

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: Lester Loyd Smith

Location: Glen Rose, Texas

Pages: 1 - 35

Date: Thursday, July 12, 1984

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY & LICENSING BOARD

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

Glen Rose Motor Inn
Glen Rose, Texas

July 12, 1984

Deposition of: LESTER LOYD SMITH
called by examination by counsel for Applicants
taken before Mimie Meltzer, Court Reporter,
beginning at 10:45 a.m., pursuant to agreement.

1 APPEARANCES:

2 ON BEHALF OF THE APPLICANT:

3 DONALD O. CLARK, ESQ.
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8 ON BEHALF OF THE NRC STAFF:

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I N D E XWITNESS:

LESTER LLOYD SMITH

EXAMINATION BY:

MR. CLARK 5

MS. RODNICK: 28

MR. MIZNO: 31

E X H I B I T SIDENTIFIED:

Applicants' Exhibits No. 1-10

20

P R O C E E D I N G S

Whereupon,

LESTER L. SMITH

resumed the stand and, having been first duly sworn, was examined and testified as follows:

MR. CLARK: May we stipulate, for purposes of the record, that all of the persons who were participating in the evidentiary deposition of the same date of Mr. Smith are appearing in the same capacities in this discovery deposition.

MS. RODNICK: I'll stipulate to that.

I would ask if this gentleman here is going to --

MR. REYNOLDS: I'm Nicholas Reynolds of the Washington law firm of Bishop, Liberman, Cook, Purcell & Reynolds, appearing for Applicants, Texas Utilities Electric Company.

MR. CLARK: If we may go off the record just a moment.

(Discussion off the record.)

MR. CLARK: Back on the record.

MR. MIZUNO: Which affidavit are you going to start with?

MR. CLARK: I'll try to go chronologically: The January 23rd one, then to the interview, the NRC interview, and then, finally, to the November one.

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EXAMINATION

BY MR. CLARK:

Q Mr. Smith, I have shown your attorney briefly -- and the counsel for the Staff -- the Xerox copy of paper of five page, entitled "Affidavit of Lester Smith," dated January 23, 1983.

Do you recognize that document?

A I don't know. I'd have to read it.

Q Would you take a peek at it.

(Handing document to witness.)

A Yes, that's basically it.

Q Is this your signature?

A Uh-huh.

Q Did you also do the writing in here on page 3?

There are interlineations on page 3, with regard to deletions or insertions. They are in the handwriting of someone. And they are, each one, signed "L.S."

A Right.

Q Did you do those?

A Yes.

Q Was this affidavit actually prepared by you?

A Well, I gave t'e affidavit -- I gave the deposition, and it was copied down.

Q And to whom did you give it?

A I believe that was the one I gave Juanita.

1 Q At whose request?

2 A Well, I was the one that went over there to give
3 it.

4 Q And who recorded this statement while you were
5 giving it?

6 A I believe Juanita did.

7 It's been so long ago -- I gave so many others --
8 but I believe she did.

9 Q I know exactly what you mean. But it's only been
10 a little over a year ago, and you've only given two of
11 these.

12 A I've talked to NRC. This is the third time.

13 Q Right.

14 How many times have you given depositions to --
15 or statements to Mrs. Ellis though?

16 A I believe once is all I gave her. I think that's
17 the one I gave her.

18 Q So, she took notes while you told her your story?

19 A I believe that's right. And I think she copied it.

20 Q Did she write the notes down longhand, or did she
21 write shorthand?

22 A I don't even remember.

23 Q After she took the notes, she typed them up and
24 then presented this document to you?

25 A I believe that's right, yes.

1 I read it over, and that's why I initialed them.

2 Q You initialed these pages, then you signed that?

3 A Right.

4 Q You're certain that's your signature?

5 A Uh-huh.

6 MR. CLARK: Then next, Counsel, I will show
7 Mr. Smith a document of some 35 pages, marked "United States
8 of America Nuclear Regulatory Commission Investigative
9 Interview of Lester Loyd Smith" on Friday, August the 26th,
10 1983.

11 BY MR. CLARK:

12 Q Do you recognize, in general, this document?

13 A I gave one over at the Attorney General's office.

14 Q Finally, let me point to an affidavit, something
15 marked "Affidavit of Lester L. Smith," a document of some
16 four pages, dated 27 November 1983.

17 Is that your signature, Mr. Smith?

18 A It looks like it.

19 Q On the last page?

20 A It looks like it.

21 Q Could you tell me, please, how this affidavit was
22 prepared?

23 MS. RODNICK: May I ask counsel a question?

24 Do you intend to introduce these into evidence at
25 this deposition?

1 MR. CLARK: I have no present intention with
2 regard to what I'm going to do with them.

3 THE WITNESS: I'd say I give these things.

4 BY MR. CLARK:

5 Q Mr. Smith, our record could be incomplete, but our
6 record shows that you have given one interview and two
7 depositions, which is really not an awful lot to remember.

8 MR. MIZUNO: Two affidavits.

9 BY MR. CLARK:

10 Q Two affidavits, one interview -- and this interview
11 or this affidavit, I'm sorry, was only nine months ago, eight
12 months ago.

13 A Where was that taken? That's what I'm asking.

14 Q That's what I'm asking you. I'm asking whether or
15 not, in fact, you did that? And whether or not, in fact,
16 that's your signature?

17 A It looks like my signature. I'm trying to place
18 where it's at.

19 November -- I'm trying place it.

20 Q The latter part of November, right around
21 Thanksgiving time.

22 A After I came up, after East Texas -- it seems like
23 it was around the first of September.

24 I suppose I did. But like I say, if you could
25 remind me, you know --

1 Q Excuse me. My interest is in whether or not you
2 can say under oath that you gave it.

3 A Well, that's why I'll have to read it. And I'm
4 trying to place where it was given.

5 Q Sure. Take your time, please.

6 A Okay. Yes. I found the place. Yes, I gave that.

7 Q How was this affidavit taken, please?

8 A I don't know if it was taped or written.

9 Q It's in the form of a question and an answer.
10 Who asked the questions?

11 A I believe Juanita did.

12 Q Juanita Ellis?

13 A Uh-huh.

14 Q And the answers are your answers?

15 A Right.

16 Q Then, if I may, is it true to say that after this
17 was done, that it was given to you and that you read it in
18 its entirety and agreed with it and then signed it?

19 A Right.

20 Q Is it possible that this question-and-answer
21 session took place over the telephone, instead of person-to-
22 person?

23 A I remember going down to the lady -- or the fellow
24 that notarized it, and trying to place -- I'm thinking -- it
25 was face-to-face.

1 Q You think it was who?

2 A I think it was face-to-face.

3 Q You think it was face-to-face?

4 A But now, I'm not going to lie to you. I don't
5 remember.

6 Q Mr. Smith, I don't think you're lying to me.

7 It would be very helpful to us to know, since this
8 was a short time ago, if you could think about it.

9 A I don't ever remember giving any over a telephone.
10 I've talked to Juanita several times on the phone, but I
11 don't ever remember giving any depositions over the telephone.

12 Q Right.

13 By giving this affidavit and by signing the
14 affidavit, are you testifying now in this deposition that the
15 things you say in the affidavit are absolutely true?

16 A Right.

17 Q Then, Mr. Smith, let me go back now to the inter-
18 view of August 26th, 1983, and point to page -- when you
19 signed -- before I ask you this question, please, when you
20 signed the affidavit of November 27, 1983, did you sign it
21 in the presence of this notary public?

