

# 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: John Ronald Johnson

Location: Glen Rose, Texas

Pages: 39,001-39,065

Date: Monday, July 9, 1984

*Original to E. Pleasant  
H-1149*

*TR 01 0/1*

*1 copy to E. Johnson, Region IV*

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY & LICENSING BOARD

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

July 9 , 1984

Deposition of: JOHN RONALD JOHNSON  
called by examination by counsel for Intervenors  
taken before Ann Riley, Court Reporter,  
beginning at 5:45 p.m., pursuant to agreement.

## 1 APPEARANCES:

2  
3 FOR THE APPLICANT:4 WILLIAM HORIN, ESQ.  
5 Bishop, Liberman, Cook, Purcell & Reynolds  
6 1200 17th Street NW  
7 Washington, D.C. 20036

## 8 FOR THE NRC STAFF:

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

## 13 FOR THE JOINT INTERVENORS:

14 TOMMY JACKS, ESQ.  
15 Doggett & Jacks  
16 Austin, Texas  
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C O N T E N T S

WITNESS:	EXAMINATION BY:	PAGE:
John R. Johnson	Mr. Jacks	39,003
	Mr. Wolf	39,051
	Mr. Horin	39,060
	Mr. Jacks	39,062
	Mr. Horin	39,065

MILLERS FALLS  
EXBRASE  
COTTON CONTENT

E X H I B I T S

Johnson Depo. Exhibit No. 1 - Resume	39,006
Johnson Depo. Exhibit No. 2 - "Interview with Ronnie Johnson"	39,062

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## P R O C E E D I N G S

1  
2 Whereupon,

3 JOHN RONALD JOHNSON

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

6 EXAMINATION

7 BY MR. JACKS:

8 Q Would you state your full name for the record,  
9 please?

10 A John Ronald Johnson.

11 Q Where do you live?

12 A Granbury, Texas.

13 Q Where do you work?

14 A Brown and Root, Comanche Peak.

15 Q The last fellow whose deposition I took had a resume  
16 showing what he'd done and where he had done it. Have you  
17 got one of those?

18 MR. HORIN: Before we begin with the examination of  
19 Mr. Johnson on his background, et cetera, I have a statement  
20 that I'd like to read.

21 MR. JACKS: Okay.

22 MR. HORIN: I'll read it in the record, if I may.

23 My name is William Horin, a member of the law  
24 firm of Bishop, Liberman, Cook, Purcell and Reynolds, counsel  
25 for Texas Utilities Electric Company, Applicant in this

1pb2

1 proceeding. I appear here today in that capacity.

2 Before proceeding further I'd like to point out  
3 that Mr. Johnson is appearing voluntarily and that he is not  
4 under subpoena. Mr. Johnson's testimony has been requested  
5 from the Applicant by CASE, Intervenor in this proceeding  
6 on the topics specified in CASE's letter to Leonard W. Belter  
7 dated June 27, 1984, a copy of which has been marked for  
8 identification by the reporter and appended to the transcript  
9 of Mr. Bega's deposition as Exhibit A.

10 The Applicant has already noted its objections to  
11 the deposition procedures and schedules ordered by the Board  
12 and intends no waiver of those objections by Mr. Johnson's  
13 appearance today.

14 At this time I would like to summarize the  
15 guidelines established by the Board for this proceeding in the  
16 taking of this deposition. Under the order issued by the  
17 Board on March 15th, as modified by a series of subsequent  
18 telephone conference rulings, the scope of this deposition  
19 is limited to the taking of evidence and the making of  
20 discovery on harassment, intimidation or threatening of  
21 quality assurance quality control. In other words, QA/QC  
22 personnel.

23 With one exception, allegations regarding any  
24 claimed harassment or intimidation of craft personnel have  
25 been specifically ruled by the Board to be beyond the scope

1pb3

1 of this examination and these proceedings. The Board has  
2 also ruled that only evidence based on personal knowledge may  
3 be adduced, and that hearsay, rumor, innuendo and the like  
4 are not proper subjects for the evidentiary portion of this  
5 deposition.

6 Finally, the Board has instructed the parties to  
7 separate evidentiary and discovery portions of their  
8 examination of the witness to give effect to these rulings  
9 as well as to ensure expeditious completion of this  
10 deposition. And I now offer Mr. Johnson as a witness for the  
11 evidentiary portion of this deposition. The issues for this  
12 portion of the deposition are defined by CASE's letter of  
13 June 27, a copy of which has been marked as Exhibit 8 in  
14 Mr. Vega's deposition.

15 At the conclusion of that evidentiary deposition,  
16 the evidentiary record will be closed, and with the opening  
17 of a new transcript to be separately bound, the discovery  
18 deposition of Mr. Johnson will commence, should CASE decide  
19 to conduct such a deposition. When the transcripts are  
20 available, the witness will sign the original of each of his  
21 depositions on the understanding that should the executed  
22 originals not be filed with the Board within seven days after  
23 the conclusion of the deposition a copy of either of the  
24 transcripts may be used to the same extent and effect as the  
25 original.

1pb4

1 MR. JACKS: All right. I'll make essentially the  
2 same preliminary statement as I made this morning, which is  
3 that while I'm always happy to hear the comments of other  
4 counsel, my proceeding with the deposition should not mean  
5 that I agree with any of that. And as long as that's understood  
6 by everybody, well, we might as well get about our business.

7 If you'll give me just a minute, sir, I'll look  
8 over your little resume here. I really ought to get it marked  
9 as an exhibit first, and I'll do that and then I'll read it.  
10 And if I have any questions about it, I'll ask you. Fair  
11 enough?

12 (The document referred to as  
13 Johnson Deposition Exhibit i.o.  
14 l was marked for identification.)

15 (Counsel reading document.)

16 BY MR. JACKS:

17 Q Mr. Johnson, I mean no criticism at all of your  
18 resume, but there are a few parts of it that confuse me a  
19 little bit, so let me clear them up with you, if I may.

20 You have been with Brown & Root for 13 years; is  
21 that right?

22 A Thirteen and a half years.

23 Q Since 1970?

24 A Yes, sir.

25 Q You know one thing I like to do is get some ground



lpb5

1 rules established with you. And one of those which you may  
2 have been told, but which I will remind you is that you need  
3 to answer out with a yes or a no, rather than nodding or  
4 shaking your head because it's hard for this woman to put that  
5 on paper.

6 A Yes, sir.

7 Q Is that fair enough?

8 A Yes, sir.

9 Q If I ask you any questions this afternoon that  
10 you don't understand or that you think is confusing, will you  
11 tell me I've done that so I can reword my question so that  
12 you understand it all right?

13 A Yes, sir.

14 Q If I inadvertent start a question before you finish  
15 an answer, would you tell me I've interrupted you because I  
16 don't intend to do that either?

17 A Yes, sir.

18 Q I'm going to ask you by this same token not to  
19 start answering, even if you know what my question is going to  
20 be, because another thing she can't do is talk for two people  
21 at the same time. All right?

22 A Yes, sir.

23 Q Now one thing I don't understand fully about your  
24 resume, but which I'm sure you can clear up for me is that if  
25 I wanted to know in chronological order what you had done for

lpb6

1 Brown & Root, and when and where you did it, would I start on  
2 the back page and work forward, or would I start on the front  
3 page and work backward?

4 A Should you start at the front page and work  
5 backwards.

6 Q All right, the first item under your Brown & Root  
7 experience that is listed there is craft superintendent of  
8 reactor number 1, TFG, four months. Is that the most recent  
9 thing that you've done?

10 A That's the most recent thing I'm doing right now,  
11 yes sir.

12 Q Now this was prepared in February of 1984; am I  
13 right?

14 A Right.

15 Q So you have now been doing the craft superintendent's  
16 job on reactor number for more than four months.

17 A True.

18 Q It's been about nine months.

19 A Uh-huh.

20 Q That would mean he started being a craft superin-  
21 tendent on reactor number 1 about November or thereabouts of  
22 last year. Is that about right?

23 A True.

24 Q 1983?

25 A That's right.

1pb7

1 Q Then for three years and nine months before that  
2 you were a structural iron worker superintendent, right?

3 A True.

4 Q That would take us back to early 1980 by my  
5 calculation; is that right?

6 A That's right.

7 Q About what? January, February of 1980?

8 A Maybe just a little bit back, okay? Probably  
9 November '79.

10 Q All right, so that from November 1979 until about  
11 November or so of 1983 you held a position as structural  
12 iron worker superintendent; is that right?

