

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: Mark Wells

Location: Glen Rose, Texas

Pages: 46,500-46,551

Date: Wednesday, July 11, 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
4

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

11 Glen Rose Motor Inn
12 Glen Rose, Texas

13 July 11, 1984

14 Deposition of: MARK WELLS,
15 called by examination by counsel for Intervenor,
16 taken before Suzanne Young, Court Reporter,
17 beginning at 10:45a.m., pursuant to agreement.
18

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14 Houston, Texas

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I N D E X

<u>WITNESS</u>	<u>EXAMINATION BY</u>	<u>PAGE</u>
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By Mr. Berry		46,545
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By Ms. Rodnick (Further)		46,549
By Mr. Vanderpool		46,551

syllbl

P R O C E E D I N G S

1
2 MR. VANDERPOOL: My name is Travis Vanderpool
3 I'm a member of the Dallas law firm of Worsham, Forsythe,
4 Wooldridge & Samples, counsel for Texas Utilities Electric
5 Company, the Applicant in this proceeding. I am appearing
6 here today in that capacity.

7 I would like to point out, at this time, that
8 Mr. Mark Wells is appearing voluntarily and that he is not
9 under subpoena. Mr. Wells testimony has been requested from
10 the Applicant by CASE, Intervenor in this proceeding, on
11 the topic specified in CASE's letter to Leonard Belter
12 dated June 27, 1984, a copy of which has been marked for
13 identification by the reporter and appended to the transcript
14 of Mr. Vega's deposition as Exhibit A.

15 The Applicant has already noted its objections
16 to the deposition procedures and schedule ordered by the
17 Board and it intends no waiver of those objections by Mr. Wells'
18 appearance today.

19 I'd like to summarize the guidelines established
20 by the Board for this proceeding and the taking of this
21 deposition. Under the order issued by the Board on March
22 15, as modified by a series of subsequent telephone
23 conference rulings, the scope of this deposition is limited
24 to the taking of evidence and the making of discovery on
25 harassment, intimidation, or threatening of Quality Assurance/

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1 Quality Control, that is QA/QC personnel.

2 With one exception, allegations regarding any
3 plain harassment or intimidation of crafts personnel have
4 been specifically ruled by the Board to be beyond the scope
5 of this examination in these proceedings. The Board has also
6 ruled that only evidence based on personal knowledge may
7 be aduced, that hearsay, rumor, innuendo and the like are
8 not proper subject of the evidentiary portion of this
9 deposition.

10 Finally, the Board has instructed the parties to,
11 to the best of their professional ability and based on their
12 own professional responsibility, to segregate evidentiary
13 and discovery portions of their examination of the witness.

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

18 It would be the preference and the request of
19 the Applicant in this proceeding that the record be closed,
20 as to evidentiary portions, before any discovery portions
21 of the deposition began and that they be bound in separate
22 transcripts. When transcripts are available, the witness
23 will sign the original of each of these depositions, on the
24 understanding that should the executed originals not be filed
25 with the Board within seven days after the conclusion of the

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1 deposition, a copy of either of the transcripts may be used
2 to the same extent as the original.

3 MS. RODNICK: I want to state, I don't necessarily
4 agree with everything in that statement. By going ahead with
5 the deposition, in no way are we agreeing to the statement.

6 Whereupon,

7 MARK WELLS
8 was called as a witness by counsel for the Intervenor and,
9 having been first duly sworn, was examined and testified as
10 follows:

11 MS. RODNICK: Are we operating under the
12 usual stipulations that objections are reserved until the
13 time of hearing?

14 MR. VANDERPOOL: I don't know that we have any
15 stipulations beyond what have been stated, since these are
16 evidentiary depositions. I think certainly we are willing
17 to operate under that reservation, if you would like.

18 MR. MC NIEL: I think we need to make our
19 objections right now.

20 MR. VANDERPOOL: Why don't we talk about it just
21 a second. We will confer.

22 (Discussion off the record.)

23 VOIR DIRE EXAMINATION

24 BY MR. VANDERPOOL:

25 Q Mr. Wells, by whom are you employed?

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1 A I am employed by Brown & Root Construction
2 Engineering.

3 Q And what is your position with Brown & Root
4 construction?

5 A I am with the Civil Engineering Department of
6 the Project Engineering at Comanche Peak.

7 Q And how long have you been in that position?

8 A Almost four years.

9 Q In that capacity, do you have any supervision
10 of Quality Control personnel?

11 A No, there is no supervision. That is under a
12 different organization from the Engineering Department.

13 Q Have you ever had a supervisory role, or been a
14 supervisor of QC personnel?

15 A I have not.

16 Q Are you aware of any instance -- do you have any
17 knowledge of any incidents of harassment or intimidation of
18 Quality Control personnel?

19 A No, I do not. I have not been aware of any.

20 Q To your knowledge, have you been accused of
21 harassing or intimidating Quality Control personnel?

22 A No, I have not been accused. Or, to my knowledge,
23 I have not.

24 MR. VANDERPOOL: I move that the deposition of
25 Mr. Wells not be taken because there is no showing that there

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1 is any relevancy of his testimony to the issues that are
2 before the Board.

3 MS. RODNICK: I will object to the motion, for the
4 record.

5 MR. VANDERPOOL: Would you, I guess, demonstrate
6 for us what you think the relevancy of his testimony is?

7 MS. RODNICK: I think I'm entitled, rather than
8 to make a statement, to ask him questions which would lead
9 to discovery of relevant evidence. I think that's what the
10 depositions are for today?

11 MR. MC NIEL: Do you want to take a discovery
12 deposition?

13 MS. RODNICK: Only within the scope of the order.

14 MR. MC NIEL: Well, the order clearly establishes
15 that there is an evidentiary portion . a discovery portion
16 and we're going to present Mr. Wells for discovery deposition.
17 That is fine. We've been told that we are supposed to.

