

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: Raymond Yockey

Location: Glen Rose, Texas

Pages: 47,000-47,024

Date: Wednesday, July 11, 1984

TR 010/1

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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 11, 1984

Deposition of: RAYMOND YOCKEY
called by examination by counsel for Intervenor,
taken before Suzanne Young Court Reporter,
beginning at 1:30 p.m., pursuant to agreement.

APPEARANCES:

On behalf of Applicant:

TRAVIS E. VANDERPOOL, ESQ.
Worsham, Forsythe, Sampels & Wooldridge
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Dallas, Texas 75201

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On behalf of Intervenor, CASE:

AMIE RODNICK, Esq.
511 West 7th Street
Austin, Texas 78701

On behalf Brown & Root and Witness:

Ferguson McNeil, Esq.
Vinson & Elkins

On behalf of NRC Staff:

GREGORY A. BERRY, Esq.
Office of the Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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I N D E X

WITNESS

EXAMINATION BY:

PAGE

RAYMOND YOCKEY

Ms. Rodnick

47,003

Mr. Downey

47,024

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P R O C E E D I N G S

1
2 Whereupon,

3 RAYMOND YOCKEY

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

6 MS. RODNICK: I think after the last deposition
7 I ended up going over the same ground again, so maybe I
8 can save a little time.

9 MR. DOWNEY: All right.

EXAMINATION

10
11 BY MS. RODNICK:

12 Q Could you state your name for the record,
13 please, sir?

14 A Raymond Yockey.

15 Q And what is your occupation?

16 A Personnel Manager.

17 Q For?

18 A Brown & Root.

19 Q How long have you held that position?

20 A It must be five and a half years.

21 Q Do you have any background in personnel
22 manager prior to working for Brown & Root?

23 A Yes, ma'am.

24 Q Would you very briefly just give us your
25 background.

1 A I spent twenty years and five months in the
2 Air Force, about 18½ years of that time was in personnel.

3 Q What is your position in personnel?

4 A Manager of Personnel Services.

5 Q Can you very briefly tell us what the job
6 duties of that position entail?

7 A Personnel administration, supporting the
8 project.

9 Q By the way, I don't think I introduced myself.
10 I am Amy Rodnick, and I am a substitute for Mr. Tommy
11 Jacks today.

12 You explained just now what you do in personnel.
13 In the chain of command in personnel, where are you?
14 Do you have individuals working under you?

15 A Yes.

16 Q What types of people do you have working under
17 you?

18 A Personnel specialists.

19 Q And these are people you supervise?

20 A That's correct.

21 Q And who supervises you?

22 A The project manager, Doug Franckum.

23 Q How do you spell that last name?

24 A F-r-a-n-c-k-u-m.

25 Q Has he always been your supervisor?

1 A Only since he has been project manager.

2 Q Do you know how long that has been? I don't
3 expect the exact date, but if you can give an approximate
4 date.

5 A Approximately four years.

6 Q So most of the time that you worked at Brown &
7 Root as personnel manager, he has been your supervisor; is
8 that correct?

9 A Yes.

10 Q In your job, are you familiar with the
11 termination procedures of Brown & Root?

12 A Yes.

13 Q Is there a handbook or a manual specifying
14 termination procedures?

15 A Well, corporate procedure.

16 Q How does that differ from a handbook or a
17 manual?

18 A The procedure specifies the format to be
19 used, defines some of the reasons for termination.

20 Q Maybe it's just a matter of definition, and
21 we're really talking about the same thing, but how does
22 that differ from a handbook or a manual for employees?

23 A A manual would be much more extensive, maybe
24 more elaborate in terms, and would go into maybe some
25 items much deeper.

1 Q So your corporate procedure is basically a
2 fairly simple document?

3 A That's correct.

4 Q Is it something that's available to all
5 employees of Brown & Root, or only personnel employees?

6 A Anybody who wants to may read it.

7 Q Do you know from your own personal knowledge
8 whether new employees are informed of that fact when they
9 come to work for Brown & Root?

10 A They are normally not.

11 Q They would just have to seek it out on their
12 own?

13 A Yes.

14 Q Okay. Has this corporate procedure always been
15 in effect since you've worked for Brown & Root?

16 A Yes.

17 Q To your personal knowledge, have there been
18 any substantive changes in that since you came to work for
19 Brown & Root?

20 A No.

21 Q I had asked you earlier if you were familiar
22 with termination procedures, and you said you were. Can
23 you briefly give us an explanation of termination
24 policies at Brown & Root?

