

ORIGINAL

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the matter of:

TEXAS UTILITIES ELECTRIC
COMPANY, et al

Docket No. 50-445
50-446

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

Deposition of: Louis F. Fikar

Location: Glen Rose, Texas

Pages: 46,001-46,144

Date: Wednesday, July 11, 1984

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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
Station, Units 1 and 2) :
10 - - - - -x

11 Glen Rose Motor Inn
12 Glen Rose, Texas

13 July 11, 1984

14 Deposition of: LOUIS F. FIKAR,
15 called by examination by counsel for Intervenor,
16 taken before Marilyn Nations, Court Reporter,
17 beginning at 10:00 a.m., pursuant to agreement.
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1 APPEARANCES:

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14 JAMES R. WOLF, Esq.
15 Office of Executive Legal Director
16 U. S. Nuclear Regulatory Commission
17 Washington, D. C.

18 Also Present:

19 ELOY GAITON
20
21
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24
25

I N D E X

<u>WITNESS</u>	<u>EXAMINATION BY</u>	<u>PAGE</u>
LEWIS F. FIKAR	Mr. Sosnick	46,003
	Mr. Wolf	46,117
	Mr. Belter	46,128

FURTHER EXAMINATION BY

Mr. Sosnick	46,137
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EXHIBITS

<u>NUMBER</u>	<u>MARKED FOR IDENTIFICATION</u>
No. 38-8	46,035
No. 38-9	46,043
No. 38-10	46,053
No. 38-11	46,059
No. 38-12	46,078
No. 38-13	46,078
No. 38-14	46,087
No. 38-15	46,128

P R O C E E D I N G S

1
2 MR. SOSNICK: I realize counsel for Applicant
3 has an opening statement. We would now expressly reserve
4 any and all rights to put forth such a statement.

5 Mr. Belter, please go ahead and proceed.

6 MR. BELTER: My name is Leonard Belter. I'm a
7 member of the law firm of Bishop, Liberman, Cook, Purcell &
8 Reynolds, counsel for Texas Utilities Electric Company,
9 Applicant in this proceeding.

10 I appear here today in that capacity and as
11 attorney for Lewis Fikar, a TUGCO employee.

12 I wish to point out that Mr. Fikar is appearing
13 voluntarily, and that he is not under subpoena. Applicant
14 reserves all objections previously noted in the prior
15 depositions in this proceeding.

16 Whereupon,

17 LEWIS F. FIKAR

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

EXAMINATION

20
21 BY MR. SOSNICK:

22 Q Good morning, Mr. Fikar. I'm counsel for
23 Intervenor.

24 As a preliminary, I'd like to know, sir, has
25 your deposition ever been taken before?

1 A In this proceeding?

2 Q In any proceeding.

3 A Yes.

4 Q And what proceeding might that be?

5 A It involved several lawsuits in legal proceed-
6 ings.

7 Q Civil actions?

8 A Yes.

9 Q Not related to Comanche Peak?

10 A No.

11 Q For clarity of events -- and so that we have
12 a -- so that we can do things smoothly here, I'll just give
13 you a few ground rules; and that way we'll all be set on
14 what we're doing.

15 You realize, of course, that this is a written
16 record we're taking today.

17 There are some changes -- rather than you and I
18 just sitting across the table and having a question-and-
19 answer period. Because it's a written record, you have
20 to answer all my questions audibly.

21 A Yes.

22 Q A nod of the head or a shake or whatever can't
23 be picked up on the record, so that way we'll have a clean
24 record.

25 Also, please wait until I finish my question

1 before you give an answer. If you interrupt me or I
2 interrupt you, there will be a lot of talking over; and
3 the court reporter may not be able to pick everything
4 up.

5 I'll be careful not to interrupt you. Please
6 wait until I've finished my question also.

7 Also, if you don't understand my question,
8 please ask me to rephrase it or restate it, or we'll have
9 Madame Court Reporter repeat it for you. I don't want
10 you to guess today. I want you to give the best answers
11 that you know.

12 Do you understand these instructions?

13 A Yes, I do.

14 Q Are you under any medication, Mr Fikar?

15 A No.

16 Q Did you review any documents in preparation
17 for your testimony today?

18 A Just t^his document (indicating).

19 Q What document is that, sir?

20 A I don't really know what it is. It's the
21 document that shows why I'm to be questioned today --
22 I think.

23 MR. SOSNICK: Do you have any objection to
24 my seeing the document?

25 MR. BELTER: Not at all. Do you want to

1-4

1 clarify that it's material provided by CASE to us?