13 A That's right.

14 Q All of that work, I take it, was at Comanche Peak?

15 A That's right.

16 Q Now your little summary on your resume here of what  
17 you did during the time you were structural iron worker  
18 superintendent says that you provided overall supervision for  
19 installation of pipe hangers and assigned work errands. Does  
20 that generally describe what you did throughout the period  
21 from late 1979 through late 1983?

22 A Yes, sir.

23 Q My experience with nuclear power plants is limited  
24 but I gather that everybody's got some sort of specialty,  
25 and your specialty appears to have been pipe hangers. Is that

1pb8

1 a fair statement?

2 A In this time period, yes, sir.

3 Q Let me take you back to the time when you first  
4 began performing the job of structural iron worker superinten-  
5 dent in late 1979. At that time, who was your immediate  
6 superior in the line of command?

7 A Ha! Goodson.

8 Q Hal Goodson, what was his title?

9 A General -- assistant general superintendent.

10 Q And then who was his boss?

11 A James Calicutt.

12 Q For how long did Mr. Goodson remain your immediate  
13 superior while you held the job of structural iron worker  
14 superintendent?

15 A Approximately three years, I guess.

16 Q For how long did Mr. Calicutt maintain the next  
17 rung up on the ladder while you were structural iron worker  
18 superintendent?

19 A For that length of time.

20 Q All right, we have talked about who was above you.  
21 Let me talk with you a little bit about who was below you  
22 in the line of command. What would be the next position  
23 below yours within your area of responsibility during this  
24 period beginning in late 1979 when you assumed the position  
25 of structural iron worker superintendent?

lpb9

1 A Larry Donahue, general foreman.

2 Q Did Mr. Donahue then, in turn supervise the work  
3 of several foremen?

4 A A few foremen, yes, sir.

5 Q Did Mr. Donahue hold the general foreman's job  
6 under your supervision throughout the period from late '79  
7 to late '83, or did someone else hold that job at times?

8 A Not the entire length of time, no, sir. We did  
9 have some more general foremen.

10 Q For about how long did Mr. Donahue serve as general  
11 foreman under your supervision following late 1979 when you  
12 assumed the position of structural iron worker superintendent?

13 A Approximately three years.

14 Q During that three year time that you've mentioned,  
15 about how many foremen were under his supervision?

16 A I'd say probably five, six.

17 Q And then each of those foremen supervised the work  
18 of a crew?

19 A True.

20 Q And about how many individuals would have been in  
21 a crew during this three-year period that you talked about?

22 A Average, 12.

23 Q Now between you and the men down at the crew level  
24 there were a couple of layers of supervision, the general  
25 foreman and then several foremen. Were you ultimately

lpb10

1 responsible for seeing that the work of those five or six  
2 crews got done?

3 A True.

4 Q Were you generally responsible for scheduling as  
5 to those crews?

6 A That's right.

7 Q For ensuring that the work of those crews was done  
8 in accordance with specifications and procedures for that  
9 work?

10 A That's right.

11 Q Were you responsible for coordinating with UCC  
12 people who would be involved in the inspection of the work  
13 of those crews?

14 A Yes, sir.

15 Q All those were duties of yours during the time that  
16 you were structural iron worker superintendent?

17 A Yes, sir.

18 Q When did you first come to work at Comanche Peak?

19 A June the 7th, 1975.

20 Q Have you been here ever since?

21 A Yes, sir.

22 Q Before that had you worked on any nuclear power  
23 plant construction projects?

24 A Yes, sir.

25 Q Was that the Carolina Power & Light Company

1pbl1

1 project mentioned on the last page of your resume?

2 A Yes, sir.

3 Q Would you describe your educational background for  
4 me briefly, please sir?

5 A Briefly, I finished the 11th grade of high school  
6 and that's it.

7 Q Where did you do that?

8 A Williams Township High School, North Carolina.

9 Q Have you attended any trade schools?

10 A No, sir.

11 Q The training you've gotten has been on-the-job  
12 training?

13 A Yes, sir.

14 Q Have you ever done any welding work?

15 A No, sir.

16 Q Do you know a man named Henry Stiner?

17 A Yes, sir.

18 Q When and how did you first meet Henry Stiner?

19 A He worked for me as a welder.

20 Q About when?

21 A I'd say approximately somewhere in '80. I'm not  
22 sure, the latter part of '80.

23 Q Sometime within a year or so after you took the  
24 job of structural iron worker superintendent?

25 A Yes, sir.

lpb12

1 Q Did he start work at Comanche Peak as a welder, or  
2 did he start as something else and then become a welder, if  
3 you know?

4 A I don't know.

5 Q All right. But throughout the time he worked  
6 for you he did welding work?

7 A Yes, sir.

8 Q Did you hire him?

9 A Not personally.

10 Q Do you know who did?

11 A No.

12 Q For how long approximately did Henry Stiner work  
13 for you as a welder?

14 A Approximately a year. I don't really know.  
15 Approximately a year.

16 Q During that time, did you have an opportunity to  
17 observe him at his work?

18 A Yes, sir.

19 Q On a fairly frequent basis?

20 A No, sir, not fairly frequent, no.

21 Q At least once a week or so?

22 A Yes, sir.

23 Q More frequently than that probably?

24 A Yes, sir.

25

end 1.



Johnson depo

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2-1

1 Q Did you consider him to be a competent welder?

2 A Yes, sir.

3 Q Did he appear to you to understand the  
4 welding procedures that applied to the jobs he was asked  
5 to do as a welder for you?

6 A Yes, sir.

7 Q During the time that he worked for you,  
8 did you have problems with the man -- drinking problems  
9 or using drugs on the job or anything of that kind?

10 A No, sir.

11 Q Did you have any problems with him engaging  
12 in fighting or horseplay or that sort of business?

13 A No, sir.

14 Q Did you have any problems with him being a  
15 smart-alec or being insubordinate?

16 A To my knowledge, no.

17 Q Any problems with unexcused or unjustified  
18 absenteeism with Mr. Stiner?

19 A Yes, sir.

20 Q Was that true throughout the time he worked  
21 for you?

22 A No, sir.

23 Q About how long had he been working for you  
24 when you first determined that he was piling up a bad  
25 record of unjustified or unexcused absences from work?

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1 A Five or six months.

2 Q Was this something you noticed yourself, or  
3 did somebody bring it to your attention?

4 A The general foreman brought it to my attention.

5 Q Mr. Donahue?

6 A No, sir. Forest Dendy.

7 Q Was Mr. Dendy a general foreman under your  
8 supervision?

9 A Yes, sir.

10 Q Along with Mr. Donahue?

11 A Yes, sir.

12 Q Were there any other general foremen, other  
13 than those two, whose crews you had responsibility for?

14 A Yes, sir.

15 Q About how many other general foremen were  
16 under your supervision?

17 A Two others.

18 Q And they were?

19 A Al Martinez.

20 Q You can't remember the other one?

21 A I know it, but I can't remember it offhand.

22 Q That's all right. If you think of it, let me  
23 know

24 A Okay.

25 Q Was Mr. Stiner on one of the crews falling

1 under Mr. Dendy's area of responsibility?

2 A Yes, sir.

3 Q Was that true throughout the time Stiner  
4 worked for you? Did he always work for one of Dendy's  
5 crews?

6 A Yes, sir.

7 Q Do you know who his foreman was?

8 A He could have been moved at this time, but  
9 Cowboy Ken McDonald I feel was the one, but I'm not sure  
10 about that.

11 Q But Mr. Stiner might be one of those  
12 individuals who would float from one foreman to the  
13 other as needed?

14 A We were in a building stage, and we were  
15 continuously at that time having to split crews up and  
16 set up new foremen and get new people up, so we did  
17 change people, yes.

18 Q All right. Now, you told me that the first  
19 notice that you had that there was an absenteeism  
20 problem with Mr. Stiner was reported to you by Mr.  
21 Dendy. What did Mr. Dendy tell you about that  
22 situation?

23 A He told me he was having problems with him  
24 showing up, coming in late, wanting to leave early, and  
25 that sort of thing.

1 Q All right. Was it a problem with him not  
2 coming in at all, or was it a problem with him being  
3 late and leaving early, or was it both?

4 A Both, both.

5 Q What did you do about it?

6 A Cowboy counseled him, and we kept him on for  
7 a while.

8 Q Were you there when Cowboy counseled him?

9 A No, sir.

10 Q Did you talk to Mr. Stiner yourself about  
11 absenteeism at any point?

12 A Yes, sir.

13 Q Was that when it was first brought up, or was  
14 it later on that you got to talk with him?

15 A It was later on.

16 Q How many times did you talk with him about  
17 his absenteeism?

18 A Once.

19 Q Did you find Mr. Stiner to be a straight  
20 shooter? Did you feel like he was honest with you when  
21 you would have talks with him about things?

