

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 Tolson

Location: Glen Rose, Texas

Pages: 51,000-51,138

Date: Friday, July 13, 1984

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*Original to E. Pleasant
H-1149*

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One copy to E. Johnson, Region IV

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1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

3 BEFORE THE ATOMIC SAFETY & LICENSING BOARD
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 6 In the matter of: :
 7 :
 8 TEXAS UTILITIES ELECTRIC :
 9 COMPANY, et al. : Docket Nos. 50-445
 : 50-446
 (Comanche Peak Steam Electric :
 Station, Units 1 and 2) :
 10 -----x

11 Glen Rose Motor Inn
12 Glen Rose, Texas

13 July 13, 1984

14 Deposition of: RONALD TOLSON.
 15
 16 called by examination by counsel for Intervenors,
 17 taken before TERRI L. HAGUE, Court Reporter,
 18 beginning at 9:15 a.m., pursuant to agreement.
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I N D E X

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WITNESS:

RONALD TOLSON

EXAMINATION BY:

MR. MIZUNO:	51,003
MR. DOWNEY:	51,022
MR. ROISMAN:	51,048
MR. MIZUNO:	51,114
MR. ROISMAN:	51,126
MR. DOWNEY:	51,131

MEMORANDUM FOR THE PRESIDENT
SUBJECT: [Illegible]

Appearances:

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P R O C E E D I N G S

1
2 MR. DOWNEY: I'm Bruce Downey. I
3 represent the Applicant in these proceedings, and
4 we are presenting today as a witness at the request
5 of CASE Mr. Ronald Tolson for the resumption of
6 his deposition, which was commenced on Tuesday,
7 July 10.

8 MR. ROISMAN: Anthony Roisman, and I
9 represent the Intervenor, CASE.

10 MR. MIZUNG: And this is Gary S. Mizuno,
11 counsel for the NRC Staff.

12 MR. DOWNEY: At the time the deposition was
13 adjourned on Tuesday, Mr. Mizuno was examining
14 Mr. Tolson, and he will resume his interrogation
15 from that point.

16 RONALD TOLSON
17 was called as a witness by and on behalf of the Intervenor,
18 having been previously duly sworn, was examined
19 and testified as follows:

EXAMINATION

20
21 BY MR. MIZUNO:

22 Q Mr. Tolson, is there any documentation
23 regarding why the management review board at
24 Comanche Peak was formed and any documentation as
25 to how the review was to be conducted?

XXXXXXX

1 MR. DOWNEY: Objection. It's a compound
2 question.

3 MR. MIZUNO: Take one at a time.

4 THE WITNESS: Addressing the portion of
5 the question that dealt with documentation regarding
6 why the review board was established, the only
7 thing that I can recall is a response that formally
8 submitted to Region 4 in connection with some
9 notices of violation or citations that they issued
10 in the area of electrical inspection.

11 BY MR. MIZUNO:

12 Q In other words, there was no contemporaneous
13 memorandum that was, I guess, developed by anyone
14 within the QA group or by higher management.

15 A I don't recall anything, Mr. Mizuno.

16 Q Was there any documentation as to how
17 the management review board was to conduct its
18 reviews, either a direction from the higher management
19 within the utility, or actual procedures which
20 were developed by the management review board
21 when it was formed?

22 A Again, the only thing I can recall is
23 the letter, formal letter that was submitted from
24 our management to the Region 4 management.

25 Q Do you recall what numbers of violation

1 that that letter was attached to?

2 A No, I don't. It would have been in the
3 September, October time frame of 1979, somewhere
4 in that area.

5 Q When did Mr. Brandt become one of your
6 subordinates?

7 A I don't recall exactly when Mr. Brandt
8 began -- I prefer to say working with me.

9 Q Okay.

10 A I don't like that word "subordinate."
11 I would miss it quite a bit. Mr. Brandt worked
12 with me in a staff position for a considerably
13 period of time before I put him in a line supervisory
14 role, and I just don't recall the exact time frame.

15 Q Would it be after the management and
16 review board completed its --

17 A Certainly much after that.

18 Q At the time that he -- well, strike that.

19 From your answer, I presume that Mr. Brandt
20 worked for you as an assistant prior to becoming
21 a line supervisor?

22 A Yes, yes.

23 Q Either at the time that he became an
24 assistant to you or at the time that he became
25 a line supervisor, or any time that he held those

1 positions, did you give to him the results of the
2 management review board?

3 A I don't recall having done so.

4 Q Did you have a reason in mind as to --
5 well, strike that.

6 Do you think it would have been advisable
7 to give him the results of the management review
8 board for those area QA/QC areas for which he had
9 responsibility?

10 A That's a tough question to answer. It
11 frankly didn't occur to me primarily because we
12 considered the '79 interviews to have been closed.

13 Q At the time the Harry Williams incident
14 occurred --

15 MR. DOWNEY: Objection. Please specify
16 what incident you're talking about.

17 BY MR. MIZUNO:

18 Q Mr. Tolson, are you familiar with the
19 alleged incident where Harry Williams had a meeting
20 with QC inspectors in the coating area, and called
21 them in and said, stop nitpicking, or something to
22 that effect?

23 MR. DOWNEY: Where it was alleged that he
24 said that?

25 MR. MIZUNO: Right.

1 A The only thing I'm really aware of is that
2 documentation which is associated with the enforcement
3 actions that Region 4 felt compelled to take.

4 Q Well, I guess I'm not asking about
5 what documentation you're aware of right now.

6 A What I'm trying to say is that is
7 really all I know about the alleged incident.

8 Q Did Mr. Brandt ever tell you either
9 on the day that that incident occurred -- alleged
10 incident occurred, or perhaps a week afterwards,
11 that it occurred?

12 A I don't recall, nor do I recall Mr.
13 Brandt necessarily being involved.

14 Q Do you know what has been referred to
15 as the tee-shirt incident?

16 A Yes, I do.

17 Q Is it your understanding that the QC
18 inspectors involved in the tee-shirt incident were
19 under Mr. Brandt's supervision?

20 A No, they were not under Mr. Brandt's
21 supervision.

22 Q Are the people who worked in the documentation
23 area, and by documentation, I refer to the filing
24 and tabulation of NCR's, IR's, design pages. I
25 refer to that as documentation --

1 MR. DOWNEY: Objection, Mr. Mizuno. I
2 think I'm aware of at least two groups involved in
3 those activities, one -- and my knowledge is maybe
4 more limited than Mr. Tolson's, but I believe there
5 is a group of employees called the DCC, the document
6 control group, and the DCG -- the DCC is document
7 control center, and that refers to the people who
8 work in that area. And there's in addition to that,
9 DRG, which is the document review group.

10 In addition to that, there's a group
11 called the paper flow group, and I think you have to --
12 I would ask that you specify which group you're
13 talking about.

14 BY MR. MIZUNO:

15 Q When did these three groups -- I'm asking
16 Mr. Tolson this now. When were these three groups
17 first formed on site?

18 MR. DOWNEY: If he knows.

19 THE WITNESS: That's a very broad question.
20 Let me attempt to answer it this way. You mentioned --

21 BY MR. MIZUNO:

22 Q Can I stop you there?

23 A Certainly.

24 Q Are any of those groups under your supervision?

25 A Some are, some aren't.

1 Q Which ones are and which ones aren't?

2 MR. DOWNEY: Again, we are referring
3 to the time when Mr. Tolson was QA construction
4 supervisor.

5 A There is a group that's always been
6 known as document review, as far as a QA function,
7 as long as I've been at Comanche Peak. That group
8 does not report exactly to me. They're associated
9 with ASME. And our records should be very
10 clear that that group does not report directly to
11 me although I have regulatory responsibility
12 for their activities.

13 Q Can you explain what you mean by
14 regulatory responsibility?

15 A Appendix B requires the Applicant to be
16 responsible. The ASME Code requires a certificate
17 holder to be responsible. They're somewhat 180
18 degrees out of phase with each other.

19 I had overall responsibility for the
20 ASME activities from a regulatory review point,
21 but precluded from becoming involved in the daily
22 activities of ASME under the ASME Code. That's
23 the way the regulations read.

24 I'm sorry.

25 MR. DOWNEY: May I ask a question, Mr. Mizuno?

1 Are those your regulations, Mr. Tolson?

2 THE WITNESS: Not at all.

3 (Discussion off the record.)

4 BY MR. MIZUNO:

5 Q There were also two other groups
6 mentioned --

7 MR. DOWNEY: At least two.

8 A You mentioned design packages, which I
9 normally associated with the DCC functions, either
10 the main DCC or the satellite group.

11 Q Now, the satellites were formed relatively
12 recently.

13 A As I recall, about August of last year
14 sometime. I'm very bad with dates like that, but
15 memory tells me that's basically when it was.

16 And I've forgotten what your third --

17 Q Before you go to the third, the DCC
18 group, at least the main DCC group, were those people
19 under your supervision?

20 A No, neither the DCC group nor the satellites
21 were part of my program.

22 Q Were they considered part of craft?

23 A Part of construction management, but not
24 part of the craft.

25 Q So the DCC group was not involved in

1 the QA/QC organization.

2 A That's correct.

3 Q There was a third group which was
4 mentioned by Mr. Downey, a paper flow group. Are
5 you familiar with that?

6 A Yes. That's a relatively recent concept.
7 It's part of the -- I want to use the term "task
8 force" or "matrix management concept" that we first
9 initiated with component supports, and ASME
10 activities and subsequently involved in building
11 management organizations.

12 In that PFG or paper flow group, I
13 think it's got slightly different title, but accomplishes
14 the same thing as part of building management
15 organization.

16 Again, not part of QA/QC department.

17 Q Mr. Tolson, do you recall a person by the
18 name of J. J. Lipinsky?

19 A Yes, I do.

20 Q Do you recall a meeting with him on site?

21 A I believe I testified on this Tuesday.
22 I recall a very brief meeting and I even hesitate
23 to use the word "meeting" and was there for him to
24 introduce himself, and there to state what he had
25 accomplished. It was not an individual -- I had

1 retained his services. That function was accomplished
2 by Mr. Merritt, and then a session the day following,
3 which I would classify as a meeting where he was
4 given some conceptual thoughts with respect to
5 protective coding at Comanche Peak.

6 Q Did Mr. Lipinsky indicate to you any
7 conceptual thoughts in the area of intimidation or
8 harassment of QC inspectors or problems related
9 to their morale?

10 A I don't recall in either of the two sessions
11 that I've mentioned Mr. Lipinsky saying much of
12 anything.

13 Q Much of anything meaning nothing --

14 A Certainly not words like harassment,
15 intimidation, and morale problems. I just do not
16 remember statements along that line coming from him.

17 Q Do you recall any statements from him
18 saying that QC inspectors may be immorIALIZED
19 or did not have the support of some of their
20 supervisors?

21 A No. Again, I don't recall him saying that
22 in either of the two sessions that I've mentioned.

23 Q Do you recall whether the second meeting,
24 the real meeting where you had with him where Mr.
25 Lipinsky expressed his, quote, conceptual thoughts,

1 was that memorialized or transcribed in any way?

2 A No, not the second session.

3 Q Are you aware of any other meetings
4 that Mr. Lipinsky had with higher utility management
5 persons after the meeting with you?

6 A I'm confused now.

7 Q Before Mr. Lipinsky left the site during
8 the time period when he first came on the Comanche Peak
9 site, he had a meeting with you, I guess on the
10 third day of his trip. On that date did he have
11 a meeting with other utility management officials
12 after he had the meeting with you?

13 A Not to my knowledge.

14 Q Would you have an opportunity to meet
15 with Mr. Lipinsky after that trip, after Mr. Lipinsky's
16 trip to the site?

17 A Yes, we did.

18 Q Do you know when that occurred?

19 A Memory tells me it was sometime in November.
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1 Q Do you know whether that meeting in
2 November was transcribed?

3 A Yes, it was.

4 Q Who was at that meeting besides yourself
5 and Mr. Lipinsky?

6 A Mr. Merritt, Jerry Firtel.

7 Q Can you spell his name?

8 A F-i-r-t-e-l.

9 Jack Norris, Ralph -- and his last name
10 starts with a T and I can't spell it nor pronounce it.
11 And another gentleman's name who didn't register and still
12 doesn't.

13 Q That gentleman that didn't register,
14 was he a member of the utility or was he from O. B.
15 Cannon?

16 A He was with O. B. Cannon, but I just
17 flat don't remember his name.

18 Q And Mr. Firtel, was he from O. B. Cannon?

19 A No. He is an employee of Ebasco, an
20 employee under contract to Texas Utilities working as a
21 detective codings engineer.

22 Q And Mr. Norris is also --

23 A He was O. B. Cannon.

24 Q At the time of that meeting did you have
25 in your possession a memorandum which has subsequently
been known as the J.J. Lipinsky memorandum?

1 A I know it only as a Lipinsky memo. I
2 have dropped the J.J. Yes.

3 Q Do you have it in your possession now?

4 A Yes.

5 Q And how did you receive that?

6 A From O. B. Cannon. Mr. Merritt has
7 requested that we receive a copy of it.

8 Q You indicated that Mr. Merritt had
9 requested the memo from O. B. Cannon, did O. B. Cannon
10 give that -- not send it to the utility --

11 MR. DOWNEY: I am sorr. Could you
12 repeat the question? I lost my concentration.

13 MR. MIZUNO: I will try it again.

14 BY MR. MIZUNO:

15 Q What was discussed at the meeting?

16 A The Lipinsky memo.

17 Q Did you discuss the section of the
18 Lipinsky memo which focused upon QC inspectors in
19 the coating sealant area being told not to write NCRs
20 and the fact that there was a morale problem?

21 MR. DOWNEY: Objection. I am not sure
22 there is a section in the memo devoted to that
23 subject.

24 MR. ROISMAN: Wait a minute. I have a
25 separate objection. As I understand from the witness'

1 testimony there is a transcript of the meeting which I
2 assume would be the best evidence. Is it the
3 applicant's intent to make the transcript available?
4 I know that we have made that request, I think during a
5 different deposition, and if it is going to be made
6 available, maybe that would be better than asking
7 Mr. Tolson to remember it or not letting him have the
8 benefit of looking at it if he is going to be asked about
9 it.

10 MR. DOWNEY: I don't have a copy of the
11 transcript. I am confident it is not responsive to your
12 data request, but as of now I have no reason to withhold
13 anything that has been requested.

14 I would like to review the document before
15 I do.

16 MR. ROISMAN: I think it was before,
17 wasn't it Mr. Watkins to whom --

18 MR. MIZUNO: Yes, it was a friend of
19 Mr. Bradley.

20 MR. DOWNEY: We have asked Mr. Brandt to see
21 if he can locate a copy of the transcript and bring it
22 to our rooms for our review.

23 MR. ROISMAN: Well, I don't want to
24 make --

25 MR. DOWNEY: I agree.

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1 MR. ROISMAN: I don't want to make your
2 objections. If you don't mind doing this --
3 it would take us a long time.

4 MR. DOWNEY: You are entitled to your own
5 objection. I would prefer to defer questions on that
6 if that is a sensible way.

7 MR. ROISMAN: As long as Mr. Tolson will
8 be able to be back and we will have a chance to look
9 at it, that is fine. Otherwise, then I think
10 Mr. Mizuno's questions are proper, being our only way
11 to find out what transpired there.

12 BY MR. MIZUNO:

13 Q Mr. Tolson, once you received a copy of
14 the Lipinsky memo did you review it?

15 A Yes, I did.

16 Q Did you give a copy of that memo to
17 Mr. Brandt?

18 A Yes, I think I did.

19 Q And did you ask him to do anything with
20 the memo?

21 A Simply rview it.

22 Q Did he report back to you?

23 A Yes, he did.

24 Q And was his report in writing or was it
25 in oral form?

1 A It was oral.

2 Q And do you recall what he indicated to

3 you?

4 A I do. But I would rather not repeat it.

5 MR. DOWNEY: Did Mr. Brandt concur in

6 Mr. Lipinsky's proposal?

7 THE WITNESS: Absolutely not.

8 BY MR. MINUZO:

9 Q Did Mr. Brandt indicate -- well, once

10 Mr. Brandt indicated that he did n't agree with the

11 substance of Mr. Lipinsky's memo did you ask him to

12 provide a basis for his view?

13 A I don't recall doing that. I believe

14 Mr. Bfandt and I had mutual feelings relative to the

15 memo.

16 Q Following the November 8 meeting, did you

17 still disagree with the substance of the Lipinski

18 memo?

19 A Most definitely.

20 Q In all aspects?

21 A That is a broad question.

22 Q All right. I have one specific section.

23 I am now going to show Mr. Tolson page three of the

24 Lipinsky memo and refer him to the bottom of the page,

25 the paragraph labeled "A". This paragraph (indicating).

