

ORIGINAL

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the matter of:

TEXAS UTILITIES ELECTRIC
COMPANY, et al

Docket No. 50-445
50-446

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

Deposition of: David N. Chapman

Location: Glen Rose, Texas

Pages: 350500-35,730

Date: Monday, July 9, 1984

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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:           :
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TEXAS UTILITIES ELECTRIC    :
COMPANY, et al.             : Docket Nos. 50-445
                             : 50-446
(Comanche Peak Steam Electric :
Station, Units 1 and 2)     :
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Glen Rose Motor Inn
Glen Rose, Texas

July 9, 1984

Deposition of: DAVID N. CHAPMAN,
called by examination by counsel for Intervenor,
taken before SUZY YOUNG, Court Reporter,
beginning at 10:00a.m., pursuant to agreement.

APPEARANCES:

On behalf of Applicant:

NICHOLAS S. REYNOLDS, Esq.
-and-
LEONARD W. BELTER, Esq.
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1200 Seventeenth Street, N.W.
Washington, D. C. 20036

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APPEARANCES: (continued)

On behalf of NRC Staff:

RICHARD G. BACHMANN, Esq.

-and-

BILLIE GARDE

U. S. Nuclear Regulatory Commission

Washington, D. C. 20555

On behalf of Intervenor, CASE:

ROBERT GUILD, Esq.

P. O. Box 12097

Charleston, South Carolina 29412

-and-

ANTHONY ROISMAN, ESQ.

Washington, D.C.

COTTON CONTENT

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I N D E X

WITNESS

EXAMINATION BY

PAGE

DAVID N. CHAPMAN

Mr. Guild

35,509

NOT FOR CONTENT
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P R O C E E D I N G S

1
2 Whereupon,

3 DAVID N. CHAPMAN

4 was called as a witness and, having been first duly
5 sworn, was examined and testified as follows:

6 MR. BELTER: My name is Leonard Belter. I am
7 a member of the law firm of Bishop, Liberman, Cook,
8 Purcell & Reynolds, counsel for Texas Utilities Electric
9 Company, Applicant in this proceeding.

10 I appear here today in that capacity and as
11 attorney for David Chapman, a TUGCO employee.

12 Before proceeding further, I wish to point
13 out that Mr. Chapman is appearing voluntarily, and that
14 he is not under subpoena.

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

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

1 At this time I would like to summarize the
2 guidelines established by the Board for this proceeding
3 and the taking of this deposition.

4 MR. GUILD: Before you do that, why don't
5 we just get the rest of the appearances just so we can
6 see who is here? I'd like to be clear about the names
7 of the folks who are representing whom, and then you can
8 enter whatever statement you like.

9 MR. REYNOLDS: I am Nicholas Reynolds, counsel
10 for Mr. Chapman.

11 MR. BACHMAN: I am Richard Bachman,
12 counsel for the NRC Staff.

13 MR. GUILD: I am Robert Guild. I am
14 entering an appearance for the Intervenor, CASE. I am
15 a member of the bar of the State of South Carolina.

16 MS. GARDE: I am Bille Garde, trial lawyer
17 for Public Justice.

18 MR. BELTER: Under the order issued by the
19 Board on March 15, as modified by a series of
20 subsequent telephone conference rulings, the scope of
21 this deposition is limited to the taking of evidence
22 and the making of discovery on harassment, intimidation,
23 or threatening of quality assurance/quality control.
24 That is QA/QC personnel.

25 With one exception, allegations regarding any

1 claims of harassment or intimidation of craft
2 personnel have been specifically ruled by the Board
3 to be beyond the scope of the examination in these
4 proceedings.

5 The Board also has ruled that only
6 evidence based on personal knowledge may be adduced,
7 and that hearsay, rumor, innuendo and the like are
8 not proper subjects of the evidentiary portion of
9 this deposition.

10 Finally, the Board has instructed the
11 parties to separate the evidentiary and discovery
12 portions under examination of the witness.

13 To give effect to the rulings, as well
14 as to insure expeditious completion of this deposi-
15 tion, we now offer Mr. Chapman as a witness for the
16 evidentiary portion of his deposition.

17 The issues for this portion of the
18 deposition are defined by CASE's letter of June 27,
19 a copy of which has been marked as Exhibit A to
20 Mr. Vega's deposition.

21 At the conclusion of that evidentiary
22 deposition, the evidentiary record would be closed,
23 and with the opening of a new transcript to be
24 separately bound, the discovery deposition of Mr.
25 Chapman would commence, should CASE decide to conduct

1 such a deposition.

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

9 Your witness, counsel.

10 MS. GARDE: I would like to clarify your
11 understanding or interpretation of the rulings in this
12 matter on the issue of craft harassment and intimidation.
13 Could you repeat that sentence or sentences.

14 MR. BELTER: With one exception, allegations
15 regarding any claimed harassment or intimidation of
16 craft personnel have been specifically ruled by the
17 Board to be beyond the scope of this examination in
18 these proceedings.

19 MS. GARDE: I assume the one exception
20 you're talking about is Henry Steiner?

21 MR. BELTER: That's correct.

22 MS. GARDE: There was a conference call,
23 Mr. Belter, which I don't think you were on, in which
24 we discussed this matter -- in detail about whether
25 harassment and intimidation of craft or others, such

1 as A&I inspectors would be relevant to the attitude
2 and atmosphere of harassment and intimidation on
3 the site.

4 In that conversation or in that conference
5 call, Judge Bloch said that such evidence would be
6 persuasive, although he didn't think it would be
7 very persuasive. We were allowed to probe that.

8 And in an effort to continue with our
9 theory of the case, which is much broader -- I'm sure --
10 than yours is.

11 MR. BELTER: I disagree with your understand-
12 ing of the rulings on that matter --

13 MR. BACHMAN: May I interject the fact
14 that at Transcript Pages 13,919 to 920, the Judge was
15 quite clear that the ground of intimidation was
16 irrelevant.

17 MS. GARDE: Are we talking about the same
18 long telephone conference call?

19 MR. BACHMAN: Yes. I believe so.

20 Can we specify the date?

21 MS. GARDE: We don't have a copy of that
22 transcript, but if this is what all of you are reading
23 into the record, at the beginning I want to bring this
24 to Mr. Roisman's attention because as it lends itself
25 to the atmosphere and attitude of management, craft and

1 supervision on the site, I think that that was
2 discussed.

3 MR. BELTER: I don't think that we're
4 going to accomplish anything by arguing on the
5 record.

6 I think the first time you get a
7 question that the witness is directed not to
8 answer on this ground. you make your position known
9 to Judge Bloch.

10 MR. GUILD: Let me just state this: I am
11 not privy to the details of the communication among
12 counsel in this proceed'ng. I'm aware generally of
13 the pleadings and written decisions.

14 It is my interest, Mr. Chapman, in examining
15 you on the general subject of harassment and intimidation
16 at the Comanche Peak site, and I would ask you, sir, to
17 keep in mind that our interest is in that general
18 subject.

19 If there are any points at which your
20 testimony would be materially affected by the limits
21 that we have just been talking about -- for example, if
22 something would be significant or material and bears
23 on the distinction between harassment of craft versus
24 quality control inspectors, please let me know that,
25 that you are conditioning your answer that there may

1 be something you might say if you were going to touch
2 on that additional subject.

3 Further, on the points with respect to
4 information that may not be within your personal
5 direct knowledge, but may be information that comes to
6 you through others that you might understand as a lay
7 person to be hearsay or that your lawyer might view as
8 hearsay, similarly, if information of that sort comes
9 to mind, please let me know that that is on your mind
10 and that that might affect your answer -- or the
11 responsiveness of your answer.

12 Let me just jump in a little, if I can.

13 EXAMINATION

14 BY MR. GUILD:

15 Q I would like to understand a little bit
16 about your responsibilities, Mr. Chapman. Why don't
17 you just start by giving your full name and your
18 business address and tell me what you do, please.

19 MR. BELTER: Counsel, for your information --
20 and we don't want to create a cumulative record here --
21 Mr. Chapman's education and professional qualifications
22 have been received into evidence at Transcript Page
23 509.

24 The Board permitted voir dire of Mr. Chapman,
25 and he was qualified as an expert in his first appearance.

1 BY MR. GUILD:

2 Q In what subject?

3 A Quality assurance.

4 Q I would appreciate it if at this time if
5 you would summarize your qualifications. Tell me what
6 you do. I would appreciate -- I appreciate that you
7 have probably been a witness before in this proceeding.
8 Let's see if we can have that qualification here so that
9 it is available on this record on this subject.

10 A I am the Manager of Quality Assurance for
11 Texas Utilities Generating Company. I have been in
12 this position since September of 1976.

13 Q All right. I want to show you a document
14 that is a letter to your counsel dated June 27 of this
15 year. Have you seen that letter before, sir?

16 (Counsel hands document to witness.)

17 MR. GUILD: Counsel, I believe that's the
18 letter you had reference to in your preliminary
19 statement.

20 MR. BELTER: The problem I have with that
21 letter, Mr. Guild, is that I received a copy -- I
22 believe -- of a wrong version of this letter. The
23 letter itself may have been correct, but the attachments
24 were wrong -- that I distributed down here and did not
25 get a correct version.

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I went back up to Washington several days later, so I am not sure what version Mr. Chapman has got.

MR. GUILD: Maybe we can just establish whether he has seen what I showed him first; and then we can clarify any --

MR. BELTER: Why don't you make a distinction between the letter and the attachments just so we are clear?

MR. GUILD: All right, sir.

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BY MR. GUILD:

Q I have a letter of three pages, signed by Bille Garde to your counsel, and let me ask if you have seen that.

(Pause.)

If you would like an opportunity to study it in detail, but just tell me whether you have seen it first.

A I won't know until I have read some more of it.

Q Okay. Fine. Take your time.

A I don't believe I have read this.

Q All right, sir. I want to show you a document that is entitled incidence requested to be prepared for deposition and has your name. It says Dave Chapman. It's dated 7/2/84. I would ask you if you have seen that document. It's two pages.

A Yes.

Q Do you understand that those are listing of the subjects as to which you are to be questioned this morning?

A Yes.

Q Mr. Chapman, you worked for TUGCO in the Dallas Office, is that correct?

A That's correct.

Q And would you describe the reporting

NR2/2

1 relationship between the quality assurance organization
2 at the Comanche Peak site and yourself?

3 A Tony Vega is the site QA manager. He is
4 responsible for all the quality assurance activities
5 at the site from the licensee's standpoint, and he
6 reports directly to me.

7 Q And to whom do you report with respect to
8 quality assurance matters, Mr. Chapman?

9 A I report to B. R. Clements, who is the vice
10 president, Nuclear Operations.

11 Q Are you the senior quality assurance official
12 for TUGCO?

13 A I am.

14 Q And are you the senior quality assurance
15 official responsible for the implementation of the
16 quality assurance program at the Comanche Peak station?

17 A Yes.

18 Q And who, if anyone, preceded you in that
19 responsibility, Mr. Chapman?

20 A Homer C. Schmidt.

21 Q And if you know, when did Mr. Schmidt have
22 that job?

23 A He was the only other QA manager. He went
24 back to, I think it was sometime in '71, but certainly
25 until I took over in September of '76.

Q And did he have the same title?

NR2/3

1 A Yes.

2 Q And did he report to Mr. Clements?

3 A No.

4 Q Whom did he report to?

5 A He reported to Mr. R. J. Gary, G-a-r-y,
6 executive vice president of TUGCO. Actually, he reported
7 to him for a while but before that, he reported to the
8 president of TUSI, who was Perry G. Brittain,
B-r-i-t-t-a-i-n.

9 Q For the record, when did construction
10 commence at the Comanche Peak site approximately?

11 A I think they had a limited work authoriza-
12 tion sometime in late '74. Late '74 or '75, I'm not
13 sure.

14 Q Are you familiar with a document entitled,
15 to paraphrase the title, it is the Comanche Peak
16 Quality Assurance Plan?

17 A Yes, sir.

18 Q Do you know what the current revision of
19 that document is?

20 A No, I do not.

21 Q Are you responsible for maintaining that
22 plan?

23 A Yes.

24 Q You don't have a copy of that with you, do
25

NR2/4

1 you?

2 A No.

3 Q Do you know what the approximate effective
4 date is of 1.1 and 1.2 of that plan which reflect the
5 organizational structure of quality assurance function
6 by Comanche Peak?

7 A What was that again?

8 Q What is the current revision of those
9 figures?

10 A I don't have any idea.

11 Q Can you tell me when those organization
12 structures have changed in any material respect?

13 A I would to see the charts. I have not
14 memorized what those two figures are.

15 Q Well, let's get to the substance of it.
16 When have there been any material changes in the
17 personnel or organizational reporting relations
18 that would be reflected in your quality assurance
19 plan?

20 A In the recent reorganization of the company
21 back in January 1 of this year, that would have been
22 the most recent.

23 Q I want to understand what, if any, signi-
24 ficant changes in the quality assurance organization
25 took place?

NR2/5

1 A The quality assurance organization was not
2 affected in any way by that change.

3 Q How about the assignment of key personnel
4 in quality assurance? Was that affected in the
5 reorganization?

6 A The assignment --

7 Q People with important responsibilities
8 for quality assurance, were they affected in the
9 reorganization?

10 A Not in any way. Our organizational unit
11 was not affect. in any way.

12 Q The revision of the figure 1.2 to your
13 quality assurance plan reflected as follows, and just
14 tell me if this provides an accurate picture of the
15 quality assurance organizational structure as it
16 stands now. Correct it if you need to.

17 It shows the TUGCO-TUSI president at the
18 top as the senior official.

19 A Well, the president, yes, is the senior
20 official where all aspects of Comanche Peak come
21 together. That's construction, operation, quality
22 assurance. The president of the company.

23 Q And according to him, it shows the TUGCO
24 executive vice president and general manager.

25 A Yes.

1 Q And who holds that office now?

2 A R. J. Gary.

3 Q Reporting to him the vice president for nuclear
4 operations?

5 A Yes.

6 Q And who holds that office?

7 A B. R. Clements.

8 Q And to him the TUGCO quality assurance
9 manager, and that is yourself?

10 A Correct.

11 Q And report to you the TUGCO site quality
12 assurance manager, and who holds that position?

13 A Mr. Antonio Vega.

14 Q And how long has Mr. Vega held that position?

15 A Eight weeks, I guess. I don't really know.
16 Maybe a little longer. Just a couple or three months.

17 Q And who preceded Mr. Vega?

18 A Mr. R. G. Tolson.

19 Q And what did each of them do before they
20 changed positions? What did Mr. Vega do before he
21 became site manager?

22 A He reported to me directly in the Dallas
23 office. He was supervisor of QA services.
24
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- 1 Q. Is he responsible for audits and surveillance?
- 2 A. Yes.
- 3 Q. Was he responsible for evaluation, and I am
- 4 paraphrasing, for the evaluation of the quality assurance
- 5 program identifying weaknesses and determining the adequacy of
- 6 corrective actions?
- 7 A. Yes.
- 8 Q. Including the quality assurance programs of the
- 9 prime contractor inventors?
- 10 A. That's correct--vendors.
- 11 Q. For verification of training?
- 12 A. Yes.
- 13 Q. Also preparing formal responses to NRC Inspection
- 14 Reports?
- 15 A. Yes.
- 16 Q. 50.55 (e) reports?
- 17 A. Yes.
- 18 Q. Any other important duties come to mind?
- 19 A. Not on a regular basis.
- 20 Q. And what does Mr. Tolson do now? What did he do
- 21 after he was replaced in deposition?
- 22 A. He is working in the construction organization,
- 23 engineering and construction side of the operation.
- 24 Q. What is his position?
- 25 A. I don't know the specific title. He is involved

1 full time with the ASLB hearings.

2 Q. Those are the licensing hearings for the facility?

3 A. Yes.

4 Q. To whom does he report now?

5 A. I'm not sure what the relationship is. I think he
6 reports to Mr. Joe B. George.

7 Q. Who is Mr. George?

8 A. He is Vice-President and project manager of the
9 construction engineering side.

10 Q. And were you responsible for the decision to place
11 Mr. Vega in that position?

12 A. Yes, with concurrence from upper management, of
13 course.

14 Q. Why don't you explain, if you will, what the basis
15 was for that decision on your part?

16 A. To put him in that job?

17 Q. Yes.

18 A. Well, basically, he was a senior supervisor; he
19 had been involved in the project since virtually the beginning;
20 he was well acquainted with the various programs and systems,
21 the QA systems at Comanche Peak and had a very strong quality
22 assurance background; a very good supervisor of people, a good
23 communicator; obviously the best man for the job.

24 Q. Give me some highlights about his background that
25 reflected those qualities that were important to his job.

1 A. Well, first of all, he is a very good engineer
2 by education. He has been involved in the quality assurance
3 from an auditing standpoint, so I guess ten or eleven years
4 now.

5 Q. And essentially the same capacity that he was
6 in before?

7 A. Well, increasing levels and responsibility, but
8 the point I am making is that auditing--quality assurance
9 auditing requires the ability to communicate properly to be
10 able to point out problems on a professional basis without
11 having an inordinate number of conflicts arise, and he was
12 very good at that and still, he had a strong sense of what
13 has got to be done right.

14 Q. You mentioned his engineering background and
15 auditing background. Any other experience material to Mr.
16 Vega's qualification for this job?

17 A. Well, before he transferred over to our organization,
18 he had been with one of the operating companies and the design
19 of fossil fuel power plants. He had some plant engineering
20 experience.

21 Q. If you had to identify a single most important
22 consideration on your part in Mr. Vega's qualification for
23 that position, what would that be, sir?

24 A. The single? Well--

25 MR. BELTER: If you are able to isolate one.

1 THE WITNESS: That's why I asked the question. I
2 believe that job requires so many different things and
3 in almost equal proportions. I doubt if I could
4 isolate one. I might be able to isolate two or three,

5 BY GUILD:

6 Q. Do that if you can.

7 A. I would say quality assurance backgrounds
8 outstanding, ability to communicate and deal with people
9 in a sometimes adversarial atmosphere, which we have to
10 learn to cope with in the nuclear business, and a high degree
11 of personal integrity.

12 Q. Let me focus on that second point a bit. What did
13 you have in mind when you used those terms, "sometimes
14 adversarial atmosphere" as it relates to quality assurance
15 and particularly this position?

16 A. Well, in any position, particularly one in
17 construction QA, where you have an almost endless number
18 of opportunities for conflict to arise each day because you
19 have got so many hundreds of people overlooking and passing
20 judgments upon the work of so many others on a daily basis
21 that it's a situation that lends itself to personnel arguments
22 and conflicts. You have to be able to approach that type of
23 work with the proper attitude and the proper ability to deal
24 with people.

25 Q. Does that function include identifying

1 deficiencies in construction or design, for example?

2 A. Yes. In his case, it's construction, not so
3 much design.

4 Q. How about also in the audit and surveillance functions?

5 A. It cuts across the entire project; design,
6 construction.

7 Q. Why was Mr. Tolson replaced at this time?

8 A. I guess several events that came together once.
9 In the first place, he had asked to be replaced sometime in
10 the fall of late '83.

11 Q. Who did he ask?

12 A. He asked me.

13 Q. Did he explain why? Did he state a reason?

14 A. Yes. He basically had a few personal reasons:
15 Number One, he had been down here and his family had been
16 living in or close to Dallas and his daughters--the last two
17 had gone through high school and hadn't seen him much, and
18 it was getting to the point where he was spending a lot of
19 weekends down here. It was a personal load for him to carry.
20 He felt it was about time he moved on. He made some
21 statements that he felt that he was a professional and was
22 constantly having to defend his integrity to the public and
23 to the people in the hearings, and he was tired of that, too.
24 Q. Do you have any factual basis for questioning his
25 integrity?

1 A. No, certainly not.

2 Q. Do you know of any now?

3 A. None at all.

4 Q. Did he relate what the basis was for him holding
5 that opinion?

6 A. I think he may have had some examples, but I'm
7 not sure, and I wouldn't want to speculate on what they were,
8 but he had some examples. It wasn't really important at the
9 time, and that's why I have forgotten what it was. But he
10 wanted to be replaced.

11 Q. I want to focus on what your judgment was and
12 what your information was, as best as you recall it. Are
13 there any specific circumstances that come to mind on the
14 part of that formed part of Mr. Tolson's express reason for
15 wanting to be replaced?

16 MR. BELTER: I'm going to object to that. Are
17 you asking--because of the way you prefaced that
18 question--for whether Mr. Chapman has an opinion
19 about Mr. Tolson, the accuracy of Mr. Tolson's feelings?

20 MR. GUILD: No, I want to know what Mr. Chapman's
21 opinion is of the facts.

22 THE WITNESS: What my opinion is? I'm sorry,
23 I'm not--I don't understand it.

24 BY GUILD:

25 Q. Let me rephrase it. What I am interested in, is

1 what comes to mind. What is in your mind as to Mr. Tolson's
2 basis for wanting to be replaced and we got to the point
3 where you said that he was--I think you paraphrased it, and
4 you said he felt he was under some pressure or he was tired
5 of having his integrity questioned. I want to understand
6 what the basis was for that view of Mr. Tolson's. What
7 information did he bring to your attention? What information
8 do you have from other sources that could form part of his
9 feelings in that regard?

10 A. Well, he gave me, as I said, some generalized
11 examples, which I cannot recall at the time. He related
12 some things that have happened at the hearing and some
13 things he had been charged with in the newspapers by
14 opponents of the project and as far as any specific basis
15 for his coming to that conclusion, I just wouldn't speculate.
16 You would have to ask him.

17 Q. We can do that, but nothing comes to mind that
18 you are aware of? That's what I'm focusing on.

19 A. No. Nothing specific.

20 Q. All right. Fine. Had you had any -- Let me see
21 if I can separate this. There may have been questions that
22 were raised by opponents of the project, intervenors perhaps,
23 about Mr. Tolson's integrity. We are not clear about what
24 those might have been, but let's lay those aside for a moment.
25 Are you aware of any questions, inquiries, internal

1 investigations, reviews--whatever general terms you might
2 want to use--anything might bear on Mr. Tolson's integrity?

3 A. No. If I had had any question at all, then I
4 would have been looking into it myself.

5 Q. Well, let's put it this way: I understand your
6 conclusion and your opinion, but is it that there wasn't any basis
7 for questioning Mr. Tolson's integrity, and is it also fair
8 to say that you were not aware of TUGCo or any of the prime
9 contractors or vendors at the plant in inquiring into that
10 subject?

11 A. No, that is fair to say. I don't know of any.
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T4-1

1 Q So you have gotten to the point where
2 you said that Mr. Tolson had communicated to you that
3 he was interested in being replaced in the fall of
4 '83. How about taking me up to where he actually
5 was?

6 A After that time, I had some conversations --
7 He said, you know, that it wasn't anything that he
8 wanted out right now. He said over the next few
9 months sometime, maybe by mid-year, the second quarter
10 of '84 or something.

11 He said, "It is not anything that I want
12 out now, that I need to be arranging to get someone
13 else in here right away."

14 So I started looking around. I had some
15 conversations with my boss on the matter. We started
16 just thinking about viable candidates for that job.

17 Over the course of time I pretty much
18 came to the conclusion -- and he somewhat independently --
19 and then as we talked, came to the same conclusion that
20 we really --

21 Q Excuse me. Mr. Clements you're talking
22 about?

23 A Yes. That the job really almost had to be
24 filled at this point in the project by someone who had
25 some continuity with the project. Initially, we thought

1 about several candidates. And, obviously, Mr. Vega
2 was one.

3 Our initial reaction was we would hate
4 to move him out of that job because that would just
5 create another vacancy that I had to fill.

6 However, at that point, Tolson was basically
7 trying to hold down two full-time jobs. One was the
8 site QA job, and the other one was participation --
9 preparing for and participating in the licensing
10 hearings.

11 It was by far the most urgent need at the
12 time, which was to get that job permanently filled.

13 Q Again, the job of site QA manager?

14 A Yes.

15 And with that in mind, I looked around and
16 began thinking about candidates to fill Mr. Vega's
17 job since I knew that he could fill Mr. Tolson's
18 job best.

19 Of course, this process went on over several
20 months. It's not something that you can do overnight,
21 unless it's absolutely necessary.

22 Q Did you consider bringing in someone from
23 outside the company to fulfill the site QA manager
24 desk?

25 A Yes.

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1 Q Did you discuss the merits of that alterna-
2 tive with anyone with the NRC Staff?

3 A I don't remember doing it. I think I
4 did.

5 (Discussion off the record.)

6 BY MR. GUILD:

7 Q I was asking about --

8 A Whether I had discussed it with anyone from
9 the NRC Staff, and I don't remember having done so. I
10 don't think I did.

11 Q Had you ever discussed during this point in
12 time -- prior to making the decision or prior to the
13 actual switch, if you will, had you ever discussed
14 with the NRC --

15 A Wait a minute, wait a minute.

16 (Pause.)

17 A We interviewed an NRC man who was looking
18 for a job in Region IV. And we discussed that with
19 him. So the answer to your question is yes. It
20 wasn't in connection with "What do you think we ought
21 to do," but here was a guy who was going to go elsewhere
22 to work, and was interviewed in our company for a job.

23 Q Who was that?

24 A (No response.)

25 MR. BACHMAN: I object. I don't think

1 that's relevant at all.

2 MR. GUILD: We would ask that the question
3 be answered.

4 MR. BACHMAN: I think this might be an
5 invasion-of-privacy situation -- I mean, in addition,
6 to it being not relevant to the deposition.

7 MR. BELTER: It's so far afield. As I
8 understand it, you are not even taking discovery
9 depositions, so we are strictly in an evidentiary
10 phase.

11 If that is the case, I am going to direct
12 the witness not to answer that one.

13 MR. GUILD: Well, let's take it one step
14 at a time.

15 It is our view, of course, that who the
16 company considers to fill a critical position of site
17 quality assurance manager, what qualities, characteristics,
18 that person has and brings to the job, that bears very
19 directly on the issue at hand.

20 MR. BACHMAN: You're talking now about the
21 identity of a given NRC person. You haven't established
22 that this person has such qualities.

23 MR. GUILD: That is certainly the point.
24 You know, you can't get beyond the threshold question
25 of -- You can't get beyond the threshold question of

1 who this person was -- to those qualities and
2 qualifications, if your objection stands.

3 MR. BACHMAN: My objection is only to
4 the person's identity. I have no objection to
5 asking for the person's qualifications.

6 BY MR. GUILD:

7 Q I would ask that you respond to the
8 question.

9 MR. REYNOLDS: Are we in a discovery phase
10 now?

11 MR. GUILD: No. I'm asking a question on
12 the merits.

13 MR. BELTER: And he is directed not to
14 give the man's name, but you can ask questions about
15 what happened.

16 MR. BACHMAN: If you wish to continue on
17 to his identity, we can reserve that and resolve it
18 with Judge Bloch. But I object to identifying the
19 person, more for privacy reasons than relevancy. But
20 relevancy certainly is an objection also.

21 MR. GUILD: You are instructing your
22 client not to answer the question?

23 MR. BELTER: That is correct.

24 MR. GUILD: All right. Just so we can
25 straighten it out, you're doing that on behalf of

1 Applicant, right?

2 MR. BELTER: Because I believe it's
3 right. This is so far afield, Bob --

4 MR. GUILD: We don't need to argue the
5 point, but you're instructing on behalf of Applicants.
6 Mr. Reynolds, you're instructing him as his counsel?

7 MR. REYNOLDS: No.

8 MR. GUILD: You're his personal counsel,
9 right?

10 MR. REYNOLDS: No.

11 MR. GUILD: Oh? So you all are just
12 co-counsel for Applicants?

13 MR. REYNOLDS: That's right.

14 MR. GUILD: And, Mr. Bachman, you're lodging
15 an objection?

16 MR. BACHMAN: I am objecting, yes, on behalf
17 of the NRC Staff.

18 MR. GUILD: All right. Now that we have
19 crossed that bridge, by way of discovery I would ask
20 that the witness respond to the question.

21 MR. REYNOLDS: We suggest that any discovery
22 you wish to take be taken after you complete the
23 evidentiary portion of the deposition, and that it be
24 segregated out.