22 A Yes, sir.

23 Q So, the notary public, Samuel Nestor -- if I'm
24 reading that correct -- was there when you signed this?

25 A Right.

1 Q When you signed your affidavit of January 23, did
2 you sign it in the presence of the notary public? Or did you
3 sign it and then later the notary public verified it?

4 A I'm thinking the notary public came up there on
5 a Sunday. I think it was Sunday -- some lady.

6 Like I was saying now, it was signed in front of
7 the notary.

8 I don't remember -- I know it was signed in front
9 of the notary. Yes, it had to be.

10 MS. RODNICK: Excuse me.

11 At this point, Counsel, just so we don't get any
12 inaccuracies into the record, I would object to any further
13 line of questioning on the affidavits and the deposition
14 unless they are offered into evidence.

15 I think, if for no other reason, just the purpose
16 that we do get it accurate in the record.

17 MR. MIZUNO: I don't have any rights, really, to
18 say anything since this is a discovery deposition; right?

19 MR. CLARK: Feel free.

20 No, as a party, I'm sure you do.

21 MR. MIZUNO: Okay. Since I understand this is a
22 discovery deposition and discovery is intended to -- has a
23 wider scope, I guess, than an evidentiary proceeding, I
24 believe that one can ask for information which is not
25 necessarily -- which may not necessarily be introduced into

1 evidence.

2 MR. CLARK: That's right.

3 MS. RODNICK: I understand that, but I think just
4 to get an accurate record, if he is going to testify that
5 everything in the affidavits is the truth, which is what he
6 is saying --

7 MR. CLARK: All the affidavits have been provided
8 to the NRC.

9 MR. MIZUNO: To respond to your point my point
10 is that I don't know what the purpose of the Applicant's
11 counsel is. But as far as having the affidavits introduced
12 into the evidentiary proceeding, the test still remains,
13 relevance to the issues in that proceeding.

14 And as I indicated earlier, the issues in that
15 proceeding are the intimidation or harassment of QC and QA
16 personnel.

17 MR. CLARK: That's right.

18 MR. MIZUNO: Since these affidavits have yet to
19 be shown to have any relevance to those issues, they appear
20 to have no place, no relevance, and no materiality, and
21 therefore should not be admitted into evidence in that
22 evidentiary proceeding.

23 MS. RODNICK: I'll note counsel's statement on
24 that.

25 My position -- my point simply is that if he is

1 going to be questioned on them and if there are no
2 objections, that I would like to see them in evidence.

3 If there's a question about their relevance, then
4 I think we ought to go on to something else.

5 MR. CLARK: I have still made no decision with
6 regard to whether or not to enter them into evidence.

7 MR. MIZUNO: I think she's trying to offer them
8 into evidence.

9 MS. RODNICK: No. I'll just note my objections.

10 MR. MIZUNO: Are you trying to offer them into
11 evidence? And then we can have an objection on the record
12 and Judge Bloch can rule later.

13 Or are you just noting a preference?

14 MS. RODNICK: I'd be happy for all the parties
15 to stipulate as to -- that they have true and correct copies
16 of the affidavits and they are aware of them.

17 But I simply don't want -- my point is simply that
18 I don't want to see the witness perhaps pinned down to
19 something which goes in the record which, in fact, varies
20 from what is in the statements, since his testimony is only
21 that what he said in here is true to the best of knowledge and
22 belief.

23 MR. CLARK: There are a couple of things on that,
24 Counsel.

25 The first is that the documents have been

1 identified. And each of the documents that has been
2 identified is a document that has been filed with the NRC.

3 And each question asked of Mr. Smith, or anything
4 that he might read from these documents, will be in this
5 discovery record and can be checked against the documents
6 that have been filed with the NRC. And therefore, you can
7 see whether or not there's any variation between the two.

8 MR. MIZUNO: Would it help counsel for Intervenor
9 if you want -- that you want these affidavits attached to the
10 transcript of the discovery deposition?

11 MS. RODNICK: I would like that, yes.

12 MR. CLARK: At present, I have formed no intention
13 as to whether to bind these in or not.

14 At the end of this, I'll make some decision.

15 MS. RODNICK: It's your deposition. I'm not going
16 to try to offer them into evidence. I'm simply going to note
17 my objection that you're not offering them into evidence.
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end 4

mm51b1

1 BY MR. CLARK:

2 Q Now, back to August, whenever it was. Back to
3 the interview of August 26, 1983. On page 24. Mr. Smith,
4 on page 23, there are one, two -- actually, I'm sorry, it's
5 the first question by Mr. Herr on the page, on page 23.
6 And I would just read -- ask you please, if you will, to
7 read what Mr. Herr asked you.

8 A "I have one question. When he told you to do it,
9 and you knew you shouldn't put heat on the stainless, why
10 did you do it?"

11 Q Mr. Smith, you responded why?

12 A "Because I was told to do it."

13 Q And then Mr. Herr said?

14 A If you want it read, you read it. I've been
15 given this thing within record. Everybody has copies of it.

16 Q Fine. I'll read it. And then Mr. Herr said -- is
17 this correct? Mr. Herr said, "What was your perception,
18 if you didn't do what he told you to do." Is that correct?

19 MS. RODNICK: Counsel, at this point, I'm going
20 to object again. You know, this speaks for itself. If you
21 want to offer it into evidence, then we will stipulate
22 to it.

23 MR. CLARK: Fine. I have no difficulty with that,
24 but I don't intend to offer it into evidence at this time
25 and I'm asking the witness, who is under oath, to answer the

mm51b2

1 question.

2 BY MR. CLARK:

3 Q Mr. Smith, you then responded -- well, is this
4 correct, what you responded? "Well, I don't know that I
5 really had a perception on it. I did know that if I was
6 caught at it that he and his -- he and him both -- me and
7 him both was going out the gate. I knew that because I
8 knew that you wasn't supposed to heat stainless pipe." Is
9 that correct?

10 A That's correct.

11 Q And then Mr. Herr said -- and tell me whether or
12 not this is correct, please. "You knew that if you didn't
13 follow his orders that --" Is that correct?

14 A No. I don't know.

15 Q Is that what this says?

16 A Well, yes.

17 Q Am I reading it correctly?

18 A Yes.

19 Q Then you said -- and tell me whether or not what
20 I'm reading is correct -- "Now that I don't know. He didn't
21 say if you don't do it I am going to fire you. He didn't say
22 that."

23 A Right.

24 Q Okay, now, later on down the page, on page 24,
25 Mr. Griffin, his second question on the page asked you

mm51b3

1 "Can you think of any other instances" -- and tell me whether
2 or not I'm reading it correctly, please -- "during the
3 three times that you worked down there, that anybody
4 either attempted to intimidate you or intimidated you into
5 performing defective work."

6 A Right.

7 Q Would you please read your answer?

8 A "No."

9 Q No? On page 27.

10 A I could save you a lot of time at what you're
11 getting at.

12 Q On page 27 of this interview, the first question
13 by Mr. Griffin. Would you please tell me whether or not I'm
14 reading this correctly? "Mr. Smith, while you were out
15 there -- during the three times you were out there, do you
16 have any personal knowledge of anybody else on site there
17 that was intimidated or that were the subject of attempted
18 intimidation to perform defective work or accept defective
19 work, that you have personal knowledge of?"

20 A Right.

21 Q And your response, please, Mr. Smith?

22 A "No."

23 Q No. All right. Let me go to the November 27,
24 1983 affidavit. On the first page, these are -- am I correct
25 that you said that these were questions asked you by

mm51b4

1 Mrs. Ellis?

2 A I believe that's so.

3 Q The second question on the page, the first page.
4 Tell me whether or not I'm correctly reading this, please.
5 "Are you aware of any instances of intimidation, harassment,
6 or threatening of employees at Comanche Peak?" Did I read
7 that correctly?