1 MR. DOWNEY: Mr. Tolson, please take your
2 time in reviewing that paragraph before you answer.

3 (Witness examining document)

4 THE WITNESS: Okay.

5 BY MR. MIZUNO:

6 Q With regard to that paragraph of the
7 Lipinsky memo were you still of the view after the
8 November 8 meeting that you disagreed with the
9 substance of that paragraph?

10 A Yes.

11 Q Now, I am referring you to paragraph "B"
12 of page 4 of the memo and I would like you to review
13 that.

14 (Witness examining document.)

15 THE WITNESS: Okay.

16 BY MR. MIZUNO:

17 Q And at the conclusion of the November
18 meeting with Mr. Lipinsky were you still in
19 disagreement with Mr. Lipinsky's conclusions as contained
20 in paragraph B of his memo?

21 A I think on this one I had better address
22 it point by point.

23 Q Okay. Please go ahead.

24 A I disagree that almost every one in the
25 inspection staff is looking to get out of Comanche Peak.

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1 The inspection staff was wroking
2 extended hours and we were well aware of that and had
3 already taken steps to correct that problem, Much before
4 Mr. Lipinsky came.

5 The next sentence is a statement that
6 starts out by saying you can't work people on an
7 extended basis even with high salaries. Anyone that
8 has been in management for any length of time knows that
9 without someone pointing it out to them.

10 Again, it is just a statement by him to
11 support the sentence that talks about extended work hours.

12 Q Okay.

13 A I am not through.

14 Q Okay.

15 A I disagree with the sentence that talks
16 about in addition to the long hours, the inspectors
17 contacted by the writer and parenthetically other
18 disciplines included, based on his trip report and
19 subsequent discussions. He never talked to any other
20 disciplines and therefore the sentence is totally false.

21 Q Okay. Is that it?

22 A I think that is all that needs to be said.

23 Q I understand that the applicants will be
24 submitting either an affi avit or testimony on the
25 Lipinsky memo; is that true, Mr. Downey?

1 MR. ROISMAN: I am sorry. I didn't
2 hear --

3 MR. MIZUNO: I am asking Mr. Downey.

4 MR. ROISMAN: No. That's all right. I
5 just didn't hear what you are asking.

6 MR. MIZUNO: My understanding is that the
7 applicants are going to be submitting either an
8 affidavit or testimony on the Lipinsky memo.

9 MR. DCWNEY: I have no knowledge of that.

10 MR. ROISMAN: Are you talking about in this
11 current proceeding?

12 MR. MUZUNC: Yes.

13 MR. DOWNEY: Not in the proceeding
14 relevant to the allegation of harassment and intimidation
15 and threats we are not making any submission on
16 Mr. Lipinsky's memorandum.

17 I do believe there is some submission
18 relating to the protective coatings area that may
19 involve testimony of Mr. Lipinsky but I am not
20 responsible for that aspect of this proceeding and I
21 really am hesitant to say what was submitted since
22 I have never seen anything.

23 BY MR. MIZUNO:

24 Q Mr. Tolson, after the November 8 meeting --

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1 not November 8, but the November meeting with Lipinsky
2 that we have been referring to here, was any further
3 action taken by the utility or by yourself with regard
4 to either paragraphs A or B of the Lipinsky memo?

5 MR. DOWNEY: I object to that on the
6 ground that in at least one respect Mr. Tolson testified
7 that he had taken action prior to Mr. Lipinsky's -- the
8 preparation of Mr. Lipinsky's memorandum and that is
9 taking action to address the long work hours that
10 inspectors had been working and your question assumes
11 that no action was taken prior to receiving that.

12 MR. MIZUNO: Is that it?

13 MR. DOWNEY: That is my objection.
14 I would ask you to rephrase your question.

15 MR. MIZUNO: Okay. I will rephrase it.

16 BY MR. MIZUNO:

17 Q Was any action taken specifically to
18 respond to the Lipinsky memo after the November meeting?

19 A No, not that I recall.

20 MR. MIZUNO: That ends my examination at
21 this point.

22 EXAMINATION

23 BY MR. DOWNEY:

24 Q Mr. Tolson, in response to questions
25 by Mr. Roisman you testified at some length about the

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1 management review board summaries that you received
2 and some of the objections you took in response to those
3 summaries. I would like to follow up those questions
4 with a few of my own.

5 Mr. Tolson, did you form any general
6 impression, having read all of the management summaries --
7 review board summaries that came to you?

8 A Yes, I did.

9 Q What were your general impressions of
10 those documents?

11 A Speaking generically in -- whatever one
12 needs to keep in mind as I mentioned in cross by
13 Mr. Mizuno.

14 One aspect of the management review
15 board was in direct response to some criticism we had
16 received from region IV in connection with the
17 electrical inspection activities. My first effort was
18 to analyze the feedback from that particular group.
19 And in that group I formed three general conclusions.

20 The first was what I would like to
21 characterize as a desire and to me the clearly
22 expressed desire on the part of the QC people to be
23 treated as professional people.

24 Connected in that category are things
25 like wage and salary policies and most specifically

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1 what they chose to call start and stop times with their
2 daily activities.

3 I think there was a tie again with
4 this attitude of trying to feel more professional was
5 that they expressed to me both in writing and verbally
6 subsequently their daily activities shouldn't
7 necessarily coincide with the craft activities.

8 The second major conclusion that I
9 developed was an apparent need to provide more and
10 perhaps stronger supervision.

11 And, thirdly, it seemed very clear that in
12 some cases there was a need to provide increased
13 training efforts to compensate for what I perceived to be
14 a lack of experience on the part of some people. And
15 in a few cases I had a feeling that possibly there was
16 some con performers in the group.

17 Q Mr. Tolson, did the desire to -- were
18 the wage criticisms present in all of the QC summaries
19 that you reviewed?

20 A As I recall, to a certain extent they
21 appeared to be spread out throu-hout the disciplines.

22 Q So that wasn't limited to the electrical?

23 A No. That was generic across the board. I
24 apologize for that.

25 Q What action did you personally take to

1 address that criticism?

2 A My involvement in that was rather limited
3 because Mr. Chapman, who also received these summaries,
4 made one of his personal objectives to ensure that
5 both our management as well as Brown & Root's were
6 aware of the criticisms. And so my involvement was
7 limited. That is something that is above the level in
8 my position in terms of providing corrective actions
9 relative to wage and salary policy.

10 Q And following the management and review
11 board interviews was the salary structure overhauled for
12 QC inspectors?

13 A Yes, it was.

14 Q In what ways was it changed?

15 A The key elements were a multi-stage
16 program that as I recall included entry level
17 positions, and then at least four supervisory -- excuse
18 me. Not supervisory, but four inspection levels,
19 A through D, A being the highest, with different
20 compensation associated with each level, and one or two
21 supervisory or lead positions which carried
22 compensation levels that were slightly different than the
23 top category for an inspector.

24 In addition to that -- and I am not sure
25 that it all came out at the same time -- they created

1 the position of QC superintendent which was a
2 salaried position that would coincide with craft super-
3 intendent positions.

4 Q When did this wage structure come into
5 play? When was it put in place?

6 A I can't pin the date down precisely, but
7 I seem to recall early '80s as being the time frame
8 that it was implemented.

9 Q And did this overhaul result in increase
10 of wages to the inspectors?

11 A In some cases, yes. In some cases it
12 was probably a horizontal transition. But the
13 opportunity for growth was built into the program.

14 Q You testified that in the electrical
15 area the inspectors were concerned about the time they
16 started work and stopped work. Did that criticism carry
17 over into other disciplines as well?

18 A Yes, and I think it was more prevalent
19 in the civil and test lab groups.

20 Q Did you take any actions in response to
21 changing start and stop times?

22 A Yes, we, at least for a period of time
23 where we could adjusted the QC hours to fit the specific
24 needs of the QC department without regard necessarily
25 to what the craft hours were.

jon

1 Q Mr. Tolson, you testified in the
2 electrical area where you perceived from the results
3 of the survey a need for more -- for stronger
4 supervision. Was that criticism a feeling that you got
5 from other areas as well?

6 A To some degree, but it appeared to be
7 more prevalent in the electrical area.

8 Q Would you take any actions in response to the
9 perceived need for stronger supervision?

10 A Not immediately, but over a period of
11 time we did. The supervisor at that time was a very nice
12 gentleman and I wanted to get to know him before we
13 decided to do anything, and I met with him on several
14 occasions and as I recall we agreed mutually that his
15 talents were perhaps better suited to a group that we
16 labeled quality engineering, and once we agreed that
17 mutual agreement we moved him into that particular
18 activity and placed another individual in the electrical
19 supervision role.

20 Q Mr. Tolson, you testified that your review
21 of the electrical summary led you to conclude that
22 you needed to increase training?

23 A That's correct.

24 Q Was that conclusion reached with
25 respect to other disciplines as well?

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1 A To some degree. I need to caution you,
2 though, on one. The mec-anical group we are dealing
3 with in this interview process was virtually the
4 ASME group. And as I said earlier this morning, that
5 wasn't a group that I had direct daily control of.

6 The non-ASME people, yes. The training
7 effort had already been started in the civil and test
8 laboratories, as I recall.

9 We did some rewriting and developed
10 very detailed inspection instructions within the
11 electrical area, and as I have testified at great
12 length on the stand during the ASLE hearings, it was my
13 concept to train both formally and through OJT
14 efforts inspectors and inspection functions, and I did
15 not attempt to train as discipline people but train for
16 things such as witnessing of cable pulling,
17 inspection of terminations, et cetera.

18 MR. ROISMAN: Can we take a short break?

19 MR. DOWNEY: Yes.

20 MR. ROISMAN: Thank you.

21 (Short recess.)
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end2

1 MR. DOWNEY: Even in Mr. Roisman's
2 absence, for clarity I would like to note that
3 Mr. Tolson's testimony about the management review
4 board summaries refers to an addendum of documents
5 that has been marked for identification as
6 Purdy Room 42 Exhibit 1 marked for identification
7 during the deposition of Gordon Purdy held on
8 July 10, 1984.

9 (Short recess.)

10 MR. DOWNEY: Tony, at the break I went
11 back on the record to identify the management
12 review summaries as Purdy Exhibit 42-1 for clarity.

13 MR. ROISMAN: Okay. Fine.

14 BY MR. DOWNEY:

15 Q Mr. Tolson, in addition to the electrical
16 group, did you implement any other changes in
17 response to the 1979 survey?

18 A Yeah, I can recall one change that I'm
19 particularly proud of. A little background, if I may.

20 TUGCO's direct involvement of non-ASME
21 activities evolved over a period of months. The
22 first group that we became directly involved with
23 was the civil inspection group followed shortly
24 thereafter by the test lab group. In general, the
25 comments out of those groups were sort of split.
Civil group expressed a very strong concern about

1 their what I perceived to be security associated
2 with job longevity. I addressed that group as a
3 whole, and made a commitment that I felt
4 comfortable at that time to establish, for those
5 who wanted the opportunity to cross-train into
6 other inspection disciplines or to develop into
7 other job categories, so that the experience that
8 we had gained with those people could be maintained
9 throughout the construction phase of Comanche Peak.

10 Don't hold me to details, but as I
11 recall, those people that wanted to were provided
12 the cross-training or career development and are
13 still employed at Comanche Peak.

14 Q Mr. Tolson, was there any reason why
15 the civil group needed to be concerned with job
16 security at this time?

17 A Yes, certainly. We were not totally
18 complete, but as I recall, we were close to topping
19 out the Unit 2 containment structure, which is where
20 the majority of the concrete is placed. And the civil
21 group's activities, they could foresee in a very short
22 period of time the job of a civil inspector
23 disappearing due to lack of craft activities.

24 In fact, I think we are at or above the
25 spring line of Unit 2.

COTTON CONTENT

1 Q Mr. Tolson, were there any other groups
2 that expressed an interest in cross-training?

3 A Not in the interviews, but the test
4 lab group, I met with them also and conveyed that
5 same message to them that I had with the civil
6 people. Our way of explanation is civil activities
7 played out so did test lab activities. Although
8 I don't specifically remember them mentioning
9 that I wanted to convey that same message to them.
10 Again, as I indicated in the civil group, those
11 personnel that had expressed a desire to stay and
12 learn other inspection activities were given
13 that opportunity and are still employed.

14 Q Mr. Tolson, do you recall any other actions
15 that you took in response to the 1979 meeting
16 other than those to which you have testified about?

17 A Nothing personally. The other groups
18 I leaned on my key staff to address and discuss
19 the issues raised by the inspection personnel
20 with them, and to resolve those that required resolving.

21 MR. ROISMAN: Mr. Downey, are you
22 finished with that line?

23 MR. DOWNEY: Yes.

24 MR. ROISMAN: Can I just ask what the
25 status is of getting the memorandum that Mr. Tolson

1 testified to last time that he had believed he
2 sent to Mr. Chapman that summarized the actions that
3 were taken in response to the management review
4 board?

5 MR. DOWNEY: I have asked Mr. Chapman
6 to return to his files to see if he can locate
7 that memorandum.

8 MR. ROISMAN: Okay. So that's still in
9 the works?

10 MR. DOWNEY: That's still in the works.
11 And I'll make a notation to follow up on that
12 request.

13 THE WITNESS: I need to amplify that last
14 question slightly --

15 MR. ROISMAN: I'm sorry if I cut you off.

16 THE WITNESS: -- on that last answer now
17 that you gave me a little time to think.
18 I did meet personally with the instrumentation people of
19 the QC group, and that was a very small group,
20 and still is, but the corrective actions I mentioned
21 on inspection instructions and training was conveyed
22 to that group just as it was with the electrical group.

23 BY MR. DOWNEY:

24 Q Mr. Tolson, I recall Mr. Roisman asking
25 whether you had with your QA/QC experience with

1 Comanche Peak, and you responded that you had not.
2 Did you have other QA/QC experience prior to coming
3 to Comanche Peak, experience other than nuclear?

4 A Yes. Principally what I call QC as
5 opposed to QA, although looking back on my career,
6 even though I didn't associate the word QA with
7 my job activities, it was at least a form of
8 QA, but not in the nuclear sense.

9 Q And how many years experience did you
10 have in the QC area prior to Comanche Peak?

11 A I began in a QC role as a lab technician
12 while I was going to school at Texas A&M. I
13 worked as what we call a soil technician, which is
14 performing tests, not much different than what my
15 test lab group does at Comanche Peak -- or did at
16 Comanche Peak, and that lasted for approximately
17 three years.

18 My graduate year at A&M was in the category
19 of a research assistant in materials science,
20 and again, I was intimately involved with test
21 pathology as a technician.

22 Q And after you entered the work force,
23 did you continue to work in the QC area?

24 A Off and on. Most of the activities that
25 I was involved in from that point forward were what

1 I would characterize as QA.

2 For example, monitoring contractor
3 activities on subsurface expiration associated with
4 the geotechnical engineering phase of civil engineering.

5 On several occasions worked on various
6 projects as engineering inspector of things
7 like dam construction, power driving operations,
8 and things of that nature.

9 Q Mr. Tolson, Mr. Roisman asked you a series
10 of questions about your relationship with the
11 craft at the Comanche Peak site. I would like to
12 ask you organizationally, what is the relationship
13 between the QA/QC activity at Comanche Peak and
14 the construction activities?

15 A Organizationally, as we discussed, we
16 are independent from the craft from a reporting
17 standpoint, but, in my judgment and experience, QC
18 is a support organization for construction. Craft
19 constructs; QC inspects, or verifies.

20 Q And on a personal level, what was your
21 relationship with the construction supervision at
22 Comanche Peak?

23 A General businesslike. Occasionally
24 differences of opinion, but, again, I sensed the
25 role of QC as a support organization and a lot of

1 my efforts was associated at the building and
2 developing relationships in an environment to exist
3 with the various jobs that each of us had to do at
4 Comanche Peak.

5 Q Did you meet regularly with the construction
6 management?

7 A Yes.

8 Q On any particular set of subjects?

9 A Basically job progress and things of
10 that nature, which gave me a flavor for staffing
11 needs within the QC department.

12 Q Mr. Tolson, what budgetary responsibility
13 did you have for the project when you were a
14 QA/QC supervisor?

15 A It was my responsibility to estimate
16 and project budget expenditures for the QA/QC
17 department, which in this case did include ASME,
18 and to submit those estimates to engineering
19 and construction department under Mr. George, primarily,
20 so he could forecast cash flow requirements.

