

ORIGINAL

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the matter of:

TEXAS UTILITIES ELECTRIC
COMPANY, et al

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

Docket No. 50-445
50-446

Deposition of: Ronald D. Tolson

Location: Glen Rose, Texas

Pages: 40,500-10,669

Date: Tuesday, July 10, 1984

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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) :
 -----x

Glen Rose Motor Inn
Glen Rose, Texas

July 10, 1984

Deposition of: RONALD D. TOLSON
 called by examination by counsel for Intervenor
 taken before Suzanne Young Court Reporter,
 beginning at 10:30 a.m., pursuant to agreement.

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1 APPEARANCES:

SY/mml

2 ON BEHALF OF THE APPLICANT:

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MILLERS FALLS
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ATTORNEYS

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| <u>WITNESS</u> | <u>EXAMINATION</u> | <u>PAGE</u> |
|------------------|--------------------|-------------|
| RONALD D. TOLSON | By Mr. Roisman | 40,503 |
| | By Mr. Mizuno | 40,640 |

E X H I B I T S

| <u>Exhibit No.</u> | <u>IDENTIFIED</u> | <u>WITHDRAWN</u> |
|--------------------|-------------------|------------------|
| 45-1 | 40,522 | 40,525 |
| 45-1 | 40,594 | |
| 45-2 | 40,595 | |

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P R O C E E D I N G S

1
2 Whereupon,

3 RONALD D. TOLSON

4 was called as a witness and, having been previously duly
5 sworn, was examined and testified further as follows.

6 MR. ROISMAN: We are on the record.

7 For the record, I think the parties should introduce
8 themselves. My name is Anthony Roisman and I am the attorney
9 for CASE in this deposition.

10 MR. DOWNEY: I am Bruce Downey. I am counsel for
11 Texas Utilities Generating Company, and other associated firms,
12 Applicants in this proceeding.

13 MR. MIZUNO: My name is Geary S. Mizuno. I am
14 counsel for the Nuclear Regulatory Commission Staff.

15 MR. ROISMAN: I believe Mr. Tolson is previously
16 sworn and that he is still under oath and therefore can
17 testify accordingly.

18 MR. DOWNEY: That is correct.

19 EXAMINATION

20 BY MR. ROISMAN:

21 Q Mr. Tolson, would you please indicate what your
22 current position is with the Applicants in this proceeding?

23 A I am employed as the project manager with the
24 responsibility for QA related issues associated with the ASLB
25 hearings.

1 Q And what are your responsibilities in this current
2 position?

3 A To research and respond to open issues on QA related
4 matters for the ASLB hearings.

5 Q Does that mean that you do not have a function that
6 is directed at the plant itself? In other words, if a problem
7 arises at the plant that relates to QA matters but is not an
8 open item that is received, is that then a problem that is
9 not within your current responsibilities?

10 A That is correct.

11 Q And that would be whose responsibility?

12 A The current site QA manager is Mr. Tony Vega.

13 Q And can you tell me, what was your position
14 immediately before you had your current position?

15 A I was construction QA supervisor for Texas Utilities
16 at Comanche Peak.

17 Q And what were your duties in that position?

18 A I was responsible for the quality assurance - quality
19 control activities in the construction phase of the Comanche
20 Peak Steam Nuclear Station.

21 Q And to whom did you report?

22 A Mr. David Chapman.

23 Q Is that the position which is currently held by
24 Mr. Vega?

25 A That is correct.

1 Q Have you had an opportunity to discuss with
2 Mr. Vega the matters that he and I discussed yesterday?

3 A I have not.

4 Q Have you had an opportunity to discuss with
5 Mr. Chapman the matters that he discussed in his deposition
6 yesterday?

7 A I have not.

8 Q Have you spoken with any attorneys or other persons
9 who have given you any information regarding the substance of
10 either of those depositions yesterday?

11 A I don't think so.

12 Q In your position as construction QA supervisor, did
13 your job have some specifically defined criteria about which
14 your performance would be judge while you were carrying out
15 the job?

16 A Yes, sir.

17 Q Can you tell me what those were?

18 Well, first, were they written down somewhere or were
19 they communicated to you orally?

20 A They were in writing.

21 Q And can you tell me what they were?

22 A Not in detail. The basic job functions are set forth
23 very clearly in the Comanche Peak QA Plan, which has been
24 introduced into the hearings.

25 Q For the record, that is Applicants' Exhibit 43A.

1 Did your specific job criteria include particular
2 goals of performance that you would be measured against at
3 the end of whatever your rating periods were?

4 A Accountabilities.

5 Q And what were those accountabilities?

6 A Essentially what is set forth in the Quality
7 Assurance Plan that we previously talked about.

8 Q And there was nothing that was more significant
9 or more specific than that, like have "x" number of inspec-
10 tions been conducted over the course of a period of time?

11 A No, sir.

12 Q Or "always have enough inspectors for the number
13 of job site inspections required"?

14 A I don't recall anything that specific. There may
15 have been some general statements that would address that
16 type of subject, but nothing from a head count standpoint.

17 Q Just so that I am clear, your testimony is that
18 to get a sense of what the criteria were that your job
19 required you to meet, which you call the accountabilities,
20 the place you really see those is in the QA Plan itself?

21 A The basic functions are there, yes.

22 Q When did you have your last rating of your
23 performance in meeting those criteria prior to the time that
24 you took your new position?

25 A It is done annually. The last time was in January.

1 MR. DOWNEY: May I interrupt for a moment?

2 (Discussion off the record.)

3 MR. MIZUNO: Mr. Tolson, your last performance
4 review was January of 1984?

5 THE WITNESS: That is correct.

6 BY MR. ROISMAN:

7 Q Mr. Tolson, these reviews, are they lengthy, written
8 documents that contain a review of your work or do you get an
9 oral review? How are you given your evaluation?

10 A Orally.

11 Q And to the best of your knowledge, there is no
12 written record that is put into your personnel file or
13 otherwise reported?

14 A I have no direct knowledge of anything in the recent
15 past in that file.

16 Q When you received your last performance rating,
17 which were the things that were identified that you had done
18 exceptionally well in the opinion of the person evaluating
19 your work?

20 A The last rating was relatively brief. It was a
21 statement of the oral evaluation by Mr. Chapman.

22 Q At the time that you received that rating, had you
23 already known that you would be moving to a new position?

24 A I had requested it.

25 Q Did Mr. Chapman's evaluation of you find or did he

1 indicate to you any parts of the work that you were doing that
2 he was dissatisfied?

3 A No, sir.

4 Q Any parts that were less than you would have liked?

5 A No, sir.

6 Q Do you have as part of the management program at
7 Comanche Peak self-evaluation?

8 A No.

9 Q When did you request the job change?

10 A In '83, the latter part of '83.

11 Q And what did you request at that time?

12 A To be transferred into construction.

13 Q At the site?

14 A Construction, no specific location.

15 Q And why did you request that?

16 A I had spent almost seven years in the QA job at
17 Comanche Peak, separated from my family for that length of
18 time. My youngest daughter was due to graduate from high
19 school and she at that time was expecting to attend Kilroy
20 University. I have always been fond of East Texas as a place
21 to reside and wanted to be in a position to make a move to
22 construction operations in East Texas in the event that she
23 followed through with her plans to go to Kilroy.

24 As it turns out, she changed her mind. She is now
25 going to Charleston State University, 35 miles down the road
in Steventville.

(Laughter.)

End 1.

sy21b1

1 Q I take it that if you had gotten your wish and
2 been transferred into construction, and it had been at this
3 site, that would not have met with your wish, if it had
4 turned out that your daughter had gone to East Texas?

5 A It may have presented a complication. As it
6 turns out, now.

7 Q What would you describe as the time that you went
8 to -- was it to Mr. Chapman that you first went and
9 requested a transfer?

10 A Yes.

11 Q What would you describe, at that time, as the
12 biggest problems that you saw, that you were presented with
13 being able to carry out your job responsibilities?

14 A Probably attempting to devote full time to the
15 management task at Comanche Peak, and also full time as a
16 preparer and witness with the ASLB hearings.

17 Q How do you feel that your job responsibilities
18 suffered, as a result of that dual responsibility?

19 A I guess I don't understand your question.

20 Q Well, you say that the biggest problem you had
21 was that you were suddenly faced, or gradually began to be
22 faced, with the necessity of doing your full time job, which
23 was construction QA supervisor and also preparing for
24 participating in the Comanche Peak licensing hearing process.
25 So my question to you is how did that impact on your ability

1 to do your job?

2 MR. DOWNEY: Objection, I don't believe he
3 testified that it impacted on his ability to do his job.
4 The question is what was the biggest problem. It doesn't
5 suggest that the problem --

6 MR. ROISMAN: Well, he can answer. You can say
7 it didn't at all. I will rephrase the question so we don't
8 worry with the objection.

9 BY MR. ROISMAN:

10 Q Did it impact on your ability to do your job?

11 A I'm sure it did.

12 Q Okay. How do you feel that it was most likely
13 to have impacted? Where would you expect that it would give
14 you the most difficulty?

15 A Primarily from a personal standpoint. Whatever
16 work that I had to accomplish personally, at Comanche Peak.
17 When I was sitting on the witness stand in Fort Worth, it
18 would obviously have to be accomplished on Saturdays and
19 Sundays, which the forced separation from my family. This
20 kind of complicates my personal life.

21 Q Prior to the start of these hearings, it was
22 not common practice for you to have to work weekends at the
23 plant?

24 A Not at all.

25 Q Do you feel that -- well, let me stand back a

sy21b3

1 second. How long did that situation persist before you
2 finally were able to get transferred from that?

3 A About late '83 until February of '84, March of '84.

4 Q When you say late '83, are you talking about
5 November and after?

6 A In that approximate time frame.

7 Q What do you think the impact of this was on your
8 interpersonal relations, with the people that you had to
9 deal with at the site?

10 A I would say minimal.

11 (Pause.)

12 Q Mr. Tolson, in 1979, there was a review entitled
13 the TUGCO QA Management Review Board Review, which was
14 undertaken at the plant site. Are you familiar with that?

15 A Yes, I am.

16 Q Can you tell me what role did you play, with
17 respect to that review?

18 A I had no role to play, with respect to the review.

19 Q What about with respect to the decision to have
20 such a review?

21 A I participated with Mr. Chapman in that decision.

22 Q Can you tell me why was such a review undertaken?

23 A I was receiving indications from the people who
24 reported to me that, to put it bluntly, there was some unrest
25 among the people. As I recall, NRC had gotten some

sy21b4

1 indications of what they chose to call a morale problem, or
2 a potential morale problem. And one way to attempt to come
3 to grips with factual information is to have a group of
4 people that are not part of the line supervisory chain sit
5 and calmly extract, from the minds of the individuals,
6 information that will permit you to attempt to come to grips
7 with the problem and its solution.

8 Q Did you, at the time that you and Mr. Chapman
9 discussed a major decision about having the review board, did
10 you have any specific incidents that you were made aware of,
11 that would have caused you to feel that having such a review
12 was warranted?

13 A The only thing that comes to mind, Mr. Roisman,
14 is some personal observations. Perhaps higher than what I
15 would consider to be normal attrition rate of key individuals
16 that I felt were required to successfully accomplish the
17 assignment that I had.

18 Q Which individuals, who were reporting to you were
19 the source of the concerns about unrest at the plant site.
20 In other words, who communicated that to you, other than the
21 NRC?

22 A Basically, three people, David Deviney --

23 Q Could you spell it, please?

24 A D-E-V-I-N-E-Y.

25 Q Okay.

sy21b5

1 A Ron Fleck, Jim Hawkins, and the fourth one I
2 just thought of, Jim Ainsworth, A-I-N-S-W-O-R-T-H.

3 Q And where did these people fit in the chart
4 of people on the site? For instance, for whom were they
5 working in the site program?

6 A You mean which company?

7 Q No, well, I guess which company and were they
8 directly reporting to you or were they several levels down
9 below that?

10 A They directly reported to me.

11 Q And what were their positions?

12 A It goes back too many years.

13 Q All we are asking is whatever is your best
14 recollection. And if you're speculating, don't do it. Just
15 tell me what you can remember.

16 A Mr. Hawkins probably carried the title that we
17 have labeled Product Assurance Supervisor. Mr. Fleck was
18 Civil Inspection Supervisor. Mr. Deviney, who was a TUGCO
19 employee, worked directly with Mr. Hawkins. And Mr.
20 Ainsworth was Quality Engineering Supervisor.

21 Q At that time, had you not had any reports from
22 so-called line employees? That is, particular people who
23 work in the QC/QA work itself, below these supervisory
24 level people, who would come to you with any of these problems?

25 A I don't recall it.

sy21b6

1 Q Now what role did you play in the process of
2 deciding to have the Management Review Board put together,
3 vis-a-vis Mr. Chapman? Was it a joint decision? Was it your
4 recommendation to him and his final decision? How did that
5 happen?

6 A I have to speculate a little bit, but what I
7 seem to recall having happened is that possible Mr. Vega,
8 Mr. Boren, and myself -- maybe with or without Mr. Chapman --
9 were talking about ways to attempt to come to grips. Mr.
10 Boren suggested the idea of an interview process. The
11 three of us liked that idea and recommended the program to
12 Mr. Chapman.

13 Q You said you had to speculate some. I just want
14 to make sure, so that we are clear what part you are
15 speculating about. Are you pretty clear that it was you
16 and Mr. Boren and Mr. Vega who met and then made the
17 recommendation to Mr. Chapman?

18 A I won't say met. I know that Boren and I
19 discussed it and I believe that Mr. Vega was involved, but
20 I can't recall.

21 Q Who designed the interview process? Who decided
22 what the questionnaire would look like and how the questions
23 would be asked, and who would do the asking, and the
24 decision to use coded interview forms, and so forth? Where
25 was that decision made?

sy21b7

1 A I'm not certain. The team leader was Mr. Boren
2 and I would presume that those details were worked out by him.

3 Q And were you not part of that process at all?

4 A That's correct.

5 Q Was that by design? Was it intended that you not
6 be part of that process?

7 A That's correct?

8 Q Were you advised of how they were going to go
9 about doing the review before they actually implemented it?

10 A I believe so.

11 Q And did you have any comments to make to them
12 about what they were proposing to do?

13 A Not that I recall.

14 Q Did you feel that, when you heard what they were
15 going to do, that it was the right way to do it?

16 A Yes, I did.

17 Q In your judgment, knowing what you knew about the
18 possible problem, why do you feel that doing the key system
19 for the interviews -- that is, that the names of the
20 individuals interviewed would not be disclosed -- why did
21 you feel that that was a good thing to do?

22 A I didn't participate in that, one way or the other.

23 Q So while you didn't -- you not only didn't pass
24 on it, but you didn't have an opinion about that particular
25 part of it?

sy21b8

1 A That's correct.

2 Q Did you and Mr. Chapman lay down any deadlines
3 for when that review process should be completed and when
4 you wanted to see some results from it?

5 A I don't recall any.

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1 Q Did you have any requirements regarding
2 what the work product should look like, what you should
3 receive? That is a report, summaries, or recommendations
4 or --

5 A I don't recall having been involved in any
6 discussions along that line.

7 Q When did you first become aware of any of
8 the results of the Management Review Board? I don't
9 mean necessarily the verdict, but in terms of an event.
10 When the whole thing was given to you did you? Or did
11 you periodically get a report, oral or written or otherwise,
12 as it was going along? How did you learn about it?

13 A I probably received some conceptual oral
14 briefings in the evenings and as a given discipline was
15 completed I think I received a copy of the typed summaries.

16 Q What did you do after you got the typed
17 summaries?

18 A Reviewed them.

19 Q And then what?

20 Excuse me. Let me just stop you before
21 answering.

22 Would they be given simultaneously to
23 Mr. Chapman or was it your responsibility to send them on
24 to Mr. Chapman?

25 A I don't remember.

1 Q All right. I'm sorry.
2 After you received the typed summaries
3 what did you do then?
4 A Thought about the results for a reasonable
5 period of time and then developed a plan of attack from my
6 viewpoint as to how I proposed to address the significant
7 issues.
8 Q Did you discuss the plan of attack with
9 anyone else?
10 A Very likely I consulted with the four
11 people that I mentioned to you earlier.
12 Q And how about Mr. Chapman?
13 A I don't recall.
14 Q And how did you memorialize the plan of
15 attack? Did you write something down? Did you call people
16 in and give them their orders orally or what?
17 A Does memorializing mean writing something
18 down?
19 Q Well, it means in summary -- excuse me.
20 I didn't mean -- strike that memorialize.
21 How did you let people know what your plan
22 of attack was after you decided what it should be?
23 A I probably told Mr. Chapman what I planned
24 to do. And he concurred with the basic approach.
25 Q And then how did you let the people who were

jon3

1 to implement your plan of attack know what their
2 responsibilities were?

3 A I made oral assignments to Mr. Ainsworth,
4 Mr. Hawkins. Those were the two people who were involved
5 with me in the implementation plan.

6 Q Was that normal procedure for you when you
7 had a particular job that you wanted one of your
8 subordinates to carry out that you would orally advise
9 them of it and that there would not also be a written
10 instruction to them, a memorandum or something?

11 A Most of the time that is the way I did it.

12 Q Did you build into your assignment of
13 responsibilities to them some mechanism for them to report
14 back to you on their progress in carrying out your orders?

15 A Yes, I did.

16 Q And were you anticipating that would also
17 be done orally or that it would be done in writing?

18 A Kind of a combination of the two. The
19 part for Mr. Ainsworth, for example, was to improve,
20 expand and publish the existing training and indoctrination
21 and inspection program at Comanche Peak.

22 Obviously participated in development of the
23 index for the documents that needed to be produced and would
24 know they were complete when I signed them off.

25 Q There was not any dependent send me a

1 memorandum summarizing what you have done kind of
2 responsibility you went about orally also?

3 A We were a small group of people and we
4 didn't need that kind of formality.

5 Q What was the size of your QC work force at
6 that time; how many people, roughly, were the subject of
7 the interview and the subject of your initial concern here?

8 A The total size of the force at that
9 particular point in time was between 150 and 200. Not
10 necessarily QC.

11 Q Do you have a copy of the summaries?

12 MR. DOWNEY: I don't have a copy with me in
13 my room.

14 MR. ROISMAN: Okay. I have them scattered
15 over at -- Mr. Tolson is not one who can put them into
16 evidence. So I have my extra copies with somebody else
17 who is a coauthor of the documents.

18 I wanted to ask him a number of questions
19 going through particular ones and being able to reference
20 and ask him, okay, what did you do about this, what did you
21 do about that.

22 Can we take a brief recess?

23 MR. DOWNEY: I think that would be
24 appropriate. I believe I could produce a copy.

25 Mr. Mizuno, do you have a copy?

jon5

1 MR. MIZUNO: No, I do not have a copy with
2 me in my folders. I do not know whether a copy was
3 provided --

4 MR. DOWNEY: It is my understanding,
5 Mr. Mizuno, that a copy was provided to the staff. I will
6 undertake to locate two copies and I will share with
7 Mr. Tolson. If you would simultaneously try to find the
8 NRC copy.

9 (Recess.)

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1 MR. ROISMAN: Back on the record.

2 BY MR. ROISMAN:

3 Q Mr. Tolson, I'm going to show you actually a group
4 of documents, all of which are addressed to you and Mr.
5 Chapman, and with various dates in October of 1979 entitled
6 TUGCO QA management review board. And then each document
7 has a separate subset in it.

8 Would you take a look at this and see if you
9 recognize it?

10 (Counsel handing document to witness.)

11 A Yes, I do.

12 Q Okay.

13 MR. ROISMAN: Could I get the reporter to mark it?

14 (The document referred to as
15 Tolson Exhibit No. 45-1 was
16 marked for identification.)

17 (Recess.)

18 BY MR. ROISMAN:

19 Q Mr. Tolson, with respect to the determinations that
20 are made as to whether to retain or not retain people who are
21 QC inspectors, did you have any criteria that you followed
22 in deciding whether a person should or shouldn't be terminated
23 from employment?

24 A I don't understand the question.

25 Q Well, you had QC inspectors working for you; is

sy4pb2

1 that correct?

2 A In my organization.

3 Q Right, okay. Did you have the authority to
4 recommend their termination or to terminate them directly?

5 A I had no authority to terminate directly. I can't
6 recall a situation of getting into a scenario of recommending
7 termination.