8 A Right.

9 Q Was that your answer?

10 A Yes.

11 Q What was your answer?

12 A "Yes."

13 Q Is there a difference between your affidavit, which
14 you say is a sworn affidavit of November 27, and your
15 testimony that you gave the NRC in August, three months
16 earlier?

17 A Is there a difference?

18 Q Yes.

19 A Yes, I can tell you what the difference is,
20 according to the paper.

21 Q Is this, in fact, I ask again, in fact, your
22 affidavit? The November 27th affidavit?

23 A Yes.

24 Q And it was, in fact, prepared not over the
25 telephone but in person?

mm51b5

1 A The best I remember, yes.

2 Q And it was read fully by you beforehand?

3 A Right.

4 Q And signed by you in front of a notary public?

5 A Right.

6 Q Let me ask you to go back to the January 23, 1983
7 affidavit and ask you to look at your signature on that page.

8 (Counsel Clark indicating documents to Counsel
9 Rodnick.)

10 MS. RODNICK: Are you offering these into evidence?

11 MR. CLARK: I have no intention of offering into
12 evidence these documents -- some documents from your
13 personnel file.

14 MS. RODNICK: Are these being shown to me for
15 the signature on them?

16 MR. CLARK: Yes.

17 (Documents handed to Counsel Mizuno.)

18 MR. MIZUNO: As in a formal discovery request, do
19 you have copies of these documents?

20 MR. CLARK: Yes.

21 BY MR. CLARK:

22 Q Mr. Smith, I now show you one, two, three, four,
23 five, six, seven, eight, nine, ten documents from your
24 personnel file. And I would ask you please to look at
25 your signatures and I will go through these documents and

mm51b6

1 I think the easiest thing is, for the purposes of
2 identification, to just have you mark these as Applicant's
3 Exhibits 1 through 10 and then I can refer to them that way.
4 And it will certainly be easier than saying this is a life
5 insurance company form.

6 (The documents referred to were
7 marked as Applicant's Exhibits
8 1 through 10 for identification.)

9 MR. MIZUNO: Off the record.

10 (Discussion off the record.)

11 MR. CLARK: Back on the record.

12 BY MR. CLARK:

13 Q Mr. Smith, I'm going to ask you, in each case, a
14 very specific question with regard to your signature and
15 I will ask it about each of these. If you would, please,
16 would you look at -- this is Exhibit Number 1. Would you
17 look at the crossing of the T in Smith and tell me whether
18 or not that crossing of the T goes all the way through the
19 H?

20 A No.

21 Q And beyond the H?

22 MS. RODNICK: Counsel, I'm going to object to this
23 line of questioning. He's already testified they're his
24 signatures.

25 MR. CLARK: He also has given inconsistent

mm51b7

1 statements and I think the credibility is the matter at
2 issue.

3 MS. RODNICK: I understand you're trying to
4 impeach him, but I don't see where we're getting here.

5 BY MR. CLARK:

6 Q Then, on Exhibit Number 2, would you tell me
7 whether or not the T, again, goes all the way through the
8 H?

9 A No.

10 Q Number 3, does the crossing of the T go all the
11 way through the H? I'm talking about out the other side?

12 A No.

13 Q Number 4. Does the crossing of the T go all the
14 way out the other side of the H?

15 A It looks like it, right at the edge of it.

16 Q I would agree with you that there's a 1/99th
17 of an inch, but does it go appreciably beyond the H on the
18 right hand side?

19 A No.

20 Q In the crossing of the T, in number 5, does it go
21 all the way through the other side, by any distance?

22 A A short distance.

23 Q Would you look carefully at that, please?

24 A What I'm looking at -- I don't know if that's it
25 or not, but it looks like it's sticking out right there.

mm51b8

1 Q By how much would you say it's sticking out?

2 A Gosh, I don't know.

3 Q Not enough for us to measure it?

4 A No.

5 Q On Exhibit Number 6, does the crossing of the T
6 go all the way through the H?

7 A No.

8 Q On Exhibit Number 7, does the crossing of the T
9 go all the way through the H?

10 A No.

11 Q Exhibit Number 8, does the crossing of the T go
12 all the way out the other side of the H?

13 A (Shaking head negatively.)

14 Q Exhibit Number 9, does the crossing of the T go
15 all the way outside the other edge?

16 A No.

17 Q Exhibit Number 10, does it go all the way through
18 and outside the other edge?

19 A No.

20 Q On your signature, or the signature, on the
21 January 23 affidavit, does the crossing of the T go all the
22 way through the H and out of the other side?

23 A (Nodding affirmatively.)

24 MR. MIZUNO: Yes or no?

25 THE WITNESS: Yes.

mm51b9

1 BY MR. CLARK:

2 Q Now starting again, on Exhibit Number 1, the H
3 itself -- and if I may describe it -- when the H is
4 completed, does the H turn up at the end appreciably, or
5 does the H go down or level off, on Exhibit Number 1?

6 A It looks like it's going down.

7 Q Down, right. On Exhibit Number 2?

8 A Down.

9 Q Exhibit Number 3?

10 A I don't know how you call that, really. It looks
11 like half of it's not there.

12 Q But what is there, does it go down or does it
13 turn up?

14 A Well, now, I hate to say it because I don't know
15 which one we're talking about.

16 Q We're talking about that H.

17 A What I'm saying here, it looks like I made the H
18 and started up and just up. I don't know. You've got one
19 here and one there.

20 Q Here's the T and there's the H. Right there, do
21 you see anything to the right of that that turns up?

22 A No.

23 Q Number 4, does it go down or up?

24 A Down.

25 Q Number 5.

mm51b1C

1 A Down.

2 Q Number 6?

3 A Down.

4 Q Number 7?

5 A Down and out.

6 Q Number 8?

7 A Down.

8 Q Number 9?

9 A Down.

10 Q Number 10?

11 A Down.

12 Q Look at the signature on this affidavit of

13 January 23, 1984. Does it go down or up?

14 A It goes up.

15 Q Mr. Smith, let me return to Exhibit Number 1

16 and address the L in Lester, the capital L.

17 The question I'm asking you here is when the L

18 is first formed, on the left here, if there is on this L

19 a sort of a curlique on the L, or is it a relatively simple

20 beginning to the L? Is there a flourish there, or a simple

21 beginning?

22 A I'd say simple.

23 Q Number 2?

24 A The same.

25 Q Number 3?

mm51b11

1 A Same thing.

2 Q Number 4?

3 A Same thing.

4 MS. RODNICK: Counsel, again, I'm going to ask --

5 MR. CLARK: This will be the last one.

6 MS. RODNICK: I'm objecting.

7 MR. CLARK: I understand.

8 MS. RODNICK: I want to know what the purpose
9 of this line of questioning is. If he agrees that these
10 are all his signature, how does that go to impeachment?

11 MR. CLARK: Counsel, Mr. Smith has given diametri-
12 cally opposed answers under oath, three months apart. And
13 the signature, as you can see, on one of these affidavits
14 is different from the signature on another affidavit and
15 is different from ten documents that he has signed through
16 the years. I am returning again to the question of Mr.
17 Smith, as to whether or not these affidavits are truly his.

18 MS. RODNICK: I would state, on the record, since
19 counsel has made this statement on the record, that the
20 questions are phrased differently and I would object to that
21 characterization of diametrically opposed statements.

22 THE WITNESS: I can tell you exactly what you're
23 fixing to ask and I can explain without going through all of
24 these.