25 MR. GUILD: I understand your position. I

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1 find that unworkable and unmanageable.

2 MR. REYNOLDS: We suggest that you make
3 notes of your questions and you ask them at the end
4 of your evidentiary portion.

5 MR. GUILD: I want to ask that question
6 now while it's on the table, and I would ask that he
7 respond to the question, reserving my position -- you
8 know -- that it's an appropriate question on the
9 merits, but also trying to facilitate getting this job
10 done and minimize the expense and delay to all parties.
11 I would ask that he respond to the question.

12 This is reasonably calculated to lead
13 to the identification of relevant information. We're
14 talking about who they interviewed for the site
15 quality assurance manager position.

16 MR. REYNOLDS: Why are names relevant to
17 that inquiry?

18 MR. GUILD: I can't go beyond the point
19 without knowing who the man is. I might be interested
20 in independently on behalf of Intervenors ask him --
21 interviewing this man as a potential witness by way of
22 rebuttal -- I might be interested in it on the basis
23 of if the man was ever offered by a party to the
24 proceeding -- the NRC Staff being prepared to impeach
25 the witness' testimony that, presumably, would support

1 Applicants -- the adequacy of Applicants' quality
2 assurance program -- a variety of fairly obvious
3 purposes that cannot be served at all without knowing
4 the identity of the individual.

5 MR. REYNOLDS: You can see this is
6 discovery.

7 MR. GUILD: No. We are now beyond the
8 point of the merits, you having instructed your
9 witness not to answer the question. I'm trying to
10 facilitate moving on with the deposition, since we
11 don't have the Judge present. And now as a matter of
12 discovery, I am asking that the witness respond.

13 MR. BELTER: The name of the man that we
14 may have talked to to interview about this job is
15 relevant to the issue of intimidation of the QA/QC
16 personnel.

17 I suggest that we --

18 MR. REYNOLDS: You're saying it is or is
19 not?

20 MR. BELTER: I'm saying that is your
21 position. I can't see it. But I would like to caucus
22 with the NRC for a moment.

23 Let's go off the record.

24 (Discussion off the record.)

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1 MR. BELTER: Back on the record.

2 We got a ruling from Judge Bloch, off the
3 record. The question relating to the identity of the
4 individual who spoke with Mr. Chapman is not admissible
5 in the evidentiary portion of this deposition, but is
6 appropriate for discovery, and to resolve our problem
7 we have provided Mr. Guild with the answer to the
8 question. In other words, we have given him the name
9 and we ask that he proceed in good faith and ot put on
10 the record of the evidentiary deposition that name.

11 MR. GUILD: And to be complete on that point,
12 it was Applicant's position that such a question by
13 way of discovery should be treated as a separately bound
14 portion of the transcript, and that for this question
15 and this question alone, since it was put to the Judge
16 and so ruled on, that it should be segregated, although
17 generally such discovery distinction should be preserved
18 on the record but not argued or the subject of separate
19 binding or separate transcription now.

20 MR. REYNOLDS: Unless the good faith of
21 counsel is questioned.

22 MR. BACHMANN: The Judge's ruling has been
23 preserved on the record in a separate transcript.

24 MR. GUILD: I don't mean to reargue the
25 whole point. For this purpose now, it's only

1 necessary to state that consistent with that ruling,
2 I intend to examine the witness by way of discovery on
3 this subject, and would ask that the following
4 examination be separately bound.

end 5

5 (Whereupon, the open session of the
6 deposition was recessed, for an in camera
7 session.)
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AFTERNOON SESSION

(1:50)

Whereupon,

DAVID CHAPMAN

resumed his testimony as follows:

MR. GUILD: We are resuming the deposition now of Mr. Chapman after checking up a discovery matter separately; separately bound. The general subject before we turned to that matter was your knowledge with respect to the replacement of the site quality assurance manager of Comanche Peak.

BY MR. GUILD:

Q. You were explaining to me the process of interviewing the considerations in ultimately selecting Mr. Vega for that job. As a matter of foundation, does TUGCO utilize a performance appraisal system for evaluating the performance of its salaried employees?

A. Yes.

Q. And is it generally fair to describe that as a management-by-objective system?

A. Yes.

Q. Do you set periodic objectives for salaried employees, such as for the site quality assurance manager?

A. I don't set them unilaterally. The process is that the individual and the supervisor agree mutually on

1 what the objectives are.

2 Q. And roughly, how long have you had such a system
3 in place in the quality assurance area?

4 A. Five or six years, as I recall, and maybe longer.

5 Q. And how often do you establish--

6 A. That is in a formalized form. We had something
7 much similar when I came in.

8 Q. How often do you establish and evaluate-- First
9 of all, how often do you establish objectives for a person
10 under the program?

11 A. Under the program, it should be done annually.

12 Q. And how often do you evaluate the success by
13 which those objectives have been attained.

14 A. It's supposed to be done on a formal basis
15 annually. Actually, if it works properly, the performance
16 evaluation is a continuing day-to-day occurrence, so that
17 the one-to-one relationship between the employee and the
18 supervisor should be close enough and open enough that
19 when the annual performance appraisal term comes around,
20 it's just basically a summary of what you already talked
21 about and there are not any major surprises.

22 Q. And that annual evaluation would document the
23 performance during the prior period of time?

24 A. Yes.

25 Q. Do you use an objective scale to measure relative

1 performance points? For example, one to five or zero to ten?

2 A. There is a standard form for doing that. In
3 practice, we don't, unfortunately, always do it. We
4 still rank them in performance categories, but especially
5 when we've been extremely busy, like we have over the past
6 year or so, I know I personally have not done any of my
7 people on the prepublished forms that has any numbers.
8 The results of the same, you measure the performance against
9 the established goals and accountabilities of the job, but
10 I haven't used the forms.

11 Q. What is the measurement if you don't use the
12 forms and the objective system? Do you rate them using
13 qualitative descriptions like excellent, superior, for
14 example?

15 A. Yes.

16 Q. And what are those qualitative measures of
17 performance?

18 A. There are five categories. If you can visualize
19 a bell curve, you would expect a great majority of the
20 people in any one group to be in the middle group, which
21 is described in our program as competent, and basically,
22 generically defined, that's the performance you would
23 expect out of a seasoned person who has been on the job for
24 some time, and consistently performs the job well, occasionally
25 performs above average. So you would expect quite a large

1 percentage of these people to be in that category. Now, there
2 are two levels of performance below that and two above. The
3 one immediately below competent is described as adequate, and
4 the one below that is marginal. The one immediately above
5 the competent category is commendable, and the one at the
6 top is distinguished.

7 Q. You used the illustration of the bell curve when
8 you started out this description. Do you have a more
9 precise expectation as to the percentage of employees in
10 a universe that would file into each of those categories?

11 A. I think if that the universe was sufficiently
12 large, I'm not a statistician, but I don't know, it's a
13 good representative group; my thought is probably 90 percent
14 should be competent.

15 Q. Competent?

16 A. Competent, specifically.

17 Q. And does it follow from that that less than 10
18 percent of the distinguished and commendable and less than
19 10 percent in the adequate and marginal?

20 A. Yes, it may be that 80 percent is a closer
21 number. It may be 80 percent rather than 90 percent would
22 be the best number for the competent. Don't hold me to
23 those percentages. I'm just trying to give you some idea.
24 Most of the people should be competent, normally.

25 Q. And how do you translate those qualitative

1 measures into your performance evaluation objective scale?

2 A. Well, you look at the objectives, and if you
3 consistently meet all the objectives and perform all the
4 requirements of the job, then you are a competent employee.

5 Q. I mean, do you assign points on a scale of one
6 to ten and -- where two through eight are competent, below
7 two--

8 A. No, you should have enough communication on an
9 ongoing basis with all your people that you communicated
10 how you think they are performing and how they understand
11 themselves to be performing so that when you sit down at
12 the end of the year, and you say I rated you competent for
13 these reasons, then you both should agree. And normally,
14 we do. It's very simple.

15 Q. If you are following -- Is there a formal name
16 for the performance evaluation system at TUGCO?

17 A. It's Performance, Development and Review, I
18 believe, PDR'S, that combines the development future with
19 the performance past.

20 Q. If you were following the as-written Performance,
21 Development and Review program, would you assign objectives
22 and then evaluate the performance to those objectives through
23 the assignment of weighted scores or weighted points for
24 levels of performance?

25 A. No, you don't assign numbers to objectives or

1 anything like that. No.

2 Q. If you were following your Performance,
3 Development and Review program as written, would an
4 evaluated employee have a composite objective measure of
5 performance such as a numerical score or numerical
6 evaluation?

7 A. No.

8 Q. Well, tell me what the difference is that --
9 Let me understand what the difference would be between
10 the, I will characterize it informal process that you've
11 described, and following the program as written?

12 A. Well, a program as written has a set-up such
13 that the person to be evaluated and the supervisor each
14 independently fill out a little thing listing numbers that
15 say, or that try to quantify certain things, and it's
16 been a while since I looked at one of these, certain
17 aspects of the performance, and then you get together
18 and you compare the two in each category, and eventually,
19 you agree on a performance. What I just described to
20 you was as opposed to sitting down with a number, you
21 sit down in words, and come to an agreement on how you
22 both evaluated the performance.

23 Q. Let's see if we can make this a little more
24 concrete in application. I'm interested in the evidence
25 of performance of your Mr. Tolson, and I heard you tell

1 me earlier that for a person in his position, you thought
2 it was important, among other things, that he had good
3 communications ability, specifically with reference to
4 being able to effectively deal with the--what you called
5 sometimes adversarial atmosphere between quality
6 assurance and craft at the site. Is that a fair
7 paraphrasing?

8 A. Among other things, yes.

9 Q. Let's just take that one subject, and if
10 there are others, you can touch on those too. But as
11 to that point, did Mr. Tolson have a performance
12 objective that represented the objective that best
13 closely fit that qualification?

14 A. No. You don't write objectives, really, to
15 cover job occupants' attributes. Objectives are written
16 as much as possible to address results. Now, one of the
17 problems I've had through the years, and perhaps one of
18 the reasons that my evaluations have not been so
19 formalized is as the program would suggest, is that in
20 quality assurance, it's extremely difficult to get a
21 meaningful measure on success; something you can
22 quantify.

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1 Q How have you tried to do that, Mr.
2 Chapman?

3 A Well, you start out by asking yourself
4 the question, how do you measure the performance,
5 for instance, of an inspector? Is it how many
6 deficiencies he finds? Hell, that doesn't mean
7 anything. That depends on the work of the crafts-
8 man. If he is following a sloppy craftsman, then
9 he'll find a lot of deficiencies. So you are not
10 really measuring the work of the inspector.

11 If you think about his exam grades, or
12 her exam grades, experience has shown us that a lot
13 of people can take exams and pass exams and still
14 don't function so well than in the actual on hands-
15 on inspection environment. It's extremely difficult
16 to quantify and put a measure on the success of a
17 quality assurance endeavor.

18 Q How do you measure it then?

19 A With the greatest of difficulty. You look
20 at interpersonal relationships; you look at in the
21 particular case that you asked, in the case of that
22 job that Mr. Tolson was in, you look at if he is
23 doing -- first and foremost, if he is doing his
24 regulatory job, how well is he assuring the quality
25 of the construction at Comanche Peak steam electric

1 station?

2 Q Let me stop you there. How do you measure
3 that?

4 A Again, it's a lot of gut feel. You can
5 just ask some NCR inspectors who are independent,
6 how do you think things are going down here? Most of
7 them will tell you. I haven't run into very many that
8 are bashful yet. And if they have a problem with
9 something that Mr. Tolson then or Vega now is
10 doing, then they will tell me. So I get an independent
11 feel there. I go talk to the construction people.

12 Q Let me stop you right there. With respect
13 to that point, how well this person, Mr. Tolson, or the
14 person performing that function of site quality
15 assurance manager is doing his regulatory job, as you
16 say, do you have a performance objective that attempts
17 to measure the degree to which there have been NRC
18 citations for violations of Appendix B, for example?

19 A We tried that and the information is not
20 very useful. Because you can't take into account the
21 complexity of the job and things like that.

22 And it depends, to a large extent, on things
23 outside of his scope. If you're going to have one year
24 3,000 inspector hours of NRC effort and the next year
25 you're going to have 35,000 NRC inspector hours, you

1 would expect to find quite a few more citations in
2 the second year as opposed to the first. And really
3 the level of effort and the quality of the job that
4 the incumbent was doing those two years may have been
5 the same. They have been unchanged.

6 So again, to measure a job by factors that
7 that incumbent has no control over is not an accurate
8 measure.

9 We've been struggling with these questions,
10 and we've asked them ourselves for quite some time.

11 Q Well, let's take this one effort to make
12 this measure. Did you have a performance objective
13 for Mr. Tolson that, as you say, you tried that
14 involved consideration of the level of regulatory
15 activity, citations, non-compliances, NRC citations?

16 A I think we had that as an objective four
17 or five years ago, and we wound up with something like --
18 we had a real good year. We had something like 600,
19 as I recall, roughly, the inspector hours for cita-
20 tions, and then we got thinking that that was so much
21 better than the industry average that it's just really
22 unrealistic to expect to do any better. So we discon-
23 tinued it for the reasons I stated earlier. It is
24 really not a meaningful measure of that individual's
25 -- now again, it comes back in. If I start getting a

1 lot of citations down here, it reflects in some ways.
2 I look at them and I see what the citations are for.

3 Q Well, let's talk about Mr. Tolson and get
4 concrete again --

5 MR. BELTER: Before you do that, Counsel,
6 you cut him off about ten minutes ago. I don't believe
7 he had finished the answer on ways he's quantifies
8 success. I don't know if he can even recall it now.

9 MR. GUILD: I apologize if I did.

10 MR. BELTER: You cut him off to get to the
11 point of developing the point of NRC.

12 MR. GUILD: Fine. Let me see if I can
13 rephrase it.

14 BY MR. GUILD:

15 Q You were talking about the difficulties
16 of coming up with quantitative measures and I think
17 you explained an example of an effort and I probably
18 did ask for more detail and got off on another
19 subject. How else have you tried and what do you
20 do now to qualitatively measure performance?

21 A Well, about the best way I've seen to
22 measure the performance of a job like that is to
23 get as many independent viewpoints from the people
24 that that person interfaces with as I can. And I
25 take into account whether they might have an ax to

1 grind or what have you. But if I get, for instance
2 on that job, if I went to the engineering construc-
3 tion manager, if I went to several NRC inspectors
4 over the course of the year, just see them down there
5 and stop them because I have a little time, and ask,
6 what are you looking at, what do you see, how is it
7 going, how do you think it's going overall -- if I
8 talk to my auditors, the people who have interfaces
9 down there with all of his people, through the course
10 of the year as they perform the audits, if I talk to
11 the start-up people who have interface with him, now
12 if I talk to six or eight people and I get one nega-
13 tive or maybe two, then that doesn't alarm me so
14 much. If I get three or four, I would have some
15 serious questions.

16 Q How about quantative measures? That's
17 more or less qualitative.

18 A That's right. I have just been unable to
19 come up with a quantative system for evaluating a job
20 of a nature of a quality assurance job.

21 Q Well, let's turn specifically to Mr.
22 Tolson on this point. About when you used the level
23 of NRC enforcement as a quantitative measure. How did
24 Mr. Tolson perform on that measure?

25 A Commendably.

1 Q Using that as previously defined in your
2 performance evaluation scheme?

3 A Yes.

4 Q And was that consistently commendable?

5 A Yes.

6 Q How did Mr. Tolson rate overall during that
7 period, overall during that period?

8 A Commendable.

9 Q Was Mr. Tolson ever rated --

10 A There's another thought. There's another
11 factor, another dimension that we didn't get into
12 when it comes to performance evaluation. One is
13 performance against the requirements of the job. The
14 other is, you get -- it helps if you do things above
15 and beyond what the job itself requires. So that
16 basically, to do more than that job requires tends
17 to increase the potential for performing above average.

18 Q How does that bear on Mr. Tolson, if it
19 does? Is that point significant to Mr. Tolson?

20 A In some cases, yes.

21 Q Tell me how, please.

22 A Appear QA person, a strictly QA attitude.
23 A person could do that and just sit back and wait for
24 somebody to make a mistake and still fulfill all of
25 his job requirements. And there is a school of

1 thought that that is the way you ought to do it. On
2 the other hand, if you see construction or engineering
3 or whoever about to do something that you think is
4 going to be wrong and you're going to have to stop
5 them, then even though you are not obligated, you can
6 go out of your way to try to keep them from making a
7 mistake. There's nothing in the regulations that says
8 you can't, and one of the things that we've tried to
9 do on this project is to try to encourage the construc-
10 tion people to come to us before they -- and this goes
11 way back to the large concrete placement -- come to
12 the QA and we might have some ideas. Let us know what
13 you're going to do. We can figure out how many
14 inspectors we need. Let's work together and figure
15 out before you get out there and start placing concrete
16 and then you won't run into any problems where you have
17 to chip some out or something.

18 Doing things like that that are not required
19 by the job description of a QA person that tend to help
20 not only the project but the quality of the project.

21 The ability to work with other people on
22 the project is, to an extent, over and above the
23 requirements of a pure QA attitude.

24 Q You're talking Mr. Tolson now?

25 A Yes.

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Q And understanding --

A Being able to work with construction.

Q Now that quality, or that performance, was a basis for Mr. Tolson performing above and beyond the requirements of his job?

A Yes.

Q And accounted for in part his commendable rating?

A Yes.

Q Was Mr. Tolson ever rated less than commendable on the objective that related to NRC compliance?

A No. As I say, after a year or two, we quit trying to use NRC citations as a quantitative measuring stick for performance.

Q How did Mr. Tolson rate overall in the period most closely prior to his changing jobs, leaving the position of site QA manager?

A He was in the commendable category.

1 Again, there is a band in there, it's not a line,
2 and you can move up and down from here to here and still
3 stay within the same category for payroll purposes.

4 Q. And your performance evaluation categorization
5 bears on pay?

6 A. Yes. And I alluded to this though we never
7 really hit it head on. I said he performed at that level.
8 I really didn't give him a formal evaluation for the
9 past year. I just never quite got around to it. We
10 just discussed it verbally, and in just a few minutes,
11 went over the high spots and then I said, well, when
12 we get time, we'll sit down and we'll do it, and we
13 never did get time.

14 Q. Did you ever document it in any way, if not
15 on formal forms?

16 A. No, I haven't documented anything on his file
17 in some time.

18 Q. And when would Mr. Tolson's periodic evaluation
19 have been called for?

20 A. I used to try to do them as close as possible
21 to the end of the year, regardless of when--

22 Q. At the end of the calendar year?

23 A. The calendar year, yes.

24 Q. So for Mr. Tolson and others, I take it, it would
25 have been the end of the year, 1983, that would call for a

1 formal evaluation?

2 A. Yeah, usually I got around to it. I was two
3 months or more late on my people.

4 Q. Well, did you evaluate others of your people --

5 A. I don't think I did a single one in the year
6 '83 for '84. I haven't had time.

7 Q. And who would you be responsible for doing?

8 A. I would have Ron Tolson under this organization;
9 I would have Tony Vega.

10 Q. Mr. Vega when he was then working directly
11 for you in a staff position?

12 A. Yes. And I would be responsible for Lisa
13 Bielfeldt.

14 Q. And what position does she hold?

15 A. She's the quality engineering supervisor. And
16 I also, before and after, would be responsible for Albert
17 Boren.

18 Q. Who's Mr. Boren?

19 A. He is the supervisor of vendor compliance. I
20 would be responsible now for Mr. Robert Spangler, who took
21 Mr. Vega's place when he came down here.

22 Q. And did any of those -- Who was responsible
23 for evaluating Mr. Gordon Purdy?

24 A. That is a Brown & Root matter, and I think --
25 I guess his supervisor, Brown & Root Quality Manager in

1 Houston would be responsible for that, Ray Vurpillat,
2 V-u-r-p-i-l-l-a-t.

3 Q. If I understood you correctly, for the year '83,
4 you did no formal evaluations for any of these people?

5 A. Right.

6 Q. Who you would be called to evaluate under the
7 program?

8 A. I did do some reevaluations just personally,
9 but not anything written down and over the course of
10 several hours, discussing in-depth.

11 Q. And did you document the results of those
12 evaluations in any way?

13 A. No, other than when their payroll change time
14 comes, the performance rating is noted on the payroll change
15 form.

16 Q. So if they're going to change their previous
17 payroll classification, you have to take some initiative?

18 A. There's a place on the form for it, for
19 performance.

20 Q. Let me ask you this: You have to put something
21 down for performance every period for pay purposes?

22 A. Yes.

23 Q. As for these people, did you make any change
24 in their previous evaluation?

25 A. I don't recall on the rest of them. I guess --

1 I didn't look at the files. I don't know. Tolson's didn't
2 change.

3 Q. How about Mr. Vega? What was his performance
4 rating?

5 A. I believe his was commendable.

6 Q. It stayed the same, or did it change?

7 A. I believe it stayed the same.

8 Q. Any of the rest of the people --

9 A. I don't recall how the rest of them were.
10 I think --

11 MR. BELTER: I'm going to object to answering
12 the others. That is discovery and I think it is irrelevant
13 here. I guess you are asking us to reconsider your view
14 of whether it's relevant or not, and determine whether
15 you want to go ahead.

16 MR. GUILD: Let me consider.

17 (Pause.)

18 THE WITNESS: Not all of my people are
19 commendable, I don't know if that's your question.

20 BY MR. GUILD:

21 Q. Who do you rate less than commendable in this?

22 A. I would have to again go to the files.

23 Q. You don't know offhand?

24 A. I really know some, but I think my Counsel has
25 an objection.

1 MR. BELTER: I object on the relevance of
2 that one too. You are really way far afield here. I
3 question whether you even need this for discovery. I
4 can't see the relevance of people that aren't even
5 witnesses here. I mean, the only thing that could
6 happen would be to maybe embarrass the witness.

7 MR. GUILD: That is certainly not my interest.
8 My interest is to try to understand what a rating of
9 one person means --

10 MR. BELTER: How it fits in, and I think you
11 have how it fits in.

12 MR. GUILD: I beg to differ. If 90 or 80
13 percent are supposed to be rated competent, yet certain
14 people out of those witnesses that we've identified are
15 rated commendable, if there is anyone who's rated less than
16 commendable, we should understand who they are --

17 THE WITNESS: We have some people less than
18 commendable.

19 MR. GUILD: And I'll ask him to answer the
20 question.

21 MR. BELTER: I'm going to object to asking for
22 specific names, but ask him for numbers, how many. Ask
23 what your answers --

24 BY MR. GUILD:

25 Q. Well, how many were rated less than commendable?

1 MR. GUILD: Let's try to do it this way.

2 BY MR. GUILD:

3 Q You have five people that you said you
4 evaluate?

5 A Well, let's see. Let me count them up.
6 Well, I just have four now. Only four reporting
7 directly to me, either before or after. Just the
8 names are different.

9 Q Well, let me just -- by category, you have
10 got vendor compliance, Mr. Boren; you have quality
11 engineering, Lisa Bielfeldt; you've got Mr. Vega
12 in his previous position.

13 A That is Spangler, now, yes.

14 Q And you have the site QA manager. That's
15 four. And I think you told me two of those rated
16 commendable or had rated commendable and there were
17 two others and you said one rated --

18 A One I know was competent. The other one
19 was either competent or commendable. I don't recall
20 for sure in 1983. I do know one of them was competent.

21 Q And again in '83 your evaluations were not
22 formal. They were simply noted for pay purposes.
23 And do you know whether those evaluations of the two
24 who were potentially competent, less than commendable,
25 changed the previous period?

1 A No, I don't. I don't know how -- I didn't
2 review their records.

3 Q Did the supervisor of quality engineering
4 report to you prior to the reorganization?

5 A Yes.

6 Q And was that Ms. Bielfeldt?

7 A Yes.

8 Q She did not report to the site quality
9 assurance manager?

10 A No.

11 Q Now with respect to the site QA manager, Mr.
12 Tolson, before the change, what were his performance
13 objectives?

14 A I don't recall the formal ones.

15 Q Tell me what you do recall about them.

16 A Well, we had considerable discussions about
17 what his performance objectives should be, and we kept
18 coming to the same dead end, that there is no way to
19 quantify and to measure quality assurance management
20 performance on a project like that.

21 Q So you didn't have any objectives?

22 A Well, between the two of us we had the
23 objective to do our job to make sure that the plant
24 was constructed safely, according to all the applicable
25 requirements, and we knew what we had to do but kept

1 running into a road block, which was trying to figure
2 out -- if I have a nine on a ten scale if I do this,
3 and we never could define what this was.

4 Q I appreciate your explanation, but tell me
5 what you can recall of what Mr. Tolson's objectives
6 were by when she was evaluated.

7 A Well, if I could just recall the words. It
8 stayed the same from year to year. I guess his
9 accountabilities would be -- there was a listing of
10 his accountabilities and then we kind of -- every
11 year we'd sit down and discuss those accountabilities
12 and how he felt he met them, and there were such things
13 as assure of a compliance of Comanche Peak to all the
14 regulatory requirements and that we make sure that the
15 quality needs of the project are met and so forth.

16 I'm having a hard time. I did not prepare
17 by going and reading that portion of his job descrip-
18 tion. It's been a long time since I read it. But it's
19 basically in general terms that relate to how the
20 quality assurance function fits into the construction
21 of the plant.

22 Q Let me ask you a couple of questions on
23 this point. Did any of Mr. Tolson's evaluation
24 objectives or criteria bear on the question of
25 meeting inspection or construction schedules, for

ERASE

1 example?

2 A I think there was one that related to the
3 maintaining the necessary quality level independent
4 of cost and schedule without undue effect on the
5 cost. We discussed that one at length and the reason
6 that he wanted to put that one in there, and I ultimately
7 agreed, was that there's nothing in the regulation that
8 says quality assurance must make a plant be as expensive
9 as it can be. There is nothing that says we have to
10 waste money and we have all the independence we need
11 from costing schedule, and we always have. But we felt
12 a management obligation to our company, ultimately the
13 people who pay the bill, not to waste money. And we
14 tried not to.

15 Q Was his performance on that objective or
16 that criteria measured in part by the degree to which
17 construction met previously-set schedules?

18 A None whatever. I don't even get construc-
19 tion schedules.

20 MR. BELTER: Counsel, I'd just like to make
21 a note for the record. One of the reasons why Mr.
22 Chapman is having a little difficulty and I am too is
23 that notification that he would be questioned about
24 Mr. Tolson's performance, I believe, was in the July
25 2nd clarification which I didn't get until yesterday

1 when I was down here, and I don't understand exactly
2 when Mr. Chapman got it but it was too late for him to
3 even go back and really prepare for that by looking
4 at things.

5 THE WITNESS: And some of these things I
6 intended to look at, say today and tomorrow before my
7 Wednesday deposition. I'm trying the best I can.

8 MR. GUILD: I appreciate it. That's all
9 I can ask you to do, just answer to the best of your
10 knowledge at the present time and to the extent that
11 your responsiveness is influenced by your lack of
12 recollection, please just say that and I appreciate
13 your answers are candid.

14 THE WITNESS: Okay.

15 BY MR. GUILD:

16 Q How did you measure Mr. Tolson, Mr. Tolson's
17 performance to that objective, the objective that you
18 just described?

19 A I told you that I really wasn't measuring
20 his performance to any influence unless -- and it
21 still would not be a cost and schedule thing, because
22 my main concern is if, for instance, and this is a
23 "what if," if he had not planned his personnel require-
24 ments adequately such that he didn't have enough
25 inspectors to take on a task and the job was waiting

1 because we didn't have enough people trained and
2 certified to do that work, that would reflect not
3 because it was a schedule, that we had impacted a
4 schedule, it would reflect because he hadn't planned
5 his own business adequately. And I would certainly
6 expect that to reflect in my job if, say, I didn't
7 have enough auditors, if I didn't plan to have enough
8 and then all of a sudden we couldn't do our audit
9 job, I would expect my boss to say, you didn't plan
10 your work. This is a minus for you this year.

11 Q On the basis of that explanation, Mr.
12 Chapman, did you measure Mr. Tolson's performance
13 by objective consideration of whether he accomplished
14 that?