18 But if you're going to, you know, conduct
19 discovery on the evidentiary portion of the hearing, I
20 don't think that's within the scope of the order by Judge
21 Bloch.

22 MR. VANDERPOOL: That's exactly what the under-
23 standing, as I understand, is. That we are supposed to
24 segregate discovery from evidentiary. And I think you are
25 permitted, within the relevant limits as established by the

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1 June 27th letter. And as I understand it, we're talking
2 about harassment and intimidation of Quality Control/Quality
3 Assurance personnel, that we are to take an evidentiary
4 deposition and we are to make a good faith effort to segregate
5 discovery from evidentiary portions in that deposition.
6 You're supposed to segregate those two out.

7 So if you're talking about saying you have a
8 right to take a discovery deposition, and we're going to
9 start out with that, I'm going to object to that.

10 MS. RODNICK: Okay.

11 MR. VANDERPOOL: Well, I think we need to have a
12 talk about it and decide what we're going to do. If you're
13 not making a good faith effort to segregate discovery and
14 evidence, we have a problem.

15 MS. RODNICK: I'll take an evidentiary deposition,
16 if that's the stipulation.

17 MR. VANDERPOOL: Well, what is the relevancy?

18 MS. RODNICK: May I confer for a moment?

19 (Discussion off the record.)

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1 MS. RODNICK: I would like to make a very
2 brief statement. Let me state that I would like to
3 examine Mr. Wells for the purpose of, first of all,
4 responding to the objections lodged by counsel for
5 the utility, and I feel that in order to gather
6 enough information to know whether or not the objec-
7 tion is valid, first of all, that I am entitled to
8 question Mr. Wells concerning some of the people that
9 he worked with who have been alleged to have been
10 involved in harassment of quality control employees.

11 And second of all, I believe that since
12 he has been alleged to work with these individuals,
13 that his knowledge of them and his working relation-
14 ship with them and the type of inspection that he
15 was required to do and whether or not these inspec-
16 tions were similar to or different from inspections
17 done by persons who have been complainants in this
18 case.

19 For those reasons, I feel that I am
20 entitled to question Mr. Wells.

21 MR. VANDERPOOL: Based on your statement,
22 we will proceed.

23 EXAMINATION

24 BY MS. RODNICK:

25 Q Mr. Wells, you stated that you have worked

1 four years for Brown & Root?

2 A No. In the Engineering Department. Prior
3 to that time, I was also in the construction group.

4 Q How long total have you worked for Broan
5 & Root?

6 A A little over seven and a half years.

7 Q Have the entire seven and a half years
8 been on the Comanche Peak project?

9 A That is correct.

10 Q And are you still employed by Brown &
11 Root?

12 A That's correct.

13 Q Can you tell me, what is Gibbs & Hill?

14 A Gibbs & Hill is the designer of the
15 plant.

16 Q Do you work for them at all?

17 A No, I do not. I work for Brown & Root.
18 Could you rephrase that, please?

19 Q I have seen some notes that said you were
20 working for Gibbs & Hill. I just wanted to verify
21 whether in fact you ever received a salary paid by
22 Gibbs & Hill or whether you worked for Brown & Root.

23 A No, I work for Brown & Root.

24 Q And that has been true for seven and a half
25 years?

1 A That is correct.

2 Q Have you ever been in a supervisory
3 position of quality control personnel?

4 A No, I have not.

5 Q The entire seven and a half years?

6 A That's correct.

7 Q What is your actual job classification?
8 What is it called?

9 A It is an engineering specialist.

10 Q And what is your technical background for
11 this job?

12 A Through experience in construction,
13 knowledge, and also prior to working for Brown &
14 Root, the -- I was in the construction business in
15 building homes and also small businesses or, you
16 know, light construction. I was involved in all
17 phases, as well as coating contracting.

18 Q This is prior to --

19 A Prior to Brown & Root.

20 Q Are you a registered professional engineer?

21 A No, I am not.

22 Q Do you have a degree in engineering --

23 A No, I do not.

24 Q -- from any college or university?

25 A No.

1 MR. VANDERPOOL: Be sure that you let her
2 finish the question before you answer it. We can
3 understand you but it's difficult for the reporter
4 to get it down, so be sure you let her finish her
5 question first.

6 BY MS. RODNICK:

7 Q Where do you reside, Mr. Wells? Do you
8 live here in Glen Rose?

9 A No, I live about seven miles east of
10 Cleburne.

11 Q Is one of the duties which you performed
12 for Brown & Root have to do with coating?

13 A Yes, it is.

14 Q Could you explain very briefly what coating
15 is?

16 A A protective coating -- the basics of it
17 or the general reason for a coating of steel or concrete
18 is for corrosion purposes, corrosion protection.

19 Q And at the Comanche Peak plant, is everything
20 coated there -- what types of materials are coated?

21 MR. VANDERPOOL: It's difficult to get
22 it down if you both talk at the same time.

23 BY MS. RODNICK:

24 Q What types of material at the plant generally
25 would be coated?

1 A Carbon steel that requires coating, some
2 other items such as galvanized steel may in some
3 instances require it. Concrete would require it in
4 certain areas.

5 Q Do you specialize in any other area
6 besides coating in your present job?

7 A Yes, I do.

8 Q What would that be?

9 A Architectural items. There are many of
10 these. It's mainly the architectural/engineering
11 portion of it. It would be items such as sealing
12 systems, flooring systems, roofing, including
13 hyplon and built-up bricking.

14 Q Which is in use at the plant?

15 A Yes. Various things like doors, different
16 types of doors, hardware and their systems, different
17 systems. There are other areas, also. Do you want
18 me to continue?

19 Q Yes, please.

20 A Glass and glazing, there are
21 specifications that involve those, some carpentry
22 work, fire wall design, and installation, of course,
23 those designs or implementation.