22 A When we first started dealing with him, yes,  
23 sir.

24 Q Did there come a time when you decided he  
25 was being dishonest with you?

2-5

- 1 A Yes, sir.
- 2 Q Now, you said that Cowboy counseled him.
- 3 After Cowboy had counseled him, did things improve
- 4 insofar as Mr. Stiner's showing up for work and his
- 5 not being tardy and that sort of thing?
- 6 A For a very short period of time.
- 7 Q How long?
- 8 A For a couple of weeks.
- 9 Q Then what happened?
- 10 A It started all over again.
- 11 Q When it started all over again, how did you
- 12 learn it had started all over again?
- 13 A Cowboy told me about it.
- 14 Q What did he tell you?
- 15 A That he had started laying back out again and
- 16 not coming back into work, and that his wife was bringing
- 17 him reasons why he wasn't at the job.
- 18 Q I'm sorry. Why?
- 19 A Why he wasn't at the job.
- 20 Q Mr. Stiner's wife is named Darlene; is that
- 21 right?
- 22 A Yes, sir.
- 23 Q She was a QC inspector?
- 24 A Yes, sir.
- 25 Q And Cowboy told you that Stiner would send

1 messages through his wife about why he wasn't there; is  
2 that a fair summary of it?

3 A Yes, sir.

4 Q What was a fellow supposed to do if he had  
5 to miss a day of work for some reason?

6 A He is supposed to call into the time office  
7 and tell us what was going on.

8 Q Was there any particular person he was  
9 supposed to talk to, or whoever answered the phone when  
10 he called in?

11 A The people at the time office.

12 Q Was he supposed to do that every single day?

13 A He shouldn't have to do it every single day,  
14 no, sir.

15 Q In other words, if the fellow was sick or  
16 stove up for some reason, and the doctor said it was  
17 going to be a while, he didn't have to call in every day;  
18 is that how it worked?

19 A He shouldn't have to call in every day.

20 Q All right. Now, when Cowboy reported to you  
21 that Mr. Stiner was sending messages through his wife  
22 about why he wasn't there, did Cowboy tell you what the  
23 reasons were?

24 A Yes, sir.

25 Q What did he say?

1           A       Some of it was sick; some of it was car  
2           trouble, that sort of thing.

3           Q       How many absences are we talking about, say,  
4           in the average week?

5           A       I don't know.

6           Q       How many absences are permitted over a week's  
7           time or a month's time for workers of his classification  
8           back at that period?

9           A       Back at that period, three days in a row  
10          without a call-in was the policy to terminate them.

11          Q       What was the policy if a man did call in  
12          and had some good reason not to be there, but that good  
13          reason kept him out for several days or perhaps even a  
14          few weeks? What did the policy say about that for  
15          welders like Mr. Stiner back in 1980?

16          A       At that time we had to replace him and get  
17          somebody to do the welding.

18          Q       Was there any guideline that was written  
19          down somewhere about how many days of absences it would  
20          take before the man would be terminated and replaced by  
21          somebody else, no matter how good his reason?

22          A       Would you ask that again, please?

23          Q       You bet I will.

24                    You know, if a man calls in and he had a good  
25          reason why he couldn't be there, was there some limit

1 written down somewhere as to how long you would carry  
2 that man along before you would replace him with somebody  
3 else, no matter how good his reason?

4 A No, sir.

5 Q Was that something for you to decide?

6 A That's true.

7 Q On a case-by-case basis?

8 A That's true.

9 Q Now, when Cowboy reported to you that this  
10 absentee problem had started up again with Mr. Stiner  
11 and that he was sending messages in through his wife  
12 about what the problem was, what did you do about it?

13 A At the time Cowboy and I talked, and we  
14 decided we would go ahead and talk with Henry again and  
15 try to get him to come to work and let him know that if  
16 he didn't start coming to work and staying on the job  
17 that he would have to terminate him.

18 Q Was there such a meeting or counseling  
19 session with Mr. Stiner?

20 A Cowboy talked with him after that; I didn't.

21 Q Did Cowboy file some kind of written report  
22 with you about how it went and what happened at the  
23 counseling session?

24 A Not at this time, no.

25 Q He started doing that later?



1 A Yes.

2 Q All right. Now, as I understand it, we're  
3 up to a point where Cowboy has talked to Mr. Stiner two  
4 times about his absentee problem. What's the next thing  
5 that happened as far as Mr. Stiner's employment is  
6 concerned?

7 A Well, it drug on. We should have terminated  
8 him at this time. His wife kept telling us he was sick and  
9 so forth and so on. And we kept dealing with Henry and  
10 talking with Henry. We feund out that we were pretty  
11 sure beyond a reasonable doubt that the man was lying to  
12 us and his wife.

13 We told him that we got somebody else.

14 Q All right. How long was it between the second  
15 counseling session and the time you decided you were  
16 being fibbed to, and you just fired him?

17 A Probably three or four months. It just kind of  
18 lingered on.

19 Q Now, you say "we" talked to Henry. Did you  
20 talk to Henry during this three- or four-month period of  
21 time?

22 A I talked to him, not as far as counseling  
23 about his absenteeism, no.

24 Q Did you ever talk to Henry about his absentee  
25 problem?

1           A       Yes.

2           Q       When in the chain of events we're talking  
3 about was the first time you sat down with him and  
4 talked to him about it?

5           A       I didn't ever sit down and talk to him about  
6 it. I talked to him in the field in the work area, and  
7 it was after Cowboy had talked to him the first time.

8           Q       And before the second counseling session?

9           A       Yes, sir.

10          Q       How many times would you say between the  
11 first counseling session with Cowboy and the second  
12 counseling session with Cowboy you talked to Mr. Stiner  
13 yourself out in the field where the subject of his  
14 absenteeism came up?

15          A       How long?

16          Q       How many times, about?

17          A       I'm missing something. How many times was  
18 he absent, or how many times was he talked to?

19          Q       Let me back up and take another run at it.

20                   If I have understood what you're telling me --  
21 and correct me if I've gotten off track -- there were  
22 times after the first counseling session with Cowboy and  
23 before the second counseling session with Cowboy when you  
24 yourself had talked to Mr. Stiner out in the field, and  
25 the subject of his absentee problem would come up. Did I

2-11

1 get that right?

2 A Yes, sir. One time I talked to him.

3 Q Okay. I'll come back to that, but let me  
4 move on to something else; and that is, between the  
5 second counseling session with Cowboy and the time the  
6 man was fired, did you have any other conversations with  
7 Henry Stiner about the subject of absenteeism?

8 A I didn't, no.

9 Q If I've got it right then, throughout this  
10 chain of events we've talked about, from the time when  
11 you first learned that there was an absenteeism problem  
12 with Henry Stiner until the time he was eventually fired,  
13 there was only one occasion when you and Henry talked; and  
14 that was out in the field?

15 A About abserteeism, that's true.

16 Q All right. On that occasion, what did you  
17 say to him, and what did he say to you about the subject  
18 of absenteeism?

19 A I do not recall exactly the words that went  
20 on between us.

21 Q Did you ask for some explanation? "Henry,  
22 why have you been missing all this time from work?"

23 A Oh, sure.

24 Q Did he offer any explanation to you?

25 A Oh, yes.

1 Q Did you remember what it was?

2 A No, sir, I do not recall.

3 Q Now, I gather from what you've testified to,  
4 that even after the second counseling session with Mr.  
5 Stiner by this fellow Cowboy, that y'all still thought  
6 you had an absenteeism problem with him; right?

7 A Right.

8 Q Did it get any worse, or was it about the  
9 same?

10 A No, sir, it continued to get worse.

11 Q When you testified a minute ago that it  
12 finally reached the point where you thought you had  
13 evidence beyond any reasonable doubt that he had been  
14 lying to you, what evidence did you have?

15 A I didn't have any personally. Cowboy, the  
16 general foreman, came to me and told me that he had  
17 called in and said that he had to go to the doctor --  
18 had to go to the doctor, I believe is what it was --  
19 and he was seen at that time not at the doctor's, but  
20 he was given pretty sufficient evidence that he had  
21 been to a chicken fight that day, that he was supposed  
22 to be at the job working; and he never brought us a  
23 doctor's excuse or anything like that. So we went ahead  
24 and terminated him.