8 Q How was the decision made when a QC person was
9 terminated? Where was that decision made? Who made it?

10 A My recollection is by the employer, senior
11 representative of the employer of the individual.

12 Q Well, if TUGCO were the employer of the individual,
13 who would make it?

14 A It wouldn't be made by me. It would be made in
15 Dallas.

16 Q Would that be by Mr. Chapman?

17 A I'm not sure.

18 Q So that the decision on termination is not made by
19 you with respect either to the TUGCO QC personnel or other
20 personnel in the QC area who work for other organizations?

21 A That's correct.

22 Q What mechanism did you use in order to enforce your
23 requirements with respect to how QC individuals should
24 perform their duties?

25 A I don't understand your question.

sy4pb3

1 Q Well, did you have a certain way in which QC
2 inspections should be done? Were they to be done according
3 to certain criteria and requirements?

4 A There is a set of procedures that prescribe the
5 technique and acceptance criteria to be followed in the
6 inspection process, yes.

7 Q All right. And how did you make sure that the
8 people who had those responsibilities carried them out? If
9 someone did not appear to be doing what you thought they
10 should do, what was your recourse?

11 A Where I'm having trouble with your question,
12 Mr. Roisman, is I was not a line supervisor on the QC people.

13 Q But all QC was under your general supervision.

14 A Under my organization, yes.

15 MR. REYNOLDS: Excuse me, could we go off the
16 record?

17 (Discussion off the record.)

18 MR. ROISMAN: While we were off the record, we
19 learned that the previously marked exhibit, 45-1 has already
20 been marked in another deposition as Purdy 42-1 --

21 MR. DOWNEY: I hope not to further confuse, Mr.
22 Roisman, but if I may interject, I believe the document that
23 we marked in this room was marked for identification as 45-1.
24 And that we have been informed that the identical document
25 was marked for identification in another deposition in this

sy4pb4

1 proceeding as Purdy Exhibit 42-1.

2 MR. ROISMAN: Correct.

3 MR. DOWNEY: And we by agreement will refer to the
4 document marked here as 45-1 as Purdy Exhibit 42-1.

5 MR. ROISMAN: Correct. And we withdraw the
6 marking of this document.

7 (The document referred to as
8 Tolson Exhibit No. 45-1 was
9 withdrawn.)

10 BY MR. ROISMAN:

11 Q Mr. Tolson, the people who performed QC inspections
12 at the site, if they looked at who they reported to, you
13 were in far up the chain, the chain of command in which they
14 reported; is that correct?

15 A That's correct.

16 Q And my question to you is, how were you able to
17 enforce a requirement that you believed as part of your duty
18 those inspectors must carry out?

19 A I rely on three basic things: input from the
20 general supervisor who reports directly to me; results of
21 ongoing audit activities; and NRC or other external overviews
22 of quality control activities.

23 Q Assuming that you got information that a particular
24 individual or a group of individuals were not performing
25 the QC function as you believed it must be carried out, what

sy4pb5

1 recourse did you have to make them perform or to get the job
2 done in the way you felt it should be done?

3 A It's hard for me to relate to your question because
4 I'm having a hard time visualizing an example that comes close
5 to your question. And I don't like to make assumptions on
6 hypothetical situations about what we are talking about.

7 Q All right. Well, we can take one that I think is
8 already in the record. Mr. Chuck Atchison is a QC inspector
9 who was terminated from his employment and it was indicated --
10 and we will assume that this is not a definitive, but merely
11 one of the reasons given -- that he was terminated for failure
12 to follow instructions.

13 Now my question to you is, if you learned that a
14 QC inspector was not following instructions and had not been
15 terminated, what recourse did you have to see to it that you
16 had a QC inspector who followed instructions?

17 MR. DOWNEY: I object to that, Mr. Roisman. Why
18 don't you just ask him what role he had in Mr. Atchison's
19 discharge to clarify the point?

20 MR. ROISMAN: Well, because my question is, if
21 his people who are beneath him are not doing what they're
22 supposed to do, what is his recourse. If his answer is that
23 everybody below him always did what he wanted them to do,
24 then he can give me that answer and say the situation never
25 arose.

sy4pb6

1 MR. DOWNEY: I will explain my trouble with the
2 question, and it may be the same as Mr. Tolson's. You are
3 making the assumption that he had a single policy or a single
4 practice for dealing with a diverse set of situations that
5 may have arisen. And I'm not sure that that fact has been
6 established as fact, and that rather we're proceeding on the
7 basis of an assumption that it's true.

8 MR. ROISMAN: No, I was trying in a generic way to
9 do exactly the opposite. What I would like Mr. Tolson to do
10 is to tell me what recourse did he have when there was a QC
11 inspector who was not doing his job, whatever the reason may
12 be. And he felt that that person should be required to do
13 his job, or that that job should get done properly. What
14 could he do about that?

15 So that is my question. If I get down to the
16 specific, then all we're going to do is discuss with respect
17 to the specific what he either did in that particular case or
18 would do in that particular hypothetical case. I'm trying
19 to find out what the principle was, what his arsenal was.

20 MR. DOWNEY: He may have had a range of options.

21 MR. ROISMAN: I'm not trying to say the only thing
22 he could do is pick up the phone and cry. I wanted him to
23 tell me exactly what he had as he perceived it. Does that
24 deal with your concern?

25 MR. DOWNEY: That deals with mine, but I don't know

sy4pb7

1 if it deals with Mr. Tolson's. Why don't you rephrase the
2 question?

3 MR. ROISMAN: All right, let me try it again,
4 Mr. Tolson.

5 BY MR. ROISMAN:

6 Q What I am trying to find out is how you were able
7 to enforce what requirements you had regarding the performance
8 of QC inspections when they were not being done in one or a
9 number of instances as you thought they should be done, and
10 you wanted to make sure that that problem was corrected? What
11 were the range of options that you had in your job?

12 A Well, I've already said that I didn't have the
13 authority to terminate, so that's an option that is not
14 available to me.

15 Q All right.

16 A We could retrain the individual. We could counsel
17 the individual. And a drastic step, we could withdraw his
18 certifications.

19 Q Could you recommend to the person who had the
20 authority to terminate him that he be terminated?

21 A I would not do that. That is not my decision.
22
23
24
25

end 4.

1 Q And implicit in that I assume is that you did not
2 do that?

3 A That is correct.

4 Q Okay. Let me start with the retraining. How would
5 you go about implementing the mechanism of retraining? Is
6 that something that you yourself would order, that X be
7 retrained?

8 A Assuming I was aware of the situation, I would cause
9 it to happen.

10 Q What about counseling?

11 A Most of the time that would take place between the
12 individual and his immediate supervisor.

13 Q When would it ever involve you as the person doing
14 the the counseling, if at all?

15 A It is hard for me to recall a session where I would
16 be involved in counseling, unless it was an immediate
17 subordinate -- excuse me, or a TUGCO employee.

BU-2

18 Q Would you counsel when counselling was warranted
19 all TUGCO employees?

20 A Yes. That was one of my administrative functions.

21 Q I have heard this term in a number of the deposi-
22 tions. Can you give me a description, what is encompassed
23 by the concept "counselling" -- what does that mean?

24 A The way I use it, it is to either commend or
25 condemn certain performance attributes.

1 If you were commending, would you be likely to
2 inform the person of some good things that might happen to
3 them if they kept up that good work?

4 A No.

5 Q And if you were condemning, would you be likely
6 to indicate to them some bad things that might happen to them
7 if they kept up their bad work?

8 A No.

9 Q And did you ever inform an employee that if they
10 kept up whatever it was that they were doing, some other
11 consequence might occur to them that would be detrimental to
12 them?

13 A I have learned over the years that that is not a
14 very effective management approach.

15 Q And thus you did not do it?

16 A That is correct.

17 Q You mentioned that a third option was withdrawing
18 certification. Was that something that you yourself would do
19 or that would be done by someone reporting to you?

20 A Most of the certifications for the non-ASME
21 inspectors at Comanche Peak were authenticated by me personally
22 and therefore I would have to cause the retraction.

23 Q And what about for the other certifications of the
24 ASME?

25 A That was outside of my direct responsibility.

1 Q But you could order that the certification be
2 withdrawn?

3 A No.

4 Q So when we are going over the options -- I just
5 want to be very clear that I know where your lines of authority
6 started. You could not order that certification could be
7 withdrawn for any person who was an ASME employee not working
8 directly for TUGCO, is that correct?

9 A That is correct.

10 Q Could you recommend that such certification be
11 withdrawn?

12 A Certainly.

13 Q And what would your recourse be if the person who
14 you made the recommendation to, who is not a TUGCO employee,
15 refused to withdraw the certification? Did you have a
16 recourse?

17 A Oh, I am sure I did.

18 It has never gotten to that point so it is hard for
19 me to discuss it, but there is always the option of kicking
20 the matter up to a higher level of management.

21 Q Within TUGCO?

22 A TOGCO, Brown and Root, Ebasco, whoever.

23 Q Well was there somebody in TUGCO who could, if the
24 dispute got that high, order that a certification be withdrawn
25 even for a non-TUGCO employee?

1 A I am sure there is.

2 Q But you don't know who that is?

3 A I am sure Mr. Chapman has that authority.

4 Q But it is your testimony that you never found it
5 necessary to go above your level in order to get something --
6 to get a certification withdrawn that you were recommending
7 be withdrawn?

8 A Mr. Roisman, I only recommended one certification to
9 be withdrawn in seven years at Comanche Peak.

10 Q And was that one that you did directly or that you
11 recommended?

12 A I did it directly.

13 Q In choosing among these various options that we have
14 just been discussing, did you have any criteria that you
15 exercised in deciding which situations warranted the applica-
16 tion of which option? And just to reiterate, I am talking
17 about the retraining option, the counselling option, the
18 withdrawing of certification or recommending of withdrawing
19 of certification option?

20 A Could you repeat the question? You lost me when
21 you repeated that.

22 Q Okay, not repeating the three options, in deciding
23 which option you should use to deal with a problem where you
24 had a QC inspector who was not performing according to what
25 you perceived to be proper procedures, how did you decide

1 what criteria did you decide which option to use?

2 A I didn't have any set criteria.

3 Q Did you have a list of factors that you would
4 consider in making that decision?

5 A No.

6 Q How did you make the decision? What was the process?

7 A On the one occasion that I mentioned earlier, I
8 talked to the employee and his immediate supervision jointly
9 and based on that discussion decided that the best course of
10 action was to withdraw certification.

11 Q Do you have a recollection of what factors it was
12 that emerged in that conversation that made you feel that was
13 the proper course?

14 A The principal factor was lack of confidence on the
15 part of the immediate supervisor and continuing to work with
16 the inspector in that particular activity.

17 Q Are you at liberty to tell me which person and
18 supervisor this was?

19 A I can't be precise on the inspector's name. He was
20 in the instrumentation arena and worked for a gentleman by
21 the name of Curtis Biggs.

22 Q When did this happen roughly?

23 A Roughly a year ago.

24 MR. DOWNEY: Can we go off the record?

25 (Discussion off the record.)

1 MR. DOWNEY: So -- clarity, Mr. Roisman -- before
2 our recess, I recall your last question as being put to
3 Mr. Tolson as being who was involved, who were the persons
4 involved in the one situation where Mr. Tolson found it
5 necessary to withdraw certification and he was in the midst
6 of his answer and had responded that his recollection was that
7 it was in the instrumentation area and that the supervisor
8 involved was Curtis Biggs. And I believe at that point
9 Mr. Tolson's answer was interrupted.

10 If we agree on that point, I suggest that Mr. Tolson
11 complete his answer from that point.

12 BY MR. ROISMAN:

13 Q I agree, that's fine. If you have more answer,
14 please proceed.

15 A I was through.

16 MR. DOWNEY: Then let me make sure my notes are
17 correct. You indicated, Mr. Tolson, that the inspector's
18 name you could not be precise?

19 THE WITNESS: I could not be precise.

20 BY MR. ROISMAN:

21 Q I would like you if you would just to give me a
22 little better sense -- you used I think the reference to
23 the principal factor and that indication being a lack of
24 confidence on the part of the supervisor that this person
25 could do the job that the supervisor believe should be done?

1 A That is correct.

2 Q When the supervisor made that claim, I assume that
3 the inspector in question would take the opposite point of
4 view, say "no, I can do the job" or "I am doing the job." Is
5 that what happened as you remember it?

6 A No. He at least as I recall tended to agree that
7 perhaps in the particular activity that he had been involved
8 in was not something that he felt that comfortable with
9 himself.

10 Q So in that instance, it was almost a mutual agreement
11 between the supervisor and the inspector?

12 A From my perspective, it was a mutual agreement.

13 Q What about when you were making decisions about the
14 other options. Would you retrain or would you do counselling?

15 What were the principal factors which influenced
16 any of those that you can remember when you made the decision?

17 A I am still having the same basic problem, because
18 we are not talking about something that happens at Comanche
19 Peak every day, so I can't relate to the question.

20 Q Well, let's step back. In the course of a year,
21 how many instances would you think would you have had where
22 counselling would be either -- you would direct someone that
23 they should counsel a person or you yourself would counsel
24 a person?

25 A I can't recall a situation of having directed a

1 counselling session and I can't recall in the last few years
2 counselling session with TUGCO employees that has taken place.

3 Q Now the very last part of that answer implied, and
4 I am not sure this was clear on the record, that when you were
5 dealing with non-TUGCO employees, you also were not counselling
6 as to non-TUGCO employees?

7 A I normally did not get involved in the daily sessions
8 of any kind between the line supervisors and the inspectors.

9 Q Did the line supervisors come to you frequently or
10 not at all or occasionally for your recommendation as to
11 whether they should or what they should do about a particular
12 person?

13 A The line supervisors rarely if ever. The general
14 supervisors occasionally would consult with me on a course
15 of action that they considered appropriate.

16 Q But in those situations, you were almost always
17 just that, a consultant, not directing "and this is what you
18 will do."

19 A Yes.

20 Q During the period of time that you were in the
21 position of construction QA supervisor, did you have or did
22 your management have policy regarding the question of what
23 action should be taken in the instance of a QC inspector being
24 discouraged from doing their job?

25 A I don't understand that question.

1 Q During the time that you were the construction QA
2 supervisor, did either you or your management have a policy
3 regarding what actions should be taken in the event that a
4 QC inspector was discouraged by some act or conduct or one or
5 more people from doing their job?

6 A I am not aware of a situation where an inspector
7 has been discouraged from doing his job. Assuming that that
8 may have occurred, I can assure you that TUGCO's policy is
9 that appropriate action will be taken with the individual or
10 individuals that may have done such a thing.

11 Q What basis would be used to determine what was
12 appropriate action?

13 A I am not with you, Mr. Roisman.

14 Q Well, you said that if such an event were to occur,
15 we know the corporate policy was that appropriate actions
16 would be taken.

17 A I can recall Mr. Clements stating one time that it
18 will not happen.

19 Q Are you testifying that if Mr. Clements says it
20 will not happen that it doesn't happen?

21 A Well, your question was what basis for action, or
22 something like that?

23 Q My question was, what were the bases for deciding
24 whether the action that was being taken was appropriate.

25 You used the phrase "appropriate action," I am

1 trying to find out what do you mean by the phrase "appropriate
2 action."

3 MR. DOWNEY: I am going to object to that question,
4 Mr. Roisman.

5 MR. Tolson testified that he is not aware of any
6 situation in which a QC inspector was discouraged from
7 performing his job and therefore it seems that your question
8 is speculative.

9 MR. ROISMAN: It is not speculative to know what
10 the criteria were.

11 MR. DOWNEY: That is not what your question was.

12 MR. ROISMAN: I asked him what were the considerations
13 in deciding what action was appropriate.

14 MR. DOWNEY: And the situation never arose.

15 MR. ROISMAN: What were the criteria to be used if
16 a situation should arise or is it his testimony that there
17 was no criteria because no situation had ever arisen?

18 He can give me whatever answer he wants to give.

19 MR. DOWNEY: Why don't you just ask him how he
20 would have decided what was appropriate?

21 MR. ROISMAN: Well, I have already found out that
22 his role in making decision about that was extremely limited.

23 I want to know what the corporate policy was.

24 MR. DOWNEY: I don't believe his question -- his
25 testimony was -- why don't you just start over with the

1 question. It seems like a lot of confusion here.

2 BY MR. ROISMAN:

3 Q Mr. Tolson, the question is you having testified
4 that if an inspector were discouraged from doing their job
5 it was corporate policy that appropriate action would be
6 taken.

7 My question to you is was there a corporate policy
8 as to what would be appropriate action?

9 A Again, I can only relate or visualize a situation
10 where I recall Mr. Clements making a statement one time that
11 appropriate action would be taken up to and including
12 termination.

13 Q Part of the QA Plan for Comanche Peak includes
14 provisions to separate considerations of construction
15 scheduling and costs from considerations of QA-QC implementa-
16 tion, is that correct?

17 A That is correct.

18 Q What beyond what appears in the plant itself exists
19 to implement that requirement?

20 MR. DOWNEY: I would ask that you review this
21 document with the witness to ensure that the specific
22 provisions of the plant are before him when he answers this
23 question.

24 You are asking him to recall a document and its
25 particulars and then supplement it. I think it is only

1 fair that he have the document before him.

2 MR. ROISMAN: Could we ask the witness if he needs
3 that, because I don't happen to have it with me.

4 MR. DOWNEY: If the witness doesn't, his counsel
5 does and --

6 MR. ROISMAN: We'll hold it until after lunch and
7 we will copy it.

8 MR. DOWNEY: And I believe we have our own copy
9 and I will undertake to make it available. Is that an
10 exhibit in the ASLB proceedings? I could locate it by
11 exhibit number.

12 MR. ROISMAN: Yes, it is Applicants' Exhibit 43A.
13 It was introduced in the summer of 1982.

End 5.

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1 MR. DOWNEY: Mr. Mizuno, do you have your copy of
2 that document?

3 MR. MIZUNO: No.

4 MR. DOWNEY: We will try and share those copies
5 that are available.

6 MR. ROISMAN: Okay, I'll be happy to have him
7 look at mine.

8 BY MR. ROISMAN:

9 Q Mr. Tolson, I just want to be clear on this. I
10 have used the phrase, "people discouraged from doing their
11 job." Let me use a different phrase, and if it means
12 something different to you then tell me and we will get
13 answers to it.

14 You testified that you cannot remember an instance
15 that you are aware of where a QC inspector was discouraged
16 from doing his job. Now my question to you is, do you know
17 of an instance in which a QC inspector claimed that he or
18 she was discouraged from doing their job while they were
19 still employed at the site? That is, did you become aware
20 of that claim while they were still on the site?

21 A I can't recall anything off the top of my head.

22 Q What about any instances that you were aware of
23 where a QC inspector claimed that he or she was harassed,
24 intimidated, or threatened in any way while they were doing
25 their job? Are you aware of any such, or can you recollect

sy6pb2

1 any such incidents?

2 A The only incident which even comes remotely close
3 to what I perceive your question to be is something that came
4 out of the '79 interviews that I was not personally involved
5 with.

6 Q Well, so that we can test whether we're talking
7 about the same thing, which one of the ones in the '79
8 interview are you thinking about?

9 A I don't recall which one it was.

10 MR. DOWNEY: May I ask a clarifying question? You
11 don't recall what the incident was, or you don't recall in
12 which discipline it was in?

13 THE WITNESS: Which period.

14
15 MR. ROISMAN: So I will ask.

16 BY MR. ROISMAN:

17 Q Can you recall the incident, if not the group?

18 A One female inspector claimed that a craft person
19 had grabbed her by the collar or something along that line.
20 But like I said, I was not directly involved with the
21 particular interview, and it's coming from memory.

22 Q In your judgment, so that we are clear on the same
23 terminology, would you consider it to be harassment and
24 intimidation if a QC inspector were told, if you write that
25 NCR I'm going to see that you get fired? In your judgment

sy6pb3

1 is that what you mean? Is that included in harassment and
2 intimidation?

3 A I think I would have to feel harassed or intimidated
4 under those conditions.

5 Q And how about if the QC inspector were told that
6 if you write that NCR I'm going to see to it that your
7 certification is jerked?

8 A I'm not sure on that one. Presumably you're talking
9 about the line supervisor or someone in the field making
10 that statement to an inspector. Assuming that statement would
11 be made, the individual making it does not have the authority
12 to jerk the certification. So I'd have a hard time calling
13 that intimidation or harassment.

14 Q From your perspective the intimidation or
15 harassment would have to be a statement made by someone who
16 themselves had the power to carry out what they said was
17 going to happen?

18 A That's correct.

19 Q So the statement that I am going to talk to your
20 supervisor and tell them to jerk your certification would
21 not, in your judgment, constitute harassment and intimidation?