24 Q Would it be a fair statement to say that
25 you are involved in numerous different aspects of the

1 plant?

2 A That would be a fair statement, yes.

3 Q And that there are probably at least ten,
4 if not more, areas that you work in right now?

5 A That is correct. Not all at one time,
6 of course.

7 Q What type of rotation system would be
8 employed?

9 A It depends on the scheduling.

10 Q Could you elaborate on that a little bit,
11 please?

12 A If, for instance, you know, we have some
13 roofing work, we would probably be working more with
14 the roofing and carpenters at that time and the sub-
15 contractors that are handling that system. They, of
16 course, would overlap.

17 When they have doors, which is an ongoing
18 operation, coating, of course, is an ongoing operation,
19 protective coatings, inside containment and outside
20 containment.

21 Q So basically, as the need arises and as
22 different stages of the plant progress, you are
23 called on to do different types of work, is that
24 correct?

25 A That is correct.

1 Q Can you give me very briefly a description
2 of the chain of authority and where you would fit into
3 the chain of authority in your job?

4 A As far as engineering is concerned?

5 Q Yes. Who works under you and who works
6 over you? Who do you answer to, in effect?

7 A At this time I would be considered in
8 corrosion -- let me ask you this. Are you talking
9 in terms of corrosion or the total --

10 Q Why don't we do both.

11 A Okay. In corrosion I have a supervisor,
12 Jerry Firtel. He is in direct line to Randy Hooten,
13 who is the project civil engineer. Above Mr. Hooten
14 we have Larry Poppawell.

15 Q Would you spell his last name? If you
16 can't, that's all right.

17 A We have Larry Poppawell, Mike McVey, and
18 then John Merritt.

19 Q Are they equals or do they answer to each
20 other in the order you listed them?

21 A Larry Poppawell would be in the order
22 that I listed.

23 Q Okay. So basically after Larry Poppawell,
24 you have two more individuals in the line of authority?

25 A That's correct. And, of course, above that

1 John Merritt is the engineering and construction
2 manager, and then you would go with Joe George, Lou
3 Fikert and up. But those are not usually considered
4 in that chain.

5 Q And this is the chain of command in
6 corrosion that you're talking about?

7 A Yes.

8 Q And you said there's another chain of
9 command that you dealt with?

10 A Yes, that's correct. The other chain
11 of command would be as stated previously with the
12 exception of Jerry Firtel. He is only involved in
13 coatings.

14 Q When you say other chain of command,
15 if the first one is coatings, what is the second
16 one classified as?

17 A It would be architectural engineering.

18 Q And how do you divide your time between
19 the two right now? If you could give a rough per-
20 centage?

21 A At this time, I would say at this date
22 and time, it would be approximately 90 percent to
23 the coatings. There are other personnel also now
24 involved with some of the architectural, and I help
25 out as needed on that.

1 Q Has that been true for the entire time
2 you've worked for Brown & Root, or was there a time
3 when you spent more time in the architectural
4 division?

5 A There was a time up to approximately six
6 or seven months ago, most of the time was spent --
7 no, I would say five or six months ago -- most of
8 the time was spent with the architectural. In fact,
9 that was probably about 25 percent on coating.

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1 Are you referring to the time I've been in
2 engineering?

3 MR. MC NIEL: I raised the question because your
4 question was since the time he's been with Brown & Root. I
5 think he is testifying about the time that he's been with
6 the coatings and architectural systems.

7 BY MS. RODNICK:

8 Q And that was four years ago that you began with
9 that?

10 A That's correct.

11 Q And what did you do for the three and a half
12 years prior to that?

13 A Prior to that time I was involved in the
14 application and construction supervisory in the coatings
15 department for a little over two years. Prior to that time
16 I was involved in the construction department in the
17 carpentry department.

18 Q So you're an engineer with coatings and
19 architecture right now. And prior to four years ago you were
20 in application and construction supervision; is that correct?
21 Is that a fair statement of what you did?

22 A For a portion of that time. Of course, as I
23 stated a portion of that was also in the carpentry department.

24 Q I noticed when you listed the chain of command
25 both times you did not mention anyone underneath you.

sy3pb2

1 A The coatings -- I have at this date no one
2 directly under me.

3 Q Have you ever had anyone directly under you there?

4 A Yes, up until last week we had two engineers,
5 field engineers that were handling coatings. And also two
6 other engineers on a more or less part time basis that
7 handled some engineering verification of coatings.

8 Q Could you give me the names of the individuals
9 who were under you?

10 A The four are Frank Stronger, Gil Austin, Steve
11 Keith, and Bruce Rutherford.

12 Q Do all of these individuals still work for Brown
13 & Root, to your knowledge?

14 A None work for Brown & Root.

15 Q Who do they work for?

16 A Two of them work through Ebasco.

17 Q Is that B-a-s-c-o?

18 A E-b-a-s-c-o, Ebasco.

19 Q And what is Ebasco?

20 A It's another engineering firm which is also a
21 subcontractor for TUGCO. The two other engineers work for
22 TUGCO. This is involved with the coatings. In the past
23 I have also had other individuals working in architectural.

24 Q Do you remember their names?

25 A Yes.

sy3pb3

1 Q Could you run those past us here?

2 A Gary York, and Gary Merka.

3 Q Have you ever worked with an individual named
4 Harry Williams?

5 A I worked with him some, yes.

6 Q Do you remember when that was?

7 A That was -- I don't know the exact dates of course.

8 Q If you could just guess.

9 A Approximately --

10 MR. VANDERPOOL: Let me say that she does not want
11 you to guess. You can speculate if you have an approximate
12 idea. You can give your best estimate. She didn't want you
13 to guess.

14 BY MS. RODNICK:

15 Q No, don't make up a number. But we all don't
16 remember exact dates from a few years ago. If you could give
17 approximate dates to the best of your recollection.

18 A Mr. Williams left approximately one year ago,
19 and I had interaction with him for approximately two years
20 prior to that time.