25 A Well, there are certain reasons that are

1 elaborated on or mentioned in the procedures themselves.
2 Then the supervisors -- when something occurs -- an
3 infraction or a failure or something of this nature --
4 the supervisor as to decide whether this is a termination
5 offense or whether he could just be counseled, or this
6 type of thing, and makes a determination. Perhaps he
7 discusses it with his superiors, and they write the
8 decision to terminate the individual.

9 Q Is each supervisor of the different areas at
10 the project responsible for making that decision as to
11 his or her employees?

12 A Yes.

13 Q Does the procedure spell out, for example --
14 Strike that.

15 Are there certain reasons for termination in
16 which an employee might be given a warning and other
17 reasons where an employee might just be fired summarily?
18 How does that work?

19 A It depends on the nature of the infraction,
20 whether it is serious or whether it might be inadvertent
21 or something of this nature, or the individual didn't
22 understand.

23 This would justify counseling or corrective
24 action, as opposed to just being fired.

25 In other instances, it might involve theft,

1 dope or something of this nature -- sleeping on the job.
2 These types of things are serious enough to warrant
3 immediate termination.

4 Q Does the handbook itself specify -- Does it
5 specify category of seriousness?

6 A No.

7 MR. PIRFO: Objection. He testified there's
8 no handbook.

9 BY MS. RODNICK:

10 Q Excuse me. Corporate procedure.

11 A No, it does not.

12 Q Is that a matter that is left to the discretion
13 of the supervisor?

14 A That's correct.

15 Q Are there any methods of appeal for employees
16 who are terminated within the company?

17 A Not really.

18 Q So there is no specified avenue of appeal for
19 an employee who is terminated?

20 A No.

21 Q If an employee is terminated and the employee
22 chooses to complain about the termination, is that something
23 where you would be involved?

24 MR. DOWNEY: Objection. Complain to who?

25 /

1 BY MS. RODNICK:

2 Q Strike that. Who would an employee complain to,
3 first of all, if the employee were terminated if there
4 are no specified procedures?

5 MR. DOWNEY: Objection. I don't understand
6 the question. How is Mr. Yockey to know to whom the
7 terminated employees might complain to? He may complain
8 to his brother-in-law. He may complain to the president
9 of Brown & Root.

10 MS. RODNICK: Well, I think the meaning was
11 clear, but I will rephrase the question and ask it again.

12 BY MS. RODNICK:

13 Q He has stated that he is familiar with the
14 termination policies and procedures. My question to you,
15 Mr. Yockey, then is: What is your personal knowledge
16 concerning complaints made by employees after they have
17 been terminated --

18 MR. PIRFO: Objection. Asked and answered.

19 MS. RODNICK: I would request that if the
20 witness understands the question, he go ahead and answer
21 it.

22 MR. PIRFO: That wasn't my objection.

23 MR. DOWNEY: I join in the objection.

24 MS. RODNICK: It's my understanding that you
25 can object, but the witness can still answer the question,

1 unless you're instructing him not to answer.

2 MR. DOWNEY: I'm not going to instruct him not to
3 answer this question. But I believe -- as counsel for the
4 Staff has pointed out -- he has been asked this question
5 and he has already answered it.

6 MS. RODNICK: What I am trying to do is find
7 out what happens when an employee is terminated and the
8 employee complains. I don't know how I can ask that in
9 any more specific language.

10 If counsel wishes to try and clarify that, I
11 would be happy for counsel to do so.

12 MR. DOWNEY: In my original objection to this
13 line of questions, it was that you did not specify
14 complaining to whom. Are you referring to complaints
15 within the organization?

16 MS. RODNICK: How about complaints to you
17 personally?

18 THE WITNESS: They may.

19 BY MS. RODNICK:

20 Q Has that happened in the past?

21 A Yes.

22 Q What types of complaints have you had?

23 A Some have been complaining about unfairness.
24 They have denied the reason for termination and this
25 type of thing.

1 Q Are employees who are terminated normally
2 given the reasons for their termination?

3 A They are.

4 Q And are you normally the person that they would
5 complain to?

6 A If they want to. They could take a complaint
7 to others.

8 Q I take it that as far as who they can complain
9 to, there is no such corporate procedure as that; is that
10 correct?