22 A That's correct.

23 Q Would it, in your judgment, constitute an attempt
24 to discourage the person from doing their job?

25 A It might.

sy6pb4

1 Q Would you consider it to be an harassment and
2 intimidation if a member of the craft whose work was being
3 inspected by a QC inspector were to talk to the QC inspector
4 in loud and abusive language, being very critical, cursing at
5 them, saying that what they doing was stupid, it was
6 inappropriate in terms of that nature?

7 MR. DOWNEY: I'm not going to object to these
8 questions, Mr. Roisman, because I want it clearly understood
9 that in my judgment you're asking for the witness' answer
10 to a series of hypothetical questions. And I think to
11 expedite this procedure, if you could relate it to specific
12 instances that you contend occurred at the site.

13 MR. ROISMAN: What I'm trying to do is to get an
14 understanding of the terminology so that we can use one set
15 of terminology. I'm trying to get a scope of what the
16 witness' understanding is of the concept of harassment and
17 intimidation.

18 MR. DOWNEY: And I really think that your questions
19 call for answers to hypothetical questions that I'm not sure
20 are appropriate evidence in this proceeding. And maybe not
21 for discovery.

22 But I'm not going to stop the question. I want to
23 note that I don't think this line of questions adds very
24 much to the hearing.

25 MR MIZUNO: Staff thinks that it's acceptable line

sy6pb5

1 of examination since all the parties have to be very clear
2 as to what each of the parties and the witnesses consider to
3 be within the scope of any particular terms, such as
4 intimidation or discouragement, or whatever the case may be.

5 So therefore, it would be useful to continue on
6 this line. But only to the extent that it's necessary to
7 define exactly what the witness means.

8 BY MR. ROISMAN:

9 Q The question in sum was, if a QC inspector was
10 confronted with the craft person whose work they were
11 inspecting and that craft person used loud and abusive and
12 critical language, would you treat that as harassment and
13 intimidation of a QC inspector?

14 A I'd probably classify it as harassment, but I'm
15 not sure that it would be intimidation.

16 Q Do you remember an incident involving a group of
17 QC inspectors wearing T-shirts with a symbol and wording on
18 them, something along the line that we are nitpickers, we pick
19 nits, or something to that effect?

20 A Yes, I'm familiar with it.

21 Q Can we generically refer to that as the T-shirt
22 incident and know that we're both talking about the same
23 thing?

24 A Well, why not? We've been doing it for months.

25 Q Now can you tell me, what was your first awareness

sy6pb6

1 of the existence of the T-shirt incident?

2 A A phone call from the building QC supervisor at
3 about a quarter to eight on that morning.

4 Q And what did you learn at that time?

5 A There were eight people in his group proudly
6 displaying the T-shirts.

7 Q I'm sorry, I couldn't hear whether you said
8 proudly or prominently.

9 A Proudly.

10 MR. MIZUNO: Excuse me, could I interrupt? Could
11 you just identify the building supervisor, at what building
12 he was in charge of?

13 THE WITNESS: Safeguards building. The gentleman's
14 name was Mark Welch.

15 BY MR. ROISMAN:

16 Q And is that the sum total of what you learned,
17 was that there were a group of people wearing T-shirts and
18 that they had that designation on them, and that they were
19 wearing it proudly?

20 A On that occasion, yes.

21 Q Did the language that was on the T-shirt as it
22 was described to you over the phone, did that language trigger
23 in your memory any particular incident on the plant, related
24 to the plant?

25 A Yes, it did.

sy6pb7

1 Q And what was that incident?

2 A A recent newspaper article on the area of
3 protective coatings.

4 Q And do you recollect what you learned from that
5 newspaper article?

6 A The phrase nitpicker or nitpicking was utilized in
7 that article.

8 Q Did you either before or subsequent to the time
9 that you got the newspaper and before the T-shirt incident
10 started get any additional knowledge about the newspaper
11 article's allegations regarding the nitpicker incident?

12 A Would you repeat the question, please?

13 Q Yes. Did you learn any additional information
14 about the nitpicker incident after the time that you saw the
15 article in the newspaper?

16 A No.

17 Q Did you make any effort to get any additional
18 information about that?

19 A No.

20 Q Did you consider the substance of the newspaper
21 article, even if correct to be irrelevant for purposes of
22 your job?

23 A For purposes of my job? My job activity is
24 irrelevant from the emotional problems associated with that
25 kind of a thing, relevant.

sy6pb8

1 Q Would you explain that last thing, relevant with
2 respect to emotional problems associated with that kind of
3 thing? What thing, what kind of emotional problems?

4 A Over a period of years I've grown a little tired
5 of reading falsehoods in the newspaper about Comanche Peak.

6 Q And what is the emotional problem that you believe
7 that causes?

8 A In my mind.

9 Q For you personally?

10 A That's correct.

11 Q But not for the plant?

12 A I can't speak for the plant, just for myself.

13 Q Incidentally, do you know what the phrase,
14 "nitckpicker" means?

15 A It relates to an alleged incident in the protective
16 coatings arena, which is, I believe, quite clearly described
17 in our current record.

18 Q Does the description that appears in the current
19 record represent testimony by yourself?

20 A No, it does not.

21 Q Would you, after the lunch break, identify the
22 portion of the record that in your judgment accurately describe
23 the nitpicker incident so that we will simply be able to
24 reference what you are now stating is your recollection of it?

25 MR. MIZUNO: Excuse me. You are referring to a

sy6pb9

1 record that is not in the NRC proceeding; is that right?

2 MR. DOWNEY: No, I believe his testimony is that
3 he is referring to the NRC.

4 MR. ROISMAN: That's what I thought.

5 BY MR. ROISMAN:

6 Q Was that correct? You're referring to testimony
7 in this proceeding that, in your judgment, adequately describes
8 the nitpicker incident?

9 A I'm not sure it's testimony, but somewhere in the
10 voluminous documents that exist in the NRC documents or
11 whatever --

12 MR. MIZUNO: It's my recollection that although --
13 I assume the nitpicker incident is a redundant matter.

14 MR. DOWNEY: That's incorrect. That's not my
15 understanding.

16 MR. MIZUNO: I really do have a question. If this
17 is not the Dunham matter and it's a nitpicker incident the
18 newspaper article is not the Dunham, then I'm really confused.

19 MR. ROISMAN: Well, I was going to do that. If
20 it is not in the record, then I would like to get it into
21 the record here, which is Mr. Tolson's understanding of the
22 nitpicker incident.

23 MR. DOWNEY: Maybe we're having a problem because
24 there's not a common understanding of what incident you're
25 talking about, either among the three of us, Mr. Mizuno,

sy6pb10

1 Mr. Tolson, and myself. Why don't you just describe what
2 you think is the nitpicker incident?

3 MR. ROISMAN: Well, I don't have a description of
4 the nitpicker incident. I had asked Mr. Tolson, did the
5 phrase "nitpicker" have some meaning for him that predated the
6 date that he learned about these T-shirts. He said, yes.

7 Now I'm trying to find out what the basis of that
8 was. So I want to know his understanding.

9 BY MR. ROISMAN:

10 Q I guess, Mr. Tolson, I'm just going to have to ask
11 you to give it to us in this record so that we know exactly
12 what you understood when you got the call from Mr. Welch and
13 you were told about these T-shirts being worn proudly, what
14 you understood the phrase "nitpicker" might be referring to
15 in the history of the plant.

16 A From memory I seem to recall an affidavit filed by
17 CASE with Judge Bloch that contains the phrase, but I can't
18 be precise.

19 Q So that your knowledge at the time that you got
20 the phone call from Mr. Welch about what nitpicker might be
21 referring to on those T-shirts is the knowledge that was
22 contained in the CASE affidavit filed with regard to the
23 use of the phrase in an earlier time; is that correct?

24 A That's my recollection.

25 Q In your general knowledge, do you know what, in

sy6pb11

1 fact, a nitpicker is?

2 A Not really.

3 Q Do you know what a nit is?

4 A I really don't.

5 Q Let's go back now. When you got the call from
6 Mr. Welch and he told you that these people were wearing these
7 T-shirts proudly, what did you tell him?

8 A I told him to send them home and have them change
9 their shirts.

10 Q Why did you do that?

11 A That just seemed to be the thing to do at the time.

12 Q But why did it seem to be the thing to do at the
13 time?

14 A I had heard of the existence of the T-shirts earlier
15 in the week. I had never seen them, nor had any of my key
16 personnel, and had already decided that we would not have that
17 kind of a display on Comanche Peak.

18 Q What kind of display? What is your perception of
19 what this display was?

20 A I took that as a personal slap at me and my office.

21 Q Could you tell me what was it about the T-shirt
22 that made you think of it as a personal slap against you and
23 your office?

24 A Not really. That's just the way I perceived it.

25 Q Are you still of that opinion?

A Yes, I am.

end 6.

sy71b1

1 Q Why did you feel that if someone were taking a
2 personal slap at you, or your office, that it was appropriate
3 conduct for you to order them not to take the personal slap
4 at you or your office?

5 A I don't understand what you mean.

6 Q Well, you said you thought the appropriate
7 conduct was to tell the people to go home and change shirts.
8 You wanted the personal slap not to continue. That is, you
9 don't want them to continue to wear this proudly. What is it,
10 in your job, that you thought authorized you to prevent
11 people from taking a personal slap at you, verbally or by
12 demonstration?

13 A I just think it's human relationships coming
14 into play somewhere along the line.

15 Q What would you have done if you had heard that a
16 group of people were going to report to Mr. Chapman that they
17 believed that you were not competent and that they were
18 prepared to send the report forward? Would you believe
19 that the appropriate thing would be to order them not to
20 send the report forward?

21 A No.

22 Q Would that not be a slap at you, personally, and
23 your job?

24 A It would be a little deeper than a slap.

25 Q So it would be even more severe than the t-shirt?

sy71b2

1 A Much more severe.

2 Q But then why would you not think of the proper
3 thing there, to tell them don't send that memo forward, but
4 it was proper to tell them, don't wear the t-shirt?

5 A I don't understand.

6 Q You have testified that you felt that it was
7 the proper thing, for you to tell these people not to wear
8 this t-shirt, because it was a personal slap at you. Now
9 I've asked you, what if they took the personal slap, and
10 you said it's even more deeper than a personal slap, in the
11 form of sending a memorandum to Mr. Chapman saying that you
12 are not competent to do your job.

13 Would you think it appropriate, in that instance,
14 not to tell them don't send that memo? You said no, you
15 wouldn't. Now I'm trying to ask you to explain to me why,
16 in one case, you thought it was appropriate to keep them
17 from making a personal slap and the other not.

18 A I don't have an answer for your question.

19 MR. DOWNEY: Mr. Roisman, I think the problem with
20 the question is that you're assuming, in the second instance
21 -- that is, the memorandum, so far as I know a hypothetical
22 event. But you made no clarifying points as to whether those
23 persons would be authorized, by virtue of their position,
24 to prepare such a memorandum, or to any of the circumstances
25 surrounding it.

sy71b3

1 So far as your question implies, it could be the
2 clerk at this hotel, or it could be --

3 MR. ROISMAN: I will be more specific.

4 BY MR. ROISMAN:

5 Q Assume that the very same people who wore the
6 t-shirts had, instead of wearing the t-shirts, put the
7 t-shirt 'n an envelope, signed the envelope and sent it or
8 were prepared to send it to Mr. Chapman. That's all they were
9 going to do. And you learned that they were about to do that.

10 Would you consider that it would have been
11 appropriate for you to order them not to send the envelope
12 to Mr. Chapman?

13 A No, I would not.

14 Q All right. Why not?

15 A I don't care what they do off Comanche Peak. That
16 is not my problem.

17 Q What was it about the fact that they were wearing
18 the t-shirts on Comanche Peak that made it appropriate for
19 you to do that? Well, strike that.

20 If they had sent the t-shirt to Mr. Chapman and
21 it wasn't in an envelope, just had a little three-part
22 attached to it that said send to Chapman. And it's going
23 through the plant and up to Dallas. Would you have thought
24 it appropriate to stop them or order them not to send the
25 t-shirt to Mr. Chapman.

sy71b4

1 MR. DOWNEY: It's a very hypothetical question.

2 THE WITNESS: It's far-fetched.

3 MR. ROISMAN: I don't think it's far-fetched,
4 at all. The eight people we're talking about already wore
5 them on the site, and of course Mr. Chapman, among others,
6 learned about it. Now I am merely taking a subset of those,
7 which is that the t-shirt was sent to Mr. Chapman, and
8 whomever sees it as it goes through the chain.

9 MR. DOWNEY: The problem, Mr. Roisman, is that
10 you're describing events that did not occur.

11 MR. ROISMAN: I'm describing events that did not
12 occur.

13 MR. DOWNEY: So far as I know.

14 MR. ROISMAN: That's right. But I've laid the
15 basis for asking the question by relating it specifically
16 to a particular group of individuals, who took the slap at
17 -- that Mr. Tolson believed to be a personal slap at him, by
18 wearing a t-shirt. And I'm trying to test Mr. Tolson's
19 basis for his reaction. And he took very specific action.

20 And now I'm trying to find out, in similar
21 situations, whether he would take the same action.

22 MR. DOWNEY: Similar is your word. I don't think
23 the situations are similar at all.

24 MR. ROISMAN: Well, that's a matter that we can
25 argue evidentiary, when I offer it into evidence as part of

sy71b5

1 our case.

2 MR. DOWNEY: You can continue, but I think you're
3 very far afield.

4 MR. MIZUNO: The Staff believes that the essence
5 of the Intervenors' argument can be better made if they
6 stuck with the original hypothetical, which was if they
7 sent the memo to Mr. Tolson -- I mean, to Mr. Chapman --
8 saying that they were critical of Mr. Tolson's performance.

9 But to send the shirt up through the command
10 chain, which is something that is highly unlikely, and that
11 fact that wearing that shirt, that act in that kind of
12 communication that you make about people, is quite different
13 from the effect you would have from wearing a shirt.

14 It's quite different from sending a shirt up
15 through the command chain. That kind of an effect, of
16 sending it up through the command chain, would be better
17 accomplished by sending a memo or a letter, or whatever
18 it may be.

19 So therefore, we would think that the hypothetical
20 you're using is really far afield.

21 MR. DOWNEY: And I would observe, in following
22 up on Mr. Mizuno's point, Mr. Tolson made a very clear
23 answer that he would not have interfered with preparation
24 and transmission of a memo to Mr. Chapman by these people,
25 something that is I think speculative but conceivable.

y71b6

1 Now we're talking about something that's very
2 far afield.

3 MR. ROISMAN: Well, I am trying to get at why
4 the difference between the memorandum and the t-shirt. And
5 that is the testimony that I'm trying to get. I will
6 remove, for the moment, the t-shirt through the mail
7 hypothetical and go back to the question what is, in your
8 judgment, the difference between those same eight people
9 sending the memo to Chapman and those eight people wearing
10 the t-shirts at the site.

11 THE WITNESS: Let me answer your question in
12 this way. Very likely, there was no basis for it, which
13 is the reason I called Mr. Welch back and changed the
14 direction and told him to escort the people to my office.

15 BY MR. ROISMAN:

16 Q And at the time that you told them to escort
17 them to your office, what was your intention? What did
18 you intend to do with them when they got to your office?

19 A I had no preplanned intentions at that time.

20 Q And what did you do with them, when they came to
21 your office?

22 A They all came in together, smiling, which was
23 nice. One of the individuals held out a brown paper bag,
24 asked me if I minded if the conversation was taped. I stated
25 that I did mind and got up and left my office.

bu2s2

sy71b7

1 Q Why did you mind if they taped the conversation?

2 A First of all, I didn't plan to have one.

3 Q I'm sorry. Didn't plan to have one, what?

4 A Much of a conversation.

5 Q Okay.

6 A I just wanted to see the t-shirts, which I did see,
7 and the people involved. I went from my office to the
8 Assistant Project General Manager's office and reported
9 or asked him to, on my behalf, to convey what had occurred
10 to Dallas management.

11 Q And what did you do next?

12 A Waited for direction from Dallas, regarding how
13 they wanted to handle the incident.

14 Q What were you going to have told the t-shirt
15 people, if you had had that conversation?

16 A What I might have told them?

17 Q What you had intended to tell them.

18 A I had no intentions. I just said that a few
19 minutes ago.

20 Q I thought you said you had no intentions when
21 you asked them to come to your office. I didn't know
22 whether you might have formed an intention while they were
23 coming up.

24 A No, I did not.

25 Q So when you walked into your office and they said

1 may we tape this, at that point in time you did not know
2 what you were going to say to them?

3 A That's correct.

4 Q After you walked out of your office, you know,
5 did they stay in your office?

6 A Yes, they did.

7 Q Did you ask that they stay there?

8 A No.

9 Q As far as you know, they stayed there by their
10 own volition?

11 A I didn't have any conversations with them. I
12 would presume that they stayed there of their own volition.

13 Q How long were they in your office?

14 A I don't remember.

15 Q Minutes? Hours?

16 A It would be less than a couple hours, because I
17 had a meeting at ten in my office with another group.

18 Q Why did you choose to leave your office, rather
19 than ask them to leave your office, and you stay in your
20 own office?

21 A It just seemed to be the thing to do. I did not
22 want to enter into a conversation with Dallas with them in
23 my office.

24 Q No, I was asking why didn't you tell them to leave
25 your office?

sy71b9

1 A It just didn't occur to me.

2 Q I asked them before why you didn't want them to
3 tape record the conversation. And I think your answer was
4 that it wasn't going to be much of a conversation. Is that
5 the only reason you had for why you didn't want it tape
6 recorded?

7 A No.

8 Q What were your other reasons?

9 A Instantaneous reaction I had, at that time, was
10 a rumor that I've heard -- I don't know if it's true -- that
11 one philosophical session that I had with a group of coding
12 inspectors, unbeknownst to me, was taped.

13 Q Can you explain to me why, if that rumor -- why,
14 given that that was an undisclosed taping, it would bother
15 you if this were to be a disclosed taping?

16 A I took the request and the expression on the
17 individual's face as a direct tieback to the undisclosed
18 taping session.

19 Q Well, let's assume that is so. Why does that
20 bother you?

21 A It just did.

22 Q You mean it just got under your skin?

23 A That's correct.

24 Q Would you describe yourself as angry at that
25 moment?

sy71b10

1 A That would be a good term.

2 Q What additional contact did you have with the
3 t-shirt people on that day?

4 A None.

5 Q What directions or discussions -- what directions
6 did you give to any other persons, regarding what should be
7 done with regard to the t-shirt persons on that day?

8 A The direction that I received from Mr. Merritt,
9 or through Mr. Merritt from Dallas, was to escort the people
10 to a room immediately across the hall from my office, and
11 I caused that to happen.

12 Q Is that the sole direction that you received from
13 Dallas?

14 A At that time, yes.

15 Q Did you receive any additional directions from
16 Dallas, during the course of the day, as to what you should
17 do?

18 A Yes, I did.

19 Q What were they?

20 A Basically, to send the people home, with pay,
21 tell them that their job would be available -- or if their
22 job was available the following day they could return without
23 the t-shirt.

24 Q I'm sorry. That seemed like an important
25 difference. Dallas told you to tell them if their job was

sy71b11

1 available the next day they could return?

2 A As I recall, yes, that was the direction.

3 Q What did you understand that to mean, if their
4 job was available? Were they doing work that was about to
5 end?

6 A That was a possibility.

7 Q Did you advise the entire work force, the other
8 people involved in the same QC inspections in that building,
9 that there was a possibility their jobs wouldn't be there the
10 next day?

11 A No, I did not.

12 Q Who communicated to the workers that they should
13 go home with pay and that, if their jobs were available,
14 they could come back the next day?

15 A Mr. Purdy on the Brown & Root employees.
16 Mr. Brandt on the Ebasco employees.

17 MR. REYNOLDS: May we go off the record?

18 (Discussion off the record.)

19 MR. DOWNEY: Why don't we recess until 2 o'clock.
20 Maybe we could get things organized.

21 (Whereupon, at 12:45 p.m., the deposition was
22 recessed, to resume at 2:00 p.m. this same day.)
23
24
25

AFTERNOON SESSION

(12:25 p.m.)

1
2
3 Whereupon,

4 RONALD TOLSON

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

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

8 Any preliminary matters or are we ready to go?

9 BY MR. ROISMAN:

10 Q We were last talking and we're still talking about
11 the T-shirt incident and I believe the place where we had
12 reached, Mr. Tolson, was that you were describing to me the
13 fact that the T-shirt individuals were in a room across the
14 hall from your office and that you had received directions
15 from Dallas as to what should happen with them, and that those
16 directions were then, I gather, passed on by you to Messrs.
17 Brandt and Purdy, who proceeded to inform these T-shirt
18 individuals of Dallas's disposition.