21 Q Are you personally aware of his reasons for
22 leaving?

23 A No, I am not.

24 Q Have you ever had anyone work underneath you who
25 did any kind of quality control inspections?

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1 A No, I have not.

2 MR. VANDERPOOL: You mean by working underneath
3 him, do you mean --

4 MS. RODNICK: That he in any way supervised them.

5 THE WITNESS: No, I have not.

6 BY MS. RODNICK:

7 Q Have you ever had anyone working either on the
8 same level with you or in another job where you came into
9 day-to-day contact with them who was doing quality control
10 supervision?

11 MR. VANDERPOOL: What do you mean by day-to-day
12 contact?

13 BY MS. RODNICK:

14 Q That there was some interaction between you with
15 regard to quality control supervision.

16 A Each and every day?

17 Q You mean each and every day --

18 A You said day-to-day contact.

19 Q Well, I don't mean continuous days, but I mean
20 on any kind of basis.

21 A Yes.

22 Q Could you give me the names of those individuals?

23 A Okay. Several of these individuals that I would
24 have contact with, or a few of them would be Tom Brandt,
25 Harry Williams. Those are the two. Also presently we have

sy3pb5

1 Fred Dunham, Marion Bize and Tim Mason.

2 Q I know you don't interact with Harry Williams
3 anymore. What about Tom Brandt?

4 A Tom Brandt? No, not in that capacity, no.

5 Q When did you? Again, if you can -- to the best
6 of your recollection -- give approximate dates.

7 A That would again have been approximately a year
8 ago. Then Mr. Brandt moved to a different position.

9 Q Do you remember when you started working with
10 him?

11 MS. RODNICK: Can we go off the record a minute?

12 (Discussion off the record.)
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END 3.

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1 BY MS. RODNICK:

2 Q Okay, I think where we were was when you began to
3 work with Mr. Tom Brandt?

4 A That is correct.

5 Q When -- to the best of your recollection?

6 A Approximately three years ago, two and a half to
7 three years ago.

8 Q So would it be a fair statement of your testimony
9 to say that you worked with him from approximately three years
10 ago to approximately one year ago, for a period of two years?

11 MR. VANDERPOOL: Again, your question of working
12 with him -- are you talking about --

13 BY MS. RODNICK:

14 Q Came into regular contact with him?

15 MR. VANDERPOOL: Interaction on a professional or
16 job basis.

17 MS. RODNICK: That is correct.

18 THE WITNESS: Yes, that would be correct as far as
19 interaction on a professional basis.

20 BY MS. RODNICK:

21 Q Okay.

22 And what about Mr. Williams. You said he left one
23 year ago. When did you first begin to interact with him?

24 A It would be about the same time frame as Mr. Brandt,
25 possibly a little after.

1 And during the time that you worked with both of
2 those men, what was your responsibility with respect to
3 coatings in the plant?

4 A They are civil engineering. We provided or basically
5 had engineering functions concerning the specification, which
6 is the painting specification.

7 We provided the engineering input that was required.

8 Q So would it be fair to say that you were in fact
9 involved in quality control in that you did have supervisory
10 and inspection duties during that time?

11 A No, that is not correct.

12 Q Would you correct me as to what you believe would
13 be a correct statement of what you did?

14 MR. VANDERPOOL: Well he just gave you the statement
15 as to what he did.

16 MS. RODNICK: He said he provided engineering
17 functions with regard to paint specifications. As an attorney,
18 I am unclear what that means.

19 BY MS. RODNICK:

20 Q If you could put it in layman's language for me --

21 A Okay. If I might point out one thing at this time,
22 we have an engineering group and we also have a quality
23 control group and then there is the craft.

24 The engineering organization provides the engineering
25 requirements of the system concerning paint. The quality

1 control personnel provides the quality requirements and their
2 procedures for inspection in accordance with the specifications,
3 as the craft personnel applies or installs the item.

4 Q Okay, so what you are saying is that any judgments
5 as to quality were made by craft personnel?

6 A No, that is not correct.

7 Q Please go ahead and correct me.

8 A The in-house quality program is established by
9 quality personnel and the people involved in that, the
10 engineering, does not specify quality as far as you are
11 talking about, inspection, et cetera.

12 Q Okay. I guess I am a little uncertain as to the
13 difference still.

14 You say the engineering group does set out certain
15 technical requirements with regard to paint coatings, is
16 that correct?

17 A That is correct.

18 Q And the quality control group sets out requirements
19 but those are considered quality requirements?

20 A Okay, let me explain it.

21 (Counsel conferring with witness.)

22 Let me explain the organization a little bit as far
23 as the engineering and interaction with the quality and craft.

24 The engineering organization, we specify the systems
25 that are required through the specification and for the most

1 part, what is required for doing the application of these
2 systems and I am talking in terms of the coating systems.

3 The quality department or the craft will apply,
4 in other words "install" the coatings within the requirements
5 of the specification and the procedures.

6 The quality department inspects after the installa-
7 tion and in process to ensure that what the craft does apply
8 means the specifications.

9 Q So when you say "meet the specifications" you mean
10 meet specifications that engineerint set out?

11 A Meets the requirements.

12 Q That engineering set out? Is that correct?

13 A That is correct.

14 Q So basically though what I am trying to do right
15 now is separate out the difference between specifications
16 that concern quality and specifications that concern
17 engineering.

18 Now engineering basically develops the specifications
19 for the plant, though, is that correct that engineering
20 believes will be adequate or proper specifications for that
21 type of material and the type of use?

22 Is that a fair assessment?

23 A Well, not entirely.

24 Q Okay, feel free to --

25 A Whenever you are talking about specifications, there

1 is a specification -- let's talk about coatings now.