2 MR. SOSNICK: I don't know what it is. I
3 haven't seen it. He just pointed to a piece of paper.

4 MR. BELTER: He's pointing to a piece of
5 paper --

6 MR. SOSNICK: Oh, all right. I've seen this
7 piece of paper.

8 BY MR. SOSNICK:

9 Q Anything else you've looked at, sir?

10 A No.

11 Q Have you discussed these proceedings regarding
12 Comanche Peak with any individuals prior to the hearing
13 here today?

14 A I talked to Mr. Belter.

15 Q Have you talked to anyone else?

16 A No.

17 Q Have you talked to any of the witnesses who have
18 testified this week?

19 A No, I haven't.

20 Q Do you know any of the witnesses who have
21 testified this week?

22 A Yes.

23 Q Who do you know, sir, who has testified?

24 A I know Bill Clements. I know Ron Tolson.

25 I don't really know who all has been testifying.

1 I know those two have.

2 Q Okay. Have you discussed these proceedings
3 with them?

4 A No.

5 Q Have you discussed these proceedings with them
6 on any occasion?

7 A Yes.

8 MR. BELTER: When you refer to "these proceedings,"
9 are you talking about the ongoing Licensing Board
10 proceedings, or are you talking about the current round
11 of proceedings on the issue of harassment and intimidation?

12 MR. SOSNICK: The current round.

13 MR. BELTER: Did you understand that to be his
14 question, Mr. Fikar?

15 THE WITNESS: I wasn't real clear. Obviously,
16 we're aware of the proceedings -- whatever the proceedings
17 are. Obviously, it's on our mind. We knew we had to
18 give depositions and why we are all here.

19 BY MR. SOSNICK:

20 Q This current round of proceedings, you know,
21 concerns allegations of intimidation and harassment.

22 A Yes.

23 Q You're aware of that?

24 A Yes.

25 Q And have you discussed those specific

1-6

1 allegations with Mr. Clements or Mr. Tolson?

2 A Yes.

3 Q On what occasion?

4 A I don't have a specific occasion. Obviously,
5 we've talked about it.

6 Q Let's take Mr. Clements. When you talked to
7 Mr. Clements about these allegations, who initiated the
8 conversation?

9 A I couldn't say.

10 Q What was the subject of the conversation?

11 A I don't have any specifics.

12 Q Did you say "hello"?

13 A Possibly. We work together very closely. We're
14 both corporate officers.

15 Q So this topic may come up often?

16 A Yes.

17 Q Likewise for Mr. Tolson?

18 A I didn't hear. "Likewise" --

19 Q You said you discussed with Mr. Tolson these
20 allegations. Have you?

21 A Yes.

22 Q And would you discuss it with him often?

23 A Yes.

24 Q Do you and Mr. Tolson reach agreement usually
25 when you discuss these allegations?

1 MR. BELTER: What do you mean by "agreement,"
2 counsel? I'm not sure I understand --

3 BY MR. SOSNICK:

4 Q Do you have any differences of opinion when you
5 discuss these allegations?

6 A I don't know of any.

7 Q Then you and he would agree on -- that
8 topic, when you discuss these allegations, you and he
9 are usually in agreement?

10 A Generally so.

11 Q Is that the same for Mr. Clements when you
12 discuss these matters with him?

13 A I really don't understand the question.

14 Q I'm sorry. Let me go back a step. When --
15 You've discussed the allegations of intimidation and
16 harassment with Mr. Clements many times; is that correct?

17 A I guess that's correct.

18 Q All right. And when you and he discuss these
19 allegations, do you -- do either of you express differences
20 of opinion?

21 A I would say not. And I'd like to correct
22 something. We haven't talked about this very much. You
23 said "all the time." Occasionally.

24 Q Occasionally. Okay.

25 What is your occupation, Mr. Fikar?

1 A I'm Executive Vice-President of Texas Utilities
2 Generating Company.

3 MR. BELTER: I have a resume, Charles, if you
4 would like to use it. We have several.

5 MR. SOSNICK: Yes. Thanks very much.

6 I'll just have one or two ...

7 BY MR. SOSNICK:

8 Q I have your resume in front of me, Mr. Fikar,
9 which counsel was kind enough to provide me with. Just
10 a couple of preliminaries about it.