11 A That's right --

12 MR. McNIEL: I don't see how the witness can
13 voice an opinion on what someone else is going to do.

14 MS. RODNICK: I'm just asking him if there is
15 a procedure set up as to who they should complain to.

16 MR. PIRFO: I'll object. That has been asked
17 and answered twice now.

18 MR. McNIEL: Are you aware of a procedure that
19 sets out where someone else can take their complaints
20 to?

21 THE WITNESS: No.

22 MR. DOWNEY: I think that point is now clear.

23 MS. RODNICK: I think so.

24 BY MS. RODNICK:

25 Q Have you had any complaints concerning age

1 discrimination directed to you --

2 MR. DOWNEY: Objection. It is not relevant to
3 this proceeding.

4 MR. PIRFO: I'll have to object, too, unless
5 you're talking about Mr. Yockey personally. We have
6 established three times that there is no appeal process
7 within the company. Are you talking about -- When you
8 say "you," do you mean him personally?

9 MS. RODNICK: Yes, that's what I mean.

10 MR. PIRFO: Then I'll object on the grounds of
11 relevancy. If there's no appeal -- Well, I will
12 withdraw that.

13 MR. DOWNEY: I will continue to assert my
14 objection because whether or not there have been complaints
15 of age discrimination filed against Brown & Root at the
16 site has absolutely nothing to do with the subject matter
17 of this proceeding.

18 MS. RODNICK: Well, the subject matter of this
19 proceeding is harassment of quality control inspection
20 employees. I think that whether people were in fact
21 terminated for other reasons is relevant to the question
22 of whether they were terminated as a continuing pattern of
23 harassment, and whether some employees were selectively
24 terminated when others were not.

25 So I would state for the record that I believe

1 it is relevant.

2 MR. DOWNEY: Would you state again why it is
3 you think the question of whether age discrimination
4 complaints have been filed is relevant to the issue of
5 whether quality control inspectors have been harassed
6 or intimidated from doing their job?

7 MS. RODNICK: What I would have liked to have
8 asked him, if I could have finished, was whether --
9 I would be happy to rephrase the question in that
10 regard, and then we'll see if we still have an objection
11 to it.

12 BY MS. RODNICK:

13 Q Have you personally received any complaints
14 from employees who were terminated, that they were, in fact,
15 terminated because of reports they had made as quality
16 control inspectors?

17 A I have not.

18 Q You personally have not received any complaints
19 from people who were terminated for that reason?

20 A I have not.

21 Q Is there any policy set out on harassment of
22 employees by Brown & Root, to your knowledge?

23 A Only by inference or implication.

24 Q Could you state what your knowledge is of
25 that?

1 A Well, Appendix B to 10 CFR 50 sets forth the
2 general criteria for the organization and so forth and
3 the rules governing the quality control program on a
4 nuclear power plant.

5 A A portion of that deals with the organization
6 and the individuals who are members of the quality
7 assurance organization. And it clearly states there that
8 they should have the individual, as well as personal
9 freedom, to do what has to be done so far as reporting
10 nonconformances and assuring that they are corrected
11 and verification of the correction is accomplished; and
12 that anyone who might interfere with the carrying out of
13 that policy is subject to some sort of disciplinary
14 action.

15 Q To your personal knowledge, do you know of
16 anyone who has been subjected to disciplinary action for
17 that reason?

18 A No.

End 1

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mgc 2-1

1 Q If you were to define intimidation or
2 harassment, what would your definition be?

3 MR. DOWNEY: Objection. I don't think
4 his definition is relevant to this proceeding.

5 MS. RODNICK: I would ask him to go ahead
6 and answer the question, because I believe that it
7 is, in the sense that if there is not a defined personnel
8 procedure or definition, that therefore, as Mr. Yockey
9 has stated, there is a certain amount of discretion
10 in the employees. And for that reason, I would like
11 to have his definition. So I would request that
12 he be allowed to answer the question.

13 MR. DOWNEY: I will permit the answer.
14 I am not going to agree with the characterization
15 of your remarks.

16 MR. MC NIEL: My problem with this as
17 far as relevancy is concerned is that there is no
18 foundation for determining whether or not Mr. Yockey
19 has any responsibility for sanctioning people for
20 so-called harassment or threats or anything of that
21 nature or for hiring or firing or anything of that
22 nature.

23 So until you can establish, which I don't
24 think you can, that he has any involvement in any
25 of this, I don't see that that is relevant either.

mgc 2-2

1 MS. RODNICK: Okay. Let me respond to
2 that objection.

3 My point in asking him that is not to
4 establish his responsibility for any of this. It
5 is to establish his understanding, and for that matter,
6 our understanding of what the policies are regarding
7 termination at Brown & Root, and if there are allegations
8 of harassment, what his understanding of harassment
9 would be.