21 Q And, Mr. Tolson, how would you assess
22 your record as a budgeter in preparing budgets at
23 Comanche Peak?

24 A Rather sad.

25 Q In what way was it rather sad?

1 A I seem to have a consistent nack for
2 an overrunning budget.

3 Q Was that record of overrunning budget
4 ever brought to your attention by your supervisors?

5 A Never.

6 Q Mr. Tolson, Mr. Roisman asked you a
7 series of questions about a meeting in which you,
8 I think, in your words expressed a preference
9 that ccatings inspectors use IR's rather than NCR's
10 in certain circumstances. Do you recall testifying
11 about that issue?

12 A Yes, I do.

13 Q What led to that meeting; do you recall?

14 A In a roundabout way, the intent of the
15 non-ASME inspection program has always been to
16 utilize the inspection report as the prime document
17 for identifying and hopefully resolving matters
18 which did not comply in all cases with the
19 requirements.

20 There are some exceptions to that, but
21 for the most part, that was the philosophy behind
22 the establishment of the inspection report and
23 its use.

24 The concept is totally consistent with
25 the requirements of Appendix B, which requires that

1 nonconforming conditions be identified and resolved.

2 We had found over the years that the
3 inspection report was the most efficient vehicle
4 for accomplishing that.

5 I had brought to my attention a couple
6 of occasions where a supervisor felt like an
7 inspector in the coatings arena was not following
8 the procedures the way that they were prescribed.
9 In one -- and I don't remember too much about
10 the details, except I do recall that in one case
11 the inspector was correct, and in one case the
12 supervisor was correct.

13 The underlying problem was -- that was
14 causing us confusion was inadvertent glitch in the
15 protective coating instruction manual, not
16 individual instructions, but what I call a motherhood
17 document for the coatings arena, didn't clearly
18 and concisely convey the intent of the inspection
19 program. And I had planned to correct the language
20 so that it would be clear, but before I did that,
21 I wanted to address at least a representative
22 sample of the inspection force so that they could
23 understand what I was doing and why.

24 Q Mr. Tolson, what personal efforts did
25 you undertake to encourage inspectors to follow the

1 procedures for inspecting at Comanche Peak?

2 A One of the -- of course, it happens to
3 be an Appendix B requirement that, "Thou shall
4 follow the procedures as required." Almost
5 invariably, when a procedural fact citation was
6 received that dealt with failure to follow procedures
7 on the part of QA/QC, I made sure that the responsible
8 supervisors were aware of it, and on some occasions,
9 to inspectors, but primarily supervisors.

10 In addition, one activity I reserved for
11 myself was a periodic training session with
12 supervisory personnel and occasionally some inspectors,
13 but mainly supervisory personnel relative to
14 the requirements of reportability as set forth in
15 10 CFR, Part 21 and 10 CFR 50.55E.

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1 Q In these sessions with the supervisor
2 what was the substance of your communications to him?
3 Relative to part 21 which I am not sure that the
4 details on that was much. Part 21 is a difficult
5 regulation to talk about when you are talking about
6 construction matters. It was decided, as I understand
7 it, primarily to discuss vendor related items and we do
8 not routinely get involved with vendor related
9 components during a construction phase.

10 Our thrust was to CFR Part 21 and 10 CFR
11 50.55E requirements which for purposes of the people at
12 Comanche Peak satisfied both regulations. And we had
13 formalized a procedure that addressed reportability,
14 included the legal language as well as a layman's
15 interpretation and the session involved prior review of
16 that procedure by the participants, a general discussion
17 of the procedural requirements by myself.

18 Q Mr. Tolson, Mr. Roisman asked you a
19 series of questions about your requests for transfer
20 positions, and you, as I recall, then testified in the
21 fall of 1983 you requested of Mr. Chapman of such a
22 transfer.

23 Did you ever follow up with Mr. Chapman on
24 that request?

25 A Yes, I did.

1 Q Do you recall on what occasion or
2 occasions you did so?

3 A Mr. Chapman and I conversed daily and I
4 would ask him from time to time how he was doing
5 procedurally on a biweekly basis, but I did meet with
6 him formally as I recall at the end of January to
7 assess for my own benefit where he was at and he had
8 nothing definitive to report as I recall at that time.

9 Q Is it fair to say that you renewed your
10 request during that meeting?

11 A I would say for sure during the meetings
12 and as I recall I am sure Mr. Chapman would
13 periodically over the phone as I say, biweekly. I didn't
14 want to wear him out but I didn't want him to forget it
15 either.

16 Q Mr. Tolson, you testified in response
17 to questions by Mr. Roisman that you are now supporting
18 the licensing effort in a variety of projects. Could
19 you restate for us some of the projects you have
20 undertaken in your new position?

21 A Yes. As I indicated Tuesday, my prime
22 responsibility is dealing with those open issues that
23 are QA related in the licensing process.

24 Q Mr. Roisman asked about new items and
25 new items that I do get associated with are

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1 allegations such as those that have been sent forth to
2 us in what we have labeled the Eisenhut letter.

3 Q What was your responsibility in responding
4 to the Eisenhut letter?

5 A Part preparation, but mainly project
6 management efforts to assure that they were completed
7 in a timely manner.

8 Q And what were the projects you have under-
9 taken besides the response to the Eisenhut letters?

10 A I have been intimately involved in the
11 recent response to the protective coating
12 allegations which we submitted on June 22. I have prime
13 responsibility in resolving protective coating issues
14 across the board.

15 We have recently submitted to NRC an
16 engineering study tied in with containment sump
17 NSSS system performance that hypothesizes coatings
18 failure within containment and evaluates the effect of
19 that hypothetical situation on performance of the sump
20 and the RCS system.

21 Other miscellaneous items that I can't
22 recall specific titles for off the top of my head, but,
23 again, virtually anything that deals with an open issue
24 that is related to QA/QC.

25 Q Mr. Tolson, you testified that immediately

1 prior to what is called the t-shirt incident you had
2 recommended or were about to undertake an investigation
3 of possible misconduct by QC inspectors in the safeguard
4 building. Did you undertake such an investigation?

5 A No.

6 Q Why t?

7 A Time, as we indicated Tuesday. My
8 transfer was accomplished the week after the t-shirt
9 incident and I did not have any personal time to
10 accomplish that.

11 Q Mr. Tolson, there was a great deal of
12 testimony about whether the allegations of inspector
13 misconduct were brought to your attention. I would like
14 you to clarify for me the sequence of events -- what you
15 did in the safeguard building from the time you were
16 first asked by the building supervisor to spend some
17 time until the time you decided to conduct the
18 investigation, which was never completed.

19 A Well, we went over that a couple times
20 Tuesday, but let me try to do that.

21 MR. ROISMAN: I was going to note that,
22 Mr. Tolson. This is the third time.

23 THE WITNESS: Yes.

24 MR. DOWNEY: I believe there was some
25 ambiguity in the testimony about the precise sequence

1 of the events and I would like to clarify.

2 MR. ROISMAN: Fine. I won't object,
3 but I noted the similarity of the question as the
4 witness.

5 THE WITNESS: As we talked Tuesday, the
6 business manager asked for my personal participation
7 because things were not going as well as he would have
8 liked for them to have gone.

9 What I typically do in a situation like
10 that is spend some time in the field with the people to
11 get a flavor for what is really happening to the building.
12 And that occupied the majority of my time for the first
13 week.

14 At the beginning of the second week -- it
15 may not have been at the beginning, but it was very
16 definitely Tuesday, the specific issue for procedural
17 destructive examination on the part of the inspectors was
18 brought to my attention and it was at that time that I
19 toured the power block area to see firsthand what they
20 were talking about.

21 Within a day or two of that the infamous
22 t-shirt incident occurred and the rest of it is history.

23 BY MR. DOWNEY:

24 Q Mr. Tolson, while you were QA/QC
25 supervisor did you have occasion to get with Darelene

1 Stiner?

2 A Yes, I did.

3 Q Do you recall the first such occasion?

4 A Yes, I do.

5 Q Approximately when did that take place?

6 A Oh, sometime after the winter of '81, and
7 that is about as good as I can do for you. WE had --

8 Q What happened at that meeting?

9 A We had committed in our FSAR through a
10 round of review questions to a document known as ANSI
11 N45.2.6.

12 Q What is the substance of that?

13 A It deals with qualifications and
14 certifications of inspection personnel.

15 Q Why did that commitment lead you to
16 meet with Darlene Stiner?

17 A Well, let me attempt to come to grips
18 with that, but I need to provide a little background.
19 Up to that point in time we were not formally committed
20 to that ANSI standard. Our inspection program was
21 formatted after the intent of the standard, but one
22 area that we took a little liberty with was in the
23 area of mandatory entrance requirement for inspection
24 personnel of a high school education or a GED or
25 equivalent.

1 After the formal commitment to 6
2 in the FSAR it was required that we review background
3 on personnel that were examined at that time and that is
4 the first time that the name Darlene Stiner came to my
5 attention because she didn't in fact have a high school
6 education nor did we have a record of a GED on file for
7 her.

8 As I recall, it was a handful of people
9 that fell into that category.

10 I had adopted the policy of encouraging
11 personnel who did not have a high school education or
12 a GED to pursue the GED primarily to give me a clear
13 conscience on recertifications to be totally in compliance
14 with the standard as I interpreted it.

15 The purpose of my session with Ms. Stiner
16 was to encourage her to pursue a GED, which she did,
17 and shortly after successfully passing same, popped back
18 into my office and informed me of the same; very cordial
19 and very pleasant session, very short.

20 Q Did you have any subsequent meetings with
21 Ms. Stiner?

22 A Yes. The next session I recall was not too
23 far after -- seemed like mid '82 hearings or whatever
24 hearing session that Ms. Stiner first appeared.

25 The purpose of that session was it had come

1 to my attention -- of course it was obvious to all of
2 us that Ms. Stiner was pregnant, but it had been brought
3 to my attention through the troops that she had a
4 history of miscarriage.

5 To avoid any possible miscommunications I
6 sensed the need to talk to Ms. Stiner and satisfy myself
7 that there was no danger associated with her continuing
8 in her inspection activities that would trigger or
9 aggravate the possibility of miscarriage.

10 Q Did you have any other reason to meet with
11 her at that time?

12 A I don't recall any time frame but I think
13 during the session that Ms. Stiner -- that we had --
14 and I am talking about satisfying myself that everything
15 was okay, she mentioned to me, as I recall, that she
16 planned a hysterectomy associated with the birth of the
17 baby.

18 I distinctly remember those terms. My wife
19 had just experienced the same thing, and I had just gotten
20 the hospital bill which was rather large, and I think --
21 of course, I didn't know anything firsthand about Brown &
22 Root's insurance policies or anything else. So I very
23 likely wanted to convey that information to her as soon
24 as I got my hands on it.

25 As I recall, I met with her again shortly

after the first session.

1 Q Now, as to the first session, Mr. Tolson,
2 did you have any reservations about talking to
3 Ms. Stiner on this matter?

4 A Yes, I did.

5 Q What were your reservations?

6 A Somewhat in what I will refer to as a
7 Catch 22 situation. I am smart enough to realize
8 that in Ms. Stiner's case that there is no question that
9 she is by virtue of her testimony in the ASLB hearings
10 gained protection under Section 210 of the Energy
11 Reorganization Act, at least the way I understand the Act.

12 The Catch 22 in my mind was -- and I had
13 visions of miscarriage and keep in mind that is the
14 only reason I wanted to talk to her, of being accused
15 publicly of not taking appropriate protective action
16 on an individual in her condition, and as I talked Tuesday,
17 I have grown quite tired of reading about Comanche Peak
18 in the newspapers.

19 Q Given your reservations, what persuaded
20 you to go forward with the meeting?

21 A I am the type of individual that has a
22 tendency to proceed head on with things and not let
23 external things influence what I do.

24 Q You felt the need to talk to her?
25

1 A I felt the need to talk to her myself so
2 there was no miscommunications relative to the intent of
3 the conversation, what I wanted to do for her
4 personally.

5 Q Was there any acrimony at this session?

6 A I am sorry. I don't understand that word.

7 Q Was there any hostility in this session?

8 A Not that I sensed at all. In fact, I
9 specifically remember Ms. Stiner making a statement
10 something to the effect that Brown & Root always treated
11 her well or something to that extent.

12 MR. DOWNEY: No more questions.

13 MR. ROISMAN: Could I have a moment?

14 MR. DOWNEY: Sure.

15 (Short recess.)

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EXAMINATION

1 BY MR. ROISMAN:

2 Q Mr. Tolson, you testified this morning
3 with respect to the electrical group management
4 review board summary, what's been marked as
5 Purdy Exhibit 42-1, that one of the problems that
6 you perceived in looking at that was that the
7 group wanted to be treated as professionals.

8 Could you just give me a little more
9 elaboration of what you understood or what you meant
10 when you used the word "professional," what makes
11 up that?

12 A Well, it's difficult to answer specifically.
13 That was more of a feeling that I had, but to me,
14 a professional is an individual that is self-
15 motivated, self-starter, this type, and the other.
16 I think the biggest complaint in that regard
17 is tied in with the start and stop time --

18 Q I'm sorry. I didn't hear.

19 A Start and stop times, craft laborers,
20 for example, started at 7:00 and went home at
21 3:30 or 5:30, and I think to a certain extent,
22 I think they disliked being associated with the
23 laborers starting at 7:00 and going home at 3:30
24 or 5:30. Most of us that like to call ourselves
25 professionals and have earned academic credentials

1 to do so, seldom if ever start at the same time
2 and quit at the same time every day, so it was
3 more of a feeling.

4 I really can't provide much more
5 explanation about that.

6 Q Is morale another way of expressing that?

7 A Not in my judgment. I sense more in
8 terms of -- myself, for example, depending on how
9 I feel about a particular assignment, if I
10 really get enthused about it, time has no involvement
11 in starting or stopping. When I was much younger
12 than I am today, I worked all night on something I
13 found intriguing or something like that.

14 By the same token, if I'm not really
15 caught up with the excitement of working on a
16 project, I might not make it in until 10:00, and
17 it's in that vein I'm using the term "professional."

18 Q In other words, it's not punching a time
19 clock?

20 A It's another way of phrasing the same thing.

21 Q Now, I just want to be clear. Are you
22 describing that as your entire definition of what
23 it means to be treated as a professional, or are
24 you merely saying what you perceive the electrical
25 group saying to you when they wanted to be treated

1 as a professional?

2 A Primarily in regards to what they were
3 saying.

4 Q In other words, there might be other
5 elements that make up your judgment what it means
6 to be treated as a professional other than not to
7 punch a time clock and be expected to do your job
8 and not worry whether you were there the minute
9 before or the minute after some starting or
10 stopping time?

11 A Yeah, but I could not without a little
12 more guidance or questioning go much beyond
13 what I have already said, when you said other
14 things, because that's the only part of your question
15 that I can't relate to.

16 Q All I'm trying to ask you is, are there
17 other things. If I had them in mind and thought
18 it appropriate, I would ask you what they were.
19 I just want to know whether the definition of
20 professionalism is essentially this concept of
21 not having to punch the time clock and being merely
22 expected to do your job and not being told, you
23 come at 9:00 and don't come earlier and don't
24 come later, and you leave here at 3:00 and don't
25 leave earlier and don't leave later.

1 A In relation to what we're talking about
2 here, that's correct.

3 Q What about in general, is that your total --
4 is that the essence of your total idea of what
5 it means to be treated as a professional?

6 A I don't think so. I have to associate
7 academic credentials to a large degree with the
8 term "professional."

9 Q I would like you to take a look again
10 at a document which I believe you looked at when we
11 last spoke, which is marked as Exhibit 45-1, and is
12 entitled "Report on Allegations of Coverup and
13 Intimidation by TUGCO Dallas Quality Assurance"
14 dated August 19, 1983.

15 MR. ROISMAN: Mr. Mizuno, may I have
16 the courtesy of seeing your copy of the transcript?
17 BY MR. ROISMAN:

18 Q I want to direct your attention back
19 to the transcript pages of where we discussed that
20 document the last time we talked about it, which is
21 at pages 40,000 -- I'm not responsible for most
22 of those -- 594 and 595.

23 MR. DOWNEY: Would you repeat those,
24 Mr. Roisman?

25 MR. ROISMAN: Yes. 40,594 and 595,

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1 and, Mr. Downey, if you have a copy to give to the
2 witness -- good.

3 BY MR. ROISMAN:

4 Q Mr. Tolson, you notice on 40,594 I did
5 what I have just done, I handed you a document and I
6 asked you finally over on 95 do you recognize that
7 document, are you familiar with it at all, and you said
8 no, sir, and have you ever heard of the report and you
9 said no, sir, and I said did you have anything to do
10 with either its initiation, preparation or implementation
11 of any of its recommendations and then you say no.