25

mm51bi2

1 BY MR. CLARK:

2 Q I only have about three more. Is this L the same

3 as the others, on Number 5? Actually you have five more.

4 A Yes.

5 Q This L, on Number 6 ?

6 A Yes.

7 Q This L, on Number 7?

8 A Right.

9 Q This one, on Number 8?

10 A Well, it's got a little curl to it.

11 Q It looks to me like the curl is off the other.

12 This one, on Number 9?

13 A Yes.

14 Q This one, on Number 10?

15 A Uh-huh.

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nd5

1 Q To the January 23 statement, is that "L" like any
2 of the other L's that we looked at on the other 10?

3 A Well, there is one there that has got a --

4 Q -- got a curlicue on the end? Thank you.

5 MR. CLARK: I have no other questions.

6 MR. RODNICK: I have a few. Excuse me, counsel,
7 do you have any?

8 MR. MIZUNO: Can we go off the record at this
9 point temporarily?

10 (Discussion off the record.)

11 MR. MIZUNO: I would like to resume my questions
12 after CASE. I would like to prepare my questions.

13 MS. RODNICK: Off the record for just a moment.

14 (Discussion off the record.)

15 MR. CLARK: Back on the record.

16 BY MR. CLARK:

17 Q Mr. Smith, in light of -- I want to make sure that
18 we do understand in the light of these differences in the
19 signature and differences in the answers which we have seen,
20 do you still maintain under oath that these are your
21 signatures and that these in fact are your statements,
22 prepared in your presence, signed by you?

23 A I think they are. Now before I would give you a
24 verified yes or no answer, I'd sit down and read every one
25 of them. To my knowledge they are.

1 MS. RODNICK: Are you finished?

2 MR. CLARK: Yes, thank you.

xxx

3 BY MS. RODNICK:

4 Q Mr. Smith, I wish to -- may I go ahead and introduce
5 these into evidence? Do you object?

6 MR. MIZUNO: Into evidence? Or just attached to
7 the deposition?

8 MS. RODNICK: Attached, that's fine.

9 MR. CLARK: Bind them in?

10 MR. REYNOLDS: Off the record.

11 (Discussion off the record.)

12 MS. RODNICK: Back on the record.

13 It is my understanding the parties will stipulate
14 to the fact that the affidavit of Lester L. Smith referred
15 to, dated November 27, 1983, the affidavit of Lester Smith
16 dated January 23, 1983, and the investigative interview of
17 Lester Loyd Smith taken on Friday, August 26, 1983, which
18 has been referred to on the record, it will be stipulated
19 among the parties that the Nuclear Regulatory Commission is
20 in possession of true and correct copies of all of these
21 documents.

22 MR. CLARK: That is correct. The Applicant so
23 stipulates.

24 MR. MIZUNO: The Staff would also add that copies
25 of these documents were also provided to the Staff in I guess

1 discovery from CASE.

2 MS. RODNICK: Okay.

3 BY MS. RODNICK:

4 Q Mr. Smith, I would like to go back to page 27 of the
5 investigative interview which counsel had referred to, and
6 again this question was already read on to the record by
7 counsel, but it states:

8 "Mr. Griffin: "And Mr. Smith, while you were out
9 there, during the three times you were out there, do you have
10 any personal knowledge of anybody else on site there that
11 was intimidated or that were the subject of intensive
12 intimidation or performed defective work or accepted defective
13 work that you have personal knowledge of?"

14 Mr. Smith, answer: "No."

15 Then counsel also referred to the affidavit of
16 November 27, 1983, question, "Are you aware of any instances
17 of employees being discouraged from doing work right to begin
18 with at Comanche Peak?"

19 Answer --

20 MR. CLARK: I did not ask that question.

21 MS. RODNICK: I thought you did.

22 MR. CLARK: I asked the one before.

23 BY MS. RODNICK:

24 Q Okay, question -- and I am referring now as I stated
25 earlier to the affidavit of Lester L. Smith dated November 27,

1 1983, question mark -- this is the question I understand that
2 was asked by counsel: "Are you aware of any instances of
3 intimidation, harassment or threatening of employees at
4 Comanche Peak?"

5 Answer: "Yes."

6 Mr. Smith, can you explain the discrepancy between
7 those two answers?

8 A You bet I can. Read those questions again.

9 Q Let me ask you, are the questions different?

10 A Yes.

11 Q Are they phrased differently?

12 A Right here. What does that say right there --
13 "have knowledge of anybody else" -- down here it says "Do
14 you know of anyone?" That's me. I knew what was coming from
15 the word go.

16 The question is, I don't know of anybody else but
17 I know of myself, and that is what the whole gimmick is about.

18 BY MS. RODNICK:

19 Q Excuse me, just for your information, Mr. Smith,
20 since I am the one asking the questions right now, you would
21 respond to me.

22 Can you once again repeat for the record why you
23 answered these two questions differently?

24 A Yes. Because on this one it says "anybody else."
25 I don't know of anybody else that has been intimidated or

1 asked to do the work wrong. I don't know of that personally.
2 Down here --

3 Q When you say "down here," we are referring to the
4 affidavit --

5 Let me just point this out for the record, that you
6 are referring to your investigative interview in the first
7 instance, page 27, and that we are now speaking of the
8 affidavit given November 27, 1983.

9 Go ahead.

10 A The question here was asked, "Are you aware of any
11 instance," and I was speaking when I answered "yes" of myself.

12 MS. RODNICK: I have no further questions.

13 (Counsel for Applicant conferring.)

xxx

14 BY MR. MIZUNO:

15 Q Mr. Smith, do you recall some questions being asked
16 of you on pages -- about your statements on pages 23 and 24
17 of the interview transcript with the NRC?

18 A I would have to go back to that.

19 MS. RODNICK: Do you want me to give him 23 and 24?

20 MR. MIZUNO: Yes, please.

21 (Documents handed to witness.)

22 THE WITNESS: What about them?

23 BY MIZUNO:

24 Q Now the incident that you are discussing at that
25 page, at those pages, 23 and 24, where you indicated that you

1 didn't know whether you would be -- whether you were caught
2 in the middle or not, you didn't know whether you would be
3 fired.

4 Can you describe that incident -- what was --

5 MR. CLARK: Excuse me. That is not anything I
6 asked about.

7 MR. MIZUNO: No?

8 MR. CLARK: No. So I object to the question.

9 MR. MIZUNO: Did you ask him about statements on
10 23 and 24?

11 MR. CLARK: No, I read the statement on 24. Do
12 you have a question with regard to the statement that I asked?

13 MR. MIZUNO: I have a question with regard to the
14 underlying incident because I would like to refer to another
15 part of the transcript and also indicate whether these
16 statements are consistent with what he said on pages 23 and 24,
17 since I believe they are the same incident and the statements
18 are contained on page 8 and on page 14.

19 And if can read them --

20 MR. CLARK: Yes.

21 MR. MIZUNO. And your question is -- I asked
22 Mr. Smith to start, let me see, with Mr. Griffin.

23 "Can you think of any" -- actually you start with
24 page 23. "I have one question. When he told you to do it,
25 and you knew you shouldn't put steel on a stainless steel

MMrg7 1 pipe, why did you do it?"

2 MR. CLARK: Can we go off the record for a moment?

3 (Discussion off the record)

4 MR. MIZUNO: Back on the record.

5 BY MR. MIZUNO:

6 Q Mr. Smith, do you have pages 8 and 14 of this
7 deposition -- of this interview -- in front of you?

8 (Document handed to witness.)