25 Q The first thing I want to be sure I've got

1 straight is what you were told. If I understand what you  
2 were told, you were told that Henry had called in, saying  
3 that he had to go to the doctor.

4 But, in fact, that same day he was seen at  
5 a chicken fight?

6 A Coming from a chicken fight. Cowboy was  
7 told it, and he related it to me the best he could. And  
8 I told Cowboy that if he felt that he was sure the man was  
9 lying to him -- and we had gone as far as we could with  
10 him, to terminate him; and he terminated him.

11 Q Was it Cowboy who had talked to Mr. Stiner  
12 and been told this story about going to the doctor? Did  
13 he tell you that?

14 A True, true.

15 Q Was it also Cowboy who saw him either at or  
16 coming back from a chicken fight?

17 A No, sir.

18 Q Somebody else?

19 A Yes, sir.

20 Q Did he say who?

21 A He said who, but I don't remember.

22 ---

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24

25

1 Q Now did I understand you to say that you also  
2 determined that Mrs. Stiner had been lying at the same time,  
3 or did I hear that wrong?

4 A I don't think I said that she was lying but it got  
5 to the point where we was not believing what she was saying  
6 because we -- I wouldn't see him. The people working for us  
7 would see him at places where he wasn't supposed to be at and  
8 she was saying he was at other places.

9 Q Can you remember of any examples of a time when  
10 Mrs. Stiner said Henry is at the doctors somewhere and somebody  
11 came up and said I know he wasn't, he was somewhere else?

12 A I can't recall. No special time, no.

13 Q Other than this chicken fight incident?

14 A That is one time, yes, sir.

15 Q When you say chicken fight, you are talking about  
16 fighting chickens, I assume?

17 A That is what I am talking about.

18 Q All right. I used to have chicken races when I was  
19 in high school, but that involved lining up two cars and  
20 running them toward one another until somebody "chickened"  
21 and I just wanted to be sure I had the right kind of chicken.

22 MR. MCNEIL: How often did somebody fail to chicken  
23 out?

24 MR. JACKS: I never knew a time where somebody failed  
25 to chicken out, to tell you the truth.

1 (Laughter.)

2 BY MR. JACKS:

3 Q Were you the one who actually fired the man?

4 A No, sir.

5 Q Who was?

6 A Forrest Dendy.

7 Q Did you, when you heard this story about the doctor

8 and the chicken fight, call Stiner in and ask for his side

9 of that story?

10 A To my knowledge, he did not come back in. We went

11 ahead and terminated him.

12 Q Was he asked to come back in?

13 A No, sir.

14 Q You didn't ask him to come back in?

15 A No, sir.

16 Q You didn't direct Mr. Dendy or Cowboy to get him

17 back in and find out what his side of the story was?

18 A No, sir.

19 Q After the time when you got this report from Cowboy

20 about the doctor and the chicken fight, did you ever after that

21 moment in time have any conversation by phone or through the

22 mails or anything else with Henry Stiner or his wife, Darlene

23 Stiner?

24 Q Did I have any more communication with those?

25 A Yes, sir.

1 A He came back to work.

2 Q The second time he was hired back?

3 A True.

4 Q Between the time he was fired the first time and  
5 the time he was rehired, you didn't converse with either of  
6 the two of them, is that correct?

7 A I did talk with his wife some.

8 Q Did you ever talk with her about this, you know,  
9 why Henry was fired or about his absentee problem during that  
10 period of time?

11 A No, sir.

12 Q When Mr. Stiner came back to work, do you remember  
13 about when that was?

14 A I sure don't.

15 Q Do you remember in which year it was?

16 A He went to work for another man. It wasn't me.

17 Q He wasn't on any of your crews at that point, is  
18 that right?

19 A No, sir.

20 Q You say you did talk to him some after he came back  
21 to work. Did any conversation that you had with him get into  
22 the subject of his firing or of his absenteeism or any of those  
23 problems you and I have talked about here today?

24 A No, sir.

25 Q Was it just kind of exchanging "hi, how are you?"



1 that sort of thing?

2 A That's true.

3 Q Now I want to be sure I understand one thing, and  
4 that is your testimony on why it was Mr. Stiner was fired.

5 Do I understand from your testimony that he was fired  
6 because he had lied to you about this doctor and the chicken  
7 fight story or lied to somebody?

8 A That is not the reason why he was fired.

9 Q What is the reason he was fired?

10 A He was terminated because of lack of -- because of  
11 absenteeism, coming in late and leaving early.

12 Q All right. And that was the sole reason why he was  
13 fired, because of absenteeism, coming in late and leaving  
14 early?

15 A That's true.

16 Q And the doctor and the chicken fight was just icing  
17 on the cake?

18 A That's true.

19 Q Now did you ever hear from Henry Stiner or anywhere  
20 else that a reason why he was missing work was because he had  
21 been hurt in a car wreck?

22 A Yes. That was part of the doctor deal.

23 Q Is that why you said he was going to the doctor?

24 A That is why he said he was going to the doctor.

25 Q Because he had been injured?

1 A That is what he said.

2 Q Did he say that the doctor had said he shouldn't be  
3 coming to work during that period of time?

4 A Not to me, he didn't.

5 Q Did he to anybody, as far as you know?

6 A As far as I know, I couldn't say yes or no either  
7 one. I don't know.

8 Q All right.

9 In any event, is it true that Cowboy never said  
10 anything to you to suggest that Mr. Stiner was off work at any  
11 point in time under doctor's orders, is that true?

12 A That's true.

13 Q Let me ask the same question about Mr. Dendy. Is it  
14 true that Mr. Dendy never once told you anything to suggest  
15 that he had been informed that the reason for Mr. Stiner's  
16 missing work was because he was under doctor's orders not to  
17 come in?

18 A No.

19 Q He never said anything like that to you?

20 A Oh, yeah, he did say something like that.

21 Q Oh, he did say something to you?

22 A Yes.

23 Q All right, let's talk about it. About when in this  
24 chain of events was it that Mr. Dendy told you that he had  
25 been informed that Mr. Stiner was under doctor's orders not to

1     come in to work?

2             A     It was during the period of time that he had called  
3     in about his car wreck or truck wreck or whatever it was, and  
4     I think his wife had told him he had been in a car wreck and  
5     he had to go to the doctor and that is when people seen him  
6     in this vehicle and supposedly coming from chicken fights and  
7     the man was not hurt and he was still laying off work and went  
8     from a Friday, I think, through up Monday or Tuesday, something  
9     like that.

10            Q     So it was on a Friday that you were told the doctor  
11     and the chicken fight story?

12            A     No, sir. I didn't say I was told on the Friday.  
13     I said it was -- I think it was Friday through the Monday  
14     or Tuesday the following week that all this took place, and I  
15     think it was on Monday that I was told about the chicken fight  
16     story.

17            Q     All right.

18                     Did you learn about the racket the same time you  
19     learned about Mr. Stiner saying he was at the doctor's office  
20     and somebody else saying they saw him at the chicken fight,  
21     did you learn about those two things at the same time?

22            A     Pretty close.

23            Q     In any event you learned about both within this four  
24     or five day period?

25            A     That's true.

1 Q From a Friday to a Monday or Tuesday?

2 A Somewhere in there, yes, sir.

3 Q Now you say that the man wasn't hurt. Is that  
4 something you were told by somebody?

5 A That was what Cowboy had been told and I was told  
6 and like I was telling you before, he did have to be out a  
7 certain amount of time but whenever it was deemed necessary  
8 that you have had as much as you could stand, you have to do  
9 something with it.

10 Q So Cowboy told you that the man wasn't really hurt?

11 A That is true.

12 Q Did he tell you how he knew that?

13 A Only by witnesses that had seen him other places.

14 MR. HORIN: I think we have gone about as far as  
15 we can go with Mr. Johnson's personal knowledge of this event  
16 and I think we have reached the point where the Board's  
17 limitation on reliance on hearsay and use of hearsay should  
18 come into play and so I would have to object to continuing the  
19 examination.

20 MR. JACKS: Well I believe that as long as I am  
21 asking questions about what this man, who was his supervisor,  
22 was told and upon what basis he made the decisions that he  
23 made, that those are matters that are admissible, whether for  
24 the truth of the matter stated or not.

25 And I have carefully tried to conform my questions

1 of Mr. Johnson with what came to his notice and when it came  
2 to his notice and how it came to his notice and I believe that  
3 what he knew and when he knew it is important.