19 Is that correct?

20 A That is correct.

21 Q As far as you and your personal involvement, did you
22 have any further involvement in the so-called T-shirt
23 incident?

24 A Not that I recall.

25 Q Okay. So you never had occasion in the future to

1 either be requested to take action or to take any action with
2 regard to this matter or to have any conversations regarding
3 actions that should be taken with regard to this matter?

4 A I can't think of anything.

5 Q All right, do you know, did the people leave the
6 site as requested by Messrs. Brandt and Purdy?

7 A Yes they did.

8 Q And do you know whether they returned to the site
9 the following day or not?

10 A Yes, they did.

11 Q They did return?

12 A Yes, they did.

13 Q To the best of your knowledge, has there been any
14 subsequent wearing of the T-shirts on the plant site?

15 A I haven't heard of any.

16 Q I would like to go back now if we can to the nit-
17 picker thought, do you know of any incident that actually
18 happens on the plant site at which the phrase "nitpicker"
19 was used, in whatever context, prior to the time of this
20 T-shirt incident with the words on the T-shirt?

21 MR. DOWNEY: Mr. Roisman, I would ask you to clarify
22 whether he knows of personal knowledge or whether it was
23 reported to him.

24 I think it is a significant difference.

25 MR. ROISMAN: Yes.

1 BY MR. ROISMAN:

2 Q Let's start with your personal knowledge.

3 A I have no direct personal knowledge.

4 Q Of any instance?

5 A No.

6 Q Had you had any reports from anyone about any event
7 on the plant site other than the newspaper articles -- put
8 that aside for a moment -- about the origin of the use of the
9 phrase "nitpicker" on the Comanche Peak site?

10 A I cannot connect with the phrase "nitpicker" but
11 I have heard the phrase "nitpicking" and as I recall it is
12 connected with an OI investigation of allegations in that
13 regard.

14 Q Did you have any involvement in either conducting
15 an investigation of your own or as a participant in any
16 investigation into the "nitpicking" work of OI?

17 A I don't think so.

18 MR. MIZUNO: Could I interrupt?

19 May I ask Mr. Tolson whether he can recall the
20 identification of that OI Report?

21 THE WITNESS: No, I cannot.

22 MR. MIZUNO: Did this involve an OI Report involving
23 QC inspectors in the protective coatings area?

24 THE WITNESS: I am not sure.

25 MR. MIZUNO: You haven't read that report?

1 THE WITNESS: I have read them but I cannot recall
2 specifically which one you are talking about.

3 BY MR. ROISMAN:

4 Q What was it specifically in the newspaper article
5 about nitpicking that you focused on and were particularly
6 upset about. Well, you testified about this earlier this
7 morning.

8 A The newspaper article very likely was issued
9 subsequently to the Labor Department hearings on Bill Dunham.

10 Q I didn't ask when, I'm sorry, I was asking what was
11 it in the newspaper article that particularly upset you, that
12 formed the foundation for your upset at the existence of the
13 T-shirts on the plant site?

14 MR. DOWNEY: Do you have a copy of the article?

15 MR. ROISMAN: No, I do not. I don't have it with me.

16 THE WITNESS: The same statement I made earlier
17 this morning. I have grown tired over the years of reading
18 what I consider to be falsehoods in the newspapers.

19 Q Do you remember what the particular falsehood was
20 that related to nitpicking in this article that had been the
21 source of your original connection with the phrase?

22 A No, I do not.

23 Q Do you remember it as relating to you particularly?

24 A More so in regards to the people that work for me.

25 Q Do you consider it a personal slap at you when

1 people who work for you are unjustly criticised?

2 A Yes, I do.

3 Q At the time of your conversation with the people
4 in Dallas, what did they indicate to you you should do other
5 than, in the first conversation now, other than to put the
6 people in the room across the hall?

7 Did they have any other instructions for you at
8 that point?

9 MR. DOWNEY: Object. I think the testimony this
10 morning was that the first message from Dallas was relayed
11 to Mr. Tolson by some other person. He did not have the
12 conversation.

13 MR. ROISMAN: I'm sorry.

14 BY MR. ROISMAN:

15 Q What was your understanding of what Dallas was
16 instructing you to do as a result of the first conversation?

17 A Keep the people together in a group out of the field
18 until they had time to further consider the matter.

19 Q And when the second call came -- was there only one
20 other call from Dallas?

21 A As far as I know.

22 Q And the second call, did you take that call directly?

23 A Yes, I did.

24 Q And what, other than what you have already testified
25 to, which had to do with the instructions what three things

1 should be done with the people, that they should be told to
2 go home, take off the T-shirts and then if there was a job
3 available the day for them, that they could come back to work
4 the next day -- was there any other direction that you were
5 given in that phone call?

6 A No, sir.

7 Q Did Dallas indicate to you any either agreement or
8 disagreement with your perception of the nature of the problem?

9 A We didn't discuss it.

10 Q Did you ever communicate to Dallas anything other
11 than just the existence of the T-shirt and that the people
12 were wearing them proudly in terms of --

13 MR. DOWNEY: Objection.

14 He hasn't testified that he communicated those
15 things. His testimony was that he asked Mr. Merritt to
16 communicate a message to Dallas and that he received two
17 phone calls after that.

18 The substance of those calls I don't believe were
19 fairly characterized by your question.

20 MR. ROISMAN: Okay.

21 I will withdraw the question.

22 BY MR. ROISMAN:

23 Q In the conversations -- in the second conversation
24 that you had with Dallas, the one that you had directly, did
25 you attempt to give them your own version of the t-shirt

1 events?

2 A No, sir.

3 Q Would it be fair to describe your participation in
4 the telephone call as merely listening to what they said?

5 A That is correct.

6 Q Do you know whether Mr. Welch had been in charge of
7 the QC inspection team in the safeguards building for some
8 significant time prior to the occurrence of the T-shirt
9 events or whether it was a relatively new appointment?

10 A It is my recollection that it was his first day in
11 that building.

12 Q Was his assignment to that particular position
13 something that was directed through your office or elsewhere?

14 A I was involved.

15 Q Can you tell me what was the nature of your involve-
16 ment?

17 A The gentleman who preceded Mr. Welch requested that
18 he be reassigned to another location.

19 Q And who was that gentleman?

20 A Greg Bennettson.

21 Q And where did the name Mr. Welch come from as the
22 person to replace Mr. Bennettson in that position?

23 A Mr. Welch had been an employee of mine for some time.

24 Q How did you decide on Mr. Welch to replace
25 Mr. Bennettson?

SY8rg8

1 A He was available and capable of handling the job.

2 Q Where was he working prior to that?

3 A Temporarily assigned in the quality engineering
4 function.

5 Q What exactly was he doing?

6 A Acting Supervisor.

7 Q For site quality engineering or for a subpart of
8 that?

9 A For site quality engineering.

10 Q Is that the same position that Mr. Ainsworth held
11 at one time?

12 A That is correct.

13 Q Was this transfer for Mr. Welch a transfer to a less
14 senior position from his position as Acting QA for the plant --
15 QE, excuse me.

16 A It was a horizontal transfer.

17 Q Why was it that he was available at the time if
18 he already was holding a position?

19 A Quality engineering job is one that could be
20 handled by other people.

21 Q Did you transfer Mr. Welch there with the belief
22 that you needed a person with some particular skills other
23 than the skills related to electrical quality control and
24 inspection?

25 A I needed a supervisor and in my judgment Mr. Welch

1 met that requirement.

2 Q In your judgment, did you have many such supervisors
3 who, if they had been available, would have equally well
4 fitted or was he uniquely qualified?

5 A There were many, but there was only him available.

6 Q At the time you transferred him in there, did you
7 have any reason to believe that you had a "problem" ?

8 MR. MIZUNO: Excuse me, a problem with what?

9 BY MR. ROISMAN:

10 Q A problem with your QC inspectors of any kind?

11 A Yes, I did.

12 Q What did you believe was the problem you had?

13 A It had been reported to me a few weeks earlier that
14 there was a possibility that some of the QC personnel in the
15 electrical portion of that building were being somewhat
16 destructive in the way that they went about accomplishing
17 their inspections.

18 Q What do you mean by that?

19 A Jerking wires from terminal lugs, rotating flex
20 conduit to such a point where the conduit would loosen up and
21 then turning around and identifying that as defective product.

22 Q When you first heard that, what did you do?

23 A I went to the field and looked for myself.

24 Q What did you see?

25 A I saw wires which had been pulled from terminal

1 lugs and I saw a conduit that was loose.

2 Q And what action did you take when you saw that?

3 A I met with the building QC supervisor and his lead
4 electrical man.

5 Q Just so that we can be clear, we are talking now
6 about Mr. Bennettson?

7 A Bennettson.

8 Q Okay.

9 A I asked for their input relative to what was going
10 on and concluded that temporary reassignment of a few people
11 might be in order.

12 Q And roughly when in reference to when the T-shirt
13 incident commenced did that meeting take place?

14 A A day or two.

15 Q And you say it was two or three weeks before that
16 that you had first gotten information that there may be some
17 problem in the safeguards building with electrical inspectors?

18 A I think I said a couple of weeks.

19 Q Okay, a couple of weeks.

20 How long did it take you after you had -- well,
21 strike that.

22 How did you get that information? How did it come
23 to you that there may be a problem there?

24 What was the source of the information?

25 A I think the initial input came to me from the

1 building manager.

2 Q And how soon after you got that information did you
3 take the action of going down yourself and looking?

4 A Very shortly.

5 Q What does that mean?

6 A A day or two at the most.

7 Q And how soon after that did you get together with
8 Mr. Bennettson and his lead?

9 A Probably eight to ten days after I first went into
10 the building area.

11 Q What transpired in the eight to ten days that
12 prevented you from having gotten together with Mr. Bennettson
13 before?

14 MR. DOWNEY: Objection. He hasn't testified that
15 anything prevented him from doing that.

16 BY MR. ROISMAN:

17 Q What transpired in the eight to ten days related
18 to this particular matter?

19 Did you do anything more between the time when you
20 had your official observation and when you had your meeting?

21 A The visual observations occurred a day or two
22 before, or maybe even the same day as the meeting with
23 Bennettson and his lead electrical, but the time I spent out
24 there was more than just that, it was participating in the
25 daily meetings with the QC and craft personnel and the

1 building management organization just to get a flavor for
2 what was happening in that particular building.

3 Q Did you have any direct evidence to confirm that
4 the reason why the electrical connections were separated
5 and the other destructiveness you saw was caused by some
6 improper conduct on the part of the QC inspector?

7 A I think my assessment was that that was a potential
8 conclusion that could be reached.

9 Q At any time did you have information sufficient
10 prior to the T-shirt incident to convince you that that
11 potential conclusion was in fact the correct conclusion?

12 A No, I did not and I cannot draw a corollary to
13 what we are talking about to the T-shirt incident. They are
14 separate issues.

15 Q I understand. I am only using it as a time frame,
16 not in terms of anything else.

17 Would you describe what you were doing once you
18 have gotten the rumor, or the report from the building man
19 that there might be a problem there as an investigation by
20 you? Would that be a fair characterization of it?

21 A Yes, sir.

22 Q Did you document your investigation?

23 A No.

24
25
End 8.

sy9pbl

1 Q Why did you wait eight to ten days before you took
2 your further action?

3 A I wanted time to get a flavor for what was
4 happening in that building.

5 Q What is the significance, from your perspective,
6 of a QC inspector deliberately doing something destructive
7 and then reporting what has transpired as a noncompliance
8 condition which the inspector himself created by his own
9 actions deliberately? How serious is that in terms of a
10 violation of procedures?

11 A Well, there is a regulation, as I recall. I'm
12 not sure about this but, I think it has criminal connotations
13 with it. Something in the area of sabotage on that plant.

14 Q So you would say it's a very serious thing.

15 A In my mind, yes.

16 Q Did you at any time after you made your first
17 visual examination in the building call in any other people
18 to assist you outside of the people whose names you already
19 mentioned in conducting your investigation?

20 A No.

21 Q Did you at any time before or after the completion
22 of your investigation, but prior to the T-shirt incident,
23 have occasion to contact plant security about this?

24 A No.

25 Q Was Mr. Chapman made aware of it?

sy9pb2

1 A I think so, but I can't recall specifically.

2 Q And if he was, it would have been orally and not
3 with a written document, to your recollection?

4 A That's right.

5 Q What did your observations of conditions in the
6 building disclose to you? Not your conclusion, but what did
7 you find when you went down there during that eight to ten
8 day period and attended the meetings and the like?

9 A I saw loose wire, which was reported may have been
10 pulled from the termination point by the QC inspector during
11 the course of his inspection. And I saw some loose flex
12 conduit.

13 Q No, I'm sorry. After you had done your first, after
14 you made your first trip down to the building, you indicated
15 that during this eight to ten-day period you were attending
16 meetings of QC and craft people at the safeguards building
17 and you were getting a flavor, I think was your word, of
18 just what was going on down there before you decided what
19 final action to take.

20 What I'm asking you is, what did those observations
21 disclose? What were the things you saw? Not what did you
22 conclude about it, but what did you see and hear?

23 A Nothing that was particularly significant. I mean,
24 I'm dealing in a eight to ten-day time frame, just basically
25 attending meetings and listening to feedback and discussion

sy9pb3

1 between craft, QC and building management.

2 Q But at the end of that time you testified that
3 you concluded that some transfers of individuals was the right
4 way to deal with the problem.

5 A I think my phrase was, "temporary reassignment."

6 Q Okay, temporary reassignment. Is that correct?

7 A Yes,

8 Q What did you observe during that eight to ten-day
9 period that made you feel that was the right course of action?

10 A A loose wire from a termination lug and some loose
11 flex conduit which had been reported to me and I had no reason
12 to disbelieve that there was a potential for some destructive
13 effort on the part of some QC people.

14 Q The people you decided to transfer, were they the
15 ones who had been accused of being the inspectors who had
16 engaged in the destructive acts?

17 A Yes,

18 Q Did you ever approach them with the allegation and
19 ask them to admit it or deny it?

20 A No, I did not.

21 Q Did you ever ask anyone else to approach them and
22 ask them to admit it or deny it?

23 A No, I did not.

24 Q What was the basis that you had for deciding that
25 the allegation was correct, or -- strike that.

sy9pb4

1 What was your basis for believing that when that
2 was what you saw, the proper course of action to follow was
3 to transfer the QC inspectors who had been accused of having
4 done the destructive acts?

5 MR. DOWNEY: Objection. He did not testify that
6 he concluded that they should be transferred. He has twice
7 testified that he concluded they should be temporarily
8 reassigned.

9 MR. ROISMAN: I'm sorry, my fault.

10 BY MR. ROISMAN:

11 Q The same question but put in the words temporarily
12 reassigned not transferred.

13 A I'm sorry, I lost it.

14 Q All right. You testified that the only thing
15 you observed that made you decide that these QC inspectors
16 should be temporarily reassigned was that you saw evidence
17 of wire that had been pulled out, and I think one other
18 specific item of destruction. And now I'm asking you to give
19 me your reasoning why when you observed those physical
20 phenomena and had an allegation that these QC inspectors were
21 the reason for it, what was reasoning in deciding the course
22 of action to follow was to temporarily reassign them?

23 A Let me track this before you come to a conclusion.
24 I wanted to call in a group of people to do an independent
25 review and I wanted those people to have free access to the

sy9pb5

1 area. But I wanted the accusers reassigned somewhere else
2 so that we could look at it without any influence or whatever
3 one way or the other.

4 Q Did you temporarily reassign them, both the
5 people accused and the ones who made the accusations?

6 A No.

7 Q Which ones did you reassign?

8 A Neither.

9 Q I thought you said you had temporarily reassigned
10 them.

11 A No.

12 MR. DOWNEY: He testified that he concluded that's
13 what he should do to the QC inspectors. He didn't testify
14 that he, in fact, did it.

15 MR. ROISMAN: I'm sorry.

16 BY MR. ROISMAN:

17 Q Did you temporarily reassign anybody?

18 A No.

19 Q Why not?

20 A Just didn't get it done.

21 Q Did you ever have an independent evaluation --

22 A No, not me.

23 Q Was one ever done to your knowledge by the company?

24 A I don't know.

25 Q Why was Greg Bennettson no longer working as the

sy9pb6

1 supervisor?

2 A As I stated earlier, he requested to be reassigned.

3 Q Who were the people who you had decided that you
4 should reassign, temporarily reassign?

5 A I don't remember all the names.

6 Q Was it ten people or four people?

7 A Approximately six.

8 Q Do you know if any of them -- were any of the
9 individuals who ended up in your office in that T-shirt
10 incident people?

11 A Yes, they were.

12 Q Were all of them in that group?

13 A No, just some.

14 Q What did you believe Mr. Welch would be able to
15 do with regard to this problem which we have been discussing
16 of possible destructive acts?

17 A I hadn't Mr. Welch to do anything.

18 Q His assignment then had nothing to do with an
19 effort on your part to attempt to solve or resolve that
20 problem?

21 A Not at all.

22 Q Did you ever do anything to solve or resolve that
23 problem?

24 A No, sir.

25 Q How long after that event did you move into your

sy9pb7

1 current position?

2 A About a week.

3 Q Did you feel that the T-shirt incident people, by
4 wearing the T-shirts were attempting to have a laugh at your
5 expense in the nature of sort of good-natured fun? Or did you
6 see something -- did you read it or interpret it as something
7 more heavy than that?

8 A I was offended personally. We're going to talk
9 about this a little later. One message that was loud and
10 clear in the '79 interviews was treat me as a professional.
11 Now we did that. I only ask for the same thing in exchange.

12 Q Did you ever subsequent to that time have any
13 conversation with any of the individuals involved in the
14 T-shirt incident and learn whether -- what they were thinking
15 when they did this?

16 A No, I did not.

17 MR. MIZUNO: Excuse me. In '79 the interview you
18 were referring to was the management review board interviews?

19 THE WITNESS: That's correct.

20 BY MR. ROISMAN:

21 Q During the time that you were in charge of
22 supervision of construction QA/QC in the latter part of 1983
23 was there a change in the company's procedure for dealing
24 with claims of harassment or intimidation or threats or other
25 complaints that people had?

sy9pb8

1 A I can't relate those words.

2 Q Well, what I'm talking about is the ombudsman
3 program, the hotline program. Did that occur in the latter
4 part of 1983 while you were still in charge of site QC/QA?

5 A Yes, sir.

6 MR. ROISMAN: Can we take just a short break?

7 (Recess.)

end 9.

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1 BY MR. ROISMAN:

2 Q Were you involved in any way in the determination
3 or discussions leading to the determination to establish
4 the ombudsman and hotline programs?

5 A I was involved in a very, very limited way. I
6 was knowledgeable about what the proposals were and had --
7 did interview Mr. Greer prior to his assignment.

8 Q Did you feel that the ombudsman and hotline programs
9 were a good idea?

10 A Yes.

11 Q Did you know of any particular problem which having
12 been in place would help resolve?

13 A Nothing in particular. Generically speaking, and
14 I will speak for myself and not the company, I think the
15 presence of those vehicles should minimize the number of
16 allegations that external folks have to come to grips with.

17 Q By "external folks" what do you mean?

18 A Nuclear Regulatory Commission.

19 Q Have you an opinion regarding whether there had been
20 what you would believe was an inordinate number of those that
21 the NRC was addressing?

22 A I did not at the time, no.

23 Q When did the ombudsman and hotline program actually
24 become operational?

25 A I don't recall specifically.

1 Q Was it before the end of '83 or end of '84 as you
2 recall?

3 A It was before the end of '83.

4 Q What experience did you have with the program while
5 it was in operation?

6 MR. DOWNEY: Objection. It is still in operation,
7 I believe.

8 But I would ask Mr. Roisman to rephrase his question
9 to indicate the programs are still in place.

10 BY MR. ROISMAN:

11 Q What experience did you have with the program while
12 you were at the plant during its operation, which it is my
13 understanding is still operating?

14 MR. DOWNEY: Not being picky, I would object again.
15 Mr. Tolson is also still at the plant.

16 MR. ROISMAN: In his prior position, while he was
17 still in that position.

18 THE WITNESS: I can't relate to the question of
19 experience because I am not sure I understand what you mean.

20 BY MR. ROISMAN:

21 Q For instance, under the program did you have occasion
22 while you were site QA-QC to either initiate investigations
23 by Mr. Grier or be the recipient of the results of investiga-
24 tions by Mr. Grier or in any other way have a relationship
25 with the input to or output from the ombudsman and hotline

1 programs?