10 So I think it's relevant from that standpoint.

11 MR. DOWNEY: Well, maybe I should interject
12 here. If you were to ask Mr. Yockey what responsibility
13 he has for developing personnel policies in the QA/QC
14 area of Brown & Root, he would testify that he has
15 none.

16 The function of his office is strictly
17 administrative, to maintain the appropriate personnel
18 documents, and his office performs a staff function
19 to the entire Brown & Root organization. He is not
20 involved in developing these policies or enforcing
21 them on the site, and therefore what he thinks is
22 not, in my judgment, relevant to this proceeding.

23 MS. RODNICK: Well, let me go back just
24 a few steps, if I may, then, and see if we can lay
25 some sort of foundation.

mgc2-3

1 BY MS. RODNICK:

2 Q Is that basically a correct statement
3 of your job function, Mr. Yockey?

4 A Yes.

5 Q Okay.

6 MR. DOWNEY: I offered to ask these questions
7 back at the beginning.

8 MS. RODNICK: I know.

9 BY MS. RODNICK:

10 Q And you did not develop any policy; that's
11 correct?

12 A Yes, that's correct.

13 MR. DOWNEY: Off the record.

14 (Discussion off the record.)

15 BY MS. RODNICK:

16 Q You stated earlier that you had on occasion had
17 employees complain to you that they thought they were
18 unfairly terminated?

19 A Yes.

20 Q Is there anything you can really do for
21 them when that happens?

22 A Really not too much. I would investigate
23 it to find out the truth of what happened, and at
24 least to satisfy myself in my own mind that there
25 was nothing improper in the termination.

mgc 2-4

1 Q And if you did do an investigation and
2 determined that perhaps an employee might have been
3 unfairly terminated, what could you do? What would
4 your recourse be?

5 A I would report this to the Project Manager,
6 and this type of thing, probably recommend to him
7 that the man be reinstated, or woman as the case may
8 be.

9 Q Have you ever done that?

10 A No. I haven't found a situation that would
11 justify it yet.

12 Q Would anyone besides yourself have authority
13 to investigate that type of complaint?

14 A Yes.

15 Q Who would that be?

16 A The Project Managers, the Project Manager
17 or his assistant. Anyone who received a complaint
18 like that would have the authority to look into it.

19 Q When a decision has been made to terminate
20 an employee, what type of notice is given to the employee?

21 A If it's an involuntary termination, it
22 is usually rather short notice.

23 Q Are there any types of termination that
24 are not involuntary, where the decision is made by
25 someone other than the employee, or would that generally

mgc 2-5

1 be --

2 A Not generally, no.

3 Q So if the employee voluntarily terminates,
4 is it in the discretion of the employee how much notice
5 to give, or does the company have a set policy?6 A That's right. It could be two weeks,
7 three weeks to one hour or ten minutes.8 Q Do you have any personal knowledge as
9 to whether a disagreement in philosophy with the supervisor,
10 for example philosophy of how the company is run,
11 would be grounds for termination?12 MR. DOWNEY: Objection. That has absolutely
13 no relevance in the issue in this proceeding.

14 MS. RODNICK: I withdraw the question.

15 BY MS. RODNICK:

16 Q Do you have any personal knowledge of the
17 termination of Dobie Hatley?18 MR. DOWNEY: Objection, and I will instruct
19 the witness not to answer these questions.20 To educate you, perhaps, on the status
21 of the issues raised by Ms. Hatley, by agreement of
22 the parties, issues concerning her termination and
23 the witnesses who have personal knowledge about her
24 termination have been deferred until the week of
25 August 23rd. And the reason for that deferral is

mgc 2-6

1 that Ms. Hatley has refused, and CASE in this proceeding,
2 has refused to produce documents that are clearly
3 within the scope of discovery, and absent those documents
4 and absent an ability to understand what her allegations
5 are, we are not prepared to make witnesses available
6 to testify about the matters relating to her termination.