11 You're the Senior Vice-President, TUGCO;
12 correct?

13 A No. I'm Executive Vice-President.

14 Q Pardon me. Executive Vice-President.

15 How long have you held that position?

16 A Since January 1 of this year. We've recently
17 reorganized.

18 Q And before January of this year, what was
19 your --

20 A I was Executive Vice-President of Texas
21 Utility Services.

22 Q Is that a subsidiary of TUGCO?

23 A It was a subsidiary of Texas Utilities
24 Company.

25 Q All right. Now, since January of this year,

1 what is your primary responsibility as Executive Vice-
2 President?

3 A My primary responsibility is for design and
4 construction of the power plants for the Generating
5 Company.

6 Q Which power plants are those?

7 A Comanche Peak, Martin Lake, Monticello,
8 Forest Grove, Twin Oak.

9 Q Five power plants?

10 A Yes.

11 Q Approximately how much time do you spend with
12 regard to your job responsibilities relating to Comanche
13 Peak Nuclear Power Plant?

14 A Currently, I would say about 95 percent.

15 Q And for how long have you spent about 95
16 percent of your time on Comanche Peak?

17 A Oh, about the last four months.

18 Q Since the early part of this year?

19 A Yes.

20 Q Prior to January 1984, were you involved in
21 any way with Comanche Peak Nuclear Power Plant?

22 A Yes, I was.

23 Q And what were your primary responsibilities
24 prior to January 1984 with regard to Comanche Peak?

25 A They're the same as they are now. I'm the

1-10

1 corporate officer responsible for design and construction
2 and fuel and licensing of Comanche Peak.

3 Q Prior to January 1984, how much of your time
4 working for Texas Utilities did you spend with regards to
5 Comanche Peak?

6 A Prior to January of this year, it's probably 70
7 percent of my time.

8 Q For how many years have you had some relationship
9 with or been involved with Comanche Peak?

10 A Over nine years.

11 Q When did construction begin on Comanche Peak?

12 A The latter part of 1974.

13 Q You've been here almost since its inception;
14 is that correct?

15 A Almost.

16 Q And your job, sir, has for the past nine years
17 been related to Comanche Peak in a substantial manner; is
18 that correct?

19 A That's right.

20 Let me correct that. It's nearer eight years
21 than nine years.

22 Q Okay. Thank you.

23 Who is your immediate superior?

24 A Mr. Mike Spence.

25 Q Do you have any others?

1-11

- 1 A No.
- 2 Q Who do you report to?
- 3 A Mr. Mike Spence.
- 4 Q Do you report to any other people?
- 5 A No.
- 6 Q Who are your immediate subordinates?
- 7 A Vice-President Joe George, Howard Coffman who
8 is responsible for environmental services, Joe Thompson
9 who is responsible for bulk power planning -- I'm leaving
10 one out.
- 11 Let me review my resume.
- 12 Q Sure, go ahead.
- 13 A I can't recall all the names right off.
14 Dr. Tom Talley, who has research and advanced
15 engineering.
- 16 Those are the ones that report to me.
- 17 Q All right. Now, we've gone through the
18 individual you report to, Mr. Spence, and those certain
19 individuals that report to you. Who is at the same
20 level in the chain of command as you?
- 21 A Within the Generating Company?
- 22 Q Yes.
- 23 A Bob Gary, who is also an Executive Vice-
24 President.
- 25 Q All right. Anyone else?

1 A No.

2 Q Now, in the chain of command, what is your
3 relationship to Bill Clements?

4 A We're both officers of the Generating Division.

5 Q Do you work together with regards to Comanche
6 Peak?

7 A We work together, but he reports separately to
8 the same boss I have, Mr. Mike Spence.

9 Q All right. At any time or is there an
10 occasion where you may be working with Mr. Clements?

11 A Oh, yes.

12 Q What kind of occasions would those be?

13 A We go to meetings together. We discuss
14 mutual problems together.

15 Q What problems would be mutual with Mr. Clements
16 in regard to his job duties?

17 MR. BELTER: Are you asking for examples?

18 MR. SOSNICK: Sure, I'm asking for examples,
19 what you can think of right now.

20 THE WITNESS: Well, we meet together at least
21 two or three times a week, so specific problems, I --
22 nothing pops into my head except we're in contact quite
23 a bit.

24 It might be licensing. It might be getting
25 ready for plant operations. It might relate to the startup

1-13

1 and test program, or whatever.