15 A No, I really didn't, because the subject
16 of his holding up the schedule never came up to me.

17 Q Did you have any measures available so you
18 would know one way or the other?

19 A I think construction, if they had been held
20 up by QA, would -- not having the proper personnel or
21 the proper people, I would have found out about it
22 I'm sure.

23 Q Do you have any measures that would give
24 you objective information to evaluate that considera-
25 tion?

1 A The absence of negative information in
2 that particular case is a pretty good indicator.

3 Q So the answer is no, you didn't have any
4 objective measures?

5 A I think the absence of any complaints is
6 an objective measure. But again all I want him to
7 do is to have enough people to do the job. I don't
8 expect him to overload.

9 Q Let me just break it down this way. Do you
10 have any kind of objective reports or data provided you,
11 Mr. Chapman, on the number of inspections performed?

12 A No.

13 Q Quantity of wells inspected per inspector
14 hour?

15 A No. I don't see any records like that. I
16 don't even know if they exist.

17 Q Do you have any measures made available to
18 you of the number of non-conformance reports that
19 are documented or other deficiencies noted in
20 inspection?

21 A That information is available, and I happen
22 to know within maybe one thousand how many non-
23 conformance reports have been written. But that
24 doesn't tell me a whole lot.

25 Q Do you get training reports?

1 A On occasion. I don't spend a lot of time
2 with them because that's basically the function of
3 the site manager. He is the manager in charge of
4 the construction itself and should be the one who is
5 concerned with the change.

6 Q Do they come to you?

7 A I don't know whether I see them all
8 regularly or not. I see them on occasion. I'll
9 see corrective action requests that might be written
10 as a result of an adverse trend. And that's when I
11 should get into the cycle. For routine trends, there
12 is no reason for me to be involved at that level unless
13 an adverse trend is detected and requires a corrective
14 action request. And then I get into it.

15 Q How many non-conformance reports have
16 been issued approximately?

17 MR. BELTER: Do you have a time frame on
18 that?

19 THE WITNESS: Over the whole project, I
20 think it is over 17,000 by now.

21 BY GUILD:

22 Q And do you have available to you periodic
23 measures of how many there are during a month's
24 period or a quarter's period?

25 A No. And I really don't want to know that

COTTON CONTENT

1 information. I don't -- I specifically don't want to
2 know how many non-conformances an individual inspector
3 writes.

4 Q Does somebody know that?

5 A We don't keep that information because it
6 is immaterial to us. We don't want to be accused of
7 taking any personnel action because of the number of
8 non-conformances. That's a job of the inspector.

9 Q The inspector's supervisor, his first-line
10 supervisor, would he know how many non-conformances
11 his crew members were responsible for writing?

12 A No. Nobody is responsible for writing any
13 number of non-conformance reports.

14 Q I don't mean responsible in the sense that
15 he's expected to do it or not.

16 A Oh, you mean that any one person has
17 written?

18 Q Or initiated by that inspector or resulted
19 from that inspector's inspection work. We're not
20 saying the first-line supervisor would not know which
21 of his inspectors, during the normal course of work,
22 was responsible for initiating non-conformance reports.

23 A They might see the non-conformance report
24 and I don't want to say that a supervisor, that a
25 specific supervisor, might not have an idea of how many

COTTON CONTENT

1 NCR's a person wrote, but I'm saying it is not as a
2 matter of course, it is not tracked by individual
3 inspector.

4 Q Has it ever been --

5 A To my knowledge -- a subject of inquiry r
6 has it ever been tracked?

7 Q The subject of inquiry. Have your people
8 or people under your supervision ever gone out to
9 see how many NCR's an inspector has been responsible
10 for initiating or involved in?

11 A Only after it has become an issue, after an
12 inspector has been terminated. And I think in the
13 case of Charles Atchison, they had to go back and
14 research the record to find out which ones he had
15 written because they reinspected his work.

16 Q What was your responsibility for that
17 effort?

18 A That was done at the site. I was just kept
19 informed that was what they were doing.

20 Q Did they ask your approval before they
21 did that?

22 A No, that was expected of them. Whenever
23 they had an indeterminate situation like that particular
24 case was, they need to go back and check any other work
25 that that individual did to see --

1 Q How many other times has that happened?

2 MR. BELTER: Could you let him finish his
3 answer?

4 THE WITNESS: To see if any of it was
5 deficient.

6 BY MR. GUILD:

7 Q Does that complete your answer?

8 A Yes.

9 Q How many other times has that happened?

10 A I think we've had to do it -- I can't answer
11 that question, but I do know of one other instance
12 that we had to do some research to find the number of
13 inspections, but an inspector did because there was
14 some question as to the adequacy of some of his
15 recent ones. And we went back, I believe it was on
16 some control bounds or something. But the site people
17 had to go get the records, do the research and find
18 out the ones that that inspector did so they could
19 reinspect them.

20 Q And who was that inspector?

21 A I don't recall his name.

22

23

24

25

1 to reestablish the confidence level we had in the
2 inspector's work or reestablish it.

3 BY MR. GUILD:

4 Q. And the next question is: Is that inspector
5 still employed by the company?

6 A. I don't know. I don't even remember his name.

7 Q. I thought this only happened when you
8 terminated an inspector.

9 A. I said normally it was. And it's very
10 likely that there was some reason that that was the
11 reason for going back on this job.

12 Q. What was the reason?

13 A. I said I don't know. It could have been
14 a determination. It has been quite some time ago.

15 Q. How long ago, approximately?

16 A. I would say several years.

17 Q. And those are the only two instances that you
18 know of that Case and Mr. Atchison and the inspector whose
19 name you don't recall several years ago where you
20 investigated the number of non-conformances --

21 A. It wasn't really -- The purpose was not to get
22 the number of non-conformances, it was to find out where
23 the work was that the individual did so we can re-inspect
24 it, and that issue was not the number of non-conformances.

25 Q. Well, lay aside the purpose, and just the task,

1 and that is, researching by inspector the non-conformances
2 that were initiated by or involved in by that inspector.
3 Those are the only two instances you are aware of?

4 A. The only two I can recall, yes. There may
5 have been others.

6 Q. How was Mr. Tolson evaluated on the objective
7 that you generally describe as measuring the degree to
8 which he maintained quality without undue effect on cost?

9 A. How did I --

10 Q. How did you evaluate him on that objective?
11 Using the qualitative measures that you've been using,
12 or whatever other measures you used to evaluate with.

13 A. He was overall commendable, and I think that was
14 right in there with the rest of his performance. Again,
15 I told him when he weighed that part of the objective out
16 and put it in there, that the only extent to which I would
17 evaluate his work on cost, and he agreed incidentally, was --
18 I mean, not cost but schedule, was that if he did not plan
19 his work such that he had the right number of people, that
20 I wasn't going to get into the posture of evaluating him
21 based on the schedule of the project. And he agreed, he
22 understood what I was saying.

23 Q. Well, as a matter of foundation, the project is
24 behind schedule, isn't it?

25 A. Behind the original schedule, yes.

1 Q. Behind the original schedule, behind the next
2 one -- It's behind schedule.

3 A. But I didn't evaluate him on that.

4 Q. But that's a fact, is it not?

5 A. That's a fact.

6 Q. And that is a fact that it is not good, I assume,
7 the company wants to be on schedule?

8 A. Right.

9 Q. And is it fair to conclude that somebody--this
10 is a matter of foundation--somebody's objective out there
11 if not quality assurance department, perhaps the project
12 general manager, or vice-president for engineering and
13 construction. Somebody's objective out there is to get
14 the project done on schedule.

15 A. That's true.

16 Q. So someone is not performing their objective,
17 right?

18 A. Well, something went wrong, I don't know.

19 Q. Something went wrong? All right. And you
20 as well as everyone else in a management position with
21 the company is going to be generally aware of those
22 facts, correct?

23 A. That's correct.

24 Q. All right. Now, how, if at all, does that
25 knowledge and that fact bear on the objectives that you,

1 in turn, set for your people? Take Mr. Tolson as an
2 example.

3 A. None whatsoever. No connection at all. As long
4 as he has done his job, and the project is behind schedule,
5 his not to schedule, and his job is not cost.

6 Q. Well, in this instance -- I'm not trying to
7 get you to tell me that you sacrifice quality for cost,
8 I just want to understand that you recognize that cost is
9 a factor, you know the project is behind schedule, and
10 you and Mr. Tolson sat down and tried to develop a performance
11 objective that recognizes cost. And what I want to understand
12 very clearly is, how do you make sure that those costs
13 consider cost considerations which are very real, don't have
14 a negative effect on QA?

15 A. Okay. I think I can get to this fine line that
16 we are trying to get to this way. It goes to the reason
17 for the project being late. In any regards, if the reason
18 is that they are waiting on us to inspect a certain
19 attribute and we don't have enough inspectors to do it, that
20 then automatically reflects on us, even though somebody
21 might think so. Because if we were staffed to inspect a
22 certain amount of work with a certain amount of, say, a
23 10-percent area of, say, codings or whatever rejected, then
24 here's a large amount of work with 40 percent that is
25 rejectable, that is not our fault.

Q. Covings is not just an idle example, is that

A. Not necessarily. It's not by percentage, but it is one that is not an accountable item. It is something -- It's an area, well, concrete would be another thing. We are past that stage now. But if, on the other hand, the inspection was not being done in a timely manner because the inspectors in that particular area chose to take 45-minute coffee breaks, and two-hour lunches, then I would say that that reflected on me and all the way down the line to that group of inspectors. That's an extreme, but I'm saying it's got to be the reason for the delay. If there's a construction error that takes an inordinately large amount of inspection, then I don't consider that to reflect on quality assurance, and it would not reflect on our performance.

Q. Let me ask you this as a general matter. How can you objectively distinguish, Mr. Chapman, over-inspection as producing delay in the schedule and increased costs from construction deficiencies?

MR. BELTR: Do you understand, Mr. Chapman, what he means by over --

THE WITNESS: I think I understand, but I want to get a clarification. What do you mean by over-inspection?

BY MR. GUILD:

1 Q. All right. Let's take a stab at it. Do you
2 recognize that I'm not asking you to confess to this being
3 a fact. Let's just put this as a hypothetical. No, in a
4 non-hypothetical setting, some craft people feel and some
5 inspectors at some time over-inspect in the sense that they
6 hold craft to standards that are higher than called for in
7 construction -- holding craft to standards that are higher
8 than specified construction procedures or quality
9 assurance procedures, and the answer I think was that you
10 understood that it's true sometimes, right?

11 A. Yes.

12 Q. Now, as a consequence of holding him to a higher
13 standard than specified, they might reject work that
14 objectively been approved?

15 A. Yes, that's possible.

16 Q. So by over-inspection, you had the term
17 over-inspection, and that is the meaning --

18 A. Well, that's what I thought too, but I've heard
19 it used other ways and I wanted to make sure we were
20 talking about the same thing. Whenever the issue of
21 acceptance criteria for inspections has come up, it is
22 usually been in a local area, and a rather small
23 envelope of activity, and I have never even considered
24 that with respect to how it affected the cost and schedule
25 of the project. What that, to me, really -- The arena

1 in which that matter should be studied is one in the
2 training -- It goes to the training of the inspector.

3 Q. Let me stop you there. I don't mean to cut
4 off the answer you want to give, but I'm really looking
5 for something that is much more specific and that is:
6 Is there an objective measure that distinguishes the
7 results of, let's say hypothetically, over-inspecting?
8 Rejecting too many works because the inspector is
9 rejecting stuff that should be approved and rejecting bad
10 work?

11 A. No. That is not a factor of performance to
12 have over-inspection.

13 Q. Now, wait a minute. Is there an objective
14 way of distinguishing the two? How can you tell the
15 difference? The results are the same.

16 A. The difference between --

17 Q. The difference between over-inspection and the
18 sense of inspectors that are doing or rejecting acceptable
19 work and simply rejecting work that should have been
20 rejected. How can you tell the difference between the
21 two?

22 Am I being clear?

23 A. Well, you can't if you look only at the amount
24 of time it took the inspector to do it.

25 Q. Or the number of rejections?

1 A. Or the number of rejections. The only way you
2 can do it is through supervision and the supervisor should
3 know if he has an inspector who constantly accepts
4 rejectable items, then that really should raise two
5 issues: One is training in general, and the other one
6 is the converse of that, this person accepting rejectable
7 work or conditions. It seems to me that it still gets
8 back to training.

9 Q. Okay. Well, I think we at least agree on the
10 starting point, and that is just looking at the numbers,
11 you can't tell the difference between an inspector who's
12 finding lots of bad work that should have been rejected,
13 and an inspector that's rejecting lots of good work that
14 shouldn't have been rejected, correct?

15 A. Correct.

16 Q. Now, do you ever -- How does your quality
17 assurance department program at Comanche Peak -- First, I
18 wonder how to deal with that question. First, how does
19 your program identify inspectors who over-inspect as I
20 just defined the term who do not properly apply acceptance
21 criteria and reject work that should be accepted?

22 A. Several ways. Again, it is through management.
23 If an inspector consistently writes, for instance, NCR's,
24 inset hours that are not valid.

25 Q. Could you repeat that, please?

1 A. Inspection reports, I'm sorry. IR's. If an
2 inspector consistently documents as non-conforming conditions,
3 which in fact are acceptable, then the supervisor normally
4 will retrain him, have him go back through the training --

5 Q. Okay.

6 A. --and a, and he won't be certified to inspect
7 anymore until he completes retraining and retesting.

8 Q. Has that ever happened?

9 A. I've been told that it happens; it has happened
10 quite a bit. Now, I don't have any numbers for you. You
11 might ask Mr. Vega or Mr. Tolson.

12 Q. All right. So, is that the source of your
13 information, Mr. Vega and Mr. Tolson?

14 A. I think -- It's been some time since I discussed
15 that subject, but I believe it was Mr. Tolson.

16 Q. And how did he bring that matter to your
17 attention?

18 A. I don't know. It was just a discussion. I
19 don't even know how we got to that point. We were
20 discussing -- It was a topic similar to what we're
21 talking about now. How do you deal with inspectors who
22 consistently identify seemingly trying to find their own
23 acceptance criteria.

24 Q. Give me a rough idea, what time period would this
25 have been in? When was Mr. Tolson tackling with this issue?

1 A. Oh, we tackled with that issue and have been off
2 and on ever since -- well, I guess ever since there has been
3 QA/QC on Comanche Peak. It is not an uncommon thing.
4 Inspectors sometimes don't want to exactly accept/reject
5 criteria that are assigned to a particular attribute by an
6 engineer who is competent to do that. And he will, in his
7 own mind, I suppose, apply some other accept or reject
8 criteria that is contrary to what the approved criteria
9 are. So, you have another fine line to walk. You don't
10 want to be in the posture of even appearing to prevent
11 an inspector or discourage an inspector from identifying
12 what he feels are legitimate concerns, because we want him
13 to have that freedom. On the other hand, you want him to
14 understand what the accept/reject criteria are, and to be
15 able to see all the rejectable ones, and to non-identify
16 the acceptable ones, and that is where the retraining --
17 That's where it eventually leads you is to retraining.

18 Q. How would someone in your program document the
19 identification of an inspector who was improperly applying
20 the accept reject criteria or over-inspects?

21 MR. BELTER: I'm going to interpose an objection
22 here, and then let him answer it. A general objection.
23 I have the impression that we've been here about two and
24 a half hours, and you haven't asked a relevant question
25 yet. Of course, my filance does not mean that I cannot

1 object later. I have a hard time seeing the relevance
2 of virtually the entire line of questioning. The
3 objection is to relevance. I would ask you to reconsider
4 whether or not you really have to discover when you ask
5 for documentation of this type of thing, because you are
6 then going to ask if we have it, and who we might have.
7 You are really in discovery here. This is discovery
8 to find out, if you can, a QC inspector who this happened
9 to, and the answer to this question is not going to add
10 one iota to the way this issue is decided. And the issue
11 is intimidation of QC inspectors. You're going to find
12 out if maybe somewhere among the course of however many
13 folks fall in this category, there isn't somebody that
14 you can't produce that might have some relevant
15 information to say on the issue of intimidation. There's
16 no way that the answer to this question could have any
17 way, one way or the other, whether there's been
18 intimidation of QC inspectors. You are in discovery.

19 MR. GUILD: I disagree, and I think that the
20 real issue is going to be with having a measure of this
21 phenomenon, which goes very much to the heart of pressure
22 on cost and scheduling considerations and impacts on
23 quality assurance, harassment and intimidation or other
24 perception of harassment and intimidation by those who
25 feel about the policies of the site that are focused on the

1 question of over-inspection were the improper result of
2 discouraging inspectors from performing their legitimate
3 function of identifying safety significant deficiencies.
4 That whole question is the core of harassment and
5 intimidation and Counsel, I think it is apparent that if
6 I ask Mr. Chapman, his being responsive and candid, has
7 he ever harassed or intimidated a quality control inspector,
8 he's probably going to tell me he has not, and we may have
9 a basic philosophical difference about how you approach
10 the subjects. But the matter does require some considerable
11 more foundation to establish proof on the merits of our
12 claims that there have been pervasive problems of
13 harassment and intimidation and simply asking the ultimate
14 question. So I would ask that he respond to this question,
15 and I intend to pursue this line. I believe it goes to
16 the merits, and I believe it is very highly relevant.

17 THE WITNESS: I think the question again was --

18 BY MR. GUILD:

19 Q. I asked you: How do you -- How do you document
20 the identification of inspectors who fail to perform by
21 this measure? You told me that you get them to re-certify.

22 A. I think you are getting -- you are approaching
23 the limits of my detailed knowledge of the workings of the
24 site procedures. It might be a question that you could
25 ask one of the other witnesses.

1 Q. Do you know whether or not, when an inspector
2 is required to re-certify, therefore has recertification,
3 how his performance in inspections have been canceled, do you
4 have to document that for your permanent QA records?

5 A. Yes.

6 Q. And you document that inspector's retraining
7 and recertification?

8 A. Oh, yes.

9 MR. BACHMANN: Bob, just to keep the record
10 clear, I don't think Mr. Chapman ever said that there
11 was recertification. He used the term retraining; you
12 use the term recertification.

13 THE WITNESS: Well, there might be an instance
14 where -- And I'm saying, and again I'm speculating, if
15 it was severe enough that you felt like the inspector
16 was so far off base, you could pull his certs, by your
17 retraining him; you just don't want him doing any more
18 work until you get him back to where --

19 BY MR. GUILD:

20 Q. In that case you would have to recertify him?

21 A. Yes. And that is a supposition, so it could
22 be recertification although it may not necessarily be
23 in all cases.

24 Q. Well, I'm going back to an earlier statement
25 that you made that Mr. Tolson had informed you that this

1 was a problem and had been a problem, and that a number
2 of inspectors have been required to recertify after
3 retraining to more properly apply reject/accept criteria.

4 A. What was this now?

5 Q. Didn't you tell me that you and Mr. Tolson
6 had talked about this subject on a number of occasions,
7 and that the information came to you from Mr. Tolson that
8 there had been a number of requirements to recertify?

9 A. I said there had been several.

10 Q. Several. Okay, that's what I wanted to get,
11 was an accurate understanding. Several?

12 A. I don't think there was any massive numbers
13 at all.

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1 Q Are you aware of any of the names of those
2 persons you were required to certify?

3 A No.

4 Q Are you aware of any inspectors who were
5 found to have improperly-applied accept/reject criteria
6 or over-inspected as we have defined the term?

7 A Yes. Not always by name, but the fact that
8 there have been some that were over-inspected as you
9 define it. There have been some that list some
10 rejectable areas.

11 Q First of all, tell me about any of the
12 inspectors that you know by name to have been found
13 to have over-inspected.

14 A Charles Atchison. Now this is all a matter
15 of public record on that point.

16 Q You certainly won't tell me about anything
17 that is not a matter of public record as well. I
18 appreciate the acknowledgement that Mr. Atchison's
19 experience and the company's position about it is
20 well known.

21 So Mr. Atchison you would put in that
22 category?

23 A And he was one of the ones whose work
24 we reinspected.

25 Q Yes, you already said that.

1 A And found that he had also missed some
2 rejectable areas, also. So he fits both categories.

3 Q How about anybody else, any other inspectors?

4 A I think the report I got, and again most of
5 my information, you understand, is secondhand, but I
6 don't mind answering it since a manager gets most of
7 his information secondhand.

8 I believe it was the pump-skimmer room, I
9 believe is the name of the room. I think the inspec-
10 tion process at issue there is there were quite a
11 number, quite a large amount of time spent on a
12 reasonably small area and the tremendous number of hold
13 tanks placed on coatings, when really, as I under-
14 stand it, the biggest complaint that the management
15 had was that instead of placing a couple hundred hold
16 tanks on it, why don't you just reject the whole thing
17 and repaint the whole floor and go on with it? Because --

18 But at any rate, there was an instance
19 reported to me in that case where, in spite of all
20 those 200 to 250 hold tanks, there were some areas
21 that were legitimately rejectable that had not been
22 rejected.

23 Those are the only two areas that I have,
24 and that's a pretty small percentage of what has gone
25 on. Those are the only two examples that I know of

1 of that having happened.

2 Q And who was the inspector or the inspectors
3 found to have overinspected in the pump-skimmer room?

4 A I don't recall. I don't even know if I did
5 know. There may have been an inspector and a trainee
6 or something. I don't know; it's been a while.

7 Q How did those incidents come to your
8 attention?

9 A Of course, the incident obviously came to
10 my attention from public hearings, not only the
11 licensing hearing but also the Department of Labor
12 hearings. There was quite a bit of testimony on
13 that.

14 Q Let me take you back to the beginning. How
15 did you first learn -- of Mr. Atchison's overinspection?

16 A In his Department of Labor hearings.

17 Q You didn't know about it when he was still
18 employed?

19 A No.

20 Q How soon after his termination did you find
21 out about it?

22 A It was in the Department of Labor hearings
23 in August of '82, and he was terminated in April of
24 '82.

25 Q So you learned about it only after the fact

1 and as a consequence of the litigation about his
2 wrongful discharge?

3 A Yes. His alleged wrongful discharge.

4 Q Okay. And how did you learn about the
5 circumstances, not the circumstances, how did it come
6 to your attention, the overinspection reflected in
7 the pump-skimmer incident?

8 A I think that relates to the coatings
9 inspectors, some of their allegations, perhaps to
10 some of the allegations with regard to Haley Williams'
11 supervisory matters.

12 Q How did they come to your attention?

13 A I believe sometime not long after that
14 happened, one of my many daily conversations with
15 Ron Tolson. He told me that there had been a con-
16 flict with supervision, I don't even know whether
17 he named an individual, and some inspectors, over the
18 amount of time and circumstances surrounding inspec-
19 tion of that skimmer room floor. I think it was not
20 a major issue other than the fact that there was
21 apparently a severe disagreement between the inspector
22 and the supervisor as to what should have been done
23 on that floor.

24 Q The inspector and the QC supervisor or the
25 inspector and the craft supervisor?

1 A QC supervisor, as I recall.

2 Q Now is that a typical way that you would be
3 informed about something unusual on the site, Mr.
4 Tolson and you talking on the phone?

5 A Yes.

6 Q You did talk almost daily?

7 A Or sometimes several times a day.

8 Q Let me shift a moment from as a matter of
9 foundation, what other construction quality assurance
10 are you responsible for, for supervising, Mr. Chapman,
11 work at the site?

12 A Really none. That's the only nuclear project
13 that we have as far as construction goes.

14 Q Now, you are over non-construction QA?

15 A Yes. I have responsibility for vendor
16 controls, auditing all of the contractors and vendors
17 of safety-related equipment, auditing their QA programs
18 for compliance. I'm responsible for the vendors of
19 safety-related equipment, the final release inspec-
20 tions of that equipment from their shop before it's
21 sent to Comanche Peak.

22 Q What aside from Comanche Peak work do you
23 supervise?

24 A None. Nothing.

25 Q So you devote full time to your responsibilities

1 to supervising one way or the other property
2 assurance work for the site?

3 A That's correct.

4 Q How much time do you spend on the site?
5 I mean, it might vary. Give me an estimate.

6 A I might go a week or two without going to
7 the site. Then I might spend three or four days,
8 maybe even a week at the site. And I would say my
9 average is, over the, what is it, almost eight years
10 now that I've been in QA, it has probably been about
11 a day and a half a week. That's just a rough guess.

12 Q What community do you reside in?

13 A Richardson, Texas.

14 Q Where is that?

15 A It is north of Dallas. It's a suburb of
16 Dallas.

17 MR. BELTER: Same objection to relevance,
18 Counsel. Do you really need that?

19 MR. GUILD: It's a matter of foundation,
20 Counsel. I don't want to pursue it, I just want to
21 understand how accessible the witness is to the
22 site.

23 THE WITNESS: I am accessible.

24 BY MR. GUILD:

25 Q Your work primarily is in the corporate

1 offices?

2 A Yes.

3 Q What is the company's policy with respect
4 to harassment and intimidation?

5 A There won't be any harassment and intimi-
6 dation.

7 Q How do you understand those terms?

8 A Well, harassment, I would say, would be any
9 type of deliberate annoyance. I would say being
10 interrogated in one of these hearings is a good
11 example.

12 (Laughter.)

13 However, it doesn't constitute intimida-
14 tion. I am not threatened by it.

15 Q Now, wait a minute --

16 MR. BELTER: Do you want to let him finish
17 his answer?

18 MR. GUILD: Now, you're talking about
19 harassment now. And you said deliberate annoyance.

20 THE WITNESS: Yes. For whatever reason.

21 BY MR. GUILD:

22 Q And then you started to tell me that you
23 were not intimidated by it.

24 A Yes.

25 Q Joking. And you said --

1 A Intimidation, I think, in order to come to
2 grips with the meaning of intimidation, one must
3 consider the circumstances -- what someone might
4 suggest as trying to intimidate another person or
5 what he has in mind, what is going on in his mind,
6 what his position is with regard to whether he has
7 any means of carrying out some sort of act to threaten
8 to carry out in order to get someone to do something
9 against their will and finally, I think it goes to
10 the reasonableness of the person making the interpre-
11 tation.

12 Q We should send you to law school, Mr.
13 Chapman.

14 (Laughter.)

15 BY THE WITNESS: (Continuing)

16 A And I think all those factors must be
17 considered. Without those factors, I could make such
18 a broad interpretation of intimidation that I could
19 make the case that everyone is intimidated every day,
20 all the time. And that, or, that no one is ever
21 intimidated, so you've got to have some reasonableness
22 and intent.

23 Q How does TUGCO and Brown & Root and the
24 vendors, how does your QA organization define these
25 terms?

1 MR. BELTER: I think it's ambiguous. Why
2 don't you ask him, do you have a definition?

3 MR. GUILD: I asked him for his understanding
4 of the terms and he's been forthcoming. Now, I want to
5 know how the organization defines the terms.

6 THE WITNESS: I don't think the organization
7 has ever defined it. The organization understands that
8 quality assurance will be sufficiently independent.

9 BY MR. GUILD:

10 Q Does the company have a written policy on
11 harassment and intimidation?

12 A There is a policy statement out signed by
13 the president.

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1 Q. Let me show you a document that's dated
2 December 20, 1983, to all personnel. Is that the
3 statement that you had reference to?

4 A. Yes.

5 Q. Signed by --

6 A. Michael D. Spence.

7 Q. He is the President?

8 A. Yes.

9 MR. BELTER: Let's take a break.

10 (Short recess.)

11 MR. GUILD: We are back on the record.

12 BY MR. GUILD:

13 Q. We were talking about the company's policy
14 with respect to harassment and intimidation, and I have
15 gotten you to give me your understanding of the meaning
16 of the terms. I think we identified on the December 28,
17 '83 memo from Mr. Spence, communicating the company's
18 disapproval of harassment and intimidation. You are
19 not aware of any other written definition of those terms
20 by the company?

21 A. No.

22 Q. Any other published policy that would aid the
23 reader in understanding what the company's policy -- what
24 the company's definition of those terms is?

25 MR. BELTER: I am not trying to give you a hard

1 time, but when you say published policy, are you
2 referring to things that the company has tried to inform
3 the workers of?