2 The specification for coatings is AS-31, which is
3 written by Gibbs and Hill in New York. In that specification
4 they set down the coating systems that are required, general
5 application guidelines and there is also an Appendix C in that
6 specification which outlines the quality requirements for the
7 inspection and ensuring that the coatings are correct and are
8 applied properly.

9 Q So in effect, the specifications for the coatings
10 as far as their intended use and their fitness for an
11 intended use is set out by Gibbs and Hill?

12 A That's correct.

13 Q At then at the other end of the spectrum, after
14 craft has applied and installed these coatings, quality comes
15 to see whether they are in accordance with certain specifica-
16 tions, is that correct?

17 A In part.

18 Q Well, I guess I am still a little confused then
19 as to where engineering fits in. What kind of specifications
20 does engineering develop?

21 A Okay, engineering does reutilize the specification.
22 There is application procedures that are developed by a
23 construction procedure that we have developed for the
24 application of individual products and/or systems.

25 And that is for the installation. Now there again,

1 it is not dealing with the quality end of it.

2 Q Okay, so basically what you say engineering does
3 is the general specifications are written up by Gibbs and Hill,
4 then you get more specific in terms of specific applications?

5 A That is correct, and that is in compliance -- the
6 specific applications will be guidelines that are approved
7 and are set forth by the coating manufacturer itself.

8 Q So you have one set of guidelines by the manufacturer
9 and then engineering in effect develops another set of guide-
10 lines for that individual application?

11 I am still trying to make sure that I can --

12 A No. That is not correct. We would write a procedure
13 which is in accordance with the manufacturer's recommendations.

14 Q Okay.

15 Who --

16 MR. VANDERPOOL: Counsel, let me ask you this. As
17 I understand what you are supposedly doing is responding to
18 my objection. Now I think not only you are not asking
19 questions in response to my objection but you are asking
20 questions which are far beyond the scope of this deposition
21 proceeding, either evidentiary or discovery.

22 MS. RODNICK: Well, let me respond to that.

23 I think in order to establish his relationship with
24 quality control inspectors, it is important to establish
25 exactly what he did as far as his job function and what type

1 of specifications were developed and I plan to be moving into
2 the individuals he worked with and whether or not there was
3 any criticism of this.

4 So I would disagree. I think it is relevant.

5 I think we can move on.

End 4.

6 MR. VANDERPOOL: All right.
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1 BY MS. RODNICK:

2 Q. During the time that you worked
3 with Harry Williams or Tom Brandt, were you
4 aware of any allegations by other individuals
5 of harassment of quality control inspectors?

6 A. No, I was not.

7 Q. Are you aware now of those
8 allegations?

9 A. Could you rephrase the question?

10 Q. Well, specifically, did you ever
11 work with an individual named Mr. Krolak?

12 A. I knew Mr. Krolak; I did not work
13 with Mr. Krolak.

14 Q. You never worked with him in terms
15 of any day-to-day contact or professional
16 relationships?

17 A. Prior to my engineering, coming
18 to engineering, as a paint supervisor, Mr.
19 Krolak was an inspector. I had contact with
20 him at that time.

21 Q. This was prior to engineering?

22 A. Prior to engineering.

23 Upon entering engineering, that type
24 of contact was no longer established. My contact
25 was through QA supervisors.

1 Q. Were you aware of any allegations
2 of harassment made by Mr. Krolak?

3 A. No, I was not.

4 Q. Can you tell me in a little more
5 detail what your working relationship was with
6 Harry Williams?

7 A. Could you rephrase that?

8 MR. VANDERPOOL: I think she is asking
9 you what Mr. Williams' position was and what
10 your position was.

11 BY MS. RODNICK:

12 Q. And how you interacted.

13 A. Okay. I can answer that. My position
14 in civil engineering dealing with codings. Mr.
15 Williams was the supervisor of the quality control,
16 which included codings. If they had questions
17 concerning or a clarification on our procedures
18 or application, Mr. Williams or someone in his
19 position would discuss it with engineering or
20 could possibly discuss it with engineering.

21 Q. How would you characterize your working
22 relationship with Mr. Williams?

23 MR. VANDERPOOL: What do you mean by
24 characterize?

25 BY MS. RODNICK:

1 Q. Was it good, bad, did you get along
2 with him? Did you ever have any problems with
3 him?

4 MR. VANDERPOOL: I don't see how
5 that's within the scope--

6 MS. RODNICK: I feel that it is.

7 MR. VANDERPOOL: Well, explain how
8 it is. How you got along with him? How is that
9 within the scope of the deposition?

10 MS. RODNICK: I think that we are
11 dealing here with allegations of harassment,
12 of quality control inspectors and I think that
13 if you worked with Mr. Williams, it has been
14 alleged that Mr. Williams did harass quality
15 control inspectors. So I think that it is
16 relevant as to what his working relationship
17 was with Mr. Williams. How he personally
18 got along with Mr. Williams, whether he ever
19 had any instances of wrought with him.

20 MR. VANDERPOOL: Well, I believe
21 what she is asking you is: Did you ever harass
22 Mr. Williams or intimidate Mr. Williams.

23 MS. RODNICK: No, that's not what
24 I'm asking. What I'm asking is: In your
25 relationship with Mr. Williams, did Mr. Williams

1 ever ask you to do anything you didn't want to
2 do or that you had any personal objections to
3 doing?

4 THE WITNESS: Let me answer that
5 by stating that my relationship with Mr.
6 Williams on a professional basis was strictly
7 on a professional basis. As far as a personal
8 relationship, whenever working on a site like
9 this, it's really just professional relationships.
10 In other words, if they had a question, we would
11 endeavor to answer that question. If they
12 needed clarification, engineering would provide
13 to the best of their, you know, to the best
14 they could and answer the clarification.

15 BY MS. RODNICK:

16 Q. Was Mr. Williams ever in a position
17 where he could give orders to you?

18 A. No, he was not.

19 Q. He was basically in a position of
20 asking for clarification from you if he had
21 any questions on specifications?