2 Is that what you're --

3 MR. SOSNICK: That's fine.

4 BY MR. SOSNICK:

5 Q Licensing is a big thing, isn't it, with your
6 job? I mean, that takes a lot of time.

7 A Licensing takes quite a bit of time, but I have
8 people that work at that.

9 Q Are there a lot of regulations involved in that
10 licensing?

11 A Oh, yes.

12 Q Do you consult with Mr. Clements about those
13 regulations?

14 A Not very much.

15 Q I'm going to ask you a question, and if you
16 don't understand it, I can rephrase it or break it up.
17 But I'll give you the general one right now.

18 Do you implement policy from your superior,
19 Mr. Spence, or are you an initiator of policy?

20 A Well, I would say I implement Mr. Spence's
21 policies. I have probably an input into them.

22 Q All right. Do you generate your own policies
23 which are then implemented by your subordinates?

24 A I don't -- How do you define "policies"? I'm
25 a little confused about that term.

1-14

1 Q Okay. I thought that might be a confusing
2 question, and I apologize.

3 MR. BELTER: Could we take a break?

4 MR. SOSNICK: Sure.

5 (Short recess.)

End 1

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1 MR. SOSNICK: Okay. Let's go back on the
2 record.

3 BY MR. SOSNICK:

4 Q Let's say for example, Mr. Fikar, that you
5 decided a new procedure must be initiated at the plant --
6 something that concerns you. Would you go ahead and
7 devise some sort of plan or program to meet those concerns?

8 A I don't do that.

9 Q All right. Who does that?

10 A Does what?

11 Q If something concerns you, sir -- you find out
12 something that concerns you in the plant and you think a
13 program must be devised to deal with it --

14 A I see.

15 Q -- who would you tell?

16 A I would talk to Joe George.

17 Q You would talk to Joe George. Now, what is
18 Joe George's position?

19 A Vice-President and Resident Project General
20 Manager for Comanche Peak, responsible for engineering,
21 construction, licensing and fuel.

22 Q All right. Now, after you would tell Mr.
23 George, what would happen next?

24 Would the two of you sit down and draft up
25 some notes -- general guidelines to a program?

1 A No.

2 Q What would happen?

3 A He would implement whatever I thought needed
4 to be done.

5 Q What would you tell him needed to done?
6 Would you outline a program?

7 A It depends on what the situation is, Charles.

8 Q Well, just so I understand, would you tell him,
9 "Joe, this concerns me, and maybe you can do something
10 about it"?

11 MR. BELTER: Counsel, I'm having trouble with
12 the nonspecific nature of this. If there's a problem with
13 how often people are taking coffee breaks or something
14 like that, that's one thing.

15 Unless you can give concrete examples, I think
16 you're asking the witness to just speculate in the dark
17 here.

18 THE WITNESS: That would help me, too.

19 MR. SOSNICK: Oh, sure. Fine.

20 BY MR. SOSNICK:

21 Q I'll give you an example. Let's just say for
22 the sake of example, Mr. Fikar, that you discover
23 certain construction practices may somehow interfere with
24 licensing and a change needs to be made to meet the
25 requirements. What would you do under such a situation?

1 A Well, I would discuss it with Joe George.

2 Q All right. And tell me, would that be a
3 major concern -- something like that, that example that
4 I just gave?

5 A This is your example? It could be.

6 Q Okay. What I'm getting at is how that policy
7 or program is drafted to meet that concern, if it's a
8 serious one, how involved you would be with it. Okay?
9 You'd discuss it with Mr. George; correct?

10 A Yes.

11 Q Would you leave it up to him to outline the
12 program?

13 A It depends on what it would be. But, generally,
14 yes. He works for me. He's responsible for the project,
15 so he would --

16 Q And after the program was devised, he would show
17 it to you, and you'd give your approval?

18 A Yes.

19 Q And would you be the person who would give
20 final approval to that program?

21 A Again, Charles, it depends on what it is.

22 Q How many people might give approval to a
23 program that Mr. George devised?

24 A Well, myself first, obviously; possibly Mike
25 Spence. That's all I was getting at.

1 Q Now, sir, you're aware of the allegations of
2 intimidation and harassment at Comanche Peak; that's
3 correct?

4 A Yes.

5 Q When did you first become aware of these
6 allegations?

7 MR. BELTER: Which allegation are you speaking
8 of, counsel?

9 MR. SOSNICK: Any allegation of intimidation
10 and harassment. When was the first occasion that you
11 heard of it?

12 THE WITNESS: I don't recall.

13 BY MR. SOSNICK:

14 Q This year?

15 A No, before that.

16 Q Last year? 1983?

17 A Probably.

18 Q Could it have been 1982?

19 A It could be.

20 Q You can't tell me which year?

21 A No, I really can't, Charles.

22 Q Could it be prior to 1982?

23 A I don't think so.

24 Q Okay. Not prior to 1982, but --

25 A Recently. That's all I'm trying to say. I

1 don't recall it coming up in past years.