9 A I have got 8 here.

10 Q Okay. Starting at the top, we have a question by
11 Mr. Herr, "Did he order you to keep quiet?" and you answered,
12 "Well, he just said, if you will keep quiet, we will get it
13 by. That is the way he put it."

14 Q Mr. Herr then asked you if you will keep quiet in
15 a question. Mr. Smith -- you said "Right. Now he didn't
16 threaten me or anything of that order, no." That incident
17 that you are referring to here, is that what it says in this
18 deposition, first of all? Did I read into the record
19 correctly what is written?"

20 A Right.

21 Q Now, is the incident that you were referring to
22 here the same incident that you talk about on page 23 and 24
23 of this interview?

24 A No.

25 Q It is a different one?

1 A It is entirely different.

2 Q Okay.

3 And also on page 14, let me read it to you:

4 Mr. Griffin says, "Did Hill, beyond telling you
5 that he wanted to slide this through, so to speak, did he
6 indicate what documents were going to be used?"

7 Mr. Smith, you answered "No."

8 Mr. Griffin asked you, "He didn't discuss that with
9 you?" Mr. Smith, you answered, "No he didn't."

10 Then Mr. Griffin asked you, "Okay, when he said
11 let's see if we can slide this through, or something to that
12 effect, did he make any other statements to you threatening
13 you?" And Mr. Smith, you answered, "No, he never threatened
14 me."

15 Did I correctly read into the record what is
16 contained in the transcript of this interview?

17 A Right.

18 Q I would presume that the incident that you are
19 referring to on page 14 is the same as on page 8?

20 MR. CLARK: I object. Your question is whether or
21 not it is the same as the incident referred to on page 24.

22 MR. MIZUNO: That is my second question.

23 THE WITNESS: On 18?

24 BY MR. MIZUNO:

25 Q Page 8.

1 A Yes.

2 Q Now, however, the incident which is being discussed
3 on page 14 is not the same as the incident that is being
4 discussed on page 23?

5 A Well, no. You keep jumping around. I don't know.
6 Let's go back to 14.

7 MR. CLARK: Mr. Smith testified the incident on
8 page 8 was not the incident on 23, so the incident on 8 is
9 the same as 14 -- it's not.

10 MR. MIZUNO: Okay, that's it.

11 MR. CLARK: Thank you, Mr. Smith.

12 (Whereupon, at 11:35 the deposition was
13 concluded.)

End 6.

14
15
16 _____
Lester L. Smith
17
18
19
20
21
22
23
24
25

CERTIFICATE OF PROCEEDINGS

This is to certify that the attached proceedings before the
NRC COMMISSION

In the matter of: TEXAS UTILITIES ELECTRIC CO., et al.
(Comanche Peak Units 1 & 2)

Date of Proceeding: July 12, 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.

Mimie Meltzer
Official Reporter - Typed

Mimie Meltzer
Official Reporter - Signature

PLEASE SEE REVERSE SIDE FOR INSTRUCTIONS

LIFE INSURANCE COMPANY OF THE SOUTH, WEST
APPLICATION FOR GROUP INSURANCE
EVIDENCE OF INSURABILITY FOR EMPLOYEE AND/OR DEPENDENT(S)

Appl # 1 7/12/81
(2)

EMPLOYEE

SMITH LESTER LOVD 464-36-1944 35-1195
LAST NAME FIRST MIDDLE SOCIAL SECURITY # JOB NUMBER

108 SANDRA DRIVE AZLE TEXAS 76020
MAILING ADDRESS CITY STATE ZIP CODE

M 9-22-30 5'11" 175 lbs. 3-14-79
SEX DATE OF BIRTH HEIGHT WEIGHT DATE OF HIRE

DEPENDENT(S)

NAME (last, middle, first)	RELATIONSHIP	SEX	DATE OF BIRTH	HEIGHT	WEIGHT
1. SMITH MAE FRANKIE	WIFE	F	3-13-33	5'5"	170 lbs.
2.					
3.					
4.					
5.					

1. To your knowledge, are you and your dependent(s) in sound condition, mentally and physically? YES If no, state person's name that applies and explain nature of ailment(s).

2. If female: Does pregnancy exist? NO

3. Has there been or is there any disease of the brain or nervous system, heart, blood vessels, lung, stomach, liver, intestines, kidney; or has there been or is there any evidence of a hernia, malaria, syphilis, rheumatism, sacro-iliac strain, goitre, diabetes, or cancer? NO (If yes, state person's name that applies and explain nature and date of illness.)

4. Is an operation expected or has one been recommended by a physician? NO (If yes, state person's name that applies and explain nature of surgery.)

5. Has there been any examination by any physician or practitioner within the past year? NO (If yes, state person's name that applies and explain nature and date of examination.) Were any impairments found?

6. Has any medical treatment been received from, or any consultation taken place with, any physician or practitioner within the past five years other than as stated above? YES (If yes, state person's name that applies and explain nature and date of treatment.) SURGERY - LESTER SMITH - REPLACED ARTERY 90109
TO LEGS - JUNE OF 1980
Degree of recovery COMPLETE

7. Ever been a patient of any hospital or sanitarium? YES (If yes, state person's name that applies and explain nature and date of confinement.) ABOVE

I hereby certify that the foregoing answers and statements are complete and true, that they are correctly and fully recorded, and that no material circumstance or information has been withheld or omitted concerning the past and present state of health and medical history of the person (Employee or Dependent(s) to whom the answers and statements relate as checked above, and I agree that this document and all it contains shall form a part of the Employee's request for enrollment for insurance under said group policy.

I understand that if approved coverage under the Plan(s) that I have applied for will be issued under the terms of that Insurance Policy and if approved will be effective on the first of the month following date of approval.

I have read and understand the descriptions of the Benefit Plan(s) applied for and hereby authorize payroll deductions. I also understand that I may cancel membership at any time.

INDICATE COVERAGE DESIRED:

☐ LIFE INSURANCE
NAME OF BENEFICIARY _____
RELATIONSHIP _____

Date completed 11-2-81 APL JW
CITY STATE

MEDICAL INSURANCE
☐ MYSELF ONLY
☒ MYSELF AND ONE DEPENDENT
☐ MYSELF AND TWO OR MORE DEPENDENTS

Lester L. Smith
EMPLOYEE MUST SIGN HERE

HOME OFFICE USE ONLY

This Employee is actively working and to the best of my knowledge the answers and statements made herein are correct.

Action _____
Reason for Disapproval _____
Original _____
Decision By: _____ Final: _____
Date: _____

By: _____
EMPLOYER'S AUTHORIZED REPRESENTATIVE
3082 REV 6/79

COMPANY

NAME:

Appl # 2 7/12/84
Brown + Root Inc

DATE OF HIRE 10-8-79	SOCIAL SECURITY NO. 464-36-1944	LAST NAME Smith	FIRST Lester	MIDDLE L.	JR. SR. ETC.
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9-22-30 X X X X X X X m 00
X X X X X X 6-14-79 X X

Ft Worth

Tarrant

TX

CO. CODE 1	STATE CODE 01	PAYROLL JOB NO. 35-1195	DIST. CODE	PAYROLL PERIOD WK S/W S/M MO. X 2 3 4	FOREMAN NO. 617	BADGE NO. V546	STATE TAX CLASS STATUS ALLOWANCES RES
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Glen Rose TX

Cook

NEW PERMANENT MAILING ADDRESS	STREET NO. & NAME	CITY	STATE	ZIP CODE
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NEW PERMANENT TELEPHONE NO.	1P
A.C.	NO.