4 A. That's what I'm driving at, but if there's
5 something other than that, you know, that would
6 certainly be --

7 THE WITNESS: That would relate to how the
8 company would define those terms, is that your question?

9 BY MR. GUILD:

10 Q. Yes.

11 A. Not as far as definition of the terms, no.

12 Q. How about anything in a written form or a
13 published form that would aid in the understanding of those --
14 of what is prohibited by the work force?

15 A. Well, there have been some policy memos out that
16 I recall. I don't know what -- informing the people that --
17 of all the systems we have to create an atmosphere of
18 openness and so forth, and I don't recall. Are we still
19 talking, now, about the definition of those terms, what
20 they are?

21 Q. Yeah, understanding what they mean. If not
22 formally a definition, and you tell me they don't have any
23 other written definitions, something else in writing that
24 would help someone understand what the terms are intended
25 convey, what they are intended to mean.

1 A. I don't know.

2 Q. All right. Mr. Spence's memo, who wrote this
3 memo, by the way? Did Mr. Spence do it himself, or was it
4 prepared for him?

5 A. I don't know.

6 Q. What was your contribution to the preparation
7 and dissemination of that memo, if any?

8 A. I believe I reviewed a draft of it, but I reveal
9 a lot of drafts of a lot of letters, and I think I reviewed
10 this one.

11 Q. And where did the draft come from that you
12 reviewed?

13 A. Somebody on my staff, probably.

14 Q. Who would be responsible for preparing such a
15 thing?

16 A. Normally, Mr. Spence, if he wants a letter or
17 something, he calls the manager and says draft a letter
18 for me on such and such that says such and such and then
19 gives him something to go by. He does not have the time
20 to personally draft all the letters he writes.

21 Q. That sounds understandable. He asked you to
22 draft it?

23 A. I don't know whether he asked me directly or
24 whether he asked Clements who asked me, but word got down
25 to my group to draft, or for me to get a letter drafted.

1 Q. And who did you have do that?

2 A. I don't remember.

3 Q. Who on your staff would be charged with that
4 responsibility, given their assignments of responsibility?
5 Whose area would it fall in?

6 A. What time frame was that? December?

7 Q. December, '83.

8 A. It could have been one of several people. It
9 could have been Mr. Vega; it could have been Lisa Bielfield;
10 it could have been Susan Spencer; it could have been Deborah
11 Anderson; it could have been any one of those.

12 Q. Those are new names to me. Tell me who they are.
13 For instance, who is Susan Spencer?

14 MR. BELTER: This is discovery, Counsel. I think
15 you just admitted that.

16 MR. GUILD: No, it's just a foundation.
17 The record doesn't reflect any significance of those names,
18 without a title attached.

19 MR. BELTER: I agree there's no significance
20 to their names.

21 THE WITNESS: Susan Spencer is an auditor who
22 works for the QA Services Supervisor.

23 BY MR. GUILD:

24 Q. Who worked for Mr. Vega at the time?

25 A. Yes. Deborah Anderson is the Supervisor of QA

1 Audits who reports directly to the QA Services Supervisor.

2 Q. Mr. Vega at the time?

3 A. Yes. It was probably one of those four
4 individuals.

5 Q. Did your lawyers or Counsel have any contribution
6 to the drafting of this document?

7 A. I don't remember. It's very likely they did.

8 Q. Who of them would have been responsible?

9 MR. BELTER: If you know.

10 THE WITNESS: I don't know.

11 BY MR. GUILD:

12 Q. Did you have labor counsel or do you have counsel
13 who have assigned responsibility for being involved in matters
14 that relate to the subject of employee relations of this
15 sort? And if so, who would that be?

16 A. It could have been any number of them. I don't
17 know. I don't really know who in the legal department looked
18 at that.

19 Q. I appreciate your telling me when you don't know,
20 but it compels me to ask the more general question: Who
21 could it have been? And in this instance, who in your
22 legal staff would be responsible for that kind of work?

23 A. Probably Bob Wooldridge.

24 Q. All right. Now, the policy of Mr. Spence endorsed
25 here, the policy statement that he endorsed, reflects as

1 follows in part: "Any attempt to harass or intimidate any
2 employee, attempting to report such conditions -- that is
3 adverse to safety of the plant -- is regarded by management
4 as a gross breach of employment responsibilities and may
5 constitute a violation of law." What establishes, other
6 than this memo, that such conduct is violative of employ-
7 ment responsibilities?

8 MR. BELTER: Could you repeat that question?

9 BY MR. GUILD:

10 Q. Is there anything other than this memo of December
11 23, '83 from Mr. Spence that establishes that such conduct
12 violates -- is a gross breach of employment responsibilities?

13 MR. BELTER: Are you referring to NRC Form 3 or
14 are you asking him his opinion of what the law is?

15 MR. GUILD: I am handing the Witness the policy.
16 I am asking the question generally without anticipating what
17 the answer might be. The question is: Is there anything
18 other than this policy that establishes that it is a gross
19 violation of employment responsibility?

20 MR. BELTER: I think that's my trouble. You're
21 not asking for a legal opinion?

22 MR. GUILD: No. No, I'm certainly not.

23 (Witness reviews document.)

24 BY MR. GUILD:

25 Q. Mr. Chapman, did that refresh your recollection

1 at all?

2 A. Yes, I was just making sure of the terminology
3 of that letter. As I understand your question, it is where
4 else is it documented that an attempt to prevent the
5 reporting of non-conforming conditions is a violation of
6 employee -- employment conditions or whatever it said there.
7 And I'm trying to recall where our procedures which
8 accomplished that function by virtue of the fact that
9 the procedure violations are violations of the -- I'm having
10 a hard time getting a handle on this. Let me approach it this
11 way. For instance, we have set up a non-conformance report
12 system and a procedure for implementing the use of non-
13 conformance reports in order to prevent not only the
14 suppression of NCR's, but also of a possibility that
15 someone might claim suppression, that they wrote an NCR
16 and it got lost somewhere. We set up a procedure whereby
17 once a person takes an NCR number, it cannot be -- the
18 number can never be used again. So, if an inspector thinks
19 he has found a non-conforming condition, the first thing he
20 does, he gets an NCR number from the coordinator in the
21 log, and that number is gone forever. It is recorded,
22 it's put a tag, and therefore, if he subsequently finds
23 out that it was not a non-conforming condition, or if some
24 supervisor demonstrates to him well, you did not consider
25 this, this and this and therefore, it is not a non-conforming

1 condition, they can't just throw the thing away, because the
2 number has been taken and that has to be dispositioned.
3 And the disposition of the non-conformance report becomes a
4 permanent document. Now, what I described, if not a memo,
5 or a directive, it's a procedure that is set up to safeguard
6 a person's right to identify problems for the record and
7 violation of that procedure is a serious matter. Now, is
8 that responsive to your question, partially? I realize
9 it is not a procedure or a letter or anything. And we
10 have management directives or memos out as they relate
11 to the performance of audits. It has always been our
12 policy for anyone who, on an audit team, who believes that
13 that person has a valid finding, and wants to write it up
14 as a deficiency, if the team leader or upper levels of
15 management up to and including me should disagree that it
16 is not a valid finding, and issue the report with it
17 downgraded from a finding then it has always been our
18 policy to put the original deficiency as written in the
19 record so that there will always be a record that here was
20 a dissenting opinion, and here it is forever in the record.
21 We have documented that requirement in a department memo
22 that requires anybody who disagrees with anything that
23 their management has done to downgrade an audit report,
24 it requires them to put their version of what it should
25 be in the file. This is an attempt, because sometimes,

1 management, for legitimate reasons, disagrees with an
2 auditor's finding. We don't want to give the appearance
3 that we have suppressed audit findings and the ability of
4 the individual to identify problems. Therefore, we
5 require that those problems as the individual perceives
6 them, must be documented along with what the final report
7 looked like.

8 Q. Are all non-conforming conditions at Comanche
9 Peak reported on non-conformance reports?

10 A. No.

11 Q. What is the policy or the procedure? Can you
12 identify it more specifically that you just specified
13 that governs the use of non-conformance reports for
14 documented deficiencies?

15 MR. BELTER: Counsel, I'm going to object at
16 this point, and I think you are entitled to an explanation
17 on this one. It is my understanding that there is a
18 voluminous amount of material already in this record
19 on the use of NCR's versus IR's. I appreciate your
20 need to get educated a little bit on that here, but we
21 don't really need to burden this record with that
22 subject. I'm just told that our volumes on this subject
23 of how these things go. Now, I will say that we won't
24 object to cumulative or a few questions, but you could
25 spend weeks on the subject.

1 MR. GUILD: What is the policy?

2 BY MR. GUILD:

3 Q. Can you identify the policy of the procedure
4 that specifies the use of the non-conformance report?

5 A. Not the procedure by number or anything, but the
6 policy I am familiar with. And the reasons for that
7 policy, I think I can articulate.

8 Q. What I was really looking for was a number.
9 Is there a number or a name for the procedure?

10 A. No. Well, there is a number and name, but I
11 don't know what it is offhand. But in a very short period
12 of time, I could give you some information that might help.

13 Q. I'm not trying to burden the record with the
14 details of how it is done. Has that policy been the
15 subject of revision?

16 A. Of revision? Well, I can't say with 100-
17 percent certainty because I'm not looking at a copy to see
18 what the revisions are, but I think every procedure we've
19 got is subject to revision. If it's not subject to
20 revision, it's not a useful document.

21 Q. Well, is it fair to understand without having
22 the document in front of us, that it's probably been
23 revised many times in the course of the project?

24 A. I don't know what you mean by many, it has
25 probably revised sometimes, yes.

1 Q. Well, you help me. Do you know how many times,
2 approximately?

3 A. No.

4 Q. A dozen, five, two?

5 A. I don't have any idea.

6 Q. Well, has it always had this provision that
7 you raised and that was the provision that provided that
8 the inspector held the responsibility for serializing or
9 getting the number for the non-conformance report at the
10 point of origination so that it would always be a part of
11 the permanent record even if --

12 A. I don't know if that has always been in the
13 procedure or not. It has been in there for quite some
14 time.

15 Q. Do you know whether or not there's ever been a
16 time when an inspector was required to get prior approval
17 before a serializing of a non-conformance report?

18 A. I don't know. If it has, it was a long time
19 ago.

20 Q. So you're not aware of whether or not a change
21 was made in that procedure to address the specific
22 concern for -- that we are talking about now, which is that
23 because of pressure or harassment or perceived intimidation
24 an inspector might not document a deficiency on a
25 non-conformance report?

1 A. Or even avoid the perception that somebody
2 could be talked out of it, even though it may or may not
3 of happened. They just don't want to have that
4 possibility.

5 Q. Include that as well. Did that result in
6 a change of policy in order to accomplish those purposes
7 or has that always been a part of the policy?

8 A. Again, I don't know. I can't say other than
9 to say I don't know whether it's always been a policy
10 or not.

11 Q. All right, fine. That's a response. The
12 answer is you are not aware of any change to accomplish
13 that purpose?

14 A. No.

15 Q. As far as you know, it's always been that way.
16 All right. Fine.

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1 A I don't have any reason to believe one way
2 or the other.

3 Q Are you aware of the changes to the policy
4 with respect to documenting non-conformances either
5 through use of non-conformance reports, other documen-
6 tation that was in whole or in part made to address
7 the problem of overinspection as we defined it
8 earlier?

9 A I am not sure I understand your question.
10 Changes in procedures? Would you state that question
11 one more time?

12 Q Sure. Any changes in the procedure for
13 documenting deficiencies. The use of the NCR or any
14 other means for documenting deficiencies. Any
15 changes made to address in whole or in part to the
16 overinspection problem, a problem of inspectors
17 inappropriately rejecting work documenting deficiencies
18 that should have been acceptable?

19 A I don't know. I don't have any knowledge
20 of that. Of course, procedures change down there quite
21 a bit, and I'm not really into the reasons for their
22 changes. So I don't know.

23 Q Would you be responsible for approving a
24 change like that?

25 A Not that type procedure, no. That's an

1 inspection procedure. That's a lower level procedure.

2 Q Would that be approved within the TUGCO
3 QA hierarchy, such a change?

4 A If it is a non-ASME procedure, yes. If it's
5 an ASME procedure, it goes to Brown & Root.

6 Q And would you be informed of a change of that
7 sort, a Brown & Root procedure or an ASME?

8 A Not as it happens, no. I'm not in the
9 approval chain. I monitor that sort of activity
10 through the audit function out of my Dallas office.
11 We do audits to verify the implementation of their
12 quality assurance program, and if they're operating
13 within their quality assurance program, and the
14 signatory authority for a procedure is Gordon Purdy,
15 then that is the person that authorizes it.

16 Q Let me establish as a matter of foundation
17 the relative responsibilities of the two organizations.
18 Giving if you can whatever measure makes most sense to
19 you, Mr. Chapman, compare some of the amount of inspec-
20 tion work that is under the authority of the Brown &
21 Root QA program and Mr. Purdy, as contrasted with that
22 under, directly under your organization, under the
23 TUGCO organization inspection program.

24 A Well, that varies from time to time and I'm
25 not sure that the percentage is now because, as I

1 understand, the ASME code work is finished sometime
2 before some of the electrical instrumentation work
3 and codings work is finished. Mr. Purdy or Mr. Vega
4 could give you a much better number for that as a
5 percentage than I can.

6 Q How about an estimate for you for founda-
7 tion purposes here. How many TUGCO QC do you have on
8 the job now approximately?

9 A There again, by TUGCO, do you mean on TUGCO
10 payroll?

11 Q Well, you tell me. What I want to under-
12 stand is how many have you got doing electrical
13 instrumentation codings, non-ASME, but safety-related
14 quality control inspection, and if I need to understand
15 more than that they work for TUGCO, please tell me.

16 A Well, again, by the discipline of inspectors,
17 I don't know. Because at the end of the job, the
18 percentages of electrical types to codings types or
19 to welding type changes quite often as activities
20 cease, and I don't know how many are working now in
21 Unit 2.

22 Q Give me an approximation. Are we talking
23 about 100 under TUGCO? Are we talking about a thousand
24 under TUGCO? Or are we talking about ten under TUGCO?

25 A No, we're talking, my guess is, a hundred.

1 MR. BELTER: The best person for this would
2 be another witness, wouldn't it?

3 THE WITNESS: Yes, certainly.

4 BY MR. GUILD:

5 Q Well, these people work for you, right?

6 A Yes.

7 Q Well, how many people have you got total in
8 your department who are quality control inspectors?

9 A Well, most of those people are not on my
10 payroll. They are contracted.

11 Q Who do they work for?

12 A Either Brown & Root, a lot of them work for
13 Brown & Root, all the ASME people. There are quite a
14 number of them that are contracted from Ebasco. We did
15 have as many as about seventy-something of them at one
16 time.

17 Q What do they do?

18 A Non-ASME inspections and so forth.

19 Q And in electrical instrumentation coding,
20 et cetera?

21 A Yes.

22 Q As many as 70?

23 A And there may have been a few more than that,
24 but that's a ball park number. That was at one time.
25 That number is down now because the project is winding

1 down.

2 Q How many do you have working straight for
3 TUGCO?

4 A Very few, very few on our payroll. Most of
5 them are contracted for construction.

6 Q Okay. Just by comparison --

7 A Say 12 or 15, something like that.

8 Q How about for comparison, Brown & Root, how
9 many would they have?

10 A My guess is 100, maybe more, 150.

11 Q Now?

12 A Now.

13 Q High Point would be several hundred?

14 A At High Point we had a little over 400
15 QA/QC people on site.

16 Q Do you have any idea how many of those 400
17 were QC inspectors at the High Point?

18 A I don't know.

19 Q Most of them?

20 A Most of them, I would say.

21 Q Now for purposes of performing safety-related
22 inspection, is there any quality control inspection
23 for non-safety work?

24 A No.

25 Q Specified by your procedures?

1 A Right. The QA/QC program applies to nuclear
2 safety-related work.

3 Q Period.

4 A Okay.

5 Q So if we're talking about an inspection
6 procedure, by definition it applies to safety work?

7 A Yes.

8 Q Either ASME code work or non-ASME but
9 otherwise safety-grade work, electrical instrumenta-
10 tion, et cetera.

11 A Right.

12 Q Now, do I understand correctly that inspec-
13 tors would inspect to Brown & Root inspection procedures?

14 A If they were ASME. If it was ASME work that
15 came under Brown & Root's ASME certificate of authori-
16 zation.

17 Q Okay. And Brown & Root would have a proce-
18 dure that specifies the proper method for documenting
19 deficiencies using, say, non-conformance reports?

20 A They have their system for meeting the
21 criteria of the ASME Section 3, which is basically
22 the same as the criteria for Appendix B. But there are
23 some other things that they require, and everything
24 under the Code is done by the procedure and the
25 letterhead of the certificate holder, who is Brown &

1 Root.

2 Q Okay. I'm not interested in the detail,
3 but you are not aware of identification of a number
4 or title of the procedure that Brown & Root uses to
5 document non-conformance reports?

6 A No.

7 Q Now Ebasco, working as a contractor for
8 TUGCO, has quality control inspectors who inspect
9 safety work in non-ASME code areas?

10 A Right.

11 Q And does Ebasco have its own procedure for
12 documenting non-conformance reports?

13 A No. The rest of the plant besides the ASME
14 part -- they have basically what we call Comanche Peak
15 Procedures. They are procedures written in compliance
16 with our quality assurance program, and then all the
17 contractors work to the same procedure.

18 Q Except Brown & Root?

19 A Yes. Well, there are some Brown & Root
20 inspectors in the non-ASME area. They can work that
21 way. Brown & Root can inspect in non-ASME is just
22 the reverse.

23 Q And what is the Comanche Peak Procedure
24 for identifying deficiencies through use of non-
25 conformance reports?

1 A I think I know, but there's really no
2 use to guess because I don't memorize procedure
3 numbers.

4 Q Okay.

5 A I have read it but I don't remember what
6 the number is.

7 Q Are you responsible for approving it?

8 A No.

9 Q Who does that?

10 A The site QA manager.

11 Q Now, you started this line of questioning --
12 This line of questioning developed following a response
13 of your own which was to a first question that said,
14 what policies do you have other than Mr. Spencer's
15 '83 memo that reflect the acknowledgement that harass-
16 ment and intimidation was a breach of employment
17 responsibility, and you were telling me how these
18 policies documenting non-conformances in one instance
19 served that purpose, all right?

20 Now, my question, following along that same
21 line is, do you have an employee code of conduct or
22 code of disciplinary rules or disciplinary policies
23 that include expressly harassment and intimidation
24 as offenses for which some punitive action is taken?

25 A Let me see if I understand the question.

1 Do we have -- what was the question?

2 Q Well, let's start with the foundation. Do
3 you have an employee code of conduct that is the basis
4 for taking personnel action, firing people, hiring them
5 -- well, not hiring them -- firing people, suspending
6 them, docking their pay, whatever, other devices you
7 use?

8 A Are you talking about a written document?

9 Q We'll start that way.

10 MR. BELTER: If you know.

11 THE WITNESS: We have written policies that
12 are more or less company-wide, yes, not specific to
13 Comanche Peak.

14 BY MR. GUILD:

15 Q And those company policies prohibit
16 expressly harassment and intimidation?

17 A It's been so long since I read it, I don't
18 know everything that's in it.

19 Q You're not aware of it?

20 A I'm not aware of anything.

21 Q Do you have a little commonly-known -- some
22 plants -- a green book, a book of employee guide that
23 says if you do one of the following three things, three
24 times, you're out the gate, that kind of thing, employee
25 rules, the violation of which constitutes disciplinary

1 action?

2 A I think there are things like that in our
3 general employee discipline handbook, but it's been
4 so long since I read it. I know Brown & Root has a
5 policy manual and things like that.

6 Q Well, let's stick with what you know first.
7 Does TUGCO have such an employee code or disciplinary
8 manual, and does it prohibit harassment and intima-
9 tion?

10 A There is a progressive discipline program
11 and manual for TUGCO. As to whether the words harass-
12 ment and intimidation appear in it specifically, I do
13 not know.

14 Q And Brown & Root has such a policy?

15 A They have an manual. I don't recall
16 specifically what the words are in it.

17 Q Has anyone ever been disciplined for
18 harassment and intimidation at Comanche Peak?

19 A Yes.

20 Q How about explaining your answer, please.
21 Who has and what do you know about it?

22 A It's been almost five years now. As a
23 result of some interviews that I had a group of people
24 do over the course of about five or six weeks, I had
25 a telephone call that said that, from one of the people

1 on the team, that said that there was probably some-
2 thing I needed to know about. So I came on down to
3 the site.

4 This system of interviews we set up and
5 we designed it to elicit the maximum amount of
6 information from our people. We had been getting
7 some complaints that -- most of them related to pay
8 and equities. There were complaints, and some of them
9 were expressed directly to me, incidentally, that pay
10 raises were two or three months late, some of them
11 were arbitrarily cut just a few cents an hour, but
12 when they got to Houston, the general things that
13 tend to make morale low.

14 Along about that time, there was an NRC
15 report, I forget what number it was, but they had
16 been receiving some allegations about low morale.
17 The report, as I recall, pointed out that there were
18 no deficiencies relative to morale, but it was
19 something that management should be concerned with.
20 My staff and I had been talking over for some time
21 how to -- but there seemed to be a need to really
22 get some information from the people and see what
23 was bothering them.

24 So, I sent a team down there that had, I
25 think it was, four of my people and two people from

1 Brown & Root, Houston. We structured this thing
2 so that nobody on the team was to be in the direct
3 chain of command on site. Nobody reported on site.
4 We decided to interview the individuals in the QA/AC
5 department, clerks all the way up to upper-level
6 supervisors.

7 We didn't ask if they wanted confidentiality,
8 we just automatically told them that this was going to
9 be confidential information and that names would not be
10 provided to anybody on site.

11 There would be an alpha numeric designator
12 on each set of notes, and nobody on site was going to
13 get a copy of the cross-reference. That would be held
14 by me.

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1 The concerns that we got would not be handed to
2 appropriate management for corrective action, if any, that
3 being the Brown & Root site management or Tolson or other
4 craft or whoever. In any form, that would compromise
5 their confidentiality. Furthermore, they were told --
6 the review team was told that I wanted to get all the
7 information that was on their minds, don't try to put it
8 in perspective necessarily; find out what is eating
9 on them, because if they think they've got a problem,
10 then they have a problem. We want to find out what the
11 causes of this rumbling is. We've already got some pretty
12 good ideas. So they started out, as I recall, in late
13 September, I think it was 1979, and over the course of
14 four or five or six weeks, they talked to all the
15 inspectors they could. They did it by discipline and
16 as each group was finished, the team would meet -- the
17 team didn't interview each individual, they split it up
18 so they could do it a lot faster. As each group, say
19 the electrical and mechanical, would finish, they would
20 take the results of the individual concerns raised and
21 they would put them in the form of a summary for that
22 discipline group. And they would all sign the thing, and
23 they would send that report to me and then it would go
24 to whoever needed to know for appropriate action. I
25 think that was mostly Tolson. But rather than wait in

1 this one instance, I was called because a young inspector
2 had related an incident where she had been physically
3 intimidated. So I went down myself, I called her in to
4 talk with her about it.

5 Q. How did you find out who the inspector was?

6 A. Well, the people doing the interviews obviously
7 have to know, so they called her in.

8 Q. Did she ask to talk to you?

9 A. No, they told her that that was something they
10 thought upper management needed to know about, and she
11 said I'd be glad to talk with them about it. That's my
12 understanding of how it was.

13 Q. So the interviewers called and talked to you and
14 then you talked to her?

15 A. Yes.

16 Q. And what did you do?

17 A. First of all, I asked her what happens? And
18 she said that she had, as I recall, rejected the work
19 of a craft --

20 MR. BELTER: Let me just stop you right there
21 for just a second and make clear for the record that what
22 was reported to Mr. Chapman is admissable in our view on
23 the basis of the fact that it was reported to him, but it's
24 not in itself competent evidence of the truth of the
25 matters that were reported to him. You may continue.

1 THE WITNESS: She rejected the work of
2 this craft, and the guy was a rather large guy, and that
3 he had grabbed her by the coat and kind of yanked her a
4 little bit, and he got right in her face and then all of
5 a sudden realized what he had done and kind of looked kind
6 of shocked and turned loose of her and that was the extent
7 of it. And I asked her if he had hit her or anything
8 like that, and she said oh, no. I said when did that
9 happen and as I recall, it had been several weeks or some
10 period of time had passed since the incident. Nothing
11 else had happened and I said, well, you know that if they're
12 doing that, that man has to go out to the gate. And she
13 very vehemently insisted that she didn't want him to lose
14 his job. I said, well, that's the policy, if anybody does
15 something like that, they go. And all I will do is tell
16 construction and he is gone. And she says, no, I really
17 don't want that. She said, all I want is for him just
18 to do business with me. Ever since then, it's been a
19 strange relationship and I feel I'm easy around him.
20 And I said, well, I'm going to give you the opportunity
21 here to convince me that construction should not run him
22 off right now. But the ball is in your court. You're
23 going to have to convince me that that shouldn't happen.
24 Again, she insisted at length that she didn't want him
25 to lose his job, and it's really something that he reacted,

1 and she felt that he hadn't done it since, and he was just
2 acting funny, and she felt like if somebody would just get
3 with him and fix him and tell him to treat her like he does
4 anybody else, and if she has business to inspect in his
5 area, to treat her with respect and that she did not want
6 to see him lose his job over it. So we talked awhile, and
7 finally I said, well, since this apparently is not --
8 had it been something that was obviously widespread
9 knowledge in the plant, I don't think we could've given
10 into her wishes. I think we would have had to go ahead
11 and let the craft terminate him at that time because of
12 the image of not doing anything about it. But we weren't
13 hearing a lot other than one other friend of hers that
14 knew about the incident, she said, yes, this other gal
15 knows about it and the other inspector told us it was
16 not general knowledge. So I said, well, all right, this
17 is what I'm going to do. You have insisted, and basically
18 the only way that she would let me take any action against
19 the guy to get his attitude fixed was if I would assure
20 that he would not lose his job. Now, the only
21 alternative would be for me to go to construction and
22 tell them what had happened and they would run him out
23 the gate. I told her, I said, all right, I will hold this
24 in more or less in obeyance, now, I will get him fixed
25 and I'll tell him exactly what you told me. I will tell

1 the construction manager that what you want is for him
2 to treat you like he always did; businesslike. And be
3 civil to you across the board like everybody else and
4 if he ever so much looks cross-eyed at you again, then
5 I'm not going to let you talk me out of it next time.
6 And she was real happy with that. I said, furthermore,
7 I'm going to come back in a couple of weeks and I'm going
8 to give you the opportunity to convince me even then that
9 he shouldn't go because you are the one who is holding
10 up this deal. And she said that'll be fine. And I
11 came back, I don't know how long it was, a matter of well
12 in the range of two weeks, I called her in again and
13 incidentally, before I left the first day, now, you
14 realize we promised confidentiality here and if I take
15 action on this, it's going to compromise you to a certain
16 extent. She said, I understand that; go ahead. But, she
17 said, I don't want him to lose his job. As long as you
18 get him fixed. So I came back in a couple of weeks and
19 she came in, and she convinced me that she was extremely
20 happy with the way things had turned out. She thanked
21 us for taking interest, and that was the extent of what
22 we did.

23 Q. What discipline was this inspection work done
24 in?

25 A. I think it was electrical, I'm not sure. I'm

1 reasonably sure it was electrical.

2 Q. Was this inspection of cable trays in the
3 auxiliary building?

4 A. I don't recall what specifically it was.

5 Q. 810 elevation?

6 A. I don't recall.

7 Q. It might have been?

8 A. I don't know.

9 Q. Who was the inspector who was the victim of
10 the harassment?

11 MR. BELTER: I'm going to object to that question,
12 Counsel, because we promised her confidentiality. I recognize
13 the relevance of the answer. The problem is that we have
14 tried to work out a cooperative procedure here. You were
15 not involved, Bob, but at one of our hearings, Judge Bloch
16 asked us to cooperate with each other by trying to preserve
17 confidentiality to the extent that both sides could. Each
18 side has recognized the value of preserving the confidentiality.
19 My suggestion on this is that you try to complete your
20 examination without the name, and let's discuss it later.
21 If you feel a need for the name, I think we ought to talk
22 about procedures for giving you the name. I'm not trying
23 to prevent you from having the name today.