22 A. From the engineering department, yes.

23 Q. Were you ever in a position to give
24 orders to Mr. Williams?

25 A. No, I was not.

1 Q. What about Mr. Brandt? Were you
2 ever in a position to receive orders from
3 Mr. Brandt?

4 A. No.

5 Q. And vice-versa?

6 A. No.

7 Q. Did either Mr. Williams or Mr. Brandt
8 ever ask you to change any specifications that
9 they wanted changed?

10 MR. BERRY: I'm not sure I understand
11 the relevance of this because as I understand
12 that purpose of this deposition, is whether there was
13 any harassment of QC inspectors. The witness
14 is not a QC inspector, and Mr. Brandt and Mr.
15 Williams are the quality control people, and this
16 question of whether they harassed Mr. Wells--I don't
17 see how that's relevant.

18 MS. RODNICK: Well, I think it's
19 relevant if, in fact, it shows a pattern.

20 So I would not necessarily agree with
21 you. I think it can be shown to be relevant.

22 (Discussion off the record.)

23 BY MS. RODNICK:

24 Q. Mr. Wells, what I would like to do
25 is run through some names with you and see what

1 your relationship was very quickly with some
2 other individuals. Did you ever work with
3 a man named Bob Hamilton?

4 A. Bob Hamilton? Yes, I did.

5 Q. And what was your relationship,
6 professional relationship, with him?

7 A. He was the QC lead to action through
8 him would be through his supervisor.

9 Q. Would you have ever had occasion
10 to either have had him dictate to you how to
11 perform any of the functions of your job?

12 MR. VANDERPOOL: You mean, would
13 Mr. Hamilton ever--

14 BY MS. RODNICK:

15 Q. Yes. Was he ever in a position to
16 supervise you or give you any kind of instructions
17 on how to do your job?

18 A. No.

19 Q. Were you ever in a position to either
20 do the same with regard to him or to pass a
21 review on any of his work?

22 A. No.

23 Q. What about an individual named
24 Dobie Hatley? Did you ever work with her?

25 A. No.

1 Q. : Do you know who she is?

2 A. No.

3 Q. What about an individual named
4 Joe Fazi, F-a-z-i?

5 A. Yes.

6 MR. VANDERPOOL: The question again
7 is: Did he have a direct interaction in his
8 job responsibility, that's what you mean when
9 you say did you ever work with? Because
10 obviously, if they were out there on the
11 Comanche Peak site, in the broadest interpretation,
12 you could be said to be working with someone.

13 MS. RODNICK: That's correct. Yes.
14 That is laziness on my part since I had asked
15 him already about professional interaction.

16 MR. VANDERPOOL: Okay. That's
17 understood.

18 MS. RODNICK: I was trying to save
19 a few words, but I think the meaning is understood.

20 MR. VANDERPOOL: That's correct. I
21 just want to be sure the record is clear.

22 MS. RODNICK: That's fine. I'll
23 stipulate to that.

24 THE WITNESS: Then my answer to that
25 question would be no.

1 BY MS. RODNICK:

2 Q. You did not work with Mr. Fazi?

3 A. Not in any direct relationship.

4 Q. Okay. Were you ever aware of a
5 report called the J. J. Lipinsky report?

6 A. No.

7 Q. You were not aware of that report?

8 A. No.

9 Q. Did you ever know an individual named
10 Jim Hawkins?

11 A. I know who Jim Hawkins was.

12 Q. But you did not have a professional
13 working relationship with Mr. Hawkins?

14 A. No, I did not.

15 Q. I believe it has already been your
16 testimony that you are not aware of any
17 allegations of harassment of quality control
18 inspectors. Is that correct? Is that a correct
19 statement?

20 MR. VANDERPOOL: I will object to the
21 question as it seeks to elicit hearsay information.
22 If you are asking the witness if he has personal
23 knowledge of an instance of intimidation or
24 harassment of QC personnel--

25 MS. RODNICK: I will rephrase the

1 question to limit the scope of personal knowledge.

2 MR. VANDERPOOL: Restate it if you
3 would.

4 BY MS. RODNICK:

5 Q. Do you have any personal knowledge
6 of individuals claiming, who were quality control
7 inspectors at the Comanche Peak plant, claiming
8 that they were harassed?

9 A. No.

10 Q. No one has ever personally spoken to
11 you and made such allegations?

12 A. No, they have not.

13 Q. Have you ever had any craft people
14 complain that their work was criticized as
15 being inadequate by the quality control
16 inspectors? Have you ever received complaints
17 from craft people?

18 A. Could I ask to hear the question--
19 Could I answer your question in relation to
20 your question, are you talking about in an
21 engineering position?

22 Q. Yes and regarding paint coatings.

23 A. Okay. Could you please ask that
24 question again?

25 Q. Okay. I'll try. With respect to--

1 You have testified earlier that the craft people
2 were the people who applied the codings, is that
3 correct?

4 A. That's correct.

5 Q. Are you personally aware of any
6 complaints made by quality control inspectors
7 regarding the quality of the codings applied
8 by those craft people?

9 MR. VANDERPOOL: Do you include within
10 that awareness or involvement with unsatisfactory
11 inspection reports?

12 MS. RODNICK: Yes. I would include
13 within that.

14 MR. VANDERPOOL: So I guess the
15 question is: Are you aware of any QC personnel
16 having been given unsatisfactory reports, IR's?

17 THE WITNESS: Yes.

18 BY MS. RODNICK:

19 Q. Okay. Could you tell me which instances
20 you are personally aware of to the best of your
21 recollection and approximate date--

22 MR. VANDERPOOL: Counsel, I'm going
23 to object to the question because the question
24 of the inspection report is a report that
25 quality control might write up if it's

1 unsatisfactory, then that means an item of
2 work and the performance of that item of work
3 is in some matter, unsatisfactory in part with
4 what quality control has done. You're asking
5 the witness to go back and attempt to recount
6 for you every unsatisfactory IR that he can
7 recall.