2 A Well, Mr. Crier was a member of my staff.

3 Q Right, okay.

4 A So I had real frequent contact with him personally,
5 had very little if any involvement with the hotline program
6 since that was a direct line to Dallas.

7 MR. ROISMAN: May I ask the reporter to mark this
8 document and I will identify it in more detail for purposes
9 of the record as Exhibit 45-1.

10 (The document referred to
11 was marked Exhibit
12 No. 45-1 for identification.)

13
14 BY MR. ROISMAN:

15 Q Mr. Tolson, I am handing you a document that has
16 been marked Exhibit 45-1 entitled Report on Allegations of
17 Coverup and Intimidation by TUGCO-Dallas Quality Assurance
18 by three individuals, two and then approved by one, dated
19 August 19, 1983, with a confidential stamp barely visible
20 on it which consists in addition to this cover page of 12
21 pages and then an Attachment 1 and Attachment 2, Attachment 3,
22 Attachment 4 and ask you if you are familiar with this
23 document.

24 And let me make one caveat. This document has a
25 number of blanks in it and it is in the form as it was

1 originally received by CASE in discovery in this proceeding.

2 And for the record I want to be clear that this
3 Exhibit 45-1 is the version that does not disclose certain
4 names of incidents in it.

5 I am not going to be asking in great detail about it.

6 Would you tell me, do you recognize that document?

7 Are you familiar with it at all?

8 A No, sir.

9 Q Have you ever heard of the report?

10 A No, sir.

11 Q Did you have anything to do with either its
12 initiation, preparation or implementation of any of its
13 recommendations?

14 A No.

15 MR. ROISMAN: I am going to ask the reporter to
16 please mark this next document Exhibit 45-2.

17 (The document referred to
18 was marked Exhibit
19 No. 45-2 for identification.)

20
21 BY MR. ROISMAN:

22 Q Mr. Tolson, I am now showing you a copy which is a
23 copy of the document which I have given to the reporter
24 which itself is a copy of a document which was marked
25 Exhibit 45-2 entitled at the top of it, "Departmental

DEPARTMENTAL CORRESPONDENCE

Ep 45-2

QAD-83-0096
August 8, 1983

TO: R. B. Roth cc: J. J. Norris
FROM: J. J. Lipinsky

SUBJECT: Trip Report OBC Job No. H8301 (Comanche Peak Unit 1-Glen Rose, TX)

The writer was on the subject site July 26, 27, and 28, 1983.

The following individuals were met while on site:

- M. R. McBay (TUSI) Engineering Manager
- C. T. Brandt (EBASCO) Project Non-ASME QC Supervisor
- Gene Crane (TUSI) Construction Resident Manager
- Jerry Hoops (EBASCO) Personnel
- John Merritt (TUGCO) Manager of Start-Up
- T. L. Miller (EBASCO) Paint Inspector
- R. Tolson (TUGCO) QA Manager
- Mark Wells (Gibbs & Hill) Engineer
- Harry Williams (Gibbs & Hill) QC Paint Supervisor

The following activities were performed while on site:

- July 26, 1983 - Meet C. T. Brandt (Ebasco)
 - Walk site with Harry Williams (Gibbs & Hill)
 - Meet R. Posgay (OBC) - discuss painter qualifications and site conditions/problems in general
 - Meet Mark Wells (Gibbs and Hill)
 - Get Badged
- July 27, 1983 - Walk around site - observe work on polar crane and dome
 - Brief meeting with R. Tolson (TUGCO) and C. T. Brandt (Ebasco) - preliminary assessment by J.J.L. that Comanche Peak has problems in areas of material storage, workmanship (quality of work and painter qualification & indoctrination), not satisfying ANSI requirements and possibly coating integrity. All of above could affect NRC licensing to which R. Tolson replied "That's not my job or concern".

Also discussed former OBC employees with emphasis on T. L. Miller (Ebasco). R. Tolson (TUGCO) asked J.J.L. if J.J.L. would rehire T. L. Miller (Ebasco). J.J.L. replied "Depending on circumstances, yes". C. T. Brandt (Ebasco) volunteered to have T. L. Miller (Ebasco) at the airport by three o'clock.

- July 27, 1983 - Go through project specifications
- Meet with swing shift inspection personnel
- Observe swing shift work on polar crane and dome
- July 28, 1983 - Meet JJN and give run down on observations and potential problem areas
- Meet with Mark Wells (Gibbs and Hill) and go over specification 2323AS31 and FSAR commitments to ANSI Standards. ANSI N5.12, 101.2, 101.4 (which ties into N45.2) and Regulatory Guide 1.54 are referenced in either the specification or FSAR.
- Advise JJN on specification/FSAR commitments
-Meeting with J. Merritt (TUGCO), G. Crane (TUSI)
R. Tolson (TUGCO), M. McBay (TUSI), JJN, JJJ
- A) JJN gave introduction which included the fact that the Comanche Peak site is committed to ANSI requirements and JJN then attempted to turn over discussion to JJJ.
- B) JJJ started by stating that based on observations and specification/ANSI commitments that there are areas for people to be concerned about at Comanche Peak.
- JJJ briefly reviewed for the individuals present that OBC has had extensive experience on nuclear projects, and that OBC is familiar with various means/methods of satisfying ANSI requirements.
- R. Tolson (TUGCO) asked for examples of specific problem areas or items.
- JJJ replied that specifics cannot be given without a thorough review/audit. However, described problems with material storage, painter qualification/indoctrination, possible documentation deficiencies, and morale problems.
- C) JJJ indicated that by Brown and Root estimates, only 34 out of 452 individuals are of any value as painters. JJJ also stated that if quality work is put in place then they would be a long way to resolving site problems. Further JJJ stated that there is currently a "No Win" situation on site between the craft and QC Inspectors, and even though this sounds corny, Brown and Root needs to develop a "Win-Win" situation.

Conversation at this point took off on the areas of assuring that individuals putting work in place are doing an adequate job or get disciplined, and changing morale.

- D) Discussion then centered on what if any changes OBC would recommend for the specification. Essentially Brown & Root is happy with the level of enforcement/inspection currently in force for the specification/procedure requirements. Also a change in the specification this late in the game would only confuse matters on site. JJN to come up with a DCA for touch-up.
- E) Problems with the quality of the air supply (takes up to half of the shift to have the oil problem corrected) were discussed and how to correct same.
- F) Availability and qualification of inspection personnel was discussed. JJN suggested that J. Coogan (BEI) may have some people available. J. Merritt (TUGCO) suggested J. Coogan contact Jerry Hoops (Ebasco).

-Meeting with J. Church (TUGCO-VP) J. Merritt (TUGCO)
JJN, JJJ

- A) J. Merritt (TUGCO) reviewed/summarized discussion of earlier meeting.
- B) J. Merritt (TUGCO) directed JJN/OBC to do no more (other than recommend alternative air supply) until notified by TUGCO.

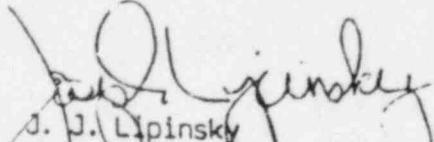
The following are the writers observations/opinions as a result of this site visit:

- A) To some extent a parallel can be drawn with Comanche Peak and Zimmer. Comanche Peak is doing inspections to the degree that they (Comanche Peak) are comfortable with or will tolerate. However in the real world there are requirements that have to be satisfied, and in at least the areas of material storage, painter qualification/instruction, documentation and traceability indications are that Comanche Peak falls short in adequately satisfying these requirements. The writer's opinion is that management at Comanche Peak has deluded itself into thinking everything is alright or it will all come out in the wash. The fact that management attempts to squash any efforts to point out quality problems (No NCR's, QC reporting to production, etc.) to some extent confirms the above, and has led to a morale problem with the inspection staff.

- B) Almost everyone in the inspection staff is looking to get out of Comanche Peak. The inspection staff works 60-70 hours a week. You can't work people on an extended basis even with high salaries (apparently only a few stay a whole year). In addition to the long hours the inspectors contacted by the writer (other disciplines included) all have a low opinion of the quality of the work put in place, and in effect are keeping quiet until they can find another job.
- C) The writer did not feel comfortable with the way JJN presented the ANSI requirements. This has been discussed with JJN, and to a certain extent the writer feels that at the least the manner of presentation was counter productive to Cannon's efforts. The writer would like to state for the record that OBC does satisfy all applicable ANSI requirements and has done so on numerous nuclear projects.
- D) JJN and JJJ discussed the possibility of OBC performing an in-depth audit. The writer cannot recommend an audit at this time because B&R is hostile to the idea and no action would be taken by B&R on problems/concerns detected during the audit.
- E) High DFT of CZ#11 is power ground to acceptable DFT. This would burnish or polish the zinc, and possibly result in poor adhesion of the top coat.
- F) Old Phenoline 305 (between 1-2 years old) is being topcoated with new Phenoline 305 with little or no surface preparation (solvent wipe).

SUMMARY:

- 1) This trip was not as productive as the writer had hoped. Often the writer felt that B&R wanted to buy the "right" answer. This is substantiated to some extent by the fact that they did not try to utilize the expertise and/or experience of the writer with regard to Quality Assurance/Quality Control, and the attitude of the B&R management (especially Quality Assurance).
- 2) If OBC tries to obtain a contract on this site, the writer would suggest that it be a rework contract because it will be impossible (by all indications) to salvage what work is currently in place.


J. J. Lipinsky
Quality Assurance Director

1 Correspondence QAD-83-0096," dated August 8, 1983, and it
2 appears to be a memorandum to R.B. Roth from J. J. Lipinsky.

3 Have you ever seen this document before? By the
4 way, it is a four-page document?

5 MR. DOWNEY: May I see it before it is passed to the
6 witness, please?

7 MR. ROISMAN: Yes.

8 (Counsel hands document to counsel.)

9 MR. DOWNEY: Thank you.

10 THE WITNESS: What was your question?

11 BY MR. ROISMAN:

12 Q Have you ever seen this document before?

13 A Yes, I have.

14 Q Can you tell me, in the document itself it indicates
15 that among the people who were met with by the author of the
16 document, you were listed as one of those.

17 Is that accurate? Were you in fact talked to by
18 Mr. J. J. Lipinsky during his site visit?

19 A Briefly, yes.

20 Q Can you tell me your recollection of the substance
21 of that conversation?

22 A He introduced himself, basicall explained what he
23 was planning to do and I presume he went and did what he
24 planned to do and we had a joint meeting the following day
25 with some other people.

SY10rg6

1 I understand we were debriefed on some preliminary
2 thoughts that they as a group had developed.

3 Q They as a group -- to whom are you referring?

4 A O. B. Cannon and Associates.

Side 2, BU3 5 Q And how do you know that Mr. Lipinsky or that
6 someone from O.B. Cannon was coming to do a site visit before
7 that meeting?

8 A I knew that someone from O.B. Cannon would be there.
9 I had no knowledge that Mr. Lipinsky would.

10 Q What was the involvement that you had, if any, in
11 the decision to have anyone come and do this investigation?

12 A I had no involvement.

13 Q Was that unusual?

14 MR. DOWNEY: Objection.

15 I don't object, Mr. Roisman, but I don't understand
16 the relevance of this line of questions in this proceeding.
17 I object to the entire line of question and failure to
18 establish relevance of the line.

19 MR. ROISMAN: I gave you my copy of the Lipinsky
20 transcript. That is what I can't find.

End 10

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1 MR. ROISMAN: The report by Mr. Lipinsky includes
2 references to problems that were identified in the paint
3 coatings area that he at least initially at that time identi-
4 fied and that related to, for instance, on the second page of
5 the memorandum, in paragraph C, he says Lipinsky -- I am
6 just paraphrasing -- indicated the estimates will be 34 out
7 of 452 individuals have any value as painters. Lipinsky
8 also stated that the quality of work was put in place and
9 there would be a long wait to resolving site problems further.

10 Lipinsky stated there is currently a "no win"
11 situation on site between the craft and QC inspectors and even
12 though this sounds corny, Brown and Root needs to develop a
13 "win-win" situation.

14 I believe he was identifying items which are
15 legitimately related to the issues in this proceedings and
16 the question I have for Mr. Tolson are merely to determine
17 what his level of interest was in what Mr. Lipinsky was saying.

18 I am not attempting to put in the Lipinsky memorandum
19 as evidence and certainly through this witness and secondly,
20 I am only trying to say if this is what you heard, what was
21 your reaction to it and why?

22 And I will particularly focus and ask him whether
23 or not page 28 of the transcript of the meeting that
24 Mr. Lipinsky attended, his sworn statement with Mr. Hawkins,
25 Mr. Jones and Mr. McNeil and Watkins of your law firm here

1 on behalf of Mr. Lipinsky whether Mr. Lipinsky's characteriza-
2 tion of the events that transpired is accurate or not in
3 Mr. Tolson's opinion and if not, why not, about his discussions
4 with Mr. Tolson.

5 That is what I want to talk to him about.

6 MR. DOWNEY: Point one, with respect to the statement
7 that you read from Exhibit 45-2, Mr. Lipinsky's memorandum,
8 I don't see the relevance of those statements to the scope
9 of inquiry in this proceeding.

10 As I recall the litany that you recited, and it had
11 to do with painter qualifications not at issue here, it had
12 to do -- it identified a no-win attitude. I don't really
13 understand what that means. I think your proper subjects
14 conceivably might have something to do with the examination
15 of Mr. Lipinsky.

16 But to ask Mr. Tolson about those matters first is
17 outside the scope of this proceeding and it is outside his
18 competence to testify.

19 If you want to ask him what he said to Lipinsky and
20 what Lipinsky said to him, I think you will expedite this
21 matter if we just move on and I would be willing to do that,
22 reserving my relevance objection.

23 The second point, as to the interview with Mr.
24 Hawkins, again, I don't think it is relevant but beyond that
25 you are asking Mr. Tolson to comment on hearsay statements

1 and an interview at which he wasn't present.

2 MR. ROISMAN: I am asking him to say whether that
3 is an accurate description of what transpired between him
4 and Mr. Lipinsky.

5 MR. DOWNEY: Why don't you just ask him what happened
6 between him and Lipinsky. It seems like a much quicker way
7 and a much more direct way to get to the point.

8 MR. ROISMAN: I thought it would be easier if you
9 were to say, well, what is the basis of your asking the
10 question? Did you turn off? And I would say well, I got the
11 sworn statement here in which it says that Mr. Tolson turned
12 off and said he wasn't interested.

13 MR. DOWNEY: You have a sworn statement, which
14 Mr. Lipinsky expressed his opinion. I assume that it is
15 correctly transcribed, et cetera, et cetera. Why don't you
16 just ask him what happened?

17 Ask him how he --

18 MR. ROISMAN: I think it is relevant because I think
19 the situation about the no-win situation between craft and QC
20 is simply another way of explaining or articulating the tension
21 that existed between those two that produced a lot of this
22 concern over harassment and intimidation.

23 MR. DOWNEY: And if indeed your supposition is
24 true, if that is what Mr. Lipinsky meant, then I suppose you
25 could ask him that question.

1 But what you are characterizing as tension between
2 craft and QC based on your supposition about what Mr. Lipinsky's
3 cryptic remark means --

4 MR. MIZUNO: Could I see Mr. Lipinsky's statement?

5 MR. DOWNEY: I don't want to reach an impasse.

6 Why don't you indulge me the courtesy of just asking
7 what happened and then if you are not satisfied with his
8 answer, probe that?

9 But don't use Mr. Lipinsky's words. Let Mr. Tolson
10 express his.

11 MR. ROISMAN: I will start that way and we will see
12 where we go with that.

13 BY MR. ROISMAN:

14 Q Mr. Tolson, when you met with Mr. Lipinsky, did he--
15 you met with him twice , is that correct?

16 A I met with him once and I met with him and some other
17 people the second time.

18 Q All right. And at the first meeting you have
19 already testified, I believe, that the only thing that
20 transpired was he told you "I am here to do this" and you
21 heard it and he went off, as far as you know, and did it?

22 A That's correct.

23 Q He wasn't giving you any information about what he
24 had planned, because he is just starting, is that correct?

25 A That is my recollection.

1 Q And did you express to him at that time anything
2 about how you felt about what he was doing?

3 A No.

4 Q The second time that he and some other people talked
5 to you, was that for the purpose of them telling you among
6 others what they had perceived during their investigation?

7 A As I recall, yes, that was the purpose of the
8 meeting.

9 Q Were you interested in what they had to say?

10 A Yes.

11 Q Did you express that interest to them when they
12 began to tell you what they were --

13 A I asked for specific examples of things in the field
14 that supported some general statements that they made.

15 Q Did you at any point lose interest in what they
16 were communicating to you and not listen to it?

17 Or did you, in your judgment, hear it all very
18 clearly?

19 A I think I heard it all very clearly.

20 Q Did you take any action based upon what you heard?

21 A No.

22 Q Did you believe that you heard anything from them
23 that was pertinent to your responsibility?

24 A I did not hear anything that I wasn't already
25 aware of.

1 Q What problems that they identified, if any, were
2 you already aware of?

3 MR. DOWNEY: Objection.

4 First, you assumed that they identified problems
5 other than gave their preliminary views. Second, you have
6 yet to establish that they communicated anything to Mr. Tolson
7 about the subject matter of this proceeding.

8 And I object on relevancy grounds.

9 MR. ROISMAN: Let's take a look at Exhibit 45,
10 Item 2.

11 (Pause.)

12 Look at page three, the bottom of the page. I am
13 just going to state this. I am not going to argue with you
14 any more about it. You can make your objections later. I
15 am simply doing it to document to you why I believe it is
16 relevant.

17 The bottom of page three says the following are the
18 writer's observations and opinions as a result of the site
19 visit, and then there is a long paragraph which is quoted
20 there. The document will be appended to this deposition.

21 I will not read the whole paragraph, but it indicates
22 at the end the fact that management attempts to squash any
23 efforts to point out quality problems (no NCR's, QC reporting
24 production et cetera), to some extent confirms the above and
25 has led to a morale problem with the inspection staff.

1 I believe that is exactly what this hearing is
2 about and that is something which Mr. Lipinsky states in his
3 memorandum.

4 Now I am not introducing this for the truth of
5 Mr. Lipinsky's views are correct. I am trying to find out
6 Mr. Tolson's reactions to hearing that information, if he
7 heard it, if Mr. Lipinsky said it.

8 MR. DOWNEY: And that is precisely by point. We
9 haven't established that Mr. Tolson received any information
10 along those lines from Mr. Lipinsky at this meeting about
11 which you are examining him.

12 MR. ROISMAN: We are in the process of getting at
13 that.

14 BY MR. ROISMAN:

15 Q Mr. Tolson, would you take a look at this paragraph
16 that I have been referencing which is at the bottom of page 3
17 of 45-2 and would you please read it and tell me whether or
18 not the substance of that paragraph was communicated to you
19 by Mr. Lipinsky at the meeting that you and he had, the
20 second meeting that you and he had.

21 A I do not recall anything remotely close to what
22 this says.

23 Q That is, you don't recall him saying anything like
24 that?

25 A That is correct.

1 Q When did you first learn of that particular state-
2 ment, if you did learn of it prior to today?

3 A The first time I saw this document.

4 Q Which was approximately when?

5 A I have no idea. It has been many months ago.

6 Q When you saw that statement, what was your reaction?

7 A I could not come to grips with the basis for it. I
8 don't understand what he is saying.

9 Q Did you make any attempt to independently determine
10 whether what he was saying was correct or incorrect?

11 A Yes, I did.

12 Q What did you do?

13 A We had a joint discussion with Mr. Lipinsky on this
14 memo.

15 Q And were you in attendance at that joint discussion?

16 A Yes, I was.

17 Q And did you in particular talk to him about that
18 paragraph?

19 A Yes.

20 Q Did you come away from that meeting believing that
21 there was any basis for that particular problem that he
22 identified or not?

23 A No basis.

24 Q Did you get his agreement at that meeting that he
25 also believed that there was no basis for that?

1 A I think that is correct.

2 Q When you say you think, you mean you think that is
3 how he felt or you believe you remember that that is what he
4 said?

5 A I believe that he was satisfied that he had no
6 basis for this when he left.

7 Q And roughly when was that meeting?

8 A I don't remember.

9 Q Within a few weeks after you got the memorandum or
10 a few months?

11 A Within a few weeks.

12 Q Was that at the plant site?

13 A Yes.

14 Q Who arranged for that meeting, the third meeting
15 between Mr. Lipinsky and yourself and whoever else was there?

16 A Mr. Merritt.

17 Q Did you request the meeting?

18 A No.

19 Q Were you consulted as to whether there should be
20 such a meeting?

21 A Mr. Merritt talked to me about it.

22 Q Did you consur with him that there should be such
23 a meeting?

24 A Yes.

25 Q Prior to that meeting, had you made any efforts

1 to independently determine whether what Mr. Lipinsky was
2 saying had a basis?