24 MR. GUILD: I would be most happy to try to
25 work out something to accommodate that. I do press the

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point that it is relevant.

MR. BELTER: I have no objection that it is relevant.

(Laughter.)

MR. BELTER: We're off the record.

(Short break.)

MILLERS FALLS
ERASE
COLLON COMMENT

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

2 BY MR. GUILD:

3 Q. What action, if any, was taken with respect
4 to craftsmen involved?

5 A. It was related to me. Construction management
6 told him that he was basically on the verge of being
7 terminated, and his personal fate was in the hands of
8 the inspector that he had intimidated and he had better
9 get right with her and stay that way as long as he
10 intended to be on the job.

11 Q. And how did the construction management
12 learn of the incident?

13 A. Well, that one I cannot remember. I can't
14 remember whether I told him personally or whether I asked
15 Ron Tolson to relay the message.

16 Q. But in any event, from your side at your direction,
17 either directly or indirectly, construction management was
18 told of the incidents that came from the QC inspector?

19 A. Yes. And their original information was much
20 like mine, go ahead and terminate him without even
21 considering what the inspector wanted.

22 Q. Did they document their counsel and warn them
23 of any disciplinary action in any way?

24 A. I do not know.

25 Q. Do they have a system -- Did they, at the time,

1 have a system of documenting such warnings in individual
2 personnel files?

3 A. I don't know.

4 Q. Did it matter to you whether they did or
5 not?

6 A. At the time, not so much, because I was
7 interested in solving the immediate problem. I didn't
8 really think too much about the documentation aspects
9 of it as long as it got done.

10 Q. Did you consider whether or not the craftsmen
11 would take whatever message you relate to him indirectly
12 seriously or more seriously or less seriously if a
13 notation were made in his personnel file or not?

14 A. I didn't consider that. My bottom line was
15 the feelings of the person who had been robbed. And
16 the assurances that she could give me because I just
17 didn't take what she gave me at face value. As I
18 promised her, I made her convince me that everything
19 was right. She says, well, I just can't believe that
20 he's a different person. So I really appreciate what
21 she did. And everything is going great. That was
22 the goal. I didn't really think about all the
23 peripheral things, because she was convinced he was
24 sincere in his change, and that since it was a one-time
25 knee-jerk reaction on his part, she had considered the

1 matter finished.

2 Q. Well, let's lay aside -- I don't think
3 this is the form for you and I to debate the validity
4 of that conclusion on your part. All right?

5 A. Right.

6 Q. But laying aside the wisdom of putting the
7 victim in the position of having to choose the
8 punishment that management maybe ought to have decided,
9 did you consider whether or not the punishment, or the
10 lack of punishment, would be effective in its own right
11 against the craftsmen who had done wrong?

12 A. Now, wait a minute. I disagree with your
13 characterization of what I did. I did not leave the
14 decision of the type of discipline to the victim. The
15 discipline should have been decided by management. I
16 decided the final discipline. I acceded to the wishes
17 and the strong recommendations of this QC inspector who
18 did not want him fired, and maybe she had some good
19 reasons for feeling intimidated if we had fired him.
20 I took that into consideration too. And that's not
21 anything to consider lightly.

22 Q. Well, let's talk about the other point.
23 The other point that I'm directing my question to
24 is someone did wrong, and got away with it without
25 any punishment, regardless, lay aside the propriety

1 of putting the responsibility on the victim --

2 MR. BELTER: I object to the question, Counsel.
3 It hasn't been established, to use your words, that this
4 person got away without any punishment.

5 MR. GUILD: Let me rephrase it.

6 BY MR. GUILD:

7 Q. This person did wrong; he violated the company's
8 either written or unwritten policy, correct?

9 A. That's true.

10 Q. He specifically threatened the quality control
11 inspector in the performance of her job, correct?

12 A. That's true.

13 Q. That is a firing offense, according to your
14 testimony, correct?

15 A. That's true.

16 Q. And that individual was not fired?

17 A. That's true.

18 Q. Now, what I want to know is, assuming that the
19 only discipline that individual received was the counseling
20 that you indirectly indicated to his management should
21 occur, and that you understood occurred, what I want
22 to know is what leads you to believe that that was an
23 effective sanction against him. Lay aside the interest
24 or wisdom of -- and perspective of the inspector, now.

25 A. I was told that he was told if it ever happened

1 again he was out the gate, no questions asked. I don't
2 consider that getting away without discipline.

3 Q. Okay. I didn't hear that the last time. That
4 is what you understood got communicated to the craftsmen
5 involved?

6 A. Yes.

7 Q. And you don't know whether or not that was
8 oral, written or what?

9 A. I do not know.

10 Q. Okay.

11 MR. BELTER: Well, maybe I missed your question.
12 Bob, but were you asking Mr. Chapman whether he believed
13 the report from the QC inspector when he went back two weeks
14 later about the man's conduct? Because you seem to be
15 getting after whether what was done was effective in terms
16 of this man's conduct. Let me ask that question right now
17 to clear it up. I would ask it on redirect. Mr. Chapman,
18 was any information brought to your attention with respect
19 to the man's conduct after the incident, after the action
20 was taken against him?

21 THE WITNESS: Yes. That is the issue which
22 I went back down there to discuss with the inspector.

23 MR. GUILD: Thank you.

24 BY MR. GUILD:

25 Q. Now, what is the basis, if any, for your belief

1 that there was no general knowledge among either the craft
2 of QC of this incident of harassment?

3 A. Due to the detail and -- the extreme detail
4 that the information we received from these people during
5 these interviews, due to the openness with which they
6 approached these things -- Due to the triviality of so
7 many of the things, in addition to the major points that
8 were legitimate concerns on their part, the types of
9 things that they identified to us, even third-party hearsay
10 things, if that had been general knowledge around the plant
11 a couple of weeks after it happened, we would have heard
12 about it. That was our main level of confidence. The
13 additional level of confidence is that this inspector
14 obviously wasn't passing around the story or she could
15 have spread it around all over the site.

16 Q. Excuse me. Let me just interrupt. How do you
17 know she wasn't?

18 A. Well, we only heard it from, as I recall, one
19 other and that was a very close friend of hers.

20 Q. How did you get it from her?

21 A. The interviews. And she wasn't spreading it
22 around, and if we had found it to be another general knowledge
23 around the plant, then I don't think we would have had the
24 option to do what we chose to do just to satisfy an
25 inspector who didn't want this guy to be fired.

1 Q. Who was the other inspector who had knowledge
2 of the incident, and let me note that while I believe the
3 answer to that question is relevant and the answer should
4 be a matter of record, I understand the thing --

5 MR. BELTER: The same objection, yes. And I have
6 a problem with that one. You're asking discovery again, and
7 if you find that inspector, her report could only be hearsay.

8 MR. GUILD: Well, I maintain that it goes to the
9 question of the effectiveness of the remedy that Mr. Chapman
10 is talking to, this harassment incident and -- and/or to
11 the validity of his testimony that the matter was only that
12 limited knowledge on the site and that both subjects are
13 subjects of significance i this is a singular incident
14 of harassment that the gentlemen --

15 MR. BELTER: I know. But the answer to your
16 question about the name isn't going to add one iota of
17 weight to the issue that is before this Board, one way or
18 the other. All it is going to do is give you the opportunity
19 to pursue another step in possibly producing relevant
20 evidence. It's a discovery question.

21 MR. GUILD: I maintain otherwise.

22 MR. BELTER: The name of this individual is
23 going to add weight to whether there has been intimidation
24 or not? That is your position held in good faith?

25 MR. GUILD: My position is that --

1 MR. BELTER: I want you to think about it
2 for a minute, Bob.

3 MR. GUILD: My position is that the name of
4 this individual

5 Yes, because given what I believe the answer to that
6 question is, I think I will succeed in demonstrating that
7 in fact, Mr. Chapman's conviction that he handled the
8 matter in the proper way is wrong, and that the matter was
9 in fact of a more general knowledge on the site.

10 MR. REYNOLDS: Why would the name assist you
11 in that effort?

12 MR. GUILD: It's apparent.

13 MR. REYNOLDS: Explain it to me.

14 MR. GUILD: It's either the right person knows about
15 it or it is not, who knew about the incident or not.

16 It's my belief that the answer to the question of the
17 person he also found out knew about it is an inspector who
18 has also been involved in instances of harassment. That is
19 my belief, and that is the basis, in part, for my strenuous
20 insistence that the information be disclosed.

21 MR. BELTER: Your good faith is based on
22 information known to you and not to me.

23 MR. GUILD: I'm not asking that it be disclosed
24 on the public record of the deposition, but I ask that the
25 name be disclosed.

1 MR. BELTER: All right. We'll talk about that
2 by giving you the name off the record, then, to confirm
3 whether or not you want to pursue it in good faith.

4 MR. GUILD: Do we have a stipulation that that
5 information will be provided off the record?

6 MR. BELTER: I think we will find out. I don't
7 know whether we have gotten to that point or not. I think
8 our inclination is to give it to you.

9 MR. GUILD: My only concern is that I don't
10 want to let Mr. Chapman go without preserving our rights
11 to pursue the matter.

12 MR. BELTER: Let's take a break for a minute.

13 (Discussion off the record.)

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1 MR. BELTER: Back on the record.

2 Bob, there is an intermediate step that I would
3 like to consider with you. We would be willing to reveal
4 the name of this person to you off the record, but I want
5 you to understand that we don't think that your having the
6 name, the name itself is relevant evidence at all in this
7 proceeding, and maybe I have misunderstood your point.
8 But, I would like you to explain to me again why you think
9 the name itself is relevant here as opposed to the potential
10 testimony that the individual might give.

11 MR. GUILD: I think I have explained it
12 adequately. If you want to talk about it off the record,
13 I would be happy to talk about it.

14 If this is simply a ruse to --

15 MR. BELTER: Are you asking for it in good faith,
16 because I don't understand it.

17 MR. GUILD: I am asking for it in good faith.

18 Let's go off the record.

19 (Discussion off the record)

20 MR. BELTER: Back on the record.

21 Do you feel any need, Bob, to recite what we
22 discussed off the record?

23 MR. GUILD: No. Only that I think that counsel
24 for Applicants perceive the tactical advantage to misleading
25 this counsel that we had reached an agreement off the record

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1 on the matter and I feel no need to further explicate the
2 basis for my questions or my argument that we have now gone
3 into at great length on the record and off the record about
4 the basis for the need to elicit the information sought.

5 Now, if you still instruct the gentleman not to
6 answer the questions then we will either resort to a
7 protective order which is still pending as a device to elicit
8 the answer in a way that protects the confidentiality of the
9 two individuals, or if that no longer is the bone of conten-
10 tion and you insist on pressing my good faith in seeking
11 answers to the questions on the basis of your challenge to
12 the relevance, then we will take that matter up independently.

13 But, I have left the record on the assumption that
14 you conceded the relevance of the questions and you said so,
15 and now I find that you intend to lay some other tactical
16 trap, and that that was the basis for not disclosing the
17 names over the last recess.

18 Now on that basis, are you prepared to disclose
19 the names of the identified victim of the harassment of a
20 quality control inspector who also was aware of the harassment
21 incident in a confidential fashion off the record?

22 MR. BELTER: You have misstated the record on what
23 I said before.

24 I indicated to you that I felt it was relevant
25 for you to ask the question of the name of the witness who

Wm3

1 was the alleged victim of this intimidation on the grounds
2 that that might lead to relevant evidence.

3 MR. GUILD: I didn't say that at all.

4 MR. BELTER: I am not trying to prevent you from
5 doing it. If that is what I said, then I misspoke. And
6 let me make my position on this clear right now.

7 The names of these individuals are not relevant.
8 They don't add any weight one way or the other to this issue.
9 You may find relevant testimony from them if you take the
10 next step which is typical discovery and go question them
11 about it.

12 You have indicated to me that you think the names
13 themselves may be relevant because they could be then
14 connected up potentially with other witnesses. And I am
15 willing to tell you that the name of the individual -- both
16 of them, the inspector and the other person who reported the
17 incident -- are not names that have appeared to our knowledge
18 anywhere else in this record, or on anybody's witness list.

19 We also indicated to you that we are willing --

20 MR. GUILD: Wait a minute. Say that again.

21 MR. BELTER: They are not names that appear on
22 anybody's witness list in this proceeding and they have
23 never testified in this proceeding.

24 MR. GUILD: Wait a minute. I don't know what
25 witness list you mean. Are they names that are not otherwise

1 identified in this record?

2 MR. BELTER: I'm sorry. I'm talking about the
3 witness lists that have been exchanged by the parties in
4 this proceeding.

5 I also include in that any prior witnesses in all
6 of the ASLB hearings on this issue. So there is no way that
7 this name could be connected up to anything else merely by
8 revealing the name. And I am going to ask you -- I am asking
9 you to consider the question of whether you're continuing to
10 operate in good faith and insisting that getting these names
11 is evidentiary in nature and not discovery in nature.

12 I insist that it is discovery in nature.

13 MR. GUILD: I maintain that position.

14 On that my question to you is: I don't know
15 what the term of art "witness list" means. If we can take a
16 moment off the record and you can show me what a witness
17 list is, this may solve the whole problem. Okay? Can you
18 do that?

19 MR. BELTER: I can do that.

20 MR. GUILD: Let's do that for a moment.

21 (Discussion off the record)

22 MR. GUILD: Back on the record.

23 I just reviewed what you identified as the
24 witness list and understand that you stipulated that neither
25 the victim of harassment incident that Mr. Chapman has

mm5

1 testified to, nor the quality control inspector that he
2 understands was the sole other quality control inspector
3 informed of the incidents, are named on those lists.

4 Is that an accurate understanding?

5 MR. BELTER: That is correct.

6 MR. GUILD: Can I ask Mr. Chapman if he would
7 confirm it?

8 BY MR. GUILD:

9 Q Is that your understanding, sir?

10 Is that an accurate statement?

11 A That neither of the two individuals involved,
12 neither the inspector who was intimidated, nor the inspector
13 she named as a person who knew, appear on this list.

14 And that is correct.

15 MR. GUILD: All right.

16 Now at that point I confirm my view that the
17 answers to both those questions are relevant. I am willing
18 to cooperate in protecting the confidences of those persons
19 and would suggest that we move to another subject pending
20 the agreement as to the details of a protective order under
21 which I would agree it is appropriate to exchange that
22 information off the record.

23 MR. BELTER: Fine.

24 MR. REYNOLDS: All right.

25

mm6

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BY MR. GUILD:

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Q Are there any other instances, Mr. Chapman, in which the existence of harassment or intimidation of quality control inspectors has come to your attention?

3

4

A There are a couple of other instances. One of them I really don't think would be harassment or intimidation.

5

Q Let me focus the question.

6

What other instances are you aware of --

7

A The reason I want to be responsive is I think there is only one other answer.

8

9

There may be another one where there was some question, but I really believe it was resolved to be an instance where a relatively inexperienced inspector let himself be convinced by a whole lot more experienced engineering type that something was okay. And then he later on decided on his own that it was not, and he brought it to the attention of our management that he was finally satisfied.

10

So, I am inclined to believe that that is what has been involved.

11

12

Q Wait a minute, what instances have you found harassment?

13

14

My first question is not where has it been close calls. But I want to know if you have found harassment and intimidation in any cases other than the one that you mentioned previously.

15

16

17

mm7

1 A We had a case of a construction manager, I guess
2 six or eight weeks ago. He apparently followed around
3 behind the QC inspector and took issue basically with all
4 of his inspections. I believe it was a codings inspector.

5 And, in spite of the fact that there was
6 considerable evidence including the inspector's supervision
7 and support, and I believe the codings engineer, to indicate
8 that the construction manager was wrong and there was a
9 confrontation and it was recorded to us.

10 We investigated it and determined that it appeared
11 that this inspector had been intimidated or harassed by
12 this construction manager, and that it was totally inappro-
13 priate for him to do so. If he had any problem with the way
14 the inspector was doing his work, he should have gone to our
15 management not to the inspector particularly in following
16 him around and taking issue with his findings when the
17 inspector was generally right and he was generally wrong.

18 Q How did the matter come to your attention?

19 A It was reported through our internal reporting
20 system and it was investigated as part of our QA investigation.

21 I think my files were furnished to CASE
22 on the matter. I believe we had our Ombudsman investigated
23 and I got a report on it.

24 Q Did the inspector complain of the incident?

25 A Yes.

mm8

- 1 Q And who did you complain to?
- 2 A Well, I think his immediate supervisor was there
- 3 at the time, so I would have to check for the individuals'
- 4 names. I don't recall.
- 5 Q You don't remember the name of the inspector?
- 6 A I could get it, but I don't recall it.
- 7 Q Do you remember the name of the construction
- 8 manager?
- 9 A Yes, it was Bob Murray.
- 10 Q He is in coatings?
- 11 A No, he is just a general construction manager.
- 12 Q Is that a senior position on the construction
- 13 site?
- 14 A Yes. Fairly.
- 15 Q What, if any, action was taken in a disciplinary
- 16 character against Mr. Murray?
- 17 A Several things.
- 18 Tony Vega personally told Murray not ever to
- 19 engage in a conversation with any of his inspectors again,
- 20 period.
- 21 He also talked to Joe B. George who is the
- 22 construction vice president and told him he was not going
- 23 to tolerate that sort of activity again.
- 24 Q He, Mr. Vega?
- 25 A Vega. And, you will have to get the details of

mm9 1 that conversation from Vega. But he told him in essence that
2 he did have to have stop work authority and would not
3 hesitate to use it if it ever happened again.

4 MR. BELTER: Excuse me --

5 THE WITNESS: And, would not hesitate to use it
6 and just pull his inspectors out if that was going to be the
7 way he communicated his feelings.

8 When I found out about -- when I got the results
9 of it at the same time he was doing that at the site level,
10 my boss, Bill Clements and I went to the office of the
11 president of the company, Mr. Michael Spence, and Mr. Clements
12 essentially told him what had happened. There had been an
13 allegation that this inspector had been harassed and gave
14 him the outline of the details. And he told Mr. Spence that
15 if it ever happened again they were going to stop work.

16 BY MR. GUILD:

17 Q Was this incident investigated through the hotline
18 program?

19 A No, it was investigated through the normal
20 internal reporting system, the ombudsman approach.

21 Q Were the results of the investigation documented?

22 A Yes.

23 Q How were they documented?

24 A On a QA Investigation Report.

25 Q Do you know what the file number of this incident is?

mm10

1 A I don't recall.

2 Q What, if any, disciplinary action was taken
3 against Mr. Murray, the manager?

4 A I don't know directly. He was counseled.

5 Q Were the results of this investigation publicized
6 on the site in any way?

7 A We don't normally distribute copies of
8 investigation results, no. And we did not in this case.

end 17

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1 Q Do you know whether or not the harassment and
2 intimidation incidents or the facts about incidents were known
3 to others on the site other than those who had direct personal
4 knowledge who were there?

5 A I don't have any way of knowing. I know we
6 communicated the results of the corrective action back to the
7 person who had the original complaints.

8 Q Well, I'll put it this way, Mr. Chapman, everybody
9 on the job would see that same manager the next day, doing
10 what he did the day before.

11 A No, that is not true.

12 Q But for this conduct --

13 Q But for what conduct?

14 Q But for the conduct that he was found to have been
15 improperly engaged in in this case.

16 Is there any basis, any factual basis for quality
17 control inspectors as a result of this investigation and its
18 conclusion, Mr. Murray had been engaged in wrongful harassment
19 and intimidation -- is there any basis for inspectors perceiv-
20 ing that he was punished, disciplines or otherwise the subject
21 of any kind of a negative action as a result of his conduct?

22 A Well, I have having a hard time visualizing what
23 sort of publication or published information you have in mind.

24 The information that was communicated, the results
25 of what happened was communicated back to the individual who

1 had the problem.

2 Q Do you have any other -- have you employed any other
3 vehicles for communicating company policy or communicating the
4 information about how the company handles these instances?

5 Do you have site wide meetings, for example?

6 A We have had meetings. Mr. Vega had meetings with
7 most if not all of the inspectors right after he went down to
8 the site.

9 He handed out a memo that explained what the open
10 door company policy was and he emphasized again the avenues
11 of reporting any kind of problem, quality problem, safety
12 problem, instances of harassment and intimidation or whatever,
13 that they should feel free to report them up through management.

14 And if they did not feel comfortable doing that, they
15 could go through our ombudsman, they could go through our
16 hotline. If they did not feel comfortable doing any of those
17 things they could go through the NRC but that was a very recent
18 addition to our established policy of some time ago.

19 Q That is interesting and another matter, but what
20 I want to inquire about is, there is a vehicle, an established
21 vehicle for communicating to employees on the site and the
22 supervision meets with them among other things, correct?

23 A Yes.

24 Q Has there ever been a meeting where the results of
25 this harassment and intimidation investigation were

1 communicated, say to quality control inspectors generally or
2 in this discipline, craft, generally or in this discipline,
3 for example?

4 A This specific instance?

5 Q Yes.

6 A I don't know.

7 Q It is not a matter of policy that it would be done
8 that way?

9 A It is not a matter of our policy to call public
10 meetings to explain disciplinary conferences between management,
11 no.

12 Q As far as you know, it did not happen in this case?

13 A As far as I know, it may have. I don't know. I
14 told you I didn't know.

15 Q You just don't know, okay.

16 I am going to show you a document, well, it is a
17 stack of documents and I don't intend to mark or introduce
18 them, but can you identify those as reflecting the summaries
19 of the interviews that you described as being conducted in
20 1979 of quality control inspectors?

21 MR. BELTER: Counsel, we are going to have to go
22 through that carefully to make sure it is complete before he
23 answers that question. Do you want to mark it as an exhibit?

24 MR. GUILD: I just got done saying I do not want
25 to mark it as an exhibit. I am not asking him to vouch for

1 it being complete. Does that appear to reflect, and I will
2 get him to read the cover sheet, does that appear to reflect
3 the summaries of interviews that he had reference to?

4 I just want the documents generally identified. I
5 am not trying to vouch for that being a careful and complete
6 copy although I do believe it to be.

7 (Witness reviewing document.)

8 THE WITNESS: It appears to be the same type. It
9 appears to be the cover letters.

10 BY MR. GUILD:

11 Q All right.

12 Now those summary sheets were supported, I believe,
13 as you testified earlier, by questionnaires that were completed
14 by the indicated interview teams of the interviews with the
15 specific quality control inspectors?

16 A No, I believe I testified that it wasn't done by a
17 team, it was done by individuals of a team, speaking to
18 individual members, yes. That is what I meant to communicate.

19 Q And there is also those interviews that were docu-
20 mented on interview sheets that were coded, I believe, as you
21 previously testified?

22 A Right.

23 Q All right.

24 MR. GUILD: Now, counsel, those -- I have seen those
25 interview summaries and I understand that they were very

1 recently provided by Applicants to Intervenors. They have
2 been provided, however, only with the names of the interviewed
3 inspectors deleted and without a code to permit the Intervenors
4 to identify the inspectors involved.

5 We believe that pursuant to discovery agreements and
6 rulings we are entitled to have the names of those inspectors
7 communicated to us.

8 MR. BELTER: I don't know the names of the inspectors.
9 I don't know that anyone knows the names of the inspectors.

10 Are you asking me -- what is your specific request
11 to me?

12 MR. GUILD: My specific request to you is tell me
13 for the record why you haven't transmitted the names of those
14 inspectors -- we did understand, Mr. Chapman, to have retained.

15 MR. BELTER: We gave you the documents as they
16 exist in his files. They never had names on them.

17 MR. GUILD: Well, Mr. Chapman's previous sworn
18 testimony is that he had a key that communicated the identities
19 of the persons that had been interviewed. That key has not
20 been transmitted as a matter of discovery.

21 MR. BELTER: That is correct -- for the same reason
22 that we haven't given you any of the names of people to whom
23 we have promised confidentiality. We have had an agreement --
24 it is my understanding we had an agreement with Mr. Roisman
25 about this, that we were not going to force that issue if we

1 could work it out cooperatively. If you bring this in the
2 category of the same names that you want with respect to --
3 you are putting this in the same category with respect to the
4 other two names but you are making a blanket request for the
5 entire key for some 165 or 70, I don't know, interviews that
6 were conducted in 1979. Is that what you are asking us?

7 MR. GUILD: Yes. What I want to make clear is that
8 I believe that there is relevant testimony on the subject of
9 the interviews and the underlying facts reflected in those
10 interviews that Mr. Chapman has testified or conducted
11 pursuant to his general direction and supervision, that that
12 inquiry is hampered by the failure by Applicants to have
13 transmitted the key and the names identified in those --

14 MR. BELTER: You are going to have to get Judge
15 Bloch to order us to give you that key.

16 MR. GUILD: Well, let's just make this a point, but
17 I want to state clearly for the record that I would intend
18 to examine from those -- I would inten^d to have examined this
19 witness from those interviews, interview sheets, summary
20 sheets, but I am only able to do so on the basis of information
21 which has not been transmitted and that is the key.

22 And I suggest that this matter be the subject of
23 some discussion off the record in terms of a protective order.

24 MR. BELTER: I want to put something on the record.

25 MR. BACHMANN: Let me put something on the record

1 right here.

2 The Staff objects to this as being very specifically
3 a discovery request and although it has not been labelled such
4 I think it is quite obvious from what Mr. Guild has said that
5 this could lead to testimony that could be admissible and that
6 that is a definition of discovery.

7 Secondly, this document has been in CASE's possession
8 for a certain period of time, and -- when did you receive it?

9 I see a note from Mrs. Ellis.

10 MR. GUILD: I am informed that -- I don't have a
11 date, but --

12 MR. BELTER: Well, I can tell you that it was some
13 time, the third week of June that you looked at the documents
14 because that is when we discovered them.

15 They were made available to you.

16 MR. GUILD: I did not personally see them.

17 MR. BELTER: I know, Bob, but let me tell you what
18 the problem is with this one.

19 This is so clearly discovery that I am going to
20 accuse you of bad faith if you say this is evidentiary. A
21 key with numbers on it, a key with names matched up to numbers --
22 is worthless evidence in this case -- and let me finish.

23 It is clearly discovery and I want you to admit on
24 the record right now that it is discovery and not evidence.

25 MR. GUILD: There is no need to raise your voice.

1 There is no need to get impassioned about the point.

2 My point is that I am unable to examine substantively
3 as to the interview materials intelligently without having
4 had that material, which I assert should have been transmitted
5 in discovery.

6 It was not transmitted in discovery and I make the
7 point for the record now that I would desire to examine
8 Mr. Chapman on that subject but am unable to do so because you
9 have failed to provide that information.

10 MR. BELTER: On the subject of what is on the
11 interview sheets, you are unable to conduct --

12 MR. GUILD: On the subject of the underlying facts,
13 I am unable to conduct meaningful examination without knowing
14 who those people are.

15 MR. BELTER: You have just now asked for it and it
16 is discovery. I am not going to give it to you voluntarily.

17 Let's take the next step.

18 MR. BACHMANN: I also object to that statement,
19 because as recognized by Judge Bloch on the record, that the
20 information provided by CASE as to the subject of these
21 depositions was sketchy at best and had this been noted as a
22 subject of possible questioning of Mr. Chapman, perhaps this
23 problem might have been avoided.

24 CASE chose not to identify this topic as a topic
25 of discussion at this deposition and it can only be CASE's

1 fault that they lacked the means to conduct the deposition.
2 And therefore I feel that is an untenable argument.

3 MR. GUILD: Well, I am informed, counsel, that not
4 only was the subject of the interviews noted as the first
5 subject of Mr. Chapman's deposition in the July 2nd clarifi-
6 cation document --

7 MR. BELTER: I doubt that Mr. Bloch ever got that,
8 counsel.

9 MR. BACHMANN: The Staff never received that
10 document.

11 MR. GUILD: Well, that may or may not be so. I was
12 not a counsel until my appearance today. All I can tell you
13 is we have in front of us a document that lists as its very
14 first subject --

15 (Discussion off the record.)

