself from present position.
5. There is a lack of professionalism. A master/slave attitude is prevalent. There is no delegation of authority.
6. There is a lack of emphasis on quality and lack of strong management support for the quality effort.
7. There is a general feeling that QC lacks authority. This is reflected by lack of support by supervision.

OTHER

1. Field Deviation Reports and Nonconformance Reports should be analyzed for trends. There is a need for greater effort to prevent recurrence. There is a need to reduce construction holdup of documentation to provide timely follow-up and close-out.
2. All documentation review personnel should be organized and coordinated under one responsible person. This group should be involved in "walkdown" of completed systems at turnover.
3. There is a need to put emphasis in the hanger documentation area. Personnel see undue delays in receipt of documentation packages. The condition of hanger documentation is seen as poor.
4. There is a feeling that documentation personnel should be certified to Level II with a corresponding increase in training.
5. Personnel feel they are understaffed. They feel random inspection per MIL-STD 105 is inadequate.

ATTACHMENT A
SITE QC NDE PERSONNEL

TEXAS UTILITIES GENERATING COMPANY

OFFICE MEMORANDUM

To D.N. Chapman/R.G. Tolson

Glen Rose, Texas 10-19-79

Subject

TUGCO QA MANAGEMENT REVIEW BOARD
INTERVIEWS WITH QC NDE PERSONNEL

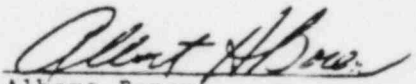
The TUGCO QA Management Review Board has completed its interviews with all available Site QC NDE Personnel. Attachment A contains the problems identified during the interviews which we have categorized in the areas of training, management, communication, and other problems.

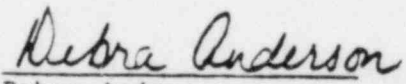
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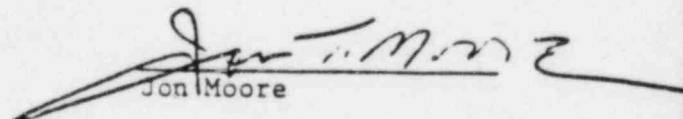
In accordance with your overall plan, we request that you transmit to the TUGCO QA Audit Group a description of proposed corrective action and a schedule for implementation to aid in follow-up activities.

Attachment

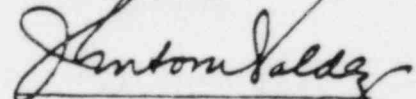
MANAGEMENT REVIEW BOARD

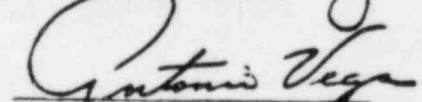

Albert Boren


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J. Antonio Valdez


Antonio Vega

TRAINING

The following concerns were expressed by the QC RT Inspectors:

1. The examination contained questions that were not covered in the required readings.
2. The instructor does not go over the graded examinations to discuss incorrect answers or answer QC Inspectors' questions on the examination.
3. There is excessive time lag between completion of training and examination. QC Inspectors feel that coordination in the training program needs improvement.
4. Examination questions are sometimes ambiguous.
5. RT examination should relate more to gamma-ray radiography.
6. A training program should be established to allow cross training and to provide refresher courses.
7. QC Inspectors feel that the instructor should not use the classroom to discuss management problems or other problems or topics not related to the school.

MANAGEMENT

QC Inspectors interviewed expressed the following:

1. The B&R pay structure is inadequate. It does not fairly provide for experience and levels and areas of certification.
2. Poor scheduling is adversely affecting the night shift activity. Construction is unresponsive to requests for scheduling information on upcoming activity.
3. The supervisor's management ability is strongly questioned. Complaints voiced include:
 - a) Existence of strong personality conflicts between the supervisor and the QC inspectors.
 - b) Inconsistent decisions
 - c) Answers to the QC inspectors questions prove to be untrue and at times are obvious misrepresentations.
 - d) Lack of support.
 - e) Excessive verbal instructions in conflict with requirements.
 - f) Exhibits jealousies, insecurities and demeaning attitude.
 - g) Threats of termination.

The above is resulting in excessive turnover rate within the RT group.

4. Some policies are seen as causing low morale especially when they are not uniformly enforced. These include policies on:
 - a) Length of hair
 - b) Soft drink cans on site
 - c) Remaining in work area until last whistle
 - d) Involuntary shift assignments
 - e) Termination/rehire practice to by-pass system
 - f) Excused absence policy administration

COMMUNICATION

QC Radiography Personnel interviewed expressed the following:

1. QC Personnel are generally uncertain of their duties, responsibilities, and function in Quality Control.
2. Many welds are not ready for RT when the request is received by QC.
3. QC Personnel feel that construction does not understand the role of RT in quality control.
4. QC Personnel feel that construction needs to receive indoctrination and training in filling out RT Request Forms to assure that vital information is entered on the cards (i.e. location, pipe size, schedule).
5. QC Personnel feel that there is poor communication with QC management from the supervisor level on up. They feel that management is not visible in the field.
6. Night shift QC Personnel feel isolated from the QC organization. They have minimal contact with supervision, do not know who is in QC management, and are not made aware of changes within the organization.
7. QC Personnel are concerned that Welding Engineering is not putting all required information on the Weld Data Cards which results in lost time while the Inspector researchs the information.