4 MR. HORIN: To the extent that we are into that  
5 realm, but I think we are at the point where it is becoming  
6 cumulative. I think Mr. Johnson has testified at least twice  
7 now what he was told, the reasons for Mr. Stiner's termination,  
8 who told him, and why they terminated him.

9 I think we have exhausted the source of information.

10 MR. JACKS: You and I have got a disagreement about  
11 that. As I understand, Judge Bloch's ruling from this morning  
12 unless you are accusing me of bad faith in asking these  
13 questions, I certainly don't think they are in bad faith.

14 MR. HORIN: I am not accusing you of that at all.  
15 I understand the Board Chairman's ruling to be that we would  
16 be acting professionally in attempt to resolve in among  
17 ourselves and if not we -- I'd like to state that I object  
18 to the continuation to the line of questioning.

19 If you continue to maintain your position, I will  
20 rest on my objection.

21 MR. JACKS: That's right. We have both gotten our  
22 views on the matter on the record and I don't intend to  
23 belabor this and I have tried to confine what I have asked  
24 him to things that came to his notice and will continue to  
25 do so.

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And I also think that I am getting pretty close to this line of questions with him so if you will excuse us lawyers, Mr. Johnson, while we do our job, I think we have done it, so let me get back to the question if I can remember it.

End 3

WILLIAMS BATES  
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(Reporter read the record  
as requested.)

BY MR. JACKS:

Q. Did Cowboy tell you about any of other occasion  
when Ms. Stiner had reportedly been seen somewhere where  
she wasn't supposed to be other than the doctor and the  
chicken fight that we've already discussed?

A. Not that I recall.

Q. Mr. Johnson, let me ask you about another  
incident involving Mr. Stiner, about which I understand  
there's been testimony in other proceedings heretofore  
and which I anticipate will be testified of that in this  
proceeding before the Atomic and Safety Licensing Board,  
and that is an occasion when according to Mr. Stiner,  
you were present when he says that he and some of his  
fellow welders were threatened by Mr. Calicutt and Mr.  
Lyfert and perhaps others of getting fired if they didn't  
finish on a particular day all the welding tasks on a  
particular job in the south yard tunnel. Do you  
understand the incident that I'm talking about before  
we get into discussing it in detail?

A. No, sir.

MR. McNEILL: Who testified about it on  
prior occasion?

MR. JACKS: Mr. Stiner.

1 MS. HORIN: Do you have a reference to the  
2 transcript?

3 MR. JACKS: No.

4 MS. HORIN: Is this the incident referred to  
5 in the summary of the allegation which Case transmitted  
6 to the parties?

7 MR. JACKS: Yes.

8 MS. HORIN: Is there evidence there regarding  
9 location of that?

10 MR. JACKS: I don't know whether it's in  
11 there or not in the little letters that you're talking  
12 about, but yes, I'm talking about the same occasion  
13 described in the letter.

14 BY MR. JACKS:

15 Q. All right. Let me relate it this way with  
16 you. Do you recall any occasion when you and Mr.  
17 Stiner are working in the same area, and Mr. Calicutt  
18 and Mr. Lyfert, however they did it, came along and  
19 didn't ask you to hurry up and get done with the  
20 welding jobs you were working on?

21 MS. HORIN: I would object to that as being  
22 beyond the scope of the specific allegation that was  
23 raised. I think we understand amongst ourselves what  
24 the allegation is, and I think we are limited to  
25 examination of that alleged incident.



1 MR. JACKS: You can answer now, sir.

2 THE WITNESS: There were times that Mr.  
3 Calicutt told me that there was things that need to  
4 be done by a certain period of time to meet our  
5 schedules, but never to do sub-quality work in any  
6 case whatsoever.

7 BY MR. JACKS:

8 Q. Was there ever a time Mr. Calicutt told  
9 you to get a job done by a certain time when there  
10 was really just no way you could do it without doing  
11 sub-quality work? Did that ever happen?

12 A. No, sir.

13 Q. Never?

14 A. No, sir.

15 Q. Was there ever a time when Mr. Calicutt or  
16 Mr. Lyfert or any other supervisor told you and your  
17 crew including Henry Stiner that if you didn't, that all  
18 the welds accomplished on a particular task that was  
19 before you within a certain period of time that your  
20 jobs were jeopardized in some way? And I'm not trying  
21 to say exact words, but where that was the thrust of  
22 his remarks; did that ever happen?

23 A. No, sir.

24 Q. Never?

25 A. Not to my knowledge.

1 Q. And not to Mr. Stiner?

2 A. No, sir.

3 Q. Is it true that in doing the welding jobs on  
4 these pipe hangers that your crews worked on, that there's  
5 a limit to how much you can do in a certain period of  
6 time and do everything according to procedures; is that  
7 true?

8 A. No, sir.

9 Q. There's just no limit to how fast you can  
10 get a job done and get it done in accordance with  
11 procedures?

12 A. Every individual is different. Every welder  
13 is different.

14 Q. Well, I understand that every welder is  
15 different. Are you saying you put some welders out  
16 there that are just so lickety-split fast there's no  
17 job out there they can't get done no matter how little  
18 time they're given to do it and still do it in  
19 accordance with procedures; is that right?

20 A. Rephrase it. Come at me one more time.

21 Q. All right.

22 MS. HORIN: I think perhaps the confusion is  
23 with the two questions awhile ago. I'm not sure whether  
24 I understood what that question was. Perhaps if you  
25 recall what the question was with respect to getting

1 the job done within a specified time, regardless of how  
2 much time was involved, Mr. Johnson could clarify for you.

3 BY MR. JACKS:

4 Q. Let me come back at it this way, Mr. Johnson,  
5 because I do want you to understand solely the questions  
6 that I am asking you. It's true, isn't it, sir, that  
7 there are limits to what a welder or a welding crew,  
8 no matter how good they are, can do in welding these  
9 pipe hangers within some certain period of time, there's  
10 a limit to what they can do, isn't there?

11 A. That's true by procedures.

12 Q. If you exceed that limit, you're going to  
13 get sub-quality work, aren't you?

14 A. If you exceed the procedures that's laid  
15 out before you, yes, sir.

16 Q. If you tell the men to do more than can  
17 be done in accordance with your procedure in a certain  
18 amount of time, they can't do it and still stick with  
19 the procedure, right?

20 A. That's true.

21 Q. If a supervisor were to tell a man to get  
22 a job done in a time period that just couldn't  
23 realistically be done and still do it in accordance  
24 with procedure, that supervisor would be out of line,  
25 wouldn't he?

1 MS. HORIN: I'll object. I think this is a  
2 line of questioning that's requiring Mr. Johnson to  
3 consider a hypothetical situation that we have not  
4 established or heard as related to Mr. Stiner's  
5 allegations.

6 MR. JACKS: I'm going to tell you there  
7 will be testimony that just such a thing occurred, but  
8 right now I want to know your understanding, sir, as a  
9 supervisor at that time, of Henry Stiner and others  
10 like him.

11 BY MR. JACKS:

12 Q. Isn't it true that if supervisory personnel  
13 instructed the welders to get a job done in a certain  
14 period of time when they just couldn't do it and stick  
15 with the procedure, that supervisor would be out of  
16 line, wouldn't he?

17 MR. McNEILL: My problem with that question  
18 is, Tommy, I don't know whether this man can testify  
19 about what a supervisor can do out there. And he's  
20 already testified to you that it's his understanding  
21 that you can only do so much welding per procedure.  
22 Now, you and I can assume and anyone else can assume  
23 what that means, but I don't think he's qualified to  
24 testify about that. That's my understanding of it.  
25 Unless you can show me that he is qualified to testify

1 about it, and you know you've gotten the facts, and  
2 I think we ought to go on.

3 MS. HORIN: I would add one point. I think  
4 it is saying that a supervisor might instruct a worker  
5 to perform something in a certain period of time that  
6 the assumption that that person is also to do it at  
7 a procedure and that there's really a two-pronged point  
8 being made there. And we're only dealing with one  
9 point. The other point has not been established.

10 BY MR. JACKS:

11 Q. All right. Sir, the lawyers sitting either  
12 side of you have made the statements that they think  
13 they need to make to protect their record. You may  
14 answer the question now.

15 MR. McNEILL: Can you answer the question?

16 THE WITNESS: If it's as I understand it --

17 MS. HORIN: If you don't understand it,  
18 ask for clarification.

19 THE WITNESS: Okay. If a supervisor knew  
20 that a procedure stated that he should work so fast  
21 and he instructed the craftsman to do it faster, then  
22 yes, he would be out of line.