12 A You have got a transcript error.

13 MR. DOWNEY: I believe we do. Mr. Tolson
14 indicated in my recollection that he wasn't familiar
15 with it but had heard --

16 THE WITNESS: Yes. The answer to the
17 second question was yes.

18 BY MR. ROISMAN:

19 Q You mean the transcript as it appears
20 here is not how you remember it?

21 A It is not what I said.

22 Q Okay. Well, that is excellent, because
23 I wanted to clarify that. I mean I was a little taken
24 back by that myself.

25 MR. DOWNEY: Why don't we --

1 BY MR. ROISMAN:

2 Q Let me just ask you the question, then.
3 Mr. Tolson, the report that I have just given you marked
4 as Exhibit 45-1, have you ever heard of that report?

5 A Yes, I have.

6 Q And thus the statement that appears on
7 transcript page 40,595 where it is reported that you
8 say no, sir, that is incorrect and the present statement
9 is the correct statement; is that correct?

10 A Let me put it in my words. The answer
11 to the question on Tuesday was yes and the answer today
12 is yes, I have heard of the report.

13 MR. ROISMAN: Do you have an extra
14 copy of the report for the witness?

15 MR. DOWNEY: I don't have any copy with
16 me. Well, a copy has been passed to the witness, I
17 guess, as the original.

18 MR. ROISMAN: Well, it is not the original
19 but it is my copy of it and I was going to ask him
20 some questions. I can come along there if you don't
21 mind my standing by the witness.

22 MR. DOWNEY: I think it is easier to have
23 an extra copy made.

24 (Discussion off the record.)

25 (Short recess.)

1 BY MR. ROISMAN:

2 Q Mr. Tolson, have you now been provided
3 with a copy of the report which is the first 12 pages
4 of what is Exhibit 45-1?

5 A Yes, I am.

6 Q And have you had a chance to look at it
7 at least briefly?

8 A I have glanced at the first few pages and
9 have read a few paragraphs on page 4.

10 Q Now, Mr. Tolson, first of all, do you
11 remember being interviewed in connection with the matters
12 which are the subject of this report?

13 A Had a brief session with the two
14 individuals on one matter.

15 Q Now, if you look at the bottom of page 2,
16 the very last line indicates in the conduct of the
17 investigation section, "D. L. Anderson, A. Vega, and
18 R. G. Tolson were subsequently interviewed to complete the
19 investigation.

20 A I beg your pardon. What page?

21 Q The bottom of page 2.

22 A There is nothing on the bottom of my copy
23 of page 2. It is all blanked out. I told you to
24 xerox that so --

25 MR. DOWNEY: Since we are talking about the

1 same document and they are both different, why
2 don't I make a copy of that one?

3 (Discussion off the record.)

4 (Short recess.)

5 MR. ROISMAN: Let's go on the record.

6 BY MR. ROISMAN:

7 Q Mr. Tolson, I believe we now must have
8 the same versions since we have made a copy of my
9 copy of Exhibit 45-1 and we are focusing our attention
10 on the first 12 pages of that exhibit which is the
11 report itself and again I would like you to look at the
12 bottom of page 2 and the sentence there that refers to
13 interviews that were subsequently taken to complete the
14 investigation.

15 One of them you are listed and my question
16 to you: is it your understanding that that is the
17 meeting that you had that you just testified was the one
18 meeting you had with the investigators?

19 A Yes, within the context of my earlier
20 answer.

21 Q All right. Now I would like to direct
22 your attention to page 4 and in particular I would like
23 you to take a look at the paragraph numbered 2 at the
24 bottom of the page.

25 Do you want to read that?

1 A I have already read it.

2 Q Okay. Now, first of all, the paragraph
3 refers to, and I quote, "Unfortunately the fact that
4 the audit team involved their meeting in the solution
5 of the problem rather than resolving it locally appeared
6 to be a source of irritation to R. Tolson and presaged
7 further personality conflicts that impacted on the
8 conduct of the audit.

9 Do you agree with that statement?

10 A What does presaged mean?

11 Q I think it means to be presaged means that
12 it was a prelude to or a prerequisite to some
13 subsequent things that happened?

14 MR. MIZUNO: More like a proposition.

15 THE WITNESS: Well, let me try. I don't
16 necessarily classify what they are talking about here
17 as personality conflict.

18 BY MR. ROISMAN:

19 Q All right.

20 A But to amplify that let me
21 explain what really happened and let me add on the onset
22 I do not recall discussing this with the investigators.

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#6

1 Q All right.

2 A But something along these lines happened.
3 The auditors' meeting area was immediately adjacent to
4 my office, immediately, and there is a door between my
5 office and the meeting area.

6 Q Now, when you say the auditors, are you
7 talking about not the auditors who did this report --

8 A No.

9 Q You are talking about the auditors who did
10 the original audit that is being investigated by this
11 report?

12 We have to be clear there is two audits here.
13 I want to be clear which audit --

14 A Let's call this an investigation and we
15 will audit for normal routine QA activities.

16 Q All right. Fine.

17 A Again, immediately adjacent was the door
18 between. Rather than knocking on the door and say hey,
19 we are ready to start the audit meeting, they would
20 pick up the telephone in that office, call Dallas,
21 Dallas hangs up, and calls me, you know, wasted 10
22 minutes.

23 I don't call that a personality conflict;
24 that just seemed to be poor judgment on the part of the
25 auditors. But, again, we didn't talk about this at any

1 length, as I recall.

2 Q Was that a source of irritation to you
3 that the audit team had done that instead of knocking
4 on the door and saying --

5 A If so, very temporary.

6 Q I think you testified earlier, I believe
7 it was today, with reference to craft and QA/QC people
8 that you felt that it was important that the craft --
9 that the QA/QC people not confront the craft people with
10 regard to criticisms that they had, that if the craft
11 and the QA/QC people were in disagreement that they should
12 go up their own chains rather than confront each other.
13 Am I correct in that or am I misremembering?

14 A I think you missed a good deal of the
15 testimony. I don't recall that kind of a discussion.

16 Q Well, then, I may be mistaken. But, in any
17 event, in this context from your perspective the right
18 thing to have been done would be the auditing just to talk
19 to you instead of going up to their management and then
20 have their management call down to you and say would you
21 open the door and talk to the people on the other side of
22 you?

23 A I think the meeting would have got
24 started a little quicker. Keep in mind it is just a brief
25 introductory discussion that establishes the scope of

1 what they think they are going to do.

2 It is not the type of thing that I have ever
3 classified as that big of a deal.

4 Q But you do not in fact have a
5 recollection of having a discussion with the
6 investigation team about what that paragraph is referring
7 to in any event?

8 A No. I don't recall that discussion.

9 Q SEcondly, on page 5 at the bottom of
10 paragraph 3, the last three sentences there, would you
11 take a look at those and then tell me, do you agree with
12 the statement that is made there as it relates to you?
13 If you have an opinion as it relates to Mr. Brandt, you
14 can give it, but I am interested as it relates to you.

15 A I am going to have to disagree with the
16 statement because I don't recall the audit team
17 having discussed that particular issue with me
18 personally. Therefore I can't agree with your
19 conclusions as they set it forth here in the report.

20 Q When you say their conclusions you are
21 talking about the last sentence of this?

22 A Yes. Because it is just lead in for the
23 last sentence.

24 Q Was there in your judgment a considerable
25 amount of animosity among the individuals involved?

1 A I think there was some difference of
2 opinion between Mr. Brandt and at least one of the
3 auditors.

4 Q How about yourself?

5 A Probably some, but probably from a
6 different source.

7 Q And this reference to "existing
8 personality conflicts," did you perceive that there were
9 existing personality conflicts?

10 A I don't like that term personality
11 conflicts.

12 Q Okay. Give me your term

13 A One of the auditors was obnoxious; is that
14 an appropriate term?

15 Q Yes. I am not asking you to tell me what
16 he did that constituted obnoxiousness.

17 A The other one was inexperience and had a
18 tendency to ask too many questions.

19 Q And what was it about the first one that
20 made you perceive him as obnoxious; what was that
21 person doing?

22 A One example that comes to mind -- and
23 it could have been before or after this particular
24 discussion, is I am in my office on the telephone calling
25 to Mr. Chapman and he -- and the office has got a window

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1 in it that you can see through very clearly. He pounds
2 on the door and opens it. I consider that to be obnoxious
3 and disrespectful or whatever else you choose to call it.

4 Q Did you think that in general this
5 particular member of the audit team was too highhanded,
6 pushing his weight around too much?

7 A I don't relate to the term highhanded nor
8 to the term pushing weight around.

9 Q Well, did you feel that he acted as
10 though -- or she -- acted as though he were expecting
11 to be available at their beck and call and that your
12 business had to always stand aside when their business
13 was ready to go?

14 A I think that is a fair assessment.

15 Q How do you square that with your earlier
16 feeling that they did the wrong thing by not knocking on
17 the adjacent door to your office when they wanted to talk
18 to you the first time instead of going through a
19 rather formal mechanism by which someone who was at
20 your level would communicate to you the desire of the
21 team to talk to you?

22 It seems as though in that instance they
23 would be overly solicitous in your judgment and now when
24 the auditor knocks on your d-or you feel that they are
25 being overly intrusive. What would you have had them do?

1 A In the second case it would have been
2 nice before you almost broke my door down to see if I am
3 just sitting there asleep or am I conducting business.

4 In the first case, you know, we
5 normally participated at least with one individual in
6 the entrance meeting and since the purpose of that they
7 were trying to establish an entrance meeting for an
8 audit, they could have either let me know or my secretary
9 and someone would have been brought immediately, much
10 less time than what it took to call Dallas and then for
11 Dallas to turn around and call me, particularly with the
12 proximity of the meeting.

13 Q Now, looking at paragraph 4, in the second
14 sentence, there is a statement mad -- I am sorry. In the
15 first sentence it says in addition he discussed it with
16 T. Brandt and R. Tolson his personal concerns in this area
17 and the conduct of the audit team.

18 Is it your understanding that he refers to
19 Mr. Vega?

20 A I would presume so, in the context of
21 the paragraph.

22 Q Did Mr. Vega in fact discuss with you his
23 personal concerns in this area and the conduct of
24 the audit team; do you have a recollection of that?

25 A Mr. Vega and I talked so many times it

1 would be hard for me to associate a discussion with him
2 in this regard. We may or may not have.

3 Q So you have no recollections of whether
4 Mr. Vega either tried to accept what the audit team
5 was doing or to agree with you that they may not have
6 been conducting themselves as they should or anything
7 else, you just don't have a recollection?

8 A No. The only thing I do remember
9 is the particular issue was put to bed the way
10 Mr. Brandt had originally disposed it.

11 Q When you say put to bed, you mean that
12 the ultimate resolution of the particular NCR that is
13 discussed in paragraph 3 was the resolution that
14 Mr. Brandt has originally done, carried out with
15 respect to it; is that right?

16 A That is my memory. That is what ultimately
17 happened.

18 Q I believe you testified earlier that
19 you had heard of but had not ever seen this report --
20 am I remembering your prior testimony correctly?

21 A That's right.

22 MR. DOWNEY: Can I ask a clarifying
23 question?

24 MR. ROISMAN: Sure.

25 MR. DOWNEY: Mr. Tolson, do you recall

1 reviewing the report with me on Sunday evening?

2 A Yes, but I didn't review the report. You
3 wouldn't let me have it.

4 BY MR. ROISMAN:

5 Q Had you seen that report prior
6 to that Sunday evening?

7 A I saw it. You have it but I never saw
8 it in the context I associated with seeing it.

9 Q In other words, you hadn't seen it in
10 the capacity of your official position at the plant
11 is what you are testifying to; is that correct?
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1 A That's correct.

2 Q Then, is it a fair conclusion that you
3 would not know whether -- except to now read it,
4 whether or not any of the conclusions that are contained
5 in the report beginning a third of the way down on
6 page 6 and carried over to page 7, whether you had taken
7 any particular action or had any particular response to
8 any of those conclusions; is that a fair assumption
9 on my part?

10 A I have never seen the report and I have
11 never been asked to do anything in response to the
12 report.

13 Q Okay. All right. That is fair enough.
14 Now I would like to direct your attention
15 to a page 8 of the report. We are still talking about
16 the first 12 pages of Exhibit 45-1.

17 First of all, Mr. Tolson, is it correct
18 t-at you have indicated that you waive any right you
19 may have to have your name identified in this report
20 in any of the places where it might happen?

21 A Yes.

22 Q Now, I would like to have you look, if
23 you would, at the bottom of page 8. There is a
24 paragraph beginning with "During the exit;" and it
25 goes on from there, and it refers to the person

1 accused of making intimidating statements. Do you know
2 whether that is referring to you?

3 A I suppose that it is. I want to add,
4 however, that this report is not factual. Primarily the
5 phrase "during the exit" is totally wrong.

6 Q I am glad you mentioned that because I
7 was going to ask you did you know what that meant,
8 "during the exit."

9 A Yes. I know what it meant and
10 that is the reason I am telling you this is wrong.

11 Q Please correct it if you would.

12 MR. DOWNEY: First, what does it mean
13 and then why is it wrong. I will ask my own
14 compound question

15 MR. ROISMAN: All right.

16 THE WITNESS: The exit normally is -- we
17 talked about it a little earlier, an entrance meeting.

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1 Q Right.

2 A Well, the opposite to entry meeting is
3 an exit meeting.

4 Q At the end of the investigation --

5 A End of the audit.

6 Q I am sorry. The end of the audit.

7 A Yes.

8 Q And so you are saying that the
9 events subsequently will describe, whatever the
10 accuracy of them they didn't occur during the exit;
11 is that correct?

12 A I am sorry. I was reading.

13 Q All right. Are you telling us whatever
14 the events that are subsequently described in that bottom
15 paragraph on page 8, they are certainly incorrect in
16 saying that they occurred during the exit?

17 A That's correct.

18 Q Now, did the events in fact occur or is
19 that how you would characterize what occurred?

20 A There is the substance of the discussion
21 did occur. The timing and the language is not totally
22 correct.

23 Q Well, let's break it down.

24 It says the person accused of making
25 intimidating statements entered the office; is that

1 correct?

2 Did you enter an office where some
3 people were assembled?

4 A I entered an office where one person was
5 assembled.

6 Q Okay. And it says stated very strongly.
7 Would you characterize the manner of whatever statement
8 you made a as "strongly"?

9 A The first question was who was the team
10 leader?

11 A I am sorry.

12 A The first question was who was the team
13 leader?

14 Q That was your question?

15 A Yes. And I wouldn't characterize that as
16 "strong." That was just a simple question.

17 Q What strong refers to is his subsequent
18 statement he didn't want QA personnel telling craft people
19 to initiate repairs, and if they had any questions or
20 concerns they should work through QC?

21 A The substance of the message is correct.
22 I don't agree with the manner in which the language is on
23 paper.

24 Q You don't feel that you said it strongly?

25 A I spoke in my everyday discussion. If

1 that is characterized as very strongly on the part
2 of some people, so be it. I would not characterize
3 it as very strongly.

4 Q Can you remember either the specific
5 words or the essence of the specific words that you
6 expressed at that time?

7 A With a little background preparation,
8 yes.

9 Q You mean something other than what we are
10 doing now, you mean if you went back to your office and --

11 A No. No. No. If you will permit me
12 to start -- I will carry you through what happened.

13 Q Absolutely. Please do.

14 A It had been reported to me that the QA
15 auditors had directed craft to repair a hangar. That
16 was the sum and substance of the report.

17 That is contrary to site procedures.
18 The proper way to handle those type of things and it is
19 an agreement I worked out with Mr. Vega many years before,
20 is any time an auditor identifies what he perceives to
21 be a product problem the appropriate course of action
22 is to contact the QC department who are certified to
23 perform those kinds of inspections wherein an auditor
24 may not be certified and in most cases are not and let
25 the QC people -- or if the QA auditor prefers --

1 identify the problem by our nonconformance system and
2 in this case a nonconformance report, and let the QA
3 program that is established at Comanche Peak resolve the
4 matter rather than an auditor putting himself in the
5 position of directing work activities.

6 Q Okay.

7 A And the particular guy that was
8 involved in this was relatively new to -- (outside
9 interruption.)

10 (Discussion off the record.)

11 THE WITNESS: I forgot just exactly where
12 we were at.

13 BY MR. ROISMAN:

14 Well, you were just telling us about what you
15 believed was the proper procedure for how QA should have
16 dealt with this.

17 A Proper procedure is to identify the matter
18 by the existing QA/QC program, which in this case is a
19 nonconformance report and let the QA people resolve the
20 matter as opposed to an auditor who may or may not be
21 capable of judging the acceptance or nonacceptance of the
22 item, directing craft or QC to take corrective actions.
23 That is just not the way we prefer to do our business.
24 And when I say we I am talking about TUGCO QA.