8 MS. RODNICK: Let me see if I can
9 ask him a few questions to narrow the scope
10 of that.

11 BY MS. RODNICK:

12 Q. You are generally aware of what
13 we're talking about now: Negative inspection
14 reports with regard to codings supplied by
15 craft people. Can you tell me about how many
16 instances if you had to guess? Is this something
17 where there are numerous instances that happen
18 all the time or were there one or two instances
19 in the past? Can you just give me a statement
20 concerning how often this came to your attention?
21 Was it often or not very often?

22 MR. VANDERPOOL: Are you asking him
23 to attempt to recount how often unsatisfactory
24 IR's are issued?

25 MS. RODNICK: Yes. I would like to

1 know how often they are. I think the witness
2 can simply answer that how often, generally,
3 that occurs.

4 MR. McNIELL: Let me make sure you're
5 talking about the time that he was in civil
6 engineering.

7 BY MS. RODNICK:

8 Q. Yes. Let's narrow this scope to
9 the four-year time period in which you worked
10 in civil engineering.

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1 THE WITNESS: Let me clear something up as far
2 as my involvement with this.

3 You asked me if I was aware of any unsatisfactory
4 reports being generated. Yes, I am aware of that, but not
5 from the standpoint of each individual one.

6 I understand and I am aware that the procedures
7 -- the way everything is handled is if you have an
8 unsatisfactory item, it could be even as much as bubble in
9 a coating, that it would be repaired. I would never see
10 that in my position unless I happened to be in a room or
11 happened to be looking at a traveler, per se, and note
12 the unsats. I am aware that they go on, but firsthand
13 knowledge, I never see them.

14 BY MS. RODNICK:

15 Q You never see those reports?

16 A Right.

17 Q Do you ever receive any feedback personally
18 from craft people who have received unsatisfactory reports
19 for quality control?

20 MR. VANDERPOOL: What do you mean by feedback?

21 MS. RODNICK: Have they spoken to you about it?
22 Have you received complaints?

23 THE WITNESS: No, I have not received complaints,
24 per se.

25

1 Q When you say no complaints, per se, do you mean
2 you have or you just are saying you have not?

3 You are not the person they would complain to?

4 A I am not the person who their complaints would go
5 to.

6 MS. RODNICK: I just have a couple of more quick
7 questions, Mr. Wells.

8 BY MS. RODNICK:

9 Q Basically, can you just tell me, are you con-
10 sidered a Craft person? Or is Engineering and Craft, are
11 those two separate areas?

12 A They are separate.

13 Q Okay.

14 What is your relationship with Craft? Is it
15 what you were telling me before, that you simply set out
16 the specifications and then they go ahead and do the work
17 according to those?

18 MR. VANDERPOOL: What?

19 MS. RODNICK: Well, when we're talking about
20 specifications for paint coatings, what you do right now,
21 for example.

22 MR. MC NIEL: I'm going to say that he never
23 testified. But his responsibility or his group's
24 responsibility was to set up specifications.

25 That's done by Gibson Hill out of New York, as

1 he testified.

2 MS. RODNICK: It's my understanding that they
3 set up the initial specifications, but they were altered
4 by his group to meet individual needs.

5 MR. MC NIEL: You can ask him questions about
6 that, but I don't think that's right. The specifications
7 were prepared by the design engineers. And what he testified
8 to is that when their vendor-related requirements are
9 applicable, their group will insert or somehow make it known
10 to the craft and the quality inspectors what the vendor-
11 related requirements are.

12 MS. RODNICK: So, we're talking about application
13 procedures.

14 MR. MC NIEL: That's my understanding of his
15 testimony.

16 MS. RODNICK: I'm not trying to trip you up. I
17 just want to make sure that I understand what your job
18 classification is.

19 I'm certainly happy to have clarification on
20 the record if I did misstate it.

21 Let's take a quick break.

22 Off the record.

23 (Recess.)

24 MS. RODNICK: Let's go back on the record.

25

1 BY MS. RODNICK:

2 Q Mr. Wells, when you were helping set up
3 application procedures, have you ever been asked by any of
4 your supervisors to do anything which you considered would
5 be dangerous to you personally?

6 A No, I have not.

7 Q Have you ever ordered any employees to disregard
8 any safety requirements which had been set out?

9 A No, I have not.

10 Q With regard to the plant,

11 MS. RODNICK: I don't think I have any further
12 questions of this witness.

13 EXAMINATION

14 BY MR. BERRY:

15 Q Mr. Wells, my name is Gregory Berry. I'm
16 appearing here on behalf of the Nuclear Regulatory
17 Commission.

18 I just want to ask you a few questions so that
19 I make sure I understand your testimony here this morning.

20 Is it your testimony that you do not supervise
21 QA/QC employees?

22 A That is correct.

23 Q Have you ever harassed or intimidated a QA/QC
24 employee?

25 A No, I have not.

1 Q Are you aware of any allegations against you of
2 harassment or intimidation against a QA/QC employee?

3 A No, I am not.

4 Q Do you have personal knowledge of the harassment
5 or intimidation of a QA/QC employee by anyone else at the
6 plant?

7 A No, I do not.

8 Q Mr. Wells, have you told us everything you know
9 here this morning about harassment or the subject of
10 harassment and intimidation at the Comanche Peak plant?

11 MR. MC NIEL: I'm not sure that's a fair question.
12 You can ask him if he has responded fully to each
13 and every one of the questions.

14 BY MR. BERRY:

15 Q Okay. Mr. Wells, have you responded fully to
16 each question asked of you this morning?

17 A Yes, I have.

18 MR. BERRY: I have no further questions.

19 MS. RODNICK: May I ask one more question?

20 FURTHER EXAMINATION

21 BY MS. RODNICK:

22 Q Mr. Wells, what type of behavior would you
23 consider to be harassment or intimidation in your job?
24 What would that mean to you?