LAST DAY WORKED 6-5-80	EXTENDED PAY PAID THRU	PERFORMANCE EXCL. RATING	GOOD	FAIR	POOR
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12:00

REASON FOR TERMINATION - CHECK ONE BELOW

(02) REDUCTION OF FORCE	(19) TO CLEAR PREPRINT ONLY	(47) RETURN TO SCHOOL	(76) WALKED OFF JOB	(82) EXCESSIVE ABSENCE
(04) DECEASED	X (41) POOR HEALTH	(71) FAILURE TO REPORT	(77) LOAFING ON JOB	(85) REFUSED TO DO ASSIGNED WORK
(05) RETIRED	(42) MOVING AWAY	(72) FAILURE TO RETURN	(78) SLEEPING ON JOB	(90) ALCOHOL RELATED *
(06) FAILURE TO WORK DURING POSSIBLE LABOR DISPUTE REASON & STATUS UNDETERMINED	(43) ILLNESS IN FAMILY	(73) FIGHTING ON JOB	(79) FAILURE TO OBEY SAFETY INSTRUCTIONS	(91) NARCOTICS RELATED *
(15) REFERRED TO JOB NO.	(44) TO WORK ELSEWHERE	(74) INSUBORDINATION	(80) FAILURE TO OBEY INSTRUCTIONS	(92) SECURITY/THEFT *
(16) JOB/TASK COMPLETED	(45) DID NOT LIKE SUPERVISOR	(75) NOT CAPABLE OF PERFORMING ASSIGNED WORK	(81) NEGLIGENCE	(99) OTHER *

(*) ITEMS REQUIRE EXPLANATION AND PROJECT MANAGERS SIGNATURE:

I AGREE THAT THE REASON CHECKED ABOVE IS THE TRUE REASON FOR TERMINATION OF MY EMPLOYMENT.

EMPLOYEE SIGNATURE

Lester Smith

IMMEDIATE SUPERVISOR SIGNATURE

David L. Linderick

DATE

6-5-80

PROJECT MANAGER SIGNATURE

DATE

(COPY FURNISHED EMPLOYEE)

☐ NO☒ YES

App. #3 7/12/84
COMPANY

NAME:

BROWN AND ROOT, INC.

DATE OF HIRE 3-14-79	SOCIAL SECURITY NO. 464-36-1944	LAST NAME SMITH	FIRST LESTER	MIDDLE L	JR. SR. ETC. —
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8-22-30	X	X	X	X	M	∞
X	X	X	X	X	X	X

Ft. Worth

TARRANT

Tx.

CO. CODE 1	STATE CODE 01	PAYROLL JOB NO. 35-1195	DIST. CODE	PAYROLL PERIOD WK S/W S/M MO. X 2 3 4	FOREMAN NO. 618	BADGE NO. N947	STATE TAX CLASS STATUS ALLOWANCES RES
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GLEN ROSE, TX.

REED

NEW PERMANENT MAILING ADDRESS	STREET NO. & NAME	CITY	STATE	ZIP CODE
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NEW PERMANENT TELEPHONE NO.	1P
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LAST DAY WORKED 6-3/4-79	EXTENDED PAY PAID THRU	PERFORMANCE RATING	EXCEL.	GOOD	FAIR	POOR
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REASON FOR TERMINATION — CHECK ONE BELOW

(02) REDUCTION OF FORCE	(19) TO CLEAR PREPRINT ONLY	(47) RETURN TO SCHOOL	(76) WALKED OFF JOB	(82) EXCESSIVE ABSENCE
(04) DECEASED	(41) POOR HEALTH	(71) FAILURE TO REPORT	(77) LOAFING ON JOB	(85) REFUSED TO DO ASSIGNED WORK
(05) RETIRED	(42) MOVING AWAY	(72) FAILURE TO RETURN	(78) SLEEPING ON JOB	(90) ALCOHOL RELATED*
(09) FAILURE TO WORK DURING POSSIBLE LABOR DISPUTE REASON & STATUS UNDETERMINED	(43) ILLNESS IN FAMILY	(73) FIGHTING ON JOB	(79) FAILURE TO OBEY SAFETY INSTRUCTIONS	(91) NARCOTICS RELATED*
(15) REFERRED TO JOB NO. X	(44) TO WORK ELSEWHERE	(74) INSUBORDINATION	(80) FAILURE TO OBEY INSTRUCTIONS	(92) SECURITY/THEFT*
(16) JOB/TASK COMPLETED	(45) DID NOT LIKE SUPERVISOR	(75) NOT CAPABLE OF PERFORMING ASSIGNED WORK	(81) NEGLIGENCE	(99) OTHER*

(*) ITEMS REQUIRE EXPLANATION AND PROJECT MANAGERS SIGNATURE:

AGREE THAT THE REASON CHECKED ABOVE IS THE TRUE REASON FOR TERMINATION OF MY EMPLOYMENT.

EMPLOYEE SIGNATURE

Lester Smith

IMMEDIATE SUPERVISOR SIGNATURE

Bill Hargan

DATE

6/20/79

PROJECT MANAGER SIGNATURE

DATE

(COPY FURNISHED EMPLOYEE)

☐ NO☒ YES

NAME:

BROWN + ROOT INC

in

BIRTH TIME:

CITY:

FT. WORTH

COUNTY:

TARRANT

STATE OR COUNTRY:

TX

19

TO:

Glen Rose

McINTIRE

1A.1P

EMPLOYEE'S SECRECY AGREEMENT

I, the undersigned employee of the company, or applicant for employment, in consideration of my employment by it for such work as may be assigned me on this or any other job and the possible disclosure to me of certain confidential information of the company and its Customers have agreed and do hereby agree as follows:

- 25

25

ACKNOWLEDGEMENT

I acknowledge that I have been informed that an investigation may be made whereby information is obtained through personal interviews with my neighbors and acquaintances. This inquiry includes information as to my character, general reputation, personal characteristics or mode of living. I understand that I have the right to make a written request within a reasonable period of time for a complete and accurate disclosure of additional information concerning the nature and scope of this investigation, if made.

I certify that to the best of my knowledge and belief, the number of withholding allowances claimed on this certificate does not exceed the number to which I am entitled.

*IF FILING AN "EXEMPT" STATUS OR CLAIMING MORE THAN NINE DEPENDENTS IN THE FEDERAL TAX CLASS SECTION ABOVE, COMPLETE AND ATTACH DEPARTMENT OF THE TREASURY FORM W-4.

NT OF THE TREASURY FORM W-4.