16 MR. GUILD: On the July 2nd clarification, the
17 first two items are on the subject of th interviews.

18 Ms. Ellis points out to me that in the attachement
19 to the June 27, 1984 letter to Applicants from Intervenors,
20 the second item under Mr. D. Chapman, under the heading,
21 Incidents Requested to be Prepared for Deposition," it says
22 knowledge of the 1979 interviews. And I just want to state
23 my position.

24 The position is that without the names of the
25 quality control inspectors involved, I cannot conduct an

1 intelligent examination as to their complaints about
2 harassment, intimidation or other subjects.

3 MR. BELTER: My response to you, counsel, is that
4 you have access to those documents for several weeks. You
5 put in the June 27 letter that you intended to cross examine
6 Mr. Chapman about those documents. You gave no indication in
7 that letter that you wanted this key and we have consistently
8 taken the position for months that we are not revealing names
9 of people voluntarily to whom we have promised confidentiality.

10 It is apparent that your request to us has been
11 made ten minutes ago and that is why you face this impasse,
12 because you haven't asked for it before.

13 MR. GUILD: We believe we have asked for it before.

14 MR. BELTER: You have not asked for it before .

15 MR. GUILD: Well, I assert that we have asked for
16 that in discovery and it should have been provided.

17 MR. BELTER: I deny that.

18 MR. GUILD: Well, there is no need to argue about
19 it. We both stated our position for the record and I intend
20 to pursue the matter and it is just a question of moving on
21 to complete the deposition.

22 MR. BACHMANN: I would like to correct a statement
23 I made before. The indication that Mr. Chapman would be
24 questioned on the 1979 interviews was in the June 27th letter,
25 however, no other further mention was made of any need for

1 any futher names or information at that point.

2 MR. GUILD: Mr. Chapman, let's be clear.

3 BY MR. GUILD:

4 Q Do you have that key in your possessiion or is it
5 the subject of your control?

6 A It is under my control.

7 Q It is in the records of TUGCO and the quality
8 assurance office?

9 A Yes.

10 Q Is it your position, sir, that the summaries that
11 were prepared and which have been available to the parties
12 for a while, that those fairly and accurately reflect the
13 substance of the information communicated by the inspectors
14 to the interviewers?

15 A Yes. I have a high level of confidence in the
16 individuals I had involved in those interviews.

17 Q Did you review the original interview sheets
18 yourself?

19 A No.

20 Q Did anyone other than --

21 A I say that -- the last few days I looked at a few
22 of them just out of curiosity, but at the time, no.

23 Q And except for preparation for this deposition, you
24 didn't review those?

25 A I didn't even look at a handful of them then. Bear

1 in mind the whole purpose of this summary was to get all of
2 the concerns couched in such terminology that no TUGCO site
3 management could detect the source of any of those concerns.

4 Q Yes, I understand.

5 Now the signatures that appear on the summary sheets
6 summarizing the interviews in each particular QC discipline
7 are under a heading entitled, "Management Review Board."

8 Are those the interviewers?

9 A Yes. That is just what they choose to call
10 themselves, or chose to call themselves.

11 Q All right, and among those persons are Mr. Boren and
12 Ms. Anderson, and both of them work in Dallas?

13 A That is correct.

14 Q In your organization?

15 A Yes.

16 Q Mr. Gordon Purdy, and he works at the site for
17 Brown and Root?

18 A He does now but he did not then.

19 Q What was Mr. Purdy's position then?

20 A I forget what his title was. But he worked in
21 Brown and Root corporate headquarters in Houston.

22 Q In quality assurance?

23 A Yes.

24 Q Miss Susan Spencer, she likewise works in your
25 quality assurance program?

1 A That is correct.

2 Q She works for you indirectly in Dallas?

3 A Yes.

4 Q And J. Antonio Valdez? What position did Mr. Valdez

5 hold?

6 A He, I believe, was senior engineer in my QA depart-

7 ment back then and he now works in our TUGCO fossil power

8 plant.

9 Q All right.

10 Q And Mr. Vega, of course, is now the site QA manager?

11 A That is correct.

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End 18.

1 Q. In the electrical discipline, you are aware
2 that the interviews identified and characterized as major
3 problems?

4 There's a sheet that says major problems on it.

5 MR. BELTER: Would you identify that, what
6 page it is?

7 MR. GUILD: None of the pages have numbers on
8 them, which is the problem in knowing whether it's a
9 complete document. The document is under the electrical
10 discipline and it's entitled major problems. It's a page
11 that is headed major problems.

12 BY MR. GUILD:

13 Q. Are you aware of the identification major problems
14 in the electrical discipline?

15 A. Yes.

16 Q. Among which there are three listed, and No. 2
17 is, and I read: "It is consistent feeling among QC
18 inspectors, that the main emphasis of CPSES is production
19 at all costs and not on quality. The equipment is installed
20 to take credit for footage and production quotas. The fact
21 that a high percentage of this work must be redone is not
22 being given due consideration.

23 "This creates an atmosphere of arguments, loud discussions,
24 yelling and name-calling between craft and QC, occasional
25 threats and even one act of violence."

1 Are you aware of those findings?

2 A. Yes.

3 Q. Now, would you agree that occasional threats
4 reflect harassment as you understand the term?

5 A. Well, I don't recall exactly what the discussion
6 was that was provided to me to back up the occasional threats.
7 I have already responded as to the one act of violence.

8 Q. The one act of violence, that is the remainder
9 of that characterization is the incident involving the
10 female inspector that you had spoken to earlier?

11 A. That's correct.

12 Q. All right. Do you recall -- Well, what were
13 the findings with respect to the occasional threats?

14 A. I just told you. You see, this is another
15 part of my problem. I'm trying to recall from five years
16 back, and I have not had time. I realize the letter was
17 dated June 27th, but I didn't get it for about week. And
18 I haven't had time to go through them and digest those
19 reports. So I'm going from memory of five years. I don't
20 recall the instance of threats other than that one connected
21 with -- what's characterized there as an act of violence.

22 Q. All right. Would you agree that the general
23 characterization of atmosphere of arguments, loud discussions,
24 yelling and name-calling between craft and QC, occasional
25 threats and even one act of violence collectively reflect

1 instances of harassment and intimidation?

2 A. No, I would not.

3 Q. Why not?

4 A. Not on what you've just given me, no. I'd like
5 to know what the subjects were, who was yelling at whom,
6 and why.

7 Q. Well, what did you do to find out?

8 A. Well, I talked to the people that did the
9 interview, and that is the amounts of -- you know, when
10 I had, say, 24 hours or so to go over something like that,
11 i can't adequately get the details for all those items, but
12 I talked to the people that reported it, and I also
13 assured at the other end the personnel who had made --
14 let's see, the corrective action on these was for Mr.
15 Tolson to get these reports as they were filled out, not
16 all at once. As soon as we had finished one group, he would
17 get the report for whoever for corrective action; digest what
18 it said, what the problems were, and then he would call
19 the inspectors in, several at a time, and put them at
20 ease and go over what he planned to do to solve each and
21 every one. The ones he was going to respond to and the
22 ones he was not going change or explain the ones that
23 required only an explanation, explain the ones that we
24 had to get Brown & Root Corporate Management involved in
25 because they involved corporate payroll policies changes.

1 Q. Does that complete your answer with respect to what
2 you did to investigate these matters?

3 A. Yes.

4 Q. What corrective action did you take specifically
5 with regard to identifying acts of harassment and
6 intimidation and seeing that acts of harassment and
7 intimidation did not occur?

8 A. Where does it say harassment and intimidation
9 in that report?

10 Q. I don't maintain that it did, I'm asking you
11 what you did with respect to the issue of harassment
12 and intimidation as a result of your own management
13 review board making the finding that I just read verbatim
14 into the record, if any?

15 A. In the first place, that finding -- I wouldn't
16 characterize it automatically as harassment and intimidation.
17 I've already agreed that when I brought up the subject of
18 the one instance, that that in my mind constituted
19 harassment and intimidation.

20 Q. And that's the only incidence that you found
21 and you so testified?

22 A. No, I didn't. What I said was I would not
23 characterize what that report says, except for that
24 last instance. As on the face of it, just by what is
25 said there, automatically as harassment and intimidation.

1 There could have been some there --

2 Q. You told me there were two instances of
3 harassment and intimidation. One was recent and you
4 detailed that.

5 A. That I could recall.

6 Q. Fine. That you could recall, and one was the
7 instance involving the woman quality control inspector.

8 A. That's correct.

9 Q. And we talked about. Now I'm asking you, is
10 it true to the best of your recollection that there were
11 no other instances of harassment and intimidation at
12 Comanche Peak period except those two?

13 A. That's true.

14 Q. Nor any others reflected in the findings of
15 this management review board? That one instance is the
16 only instance of harassment and intimidation reflected in
17 what they found?

18 A. That I recall that they found. Again, let me
19 remind you that I have not reviewed those in any degree
20 of detail, in five years. Now, the reference to the
21 rest and so forth, that could have been for any number of
22 reasons, and it may have been a QC person threatening
23 a craft for all I know. I'm not about to make a judgment
24 based on what that finding right there says.

25 Q. What did you do to look into the question of

1 whether or not there was a need for corrective action to
2 remedy the finding that there was a consistent feeling
3 among QC inspectors that the main emphasis at Comanche
4 Peak's steam electric station is the production at all costs
5 and not on quality.

6 A. Let me go back and get the whole question again.

7 Q. Your own management review board found in 1979,
8 Mr. Chapman, that, and I quote:

9 "There is a consistent feeling among QC
10 inspectors that the main emphasis at Comanche
11 Peak is production at all costs and not
12 quality."

13 What did you do to take corrective action for that
14 finding?

15 A. In the first place, as I explained to you awhile
16 ago, the site QA manager called them all in, a few at a time,
17 and this is one reason we did this at that particular point
18 in time. The electrical work was just really getting started
19 in full swing. We wanted to find out what was bothering them.
20 They perceived that there was too much use as is. Too much
21 this, too much that; there's a lot of pressure on
22 production. And we listened to it. They opened up to us,
23 and that's what we wanted. And once we got all their
24 concerns out, this group reported it to me, and in turn it
25 went to Tolson and he digested it. And he took whatever

1 corrective action was appropriate and he called in the
2 various inspectors a few at a time, so that they would be
3 at ease and wouldn't feel like they were on the carpet,
4 explained to them what they had done to change. I think
5 they reload some procedures, there were some complaints,
6 as I recall there, about procedures are vague. I
7 remember one CPM 6.9 was really almost a common
8 denominator complaint, it was so rather large and
9 cumbersome and hard to work with, and there were a lot
10 of specific complaints that we had to address that we
11 agreed with them on. They had some valid concerns. And
12 he called them in, and explained to them, all right,
13 here's the reasons for use as if, and here's the reason
14 why we are not going to change here. Here's the reason
15 why you people are right here, but we're going to change
16 here. And it was a personal type thing. We did not do
17 it to generate a paper trail so that we could show how
18 great we were at this point in time. We did it to solve
19 problems and to try to help some people who had
20 legitimate concerns.

21 MR. GUILD: Let's take a short break.

22 (Short break.)
23
24
25

6:20 p.m.

1 MR. BELTER: We were addressing the problem of
2 the key, which identifies by name, the people who were
3 interviewed during this process in 1979.

4 It's my recollection that this entire file of
5 interviews was first made available to you, to CASE, I
6 believe mid-June. It was the day that Ms. Alice and Ms Garde
7 came down to the Dallas office during the week that
8 Dobby Hatley's Department of Labor case was being heard.

9 MR. GARDE: June 22nd.

10 MR. BELTER: You were not provided at that time
11 with copies of them, but you did look at them.

12 The point I want to make is that once you look
13 at them it is patently obvious that the names are not there
14 and that they are keyed.

15 I have not received a request for the key, and
16 it's obvious why we have not provided the key until a half
17 hour ago. We are beyond that point now, but I want to make
18 that point clear.

19 Our position of providing this one is that of all
20 the promises of confidentiality that we have, if confidential-
21 ity means anything, a blanket request for this many names --
22 in effect, the names of every person in the QC Department to
23 be tied up with the comments that that person made, under a
24 very expansive promise that they would be -- that they would
25 be kept in confidence, they were urged to express any concern

1 they had.

2 And in fact, as I want to put on the record
3 through Mr. Chapman, they were told that the notes would be
4 destroyed.

5 This one here: we feel we just cannot
6 voluntarily give to you. And I would like to voir dire
7 Mr. Chapman very briefly about that, only two or three
8 questions, just to put it on the record.

9 EXAMINATION

10 BY MR. BELTER:

11 Q Mr. Chapman, do you recall the process by which
12 these interviews were conducted in 1979 with respect to the
13 promise of confidentiality?

14 A Yes, I do.

15 Q What was that?

16 A Each of the individuals was promised confidential-
17 ity, was told that no one in the management chain on side
18 anywhere would be privy to the identities of any one of the
19 people raising concerns, which individual was told that the
20 substances of their concerns would be taken -- would be put
21 into a rewritten report by the review team and phrased such
22 that individual identities would not be discernible from the
23 -- just by the way they were written up.

24 They were further told that when they finished
25 with those notes they wouldn't leave them around the site,

XXXXXX

1 They would be given to me, and I would be the only one to
2 look at them with the key. And there was no further use
3 for them, and the reports would be destroyed -- not the
4 reports, the backup notes would be destroyed.

5 Q Did anyone on your staff have occasion to
6 question you that way, that that had occurred?

7 A Yes, several times.

8 Q What was your response?

9 A Well, the first time I was questioned as to
10 whether I had destroyed those notes was shortly after the
11 completion of the interview. And I was requested to destroy
12 the notes since they had promised the individuals that they
13 would be destroyed.

14 My response was I intended to, but I wanted to
15 keep them around until we assured ourselves that all the
16 concerns had been addressed, so that if we had any question
17 as to what was meant or contained in the generalized reports,
18 we might go back through that, through my notes, and dig
19 through there and determine what the concern was, and that
20 as soon -- as soon as I determined that the entire matter
21 was closed out, I would destroy the reports.

22 And this individual team member again emphasized
23 that if I didn't we could lose all our credibility with the
24 people to whom we had promised confidentiality.

25 Q Why is it that the notes have not been destroyed?

1 A Frankly, I put them in a file cabinet to which I
2 alone have the key. I locked it up in a drawer that I don't
3 have anything else in.

4 A And since the summer reports were the ones we
5 worked to, I forgot that I still had the backed up notes,
6 because they were irrelevant in the first place, and I just
7 forgot about them until rather recently when, during
8 discovery, I was asked to go through my files, my personal
9 files -- anything that could conceivably called a file -- and
10 I saw a big box in there. And there it is.

11 Q Do you have an opinion as to the impact of
12 revealing this entire list of names to an intervenor in this
13 Licensing Board on the ability of management to get along
14 with the employees who would be affected?

15 A Well, I might use one of their favorite phrases
16 and use the term "chilling effect" on anyone who would choose
17 to identify problems as openly, as forthrightly as these
18 people did.

19 Q And just to be clear about who we are talking
20 about, this was interviews of all QC/QA on-site personnel?

21 A Everyone we could get.

22 I'm not saying 100 percent, because there may
23 have been someone on vacation. There may have been some of
24 them we couldn't get. But all or nearly all -- certainly
25 those that we could get, from clerks all the way up to

1 upper-level management.

2 MR. BELTER: That's all the questions I have,
3 Bob.

4 I would urge you to recognize our problem here
5 and see if we can't work out some way of not destroying
6 the credibility of management with the QA/QC Department by
7 revealing to an intervenor in this case these notes.

8 MR. GUILD: I think he focused on the key problem,
9 Len.

10 MR. BELTER: Well, let me just point out here --
11 I think if you're discovering the problem that we have here,
12 and maybe it's just the need to get this protective order
13 done in preparing to cross-examine some of your witnesses,
14 whose names we don't even have yet.

15 MR. GUILD: Of course, we were forced to rely
16 largely on evidence that is in the possession of Applicants,
17 since it is you who control the employees on the site and
18 the documentation on the site on this entire contention.

19 I would just point out that I think you have
20 belied the primary basis for your fear, and that is that the
21 information that is damaging to TUGCO will fall into the hands
22 of the Intervenors, not that, as you state, it will damage
23 the credibility of management and their relationship with
24 quality control inspectors.

25 And I would emphasize that in the Catawba

1 licensing proceeding this exact point was dealt with very
2 effectively, where the same kinds of assurances that have
3 been given by management to a number of quality control
4 inspectors, interviews or -- well, not interviews, but
5 documented technical and nontechnical concerns were coded,
6 and those codes were required to be provided to Intervenors
7 in discovery. And those formed a substantial basis for
8 findings of harassment and intimidation that are now matters
9 of record in the partial initial decision in the Catawba
10 proceeding.

11 But for the knowledge of who those inspectors
12 were who documented complaints that represented harassment
13 and intimidation, proof would never have been made a
14 record of those matters.

15 And I suspect that that is the primary basis for
16 TUGSO's concern.

17 We will see if we can approach the issue,
18 because I'm certainly not insensitive to the concern that
19 -- for privacy, that individuals have their own rights.

20 But I submit that even the fact that senior
21 quality assurance management in the person of Mr. Chapman
22 was privy to all the detailed notes.

23 Any inspector would have due regard for the
24 limits of the protection of the information that they
25 transmitted. It may be one thing to protect that individual

1 from the knowledge of their immediate supervisor on site.
2 But if a man's ultimate supervisor has full knowledge of
3 all the details, I submit that that limitations on
4 confidentiality largely vitiates any substantial interests
5 these people have in protecting that information, particularly
6 from Interventors, who seek to support and probe evidence of
7 complaints that inspectors have voiced to management in the
8 past.

9 But let's move on from that issue. I think our
10 positions are well reflected on the record.

11 MR. BELTER: Let me just make it clear. Your
12 request is for the entire key?

13 MR. GUILD: Yes, it is.

14 My understanding is that that request is well
15 within the purview of the outstanding document requests
16 for discovery.

17 And I assert that, as I had earlier, that I am
18 unable to examine Mr. Chapman today with respect to those
19 interviews without access to that key.

20 MR. BELTER: I would disagree entirely that
21 you can't examine him at all. You can examine him about
22 it. And I suggest that you do that.

23 And if you then discover a difficulty in
24 examining him, you make it very specific so we get to the
25 Judge with precisely what the difficulty is with respect to

1 any one of these.

2 Now, the difficulty is that I am unable to
3 prepare to examine a witness who, himself, has the
4 information about the identities of the person that the
5 notes disclose, and therefore --

6 MR. BELTER: He does not have that.

7 MR. GUILD: He has the knowledge, or he certainly
8 has had the opportunity to form the knowledge of who
9 specific individuals are, who, since he alone has the key,

10 Our positions are well reflected on the record,
11 and I stand on it.

12 We can certainly discuss the interests in a
13 protective order or other ways of handling this off the
14 record.

15 MR. BELTER: I think our position is that you
16 are perfectly capable of cross-examining Mr. Chapman on
17 the basis of these interviews and the basis of what's in
18 front of you.

19 I don't see where the name itself is going to
20 give you any advantage in that respect.

21 MR. GUILD: We just disagree.

22 EXAMINATION

23 BY MR. GUILD:

24 Q To the best of your knowledge, Mr. Chapman --

25 MR. BACHMANN: Excuse me. I would like to make

XXXXXXXX

1 one comment on the record.

2 If, indeed, the Judge denies your request for
3 the identities, I assume, then, that you have waived your
4 right to cross-examine without the identities.

5 MR. GUILD: That's not the case. I'm not making
6 any waiver at all.

7 MR. BELTER: Well, then, I suggest that you go
8 ahead and cross-examine without them right now.

9 MR. BACHMANN: The Staff will certainly object
10 to going ahead without the identities if your request is
11 denied.

12 MR. GUILD: I'm sure you will, and I appreciate
13 your taking every tactical advantage of the position that
14 you've put us in. But that is no reason why an Intervenor
15 should be forced to be handicapped as we are to examine on
16 a subject we can only examine ineffectually on. Our positions
17 are well reflected on the record.

18 BY MR. GUILD: *Mr. Chapman, do you represent that all of those*

19 *interview summaries -- strike that.*
20

21 Do you represent, sir, that the documentary
22 record of all the interviews that were conducted were trans-
23 mitted to Intervenors in discovery, absent, of course, the
24 the key?

25 A All the documents -- all the documentary

1 interviews that were what?

2 Q All the ones that were conducted.

3 A No, I don't have any way of knowing if you've
4 got them all.

5 Q Did you take any out?

6 A No.

7 Q Did you delete any or throw any away or destroy
8 any?

9 A No.

10 Q Alter them in any way?

11 A No.

12 Q And you did what with those documents? What
13 did you do with them when you found them in your files
14 recently?

15 A I notified Susan Spencer, who is responsible for
16 getting all these things together, that I found something that
17 might be responsive that I had forgotten about.

18 Q And what was she instructed to do?

19 A She just didn't need any instructions.

20 I started looking at some of the envelopes.
21 They were all out of order. They weren't in order by
22 alphanumeric code. So, I thought, well, I will at least
23 put them in order.

24 I noticed there were a few missing, and that's the
25 first time I had even gone through all of them. I didn't

1 locate any of them at that time. I didn't read any of them.
2 I just put them in order.

3 Q And who did they get transmitted to?

4 A I gave them to Ms. Spencer. That's the last
5 I saw of them.

6 Q Do you know what she did with them?

7 A I presume she supplied them to CASE or made them
8 available.

9 Q Did she supply them to counsel?

10 A I don't know what she did with them.

11 Q You just don't know?

12 A I don't know.

13 Q Did you give her the key?

14 A No.

15 Q What did you do with it?

16 A I kept it.

17 Q Did you inform her or counsel that you had that
18 in your possession?

19 A I don't remember whether I did or not.

20 Q How did they learn that you had it?

21 A They knew that I had the key originally. I
22 guess they assumed if I didn't throw those things away, I
23 hadn't thrown the key away.

24 Q Did any of your lawyers ask you about the
25 subject?

1 A I don't think they did. I don't remember it if
2 they did.

3 I just kept the key.

4 Q You don't remember any of your lawyers asking
5 you whether or not there was a key that explained the
6 identities of the witnesses and whether you retained it in
7 your possession?

8 A I don't remember.

9 Q So, as far as you know, the first time that
10 subject came up is when I raised it today?

11 A The subject came up?

12 Q The subject of your possession of the key to
13 those interviews, to the identities of the inspectors.

14 To the best of your recollection --

15 A I don't think anybody asked me about that key.

16 Q Until today.

17 A That's right.

18 Q All right.

19

20

21

22

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24

25

1 A I did mention, I think, to Susan that I had
2 not -- I was not going to furnish the key, but I don't
3 recall anybody asking me about the key. I just said,
4 "Here. Those things you can take, but I'm going to keep
5 the key."

6 Q She knew you had the key?

7 A Yes.

8 Q You told her you had the key?

9 A Well, I guess when I said I'm going to keep
10 the key, she assumed rightfully by that that I did have it.

11 Q All right. Thank you.

12 Let's see if we can move through a couple of
13 these subjects and complete at least this. We are
14 considering, counsel, adjourning or recessing the
15 deposition and trying to resolve this matter of the
16 interviews over the evening.

17 MR. BELTER: How much more have you got,
18 Mr. Chapman?

19 MR. GUILD: That's my point.

20 MR. BELTER: Aside from this subject.

21 MR. GUILD: I have what I hope I can finish
22 very shortly, but let me move on.

23 BY MR. GUILD:

24 Q What is your performance rating, then, Mr.
25 Chapman? Let's take the most recent period for which

1 you received an evaluation. I assume you were
2 evaluated on the same basis that you described Mr.
3 Tolcon's evaluation and those of others in your quality
4 assurance organization?

5 MR. BELTER: I'm going to object to that.
6 What is the relevance?

7 MR. GUILD: The relevance to that is whether
8 the man has been ever commended or found to have done

9 --

10 (Pause.)

11 MR. GUILD: Either you recognize problems
12 or you don't recognize problems or you --

13 MR. BELTER: You can ask him those questions.

14 MR. GUILD: And that's what I'm asking. I
15 ask him to respond to the question, unless you have an
16 objection and will instruct him not to answer.

17 THE WITNESS: Actually, I was not given a
18 specific one of those ratings. Based on what I was told,
19 he said I don't have any -- you know, I don't have any
20 problems with your work, you're doing a good job and all
21 that. That's for the most previous one. I presume that
22 meant competent. You will have to ask Mr. Clements if
23 that is correct.

24 BY MR. GUILD:

25 Q As part of the formal evaluation program,

1 should you have been given a written evaluation --

2 A Not necessarily at my level, no.

3 Q Not necessarily?

4 A I wouldn't expect it. It takes a lot of time
5 and we communicate on a daily basis.

6 Q Have you ever gotten a written evaluation?

7 A No, wait a minute. When you get a written
8 evaluation, that is just a summary of what was discussed
9 with you personally. You don't have to be shown it.
10 I give my people -- what I do, I give a performance
11 evaluation normally, and we agree on all the highlights,
12 and then I usually make some notes and put it in the file
13 to summarize what we talked about.

14 Q I don't want to belabor this.

15 A I don't know whether he put anything in my
16 file or not.

17 Q Well, you talked earlier, you described in
18 some detail using a form where you get a written
19 evaluation. Have you ever been evaluated that way?

20 A Yes, I have, and not this past time. You
21 asked me for my most recent evaluation. That form is a
22 working tool to step you through the performance
23 evaluation. It is not a final document that records
24 your performance review. It is just a working document.
25 You can take the thing and throw it away when you finish.

1 the projects record of NRC compliance?

2 A No, I don't think that is a good tool.
3 Compliance is a valid tool, but it's very -- it is
4 impossible to measure.

5 Q Did they ever use that tool to evaluate you?

6 A No, not that I know of.

7 Q All right. I am going to ask you about a
8 number of named individuals and I am going to ask you
9 as to each whether or not in your judgment or based on
10 your knowledge of -- whether or not they have been the
11 victims of harassment and intimidation, as you understand
12 the term to be employed with respect to the policy at
13 TUGCO, at Comanche Peak, or at Brown & Root at
14 Comanche Peak.

15 A You might ask me if I have any knowledge of
16 their job first.

17 Well, go ahead.

18 Q Well, tell me if you don't know. If you
19 don't know, fine.

20 Dobie Hatley?

21 A I don't know.

22 Q Did you make any inquiry?

23 A Well, she was craft and I am concerned with --
24 I realize that that is the subject of pending litigation.

25 Q You haven't made any inquiry with respect to

1 Dobie Hatley and the issue of harassment and intimidation?

2 A Oh, definitely. There have been some
3 allegations that actually came from her that certain
4 things have happened. I had instigated investigations
5 into it into the merits of those allegations from a
6 quality standpoint, but as far as the work relations
7 between her and her boss, that is a construction craft
8 matter and it is not a matter of intimidation and harassment
9 of quality control inspectors, which I understood this was.

10 Q You did not perform an investigation of
11 harassment and intimidation with respect to Ms. Hatley?

12 A No.

13 Q Susie Neumeyer? Same question.

14 A No. It is my understanding that she had
15 resigned.

16 Q Did you perform any investigation of whether
17 harassment and intimidation occurred with respect to Ms.
18 Neumeyer?

19 A No. Well, not in my group. I believe there
20 was an internal investigation on that. I would have to
21 check. I believe there was an investigation on her.

22 Q Was it conducted by you or persons under your
23 supervision?

24 A I believe it was the ombudsman who is not
25 under my supervision. Again, --

1 Q And the initial question was --

2 A The person to ask on that, I think, would
3 be Mr. Purdy.

4 Q Do you know whether or not Ms. Neemeyer
5 was the victim of harassment and intimidation?

6 A I am convinced that she was not.

7 Q Bill Dunham?

8 A I am convinced that he was not.

9 Q Are you aware of his circumstances?

10 A Yes.

11 Q Lester Smith?

12 A I don't know anything about Lester Smith.
13 He was craft, I believe.

14 Q Stan Miles?

15 A I don't know anything about that situation.

16 Q Darlene Stiner?

17 A I am convinced that she was in no way harassed
18 or intimidated on this project.

19 Q Robert Bronson?

20 A I don't know about him.

21 Q Jack Doyle?

22 A I didn't even know the name until he
23 appeared in the hearings.

24 Q George Clancey?

25 A No, he was not harassed or intimidated.

1 Q Did you investigate Mr. Clancey's circum-
2 stances?

3 A I didn't have any reason to investigate
4 Mr. Clancey. I never had any charge that he was
5 harassed or intimidated. I know very few people that
6 would even try.