23 BY MR. JACKS:

24 Q. Did anything like that ever happen in your  
25 experience at Comanche Peak?

1 A. Not to my knowledge.

2 Q. Did the welders who worked under you back  
3 when you were the Structural Iron Workers Superintendent,  
4 has any obligation to check their own work or the work  
5 of their coworkers as they go along to make sure that  
6 they're doing it in accordance with procedure?

7 A. They're supposed to check their work, yes,  
8 sir.

9 Q. Did they somehow put some type of a tag  
10 or an imprint or anything like that at the point of  
11 the weld on these pipe hangers to signify which welder  
12 did it?

13 A. Yes, sir.

14 Q. And they're not supposed to put that on  
15 there unless they genuinely believed they had done  
16 that work in accordance with correct procedures, is  
17 that true?

18 A. That's true.

19 Q. Is it possible for a welder whose checking  
20 one of his welds or welds of one of his buddies, and  
21 let's say signed that it is more porous, is there a  
22 way in which you can, instead of reworking that weld,  
23 just kind of cover it up some way so that it's more  
24 difficult for the inspector who comes along behind him  
25 to detect that defect in the weld?

1 MS. HORIN: I'd object to that question on  
2 the grounds that we have examined ad nauseum the question  
3 of welding procedures, the method by which welders may  
4 perform welds or attempt to cover welds in other  
5 aspects of the hearing. Had I known that that was  
6 to be a topic for discussion, I could have had  
7 references to the transcript. I object to it both as  
8 being already covered in their proceeding and therefore,  
9 being cumulative and I also object to it as being  
10 beyond the scope of the issues that we are to address  
11 here regarding Mr. Stiner's allegation.

12 MR. JACKS: I'll represent to you that I  
13 understand there will be testimony from Mr. Stiner in  
14 this proceeding involving just such incidents, and that  
15 they will be related to harassment and intimidation of  
16 him, and it is on that basis that I'm getting into this  
17 line of questioning.

18 MS. HORIN: My objection goes to the fact  
19 that Mr. Stiner has already testified regarding the  
20 means by which a welder, at least alleged means by  
21 which a welder would perform a weld or disguise defects  
22 in that weld, irrespective of harassment or relations  
23 to harassment or intimidation allegations, and is  
24 a technical vein in that the issue has been thoroughly  
25 covered in the record.

1 BY MR. JACKS:

2 Q. Okay. You may answer, sir.

3 A. First off, welders weren't generally inspecting  
4 other welders welds unless they went to sell off a  
5 hanger. At this time, if they see a hanger that had  
6 porosity in it or corrects or whatever might be, the  
7 supervisor is supposed to be notified of what was wrong  
8 with the weld and it's supposed to be taken care of  
9 procedurally and not in any other way. In other words,  
10 you're not supposed to go there and undercut and start  
11 welding; it's supposed to be done by procedures.

12 Q. The kind of cover-up I mentioned would not  
13 be in accordance with procedure, is that true?

14 A. If a welder did what you said, that would  
15 not be in accordance.

16 Q. If the welder were told by some superior to  
17 perform such cover-up work at the risk of the loss of  
18 his job or some other sanction, if he didn't, that  
19 wouldn't be in accordance with procedure either, would  
20 it?

21 A. No.

22 Q. Has it ever come to your notice that such  
23 events have taken place at Comanche Peak, Mr. Johnson?

24 A. No, sir.

25 Q. Not ever?



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A. No, sir.

MR. McNEILL: So the record is clear what you're saying is that his statement is correct, that it's never been brought to your attention?

THE WITNESS: That's true.

MR. McNEILL: Okay.

5pbl

1 Q Did Mr. Stiner, or any of the other welders for  
2 that matter, ever say to you that they had been coerced into  
3 performing subquality work by any of their superiors?

4 A No, sir.

5 Q I trust that because he did not work under your  
6 supervision when he came to work at Comanche Peak for the  
7 second time that Mr. Stiner -- that you were not involved at  
8 all in his departure from Comanche Peak the second time; is  
9 that true?

10 A That's true.

11 Q I want to ask you just a couple of questions about  
12 a recent incident involving a man named Eddie Niedecken. Do  
13 you know the instance of which I speak?

14 A Eddie Eidecken?

15 Q Is that how you say it?

16 A Yes, sir.

17 Q Niedecken?

18 A Eidecken.

19 Q All right.

20 A How do you spell it?

21 Q Well, I had understood it was spelled Niedecken.  
22 Is that right, do you think, Mr. Johnson?

23 A Not to my knowledge. They called him Eddie Eidecken.

24 Q All right. How do you think it's spelled?

25 A I don't have no idea.

5pb2

1 Q All right. How about we just call him Eddie?

2 A That's fine.

3 Q All right. I'm referring to an incident that as  
4 I understand it originated in a conversation that you had  
5 with Eddie back on about the 7th of June of this year, 1984.  
6 Does that sound about right to you?

7 A Close.

8 Q All right. Would you tell me in your words what  
9 happened on that occasion?

10 A In my words what happened on that occasion was,  
11 elevation 808, reactor number 1 we had an area that we had  
12 20-some, or 20 hangers that was prepped and ready to put  
13 primer application on. About 10 or 15 foot from there was  
14 a foreman named Danny Ackert which had a freeze coat application  
15 crew. Eddie Eidecken was doing the inspection for him at the  
16 time when we had the 20 hangers ready to go.

17 I asked Eddie Eidecken and the others could we  
18 get those done, and he said he would do a freeze coat  
19 application. Well anyway, he went on up top looking for the  
20 lead inspector and that's when I seen Eddie Eidecken up there  
21 and asked him what he was doing at that time, and he said  
22 nothing. I asked him would he do some primer coat application  
23 inspection for me and he said that he was doing freeze coat  
24 applications instead.

25 And I said, are you telling me that you won't do

5pb3

1 the inspections on the primer coat, and he said that's right.  
2 So I left from there, went back down to 808 looking for the  
3 lead inspector. At the time I got back to the area where  
4 Danny Ackert was at, Eddie Eidecken was back there again, and  
5 I talked to Danny Ackert and asked him did he have all of his  
6 finish coat applicators or painters working or busy putting  
7 on finish coat clean. He said not at that time. I think he  
8 said he had one left that he didn't have him busy.

9 So I asked him at that time to get that painter  
10 and get him busy doing something else, and that I needed  
11 Eddie if he would inspect the 20 hangers I had ready for  
12 primer coat application. At about that time his lead come  
13 up, which was Jimmy Uehlein and told Jim Uehlein what I was  
14 needing, and Jim Uehlein told the guy to let's go to do  
15 inspection, then he got mad and started raising the devil and  
16 cursing and so forth and so on.

17 Well, it was out of my ballpark then, so I just  
18 went on. Danny Ackert come on by, we were standing there  
19 working on the 20 hangers and Bob Murray was in the area and  
20 he seen Eddie Eidecken cussing and raising the devil and he  
21 called him over to the side and had a chat with him. And what  
22 he said to him I have no idea, but the next morning I realized  
23 -- or found out that I had been written up for intimidation  
24 of a QC inspector.

25 Q Did you hear any conversation between Mr. Murray

5pb4

1 and Eddie?

2 A No, sir.

3 Q Except where you've asked me to go back and take  
4 another run at a question, do you think you've otherwise  
5 understood the questions that I've asked you?

6 A Yes, sir.

7 Q Where you did ask me to go back and take another  
8 run at it, did I keep doing that until I came out with a  
9 question that you thought was a fair and understandable  
10 question?

11 A Yes, sir.

12 Q Have I treated you in a courteous and professional  
13 way here this afternoon?

14 A Yes, sir.

15 Q I don't have any other questions right now. Thank  
16 you, sir.

17 MR. MC NEILL: Let's go off the record just for  
18 a second.

19 (Discussion off the record.)

20 EXAMINATION

21 BY MR. WOLF:

22 Q Mr. Johnson, my name is James Wolf. I'm a lawyer  
23 for the NRC Staff and I have very little in the way of  
24 questions so I'll be very, very quick.

25 I want to go back to the chicken fight. And as I

5pb5

1 understood you to say at one point Cowboy said that Stiner  
2 called in sick, but that Cowboy reported to you that Stiner  
3 had been seen at the chicken fight. At that time, I understood  
4 your testimony to be that you told Cowboy to go ahead and  
5 terminate Stiner if Cowboy was convinced that Stiner was lying.