THE FEDERAL TAX CLASS SECTION ABOVE, COMPLETED BY:

Lester Smith

H-2 (12-80)

JOB PAYROLL DEPARTMENT

App'l #5 7/12/84 CW

COMPANY
NAME

Brown + Root Inc

DATE OF HIRE 7-10-81	SOCIAL SECURITY NO. 464-36-1944	LAST NAME SMITH	FIRST LESTER	MIDDLE LOYD	JR. SR. ETC.
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9-22-80	X	X	X	X	X	51	0
X	X	X	X	X	X	6-5-80	X
FT. WORTH		TARRANT		TX			

CO. CODE 1	STATE CODE 01	PAYROLL JOB NO. 35-1195	DIST. CODE	PAYROLL PERIOD WK 2	S/W 3	S/M 4	MO.	FOREMAN NO. 486	BADGE NO. 2974	STATE TAX CLASS STATUS ALLOWANCES RES
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Glen Rose

McIntire

NEW PERMANENT MAILING ADDRESS	STREET NO. & NAME	CITY	STATE	ZIP CODE
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NEW PERMANENT TELEPHONE NO.	A.C.	NO.
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LAST DAY WORKED 3-30-83	EXTENDED PAY PAID THRU	PERFORMANCE RATING	EXCL.	GOOD	FAIR	POOR
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REASON FOR ASSIGNMENT TERMINATION - CHECK ONE BELOW

(02) REDUCTION OF FORCE	(19) TO CLEAR PREPRINT ONLY	(45) DID NOT LIKE SUPERVISOR	(75) NOT CAPABLE OF PERFORMING ASSIGNED WORK *	(81) NEGLIGENCE *
(04) DECEASED	(40) TO WORK FOR ANOTHER HALLIBURTON CO.	(47) TO RETURN TO SCHOOL	(76) WALKED OFF JOB	(82) EXCESSIVE ABSENCE
(05) RETIRED	(41) PERSONAL ILLNESS *	(71) FAILURE TO REPORT	(77) LOAFING ON JOB	(85) REFUSED TO DO ASSIGNED WORK *
(09) FAILURE TO WORK DURING POSSIBLE LABOR DISPUTE REASON & STATUS UNDETERMINED	(42) MOVING AWAY	(72) FAILURE TO RETURN	(78) SLEEPING ON JOB	(90) ALCOHOL RELATED *
(15) REFERRED TO JOB NO.	(43) ILLNESS IN FAMILY	(73) FIGHTING ON JOB	(79) FAILURE TO OBEY SAFETY INSTRUCTIONS *	(91) NARCOTICS RELATED *
(16) JOB/TASK COMPLETED	(44) TO WORK ELSEWHERE	(74) INSUBORDINATION *	(80) FAILURE TO OBEY INSTRUCTIONS *	(92) SECURITY/THEFT *
(93) OTHER *				

(*) ITEMS REQUIRE EXPLANATION (**) ITEMS REQUIRE EXPLANATION AND PROJECT MANAGER'S SIGNATURE

AGREE THAT THE REASON CHECKED ABOVE IS THE TRUE REASON FOR TERMINATION OF THIS ASSIGNMENT.		IMMEDIATE SUPERVISOR SIGNATURE	DATE
EMPLOYEE SIGNATURE	Lester Smith	PROJECT MANAGER SIGNATURE	3-30-83
(COPY FURNISHED EMPLOYEE) <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES			



Brown & Root, Inc.

P.O. BOX 1001 GLEN ROSE, TEXAS 76043

Appl #16
7/12/84 m

MESSAGE

To

Employee Benefits

DATE

3-22-82

I would like to cancel my
hospitalization insurance.

Lester Smith

464-36-1944

Lester Smith 2974

REPLY

DATE

SIGNED

DETACH AND FILE FOR FOLLOW-UP

CONFIDENTIAL

Brown & Root, Inc.
(MEDICAL EXAMINATION REPORT)appt #17 7/13/84
DATE 7-14-84APPLICANTS
NAME

(LAST)

(FIRST)

(MIDDLE)

(JR., SR., ETC.)

JOB NO.

SOC. SEC. NO.

DATE OF BIRTH

(MONTH)

(DAY)

(YEAR)

ADDRESS

(STREET OR P.O. NO.)

(CITY)

(STATE)

(ZIP CODE)

APPLICANTS MEDICAL HISTORY

(TO BE COMPLETED BY APPLICANT)

CHECK BELOW IF YOU HAVE EVER HAD:

- | | | | | |
|-------------------|-------------------------|-------------------------------------|--------------------------|-------------------------------|
| 1. TUBERCULOSIS | 11. SHORTNESS OF BREATH | 21. PLEURISY | 31. PAINTING SPELLS | 41. DIFFICULTY OF URINATION |
| 2. CHRONIC COUGH | 12. JAUNDICE | 22. SWOLLEN GLANDS | 32. HEART TROUBLE | 42. RECTAL TROUBLE |
| 3. ASTHMA | 13. MALARIA | 23. VARICOSE VEINS | 33. HIGH BLOOD PRESSURE | 43. CHRONIC CONSTIPATION |
| 4. HAYFEVER | 14. GOUT | 24. EPILEPSY | 34. DIABETES | 44. HERNIA (RUPTURE) |
| 5. FREQUENT COLDS | 15. TYPHOID FEVER | 25. CHOREA (ST. VITUS DANCE) | 35. FREQUENT EARACHES | 45. STOMACH ULCER |
| 6. CHEST PAINS | 16. RHEUMATIC FEVER | 26. FREQUENT HEADACHES OR DIZZINESS | 36. FREQUENT SORE THROAT | 46. CANCER OR TUMORS |
| 7. BLOODSPITTING | 17. RHEUMATISM | 27. NERVOUS OR MENTAL BREAKDOWN | 37. KIDNEY TROUBLE | 47. BACKACHE OR SPRAIN |
| 8. BRONCHITIS | 18. POLIOMYELITIS | 28. HEAD INJURY | 38. VENEREAL DISEASE | 48. DERMATITIS (SKIN TROUBLE) |
| 9. PNEUMONIA | 19. PARALYSIS | | | |
| 10. NOSE BLEEDING | 20. ARTHRITIS | | | |

WHAT INJURIES HAVE YOU HAD?

(IF NONE, WRITE NONE ON ABOVE LINE - DO NOT LEAVE BLANK)

WHEN? (YEAR) ARE YOU PRESENTLY SUFFERING ANY ILL EFFECTS FROM SUCH INJURY?

YES

NO

IF SO, DESCRIBE

BY WHOM WERE YOU EMPLOYED WHEN INJURED?

(GIVE NAME AND ADDRESS OF EMPLOYER)

HAVE YOU EVER DRAWN WORKMAN'S COMPENSATION?

YES

NO

WHEN?

FOR HOW LONG?

WHAT OPERATIONS HAVE YOU HAD?

WHEN?

DOCTOR IN ATTENDANCE? NAME

ADDRESS

HAVE YOU BEEN UNDER THE CARE OF A DOCTOR IN THE PAST SEVEN (7) YEARS?

YES

NO

IF SO, FOR WHAT?

DOCTOR IN ATTENDANCE? NAME

ADDRESS

CHECK BELOW IF YOU HAVE EVER HAD:

- | | |
|-----------------------|-----------------------------|
| 1. HEAD INJURY | 6. NECK INJURY |
| 2. EYE INJURY | 7. BACK INJURY (LOWER BACK) |
| 3. KNEE INJURY | 8. BACK INJURY (UPPER BACK) |
| 4. LEG INJURY | 9. HERNIA (RUPTURE) |
| 5. ARM OR HAND INJURY | |

DO YOU DRINK ALCOHOLIC BEVERAGES TO EXCESS?

YES

NO

MEDICAL TREATMENT FOR ALCOHOLISM?

YES

NO

WHERE?

HAVE YOU EVER OR DO YOU NOW USE NARCOTIC DRUGS?

RECEIVED MEDICAL TREATMENT FOR DRUG ADDICTION?

YES

NO

WHERE?

DOCTOR IN ATTENDANCE?

HAVE YOU EVER RECEIVED

YES

NO

IF SO, WHEN?

HAVE YOU EVER RECEIVED

YES

NO

IF SO, WHEN?

MILITARY SERVICE: YEARS OF SERVICE

BRANCH OF SERVICE

DATE OF DISCHARGE

REASON

ARE YOU APPLYING FOR OR RECEIVING ANY GOVERNMENT PENSIONS OR DISABILITY PAYMENTS?

YES

NO

IF SO, WHAT PERCENTAGE OF DISABILITY?

PRESENT DRAFT MEDICAL STATUS

IF 4F, FOR WHAT REASON?