25 The particular auditor involved was

1 relatively new to TUGCO and to Comanch Peak. The
2 purpose of my visit was to assure myself that he under-
3 stood the mechanism that is worked out with Mr. Vega and
4 to hopefully resolve what had already transpired in the
5 field where the craft was in the process of going back
6 on a hanger that was totally fine and attempting to
7 repair something that didn't require to be repaired.

8 Q Now, having given me that background, can
9 you give me the essence of how you communicated this idea
10 to the audit individual who was in the room?

11 A Yes, I can. Keep in mind I am talking
12 to him.

13 Q Okay.

14 A And no one else.

15 Q By the way --

16 MR. MIZUNO: Excuse me. You were talking
17 to the team leader and no one else?

18 THE WITNESS: No.

19 MR. ROISMAN: No. He had asked whether
20 the person was a team leader. We don't know what the
21 answer was to that question.

22 THE WITNESS: I beg your pardon.

23 MR. ROISMAN: I was just explaining
24 to Mr. Mizuno that you had already testified that the
25 first thing you did when you came in the room was asked

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1 the question are you the team leader. We don't know
2 yet on the record what the answer to that question is.

3 Who was the person you were talking to in
4 the room, not by name, but what was their relationship?
5 Were they the team leader?

6 MR. ROISMAN: Off the record.

7 (Discussion off the record.)

8 BY MR. ROISMAN:

9 Q When you entered the room what was the
10 first thing you did?

11 A I asked who the team leader was.

12 Q And why did you ask that question?

13 A Well, normally the conversation at my
14 level was with the team leader.

15 Q And did you ultimately have the
16 conversation that you wanted to have with the team
17 leader?

18 A Yes, I did.

19 Q And is that the conversation that is
20 reportedly summarized by the statement stated very
21 strongly that he didn't want QA personnel telling
22 craft people, et cetera; is that --

23 A In part, yes.

24 Q And now can you give me your version of
25 how you communicated that idea to the team leader?

1 A In part, yes.

2 Q And now can you give me your version of
3 how you communicated that idea to the team leader?

4 A One of the gentleman who raised his hand,
5 keep in mind two people responded, the second question
6 I recall, I asked well, who is recently been involved
7 in the field with the hanger and then only one person
8 raised their hand and now I know who I want to talk to.

9 Q Okay.

10 A First of all I asked the individual was he
11 aware of the normal relationship we have worked out with
12 Mr. Vega on how to handle these type of things that
13 occasionally arise where an auditor might visualize a
14 condition that in his mind is possibly not conforming or
15 actually nonconforming.

16 Q Would you say you asked him that in a
17 manner to suggest that if he did not he was probably
18 making a big mistake or did you ask it from a more low
19 key manner than that?

20 A I would like to say low key but in all
21 honesty I was on my way to lunch so I am not how
22 certain it might have been perceived on the other side.
23 I wasn't in low gear.

24 Q All right. What happened next?

25 A Well, once I got to the individual that I

1 actually wanted to talk to, then I recognized I was
2 probably dealing with a communications problem because
3 I had worked with this particular individual in the past
4 and it wasn't his character to take an aggressive
5 posture with anybody. He was a relatively low key
6 individual.

7 Along about that time another
8 individual decided to participate in the conversation.

9 Q This is the other individual who had been in
10 the room when you came in?

11 A Keep in mind you are in two adjacent
12 rooms. The one I am ultimately talking to is in the second
13 room. The other guy that decided to join us in the
14 second room was in the first room.

15 Q All right.

16 A And I guess in my words -- Mr. Brandt was
17 with me. There developed a little bit of a spirited
18 conversation between Mr. Brandt and the second person,
19 and at that point the purpose that I had for the
20 session began to go downhill.

21 Q And would you say that by the time the
22 session was completed that the relationships between
23 you and Mr. Brandt on the one hand and the audit team
24 members on the other was strained?

25 A Particularly strained with the second

1 individual who decided to participate in a
2 conversation I was having with the first individual.

3 Q Did you and that person argue over
4 whether that person should even be talking, given that
5 you were having your conversation only with the first
6 individual?

7 A I don't recall enough time for that
8 particular line of communication to have accomplished.

9 Q Did you feel that you were able to at least
10 communicate your basic view regarding the appropriateness
11 of QA auditor directing a craft person do do his job?

12 A I felt like being the individual I was
13 attempting to talk to had an understanding at that point
14 and that was subsequently confirmed after lunch because he
15 came back to my lunch and explained what had actually
16 happened, and by that time I had already intuitively
17 determined what had probably occurred.

18 Q Did the individual who interrupted that
19 conversation disagree with your perception of the role
20 of QA personnel vis-a-vis craft, or did he agree with
21 it or did he not have a comment on it?

22 A Frankly, we didn't discuss it.

23 Q What exactly did he intervene to say in
24 the conversation that you were having with the other
25 individual?

1 A I am not sure.

2 Q If you look back again to the bottom of
3 page 8 to the next to the last sentence, does that
4 statement correctly summarize one of the things that you
5 said at that meeting?

6 A Not entirely.

7 Q What would you add to it?

8 A Well, I would straighten the language out.

9 Q Why don't you give me your version of what
10 is contained in that sentence.

11 A As I recall, I think this whole episode
12 was in the radwaste system and it was very likely in
13 the fuel building, an area that craft and QC were
14 working very well together to complete and finalize.
15 We were anticipating receipt of fuel very shortly, as
16 I recall, and so there was excellent cooperation
17 between the craft and QC to close out, if you will.

18 Negative things and particularly in that
19 environment where people have worked diligently and
20 worked well are not well received by the recipients.
21 Human nature. And I was attempting to convey that
22 feeling to the auditor that I wanted to talk to so he
23 would understand why I was even in there talking to him.

24 Q And this statement the way it is stated
25 here, it is not limited to a particular part of the plant

1 at all. It appears to be a generic statement. It was
2 your view at that time at least that craft people were
3 up tight and could be fired for multiple problems on
4 their part? Let's just start with that part of the
5 statement.

6 A It was not generic. It was isolated only
7 to the -- as I recall, the group that was working
8 together in the fuel building.

9 Q Now, is it your view that that is a
10 problem which periodically appears at different parts of
11 the plant site as either scheduling pressures are brought
12 on the craft people with regard to particular jobs or
13 other pressures arise?

14 A I don't like the phrase pressures. You
15 have got productive minded people and QC people
16 working with them that are attempting to complete. The
17 pressure that is there is more self-imposed than something
18 else. It is a sense of pride and achievement of
19 accomplishing an end result that we worked very hard
20 towards.

21 Q But what I am trying to find out is is the
22 concern that you are talking about here a concern that the
23 craft people don't like to have their product criticized,
24 or is it that they are in some way or another being
25 interfered with by the involvement of a QA person

1 in getting what they perceive to be a quality product?
2 Which is it that you are talking about here?

3 MR. DOWNEY: I am not sure I understand
4 that question.

5 BY MR. ROISMAN:

6 Q Well, this statement says the craft
7 people were up tight and could be fired for multiple
8 problems on their part. It seems to me there is two
9 possible things you are saying about that. I am trying to
10 understand what they are.

11 One possibility is that the craft people
12 don't like to be criticized, just flat out. The other
13 possibility is that the craft people consider that the
14 criticisms by a QA person interfere with them doing
15 what they believe to be a quality job. And I am
16 trying to understand which of those is it that you
17 are attempting to communicate with the thought that is
18 somewhat summarized here.

19 MR. DOWNEY: Mr. Roisman, I am not sure
20 that your two alternatives exhaust the possibilities.
21 Why don't you just ask Mr. Tolson what he meant?

22 MR. ROISMAN: I did that, I thought.
23 But I wasn't clear in the answer, and that is why I was
24 trying to get it more precise.

25 THE WITNESS: I am a craftsman. I have to

1 the best of my ability completed what I consider to
2 be an acceptable product. I now receive input
3 verbally that says what I perceive to be an acceptable
4 product is not perceived to be an acceptable product
5 by an individual whose background I don't know.

6 In that context I don't like the
7 criticism and don't forget what I said when we first
8 started, there was nothing wrong with the product. The
9 product is acceptable as constructed.

10 Q But this situation that you have just
11 described sort of, isn't that what happens all the time,
12 whether it be a QA or a QC person, if a red tag is put on
13 a piece of work that is done by a crafts person or if a
14 QC person is looking at something and indicates either
15 verbally or in writing that they see a problem, the
16 craft person is constantly being subjected to that,
17 isn't that true?

18 I mean that is the nature of the QA/QC
19 process; is that correct?

20 A The identifications of discrepancies is
21 the job of the QC people and the resolution of those
22 discrepancies is the job of the craft people and
23 if that is what you are asking me then that is what is
24 happening.

25 Q Well, that is in part what I am asking. What

1 I am trying to be clear about is that this conflict
2 that arises when someone does a job and believes that
3 they have done it right and properly and somebody else
4 who they may not know just because they don't normally
5 work with that person all the time, comes along and tells
6 them that they haven't done it properly, that is a
7 built-in tension that is inherent in having a QA/QC
8 program; isn't that true?

9 A Not if we are dealing with real problems.
10 If we are dealing with nonproblems, yes, but if we
11 are dealing with real problems I am not personally aware
12 where we have the same type of condition. And that is
13 certainly not what I am saying here.

14 Q When you talk about real problems and
15 nonproblems, I take it that you believe that when the
16 craft person completes the job the crafts person believes
17 that he or she has done it properly, don't they? Isn't
18 that a reasonable assumption?

19 A I would like to believe that that is what
20 they believe, yes, sir.

21 Q So at any time whether they have done it
22 right or not and someone comes along and suggests that
23 they have done it wrong there is going to be a certain
24 amount of tension created or personally created between
25 those individuals; isn't that true?

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1 A Not if in fact there is nothing wrong
2 with what he has got up there on the wall which is what
3 we are talking about here.

4 Q How does the craft person or the QC
5 person know that there is nothing wrong? We have just
6 got two different opinions about the very same piece
7 of work.

8 A In this particular instance, as it was
9 reported to me, there was at least one senior, very
10 experienced inspector there at the same time of the
11 auditor. The inspector told him there was nothing wrong
12 with the hanger and yet he pursued the discussion in the
13 field verbally relative to what he perceived to be a
14 problem.

15 What I am dealing with here, Mr. Roisman,
16 is the condition of a noncertified person making
17 judgments on work that is totally acceptable.

18 Q Is it your view that if there is no
19 supervisory person present and all you have is a QC
20 inspector on the one hand and a craft person on the
21 other, and a craft person has finished the work and
22 believes that they have done it properly and the QC
23 person comes along and starts to put a red tag on it,
24 that there is or is not an inherent tendency toward
25 tension as a result of that criticism by the QC person

1 of the craft person's work; yes or no?

2 A I think that is probably humanly possible,
3 yes.

4 Q Do you think that that is inherent in the
5 nature of the process?

6 A Not from my experience at Comanche Peak.
7 If you are dealing in the real world with real
8 problems then that tension doesn't exist.

9 Q How does the individual QC inspector
10 and the individual craft person know whether they have
11 a real problem or not? It is just the two of them there,
12 the supervisors are at different places doing different
13 things; how do they know when one says it is right
14 and the other says it is wrong; whether it is an
15 imaginary problem or a real problem?

16 A I don't know how to answer your question
17 because I can't relate to that kind of condition.

18 Q You can't relate to a situation in which
19 a QA --

20 A A QC man has the ultimate hammer. If
21 he says it is wrong it is wrong until resolved from
22 a different thing. That is why I am having difficulty
23 with this line of discussion.

24 Q So it is your testimony that whenever the
25 QC person shows up, assuming there is no supervisor there

1 or other person to resolve the dispute and the
2 QC person says it is wrong, that the craft person must
3 accept that it is wrong until some higher authority
4 resolves that controversy?

5 A He has the option of kicking it to a higher
6 authority but at that stage it is wrong.

7 Q It is wrong because QC says it is wrong?

8 A That's right.

9 Q And you are saying that that is so well
10 known at the Comanche Peak site that there is
11 relatively small amount of tension occurring when those
12 events happen?

13 A In my personal exposure the answer to
14 that is yes.

15 Q What about what you have heard in your job
16 from other people reporting to you on their personal
17 exposures?

18 A They have not had a magnitude of input that
19 would cause me concern as what I perceive the line of
20 questioning that you are asking.

21 Q What would be a magnitude that would
22 cause you concern? If ten percent of the QC inspectors --
23 if in ten percent of the inspections done by QC people
24 the tension appeared to exist without any supervisory
25 person coming in and making one side be right or one side

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1 be wrong, would that be enough to be of a magnitude to
2 concern you?

3 A I can't answer your question because I
4 have never tried to qualify it.

5 Q Can you try now?

6 A I can't do it in terms of percentages.

7 Q Well, if you get five in one month --

8 A I am not even sure I can put it that way.
9 It depends on the amount of personal involvement that I
10 sense the need to get involved in would be the
11 triggering move as to whether or not I would consider
12 the problem.

13 Q You mean if you don't get involved in
14 it then it is not a problem?

15 A Not to me.

16 Q Now I am trying to find out what criteria
17 do you have for deciding when you ought to get involved.
18 What triggers your decision whether to get involved?

19 A The input from my people.

20 Q But what are you judging that input by?
21 I mean if you get a call -- if you got one call
22 and one of the supervisors says the QA and QC -- the QC
23 inspector doing the cable traces support and the crafts
24 person who is doing the installation of the cable trace
25 support seem to have some tension, get that one call,

1 does that trigger your involvement or not trigger
2 your involvement?

3 A This whole line of questioning escapes
4 me because, you know, we are out again in a
5 hypothetical sense and there is nothing that you are
6 asking me that triggers me to discuss things in a
7 rational way.

8 Q Are you saying that it is totally subjective
9 based upon your judgement with all factors that are
10 involved in the particular situation counted in each
11 time?

12 In other words, that my hypothetical call
13 you can't really respond to because you don't know
14 who was the inspector and who was the crafts person?
15 And I haven't give you the full name. Conversation that
16 you get from the supervisor who make the call, and that
17 the only way that you can decide these is to decide them
18 case by case?

19 A Yes, that is what I am saying.

20 Q Now, did you indicate at the time of
21 the events that are being discussed here at the bottom
22 of page 8 that you were concerned about QA people
23 getting harmed physically or politically because of their
24 dealings directly with the craft or something to that
25 effect?

1 A Those phrases were used but not in the
2 context of this report. I may have been a little uptight,
3 I seem to remember a difference of opinion between me
4 and Mr. Merritt not too much in advance of this.
5 Again, I am a peacemaker, if you will, at this
6 particular venture. I want to make sure there is no
7 aggravated friction externally and I probably used the
8 phrase physically just to make a point. I never intended
9 at the time or believe today that that is a real
10 situation. That is just an unfortunate phrase I
11 selected in that environment to try to make my point and
12 I intended nothing other than that in using it in the
13 conversation.

14 Q You are saying it was not your thought
15 that there would actually be physical violence?

16 A No.

17 Q What about this refernce to politically,
18 harmed politically?

19 A Again it was in a different context and
20 as I recall much later in the conversation, primarily
21 at this point directed at the second individual who
22 decided to participate in the conersation I was having
23 with the first individual, and the thrust ofthat was if
24 the course of action that they preferred was for me to
25 report to their management the situation, then that is

1 the way I would handle it and that is basically what
2 I am trying to say with the use of the word political.

3 I am attempting to reason with the guy that
4 he is out there talking about something that is not a
5 prior problem with people who are dedicated and
6 interested in finishing an activity. It is a diversionary
7 tactic on his part. He is wrong. He is wrong in two
8 ways: one, in sensing a problem which doesn't exist
9 and, two, talking about that problem with that particular
10 group of people.

11 Now, if we can't reason together, then
12 the only recourse I have left is to make a report to
13 management on his performance, which I chose not to do.
14 I prefer not to do that. I would rather work it out with
15 the individual.

16 Q But you indicated to him that that was an
17 option you had if he and you didn't come to some
18 resolution?

19 A And that was the intent of the use of the
20 word political and I didn't carry it any further than that
21 because that was the end of the conversation.

22 Q In earlier testimony with regard to the
23 t-shirt incident you indicated that at the time that the
24 incident occurred you had called the people up into
25 your office or had directed that they be called up into

1 your office and rather than characterize or
2 mischaracterize what you said, can you tell me what
3 were the reasons that you had then for wanting them up
4 in your office?

5 A Basically two-fold. As we talked Tuesday,
6 my initial reactions to the t-shirt incident was to on my
7 own authority send them home and tell them to change the
8 shirt and report back to work. I immediately, after
9 hanging up the phone, had second thoughts as we talked
10 Tuesday, called Mr. Welsh and asked him to bring the
11 people to my office.