7 Q How about with respect to what has been
8 referred to as the T-shirt incident involving inspectors?

9 A That was extensively investigated by my group
10 under my direction, and I don't think there was any
11 harassment or intimidation, as we described my --

12 Q You found no harassment or intimidation in
13 those circumstances?

14 A Right.

15 Q How about any of those individuals involved
16 in what has been referred to as the T-shirt incident?
17 Have you found any other evidence indicating that they
18 have been the victims of harassment and intimidation
19 prior to or outside of the so-called T-shirt incident?

20 A No.

21 Q Are any of the persons who complained of
22 being victimized in the so-called T-shirt incident, any
23 of them still employed --

24 MR. BELTER: Could I hear the question again?
25

1 BY MR. GUILD:

2 Q Do you understand the question?

3 A I think I did and that's why I wanted to hear
4 it again.

5 Q Are any of the persons involved in the T-shirt
6 incident the victims -- I'm not talking about the
7 perpetrators, I am talking -- if we can at least --

8 MR. BELTER: Can you clear the question so it
9 doesn't characterize them as victims. Persons involved
10 is acceptable.

11 BY MR. GUILD:

12 Q The persons involved on the receiving end
13 of the T-shirt incident.

14 A The ones who wore the T-shirts? Are those
15 the people you are talking about?

16 Q Yes.

17 A Are any of them still employed?

18 Q Yes.

19 A I believe there are some still employed.

20 Q What happened to the rest of them, those
21 that are no longer still employed?

22 A I don't know. There are about two or three
23 different things that -- I think one of them -- I can't
24 speculate. There are several different reasons for their
25 leaving. Mr. Vega would know specifically.

1 MR. BELTER: Vega can give you all the
2 answers.

3 BY MR. GUILD:

4 Q No.

5 A He passed the information on to me, but I
6 couldn't recall it exactly.

7 Q Did you make any inquiry into the circumstances
8 of their departure?

9 A Oh, yes. I was made a party to each departure.

10 Q And did you satisfy yourself that their
11 departure was for good cause not attributable to
12 harassment or intimidation?

13 A Oh, yes.

14 Q Not constructive discharge, if you will
15 accept the term?

16 A I know what constructive discharge is. No,
17 I'm satisfied.

18 Q All right, sir.

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end 10

1 Q I would be interested in your description.
2 I ask you to tell me your role in the preparation of
3 the Applicants' response to what was identified as the
4 Eisenhut letters on the subject of harrassment and
5 intimidation. Is that an adequate description?

6 A My role in the preparation of that response?

7 Q Yes.

8 A Do you have a copy I could look at, because
9 there have been several letters where we responded to the
10 NRC recently.

11 MR. BACHMANN: Could we have a description
12 on the record as to what we're referring to here? Perhaps
13 the witness knows. But anyone reading this transcript
14 may not know.

15 MR. GUILD: I'm not sure I have the
16 document. I could take the time to go find it.

17 MR. BELTER: My understanding is that there
18 were several letters.

19 THE WITNESS: I think there were several of
20 them to Eisenhut, I don't know, maybe one or two. But
21 I know there was one to Eiseahut.

22 MR. GUILD: Let me see if I could just frame
23 a question that will describe it adequately.

24 BY MR. GUILD:

25 Q Are you aware of a letter from the NRC Staff

1 per Mr. Daryl Eisenhut to the company asking for the
2 company to provide specific responses to various allegations
3 in a number of instances related to the subject of the
4 harrassment and intimidation of quality control
5 inspectors?

6 A If you could tell me how many allegations
7 there were, I might could identify them.

8 Q It's a very long list, as I recall.

9 MR. BELTER: I'm not clear on your question about
10 whether you're asking him whether there was a long list in
11 one letter that all related to harrassment or intimidation,
12 or was there one subject in a long list of inquiries that
13 was harrassment.

14 THE WITNESS: That's why I can't respond to
15 the question.

16 BY MR. GUILD:

17 Q There were a large number of subjects. A letter
18 raising a large number of issues, among which were
19 generally instances of alleged harrassment and intimidation
20 to which the company was asked to respond. And the
21 question is: If that is a sufficient identification,
22 what was your role in providing a response?

23 A I can't pinpoint the letter, I can't answer
24 that question.

25 (Pause.)

1 Q You made reference earlier I think to a
2 speech to the quality control people on the site by
3 Mr. Purdy in February. Do you remember that?

4 A I don't remember making reference to it, but
5 I remember that there was one.

6 Q Why don't you tell me what your knowledge is
7 of the circumstances of Mr. Purdy speaking to the QC
8 people onsite?

9 A We had gotten, as I recall -- some of our
10 people had reported to our management that they had
11 been getting telephone calls from GAP that identified
12 themselves as Government Accountability Project, and
13 stated to the effect that they were here to interview
14 inspectors, and take depositions, I believe is the way
15 that the word got to me.

16 And they were -- several of them apparently
17 had expressed concern to Gordon Purdy that they felt
18 that they -- in the first instance, they felt like it
19 was an arm of the government, and therefore, what should
20 they do? It sounded like they were required to talk to
21 these people.

22 And so he and Ron Tolson and I got together
23 with the other people, the management of the plant, the
24 QA at the plant, and decided that we should inform
25 everybody down here in QA/QC exactly what the situation

1 was, who the organization was and what their rights were,
2 and what they did and didn't have to do.

3 As I understood it, Mr. Purdy talked to all the
4 Brown & Root people, Mr. Tolson talked to all the TUGCo
5 people, and Mr. Brant talked to his people.

6 Q Who is Mr. Brant with?

7 A Ebasco. And basically, what Gordon told them
8 was --

9 Q How do you know what Gordon told them?

10 A Well, okay.

11 MR. BELTER: You're the one who's asking for
12 the hearsay. This is all hearsay.

13 MR. GUILD: I'm prepared to take the answer
14 I get, but I want to know the circumstances under which
15 he had his knowledge.

16 THE WITNESS: I had occasion to ask him what
17 he had told him because a newspaper reporter that was
18 inquiring of my company, and me specifically, as to what
19 he said, and I said well, I think this is what I told them
20 he told them, but I will call him and confirm it.

21 So I called Gordon, and he remembered what he
22 told them, and it went like this.

23 BY MR. GUILD:

24 Q This is what Mr. Purdy told you he said? You
25 are relying on his description?

1 A Yes.

2 MR. BELTER: Why don't you just get it

3 from Mr. Purdy?

4 THE WITNESS: Yes. I'd just as soon you get

5 it from him.

6 MR. GUILD: I'd like to have this witness tell

7 me what his understanding was.

8 THE WITNESS: Let me see if I can recall.

9 Just three or four points.

10 That an organization called Government

11 Accountability Project had been calling various people

12 in the area, and that they were not affiliated with the

13 United States Government in any way.

14 That they had been in opposition to nuclear

15 plants around the country and they were not with the

16 government. They had no legal standing on this project;

17 they were not an intervenor, and therefore, nobody has to

18 talk to them if they don't want to.

19 And then he went on to say, We don't care who

20 you talk to; you can talk to anybody you want to. We

21 just want you to know that you are not under any legal

22 obligation.

23 And as I recall it, that's basically what he

24 told me he told them.

25

1 BY MR. GUILD:

2 Q Was there any written document prepared that
3 was either distributed to the work force that reflected
4 on this subject, or that documented these instructions,
5 or were given orally to --

6 A We sat down before he gave the talk. We sat
7 down I think, or over the phone, I forget how -- but
8 basically, we thought out the points that should be made.

9 We needed to emphasize to them that we were not
10 instructing them in any way not to talk to them, but we
11 just wanted to make sure they understood just who these
12 people were and they were not part of the government.

13 Q You missed the question, I guess. Documents
14 is what I was asking you about. Did you either communicate
15 by document this information to the work force --

16 A We didn't communicated with the inspection work
17 force by document, no.

18 Q Okay. Did you document these instructions
19 that you gave orally, then?

20 A These were not instructions.

21 Q I don't mean to force you to adopt that word.
22 Whatever.

23 A Okay. I just wanted to make sure there was
24 nothing in there that instructed them to do anything.
25 And that was the whole issue we wanted to make clear.

1 In fact, as I recall, we even put it down.
2 We had a little thing typed out, and I think maybe I
3 wrote out something and telecopied it to Gordon, or he
4 wrote up something. But anyway, just to make sure that
5 all three or four of these points were in there.

6 And at no point in this little, short two-
7 minute talk was there any instruction to do anything or
8 not to do anything.

9 Q All right. So there was a written document.

10 A Just notes to talk from; nothing to pass out.
11 That's all.

12 Q What happened to those notes? Where are those
13 notes?

14 A I don't know.

15 Q Do you have them?

16 A No.

17 MR. BELTER: I can assure you, counsel, they
18 were not the subject of any data request, if they exist,
19 and I don't know that they exist.

20 THE WITNESS: I don't know if they exist.
21 That's not uncommon to type out stuff like that, just to
22 make sure you cover all the points. I imagine they're gone.

23 BY MR. GUILD:

24 Q My only point is you don't have a copy of it?

25 A No.

1 Q What did you do with yours?

2 A I telecopied it and took the other one and
3 threw it in the trashcan because I wasn't giving the talk.

4 MR. GUILD: Let's take a minute and see if
5 I can find out what is up.

6 (Short recess.)

end 22

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mgc 23-1

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

2 Let's try one more shot at the subject I
3 was groping for with respect to responding to Mr. Eisenhut.

4 BY MR. GUILD:

5 Q With the hour being late and our document
6 controller being unavailable, let me see if I can put it
7 to you this way, Mr. Chapman, tell me, if you can, what
8 role you had in responding to an inquiry made by
9 Mr. Eisenhut to the company with respect to the issue
10 of harassment and intimidation?

11 A I'm sorry, but it doesn't really get me much
12 closer than I was. There have been various letters that
13 involve allegations, some of which relate to the allegation
14 of harassment and intimidation. However, my specific
15 involvement from instance to instance and letter to letter
16 has varied because of the nature, the technical nature,
17 of the allegations and who would be responsible for that
18 technical area.

19 I would normally be involved in looking
20 at the final, you know, looking at the draft before the
21 final version goes out, but I really am trying, but I
22 can't really be much more responsive than that, absent
23 knowing what the letter is -- namely, what the allegations
24 were.

25 Q What are the duties of -- strike that.

mgc 23-2 1

2 I'm going to show you a December 16, 1983
3 document. There are several appended to it.

4 First, it's a document entitled "Allegations" --
5 "Meeting on December 15 on Investigating Allegations and
6 Concerns Relating to Comanche Peak SES," December 16, '83.

7 Can you identify that document? Have you
8 seen it?

9 A Yes.

10 Q And it shows that you, among others, attended
11 a meeting on that subject, correct?

12 A Correct.

13 Q And documents that meeting?

14 A Yes, that's correct.

15 Q And is that an accurate reflection of what
16 transpired at that meeting?

17 MR. BACHMANN: Could we have a fuller
18 description of the document for the record, please?

19 MR. GUILD: I cannot imagine what else
20 possibly.

21 MR. BACHMANN: Who was it prepared by?

22 MR. BELTER: Do you want to put it in?

23 MR. GUILD: I don't want to put it in.
24 It has now been very clearly described.

25 MR. BACHMANN: It is a TUGCO office
memorandum.

mgc 23-3

1 MR. BELTER: If you don't put it in, no one
2 knows what it is. We don't know what you're questioning
3 him about. I think I'm going to object. You're really
4 going to have a terrible record here if you don't put
5 this document in.

6 MR. GUILD: If you want to put it in under
7 rebuttal, but let's not fight about it. I think it's
8 identified just fine, and I will leave it to my co-counsel
9 to handle documents later on in the proceeding.

10 MR. BELTER: I am going to advise you that
11 we'll put it in now, so I suggest that you have it marked
12 now, and you can go on and know that it's going to be in.

13 MR. GUILD: If you would like to do that, it's
14 just fine. It's my only copy of the document. I only
15 have one to work from, and I did not understand that the
16 procedure required marking or introduction of documents.
17 It suits me to have it identified.

18 MR. BACHMANN: This is an evidentiary
19 deposition, and as such, it would be the same as if we
20 were at the hearing.

21 MR. GUILD: Counsel, if you want to do it,
22 do it. Just don't complain about the way I want to handle
23 the issue. I'm satisfied with the record as it stands.
24 If you want to put it in or identify it further, do so,
25 but do it on your own time, not on mine.

mgc 23-4 1

MR. BELTER: It is your record.

BY MR. GUILD:

Q Now the question which was pending, would you answer it, please?

A I have not read -- you asked me if that was a fair representation of what happens, and I haven't refreshed my memory yet.

(The witness reviews the document.)

THE WITNESS: I remember most of what is discussed here. Why don't you ask me the questions, and if I don't remember something, I will say so.

BY MR. GUILD:

Q My question to you is, is that an accurate reflection of what happened at the meeting? You didn't prepare the memo, but you were there.

A That's true, and my answer is, to the best of my knowledge, it is. There are some aspects of what it says that I don't remember much detail about.

Q It's not a trick question. It's just something I need to know about what happened at that meeting, you having been there, and I wasn't. Please tell me.

A I'm telling you that there are some instances of these five that I'm not sure I remember anything at all about the substance of what was discussed, and therefore

mgc 23-5

1 I have some question about how many questions I can
2 answer on one of these items.

3 Q What are you talking about, please? Which
4 item?

5 A Well, I don't remember much conversation, if
6 any, about Item 4.

7 Q "D.L. Andrews will follow up on Tolson's
8 questions on Ronald James Jones. Specific information
9 has been sent to D.N. Chapman."

10 Now who is Ronald James Jones?

11 A I would have to get that file and look at it.
12 We have had about twenty of these in a short period of time,
13 and most of them are ongoing. I would have to get it out
14 and look and see which one of the names don't stick, really.

15 The first three, I can relate to those, and
16 the fifth.

17 Q And do you know whether or not specific
18 information was received by you? It says "sent to D.N.
19 Chapman." Do you recall?

20 A I remember the name in the context of some
21 investigations. I don't remember anything discussed at
22 this particular meeting relative to that individual. That's
23 the only reservation I have about it.

24 Q All right. Fine.

25 Let me show you a two-page document, an

mgc 23-6

1 April 11, 1984, Quality Assurance Allegation Concerns.

2 This is a TUGCO office memo.

3 Can you identify that, please?

4 A Yes.

5 Q Was that prepared by you? It has your
6 signature on the second page, does it not?

7 A It is signed by me, yes.

8 Q Was it prepared by you or under your
9 supervision?

10 A Under my supervision most likely.

11 Q Now it refers to notice of violation and
12 proposed imposition of civil penalty and No. EA-8364.

13 A Right.

14 Q Was that in response to the findings in the
15 Atchison case?

16 A I think it was the second notice, the one
17 after the Atchison case.

18 Q Denton? Who was the individual involved in
19 that case, if you know?

20 A No. This is the Atchison case right here,
21 I believe. I'm obviously -- I believe it is the Atchison
22 case, the Enforcement Action 8364.

23 Q All right. As part of the response you had
24 prepared a questionnaire of persons leaving QA/QC?

25 A That's correct.

mgc 23-7

- 1 Q It's described in the memo and attached.
- 2 A That's correct.
- 3 Q Has this memo been completed for anyone?
- 4 A Yes. Routinely.
- 5 Q How many persons have completed this memo?
- 6 A I don't know. I only get the copies of the
7 ones who express concerns. The ones not expressing concerns
8 are kept at the site.
- 9 Q I just want to have an understanding now for
10 a foundation for the following question.
- 11 How many persons have left QA approximately
12 who would have filled out a questionnaire of this sort?
- 13 A That I don't know, since I don't get copies
14 of the ones who leave without -- and have no concerns.
15 I only get the ones that have concerns.
- 16 Q Do you have any understanding or can you
17 estimate how many people would have filled these things out,
18 how many people have left since April of '84?
- 19 A Is that the date of that?
- 20 Q Yes, April '84.
- 21 A I don't know. Quite a few.
- 22 Q Tens, hundreds?
- 23 A More than ten, perhaps less than a hundred.
24 That's about as close as I would speculate.
- 25 Q Okay, fine. And how many have come to your

mgc 23-8

1 attention because they reflected expressions of concern,
2 as you stated?

3 A Oh, I would say -- again, a rough guess,
4 twenty, twenty-five.

5 Q Any of those reflect allegations of
6 harassment or intimidation?

7 A Yes.

8 Q And what have you done in response to those
9 allegations?

10 A We have instituted investigations per the
11 memo that you just described a minute ago. Some of them
12 have been resolved. Some of them are still awaiting final
13 closure.

14 Q How many complaints of harassment and
15 intimidation were forwarded through the questionnaire?

16 A I don't remember. These are for all types
17 of quality complaints. Each one is investigated, whether
18 it involves harassment or intimidation or unsafe conditions
19 or sloppy inspection or poor craftsmanship or whatever.
20 I don't know how many of them alleged harassment or
21 intimidation.

22 Q All right. Tell me the ones you know about.
23 You said some twenty have come to your attention total.
24 Of those, how many are you aware of that allege harassment
25 or intimidation, or tell me which ones you know of?

mgc 23-9

1 A There was one that alleged harassment and
2 intimidation relative to his acceptance of some coatings
3 that were not acceptable.

4 Q Who was that inspector?

5 A I believe his name was Purlacky or Purlockey
6 or something.

7 Q Are you aware of any other documentation
8 reflecting that incident that has been made available to
9 Intervenors?

10 A There was an investigation. I'm not sure
11 whether it has been formally closed out or whether it is
12 still ongoing.

13 Q Do you know whether or not any documents
14 reflecting that investigation or that incident were
15 transmitted to Intervenors?

16 A No, I do not.

17 Another incident was one I've already
18 talked about, and that was the one where it was confirmed
19 on the part of the Construction Manager. That went through
20 this particular system.

21 Q Any others that you recall?

22 A Well, there were several others. I'm trying
23 to remember the subject of them. There was another
24 allegation of harassment on the same Construction Manager
25 wherein an inspector related an instance where this

mgc 23-10 1

2 Construction Manager said something to him, and the man
3 said something to the effect of, "I didn't know you had
4 enough inspection work done or hangers inspected for you
5 to be in here," or something like that.

6 The investigation revealed that the
7 ombudsman -- the ombudsman's investigation concluded that
8 he really intended it as a joke, and the two of them really
9 held each other in pretty good regard, apparently, and it
10 was resolved to the satisfaction of the inspector. But
11 nothing was intended by it. That one was not confirmed.

12 There have been several others. I'm trying
13 to remember them. But none that turned out to be
14 substantiated, other than the one I've told you.

15 Q As part of this program, you have referred
16 these complaints to Mr. Dave Andrews; is that correct?

17 A Sometimes they go to him. Sometimes they
18 go to the ombudsman. The ombudsman, Boyce -- B O Y C E
19 (spelling) -- G R I E R (spelling) -- Boyce Grier.

20 Q When to one and when to the other?

21 A Well, could I see my memo there? It may be
22 procedurally explained.

23 Okay. This lays out basically how we set
24 it up. Responsibility for the employee exit interview,
25 including filling out the questionnaire, lies with
Mr. Boyce Grier, or in his absence, the TUGCO Site QA

mgc 23-1

1 Manager or -- we use the same form in Dallas, so it rests
2 with the appropriate supervisor of the person who is
3 leaving.

4 Then if the form we attached is a Request
5 for Assistance involving quality assurance allegations,
6 that is the document that is used to track the -- and it
7 can be used to assign -- if we need -- if the investigation
8 can be conducted by Grier, basically a technical matter
9 or something that is not too serious, a fairly routine
10 matter, normally it would just be assigned to him.

11 If, for instance, it involved some alleged
12 criminal activity or something like that, then we would
13 obviously refer it to our Corporate Security.

14 Q What about allegations of harassment or
15 intimidation? Who do they get referred to?

16 A Normally it's resolved through Mr. Grier.

End 23

#24 SY/mml₁

1 Q When would an allegation of harassment or
2 intimidation be referred to corporate security for
3 investigation?

4 A Oh, an example would be if Mr. Grier or
5 Mr. Vega or myself, or someone were the subject of harassment
6 and intimidation such that we were too close to the allegation
7 organizationally to -- where some degree of independence
8 should be exercised, then the corporate security director
9 would be involved.

10 Q Has that ever happened?

11 A The nearest thing to that that has happened has
12 been the investigation that Mr. Clements commissioned last
13 summer-fall into the allegations of harassment and intima-
14 tion in the Dallas office.

15 Q Relating to the audit?

16 A Yes.

17 He concluded that he should commission it from
18 his staff independent of anybody in the quality assurance,
19 including myself.

20 Q Did he have Mr. Andrews do that work?

21 A I don't think he did. I don't think Mr. --

22 Q The focus of my question is, you have
23 Mr. Andrews' name in corporate security over many of these
24 documents relating to harassment and intimidation complaints
25 by quality control inspectors policy.

mm2

1 I want to understand just why Mr. Andrews is
2 down there and what he does.

3 A Well, our corporate security policy -- he might
4 be the best person to answer that question. He has been
5 called in -- for instance, I called him in to investigate
6 the allegations of Ms. Darlene Stiner two years ago, and
7 that was before this came up. And we furnished, incidentally,
8 CASE with the results of the interviews that he conducted
9 in my presence of some number of people in regard to that.

10 So he has been available to us for quite some
11 time and we use him.

12 Up until about this point in time, it wasn't
13 documented that he was available.

14 MR. BELTER: Bob, I think our reporter needs a
15 break.

16 (Off the record)

17 BY MR. GUILD:

18 Q So your testimony is that unless it involved you
19 personally or a high official of the company, Mr. Andrews
20 in corporate security wouldn't have any responsibility for
21 investigating harassment and intimidation?

22 A No, I said that or something like an alleged
23 criminal activity -- drug abuse, violence, something like
24 that where a person trained in investigation techniques
25 really should be involved.

mm3

1 Q Well, who does Mr. Andrews in corporate security
2 investigate? The allegor or the circumstances of the
3 allegation?

4 A He addresses the circumstances, the totality of
5 the incident and, if you will look at the records of his
6 investigation of the Darlene Stiner allegations of harassment,
7 he was asked by me to investigate it and determine if there
8 was, in fact, any truth to the allegations.

9 And he does not even report, incidentally, to
10 Mr. Spence. He reports higher than that.

11 MR. BELTER: Did you mean Mr. Spence? Higher than
12 Mr. Spence?

13 THE WITNESS: Yes. Mr. Andrews does.

14 He reports to Mr. Farrington.

15 BY MR. GUILD:

16 Q What other cases of alleged harassment and
17 intimidation has corporate security in the person of
18 Mr. Andrews, been assigned to investigate?

19 A Well, you see the hotline goes directly to him
20 also. He investigates a lot of things I don't even know
21 about. I don't see the results of his hotline investigations
22 that he summarizes.

23 He also has access to individuals, other security
24 individuals that he could ask to help him investigate.

25 Q Why would you assign to corporate security who

sy241b1

1 does criminal type investigations full responsibility for
2 investigating all hotline?

3 A We don't assign full investigation responsibility.
4 If you look in the set up for use of the hotline, there is
5 a clear mechanism for him to request on anything relating to
6 nuclear safety matters. He can request assistance from my
7 boss, Mr. B.R. Clements, who then can direct anybody in the
8 entire nuclear operations activity to assist Andrews in the
9 nuclear safety portion of his investigation.

10 Q Yes, but my question remains. Why do you assign
11 investigating all hotline complaints to corporate security
12 in the first instance?

13 A To demonstrate independence. Plus, he has the
14 facilities to record telephone calls 24 hours a day. He
15 has -- he has the security facility to keep independent from
16 the entire nuclear operation stuff that -- matters about which
17 confidentiality has been requested.

18 Q What other duties and responsibilities does Mr.
19 Andrews have, as director of corporate security, besides
20 investigating complaints of the sort that we have been
21 talking about?

22 A Well, I guess I would have to recommend that you
23 ask him. I don't know what they all are. He is the corporate
24 Texas Utilities Director of Security for the entire system.

25 Q I want to show you a document dated December 19,

1 1983, Texas Utility Services, Inc. office memo on the
2 subject of the hotline and ask you if you can identify that?

3 (Witness reviewing document.)

4 MR. BELTER: I really don't think, Bob, you have
5 adequately identified that document. You've just given a
6 date and an office memo title. It's quite possible there
7 might be three other memos on that date. You really should
8 put the addressee in, who signed it. Make sure we get that
9 in.

10 MR. GUILD: Okay.

11 MR. BELTER: The problem, Bob, is that there would
12 very well be -- this is an evidentiary deposition. Everything
13 that's coming in here is part of the investigation. You have
14 come here with documents that you only have one copy of and
15 you asked a question about it. And the person reading this
16 record has a big hole, unless somebody puts these documents
17 in the record. And you are the one that's using the
18 documents, and I think you should have been prepared to mark
19 them and put them in.

20 If you don't want to, you're leaving a hole in an
21 evidentiary deposition. And we can't be prepared here,
22 tonight, to produce enough copies of these -- or even a
23 copy of them -- to put in the record and complete the record.

24 MR. GUILD: If you're done making your speech,
25 I'm simply following instructions, and my instructions are

sy241b3

1 that documents -- if you want to put documents in, Counsel,
2 please feel free to do it, if it makes you happy. Put them
3 in.

4 MR. BELTER: Would you give me that copy and put
5 it in, and a copy of every other document that you've
6 identified? I'll offer them into evidence.

7 MR. GUILD: If you'll take the copies that I have,
8 and make a copy of them, you can do whatever you'd like to,
9 but I want the copies that I have. They're the only ones
10 I have. That would be just fine by me. You can do anything
11 you want to.

12 My understanding is, and my instructions are,
13 these are to be identified by the witness, if they are
14 important or useful, and that they will be otherwise offered
15 by intervenors into evidence. And that is consistent with
16 the way this proceeding runs. There is nobody sitting here
17 ruling on the admission of evidence.

18 MR. BELTER: That's fine. If your understanding
19 is you're going to offer them later, that's fine with me.

20 MR. GUILD: So you can handle it any way you
21 like.

22 MR. BACHMAN: Subject to later identification
23 and authentication.

24 MR. GUILD: That's not the case, Counsel. You
25 offered these.

sy241b4

1 MR. BACHMAN: No, it's your case and your evidence
2 and if you want to offer them, offer them properly in an
3 evidentiary deposition. Otherwise we're going to request
4 later that they be reauthenticated, so we have a proper
5 identification.

6 MR. GUILD: Don't lecture me, Counsel. You have
7 sat here all day and if this is the sum total of your
8 contribution of this process, is to wag your finger at me
9 and lecture me because you don't think that this offer of
10 this evidence is proper, you know --

11 MR. BACHMAN: You're not offering evidence.

12 MR. GUILD: You're right, I'm not offering
13 evidence. I'm asking the witness to identify documents.

14 MR. BACHMAN: That's fine, and that's the only
15 purpose.

16 BY MR. GUILD:

17 Q Now sir, the pending question was, with respect
18 to your familiarity with this document -- and let me identify
19 it further. It's from Mr. David L. Andrews, Director of
20 Corporate Security, and it is of the date previously
21 identified, December 19, 1983, status report, hotline
22 program.

23 A As far as my familiarity with it, it started
24 about five minutes ago, when I read it for the first time.

25 Q That's all I wanted. You've never seen it before

ay241b5

1 then?

2 A No.

3 Q Thank you.

4 What information do you receive, with respect
5 to the results of investigations in the hotline?

6 A The hotline is kept at a pretty high level. I
7 don't routinely get the hotline stuff. I believe that
8 Andrews sends summaries of it to Clements. I'm not sure, but
9 not any lower than that.