3 MR. DOWNEY: Objection.

4 If you made an effort to determine what Mr. Lipinsky
5 said had a basis before he knew what Mr. Lipinsky said?

6 Q MR. ROISMAN: He knows what he said, on the bottom
7 of page 3.

8 MR. DOWNEY: There is a whole list of things, only
9 one or two of which relate to this proceeding even in your
10 view of the scope of it, Tony, and I would ask you to identify
11 the particular area of those things that you want to ask
12 Mr. Tolson about.

13 MR. ROISMAN: I think everything in A is pertinent
14 to the proceeding. With regard to paragraph A, at the bottom
15 of page 3, prior to the time that you had the meeting with
16 Mr. Lipinsky, did you make any effort independently to
17 determine whether there was a basis for any of those statements?

18 THE WITNESS: I reviewed the memorandum myself and
19 requested my QC supervisor, Mr. Brandt, to also review it.

20 BY MR. ROISMAN:

21 Q What do you mean when you say "reviewed"?

22 A Read it.

23 Q Mr. Brandt, did he give you a report after he read
24 it?

25 A Yes.

End 11.

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Q Did you do anything further?

A No.

1 Q Mr. Tolson, did you ever instruct any persons
2 not to write NCRs?

3 A No, other than through the formal program.

4 Q I'm sorry, would you explain the rest of that
5 answer?

6 A The program itself provides for alternate ways
7 of recording non-conforming conditions. I would expect the
8 inspection people to follow the written procedures that are
9 in the QA program.

10 Q At any time, while you were employed in the position
11 of Construction QC Supervisor, were you made aware of any of the
12 cost implications of delays in schedule completion of the
13 Comanche Peak nuclear plant?

14 A I don't understand what you just asked me.

15 Q At any time that you held the position, in which
16 you supervised the construction QC at the plant site, did you
17 ever obtain any information from any source that would make you
18 aware of any relationship between cost and delay in plant
19 construction or plant inspection activities?

20 A Certainly.

21 Q How did that information come to your attention?

22 A I can recall at least two, or maybe three public
23 announcements on cost increases and schedule delays.

24 Q Were there any communications to you in the form --
25 directly to you, like a memorandum or in a meeting that you

sy121b2

1 attended or phone call?

2 A Do you mean "Hey, Tolson, cost is increasing?"
3 The answer is no.

4 Q How about people just pointing out to you that
5 if it took your people longer to complete their work, that
6 it was going to cost money to the company?

7 A No, I don't get that kind of input.

8 Q Do you feel that in that job you have a
9 responsibility to complete the QC inspections as quickly as
10 possible, in order to avoid increasing costs to the company?

11 A Well, that's not a fair phraseology. Any man in
12 my position would sense a responsibility to complete his job
13 in as timely a manner as possible, but do it the right way.

14 Q While you're in the position of supervising QC
15 at the plant, did you have in place a new program to encourage
16 employees to report on whatever was the appropriate mechanism,
17 non-conforming conditions?

18 A Most definitely.

19 Q What was your program or programs to do that?

20 A It starts with the basic QA indoctrination and
21 training sessions that all personnel assigned to QA and QC
22 receive as a routine part of their training program.

23 Included in there is exposure and oral and/or
24 written examination on the quality assurance requirements
25 associated with construction of nuclear power plants. That

syl21b3

1 includes exposure and training in the use of Non-Conformance
2 Reports and Inspection Reports or other documents that are
3 routinely used in the daily activities associated with QA/QC.

4 Q What other steps to encourage the reporting of
5 non-conforming conditions?

6 A Each procedure has references to the proper
7 document to use to accomplish that task.

8 Q What else?

9 A Off the top of my head, I can't think of anything
10 else.

11 Q Are you aware of any conditions that existed at
12 the plant site when you were in charge of QA/QC, which would
13 tend to discourage or have the potential for discouraging
14 the reporting of non-complying conditions?

15 A I am not personally aware of a condition like
16 that.

17 Q So, in your judgment, just the natural condition
18 at the plant site, as you perceived it, had no tendency to
19 discourage?

20 A I said I was not aware of the situation.

21 Q Okay, I'm only asking for what you know.

22 A Yes.

23 MR. DOWNEY: Could we take a short break? Five
24 minutes?

25 (Recess.)

syl21b4

1 MR. ROISMAN: Back on the record.

2 While we were in recess, we clarified something
3 and I will clarify it again for the record. The exhibit
4 marked 45-2, which is the Lipinsky Memorandum, is not being
5 offered into evidence by CASE. Consistent with what this
6 counsel understands to be Board policy, we have provided a
7 copy to the Reporter for her to bind with the transcript, but
8 it is not being offered into evidence.

9 MR. DOWNEY: Thank you for that clarification.

10 MR. ROISMAN: I would like Mr. Tolson to have
11 before him a copy of Exhibit Purdy 42-1.

12 (Counsel handing document to witness.)

13 BY MR. ROISMAN:

14 Q Mr. Tolson, I would like to direct your attention,
15 and this is the entire document, or at least my version of it
16 is totally unnumbered, so we'll just have to try to struggle
17 through. But we are going to start with the QC Electrical
18 Group. And the page in question is Management.

19 It's three or four pages in, I think.

20 Do you have that in front of you?

21 A Yes, I do.

22 Q And looking at Management, paragraph one, would
23 you just read that briefly?

24 Can you tell me what specific actions were taken
25 by you, or that you know of, that were taken to respond to that

syi21b5

1 expressed concern, if any?

2 A From memory, I think I ought to add, at the outset,
3 I took these documents, in following my review, and any
4 questions I had of my staff and firmly in my mind what they
5 were saying and whether or not it had any bearing in reality.
6 I met individually with these people, or in groups of five
7 or six.

8 Q I'm sorry. I am now very unclear about who these
9 people are.

10 A Electrical is what we're talking about.

11 MR. DOWNEY: You're talking about inspectors,
12 Mr. Tolson?

13 THE WITNESS: Electrical inspectors.

14 BY MR. ROISMAN:

15 Q Go ahead.

16 A And fed back to them, really, an exchange because
17 I can take something like paragraph one and I can read that
18 to mean several different things. As an example, I can easily
19 relate to an individual in QC feeling that perhaps part of
20 his efforts were expected in training Crafts.

21 I think it's really obvious that if you have a
22 situation where you tell the Craft no, your product doesn't
23 match in all cases with what the drawing or specifications
24 call for, that I could mentally picture the guy feeling like
25 I'm training the workman how to do his work.

1 Q Yes.

2 A And in that context, what I attempted to do with
3 the people was to extract additional input that might give
4 me a better feeling for what they're trying to say. I
5 don't recall anything other than what is here and I don't think
6 I got any disagreement with the logic I just laid here when
7 I talked to the individuals.

8 I came away feeling like we had a very good
9 exchange of information. They had the opportunity to get this
10 particular item off their chest and had the opportunity to
11 philosophize and discuss it. I personally didn't conceive this
12 as a major issue.

13 Q Let me ask you something. In the context of your
14 meetings with them, after you got back the results of this
15 report, obviously they and you would know who each other was.
16 The anonymity portion of it would now be gone.

17 A No, that's not true.

18 Q Well, I'm sorry, let me rephrase it. When you
19 held your meeting with your electrical QC inspectors and you
20 said -- I don't know who said Item I here, under Management,
21 but I would like you all to discuss frankly with me your
22 feelings about it.

23 When they discussed them frankly with you, in
24 that give and take, we knew who was then talking about it,
25 isn't that correct?

sy121b7

1 A Not necessarily.

2 Q You mean they were masked, or you simply didn't
3 know who it was?

4 A I never went into the thing trying to determine
5 who was the guy that said this or who was that. That wasn't
6 the purpose of the meeting.

7 Q No, but in the meeting if someone spoke up and
8 said Mr. Tolson, I really think that we've got a problem here
9 with quality not being our real responsibility on the site.
10 Whoever would say that, you would know who said it at that
11 time, not necessarily who said it to the interviewer, but
12 who said it at that time.

13 A I know who said it in that meeting, certainly.

14 Q Well, why do you feel that you were going to get
15 frank answers when they knew that you knew who was saying it,
16 if you felt that the approach of doing the interviews without
17 disclosing who the person was was a good approach in the
18 first place?

19 A Well, I started the sessions by trying to give --
20 that's probably the first opportunity I had to sit and talk
21 with the individuals and, you know, I had been at the site
22 a couple of years -- you know, a year and a half, two years.
23 And one of the few opportunities that a guy at my level has
24 to sit in a very calm way and just talk to the people.

25 The introductory portion of the session was

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1 designed to bring them up to speed on the history of
2 Comanche Peak, where we were at, where I perceived the
3 things we were trying to get, and an attempt to set their
4 minds at ease that I was there as a partner in trying to come
5 to grips with significant issues. At the same time, an item
6 like this, I could read it. I read it then and I read it
7 again, that it is a perception as opposed to an issue.

8 Another example, it is common in the nuclear
9 business for the majority, if not all, paperwork -- i.e.
10 inspection records to be controlled, initiated by QC. It
11 is a natural thing for QC people to do. It makes a lot of
12 sense to me. That shouldn't be construed as a negative
13 issue, in my judgment. That's a part of the QC job.

14 And I think when we discussed it with them, in that
15 light, things like this were brought into perspective for them.
16 And I never heard any more about it.

17 Q You did not feel that having the meetings face
18 to face would, in any way, inhibit them from giving you their
19 real feelings on any of these subjects? Is that correct?

20 A I didn't feel that going in and I certainly
21 didn't feel it coming out. I thought we had, you know, not
22 everybody, five people in the room at random. We're probably
23 going to run onto a group where nobody wants to say anything
24 and you will run onto a group, with a whole group, who has
25 got a heck of a lot to say, none of which is specifically

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1 associated with what the purpose of the meeting is.

2 And so you run that balance of people. But I
3 personally felt very good and I'm glad that I took the effort
4 and time to sit and go back over the details of this with
5 them. And I think they appreciated it.

6 Q With respect to this particular item, one
7 identified in management, did you feel that the discussions
8 that you held with QC electrical inspectors was all -- after
9 it was done -- was all you needed to do to address that
10 particular item?

11 A No, well, maybe item number 1.

12 Q Yes, I'm just talking about item 1.

13 A I don't recall any -- gee, you know, it's been
14 five years ago, Mr. Roisman.

15 Q I understand.

16 A And I don't recall, at this point, anything other
17 than just discussion of the problem.

18 Q All right --

19 MR. DOWNEY: Excuse me. I want to be clear,
20 Mr. Tolson, your answer to Mr. Roisman's questions was limited
21 strictly to item 1 on the sheet headed Management from the
22 Electrical package?

23 THE WITNESS: That's what I understood his
24 question to mean.

25 MR. ROISMAN: You're correct. That's what it was.

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1 BY MR. ROISMAN:
2 Q Would you turn over two more pages to the last
3 page of the Electrical package, which is identified nature
4 of problems. And if you would, please, would you read to
5 yourself, not into the record, paragraph 2 thereof. And then
6 I want to ask you some questions about that.

7 (Pause.)

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1 Q Did you take any steps to address that major
2 problem?

3 A Not specifically associated with this particular
4 issue, but I did communicate to the people the programmatic
5 things that were already in place that were designed to take
6 care of what I perceived we were talking about here.

7 Q And this was communicated to them in the same
8 series of meetings that we have just been talking about?

9 A Yes.

10 Q In the course of those meetings, did you manage
11 to meet with most of your QC electrical inspectors? Was
12 that your intent?

13 A I think I accomplished meeting with all of them.

14 Q And beyond that meeting, no further actions were
15 taken by you to address this particular concern?

16 A No, that's not true in this case.

17 One of the programmatic elements that was
18 already established in this was -- I will use my words --
19 fairly detailed and sophisticated trend analysis of
20 construction deficiencies that are uncovered during the
21 inspection process.

22 One purpose of that is to create an atmosphere
23 coming out of QA to the craft that will cause the craft's
24 ability to construct to design the first time to improve.

25 Okay?

1 Q Okay.

2 A And that, in my mind, is what they're saying.

3 The other thing that we successfully accomplished
4 is a project addressing a second sentence in that paragraph
5 -- is to not give the craft credit for production goals
6 unless they had successfully gone through the inspection
7 process.

8 Q Was that a change that took place subsequent to
9 the 1979 report?

10 A It was a thing that we evolved into, as a
11 project.

12 I am not going to claim specifically, as a result
13 of this report, that's what we did. But I do know that we
14 achieved that goal very shortly after this time frame.

15 Q What, if any, specific actions did you take to
16 deal with the portion of paragraph 2 which is essentially
17 the fourth sentence, sort of a second paragraph under
18 paragraph 2?

19 A Where the little gap is there?

20 Q Yes, that's right.

21 A The reference to the phrase "act of violence" was
22 given a great amount of attention by Mr. Chapman. It's the
23 same incident that we talked about much earlier this morning.

24 Q I remember it.

25 A So, I had no reason to take any additional action

SYj1 13/3

1 in that regard.

2 The thrust of the philosophy behind the approach
3 that we've taken is, in my words, if everybody does what
4 they're supposed to do the correct way the right time,
5 there's no reason for an argument. And that's consistent
6 with what I tried to relate a minute or so ago on the
7 philosophy behind the use of the trend analysis. In my
8 judgment, it works very effectively.

9 If people are accomplishing their jobs and are
10 pleased they are accomplishing their jobs, my experience is
11 that you have very few, if any, arguments.

12 Q So to paraphrase what you're saying and to see
13 if I understand it correctly, one of the ways that you were
14 responding to these express concerns about arguments, hot
15 discussions, yelling, name calling, occasional threats
16 between craft and QC, was to do trend analyses that would
17 show -- and to take the results of trend analyses and show
18 that where sub-quality work was being done, that the craft
19 needed to improve what it was doing?

20 A I don't like your phrase "sub-quality." It is
21 work that does not complete in all cases what the drawing or
22 specifications as they were conceived by the engineer.

23 Q All right. But your way of responding to that
24 was to -- was to what? Report to the craft people, "You
25 guys are getting a lot of work that we can't pass"?

1 A You deal in the negatives, the work that did not,
2 in the first inspection, meet all applicable requirements.

3 Q Now, was that trending, was that a program that
4 was in existence before the 1979 management review?

5 A The concept was in place. Memory tells me that
6 the implementation of it was probably early 1980, but I'm
7 really going back a long ways.

8 Q What, if anything, do you know about how the
9 craft would implement this program? That is, when craft
10 got the word as a result of the trending analysis that, in a
11 particular class of electrical wiring, that there was an
12 inordinately or inappropriately large number of items being
13 rejected by the QC people, what do you know of what craft
14 was doing to try to address that problem?

15 A I can't relate in your wiring situation, because
16 it's a more complex situation. I can recall a specific
17 example -- the numbers are not accurate.

18 For talking purposes, an analysis might indicate
19 that 50 percent of the raceway system associated with
20 conduits, that the space and design provides for a given
21 distance between supports.

22 Half of the systems are being rejected, because
23 the distance between those supports doesn't match the
24 drawing. And that's very close to being a real case that
25 I'm trying to talk about. The numbers are off, but the

SYJ1 13/5

1 concept is there.

2 By simply pointing that fact out to the crafts in
3 an informal way in this case, he purchased and supplied
4 tapes to his craft, and his reject rate went almost to zero.

5 Okay. A very simple fix to what was a significant
6 problem in the minds of the QC people, because they have to
7 go back to that particular run of conduit twice.

8 But when the supports were in their right the
9 first time, now they've only got to go one time.

10 Q How did that deal with the attitude that was
11 being expressed here that when craft found its work being
12 rejected they apparently would express their concern in some
13 way or another by yelling at or having arguments with your
14 people?

15 A I can't relate specifically. I'm not aware of
16 specific examples of hot discussions, yelling, and name
17 calling.

18 What I have experienced throughout my life, if
19 I am a craftsman and I am out there believing that I'm doing
20 everything right and then a quality control individual comes
21 behind me and says, "No, you're not doing everything right,
22 I know in the back of my mind that if he is right my boss is
23 going to be a little bit upset with me.

24 And so, I might attempt to negotiate; but maybe
25 the QC man is not right either, because there's always a

1 little give and take in terms of who is totally right and
2 who is totally wrong.

3 In that context, I think that's what the people
4 are saying here. My solution to that problem was to attempt
5 to remove what I believed to be the cause, which is work that
6 doesn't meet the requirements.

7 And by doing it, then all this talk about
8 arguments, hot discussions, et cetera no longer exists.

9 Q I take it it might still exist in those instances
10 where the craft still didn't do its work right.

11 A I'm not aware of it. I think we were very
12 effective with our overall approach in managing the human
13 relationships between the craft and the QC.

14 Q What I'm trying to understand is -- I understand
15 that you're saying that if craft doesn't make any mistakes,
16 assuming that QC is not making any mistakes in calling what
17 are mistakes, that the number of times in which the craft
18 person will be called for having made a mistake by QC will
19 go down. And the example that you gave is illustrative of
20 that.

21 But the question still remains: What about those
22 instances in which the craft does make a mistake and the QC
23 man shows up and starts to write whatever, write the NCR or
24 the IR, whatever it is that's appropriate to the circumstance?

25 What is it in this process that you done to reduce

1 or prevent the QC person from feeling that they were being
2 threatened, or even from being -- for having hot discussions,
3 yelling and name-calling as a result of that?

4 MR. DOWNEY: I'm going to object to that,
5 Mr. Roisman.

6 You asked Mr. Tolson intially what it was he
7 did to respond to this item in the report. He gave you an
8 example of something he did.

9 You are now asking him -- you've gone away from
10 the report, and you're asking him how -- I will withdraw
11 that.

12 He also testified that he didn't have personal
13 knowledge of any such incidents that you described in this
14 report. And now you're asking him how -- in essence, what
15 he did in response to this and took care of a different
16 situation entirely.

17 Why don't you ask him if he did anything else in
18 response to this?

19 MR. ROISMAN: Because I am asking the questions
20 and I think the question I asked is perfectly proper. I just
21 asked him to explain to me, in his own words, what actions
22 he took and how it would relate. He has given me answers
23 that don't, on their face, ineluctably explain how it
24 addresses the problem when QC and craft still have a
25 disagreement.

1 What did he do to make sure that craft would not
2 engage or reduce the hot discussions, yelling, name-calling,
3 occasional threats when they were being told they had done
4 something wrong?

5 And I still want to know the answer to that. And
6 I feel so comfortable with my question I'm going to ask the
7 reporter to read it back again and ask the witness to answer
8 it, please.

9 (The reporter read the record as requested.)

10 MR. MIZUNO: Staff feels comfortable that it's a
11 legitimate question.

12 MR. DOWNEY: I still feel uncomfortable with the
13 question.

14 First, I think it is incomprehensible.

15 Second, I think it's objectionable on the basis
16 that I stated.

17 And third, there is nothing in the major problem
18 area to indicate that anyone felt threatened in the electrical
19 area.

20 BY MR. ROISMAN:

21 Q Mr. Tolson.

22 MR. DOWNEY: Do you understand the question,
23 Mr. Tolson?

24 THE WITNESS: Not really, but I'll try to answer
25 it.

1 I perceive what you are asking. What we ended
2 up doing and the problem I have is that I'm not sure that
3 I necessarily did it, but the key managers at the site, as
4 long as I have been associated with Comanche Peak -- and that
5 includes the first day that we broke grounds -- have
6 diligently tried to avoid leaving an atmosphere that creates
7 hostility between craft and QC.

8 Now, that is not something that you issue a
9 single edict; that's something you work on every day. That's
10 a human relationship thing.

11 I still come back to the long-range fix, which
12 has been effective. It's for everyone to work and do the job
13 right the first time.

14 BY MR. ROISMAN:

15 Q Did the actions that you took, which is something
16 that you said you don't do, ones you just do every day, ones
17 you do every day, did it involve any specific newly adopted
18 procedures, newly issued statements to the personnel, newly
19 implemented training programs, or anything like that?

20 A I can't associate the phrase "newly" with any of
21 that, because, again, it is something that I have seen ever
22 since I've been involved with Comanche Peak, which is almost
23 10 years.