6 Is that a correct recollection of what you've  
7 testified to?

8 A I did' make that sort of statement. If Cowboy was  
9 satisfied in his own mind that Henry was not hurt and that  
10 he'd been lied to about the whole situation he'd be terminated,  
11 yes, sir.

12 Q Then in another point, I thought you indicated  
13 that the reason that he was terminated was because of the  
14 unauthorized absences and coming in late and leaving early.  
15 And that that was the reason that he was terminated. Was  
16 that --

17 A That was the reason why he was terminated, was  
18 because he was absent, coming in late, leaving early.  
19 If the man had been hurt in an accident and not seen out  
20 other places, he wouldn't been terminated that day, he  
21 would have been talked to again to come in and see what  
22 was going on.

23 We don't have a habit of terminating people  
24 because they get in accidents, or whatever.

25 Q So it was at least in part the fact that he was,

1 at least in Cowboy's judgment, not telling the truth, it  
2 was also one of the considerations for his termination?

3 A That's right.

4 Q Not merely the fact that he had been out for good  
5 cause.

6 A That's right.

7 MR. HORIN: I don't know that he said he had  
8 been out for good cause.

9 MR. WOLF: All right, let me restate it in more  
10 precise words that are, I think, closer to what you did say.

11 BY MR. WOLF:

12 Q It was not only that he had been late, left  
13 there early, and had been absent without authorization; is  
14 that correct? Have I got myself and you more and more  
15 confused?

16 A That's the way it's getting.

17 Q Mr. Stiner had been absent for, on a number of  
18 occasions, without authorization; is that correct?

19 A That's true.

20 Q And he had come in late on several occasions  
21 without authorization, and then he left early several times  
22 without authorization; is that correct?

23 A I didn't say he left early without authorization.  
24 He left early with the approval of the supervisor.

25 Q With the approval of the supervisor.

1                   Was it your judgment that the cumulative effect  
2 of his absences and leaving early and coming in late was  
3 not satisfactory to the point of view of completing the  
4 program, getting his work done, meeting the requirements of  
5 his job?

6                   A     That's true.

7                   Q     And was it your judgment that a person who had  
8 been absent that frequently, under those circumstances,  
9 should be terminated from the position -- from the position  
10 that he had?

11                  A     Yes, sir.

12                  Q     And if Cowboy, in talking with Stiner, had  
13 received information that in Cowboy's mind would have  
14 satisfactorily explained the apparent discrepancies, that  
15 is to say why he thought he was at the chicken fight  
16 when he reportedly was at the doctor's -- was Cowboy  
17 authorized nevertheless to terminate him in that case  
18 if he got a good explanation? Would he have been authorized  
19 to terminate him?

20                  A     Would Cowboy have been authorized to terminate  
21 him --

22                  Q     Right.

23                  A     -- if what?

24                  Q     If Stiner had come up with a good explanation.

25                  A     Cowboy would still have been authorized to



1 terminate him.

2 Q And would he have been -- let's go to something  
3 else. Eddie Niedecken. I was unfamiliar with that  
4 incident, and so I had difficulty in following it, what  
5 was involved, so I'm going to ask you to help me out.

6 I understood you to say that you had some  
7 hangers on which you wanted to have inspection done that  
8 was necessary before primer coat application; is that  
9 correct?

10 A That's true.

11 Q And you requested Eddie Niedecken to see to the  
12 inspection at the --

13 A I asked Eddie Eidecken if he would inspect.

14 Q And his response was --

15 A No.

16 Q And what did you tell him after he said no, he  
17 wouldn't?

18 A My response was then to look up Jimmy Uehlein,  
19 which was his lead, or any lead that I could find.

20 Q Your response was for you to look for Jimmy  
21 Uehlein?

22 A His response was nothing. My response was I  
23 just looked up the lead.

24 Q What did Eddie say?

25 A Eddie told me no, he wouldn't inspect for primer

1 coat applications that day, he was doing freeze coat  
2 application inspections, and that's all he said right then.

3 Q And what did you do then?

4 A And I went back down to 808 elevation trying to  
5 find a lead inspector.

6 Q And did you find a lead inspector?

7 A After I run back up on Eddie Eidecken and  
8 Danny Ackert.

9 Q I'm sorry, what?

10 A After I ran back up on Danny Ackert and Eddie  
11 Eidecken.

12 Q What do you mean, after you ran back?

13 A I went -- I left Eddie Eidecken up on 832  
14 platform, okay?

15 Q All right.

16 A Bis office.

17 Q Yes.

18 A Went down into the hole, made the rounds through  
19 the building looking --

20 Q Looking for a lead inspector?

21 A -- looking for a lead inspector. When I come  
22 back over where Danny Ackert was at --

23 Q Danny who?

24 A Danny Ackert.

25 Q Who is Danny Ackert?

1           A     He's the plant foreman. And Eddie Eidecken  
2 was back there with him.

3           Q     Did you ever find a lead inspector?

4           A     No, sir. The lead inspector found us. I was  
5 talking with Danny Ackert about his crew, how many people  
6 he had not busy, and --

7           Q     Danny Ackert is an inspector or --

8           A     Danny Ackert is the plant foreman.

9           Q     He's the plant foreman.

10          A     And that's when Jim Uehlein come up to where we  
11 were at.

12          Q     And Jim Uehlein was who?

13          A     He's the lead inspector.

14          Q     And he came without your contacting him, he just  
15 happened to come by?

16          A     Well, he was over that area and over the  
17 inspectors in that area.

18          Q     And how did you happen to see him? Did he just  
19 happen to come by?

20          A     He come up to where we were at.

21          Q     Looking for you, or he just happened to come by?

22          A     He was taking care of his business.

23          Q     And what did you say to him?

24          A     I told him what I needed done as far as getting  
25 20 hangers inspected for primer coat application.

1 Q Do you remember, was this a long conversation?

2 A It was a short conversation.

3 Q Can you recall pretty close exactly what he  
4 said and what you said to him?

5 A I said that Danny Ackert had one foreman, one  
6 man that was not busy painting, and that I had 20 hangers  
7 over there right next to them that was ready for primer  
8 application, and that if I didn't soon get the inspection  
9 done, I was going to lose them, meaning that they would  
10 bloom and I'd have to clean them all over again and lose  
11 all that manpower, and that I would like to move Eddie  
12 Eidecken over to that area, if it was all right with Jim  
13 Uehlein, to get those inspected so I could get it done,  
14 and that's when Eddie and Jim Uehlein started having their  
15 conversation.

16 Q You didn't get any response to your question at  
17 the time?

18 A Jim Uehlein said they would inspect it, yes, sir.  
19 And that's when Eddie Eidecken got hot and said he wouldn't  
20 be moved back and forth and so forth and so on.

21 Q And did you leave the area at that time?

22 A I moved on over to where the other hangers were.

23 MR. WOLF: I have no further questions.

24 MR. HORIN: Can we take just a few minutes and  
25 check our notes?

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MR. JACKS: Sure.

(Recess.)

end 5

MEMORANDUM  
FOR THE RECORD  
DATE: 11/15/54  
SUBJECT: ...

AR  
/bm  
6-1

## EXAMINATION

BY MR. HORIN:

1  
2  
3 Q Mr. Johnson, there are just a few wrapup  
4 questions I'd like to ask. The first has to do with the  
5 policy and practice regarding any of your workers  
6 welding out of -- or performing their tasks outside of  
7 specifications. What has been your understanding, and  
8 what has been your practice with respect to that situation?

9 A If a welder was caught intentionally violating  
10 procedures, he would be terminated. If one was caught  
11 violating procedures, and it was not intentionally, he  
12 just didn't know no better, at that time he would be  
13 taken, counseled, and they would put him back to work.

14 Q Mr. Johnson, at any time during your employ-  
15 ment at Comanche Peak, has anyone ever threatened you  
16 or one of the workers working underneath you with  
17 termination if you did not finish a task within a certain  
18 period of time?

19 A No, sir.

20 Q With respect to Mr. Stiner's first termination,  
21 just to clarify the record, is it your testimony that the  
22 absences which Mr. Stiner had incurred during the time  
23 leading up to his ultimate termination were such that his  
24 termination would have been warranted, regardless of the  
25 precipitating event of that last absence?

1           A       That's true.

2           Q       And, therefore, there is no reason or  
3 information that has come to your attention, either  
4 before or since that event, that would make you change  
5 your mind as to the appropriateness of terminating Mr.  
6 Stiner?

7           A       That is true.

8           Q       Now, with respect to the Eddie Edecken  
9 situation, what occurred after Mr. Edecken had submitted  
10 his letter? Was any action taken by your superiors with  
11 respect to that?