12 The purpose was for me to personally
13 see the shirts so that I could convey that message to
14 Dallas and at that particular point in my career at
15 Comanche Peak was making all decisions relative to
16 personnel.

17 Q And was a concern for the physical safety
18 of the people wearing the t-shirts at any time a
19 consideration in the actions that you took that day?

20 A Not in mine, no.

21 Q This report of the investigation, again on
22 page 8, earlier in the report refers to allegations
23 that are made to Mr. Clements by a member or some
24 members of the audit team and makes reference to a
25 "meeting" and statements made at that meeting that -- and

1 I am looking now at paragraph 2, up about the middle
2 of the page, "someone is going to get hurt physically
3 or politically."

4 Is it your understanding that the event
5 that is being described there is the event that you
6 and I have been discussing about the meeting that took
7 place between you and these two audit team individuals
8 that is described at the bottom of page 8?

9 A I really have no way of knowing that.
10 There appears to be some similarity between the discussions
11 but I didn't authorize the report so I frankly don't know.

12 Q Let me direct your attention now to page 9
13 of the report and paragraph 1 thereof.

14 Would you read paragraph 1 and tell me, one,
15 is it your understanding that that paragraph is talking
16 about you and, number two, do you agree or disagree with
17 the paragraph?

18 A Okay. I am sorry. What was your question
19 again?

20 Q First of all, is it your understanding
21 that paragraph is talking about you and, secondly, if it
22 is, do you agree or disagree with the statements contained
23 in the paragraph?

24 A It could or could not be me. I don't
25 know. Let's assume that it is.

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1 Q Well, didn't you testify just before
2 that you believed that in the preceding paragraph at the
3 bottom of page 8 the phrase the person accused of making
4 intimidating statements was you?

5 A Yes.

6 Q Do you agree or disagree with the
7 statement in paragraph 1?

8 A In what ways do you disagree with the
9 statement? Maybe if you could do it so that we keep
10 it clear, let's take it phrase by phrase. The first one
11 is do you or don't you believe that you have a strong
12 personality?

13 A Yes, I would agree that I have a strong
14 personality.

15 Q Do you agree or disagree that all parties
16 who have had dealings with you indicate that your
17 normal demeanor in meetings and discussions is to come on
18 strong and abrasive?

19 MR. DOWNEY: Objection. He has no way
20 to do that.

21 MR. ROISMAN: Then he can say he
22 disagrees and tell me what it is. I am giving him a
23 chance to deal with each of these.

24 THE WITNESS: I am going to disagree in two
25 ways. It is not logical for me to conclude as I recall

1 in the earlier portion of this report that
2 23 individuals would make this kind of a statement.
3 That seems to be a little bit farfetched.

4 I disagree on coming on strong and
5 abrasive. I admit being a strong personality. I will
6 admit to being confident in my own competence and
7 the competence of my personnel, and I will admit
8 to discussing this openly and aboveboard, but I wouldn't
9 say strong and abrasive.

10 Q What about the second sentence; do you
11 agree or disagree with that sentence?

12 A Are you talking about the one that has
13 got --

14 Q Depending upon the personality of whom
15 he is dealing with --

16 MR. DOWNEY: Objection. If he knows.

17 MR. ROISMAN: I am sorry. You object --

18 MR. DOWNEY: Mr. Tolson has no way of
19 knowing how other people perceive him, particularly
20 such global statements --

21 MR. ROISMAN: The question there is does
22 he agree with the statement that depending on the
23 personality of the person he is dealing with his manner
24 could be considered intimidating. I don't think that
25 requires him to get into the mind of the other person

1 but to give me his view of what he thinks other
2 people perceive him to be.

3 MR. MIZUNO: I object because that is
4 not relevant to the question. The question in this proceed-
5 ing is whether any specific persons have been
6 intimidated or felt they were intimidated. To ask
7 Mr. Tolson about his understanding of some other
8 person's perception would then be irrelevant, unless
9 that person communicated that perception to Mr. Tolson.

10 MR. ROISMAN: Well, Mr. Mizuno, I don't
11 understand that at all. In fact, the worst form of
12 intimidation that we could have for purposes of this
13 hearing is the intimidation that a person feels and never
14 communicates. They become the hidden time bombs in
15 terms of the adequacy of the QA/QC inspection at the
16 plant. The intimidated ones who say, "I have been
17 intimidated" at least give you a warning as to where you
18 ought to go looking to see if some work hasn't adequately
19 been inspected.

20 So I think it is very relevant to know
21 whether Mr. Tolson believes that there are people who
22 could consider his manner to be intimidating.

23 MR. DOWNEY: But your question is out of
24 context. I'll renew my objections. If you direct your
25 question to the issues here as to whether he has any

1 reason to believe that QC inspectors have believed his
2 manner to be intimidating, I think that's a rather
3 speculative question and the answer to which is not
4 worth very much, but at least it has some context.

5 MR. ROISMAN: Well, I have a sentence
6 here that is contained in a report. I think the relevancy
7 for the purposes of this hearing isn't disputable, and I
8 am asking the witness to tell me whether he agrees or dis-
9 agrees with the sentence, and I think that's a fair
10 question for me to ask, and I believe I'm entitled to an
11 answer, and I realize that you and Mr. Mizuno have stated
12 your objections, but I would like the witness to answer
13 whether he agrees to disagrees with that statement.

14 THE WITNESS: I don't know how to answer
15 the question. It's too vague for me to answer the question.

16 BY MR. ROISMAN:

17 Q It's too vague for you to answer the
18 question whether you agree or disagree with the sum of
19 20 printed words that appear on a page?

20 A Yes, for an answer, that's what I have
21 given you.

22 Q Number 2 on the same page, the first
23 sentence, do you agree or disagree with that statement?

24 A I think I disagree and let me talk about
25 expressing my opinion to anyone. "Anyone" is a pretty

1 broad spectrum of people.

2 Q Would you say that it would be accurate
3 if it had said "isn't hesitatnt to express his opinion
4 to most people with whom he has professional dealings"?

5 MR. DOWNEY: Again I'll object on
6 speculation. You're asking some awfully vague --
7 asking him to agree or disagree with some very vague
8 questions.

9 MR. ROISMAN: Well, your client is the one
10 that produced the statements, not me.

11 MR. DOWNEY: I think it's entirely appropriate
12 to address comments to the authors of this report about
13 what they meant. To ask Mr. Tolson --

14 MR. ROISMAN: I'm not asking what he meant.
15 I'm asking whether he agrees or disagrees with what is
16 said. We have already asked he people who did it what
17 they meant.

18 THE WITNESS: Let me try it this way:

19 In an environment that I'm asked to
20 participate in, I don't hestiate to express my opinion.
21 I tend to be a little more careful when I'm addressing
22 the chairman of the board and I tend to answer his
23 questions as opposed to volunteering information.
24 That's why I have a little trouble with anything more
25 direct.

1 BY MR. ROISMAN:

2 Q Look at the second sentence of paragraph
3 two. Do you agree or disagree with that sentence?

4 A It's kind of a yes-and-no answer to that
5 one. I'm not sure I know what the word "cur-" means.

6 Q Can we agree for the purposes of this
7 it has traditional meaning of short or brief?

8 A Yes, short or brief. If you substitute
9 that, then it is certainly correct.

10 Q What about the third paragraph, that is
11 the one numbered three? Do you agree or disagree with
12 this sentence that makes up that paragraph?

13 A Within the context of the discussion we
14 discussed on page 8, that's correct.

15 Q Well, that was my concern, was I thought
16 the discussion we had indicated you didn't have a
17 sincere worry about their physical well being, but you
18 used the term, I don't want to use a pejorative term,
19 but in an exaggerated way that you didn't really think
20 there was a physical danger.

21 Are you changing that now?

22 A No.

23 MR. DOWNEY: Objection. That's not
24 inconsistent with his statement.

25 THE WITNESS: Let me try. They are reporting

1 in essence the discussion that we had. Okay? I
2 generally don't believe that there was a problem, but this
3 was discussed with the two people in the room with me and
4 it was discussed in this manner. It could happen, but I
5 don't really think it would. That's what I'm trying to
6 say.

7 MR. ROISMAN: Could we go off the record
8 a minute?

9 MR. DOWNEY: Yes.

10 (Recess.)

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1 MR. DOWNEY: We're back on the record after a
2 short recess.

3 BY MR. ROISMAN:

4 Q Would you look at page 9 of Exhibit 45-1 and
5 paragraph 4 and look at the first figure?

6 Do you agree that you communicated that thought to
7 the investigators that they claim you communicated?

8 A Scratch the word "very" and the "and I agree with
9 the statement."

10 Q And how about the last two sentences?

11 A I see three from the first question.

12 Q That's right. I'm only asking you about the last
13 two sentences of paragraph 4.

14 A The next to the last one is essentially correct.
15 I can't relate team leader number 2 individual that we've
16 talked about, and Mr. Brandt got into the discussion, and I
17 may have raised my voice in an attempt to break that up, but
18 I don't recall it at this time.

19 Q Okay.

20 MR. DOWNEY: May I ask a question, Tony?

21 MR. ROISMAN: Yes.

22 MR. DOWNEY: You've asked Mr. Tolson about every
23 sentence in paragraph 4 except the second sentence. I would
24 ask Mr. Tolson if he agrees with the second sentence.

25 THE WITNESS: Yes.

1 MR. ROISMAN: I'm sorry. I was trying to move it
2 on. He had already stated his views on that, and I just
3 thought it would save time if I don't do that.

4 BY MR. ROISMAN:

5 Q Looking at number 5, then, the first sentence, do
6 you agree or disagree with that statement -- or actually the
7 first two sentences?

8 A In the context of what we talked about earlier in
9 question 3, the potential is there. I wouldn't characterize
10 it as a high probability. I don't like those sorts of
11 adjectives.

12 The potential is there, but I had no genuine
13 concern then, or now, of the activity actually taking place.

14 Q In other words, you thought the potential was
15 there, but you didn't think that it could, in fact, really
16 occur in the situation that this investigation was looking
17 at?

18 A Would you repeat that, please?

19 Q What you're saying is there is potential for a
20 QA person being hurt by Craft if QA doesn't work through
21 QC on QC issues. But in your investigation situation, the
22 particular subject which was the subject of this investigation,
23 you didn't feel it was a real probability, it would have
24 happened in that case?

25 A I don't think it would happen in that case, nor do

1 I think it would happen in a generic sense.

2 Q Well, then, are you also questioning the use of
3 the word "probability," as well as the use of the word
4 "high"?

5 A Well --

6 Q Would you be more comfortable with the word
7 "possibility"?

8 A They mean the same to me, "probability" and
9 "possibility,"

10 Q Do you agree with the last sentence of paragraph
11 5, which is, "The investigators attempt to express what they
12 believe you told them," was what you meant you said, "The
13 QA person could be heard politically"?

14 MR. DOWNEY: Why don't you just ask him if that's
15 what he meant?

16 BY MR. ROISMAN:

17 Q Is that what you meant?

18 A I've already described what I meant by the
19 political thing.

20 Q I understand this.

21 This just seems to be slightly different, and I
22 just want to give you an opportunity to tell me, are you
23 disagreeing with that portion of the record?

24 A Yes and no, because I get hung up on their
25 language in here, "and/or not capable." I don't recall

1 talking to the individual about that.

2 The basic premise of what I was trying to
3 communicate with the use of the political thing is what I
4 described earlier.

5 Q Now, I just want to be clear about this. With
6 the exception of any conversation or examination of this
7 document that you may have had with your counsel in the last
8 week or 10 days and the discussion that you and I have had of
9 the examination today, this is the first opportunity that
10 you've had to look at these findings or conclusions, whatever
11 we want to call them, that we've just been going through on
12 page 9 of the document; is that correct?

13 A Essentially correct, yes, sir.

14 Q And to the best of your recollection, did any one
15 of your supervisors bring to your attention the substantive
16 comments that -- in those paragraphs that we've just been
17 analyzing and -- and to use a phrase that I guess is popular
18 at the site -- attempt to counsel you with respect to them?

19 A There was no counseling period. There was a joint
20 meeting, and Mr. Clements called to where he stated that he
21 felt like I was out of line, and that was the sum total of
22 the discussion.

23 Q And beyond that, was any other action taken with
24 respect to you with respect to the subject matter of this
25 report.

- 1 A No, sir.
- 2 Q Did Mr. Clements indicate to you what he perceived
3 to be what was the proper conduct?
- 4 A Not that I recall.
- 5 Q Did he indicate to you what it was about this
6 conduct that he particularly thought was "out of line"?
- 7 A Not that I recall.
- 8 Q You testified, in response to questions this
9 morning from Mr. Downey, that there had been some problems
10 with electrical QC inspectors that had been, in part, the
11 impetus for the Management Review Board.
- 12 Have I summarized what you said this morning
13 correctly?
- 14 A Substancewise, yes.
- 15 Q Can you tell me, what was that -- or what were
16 those problems?
- 17 A Not in any detail. There were four, as I recall,
18 fairly low-level citations that we had received from
19 Region IV several weeks in advance of this interview
20 process.
- 21 Q And were those the sole impetus for the
22 determination, from your perspective, to have the Management
23 Review Board?
- 24 A No. We discussed, Tuesday, the concern that we
25 had already come to relative to the issue, as we've called

1 it, morale. This planning was done long in advance of that.

2 In addition, Mr. Taylor, who was the senior
3 resident inspector at Comanche Peak, orally gave me the
4 benefit of his assessment of the electrical QC effort.

5 Q Do you remember the content of that?

6 A Not in any great detail, no. The message was the
7 need to provide corrective action essentially along the lines
8 we discussed earlier this morning.

9 Q And did you remember what the Region IV reports,
10 either dates or the number or anything like that, that were
11 what you just testified a moment ago, which ones those were?

12 A No, I don't.

13 Q Were they within the few months before the
14 Management Review Board?

15 A I think it was a matter of a few weeks.

16 Q You indicated that one of the responses that
17 occurred, in part, to the response of the Management
18 Review Board summaries was that there was improvement in the
19 weight levels. And I think you also said that there was --
20 some people apparently ended up earning more for what they
21 did. And everyone had more opportunity to move up and earn
22 more as they moved through the system; is that correct?

23 A That's essentially correct.

24 Q Was what you saw in the situation, the improvement
25 that it gave, an ability for you to discriminate between

1 those people whose work you thought was good and those you
2 thought was not as good by promoting or not promoting
3 individuals and giving them more money as a result of the
4 promotion?

5 A No, I don't think I said that.

6 Q No, I didn't think you did.

7 I mean, I'm now asking for the first time.

8 A The program was structured to reward capability,
9 as reflected through the attainment of certifications. As
10 people became more capable in that regard, then the
11 opportunity for increased monies was made available to them.

12 Q I see. So, it wasn't a matter of if you had
13 somebody who was in a position, like say a Level 3 inspector,
14 and that person was doing a significantly better job, in your
15 judgment, than another equally qualified, in terms of being
16 Level 3, that you could give them more money to reward them
17 for that; this was merely to allow for money when you moved
18 from Level 2 to Level 3?

19 A Level 3 is a tough one to talk about, But
20 conceptually, in that regard, your summary is correct.

21 Q You answered a question regarding the meeting
22 which you addressed of coating inspectors, dealing with the
23 issue of the use IRs, as opposed to NCRs.

24 As I understand this, the development of the use
25 of the IR, it's a development that was done at Comanche Peak;

1 is that correct?

2 MR. DOWNEY: Objection. I don't think there's
3 any demonstration of his personal knowledge of what might
4 be in other places.

5 MR. ROISMAN: Okay. I didn't mean to put it that
6 way. Let me withdraw it.

7 BY MR. ROISMAN:

8 Q What I'm asking you is, the use of the IR as one
9 way of reporting a nonconforming condition was a development
10 that occurred at Comanche Peak, as opposed to some directive
11 that came from the Nuclear Regulatory Commission and told
12 the company, "You will now have IRs, and you will now have
13 NCRs"; is that correct?

14 A The NRC doesn't direct that kind of detail.

15 Q You indicated that the IR provided a more -- and I
16 think your word was "even more" or "most" efficient method
17 for most instances dealing with the types of nonconforming
18 conditions that would arise in the non-ASME area.

19 What did you mean by "most efficient"?

20 A The best way to answer the question is to give an
21 example. In preparing a hanger that contains a U bolt, the
22 nuts on the U bolt are loose. They identify that as an
23 unsatisfactory attribute, furnish a copy of that to Craft.
24 He tightens the nuts, and I close the report, because now the
25 requirements are satisfied.

1 Q And how does that contrast to what would happen if
2 he had gone the NCR route with regard to the same example?

3 A The same information is recorded. A copy of the
4 NCR goes to Engineering. Engineering writes down to tighten
5 the bolt, go through QA/QC or QE review. They concur that
6 tightening of the bolts is appropriate.