24 And an attitude on the part of management to not
25 permit a situation like this to develop and get out of

1 control, that does not mean that me and John Merritt on
2 occasion may not violently disagree on a philosophical point
3 or on how we ought to approach jointly getting our job done.
4 But from a generic standpoint, we have worked diligently at
5 that. That is our job.

6 MR. ROISMAN: Could we go off the record?

7 (Discussion off the record.)

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1 MR. ROISMAN: Back on the record.

2 In looking at this exhibit 42-1, this appears
3 to be not one, but actually a whole series of documents
4 issued, some on the same day and some on other days. Is
5 that correct, Mr. Tolson?

6 BY MR. ROISMAN:

7 Q It wasn't one document, but actually a group of
8 documents?

9 A As they completed the interview process with
10 a given discipline, then they summarized the results and
11 issued a memo -- not a memo, yes it is. They issued a specific
12 memo recording the results of their interviews with each
13 discipline.

14 Q Now to the best of your knowledge, was there
15 ever, beyond this summary, was there ever any effort to write
16 a report that either reflected some judgment as to the
17 totality of what this interview process found or that
18 reflected the totality of the actions that were taken in
19 response to what the interview process found?

20 A I issued a summary response to this entire
21 report, to Mr. Chapman. And I use the word summary to mean
22 a relatively brief overview of what I accomplished. In
23 addition to that, I believe that the corporate auditor
24 evaluated that particular response and closed this particular
25 interview process in that way.

1 MR. ROISMAN: I don't believe we've ever
2 seen that; have you seen that? Either the audit report
3 or what Mr. Tolson just testified to. Does that ring a
4 bell with you as documents you have seen?

5 MR. DOWNEY: No, it does not.

6 MR. ROISMAN: Can I ask on the record --

7 MR. DOWNEY: I have already made a note in
8 the margin that Mr. Tolson has identified two documents
9 that I have not seen, and as I committed to you this
10 morning, with respect to any documents that we uncover as
11 a result of these depositions in further searches of
12 more files, we will make them available and offer you an
13 opportunity to examine the witnesses about them.

14 MR. MIZUNO: The Staff would like to have copies
15 of those two documents, also.

16 MR. DOWNEY: And I committed to Mr. Treby to
17 make sure that our formal document productions are made
18 available to you, also.

19 THE WITNESS: That's what I think occurred,
20 but I wouldn't swear to it.

21 MR. ROISMAN: Okay, I understand. We're just
22 trying to get you to indicate what it is that you think
23 is correct.

24 BY MR. ROISMAN:

25 Q The management audit -- I'm sorry, I forget

1 what the phrase was that you referred to. Was it the
2 corporate audit program?

3 A Corporate audit group.

4 Q Is that the one that was headed by Mr. Vega?

5 A That's correct.

6 Q And do you think that there may also then have
7 been some kind of a report that he or his group did
8 responding to or giving their conclusions based upon
9 what you had submitted to Mr. Chapman?

10 A I think so.

11 MR. MIZUNO: May I interrupt you to clarify
12 one thing?

13 MR. ROISMAN: Yes.

14 MR. MIZUNO: This report that was done by the
15 corporate audit group, that was their summary of 42-1,
16 and it was not a summary of the actions which were taken in
17 response to 42-1?

18 THE WITNESS: I'm sorry, I don't understand
19 the question.

20 MR. MIZUNO: Okay. The QA Audit Report which
21 you talked about, was that a summary of the Management
22 Review Board interviews?

23 THE WITNESS: That's a detail that I cannot
24 recall.

25 MR. MIZUNO: Okay. I have one more question,

1 then. Do you know of any report that was issued which
2 summarized all of the management response actions which
3 were taken in response to the findings of the Management
4 Review Board?

5 THE WITNESS: Other than the brief summary of
6 my efforts that I conveyed to Mr. Chapman, I'm not aware
7 of anything.

8 MR. ROISMAN: Let's now turn -- this is near
9 the end -- to the QC document personnel portion of this
10 report dated October 19, 1979, and the next to the last page
11 of it, which is entitled Morale.

12 BY MR. ROISMAN:

13 Q I would like to direct your attention to the
14 paragraph numbered 1. Tell me first, what is your under-
15 standing of that identified problem? Either what then,
16 or what now, do you perceive that to be identifying?

17 A I again have memory problems on some of the
18 specific issues, but I think that was what I would
19 characterize as a personality conflict between an employee
20 and his supervisor.

21 Q You may have gone one step beyond where my
22 question is directed. Putting aside for a moment what
23 you think its origin was, what did you think it meant --
24 job security is threatened if verbal directions are not
25 followed, even if the instructions are contrary to written

1 requirements.

2 A I'm not sure I know, Mr. Roisman, because
3 this is an area that it's difficult to come to grips
4 with, because the need for sophisticated, formalized QA
5 program type documents in this particular area is relatively
6 small compared to an inspector's activities, for example.
7 It's a clerical function to a large degree.

8 And I'm going to have to carry you back to
9 the personality conflict because I think that is basically
10 what I concluded that this particular statement was
11 addressing.

12 I think the people may have felt that they were
13 being told to do something which in their minds may have
14 been contrary to what they perceive to be the objective of
15 their jobs. But I can't go much beyond that.

16 Q How did you go about trying to look into or
17 do something about that particular item?

18 A I think that the particular supervisor either
19 resigned or got reassigned somewhere downstream shortly
20 after this, but I can't recall specifically.

21 Q Was that a coincidence, or was it done in
22 response to the concern expressed here?

23 A I've got to be fairly generic here. If this,
24 in fact, says what it appears to say -- that even though
25 it's a clerical function, if it is a written procedure

1 for the clerical people to follow the instructor or
2 supervisor is telling them to do it a different way and
3 that is contrary from the way I chose to run the QA/QC
4 Department -- if the way the supervisor wanted the work
5 accomplished is a proper way, then the proper solution is
6 to change the solution; not to tell people to do things in
7 a different way.

8 Q And so, --

9 A I'm not sure which way we went. That's what
10 I'm trying to say. But we resolved it along the general
11 lines that I'm trying to convey.

12 Q On a couple of occasions in the course of the
13 depositions today when we've talked about -- I think when
14 we talked about the problems with the electrical QC
15 inspector, and now here again, you have discussed the
16 either temporary reassignment or transfer -- was that a
17 standard way that you had of dealing with problems when
18 you had personnel who were feeling that they were being
19 abused or threatened or being harrassed -- was to transfer
20 or temporarily reassign the people who were causing that
21 difficulty?

22 MR. DOWNEY: Objection. That's not what
23 Mr. Tolson testified. He testified that he considered
24 temporary reassignment for an electrical inspector where
25 he had reason to believe there was destructive activity on

1 the part of that inspector.

2 He testified that in this case, he perceived
3 the personality conflict between the supervisor and other
4 members of the organization, and in that particular
5 situation he considered transfer as an alternative. At no
6 time has he testified that he transferred as a consequence
7 of what you would call harrassment or intimidation.

8 And in fact, to the contrary, there has been
9 no instance of harrassment or intimidation established.

10 MR. ROISMAN: Well, wait. This statement he
11 has indicated to me -- he interpreted the personality
12 conflict to encompass the statements made in the interview,
13 or summarized here from the interview, that a person's
14 job security is being threatened.

15 MR. DOWNEY: He didn't testify to that at all.
16 He testified that in reviewing Item 1, he perceived there
17 was a personality conflict between the two. He did not
18 testify that he perceived that job security was threatened
19 for failure to follow verbal instructions.

20 MR. ROISMAN: Let me go back and ask him that,
21 then.

22 BY MR. ROISMAN:

23 Q Mr. Tolson, did you make any effort to
24 determine whether, in fact, a person's job security was
25 being threatened for the failure to follow verbal

1 directions that that person believed contrary to written
2 requirements?

3 A I don't recall specifically how we approached
4 that aspect of it. I would almost have to be sitting in
5 the room with the people and hear someone state that if
6 you don't do it my way I'm going to fire you, before I
7 could ever come to grips with something like that.

8 Again, giving due consideration to the fact
9 that this was well over five years ago, my recollection
10 is that the individual who expressed this may have
11 perceived the situation as opposed to actually having been
12 threatened with loss of job.

13 But that goes back too many years.

14 Q Let's talk about that for just a second.
15 Do you distinguish, for purposes of the seriousness of
16 the situation, between a situation in which one of your
17 inspectors perceives that he's being harrassed or
18 intimidated versus the situation in which an objective
19 observer would, if they had heard the entire incident,
20 say I think that that person was being harrassed and
21 intimidated?

22 A I missed the question.

23 Q The question is: Do you perceive a difference
24 in terms of the seriousness of the situation -- between
25 the situation where a QC inspector believes that he's

1 being harrassed and incimidated and one in which an
2 objective observer would say, when looking at it, that
3 person is being harrassed and intimidated? Does it matter
4 whether the person's perception would be confirmed by an
5 objective observer in terms of how serious that kind of
6 an allegation would be?

7 A I think our basic approach would be to treat
8 the perception and the actual case in the same manner.

end 14

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1 MR. ROISMAN: Back on the record.

2 BY MR. ROISMAN:

3 Q Mr. Tolson, you now have in front of you,
4 I believe, a copy of Applicant's Exhibit 43-A pre-
5 viously introduced into evidence in this case which
6 is a QC/QA plan for Comanche Peak, and my question
7 to you had been: What, beyond what is contained in
8 that document itself, exists to implement the separa-
9 tion between construction scheduling concerns and
10 financial concerns on the one hand, and QC responsi-
11 bility on the other? Now, I'm not asking you to tell
12 me what portion of it deals with that. I'm asking
13 you what beyond that document that you are aware of
14 attempts to implement that separation requirement?

15 A Of course, the plan clearly shows that
16 the QA/QC organization is structurally organized
17 to be totally independent of those that are responsi-
18 ble for costs and schedules.

19 We reported through the last president
20 responsible for nuclear operations, the people
21 responsible for costs and schedules who report to
22 the vice president responsible for engineering and
23 construction. In addition to that, I have personally
24 been very attentive, committed, whatever words one
25 would chose, to avoid any possible conflict in

1 quality organization with cost and schedule
2 influences.

3 My people were not informed by me of
4 budgetary things that are inherent in the QA super-
5 visor's job. I might add that my budgets were
6 normally missed on the high side.

7 I can recall several occasions where Mr.
8 Chapman demonstrated a very high degree of sensitivity
9 to the separation from cost and schedule.

10 One case early in the job, earlier part
11 of '78, I informed him that I was aware of a practice
12 within Brown & Root that didn't bother me that much,
13 but I felt compelled to tell him about it, that the
14 expenses accounts for QA personal employed by Brown
15 & Root were signed off by the construction project
16 manager prior to submission to Houston for payment.
17 But they were also signed off by the site QA manager,
18 first. He didn't like that. And that practice was
19 discontinued to where we have a direct mailing from
20 the site QA manager to his supervisor in Houston,
21 which would be the corporate QA manager.

22 The same degree of sensitivity and attention
23 I would observe coming out of Mr. Clements' office.
24 I don't recall any specific examples there, but I
25 have observed his attention to maintaining the

1 reflected organization in reality.

2 Q Beyond that, were there any other specific
3 procedures or mechanisms put in place of which you
4 are aware?

5 A Procedures, no. Mechanisms, possibly. I
6 was in the review and approval cycle of invoices,
7 expenditures, et cetera, that related to QA/QC costs.
8 In other words, my signature was required before the
9 company would pay the bill, that type of thing. I never
10 thought of it in this way, but as perhaps a way to
11 again demonstrate the independence of the QA/QC
12 organization.

13 Q Are there any others that you can think of
14 that you want to mention?

15 A Not immediately.

16 MR. ROISMAN: It's your witness.

17 MR. DOWNEY: It's NRC's witness, which I
18 believe is the order we followed.

19 EXAMINATION

20 BY MR. MIZUNO:

21 Q While we were off the record, counsel for
22 the parties had a discussion indicating or focusing
23 on the -- it started with the discussion of the
24 purpose of the June 27th letter and the attached
25 list listing the incidents for which various

1 witnesses would be deposed on, and it is the
2 understanding of Staff counsel that this list
3 is not a list of incidents which are going to
4 be specifically asked during the deposition but
5 that they represent a list of incidents which,
6 I guess, a total list of incidents for which the
7 Intervenor might ask questions on, is that correct?

8 MR. ROISMAN: That is correct.

9 MR. MIZUNO: And the Staff expressed
10 the concern that due to the nature of this process
11 of taking depositions of Applicant witnesses in
12 advance of the actual allegers, that this will
13 result in some problem as far as developing a
14 record in a timely fashion regarding all of these
15 incidents. Specifically, there are many incidents
16 which are listed in the June 27th list for which
17 no questions were asked by the Intervenors, so
18 therefore Staff counsel does not have an idea as to
19 what specific incidents or information the
20 Intervenors are attempting to tie to Mr. Tolson in
21 this case?

22 There was some discussion on that point,
23 and I think the parties agreed to disagree.

24 MR. DOWNEY: Let me state a view for
25 the Applicants. It is our understanding of the

1 rulings of the Board that the letter of June 27th
2 identified for each Applicant witness and for each
3 CASE witness those issues that could be raised without
4 the element of surprise coming into play. That is,
5 could be raised and examined about, and if examined
6 about, the parties would be obligated to pursue that
7 issue to the best of their ability in the examination
8 to complete the record.

9 However, the Applicant has a strong view
10 but if the CASE attorneys do not raise issues
11 identified on the list, that the other parties,
12 specifically the Staff and the Applicant, are not
13 obligated to explore or present evidence on the
14 issues and that they may pass those issues. And if
15 they choose to later, may present them in a rebuttal
16 case, assuming that CASE makes some contention later
17 in this proceeding.

18 Finally, we understand our right to present
19 our affirmative case to be that we may present in one
20 form, in a concise way, the affirmative case of the
21 Applicant. Whether or not some specific parts or
22 small parts of that case have been explored in one
23 deposition or another, and that is our understanding
24 of what we have committed to do on our affirmative
25 case and how we will be permitted to recall witnesses

1 to address matters in rebuttal if contentions are
2 raised by CASE.

3 MR. ROISMAN: Well, on behalf of case, our
4 position is that the items listed in the May 27th letter
5 do represent the, effectively the definition of what
6 will constitute surprise or not surprise. They do
7 not represent the list of all the things that we will
8 examine the witnesses on at this, nor does the failure
9 to examine the witness at this time on any of those
10 issues indicate that we do not intend to press those
11 issues through other witnesses or otherwise.

12 Should, at some subsequent time, any party
13 recall the witness -- in this case, Mr. Tolson -- to
14 address one of those issues that have been addressed
15 not here today but by one of our subsequent witnesses,
16 we, of course, would have the right to thoroughly
17 explore Mr. Tolson with regard to that very question,
18 even though we didn't explore him at all today with
19 regard to it.

20 MR. DOWNEY: And let me state that I'm
21 operating under no illusion that if we were to recall
22 Mr. Tolson as a rebuttal witness about some point
23 identified in the issue list, he would, of course,
24 have the right to cross-examine him about those
25 points.

1 MR. ROISMAN: With regard to the second
2 question of the use of the rebuttal testimony, it
3 is our understanding that the rebuttal testimony is
4 to be used by the Applicant and the Staff to the
5 extent that the information that they receive in
6 the course of the depositions that are taking place
7 during these two weeks or so present elements which
8 they could not reasonably have been prepared to deal
9 with in advance. And they're obligated not to leave
10 for rebuttal, talking only about rebuttal now, matters
11 on which they now have knowledge that they wish to
12 put in.

13 Now it may be that that is a distinction
14 without a difference, depending on how one either
15 interprets the level of detail already provided with
16 respect to particular witnesses, or the amount of
17 rebuttal testimony that is presented.

18 And finally, third, what Mr. Downey
19 described as the appropriate scope of the affirma-
20 tive case to the extent that it represents an
21 affirmative case and the harassment and intimidation
22 QC/QA issue.

23 I agree that the Applicants are not now
24 obligated to put on their affirmative case but
25 reserving the possibility of just that, the

1 possibility that we may disagree as to whether what
2 they're putting on is an "affirmative case," but to
3 be clear on the record, if it isn't very long, it
4 isn't very much worth a fight about in any event.

5 MR. DOWNEY: I do want to take issue and
6 make clear that we disagree in one significant
7 respect. It is my feeling that there is no evidence
8 yet to rebut. None of your witnesses have been called,
9 none have testified about specific instance of harass-
10 ment or intimidation that's been received in evidence
11 in this case. And failing that, there's nothing for
12 us to rebut. And to put that in concrete terms, take
13 one of the witnesses from your list whom you indicated
14 has been dropped, Mr. Bronson. I would be under no
15 obligation to rebut anything, but I know that Mr.
16 Bronson might have said, had he been called. Nothing
17 he has said is in evidence, and I would not ask any
18 questions of our witnesses about his contentions.

19 That would be true of anyone that you do
20 plan to call, as well. For example, Mr. Miles. I have
21 no intention of examining Mr. Tolson about Mr. Miles,
22 for example.

23 MR. ROISMAN: All right. I think we've
24 all made it clear. Can we take a short break?

25 (Discussion off record.)

1 MR. ROISMAN: I have one other question that I would
2 like to ask or a couple of questions that I would like to
3 ask Mr. Tolson and it relates back to the T-shirt incident.

4 BY MR. ROISMAN:

5 Q Mr. Tolson, did you consult with anyone other than
6 Dallas in determining what actions to take with respect to
7 the T-shirt incident after you received the call from
8 Mr. Welch advising you of it?

9 A Consult with anyone other than Dallas? Yes.

10 I discussed possible alternatives very briefly with
11 my assistant.

12 Q Who is?

13 A Dan Hicks, who I asked to come to my office right
14 after I got through talking to Martin, a very brief discussion.

15 Q And other than that?

16 A I don't recall.

17 MR. ROISMAN: Okay, that's it, thank you.

18

19 BY MR. MIZUNO:

20 Q Mr. Tolson, are all QC inspectors under your
21 supervision employed by TUGCO?

22 A No.

23 Q Can you tell me how they are broken down, as far
24 as employment?

25 A Not precisely. A large number of the inspectors

1 are employed by Brown and Root, the general contractor.

2 The next largest group of people are employed by
3 Ebasco Services and there a few people, and less than a
4 handful in those cases, that are employees of commercial
5 test lab: in the North Texas area.

6 Q How are QC inspectors for Brown and Root assigned
7 to do work and similarly for Ebasco and for commercial test
8 labs and for MUGCO?

9 I want to know the criteria by which these inspectors
10 that are drawn or paid for by these subcontractors get assigned
11 to work.

12 A Well, they are all, regardless of their employer,
13 integrated in the -- what we refer to in this record as the
14 non-ASME QC group. I don't know how else to explain it except
15 as an integrated group of people.

16 Q Okay. If a person who is employed by B&R who is
17 assigned to be a QC inspector, would he have responsibilities
18 for inspecting work which is only done by Brown and Root, or
19 could he possibly be assigned to do inspections after receiving
20 the proper training and certification of course of work that
21 was done for Ebasco, for example?

22 A Ebasco does no work at Comanche Peak. The vast
23 majority of all construction activities are under the purview
24 of Brown and Root.

25 There are a few small subcontracts such as heating.

1 ventilation, air conditioning, fire protection, sealing,
2 penetration seals or sealing penetrations.

3 In the case of the HVAC and penetration seal
4 operations, they maintain their own QC forces and are subject
5 to the QA audit controls from our Dallas operation.

6 In the case of fire protection contractor, we do
7 some inspections of some supports that are utilized in the
8 fire protection system.

9 Q Who do those QC inspectors for those subcontractors,
10 you said HVAC systems or for the fire system, is it fire
11 support?

12 A Fire seals.

13 Q Fire seals. Who do they report to, as far as QA
14 organization? Do they have an entirely independent QA-QC
15 organization or do they somehow report to a higher level of
16 the utilities?

17 A They are self-standing contractor. We shouldn't
18 refer to these as fire seals. They are penetration seals.

19 Q Okay.

20 You referred to the non-ASME QC group. I assume
21 that there must be also an ASME QC inspector group?

22 A That's correct.

23 Q Is that also under your supervision?

24 A No. That is a self-standing contract with Brown
25 and Root. All of the inspectors in the ASME group are Brown

1 and Root employees.

2 Q And who is their QC supervisor in terms of higher
3 management?

4 A That would be Mr. Purdy.

5 Q Does Mr. Purdy report to anyone within the utility's
6 own QA-QC management with regards to the ASME QC group?

7 A No. The ASME code mandates that the certificate
8 holder have a reporting relationship which makes them somewhat
9 independent from the utility.