HAVE YOU EVER BEEN REFUSED INSURANCE?

HAVE YOU ANY COMPENSATION CLAIM PENDING?

I certify that the foregoing statements are true to the best of my knowledge and belief. I understand that leaving out or misrepresenting facts called for above may be the cause for refusal of employment or separation from the Company.

I hereby grant permission to the examining physician to disclose any and all information herein or hereinafter furnished by me to the Company as may be deemed necessary.

SIGNATURE OF WITNESS

SIGNATURE OF APPLICANT

ASSIGNMENT AUTHORITY SUPPLEMENT "H"
APPLICATION FOR REQUEST FOR CONTINUATION OF
MEDICAL, LIFE AND A.D.&D. BENEFITS
(HOURLY CRAFTS AND TRADES)

PLEASE PRINT

DATE OF HIRE 7-14-81	SOCIAL SECURITY NUMBER 464-36-1944	LAST NAME SMITH	FIRST Lester	MIDDLE LOYD	JR. SR. ETC.
CODE 1	STATE CODE 01	PAYROLL JOB NUMBER 35-1195	DIST. CODE	PAYROLL PERIOD WK <input checked="" type="checkbox"/> B/W <input type="checkbox"/> S/M <input type="checkbox"/> MO <input type="checkbox"/>	

INSTRUCTIONS:

CHECK YES OR NO TO INDICATE YOUR DESIRE OF COVERAGE ON EACH PLAN OFFERED BELOW. COMPLETE THIS FORM EVEN IF YOU ARE NOW PARTICIPATING IN ANY OF THESE PLANS. (ANSWER YES IF YOU WISH THE COVERAGE TO CONTINUE.)

IF YOU REJECT MEDICAL OR LIFE INSURANCE (FOR YOURSELF OR DEPENDENTS) ELIGIBILITY AT A LATER DATE WILL REQUIRE EVIDENCE OF INSURABILITY AT YOUR EXPENSE.

(10) MEDICAL

(IF YES, COMPLETE THIS SECTION)

(A) ☒ YES

☐ (4) MYSELF ONLY

☒ (5) MYSELF AND ONE DEPENDENT NAMED

FRANKIE
FIRST

M.
MIDDLE

SMITH
LAST

(R) ☐ NO

CHECK DEPENDENT'S RELATIONSHIP:

☒ (S) SPOUSE

☐ (C) CHILD

☐ (6) MYSELF AND TWO OR MORE DEPENDENTS

(20) LIFE

(IF YES, COMPLETE THIS SECTION)

(A) ☒ YES

NAME OF BENEFICIARY

FRANKIE
FIRST

M.
MIDDLE

SMITH
LAST

WIFE
RELATIONSHIP

(R) ☐ NO

(25) ACCIDENTAL DEATH AND DISMEMBERMENT

(IF YES, COMPLETE THIS SECTION)

(A) ☒ YES

COVERAGE DESIRED (CHECK ONE): ☐ \$10,000

☐ \$20,000

☒ \$30,000

☒ \$40,000

☐ \$50,000

NAME OF BENEFICIARY

FRANKIE
FIRST

M.
MIDDLE

SMITH
LAST

WIFE
RELATIONSHIP

(R) ☐ NO

☒ (E) EMPLOYEE COVERAGE ONLY

☐ (F) FAMILY PLAN COVERAGE (DETAILED IN "SUMMARY OF EMPLOYEE BENEFITS" BOOKLET.)

I UNDERSTAND THAT COVERAGE UNDER THE PLAN(S) THAT I HAVE APPLIED FOR, OTHER THAN CONTINUATIONS, WILL BE ISSUED UNDER THE TERMS OF THAT INSURANCE POLICY AND WILL BE EFFECTIVE ON THE FIRST OF THE MONTH FOLLOWING THREE (3) MONTHS OF SERVICE. IN ORDER TO HAVE MY COVERAGE PAID-UP ONE MONTH IN ADVANCE, I UNDERSTAND THAT I WILL HAVE DOUBLE DEDUCTIONS DURING THE FIRST MONTH OF MEMBERSHIP.

I HAVE READ AND UNDERSTAND THE DESCRIPTIONS OF THE BENEFIT PLAN(S) APPLIED FOR AND HEREBY AUTHORIZE PAYROLL DEDUCTIONS. I ALSO UNDERSTAND THAT I MAY CANCEL MEMBERSHIP AT ANY TIME.

WITNESS SIGNATURE Sam Crow	EMPLOYEE SIGNATURE Lester Smith	DATE SIGNED 7-14-81
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FORM H-63 (10-78)

JOB PERSONNEL DEPT.

Appl. #9
7/12/81
Brown & Root Inc.

BROWN & ROOT, INC.
JOB #35-1195

COMANCHE PEAK STEAM ELECTRIC STATION

* S-T-A-T-E-M-E-N-T *

IT IS AGREED BY THE UNDERSIGNED THAT EVEN THOUGH THE EMPLOYER PROVIDES PARKING FACILITIES WHERE POSSIBLE, I WILL USE SUCH PARKING FACILITIES AT MY OWN RISK AS TO ANY PAINT SPRAY OR OTHER DAMAGE RESULTING BY REASON OF THE CONSTRUCTION PROJECT.

SIGNATURE:

Steve Loyd Smith
FIRST MIDDLE LAST

BADGE NO.

2974

DATE:

7-14-81

APPL #10
7/12/84 (M)

BASIC SAFETY RULES
Job #35-1195

The Basic Safety Rules to be followed by all Brown & Root, Inc. employees as well as employees of Subcontractor's on this project are the following:

1. Violations of Company, Federal and State Regulations is cause for immediate termination.
2. O.S.H.A. approved hard hats will be worn by all employees on the project site.
3. For personnel wearing prescription eyeglasses, the use of eyeglasses with a safety-type lens is recommended. Eye protection will be worn by ALL personnel in designated areas.
4. Approved hearing protection will be worn by all employees in designated high noise level areas.
5. Approved respiratory protective devices will be worn in areas designated as areas of high concentration of dusts or dangerous atmospheres.
6. Clothing must give adequate protection to the body. Shirts with sleeves must be worn at all times and shirt tails must be worn inside the trousers, except in the case of welders and burners. Footwear must give adequate protection to the feet and ankles. Steel toed shoes are recommended. No loafers, canvas or suede shoes will be allowed.
7. Housekeeping is an integral part of every job and each employee will keep his work area clean. A clean job is a safe job.
8. Compressed air will not be used to dust off hands, face or clothing.
9. Nothing is to be placed in drinking water containers for cooling. The tops of drinking water containers shall not be removed to obtain ice.
10. There will be no running on the job site.
11. No glass bottles, cameras, firearms, soft drink cans, alcoholic beverages or drugs, other than those legally purchased or prescribed by a physician or a project paramedic are allowed on the job site.
12. "HORSEPLAY" on the job site is strictly prohibited. Violation of this rule is cause for immediate termination.
13. All job related injuries will be reported to the SAFETY DEPARTMENT or the FIRST-AID Facility. The Safety Department and the employee's immediate supervisor must be notified before going to a doctor for a job related injury.

The above Basic Safety Rules are for the benefit of each employee assigned to this project. Failure to abide by these rules will be considered grounds for immediate termination.

You are advised that in the case of Safety Rule No. 11, assurance of compliance will be made by means of periodic inspection of vehicles, lunch boxes, and clothing.

Your signature indicates that you have read and understood the Basic Safety Rules and that you accept these and all other safety rules as a condition of employment.

7-14-81
Date

Leslie L. Smith
Signature