25 A Are you asking me my definition of "harassment"

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1 and "intimidation"?

2 Q Yes, I'm asking for a definition.

3 A "Harassment" I think would be more or less a
4 constant irritant type situation.

5 "Intimidation" would be some type of situation
6 which would impair a certain individual from performing his
7 job scope or duties or carrying out what he's required to do.

8 MS. RODNICK: Okay.

9 I have no further questions.

10 FURTHER EXAMINATION

11 BY MR. BERRY:

12 Q Mr. Wells, is it possible for an engineer to
13 harass a QA/QC employee under your definition of "harassment"?

14 Do you understand the question?

15 MR. VANDERPOOL: I don't understand the question.

16 BY MR. BERRY:

17 Q If an engineer was so inclined to prevent a QA/QC
18 inspector from carrying out his duties, could he do that?

19 MR. VANDERPOOL: I think your question is maybe
20 overly broad.

21 If I understand what you're saying, are you asking
22 if an engineer has the capacity to -- in performing the
23 engineer's job, to harass or intimidate a QC or QA person or
24 preventing him from performing his job?

25 Are you asking him if he could do that?

1 THE WITNESS: So, you're asking, in other words,
2 would it be possible, theoretically possible, for a person
3 in the Engineering Department to harass someone?

4 BY MR. BERRY:

5 Q Yes, that's my question.

6 A I assume it would be possible, theoretically.

7 Q But to the best of your knowledge, that has not
8 happened?

9 A No, it has not.

10 MR. VANDERPOOL: At least as I understand your
11 question, you're saying could one person threaten another
12 person, to the extent --

13 MR. BERRY: No, I wasn't talking about --
14 because I understand Mr. Wells, in his definition of
15 "harassment" and "intimidation," "harassment" is preventing
16 someone -- preventing a QA inspector from performing his
17 duties.

18 THE WITNESS: No, that's not correct.

19 What I said is the definition for "harassment"
20 would be basically a constant irritant, you know -- more
21 or less something reoccurring, reoccurring, and reoccurring
22 which you would actually harass someone.

23 To intimidate someone would be to go out there
24 and actually -- not necessarily by force, but in some
25 manner keep him from performing his duties.

1 BY MR. BERRY:

2 Q Engineering doesn't get involved with, I guess,
3 the quality control people unless the Quality Control
4 people have the problem. They generally come to Engineering,
5 and it is not vice versa?

6 A You're talking in terms of the coatings now?

7 Q Right.

8 A Yes.

9 If Quality has a question, you know, concerning
10 engineering procedures or construction application procedures,
11 they would, in fact, come to us to discuss it.

12 Q Okay. Just to make sure I understand the
13 situation, it is generally Quality Control people coming
14 to Engineering and not Engineering going to Quality Control
15 and saying, "Do it this way, do it that way, or do it that
16 way"?

17 A We don't go to Quality Control Department and
18 say, "Do it this way or do it that way."

19 MR. BERRY: I have no more questions.

20 MS. RODNICK: I have one more.

21 FURTHER EXAMINATION

22 BY MS. RODNICK:

23 Q Could you go to someone other than Quality
24 Control -- say someone who supervises Quality Control --
25 and ask them -- ask Quality Control to do something? Would

1 that be a customary procedure?

2 A No, it wouldn't be customary.

3 Q If you felt you were unfairly criticized by
4 Quality Control, how would you react?

5 What would your channels of redress be?

6 MR. VANDERPOOL: How is it relevant, how he might
7 react to --

8 MS. RODNICK: I am asking what his channels of
9 redress would be if Quality Control criticized his work.

10 MR. VANDERPOOL: To start with, I think it's
11 irrelevant. It's not within the scope of the deposition.

12 And he has already testified that he does not
13 control -- he has no supervision over Quality Control. He
14 has already testified that Quality Control personnel do not
15 have supervision over him.

16 I don't see how it could be possibly relevant,
17 what he might do if somebody in Quality Control criticized
18 him.

19 And I will object to the question on that basis.

20 MS. RODNICK: I think, since he has already
21 testified that he did not harass anyone, I am going to let
22 -- I am going to go ahead and strike the question.

23 MR. VANDERPOOL: I have one question.
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EXAMINATION

1
2 BY MR. VANDERPOOL:

3 Q Mr. Wells, would you state whether or not you have
4 ever ordered employees at the Comanche Peak Nuclear Power
5 Project, along with Harry Williams, to disregard safety
6 requirements?

7 A No, I have not.

8 MR. VANDERPOOL: I pass the witness.

9 MS. RODNICK: No further questions.

10 MR. BERRY: Are you going to respond to the
11 objection made by Mr. Vanderpool at the outset?

12 MS. RODNICK: I thought I did.

13 MR. MC NIEL: She withdrew her question.

14 (Discussion off the record.)

15 MR. VANDERPOOL: We have no further questions.

16 (Whereupon, at 12:05 p.m., the taking of the
17 deposition was concluded.)

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20 Mark Wells
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CERTIFICATE OF PROCEEDINGS

1
2
3 This is to certify that the attached proceedings before the
4 NRC COMMISSION

5 In the matter of: Texas Utilities Electric Company
6 Deposition of Mark Wells

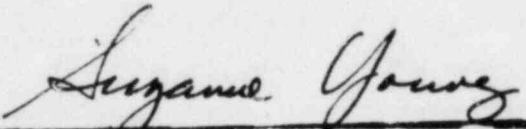
7 Date of Proceeding: Wednesday, July 11, 1984

8 Place of Proceeding: Glen Rose, Texas

9 were held as herein appears, and that this is the original
10 transcript for the file of the Commission.

11 Suzanne Young

12 Official Reporter - Typed

13 
14 Official Reporter - Signature