7 MS. RODNICK: Note our exception, please.

8 BY MS. RODNICK:

9 Q Do you have any personal knowledge regarding
10 the termination of Billy Orr?

11 MR. DOWNEY: Objection. The same reason.

12 MS. RODNICK: Note our exception.

13 BY MS. RODNICK:

14 Q Bill Dunham. Do you have any personal knowledge
15 regarding his termination?

16 A Some, yes.

17 MS. RODNICK: Will you permit him to answer
18 that?

19 MR. DOWNEY: Yes. Mr. Dunham -- his issues
20 are fair game.

21 If I may, I will withdraw my objection
22 to the question about Mr. Yockey's personal knowledge
23 of Ms. Orr, because I know the answer to be no,
24 and that might help eliminate issues in this proceeding.

25 MS. RODNICK: If you will let him answer,

mgc 2-7

1 that would certainly simplify the proceeding.

2 MR. DOWNEY: All right. I withdraw that
3 objection. And I will stipulate that he does have
4 some personal knowledge about Ms. Hatley's termination,
5 but for that reason I will continue to press that
6 objection.

7 MS. RODNICK: And we will continue to
8 press our exception.

9 BY MS. RODNICK:

10 Q Let's do Bill Dunham, and then we can
11 go back.

12 Do you have any personal knowledge as
13 to the termination of Bill Dunham?

14 A Some.

15 Q Can you tell me what that knowledge is?

16 A I am aware that he was terminated. I
17 did participate in a Labor Department hearing, this
18 type of thing, as well as being involved in the response
19 to the Texas Employment Commission when he applied
20 for compensation.

21 Q Was the Labor Department -- if you have
22 personal knowledge to answer this, was the Labor Department
23 the first avenue of appeal that Mr. Dunham used after
24 his termination?

25 MR. PIRFO: Objection. That's beyond

mgc 2-8

1 this witness' competence to testify.

2 MS. RODNICK: I think if he has personal
3 knowledge about ikt --

4 MR. PIRFO: He, by definition, cannot
5 have personal knowledge as to what Mr. Dunham did
6 first. He is not Mr. Dunham.

7 MS. RODNICK: Note our exception.

8 MR. PIRFO: So noted.

9 BY MS. RODNICK:

10 Q Did Mr. Dunham complain to you personally about
11 his termination?

12 A No, he did not.

13 Q Do you have any other knowledge, other
14 than what you have just stated, concerning his termination?

15 A No.

16 Q What knowledge do you have concerning
17 the termination of Billie Orr?

18 A Only the statements that were generated
19 at the time she was terminated and the involvement
20 in the Texas Employment Commission hearing.

21 MR. DOWNEY: May I ask a clarifying question?

22 Mr. Yockey, does your reservoir of knowledge
23 about the termination of Billie Orr come to you secondhand
24 from other persons?

25 THE WITNESS: Oh, yes.

mgc 2-9

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MR. DOWNEY: You have no firsthand knowledge?

You observed no --

THE WITNESS: No, I didn't observe anything. Everything that I am aware of has been the result of statements executed by other people in connection with that termination, and it was after the fact, as far as her termination is concerned.

MR. DOWNEY: Thank you.

(Discussion off the record.)

End 9

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COTTON CONTENT

1 MS. RODNICK: Back on the record.

2 I just have one more question, Mr. Yockey.

3 BY MS. RODNICK:

4 Q You had testified earlier that you are in a
5 supervisory capacity and do have knowledge of termination
6 procedures in personnel.

7 Have you ever had a quality control employee come
8 to you and ask what their rights are regarding termination
9 prior to any sort of termination?

10 A No.

11 MS. RODNICK: Okay. I have no further questions.

12 MR. PIRFO: Staff has no questions.

13 MR. DOWNEY: I have just two or three.

14 EXAMINATION

15 BY MR. DOWNEY:

16 Q Mr. Yockey, do you have any responsibility for
17 developing personnel policies in the quality assurance/
18 quality control area?

19 A No.

20 Q Do you have any responsibility for enforcing those
21 policies?

22 A No.

23 MR. DOWNEY: No further questions.

24 (Whereupon, at 2:07 p.m., the deposition of
25 Raymond Yockey was concluded.)

End 3.

CERTIFICATE OF PROCEEDINGS

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

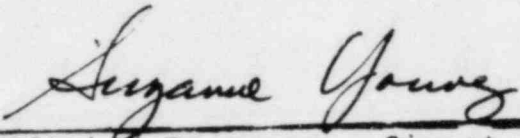
5 In the matter of: Texas Utilities Electric Company
6 Deposition of Raymond Yockey
Date of Proceeding: July 11, 1984

7 Place of Proceeding: Glen Rose, Texas

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

10
11 Suzanne Young

Official Reporter - Typed

12
13 
14 Official Reporter - Signature