12          A       Yes, sir.

13          Q       What was that action?

14          A       Well, I got a phone call the next morning from  
15 Mr. Franklin, the project manager. I went to his office,  
16 and he asked me at the time was I aware that we weren't  
17 supposed to intimidate QC personnel, and I told him,  
18 "Yes, sir." We went over what had happened, and then we  
19 also went over the QC procedures and how we were  
20 supposed to relate our business.

21          Q       Was this discussion in the way of reemphasizing  
22 the practice that had already been in place?

23          A       Yes, sir.

24          Q       What was that policy with respect to dealing  
25 between QC individuals and your people?

1           A       That if possible, we would at no time tell  
2           QC where to go, what to inspect, that we would at that  
3           time find QC leads and tell them what we needed; and they  
4           would in turn put the QC inspectors where we needed  
5           them at.

6                   MR. HORIN: That's all the questions I have.

7                               FURTHER EXAMINATION

8                   BY MR. JACKS:

9           Q       Whose office did you say you went into to  
10          discuss this episode with Eddie? I'm sorry, I just didn't  
11          hear it.

12          A       Mr. Franklin.

13          Q       All right. Let me show you a document -- and  
14          I'll get it marked in just a second -- but let me ask you  
15          first if you'll read it, and then I'll ask you a couple  
16          of questions about.

17          A       (Witness reading document.)

18          Q       Have you had a chance to read the document?

19          A       Yes, sir.

20                   MR. JACKS: Let me get it marked so we'll  
21          have a number to refer to.

22                               (The document referred to was  
23                               marked for identification as  
24                               Exhibit No. 2.)

25          /



1 BY MR. JACKS:

2 Q The document I had you read has been marked  
3 as Exhibit 2 to your deposition; is that right, Mr.  
4 Johnson?

5 A True.

6 Q It's called "Interview with Ronnie Johnson."

7 A True.

8 Q Did somebody interview you at about 11:15 in  
9 the morning on the 7th of June of 1984 about this deal  
10 with Eddie?

11 A Mr. Franklin talked with him. Exactly what  
12 time I don't recall that.

13 Q Is he the only person who interviewed you  
14 about that incident?

15 A I talked with Curly Krisher about it.

16 Q Was that in an interview setting, or was  
17 that an informal discussion?

18 A That was an informal hearing -- talking,  
19 discussion.

20 Q That wasn't in Curly's office, I take it?

21 A I think it was.

22 Q Was it in Curley's office?

23 A Uh-huh, but at that time -- It was not at  
24 that time; it was not that day.

25 Q Do you think -- It was not that day.

1 Do you think Exhibit 2 pertains to your  
2 interview that you had with Mr. Franklin?

3 A It pertains to it, yes.

4 Q All right. Exhibit 2 looks like an effort  
5 to summarize what you had to say about the matter. Is  
6 that what it looks like to you?

7 A True.

8 Q Does it appear to you that Exhibit 2 records  
9 faithfully what you had to say about this incident with  
10 Eddie?

11 A Basically, yes, sir.

12 Q Do you believe it to be a fair and complete  
13 report of what you said when you went into Mr. Franklin's  
14 office on the 7th of June at 11:15 or whenever it was that  
15 day?

16 MR. HORIN: Why don't you review it again?  
17 This is the first time that you've seen this document.

18 THE WITNESS: That's true.

19 (Witness reads document.)

20 BY MR. JACKS:

21 Q My question again, Mr. Johnson -- Have you had  
22 a chance to read it again for the second time?

23 A Yes.

24 Q My question was simply: Does Exhibit 2  
25 fairly and completely state what you told Mr. Franklin

1 about the incident between you and Eddie?

2 A Yes, sir.

3 MR. JACKS: I don't have any other questions.  
4 Thank you for your time, sir.

5 FURTHER EXAMINATION

6 BY MR. HORIN:

7 Q Mr. Johnson, did you write that document?

8 A No, sir.

9 Q And what you have stated here previously,  
10 aside from that document, is your best recollection of  
11 the events in your own words?

12 A That's true.

13 MR. HORIN: I have no further questions.

14 MR. McNEAL: As far as the original transcript  
15 of this deposition is concerned, as the attorney for Mr.  
16 Johnson, please provide me with the original copy of the  
17 transcript; and I will give it to Mr. Johnson to allow  
18 him an opportunity to read and sign the deposition, as  
19 stated in the opening statement given by the TUGCO lawyer.

20 If the original transcript is not returned  
21 to the Board within seven days, then a copy can be  
22 used.

23 (Whereupon, at 7:40 p.m., the taking of the  
24 deposition was concluded.)

25

---

JOHN RONALD JOHNSON

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 JOHN R. JOHNSON

6 Date of Proceeding: 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 Ann Riley

Official Reporter - Typed

12  
13 

14 Official Reporter - Signature

Brown & Root, Inc.

JOHN RONALD JOHNSON  
Structural Ironworker Superintendent

SUMMARY OF EXPERIENCE:

Have a total of 17 years construction experience, ranging from building houses for a private contractor to heavy construction with Brown & Root. Have been serving in a supervisory capacity for the last 13 years. Current responsibilities include work load and material coordination to construction schedule, monitoring of quality, quantity, tolerance, and safety of all work.

PROJECT TYPES:

Nuclear Power Plants

ACTIVITIES:

Supervision  
Inspection  
Coordination  
Scheduling

PERSONAL DATA:

Born April 16, 1949, Columbus Co.,  
North Carolina  
Married, 3 Children

TECHNICAL TRAINING:

Brown & Root, Inc., Glen Rose, Texas  
OSHA Supervisory Training, 1977  
Construction Supervision, 1979  
Fred Pryor Seminar, Inc.,  
Supervisors Management Training,  
1979

EMPLOYMENT HISTORY

Brown & Root, Inc.	13 Years
Johnson Construction Co.	4 Years

DETAILED PROFESSIONAL EXPERIENCE:

Brown & Root, Inc. - Since 1970

Craft Superintendent of Reactor #1 T.F.G. - 4 months

Provide supervision of construction activities for all crafts. Specific duties include supervision, scheduling, observation and inspection of work in progress, and insuring that construction meets specification requirements. Coordination with QA/QC. To meet all job requirements in construction and materials.

Texas Utilities Services, Inc.; Glen Rose, Texas -  
Comanche Peak Steam Electric Station

*John R. Johnson*  
Dm. 42  
7-9-81  
SOCIAL SECURITY NO: 243-88-4202

February 8, 1984



JOHN RONALD JOHNSON

Structural Ironworker Superintendent - 3 yr. 9 months.

Provide overall supervision for installation of pipehangers in assigned work areas. Specific duties include supervision, scheduling, observation and inspection of work in progress, and insuring that construction meets specification requirements. Coordination with QA/QC to meet all job requirements in construction and materials. Help in coordinating personnel to meet construction schedule.

Texas Utilities Services, Inc., Glen Rose, Texas -  
Comanche Peak Steam Electric Station

Civil Superintendent - Nights - 16 Months

Provide overall supervision for specific crafts (Paint, Concrete, Rebar, Carpenters, and Laborers) within assigned phase of nuclear power plant construction.

Texas Utilities Services, Inc.; Glen Rose, Texas -  
Comanche Peak Steam Electric Station

Assistant Building Superintendent - 6 Months

Assist Building Superintendent in performance of his duties.

Texas Utilities Services, Inc.; Glen Rose, Texas -  
Comanche Peak Steam Electric Station

General Foreman - 22 Months

Assigned overall craft construction for Turbine Building, Control Building, and Fuel Building.

Texas Utilities Services, Inc.; Glen Rose, Texas -  
Comanche Peak Steam Electric Station

Foreman - 8 Months

Responsible for crew of 15 craftsmen in placement of forms, embeds, pipe sleeves, and concrete as dictated by the General Foreman.

Texas Utilities Services, Inc.; Glen Rose, Texas -  
Comanche Peak Steam Electric Station - Two 1150 MW pressurized water nuclear reactors.



JOHN RONALD JOHNSON

Project Labor General Foreman - 5 Years

Began work as a carpenter and through off duty study and work application was promoted to Foreman, and then during the last 2½ years was assigned as General Foreman over labor, scaffolding, and rigging.

Carolina Power & Light Co.; Southport, North Carolina -  
Brunswick Nuclear Steam Electric Station

Johnson Construction Company - 1967 - 1970

General Contractor - Self employed with father.