10 Q So how do you hear of the results of the hotline?

11 A I would say the only instance that I would hear
12 of a hotline investigation at all, to any degree, would be
13 if part of the allegation involved a technical matter that
14 Mr. Clements had to get somebody to investigate and, as he
15 explained it to me, if it was something technically under
16 my responsibility, he might get somebody in the Nuclear
17 Operations to look at it. If it were something in Nuclear
18 Operations, he might ask me to look at it.

19 But at any rate, sooner or later I would probably
20 know that there was a technical aspect to this hotline
21 allegation, if it involved something like harrassment and
22 so forth, and it was determined that there was harrassment
23 or intimidation involved that involved me or any people under
24 my jurisdiction, I would find out about it.

25 Q How would you find out about it?

sy241b6

1 A I'm sure I'd be told. If it was substantiated,
2 then I'm sure I would have to take some corrective action.

3 Q Have you ever been told of an incidence like that,
4 under the hotline program?

5 A No.

6 Q Have you ever been made aware of any complaints
7 of harassment or intimidation, under the hotline program?

8 A Well again, unfinished investigations are
9 treated as that. You know, just like the NRC. They don't
10 discuss ongoing investigations until they're finished. Our
11 hotline program is designed to identify problems. If the
12 problem is identified, then that would be brought to the
13 attention of whoever needed to take action. But they don't
14 tell me about allegations that are being made. I understand
15 that allegations can be generated by the growth. But
16 whenever there is a problem, then I want to know about it.

17 Q And you haven't heard of any allegations, through
18 the hotline program, of harassment or intimidation?

19 A No.

20 Q All right.

21 MR. GUILD: That is all I have, Counsel, subject
22 to the position that we have exhaustively discussed, with
23 respect to the interviews of quality control inspectors
24 and the availability of the identities of those persons.

25 I appreciate your responsiveness, Mr. Chapman.

sy241b7

1 It's been a long day.

2 We would ask that Mr. Chapman be available for
3 further examination, with respect to that subject, pending
4 an off the record discussion about the potential availability
5 of that code.

6 Thank you, sir.

7 MR. BELTER: A short break.

8 (Recess.)

end24

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EXAMINATION

1
2 BY MR. BACHMANN:

3 Q. Mr. Chapman, starting from the beginning of your
4 deposition today, there was discussions as to your
5 responsibilities, your authority and the chain of command.
6 In fact, Mr. Guild had made reference earlier on to some
7 organizational charts. And what I would like to elicit
8 from you is an idea as far as how the QA/QC program works,
9 organizationally. We discussed, or you testified, as far
10 as TUGCO itself is concerned, but then later on, you
11 mentioned the fact, that I believe the majority of the
12 inspectors are non-TUGCO employees. That is, they are
13 contracted employees from either Brown & Root or Ebasco,
14 is that correct?

15 A. That's correct.

16 Q. Now what I would like to find out, and perhaps
17 it might be better for you to discuss it in your own
18 words whatever is easier, is to get a feeling for how
19 the other levels in the QA program, their chain of
20 command from the inspectors, via the intermediates and
21 up to you and the identity of the people in between.
22 What I'm trying to find out is a given inspector, for
23 instance, from Brown & Root or from Ebasco, would not
24 record through the TUGCO chain, eventually it gets to
25 you and I would like to find out using people's names as

1 prior to Mr. Tolson's replacement, but how a given
2 inspector from either TUGCO, Ebasco or Brown & Root,
3 how would that chain of command work both up and down?

4 A. Okay. Starting with the non-ASME organization,
5 all individuals in that organization are managed through
6 the site QA manager. Tolson, and then Vega, regardless
7 of the company they get their paycheck from, we have
8 ultimate management authority. Now, obviously, they have
9 payroll personnel, administrative actions and so forth
10 that are administered by the company that they get their
11 paycheck from.

12 Q. Well, let me ask a question here. When you
13 say, total management authority, is that hiring and
14 firing authority?

15 A. No. All we have -- If there is someone who, for
16 some reason, we don't want on the site, and he is a non-TUGCO
17 individual, all we do, or all we intend to do, is to tell the --
18 his employer or her employer that we no longer want that
19 individual on site. And they can then do with them what
20 they wish.

21 Q. At what level would this take place?

22 A. It would be at the site QA manager level. He
23 would do that, but he would also get me involved, and I
24 would get Clements involved before we did that.

25 Q. Now, assuming we were talking the site QA manager,

1 you are talking about Mr. Tolson, for the purposes of
2 this discussion, let's refer to Mr. Tolson.

3 They would -- If he did not want a particular
4 inspector, that was not a TUGCO employee, who would he
5 go to, for instance, in Brown & Root or Ebasco?

6 A. First, he would get me involved before he
7 actually went to them and did that. He would go --
8 If it were Brown & Root, it would be Mr. Purdy. If it
9 were Ebasco, it would be Mr. Brant.

10 Q. So Mr. Brant, Mr. Tolson, or Mr. Purdy all
11 were at the same essential level of authority at the site
12 as far as QA was concerned?

13 A. No. Mr. Tolson had the ultimate authority
14 because he could tell Mr. Brant who he wanted on site
15 and who he didn't.

16 Q. Could Mr. Tolson do any direct order giving,
17 shall we say, to the inspectors who were not TUGCO
18 employees, or did he have to go through Mr. Brant and
19 Mr. Purdy?

20 A. Well, in practice, they had a good working
21 relationship, and if he saw something that needed
22 to be done, he didn't have to go to Brant every time
23 they wanted to get something done. They could go through
24 the appropriate supervision and direct that something
25 be done.

1 Q. All right. Now, in the case of Brown & Root
2 employees, how many -- I assume that Mr. Purdy, for
3 instance, would then have a certain number of supervisors
4 working for him?

5 A. Yes. And let me shed a little light on that
6 previous answer that might help a little. We had --
7 We have, I guess you could say, a matrix organization.
8 We try to put the best people in the best job regardless
9 of which company they are affiliated with. And in the
10 past, we have even had TUGCO people reporting to
11 contractor people, organizationally. So that if you get
12 the right people, the right kind of people in the right
13 jobs, it really doesn't make any difference what their
14 company affiliation is.

15 Now, I don't know whether that helps or hindered.

16 Q. Well, in that case, for instance, you might have
17 an Ebasco inspector reporting to a Brown & Root supervisor?

18 A. That's correct.

19 Q. But that Brown & Root supervisor would have
20 to report to Gordon Purdy?

21 A. If it's in a non-ASME side, it's reported all
22 the way up through my QA manager on site. For the
23 purposes of what that individual did in the day-to-day
24 workings of the quality assurance program, it was through
25 me. As far as it related to the pay and benefits and sick

1 leave and all that kind of stuff, that was a Brown & Root
2 function and it went to Purdy.

3 Q. So the direct line actions taken, that is directives
4 coming down and information going up as far as QA itself
5 was concerned, it would go from a given inspector through
6 that inspector's supervisor and then to Mr. Tolson?

7 A. If it's non-ASME, yes, it would go right up
8 through the Tolson chain.

9 Q. And now for the ASME inspectors?

10 A. It would go straight up through the Purdy chain.

11 Q. And those were the only two chains we have.

12 A. Yes.

13 Q. And on the ASME stuff, when it came to Purdy,
14 would it then go to Tolson before it came to you or would
15 it go directly to you from Purdy?

16 A. No. If there was something that Purdy needed
17 to pass to me, it would go through Tolson, and then me.
18 Tolson was the No. 1 QA man on site overall.

19 Q. And the only authority, essentially that you had
20 over -- when I say you, I mean you personally -- and I
21 guess by extension, Mr. Tolson, over, say a given
22 inspector, would be--who was not a TUGCO employee, would
23 be to go to one of the contractor people, say either
24 Purday or Brant, to have that person removed from the site?

25 A. Yes. We can't use them on the project

1 anymore.

2 Q. Earlier in your deposition, reference was
3 made to the December 20, 1983 announcement or a memo, it's
4 not clear which, signed by Mr. Spence to all personnel
5 assigned to Comanche Peak, policy regarding investigation
6 reporting of quality matters, which I'm going to request
7 be bound into the transcript.
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TP 25
Chapman
Depts

TEXAS UTILITIES GENERATING COMPANY

2001 BRYAN TOWER DALLAS, TEXAS 75201

MICHAEL D. SPENCE
PRESIDENT

December 20, 1983

TO: All Personnel Assigned to
Comanche Peak Steam Electric Station

CPSES POLICY REGARDING INVESTIGATION
AND REPORTING OF QUALITY MATTERS RELATED
TO NUCLEAR SAFETY

It has been and remains the highest priority of CPSES management to ensure the quality and safety of the plant. To that end, all employees and supervisors are required to identify, document and report as soon as possible any conditions that they know, or have reason to believe, could compromise the safety and integrity of the plant. Any failure to report such conditions, knowingly withholding information regarding such conditions, failure to cooperate fully with other personnel investigating such conditions, or any attempt to harass or intimidate any employee attempting to report such conditions is regarded by management as a gross breach of employment responsibilities and may constitute a violation of law. Any employee or supervisor who commits any of the foregoing acts shall be subject to disciplinary action, up to and including discharge from employment.



MDS:ln

1 Q. This discussion was made earlier, but
2 this would be interference in reporting conditions
3 contrary to a safety as a gross breach of employment
4 responsibilities. I take that from what you have just
5 told me, would only apply to TUGCO employees, is that
6 correct?

7 A. I don't believe that was the intent of this.
8 I guess disciplinary action up to and including discharge
9 from employment would relate to TUGCO employees as it
10 relates to all personnel assigned to Comanche Peak
11 outside TUGCO, it would -- If it got to that point, it
12 would follow the scenario that I just outlined where we
13 would tell Brown & Root and Ebasco or whoever the
14 contractor might be, obviously, we can't tell you to
15 fire the individual, we could just tell you to get him
16 off the project. And we don't want to see him on the
17 project again. I see your point. It is addressed to
18 all personnel at Comanche Peak, and I presume that the
19 exact letter of this would relate to TUGCO people.

20 Q. One of the examples that was in my mind when
21 I asked you that would be, for instance, a Brown & Root
22 supervisor or an Ebasco supervisor who might be applying,
23 for instance, undue pressure of some sort upon a given
24 inspector, and as such, contravening the intent of this
25 memo. This memo, and whatever else you had would not give

1 TUGCO the authority to do much more than request from the
2 contractor the removal of that person, is that correct?

3 A. Well, I don't think that's entirely true. I
4 think we reserve the right to examine your example for
5 instance, examine the totality of the circumstances and
6 see if anybody else was aware that this individual was
7 doing that or maybe even encouraged him to do that and more
8 or less expand the scope. I guess ultimately, your
9 situation that you postulated is correct. Anyone that
10 we deemed were responsible and are involved in it, we
11 could basically tell the contractor to take them off the
12 site. We don't direct the contractor to fire anybody.

13 Q. So essentially, this hypothetical QA supervisor
14 could more or less tell you you don't pay me, you can't
15 fire me. All you can do is try to get me off the site.
16 You would have no authority to be able to do anything to
17 that person?

18 A. We could do more than try to get them off the
19 site. We could just close the door to them and refuse
20 to permit him on site. I think any contractor would
21 be foolish to keep somebody who had been kicked off the
22 job or kicked off the site by a client, by a licensee
23 for a nuclear power plant, but we don't get into their
24 personnel administration, and we certainly don't let them
25 get into ours.

1 Q. Now, the other side of that coin, if there were
2 a given inspector that felt put upon by a contractor
3 employee, now this could be a peer of that person or a
4 supervisor, and we are talking in both cases of contractor
5 employees. Now, whether or not we're talking about two
6 employees or employee supervisor -- But we are somewhere
7 involved. We have a QC inspector there. Could one of
8 these people come via Mr. Tolson to you or you may have
9 answered this question, but I'm talking about in the context
10 where they feel like there's been some sort of undue pressure
11 put upon them. I'm wondering how this would be resolved
12 since it smacks -- It could smack of a personnel action,
13 but then again it could be intimidation, and how do you
14 draw the line and when does it go up to your chain?

15 A. Our various vehicles for communicating concerns,
16 any quality concern, including harassment or intimidation,
17 applies to any individual, regardless of company affiliation;
18 if the ombudsman is a contract personnel, he is paid by
19 TUGCO. The hot line is--I said the ombudsman is not a
20 TUGCO personnel. The hot line is a Texas Utilities
21 personnel. Of course, we emphasize to them that the
22 NRC is a third avenue they can contact and I think if you
23 will look at our record, you will find that various of
24 these avenues have been used. We promise confidentiality
25 in our hot line. We promise to get back with them if they'll

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give us enough information, a name and address, to do so with
the results of our investigation and this is regardless of
company affiliation.

INTRODUCTION
EXHIBITS
APPENDIX

1 MR. BACHMANN: That is all the questions I have.

2 MR. BELTER: Could I take about 30 seconds? We've
3 got a little bit of redirect.

4 (Recess.)

5 MR. BELTER: Back on the record.

6 EXAMINATION

7 BY MR. BELTER:

8 Q Mr. Chapman, without refereneing a specific portion
9 of the earlier part of the deposition, you were asked some
10 questions about your time spent on site and your access to
11 the site. What methods do you have to determine what is
12 going on on the site?

13 A Well, quite a few different methods. I did mention
14 direct conversations with the manager with overall responsibility
15 for quality assurance at the site. In addition to that,
16 I have other quite independent ways, not the least of which
17 is the audit activity, which is conducted on all aspects that
18 are safety related to construction work.

19 And I have the audit responsibility reports to
20 me independently from the construction management, QA
21 management responsibility. And the individuals involved
22 in this audit function vary from audit to audit so that over
23 the course of months and a year, I can get a very good
24 perspective of the quality picture and the people issues,
25 and just various things by just sitting there talking to

1 auditors.

2 What audit have you been on? Catch them down
3 at the site. What are you all looking at? How does it look
4 to you? Are you having any problems? They will tell you.
5 So that is a very good independent assessment of, if you
6 will, the state of the union of the construction quality
7 assurance.

8 I also talk to people down there who interface
9 with the key quality people. I talk to them and find out how
10 they assess what's going on. If they have any problems,
11 they'll let you know. So, it's not just -- I don't get all my
12 information simply from the site QA manager. I've got a
13 quality engineering supervisor who reports directly to me who
14 is independent of construction.

15 I drop in on the NRC resident on occasion and ask
16 him if he's got any problems. I can get a pretty good idea
17 if there are any major problems that I need to devote my
18 personal attention to.

19 Q Mr. Chapman, you indicated, in response to one of
20 the earlier questions that Corporate Security department
21 would be occasionally brought in to assist in investigating
22 certain matters. Am I correct that Corporate Security
23 has other resources not available to some of the other
24 departments?

25 A Yes. We have security people within the TU system

1 that are available to the director of Corporate Security.
2 And he also has access to contract security people whom he
3 may use if his resources are not sufficient.

4 Q Mr. Chapman, I'm going to ask you to take a look
5 at an 11-page document, the first page of which is marked
6 QC personnel interview, code G-36, and ask you whether or not
7 this is one of the interview reports that was the subject of
8 your earlier testimony with respect to the 1979 series of
9 interviews.

10 (Witness reviewing document.)

11 A I don't know for a fact. It could be. It looks
12 like one. The G-36 doesn't mean anything to me.

13 Q Looking at the materials on it, does it appear to
14 be similar to all the others?

15 A Yes, I believe it is the same form as was used on
16 all of them.

17 Q It has all of the same questions?

18 A It appears to, yes.

19 Q Am I correct that outside of the single instance
20 that you became personally involved with of the female QC
21 inspector, that you have no direct knowledge of any of the
22 other matters that are noted on these interview forms?

23 A Direct knowledge? That is correct.

24 Q In other words, you rely upon the members of the
25 management review board to identify the problems and report

26pb4

1 them to you?

2 A Yes, I did.

3 Q And if I were to take any of these interview sheets
4 to ask you questions about the matters in there, would the
5 extent of your knowledge change if you were given the name
6 of any individual?

7 A None whatever.

8 Q Would your ability to respond to questions concerning
9 these interview sheets be assisted in any way if you had the
10 name of the individual?

11 A None whatever.

12 Q Why would that be?

13 A Because these interview sheets -- these are just
14 personal notes that were utilized by the individual interviewers
15 until they could document for the record the formal report.

16 Q These are the notes -- excuse me?

17 A These are the notes taken by an interviewer -- if
18 I had a name, Smith, Jones or whatever instead of G-36 it
19 wouldn't do anything for me that this report doesn't already
20 do.

21 MR. BELTER: I'm going to ask that this report be
22 bound into the transcript at this point, and I have no further
23 questions, counsel. I reiterate to you our offer to allow
24 you to cross-examine to the extent that you are able on the
25 documents as here, and reiterate our position that by not

26pb5

1 going forward at this time as you are able, I don't understand
2 why you cannot -- that you are waiving your right to
3 cross-examine with respect to these interview sheets.

4 (The document referred to follows.)
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Copy: Excellent
Attitud: Excellent

10/5

TP 26/
Chapman

QC PERSONNEL INTERVIEW

CODE: G 36

1. System Adequacy

a) Tell me about your job.

EL 810' DGB, AuxB, SGB, FB welding prior to fit-up
mechanical, flanging, cleaning
fit up
tasks
root pass
NDE → final

being here for 4 months

b) How well do you feel you understand your job?

falls more than adequate

c) What do you feel is the function of QC at CPSES?

assist production to produce a quality end product in
a timely manner. Helping crafts; not to hinder.
not will if called for.

d) How comfortable do you feel in your job?

Overall feels comfortable.

(1) What makes you feel comfortable about your job?

Overall his background and self confidence makes him feel comfortable. People out there you can live with.

(2) What makes you feel uncomfortable about your job?

Changing of department heads - instability - some guys felt the whole place was coming apart. Now it seems to stabilize.

e) Have you ever seen an organization chart of QC at CPSES?

Yes

No *cant really say.*

f) Do you know where you are on the organization chart?

Yes

No *All above*

g) Do you know who your supervisor is?

Yes

No

h) Do you know who your supervisor's boss is?

Yes No

i) How adequate is the information given to you to do your job?

Inadequate Marginal Satisfactory Good
 Excellent

Comments:- NCR's

Drawings
6.9
Spec
CNC
Clarity
legibility.
DCA

^{then}
j) How meaningful are your procedures?(availability, understandability) 6.9

Inadequate ^{as 6.9} Marginal Satisfactory Good
 Excellent

Comments: - MS-100 is good, NDE is very good
acceptance criteria is good.

can now
find
MS-100
good
NDE process
v. g.
requirements

k) How meaningful are your inspection plans or checklists?

Inadequate Marginal Satisfactory Good
 Excellent

Comments: - in the old system, old Well Data Card. New Well Data
Card is better for the craftsman.

1) How adequate is the scope of your inspections? (explain whether it is too small, too much, ..etc.)

Inadequate Marginal Satisfactory Good
 Excellent

Comments: -

m) How adequate is the emphasis on activities that have a bearing on quality?

(Too much, or not enough)

(Are we looking at activities that are trivial, too much?)

Inadequate Marginal Satisfactory Good
 Excellent

Comments: - *Recommend process surveillance these are things. Craft is not to put footage. Jarking was used to fit up. Due to poor stock up. No pipe.*

2. Supervision

a) How would you rate management support of QC?

Inadequate Marginal Satisfactory Good
 Excellent

Comments: - *Hard to tell since we have new people. OLI has been here for 4 months*

b) How would you rate your supervisor's support of your activities?

Inadequate Marginal Satisfactory Good
 Excellent

Comments: - *what he has seen so far*

c) How well does your supervisor answer your questions?

Inadequate Marginal Satisfactory Good
 Excellent

Comments: -

d) How available is your supervisor when you need him?

Inadequate Marginal Satisfactory Good
 Excellent

Comments: - *see him 4 or 5 times daily.*

e) How effectively does your supervisor advise you of your inspection activities in a timely manner? — *Sometimes.*

Inadequate Marginal Satisfactory Good
 Excellent

Comments: - *Set up own schedule; talks to foreman and sets up schedule.*

f) How well does construction provide you with advance notification of activities which require QC support?

Inadequate Marginal Satisfactory Good
 Excellent

Comments: - *haven't seen any problem yet. The Crafts comes to QCI and advise*

g) How would you rate the consistency of your supervisors decisions?

Haven't seen any inconsistency.

3. Training

a) How do you rate the training you have received to perform your job?

Inadequate Marginal Satisfactory Good
 Excellent

Comments: - *A.S.T. excellent. Visual is excellent, its tough
Should have covers training*

b) How do you rate the instructors that provide your training?

Inadequate Marginal Satisfactory Good
 Excellent

Comments: - *on UT from Houston was outstanding.*

*ut
Visual*

c) How do you rate the training material or training aides?

Inadequate Marginal Satisfactory Good
 Excellent

Comments: - *Visual*

d) What are the strong points of the training program?

List: *Visual and UT*

e) What are the weak points of the training program?

List: *NR*

f) How adequate are examinations with respect to the job you actually perform?

Inadequate Marginal Satisfactory Good
 Excellent

Comments: *- UT excellent, all were excellent*

g) Do you feel the "On the Job" training is adequate for the inspection certification program.

Inadequate Marginal Satisfactory Good
 Excellent

Comments: -

h) What do you feel should be established by way of a recertification or upgrading program.?

Helpful - QCI should be required to take Welding Course. Not aware of any. Set a mag course or refresher course.

4. Resources

a) Do you feel you have enough time to perform your inspections?

Yes No

b) How would you rate your workload?

Light Enough Too Much

c) Do you feel you are subject to excessive pressures from construction while doing your inspections?

Yes No

Explain:

The foreman stays out of inspection.

d) How would you rate equipment availability to perform your inspections or job?

Inadequate Marginal Satisfactory Good
 Excellent

Comments: - QCI complain that there are not enough UT equipment. Billie cleaner. So the availability.

e) How would you rate the authority given to you to perform your inspections?

Inadequate Marginal Satisfactory Good
 Excellent

Comments: - haven't had any problems.

f) Who do you feel bears the ultimate responsibility for your inspections?

Identify: QCI Inspector

Remember that TD is the ultimate bearer of responsibility. 40 years from now. QCI will be gone and TD will be here.

5. Other

a) What do you feel are the major problems in QC at CPSES?

*

- 1) organization instability. But now it seems to stabilize. Greeter related.
- 2) Set up - specialization of one man or limiting one man to a specific well - when you need a hanger
- 3) Safety; don't require a ladder on a scaffold, some scaffolds have and some don't.
- 4) find the anchor man.

b) What do you feel is an adequate solution to these problems?

- 1) people should be cross-trained.
- 2) put ladder on scaffold.

c) Do you feel that you have adequate communication with the construction foreman that you come in contact with?

Yes No.

d) Do you enjoy QC inspection work?

Yes No

If Not - Why?

List:

QCIS
Complain.

* The Benefit program - no disability program; if you get hurt on the job.

1 MR. GUILD: On that point I reiterate my request
2 that the names of those persons be transmitted as previously
3 asserted, and my position that the names are necessary in
4 order to conduct an intelligent examination on the subject.

5 Mr. Chapman, I have a few more questions for you.

6 EXAMINATION

7 BY MR. GUILD:

8 Q With respect to the QC personnel interview forms
9 which -- of which G-36 has been described as an example,
10 if I knew the names of the individuals whose interviews were
11 reflected in the specific forms, if you had that information
12 before you, would you be able to tell me whether or not
13 specific persons interviewed who gave specific responses to
14 questions were subsequently the subject of later complaints
15 of harassment and intimidation?

16 MR. BELTER: I am misunderstanding your question.

17 THE WITNESS: I don't understand it either.

18 MR. BELTER: Is your question if he knows who
19 G-36 is, or if he knows who the interviewers are?

20 MR. GUILD: The subject of the interview.

21 MR. BELTER: G-36.

22 THE WITNESS: If I knew who G-36 was. You asked
23 me the question, did this individual subsequently become an
24 intervenor witness? Are you asking me if I could answer yes
25 or no?

1 BY MR. GUILD:

2 Q Among other things, yes.

3 A The answer to that question is yes, if I had a list
4 of your witnesses and I had this name, I could take that name
5 and look on your list and see if it appeared on there.

6 Q All right. You would also be able to tell me,
7 wouldn't you, whether or not, you therefore had any prior
8 information or knowledge about instances of a subsequent
9 individual who made a complaint of harassment or intimidation
10 of other conduct of that sort, having raised similar complaints
11 at the time of the 1979 interviews.

12 A No, not as I understand your question. I didn't
13 ever look at those.

14 Q Well, you have the information. You're the only
15 one who had the information, correct?

16 A I have also testified under oath that I did not
17 look at it until just a few days ago, and I only looked at
18 three or four of them.

19 Q Yes, sir. But you had available that information
20 to you, didn't you? You're the only official of the company who
21 did, according to your testimony.

22 A That's correct.

23 Q You testified in response to your counsel's
24 questions that you relied in part upon the results of audits
25 to provide you an independent assessment of the effectiveness

26pb8

1 of the quality assurance at Comanche Peak, correct?

2 A Yes. Basically that is a true statement. I think
3 my testimony was, basically what is going on, what's the
4 situation.

5 Q All right. Have you ever been the subject of a
6 disciplinary action or counseling, reprimands or any other
7 adverse action as a result of your involvement in the
8 processing of audit reports?

9 A No.

10 Q Were you the subject of any adverse action as a
11 result of your involvement in the revision of an audit report
12 that was submitted to you?

13 I'm not trying to be mysterious about it.

14 A I understand. I'm trying to get what your question
15 is.

16 MR. BELTER: Let's get it straight. Are you
17 asking about the 1983 investigation that he mentioned earlier?

18 MR. GUILD: Yes.

19 THE WITNESS: All right. Let's talk about that.

20 BY MR. GUILD:

21 Q The question is, I don't have the document in front
22 of me --

23 MR. BELTER: 266, I believe was the number of the
24 audit. Let's assume that that's the one.

25

26PB9

1 BY MR. GUILD:

2 Q Let's say under the assumption that it is. And to
3 be more precise, was that an audit in which you were involved?

4 A The rad waste audit?

5 Q Yes, was that a circumstance in which you earlier
6 related that Mr. Clements and others were involved in directing
7 an investigation of your actions?

8 A Well, me and also my entire department's actions.

9 Q All right. So we know the instance we're talking
10 about. We're on the same wavelength. Were you the subject
11 of any adverse reaction as a result of your involvement in
12 that circumstance?

13 A No.

14 Q What other contract security people does your
15 corporate security department make use of in performing its
16 investigatory functions that might bear on investigating
17 concerns or harassment, intimidation?

18 A I don't know. I only started to mention that. I
19 saw it mentioned in that memo that they had available contract
20 people for investigating allegations if they were needed. So
21 it's just an assurance that the resources are there.

22 Q You have no idea what those resources consist of?

23 A No, I don't.

24 MR. GUILD: Okay, that's all. Thank you very much.

25 MR. BELTER: The record of this deposition is

26pb10

1 closed pending Mr. Guild's request that Mr. Chapman be
2 retained or be made available again.

3 (Whereupon, at 8:20 p.m., the deposition was
4 concluded.)

end 26.

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DAVID N. CHAPMAN

MILLERS FALLS
E. L. H. A. S. E.
COTTON CONTENT

CERTIFICATE OF PROCEEDINGS

1
2
3 This is to certify that the attached proceedings before the
4 NRC COMMISSION

5 In the matter of: DEPOSITION OF DAVID N. CHAPMAN

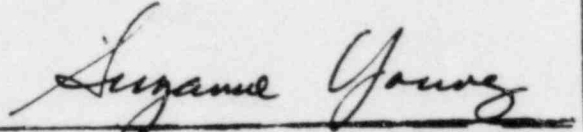
6 Date of Proceeding: MONDAY, JULY 9, 1984

7 Place of Proceeding: Glen Rose, Texas

8 were held as herein appears, and that this is the original
9 transcript for the file of the Commission.

10
11 Suzanne Young

Official Reporter - Typed

12
13 

14 Official Reporter - Signature