10 In a regulatory sense only there has been a working
11 relationship between Mr. Purdy and myself and now Mr. Vega
12 to cover those things that conflict philosophically between
13 the regulatory requirements and the ASME code.

14 Q Okay.

15 So therefore there are Brown and Root employees
16 who are QC inspectors who are in the non-ASME QC group which
17 are under your supervision and there is also an ASME QC
18 group, which is under Mr. Purdy's supervision?

19 A That's correct.

20 Q Okay. With regards to the non-ASME QC inspector
21 group, do you have the authority to terminate QC inspectors
22 if they are employed by anyone other than the utility?

23 MR. DOWNEY: Objection. I just want to clarify,
24 Mr. Mizuno, that you are referring to that period of time
25 when Mr. Tolson was QA-QC supervisor, not to the present

1 time.

2 MR. MIZUNO: That's correct.

3 THE WITNESS: I missed the key phrase in your
4 question. Is it too much trouble just to repeat it?

5 MR. MIZUNO: No, it's not.

6 BY MR. MIZUNO:

7 Q Within the non-ASME QC group there are inspectors
8 which work for you in the utility -- I'm sorry, which are
9 employed by the utility and paid for by the utility and paid
10 for by Brown and Root and paid for by Ebasco, but they are
11 all under your supervision and my question is, even though
12 they are under your supervision, do you have authority to
13 terminate -- and I mean direct authority -- to terminate the
14 QC inspectors under your supervision, or you had authority
15 when you were in your old position to terminate those
16 inspectors who are not employed by the utility?

17 A I covered that, I thought, in some depth this
18 morning. Termination, meaning in my mind the separation of
19 an individual from his employer, and I think I stated very
20 clearly this morning that I did not have that authority.

21 Q Okay, the reason I am asking this is because there
22 was a deposition which was somewhat unclear on that point
23 and if you want to look at it right now --

24 MR. DOWNEY: Could you identify it?

25 MR. MIZUNO: It is a deposition taken of Mr. Tolson

1 and unfortunately it is not dated, but it was taken at the
2 behest of the Intervenors and I believe this was done in
3 1982.

4 Do you recall that deposition? The Staff never
5 received a signed copy of this deposition.

6 MR. DOWNEY: Let me ask, Mr. Mizuno, is your
7 concern that the deposition is ambiguous on the point as to
8 whether Mr. Tolson could terminate Brown and Root employees
9 working in his organization?

10 MR. MIZUNO: Yes.

11 MR. DOWNEY: Well, may I ask a clarifying question?

12 Was it your testimony this morning, Mr. Tolson,
13 that you did not have authority to sever the employment
14 relationship with Brown and Root employees from Brown and
15 Root who were working in your organization?

16 THE WITNESS: That is correct.

17 MR. MIZUNO: Okay, fine.

18 BY MR. MIZUNO:

19 Q Do you have a working relationship with the
20 subcontractors, such as Brown and Root and Ebasco, such that
21 you normally recommend disciplinary actions which you feel
22 to be appropriate or which you recommend to be appropriate
23 for QC inspectors which are under your supervision?

24 A If I understand your question right, in defining
25 the working relationship is the ability to communicate my

1 my thoughts to the respective senior representatives on site,
2 the answer is yes.

3 Q Have you ever made known your feelings or your
4 recommendations in that regard, with regards to any
5 disciplinary action that should be taken against a QC
6 inspector?

7 A I am having great difficulty regionalizing
8 disciplinary action that I have caused. It wouldn't surprise
9 me if I have done that, but I just can't at this moment recall
10 a situation where that may have occurred.

11 Q Is Darlene Steiner employed by the utility or
12 employed by Brown and Root?

13 A She was employed by Brown & Root.

14 Q That was throughout her entire time at
15 Comanche Peak?

16 A That's correct.

17 Q Did you ever recommend that disciplinary action
18 be undertaken against her?

19 A No.

20 Q Was Stanley Miles employed by the utility?

21 A Stan Miles was a craft person employed by Brown and
22 Root.

23 Q Was Bill Dunham employed by the utility?

24 A No.

25 Q He was employed by what subcontractor?

1 A Brown and Root.

2 MR. DOWNEY: May I interrupt for a short time?

3 (Discussion off the record.)

4 MR. DOWNEY: Back on the record. I asked for a
5 brief recess to clarify a point that arose in our last
6 colloquy off the record and my question to counsel was, do
7 either counsel for the Staff or counsel for the Intervenor
8 interpret these preliminary questions about the specific
9 persons in the context of this deposition to obligate me to
10 come forward and examine Mr. Tolson fully with respect to
11 each of these persons and it's my understanding that
12 Mr. Mizuno indicated these preliminary questions in his mind
13 imposed no obligation on me to conduct a full examination
14 of Mr. Tolson on matters relating to these witnesses and that
15 Mr. Roisman has indicated that if I wasn't under a prior
16 obligation to conduct such an examination then these prelimi-
17 nary questions do not impose such an obligation on my now.

18 MR. ROISMAN: That is correct.

19 BY MR. MIZUNO:

20 Q Did you recommend that disciplinary action be taken
21 against William Dunham?

22 A No, I did not recommend that.

23 Q Were you aware of -- let's go back. At some point
24 you were asked today about the "nitpicking" incident with
25 regard to the T-shirt incident and you indicated that you

1 had read a newspaper article which mentioned "nitpicking"
2 and it is my understanding that you were talking about that
3 nitpicking incident, both referring to the same incident
4 which was discussed in the report.

5 Is that true -- in the RI report -- is that true?

6 A Yes.

7 Q Did you at any time -- strike that.

End 16.

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1 BY MR. MIZUNO:

2 Q Mr. Tolson, on the T-shirt incident, do you recall
3 whether you informed the NRC of the T-shirt incident on the
4 day that you received the call from Mr. Welch?

5 A I did not.

6 Q Did anyone -- did any of your supervisors indicate
7 to you either from Dallas or on site that they had informed
8 the NRC of this?

9 A I have no supervisors on site. It is my understanding
10 that Mr. Clements did in fact call Region IV.

11 Q On that date?

12 A That is what I believe, yes, sir.

13 Q Just to get it straight in my mind, when you
14 originally talked to Dallas, did you describe to them in
15 that phone call the circumstances surrounding the T-shirt
16 incident which occurred up to that point?

17 A I answered that question this morning and I had
18 no conversation with Dallas regarding the situation surrounding
19 the T-shirt incident.

20 Q You informed someone else and they called Dallas?

21 A I asked Mr. Merritt to explain the situation as
22 it existed to Dallas.

23 Q Is there any written documentation of the problems
24 that you found in the field in the safeguards building where
25 you indicated that you found wires pulled out of the terminal

1 lugs and some loose conduit. Is that documented in any way?

2 A It is very likely documented on one of the QC
3 records. I did not generate any separate report myself.

4 Q There was a period from I think about eight days
5 you indicated between the time when you first found out, when
6 you first went out into the field to look for possible
7 sabotage and the time when you had some I guess additional
8 followup. And I want to know apart from the day, the first
9 day that you went out into the field were there additional
10 days that you went out into the field, into the safeguards
11 building to look for possible problems or physical destruc-
12 tion of completed work?

13 A All right, I understand your confusion.

14 The initial visit on my part to the field was
15 primarily to the meetings that I referenced this morning
16 for the purpose of getting a flavor for what was occurring
17 in the building.

18 It was very late in the visit that I made the trip
19 into the power plant to look at some hardware, very likely
20 no more than a day or two before the T-shirt incident that
21 we have been talking about.

22 Q I guess -- did you receive any specific information
23 in your field interviews that would allow you to have gone
24 to a specific location within the safeguards building and to
25 see whether in fact there was a problem there or not?

1 A The majority of the discussions that occurred were
2 not interviews. It was listening to what was transpiring
3 in those meetings between the craft QC and building management
4 personnel.

5 Q And during those interchanges, did anyone identify
6 with specificity some hardware problem that you could have
7 gone out and verified to see whether that person was telling
8 the truth or not?

9 A The only incident ties in with the trip that I
10 actually made.

11 Q You indicated that prior to the T-shirt incident
12 you had already received reports that QC inspectors, electrical
13 QC inspectors, in the safeguards building were not conducting
14 their inspections correctly, to the point of destroying
15 already completed work.

16 A That is correct.

17 Q Can you state who provided you with that information
18 and whether they provided you sufficient information such that
19 you could have gone out into the field and looked to verify
20 specific pieces of hardware?

21 A I asked to be shown specific examples of what they
22 were talking about and we went as a group.

23 Q And when did this occur and what did you find?

24 A A day or two before the T-shirt incident and based
25 on my recollection we went out to the safeguards building

1 down in the basement as a group and they illustrated to me
2 what they were talking about.

3 Q Okay, who is "we"?

4 A Myself, Mr. Bennettson, possibly his lead electrical,
5 I don't recall exactly who and one or two craft superintendents
6 or general foremen.

7 Q What did you find? Can you recall any specifics?

8 A Yes. They showed me an example of wires which
9 they report were jerked from the terminal lugs by the
10 inspector and some flex conduit.

11 Q So we are talking about the same thing, in other
12 words?

13 A Yes -- about three or four times already.

14 Q All right. I want to get the chronology. It was
15 my impression that the first time you went out into the
16 field or rather -- I take that back, when you went out into
17 the field to respond to the T-shirt incident that that was
18 the time when you first saw the evidence of --

19 MR. DOWNEY: Objection.

20 I don't believe that is the witness's testimony.

21 I had some notes on the sequence of events. Would
22 you mind if I ran through those with just a couple of
23 questions and maybe I can clarify it?

24 MR. ROISMAN: Not at all because my notes
25 reflected exactly the opposite of what the witness has

1 testified in terms of the sequencing of events.

2 MR. MIZUNO: In other words, your recollection is
3 the same as mine somewhat?

4 MR. ROISMAN: No. The T-shirt incident took place
5 after all these events. I am clear on that. But I had
6 understood that the witness had gone to see damage first, then
7 some time passed during which he held meetings. Then the
8 T-shirt incident occurred.

9 MR. DOWNEY: Mr. Tolson, you testified that you had
10 received reports that there had been destruction of wiring
11 and conduit line by QC inspectors, is that correct?

12 THE WITNESS: That is correct.

13 MR. DOWNEY: And you testified further that over
14 a two-week period you spent some time in the safeguards
15 building looking into these matters to get the flavor of the
16 situation, is that correct?

17 THE WITNESS: That is correct.

18 MR. DOWNEY: How many times did you actually look
19 at product that had been -- that was defective and which
20 had been alleged to be destroyed by QC inspectors?

21 THE WITNESS: One time, and it was a day or two
22 before the T-shirt incident.

23 MR. DOWNEY: And what did you do in your initial
24 trips to the safeguard building?

25 THE WITNESS: Go to the meetings, listen to the

1 interchange between the craft QC and building management
2 people and talk to the people who I would run into that were
3 part of my QC organization, not on any specific mission but
4 just more as going through the building, how are you doing
5 and that type of stuff.

6 MR. DOWNEY: And you testified that you observed
7 this destruction or this defective product which was alleged
8 to have been destroyed by QC inspectors prior to the T-shirt
9 incident by a day or two?

10 THE WITNESS: By a day or two.

11 MR. DOWNEY: Does that help clarify, Mr. Mizuno?

12 MR. MIZUNO: Yes, it does.

13 MR. ROISMAN: I have a few questions that I would
14 like to ask him about this very thing.

15 If you don't have any objection, and I could do it
16 right here, why don't we just have it all together?

17 MR. DOWNEY: If we are going to beat this horse, we
18 might as well do it all at one time.

19 MR. ROISMAN: All right.

20 BY MR. ROISMAN:

21 Q When you first were told that there was a problem
22 in the safeguards building with regard to QC inspectors who
23 were doing destructive testing, did you ask the person
24 who gave you that information to tell you where in the building
25 the destruction was occurring?

1 A No, because it wouldn't have done me any good. I
2 needed someone to escort me through the area. I am not that
3 familiar with the cubicles and that stuff in the power block.

4 Q The person who gave you the information could not
5 have themselves taken you up?

6 A No. That is why I said earlier that is what I
7 asked for is to be escorted to the area so I could see it.

8 Q What I don't understand is why didn't you ask to
9 be escorted as soon as you were told that?

10 A That is a point that everybody keeps missing. That
11 is what we did.

12 i can't remember exactly how the message was
13 conveyed but it was either late one afternoon or early the
14 morning of the trip that this particular issue was brought
15 to my attention.

16 Q What was brought to your attention that started
17 the two weeks of your getting the flavor of what was going
18 on in the safeguards building?

19 A The building manager came to me and asked for my
20 assistance because in his view things were not working as
21 well as they should in his building.

22 Q And what in particular did he tell you was an
23 example or were examples of things that weren't working?

24 A No examples, just not much more than what I just
25 said.

1 Q And so the first time that you learned that one
2 of the examples of things not working well was the QC
3 inspectors were destroying property in doing their inspections
4 was not at that first contact with the building manager but
5 at some subsequent date, is that what you are now testifying?

6 A That is what I thought I said this morning, but I
7 can understand the confusion.

8 Q And when do you understand the destructive
9 inspections actually were happening? Did you get an under-
10 standing of that?

11 A Yes, that probably occurred over the weekend or
12 the end of the first week.

13 Q Of these two weeks of flavor meetings?

14 A Yes.

15 Q And you had no particulars that the building
16 manager gave you when he said I have got some problems down
17 here, that started the meetings -- he just said in general
18 I have got some problems. I would like you to come down and
19 help me out?

20 A That is basically what he asked for.

21 Q Okay, and you would have normally done the same
22 thing if some other building manager had come to you and
23 said nothing more specific than that?

24 A That is correct.

25 Q Okay, thank you.

1 BY MR. MIZUNO:

2 Q At the point where you discovered or you physically
3 saw the pulled wires from the terminal blocks and the loose
4 conduit, did you instruct anyone to go back through the QC
5 records to determine what inspectors had last inspected that?

6 A I looked at the efficiency report for that particular
7 room.

8 Q Did you follow up with any subsequent disciplinary
9 action with regards to those specific inspectors?

10 A Again, we talked about that this morning. I did
11 not have ample time to take any action.

12 Q Okay. Because of the T-shirt incident?

13 A That sort of interrupted me.

14 Q You indicated that you never talked to the T-shirt
15 people after the incident occurred to find out what was the
16 intent of the people in wearing the T-shirts. Is that right?

17 A That is correct.

18 Q Do you think that it would have been helpful -- or
19 do you think it is part of your responsibility as supervisor
20 of QC for construction to find out what were the motivations
21 of these people?

22 A Again, had I been in a frame of mind to remain as
23 QC supervisor that would probably be an appropriate action
24 for me to take.

25 Q Do you know whether another part of the QC, of the

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BU 5

1 utility's QA-QC program did that action to find out what
2 was the intent of these people?

3 A I asked Mr. Vega to sit in and attempt to get to
4 the bottom of it, of whatever they thought they were
5 accomplishing.

6 Q Mr. Vega reported back to you or did he report to
7 someone else?

8 A He reported to someone else.

9 Q And who was that person?

10 A I believe Mr. Chapman.

11 Q And his report was reduced to writing?

12 A It is my understanding it was.

13 MR. ROISMAN: Do you know if we have that?

14 MR. DOWNEY: I believe you do.

15 THE WITNESS: Everybody else does. They ought to
16 have it too.

17 MR. ROISMAN: I believe we do also.

18 MR. DOWNEY: That is a document and I anticipate
19 that we produced it.

End 17.

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1 BY MR. MIZUNO:

2 Q Prior to the institution of the ombudsman
3 and hotline program and the "new program" which we
4 emphasize quality assurance-quality control, do you
5 believe that there was information given or that it
6 was conveyed to QC inspectors that they had an
7 alternate route of going to the NRC with problems
8 that they felt they couldn't bring up to their
9 supervisors?

10 A I think the answer to that question is
11 obvious. The sheer number number of allegations that
12 has been reviewed by the NRC demonstrates that they
13 understand that they have that alternate route.

14 Q But can you point to a specific document
15 or some statements or some indoctrination procedure
16 or something that tells them about that at least
17 prior to this institution of the ombudsman hotline
18 program?

19 A I don't have a document, but go back five,
20 six, seven or maybe even eight years ago, and I don't
21 remember the format it was in, but there was some
22 communication between the region and the utility about
23 posting in an obvious place the opportunity for people
24 with quality concerns to call the NRC. And we did,
25 in fact, post something that addressed that particular
correspondence from Region IV.

1 MR. ROISMAN: Cou'd I just ask for clarifi-
2 cation?

3 Mr. Mizuno, I had thought the question you
4 had asked Mr. Tolson was whether, in addition to being
5 able to go directly to the NRC, was there any other
6 mechanism before the ombudsman hotline. Am I mistaken?

7 MR. MIZUNO: No, you are mistaken. I asked
8 how was it made known to the QC inspectors in particular.

9 MR. ROISMAN: Okay. Thank you.

10 BY MR. MIZUNO:

11 Q Was that the only thing, posting a letter,
12 or did someone mention anything as part of your
13 training or perhaps something as part of their normal
14 talks each week or something?

15 A Well, your question is rather tough. I
16 don't have a procedure that says, jeez, if you don't
17 like me, call the NRC. But any time I have ever been
18 presented with allegations that I didn't feel
19 comfortable with investigating myself, I'm not the
20 least bit bashful to carry the individual down to the
21 NRC myself.

22 Q Under this new ombudzman program or hotline
23 program, you indicated that you have literally been
24 involved in the hotline and you have fairly frequent
25 contact with Mr. Grier regarding the ombudsman program.

1 And I guess my question is, I want you to
2 expand on your involvement. Does he talk to you about
3 things that he received, allegations that he receives,
4 or does he only contact you after he finishes doing
5 his investigation?

6 A Well, he was administratively assigned to
7 my staff. We need to continue to use the past tense
8 in all cases. As such, I came virtually in daily
9 contact with Mr. Grier. Now things that come to mind
10 off the top of my head, Mr. Grier may have received
11 request from the hotline people to investigate a
12 given incident, and he would come to me and ask me,
13 where do I go to find this? And I would tell him.
14 That type of an exchange.

15 Or, if I had reason to want Mr. Grier to
16 investigate a given situation in more depth than what
17 I had time for, then I would give him the task of
18 looking into that and interviewing personnel, et
19 cetera.

20 Q Were those instances where you did not
21 refer a request to Mr. Grier to conduct an investiga-
22 tion but rather a complaint came directly from a QC
23 inspector or whatever, a worker, directly to Mr.
24 Grier, did Mr. Grier tell you of -- that he received
25 the complaint and described what the complaint was

1 prior to him completing his investigation on that?

2 A I don't think so.

3 Q You indicated that you are not familiar
4 with Purdy Exhibit 42-1 which is the TUGCO QA Management
5 Review Report?

6 A No, I didn't indicate that.

7 Q You are familiar with it?

8 A Yes, I am.

9 Q You were not involved in its implementation?

10 A I wasn't involved in the interviews, but I
11 was involved in the resolution of the issues that were
12 identified.

13 Q Did you have a chance to review the section
14 involving codings, personnel?

15 A Not recently.

16 MR. DOWNEY: Mr. Mizuno, the witness indicated
17 to me he'd like to take a short break. Do you mind
18 before you start this examination on this document if
19 we do that?

20 (Short recess.)

21 MR. DOWNEY: It is now ten minutes after six,
22 and the parties have conferred during a recess. Mr.
23 Mizuno estimates that he would require an additional
24 hour to an hour and fifteen minutes to complete his
25 examination of Mr. Tolson. I have reviewed my notes

1 and have determined it will take me about an hour or
2 an hour and fifteen minutes to complete my examination
3 of Mr. Tolson, and in light of the hour and the
4 examination, the parties have agreed to adjourn the
5 deposition and we will reconvene Friday morning at
6 9:00.

7 (Whereupon, at 6:12 p.m., the deposition
8 was recessed to resume at 9:00 a.m., Friday, June
9 13, 1984.)
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CERTIFICATE OF PROCEEDINGS

This is to certify that the attached proceedings before the
NRC COMMISSION

In the matter of: Texas Utilities Electric Company

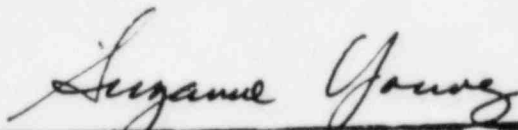
Date of Proceeding: Tuesday, July 10, 1984

Place of Proceeding: Glen Rose, Texas

were held as herein appears, and that this is the original
transcript for the file of the Commission.

Suzanne Young

Official Reporter - Typed



Official Reporter - Signature