7 Then, now, after he gets back to the Craft people
8 later, and he does what he did in five minutes with the unsat
9 report.

10 Q Are both of those subject to trending analysis?

11 A Yes, they are.

12 Q So, they are both documented events that occur?

13 A Yes.

14 Q Just a question of how many people review?

15 A That's what I've been saying for the last two
16 years, yes, sir.

17 Q Is there any difference in terms of efficiency
18 between the IR and the NRC with respect to the resolution of
19 this question we talked about this morning of dispute, where
20 the QC personnel says, "They need to be tightened," and the
21 Craft person says, "I don't think they do"?

22 What's different between the IR and the NCR, in
23 terms of its efficiency for resolution of that kind of a
24 disagreement?

25 MR. DOWNEY: Objection. I think you asked him

1 any questions about the resolutions of such disputes involving
2 QC, but your questions were related to QA auditors. I think
3 your question contains an assumption about his testimony or a
4 characterization of his testimony, and it's inaccurate.

5 MR. ROISMAN: Assuming Mr. Downey's interpretation
6 is correct, just forget about my relating to that and answer
7 the question in that context.

8 MR. DOWNEY: Would you restate it?

9 BY MR. ROISMAN:

10 Q The question is: In terms of the resolution of
11 disagreements with regard to the Craft person, on one hand,
12 and the QC inspector, on the other, is the IR a more efficient
13 mechanism, when the dispute arises, for resolution of the
14 problem or less than if you were using the NCR?

15 A The first time the efficiency would be lost. The
16 second time it would be regained.

17 Q How would it be lost, and how would it be regained?

18 A Well, the craftsman is going to be told to tighten
19 the bolt. Now, if he chooses to argue the position the first
20 time, then he's not going to do that the second time, because
21 he's going to be told that the second, and he's learned that.

22 Q I'm not trying to understand the process. Let's
23 just sort of step through it so I can understand it in the
24 context of our discussion this morning about creating or not
25 creating tension.

1 In your opinion, in the subject of tightening
2 bolts, if the QC inspector writes an NCR and the craftsperson
3 says, "No, sir, they're just as tight as they can be; I'm
4 going to go on about my business," what's the resolution of
5 that phenomenon under the IR mechanism?

6 A I have to assume that the nuts are loose in the
7 answer I give you. That's the illustration I used before on
8 efficiency. I can't describe to you what might happen if the
9 QC inspector, in fact, is wrong.

10 Q Let's assume, as you did this morning, that when
11 the QC inspector says, "It's loose," it's loose. If the
12 Craft doesn't agree with him, what are the resources that the
13 Craft has when it's the IR? That's all I'm trying to get at.

14 A If he doesn't agree that the nuts are loose, then
15 he has to go Engineering or someone else, and we're going to
16 end up with a two- or three-day discussion and the ultimate
17 outcome as to whether or not they're loose. If they're loose,
18 they're tightened. If not, they stay as is.

19 Q What you're saying is once the craftsperson has
20 challenged the QA inspector and that happens, then the next
21 time there won't be any challenge, so the system is efficient?

22 A In my judgment, yes.

23 Q Was is it about the NCR which also has, if you
24 will, an appeal process built into it that would be different
25 with regard to the resolution of the dispute? Are both

1 systems equally inefficient, where the Craft does not back
2 down on the disputed item?

3 A I think so, yes.

4 Q You indicated that you have periodic -- or used
5 to have when you were in that position -- periodic sessions
6 with the supervisors, primarily of the QC inspectors, to
7 encourage them to do their jobs in the appropriate manner,
8 following the procedures and the like, and that was part
9 of your program of instruction. Am I correctly remembering
10 your testimony from this morning?

11 A My testimony was in the context of conveying
12 the requirements as set forth in 10 CFR 50.55E, as I recall
13 and to convey the policy relative to procedure compliance in
14 the event of a citation for failure to follow procedures in
15 QA/QC.

16 Q And when you have had those sessions with your
17 supervisors, have you ever had occasion to include, in the
18 topics for discussion, the question of how to deal with
19 "personality conflicts" or friction that develops, if it
20 develops, between the QC inspector and one or more Craft
21 people?

22 A I'm sure I have, but I can't recall anything
23 specifically off the top of my head.

24
25

1 Q. Okay. You testified that in your present
2 position, you are currently working with regard to
3 open items and helping be responsive to matters
4 related to licensing. To clarify your role, you have
5 line authority to actually resolve the problems,
6 or is it your job to make sure that the problem gets
7 resolved and that a final disposition of the company
8 is articulated?

9 MR. DOWNEY: I don't think that's his
10 testimony from this morning. His testimony was he's
11 worked on specific projects, and you can't
12 generalize it by what they are. You might go
13 back through what his role was in each of these
14 projects.

15 MR. ROISMAN: I don't want to take
16 him through all of the projects. Let me ask
17 it differently.

18 BY MR. ROISMAN:

19 Q. Do you continue to have line responsibility
20 in areas related to QA/QC? Should an open item
21 occur that relates to QA/QC problems that must be
22 addressed in this licensing proceeding, does your
23 responsibility include not only making sure that
24 it gets addressed in the licensing proceeding, but
25 actually the subsidive resolution of the particular

1 problem, or can it include that?

2 MR. DOWNEY: Objection. If he
3 understands that question--I don't understand
4 the question. I would like for you to tie
5 your question to his specific duties. If it
6 takes longer, than so be it, but you're asking
7 what he did--you're asking what he does
8 generically, when, in fact, he does a variety
9 of things.

10 MR. ROISMAN: Let me withdraw it.

11 BY MR. ROISMAN:

12 Q. Let's take the so-called Brookhaven
13 items. Are you familiar with what I'm referring
14 to; the 16 items, I believe, in the Brookhaven
15 letter?

16 A. Yes.

17 Q. With respect to any of those items,
18 does your current duty include reaching a
19 subsidive resolution, that is, implementing
20 steps to solve any of those problems, or is
21 it your duty to see to it that they get
22 involved and that answers get back to the
23 appropriate persons who have raised the questions?

24 A. I think neither--what I really do
25 is see that the responses are formulated. If

1 it's a QA/QC matter, I either recommend or
2 obtain a resolution from the QA/QC department,
3 and they worry about implementation.

4 Q. Do you get involved in making the
5 subsidiive decision?

6 A. If they ask for my input, I most
7 definitely would provide it.

8 Q. And has that occurred on occasion?

9 A. On occasion, yes.

10 Q. You indicated in the third
11 clarification of the events that preceded
12 the actual T-shirt event this morning that
13 you had attended meetings during the first
14 week after the building manager had come to
15 you and said, "I think we've got some problems
16 here," to get the flavor of what was going on.
17 Were you in attendance at those meetings purely
18 as an observer to see what was going on and
19 maybe ask a few clarifying questions, or were
20 you a more active participant in the process?

21 A. Well, the purpose was primarily just
22 to listen. On occasion I was asked to address
23 certain topics.

24 Q. You testified this morning--and
25 I have a feeling that it may help explain a

1 lot if we just briefly talk about your
2 relationship with Mr. Brandt during the time
3 that you and he worked together, not in
4 your present position, but prior to that.
5 I don't remember the exact substance of this
6 morning's testimony, but I think that in
7 response to a question from Mr. Mizuno who
8 said, "What did you do with the Lipinsky report,"
9 and I believe you said, "I gave it to Mr.
10 Brandt for his review," and that you did not
11 tell him what to do with it; you simply gave
12 it to him for his review, and later he
13 reported back to you what was the conclusion.
14 And I think you said something like, "Both he
15 and I basically came to the same conclusion
16 about that," something to that effect. Am I
17 summarizing it briefly, roughly correct?

18 A. So far.

19 Q. Now, my question to you is, had
20 you and Mr. Brandt developed such a relationship
21 that it really wasn't necessary for you to take
22 something like the Lipinsky report and say to
23 him, "Now, here is what I would like you to
24 take a look at. Here is the things I'm
25 concerned about." Like, if you gave him a

1 report like the Lipinsky report, you would
2 be fairly confident that he would see the
3 same things you saw and have the same questions
4 you had, and would go out and find the answers
5 that you would go out and find and that you
6 didn't have to have a lot of long discussions
7 with him?

8 MR. DOWNEY: Objection. You might
9 ask him what Mr. Brandt reported to him on
10 the Lipinsky report and whether he agreed. I
11 don't think you--

12 MR. ROISMAN: He has already
13 testified to that. What he has testified is
14 that there is very little actual communication
15 between he and Mr. Brandt with regard to--

16 MR. DOWNEY: Objection. I don't
17 think he did. That's not a proper characterization.

18 MR. ROISMAN: What I believe the
19 transcript shows is that, first of all, there
20 was no written direction to Mr. Brandt, "Take
21 this report, give me a report back," that is
22 comparable to the sort of things, for instance,
23 Mr. Tolson would get from Mr. Chapman, that
24 there was no expectation on his part that
25 Mr. Brandt would give him back a written report.

1 And I believe that what he said was when
2 Mr. Brandt came back, that they basically
3 agreed with respect to this, and I'm merely
4 trying to find out whether his relationship
5 with Mr. Brandt was such that he didn't
6 feel the need to do a lot of directing; Mr.
7 Brandt could do it because he had confidence
8 that Mr. Brandt basically did things his
9 way. And that's all I'm really trying to
10 find out.

11 MR. DOWNEY: I think you can ask
12 him that with respect to the Lipinsky report.
13 The answer might not be the same assignment
14 to assignment.

15 BY MR. ROISMAN:

16 Q. With regard to the Lipinsky report,
17 were you fairly confident that Mr. Brandt, when
18 you handed it to him, would review it and know
19 what it was that you wanted to have examined
20 and know what to report back to you about
21 with respect to it?

22 A. Well, my purpose of giving a report
23 to Mr. Brandt was to solicit any comments he
24 may have relative to the report, and in that
25 context I don't want to bias his input to me.

1 I prefer to get his unbiased input. I'm
2 not the kind of guy that necessarily has
3 to have all the answers come out the way
4 that I think they ought to come out.

5 Q. You indicated in response to
6 questions from Mr. Downey that you have
7 certain such responsibilities. I think you
8 indicated that you tended to go over budget
9 with respect to your work.

10 In determining your budget, do
11 you calculate into that the costs that are
12 incurred by the company in having to address
13 and the craft having to address a response
14 to an NCR or IR or any other negative report
15 by one of your inspectors? Does that fall on
16 your budget?

17 A. Well, I don't budget for those kind
18 of things, no.

19 Q. But when you said you went over
20 budget, do you go over budget if there are--
21 because of the costs imposed on craft of an
22 NCR written by your people, or are those on
23 somebody else's budget?

24 A. Those are buried in the bottom of
25 the book somewhere. The majority of my

1 budgetary costs are manpower.

2 MR. ROISMAN: I have nothing further,
3 except that when I've had a chance to look
4 at, I think what's called the White Paper
5 Survey, I would have some questions of Mr.
6 Tolson with regard to that. I have not had
7 a chance to review that.

8 MR. MIZUNO: Did you have some
9 additional questions, some additional meetings
10 set up between Mr. Tolson and Mrs. Stiner?

11 MR. DOWNEY: I've said all I'm
12 going to say.

13 EXAMINATION

14 BY MR. MIZUNO:

15 Q. Mr. Tolson, this morning you
16 indicated you have your first meeting with
17 Mrs. Stiner, Darlene Stiner, and it involved
18 her background as far as getting a general
19 equivalency degree or high school training,
20 and that you later had a second meeting sometime
21 in 1982 during--or after the hearings, during
22 the summer of 1982, is that correct?

23 A. Well, the second session was sometime
24 after the first hearing session at which Mrs.
25 Stiner testified.

1 Q. Do you recall--

2 MR. DOWNEY: May I ask the
3 witness a clarifying question?

4 MR. MIZUNO: Yes.

5 (Discussion off the record.)

6 BY MR. MIZUNO:

7 Q. During this second meeting, as
8 I recall it, do you recall saying something
9 on the order of, "I could care less which side
10 of the fence you have chosen. Just remember
11 to be careful," to Mrs. Stiner at that
12 meeting?

13 A. Not in that context that you just
14 quoted. And particularly not--the phraseology
15 you just read doesn't add up from my recollection.

16 MR. DOWNEY: Why don't you just ask
17 him what he said.

18 MR. MIZUNO: That's what I'm going
19 to do.

20 BY MR. MIZUNO:

21 Q. Can you provide us your recollection
22 of what you said at that meeting?

23 A. Something along the lines to me
24 personally it didn't matter what she chose to
25 do as a person. I intended to enjoy myself,

1 and I encouraged her to. The only thing I asked
2 is that she tell the truth.

3 Q. You encouraged her to have fun?

4 A. I said I was going to have fun
5 and I hoped to imply that she would approach
6 it the same way, but tell the truth.

7 Q. And what were you going to have
8 fun doing?

9 A. Back in those days, due to change
10 of pace, the hearings were fun. I wouldn't
11 say that today.

12 Q. Did you mean for that statement
13 to encourage Mrs. Stiner not to testify at
14 the hearing?

15 A. Absolutely not; quite to the
16 contrary. I meant it as an attempt on my
17 part to loosen her up, if I could. You know,
18 individuals can choose to do what they want
19 to do with their own time. My only concern
20 is that what they do--they continue to do
21 their job regardless of what their outside
22 activities are.

23 Q. Do you recall saying, "Be careful,"
24 to Mrs. Stiner at that meeting?

25 A. Be careful, but not in that context.

1 I was more concerned with her physical health
2 in connection with the phrase "be careful."

3 Q. So you meant be careful with regards
4 to her pregnancy?

5 A. Yes.

6 Q. Did Mrs. Stiner ask you what you
7 meant by "be careful"?

8 A. No.

9 Q. Did you ask Mrs. Stiner when she
10 planned to be taking leave for her pregnancy?

11 A. It was part of the discussion, again
12 tied in with the report that I had received
13 from people that she had a history of miscarriage
14 and her own statement about a planned hysterectomy.

15 Q. Where did you get that information
16 on her alleged history of miscarriage?

17 A. That was reported to me by Mr. Brandt.

18 Q. Do you know where Mr. Brandt got
19 his information from?

20 A. Not really.

21 Q. Did Mrs. Stiner indicate how long
22 she wanted to work at the plant?

23 A. Not really. It was left as something
24 that she would get back to us on.

25 Q. During this meeting, did you discuss

1 anything regarding a request by Mrs. Stiner
2 for some training files or some NCR's?

3 A. No, not that I recall.

4 Q. At the time of that meeting, did
5 you know that Mrs. Stiner had requested her
6 training files or copies of some NCR's?

7 A. Not at that particular time, no,
8 sir.

9 Q. When did you find out that Mrs.
10 Stiner had so requested those documents?

11 A. I think one of two ways, and memory
12 tells me that the more clear way was some
13 filing that Miss Ellis made with the Board,
14 as I recall.

15 Q. Do you recall what time period that
16 occurred?

17 A. No, I don't. After the meeting
18 with the pregnancy, I'm sure, but how much
19 later or anything else, no.

20 Q. Does the utility have a policy on
21 employees on obtaining copies of NCR's or their
22 personnel files?

23 MR. DOWNEY: Objection. I'm not sure
24 the utility has the policy of making authority
25 of all personnel files.

1 MR. MIZUNO: I am asking its
2 employees, not Brown & Root, just his employees.

3 MR. DOWNEY: If he knows.

4 A. I'm not aware of a policy that's
5 issued by the corporation, but personally, if
6 somebody wants to have a copy of their personnel
7 file, I would be more than willing to give it
8 to them.

9 Q. Do you know whether Brown & Root has
10 a policy?

11 A. I don't know what their policy is.

12 Q. This applies both to personnel files
13 as well as to NCR's.

14 A. It's hard for me to conceive a need
15 for accumulating copies of NCR's. That's a
16 part of our permanent plant system records.

17 Q. Would a QC inspector need copies of
18 NCR's that they wrote out in order to perform
19 their work?

20 A. No, not in my judgment.

21 Q. Was it a practice at the plant, to
22 your personal knowledge, that QC inspectors
23 would request copies of the NCR's or IR's that
24 they wrote?

25 A. No, I'm not aware of that being a

1 practice.

2 Q. After the second meeting with
3 Mrs. Stiner that we've been talking about,
4 did you have a further meeting with Mrs.
5 Stiner in, say, the next week or two?

6 A. Seemed like we had one a day or
7 two after that. One of the things that was
8 the subject of the first--the second
9 discussion that we've talked about at some
10 length was insurance benefits, and I didn't
11 personally know what those were. I
12 subsequently found out and then got back with
13 her and explained those to her.

14 Q. And that was the purpose of having
15 this subsequent meeting?

16 A. Yes.

17 Q. Did you ask her at that subsequent
18 meeting what were her plans for taking a leave
19 of absence from the plant?

20 A. I may have, but I honestly don't
21 recall.

22 Q. Did Brown & Root or the utility
23 provide a bus or operate some sort of transport
24 system to the plant for the benefit of workers
25 at the plant?

1 A. No, not that I know of.

2 Q. Are you aware of an incident where
3 Mrs. Stiner claimed that a bus driver
4 prevented her from entering onto a bus from
5 her home to the plant?

6 A. I have no direct knowledge of it,
7 but I have heard of it.

8 Q. How did you first hear of this
9 incident?

10 A. Again, I might have read it on a
11 filing by Mrs. Ellis.

12 Q. I see. You didn't hear about this
13 from either your management or some supervisors
14 under you or--

15 A. I don't recall anything of the
16 supervisors. It may or may not have come from
17 management, but I can't state one way or the
18 other.

19 Q. Do you know what transport company
20 we're talking about here, the one that transports
21 workers from wherever they live to the site?

22 A. I know there are buses, but I can't
23 associate a name with the owner of the buses.

24 Q. Is there more than one company?

25 A. I don't know.

1 Q. Did you at any time ever talk with
2 any of the operators of these buses?

3 A. Absolutely not.

4 Q. Did you direct any of your
5 subordinates, I guess, or people that you
6 supervised to contact her?

7 A. Absolutely not.

8 Q. Who is Mr. Frankum?

9 A. He's the resident construction
10 manager for Brown & Root.

11 Q. Do you recall him talking to you
12 about a request from Mrs. Stiner for a guard
13 or some protection?

14 A. No, I don't.

15 Q. Did anyone else call you or do
16 you recall anyone talking to you about a
17 request by Mrs. Stiner?

18 A. No, sir, I don't.

19 Q. Once you found out about Mrs.
20 Stiner's pregnancy, did you have any
21 knowledge of Mrs. Stiner's work place or
22 work station being moved about the plant?

23 A. I knew it was being--she was being
24 considered for lighter duty and that there
25 was a need to create an office for her, and

1 she did subsequently move to that office,
2 but I did not participate in the logistics of
3 establishing that.

4 Q. Excuse me. You did not participate
5 in the logistics of that being established?

6 A. Right.

7 Q. Did you direct someone in your
8 staff to take care of that?

9 A. I don't remember doing that.

10 Q. Did Mrs. Stiner ever come--excuse
11 me. Do you recall whether you received a
12 phone call or had a conversation with Mrs.
13 Stiner complaining about her treatment of
14 being moved around at the plant?

15 A. The only thing I remember is the
16 filing by Miss Ellis.

17 Q. When did you find out about--when
18 did you read that finding by Miss Ellis, what
19 time period?

20 A. Considering our mailing system,
21 about two or three days after Miss Ellis filed
22 it.

23 Q. Did you do anything at that time
24 to follow up on the claims that were made in
25 Miss Ellis' filing regarding Mrs. Stiner?

1 A. I very likely discussed it with
2 Mr. Brandt and was assured that it was not
3 anything out of the ordinary, but it was
4 designed to make Mrs. Stiner's life as easy
5 and convenient for her as we could.

6 Q. Was this just an oral communication?

7 A. Yes.

8 Q. It wasn't memorialized in any way?

9 A. That's correct.

10 MR. DOWNEY: I believe the question
11 was, was it memorialized.

12 MR. MIZUNO: Yes.

13 MR. DOWNEY: Then he said, "That is
14 correct." I think he misunderstood the question.

15 THE WITNESS: I understood him to
16 say it was not memorialized.

17 BY MR. MIZUNO:

18 Q. Can you basically summarize what
19 Mr. Brandt told you about the situation involving
20 Mrs. Stiner's work station being moved around at
21 the plant?

22 A. Her doctor, as I remember she indicated,
23 said she could not do any climbing or anything
24 such as that, which means she can't be assigned
25 to the field. I think Mr. Brandt temporarily

1 assigned her what we call the North Island
2 Complex, which is right very close to the
3 main construction gate, as I recall, to make
4 it easier for her to get to her work
5 location from the main entrance point. I
6 believe there was some paper duties or stuff
7 like that that he utilized her for briefly
8 in that.

9 However, later, her subsequent
10 assignment was in the fabrication shop, which
11 is up on the knoll beyond the main construction
12 building, and that's the office I referred to
13 you earlier that he was preparing for her.

14 So, as I recall, she moved to the
15 North Island Complex and then to the fab shop.

16 MR. MIZUNO: I have no further
17 questions.

18 MR. ROISMAN: I have just a couple
19 on this line with Mrs. Stiner.

20 MR. DOWNEY: And I have a couple
21 on your examination.

22 MR. ROISMAN: Should I do this and
23 then you can finish up on everything?

24 MR. DOWNEY: I think that's a good
25 idea.

1 EXAMINATION

2 BY MR. ROISMAN:

3 Q. Mr. Tolson, at the time that you
4 became aware of Mrs. Stiner's testimony, the
5 first time, the licensing hearing, and I
6 assume the contents thereof, what was your
7 reaction with respect to your feelings
8 toward Mrs. Stiner?

9 A. Mr. Roisman, I don't understand
10 what compels people to testify in that regard,
11 and in particular, the substance of her
12 testimony as it turned out, in my judgment,
13 was not very significant. I don't understand
14 it. I don't recall having any feelings one
15 way or the other, other than just not
16 understanding what motivates people in that
17 direction.

18 Q. It didn't upset you at all?

19 A. Not that I recall, no.

20 Q. You didn't treat it as critical
21 of you or the work that you did or that your
22 people did?

23 A. No.

24 Q. When you met with Mrs. Stiner with
25 regard to her pregnancy, did you have with you

1 at the time any people from the plant's health
2 offices or any people with the medical or
3 nurses' training?

4 A. I don't think so.

5 Q. Had you consulted with any of
6 them prior to the time you had this meeting
7 with Mrs. Stiner?

8 A. No.

9 Q. Had you made any effort to gather
10 any special information about either the
11 hazards or dangers of late term pregnancy
12 with women who have shown a propensity toward
13 miscarriage?

14 A. No. But I feel the need to add that
15 I'm the proud father of four daughters, which
16 provides some experience with pregnancy in
17 general.

18 Q. I understand. I assume that wasn't
19 meant to indicate that you yourself had carried
20 the daughters, though?

21 A. Touche.

22 (Discussion off the record.)

23 MR. ROISMAN: We're back on the record.

24 BY MR. ROISMAN:

25

1 Q. You indicated you were aware of
2 doctor's instructions for Mrs. Stiner regarding
3 avoiding certain types of work situations. How
4 and when did you first become aware of that
5 doctor's instruction?

6 A. I can answer the how, as Mr. Brandt
7 showed me a note or something along that line
8 that the doctor had given Mrs. Stiner to carry
9 to work. I do not recall just when it occurred.

10 Q. Do you remember whether it occurred
11 before or after this meeting in which you first
12 discussed the pregnancy question with her?

13 A. It was probably before the meeting.

14 Q. Before that meeting?

15 A. Yes.

16 Q. Did you feel then that the fact that
17 Mrs. Stiner had testified in the licensing
18 hearings and her testimony was critical of a
19 number of situations at the plant would create
20 the possibility that Mrs. Stiner would be
21 more vulnerable to physical harm on the plant
22 site than if she had not testified?

23 A. No. That thought never crossed my
24 mind.

25 Q. Can you think of any reason, either

1 at that time or now in retrospect, why your
2 calling her to your office subsequent to the
3 time that she testified might create in her
4 an apprehension or anxiety that you were
5 upset with her for having testified?

6 MR. DOWNEY: Would you repeat the
7 first part? Would the reporter read that back,
8 please?

9 (Reporter read record as
10 requested.)

11 MR. DOWNEY: That's a very speculative
12 question, but I'll permit the witness to answer.

13 THE WITNESS: Can you read the
14 question again?

15 (Reporter read record as
16 requested.)

17 A. No, I can't, and I vividly remember
18 nothing but signs of friendliness on the part
19 of Mrs. Stiner at that time, too.

20 BY MR. ROISMAN:

21 Q. Except for the meeting that you
22 discussed in the winter of 1981, was that the
23 only meetings that you had had with Mrs. Stiner
24 up until the time of the meeting that we're
25 now talking about where you first discussed the

1 pregnancy? There has only been two; the one
2 in the winter of '81, and then the first
3 pregnancy meeting?

4 A. I'm not sure it was the winter
5 of '81.

6 Q. I'm sorry. I thought you--

7 MR. DOWNEY: First the one about
8 her high school education early on, second
9 about the pregnancy, third about the insurance
10 benefits.

11 BY MR. ROISMAN:

12 Q. And those are the sum total of all
13 the meetings that you had had with Mrs. Stiner
14 as to the conclusion of that third meeting, to
15 the best of your recollection?

16 A. I can recall one more.

17 Q. When was that?

18 A. Again, I don't know when. It was
19 after this string of events that we have
20 talked about. She had made some kind of a
21 request for copies of non-conformance reports
22 that she had written, and I was asked if the
23 supervisors wanted to know what to do. And I
24 said, "Tell her no."

25 It was reported back to me that she

1 had a problem with that. So I asked her to
2 come up so I could explain it to her. And so
3 I can recall that one additional session.

4 Q. And that occurred after these
5 meetings, the three meetings that we've been
6 talking about?

7 A. Well, from my recollection, yes.

8 MR. ROISMAN: That's all.

9 Thank you.

10 MR. DOWNEY: Could we have just
11 a minute?

12 (Short recess.)

13

14 EXAMINATION

15 BY MR. DOWNEY:

16 Q. Mr. Tolson, I have only a few questions,
17 and all but one or two relate to the exhibit
18 about which Mr. Roisman interrogated you this
19 morning, that is Exhibit 45-1, which we've
20 referred to mostly as the QA report.

21 Mr. Roisman's questions specifically
22 addressed the comments on Pages 8 and 9 about
23 the meeting or conversation between yourself
24 and Mr. Brandt and some of the QA auditors. Do
25 you re 'l him asking you about those matters?

1 A. Yes, I do.

2 Q. Mr. Tolson, what specifically was
3 reported to you that led you to seek out these
4 matters?

5 A. The report I had got from Mr. Brandt
6 was that the QA auditors had requested to repair
7 a hanger.

8 Q. After that, what did you do?

9 A. Mr. Brandt and I were ready to go out
10 for lunch, so we stopped by the auditor's office
11 on the way. The purpose was to make sure in
12 my own mind that this particular group of people
13 understood the agreement that Mr. Vega and I had
14 relative to perceived product problems that
15 were uncovered during the audit process.

16 Q. And in your mind, was there a difference
17 between the way a QA auditor reported perceived
18 product deficiencies and the way in which a
19 QC inspector reported those deficiencies?

20 A. Yes.

21 Q. Would you explain that difference
22 for us, please?

23 A. QA personnel, of course, have the
24 opportunity to utilize one of the documents
25 used by QC, which is a non-conformance report,

1 and may do so by following the same procedures
2 that the QC people do, and that is to simply
3 obtain a number, initiate the report, and it
4 will be dealt with in time through the QA
5 system.

6 Normally, except for the agreement
7 that Mr. Vega and I had, because we wanted
8 early notification of potential product
9 non-conformances so corrective action can
10 be initiated well in advance of receiving
11 the non-conformance report, but almost the
12 large majority of audit findings are conveyed
13 in a formal audit report as opposed to an
14 NCR or a document of that nature.

15 Q. So how come, in your mind, would
16 a QA auditor go about reporting a perceived
17 product deficiency?

18 A. He's got two choices. He can obtain
19 an NCR number and initiate the NCR report
20 describing his findings, or he can reflect it
21 in an audit report.

22 Q. And how does a QC inspector go about
23 reporting deficiencies?

24 A. The majority of times on the non-ASME
25 activities, it would be reported on an inspection

1 report, but if, in the judgment of the QC
2 person, it was better suited to a non-conformance
3 report, he has the same options available to him
4 as the auditor.

5 Q. Mr. Tolson, did you, Mr. Tolson, have
6 a policy concerning QA auditors discussing
7 product deficiencies in the field with craft?

8 A. I wouldn't characterize it as
9 policy. I think it's good business for
10 auditors to follow the procedure that Mr. Vega
11 and I worked out so that the appropriately
12 qualified and certified personnel could
13 investigate the matter before it is discussed
14 in the field.

15 Q. Now, with respect to this particular
16 hanger, what stage of the production inspection
17 process was that hanger at the time of the
18 audit?

19 A. It's my understanding the hanger
20 had been installed and accepted through the
21 QC inspection process as a completed hanger.

22 Q. What is your understanding of
23 what happened in the field?

24 A. I now know that there was quite
25 a bit of discussion of the issue probably

1 between the auditor and QC inspector with
2 the craft nearby or in close proximity to
3 the discussion. At the time I only knew what
4 I had heard from Mr. Brandt.

5 Q. And, in your judgment, it wasn't
6 proper to have that discussion?

7 A. The auditor--no, I don't think it
8 was proper.

9 Q. Why not?

10 A. In this case it was a non-problem,
11 and it created a lot of discussion in the field
12 that was totally unnecessary.

13 Q. Mr. Tolson, Mr. Roisman took you
14 through several sentences and paragraphs of
15 this report, and I would like to go back to
16 the report and point out one sentence on
17 Page 9, Paragraph 5, and particularly the
18 last sentence of that paragraph separated
19 by space from the other portion of Paragraph 5,
20 and ask you to read that, please.

21 A. It says, "He has told his people to
22 quit taking issue with QA personnel and wait
23 until an audit report comes out."

24 Q. The "he" in that sentence, does
25 that refer to you?

1 A. I would presume so, yes.

2 Q. And do you recall making that--
3 I'll withdraw that.

4 MR. ROISMAN: I'm sorry. I didn't
5 hear the answer.

6 MR. DOWNEY: I withdrew the question.

7 MR. ROISMAN: All right.

8 BY MR. DOWNEY:

9 Q. Mr. Tolson, were there times when
10 you and Mr. Brandt disagreed on matters in the
11 course of your work?

12 A. Yes, sir.

13 Q. And in preparing your budget for
14 the QA/QC activities, did your budget include
15 any dollar amounts for costs incurred in the
16 delay of construction because of the activities
17 of your office?

18 A. No, sir.

19 Q. Did it include the amounts that
20 reflect the cost of making repairs mandated
21 by the activities?

22 A. There's no specific entry in the
23 budget for those items.

24 Q. What is the largest entry in your
25 specific portion of the budget?

1 A. Manpower.

2 Q. And that's the cost of paying
3 inspectors and the support staff, is that
4 correct?

5 A. That's correct.

6 Q. The fab shop at which Mrs. Stiner
7 was assigned, what was her responsibility in
that shop, do you know?

9 A. Inspect miscellaneous steel items
10 that were being fabricated in the shop.

11 Q. And would those items then be
12 transferred to the field for installation
13 in the plant?

14 A. That's correct.

15 MR. DOWNEY: No further questions.

16

17 EXAMINATION

18 BY MR. ROISMAN:

19 Q. Can I just ask him to clarify what
20 he told you about the budget, that there was
21 no specific--I think your words were that there
22 was no specific item in there to cover the
23 increased costs for construction when an NCR or
24 an IR was issued with regard to something and
25 repair work had to be done, and I just want to

1 clarify. Did you use the word "specific" to
2 indicate there was some unspecific items that
3 would be influenced by that?

4 A. The budget was based strictly on
5 manpower forecast. Manpower forecast adhered
6 to the schedule of completion dates. As the
7 scheduled completion dates slipped, then the
8 budget and forecast was slipped.

9 So there's inherent cost associated
10 with that, but I don't budget for it.

11 MR. ROISMAN: Okay.

12

13

EXAMINATION

14

BY MR. DOWNEY:

15

16

17

Q. And is that caused solely because
inspectors would have been on the payroll--I'll
withdraw that.

18

19

20

Those indirect costs were caused
strictly by the personnel costs associated
with the payroll, is that right?

21

A. That's correct.

22

MR. ROISMAN: Okay.

23

(Whereupon, at 2:05 p.m.,

24

the deposition was concluded.)

25

RONALD D. TOLSON

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CERTIFICATE OF PROCEEDINGS

This is to certify that the attached proceedings
before the NRC COMMISSION

In the matter of: Comanche Peak Steam Electric
Station, Units 1 and 2

Date of Proceeding: JULY 13, 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.

TERRI L. HAGUE

Official Reporter - Typed

Terri L. Hague

Official Reporter - Signature