2 Q Do you recall how you heard -- the first time
3 you heard of an allegation of intimidation and harassment,
4 who did you hear it from?

5 A I don't recall.

6 Q What were the circumstances under which you
7 heard it?

8 A I don't even know of any specifics. I don't
9 know.

10 Q Did you get a memo?

11 A No.

12 Q Someone told you?

13 A Yes, probably.

14 Q Is there a subordinate under you who would
15 report up to you things that concerned the work force,
16 such as allegations of intimidation and harassment?

17 A I don't understand your question, Charles.

18 Q Do you have a subordinate -- Is there a
19 link -- someone who reports to you matters which would
20 concern the work force at Comanche Peak?

21 A Joe George.

22 Q Could it have been Joe George who informed you
23 of the allegations of intimidation and harassment?

24 A I don't think so.

25 Q Who might it be?

1 A I probably read something in the papers. I
2 don't recall. Or it might have come up in hearings. You
3 know, we've been in hearings for several years.

4 Q Sure.

5 A I don't know of any specifics.

6 Q As far as you understand it, sir, how would
7 these allegations of intimidation and harassment impact
8 on the licensing things that you deal with in your job?

9 A I don't really see any.

10 Q Could you outline for me what the Comanche
11 Peak program is to meet the various Nuclear Regulatory
12 Commission safety requirements at the plant.

13 A Would you mind asking me that again?

14 Q Okay.

15 Is there a program at Comanche Peak to meet
16 the regulations set down by the NRC --

17 A Yes, there is.

18 Q -- regarding safety?

19 A Yes, there is.

20 Q Could you describe it to me?

21 A I'd describe it as our commitments in the FSAR.

22 Q Okay. What is the FSAR?

23 A Final Safety Analysis Report.

24 Q How does that report system work?

25 A It's a regulatory requirement wherein we

1 describe how we're going to build and operate the plant.
2 It's many volumes.

3 Q Okay. Explain to me the mechanics. How do
4 you prepare the report?

5 A We have a group of people that assembles
6 the report. The mechanics of it?

7 Q Yes.

8 A I don't quite understand.

9 MR. BELTER: How do we bind it? How do we
10 xerox it?

11 THE WITNESS: Do you mean mail it or xerox
12 it? That's --

13 BY MR. SOSNICK:

14 Q How is the information compiled? Who does
15 that?

16 A Oh, it has been several years ago. We do it --
17 With our own people -- We use consultants, and we use
18 legal help, whatever. Our AE, our suppliers, Westinghouse's
19 major suppliers -- they're involved. All of those people
20 are involved in it.

21 Q A large staff? A large number of people,
22 rather?

23 A A large number of people, yes.

24 Q All right. By the way, approximately how many
25 people work at Comanche Peak?

1 A At the site itself?

2 Q At the site itself.

3 A About 4400.

4 Q And there are other support personnel in
5 Dallas; isn't that correct?

6 A Yes.

7 Q How many would you say are over in Dallas?

8 A In my organization there are probably 15, and
9 there are a number in Bill Clements' organization. I
10 really don't know what that number would be. I would say
11 no more than 50.

12 Q Okay. Let's go back to the allegations that
13 you said you heard -- the allegations of intimidation and
14 harassment.

15 Can you tell me, sir, how those are handled at
16 Comanche Peak?

17 A I don't really understand the question.

18 Q Is there a mechanism or is there a program at
19 Comanche Peak to deal with or to investigate allegations
20 of intimidation or harassment?

21 A Yes.

22 Q Can you describe that to me, please? What is
23 that program or policy?

24 A Well, I don't know if I can do a very adequate
25 job, but ...

1 Q Fine. Just as much as you know.

2 A If an allegation were to occur that said somebody
3 is being harassed or something, it would normally go to
4 the supervisory people involved in that area first, I
5 would assume.

6 It's very difficult to generalize without
7 specifics.

8 Q I just want to know what you know.

9 A Then we as management will assure -- drive
10 home to our people that we want them pursued; we want to
11 hear the full story; we want it closed out and see how
12 it was handled.

13 Q Now, you're aware, sir, that some of these
14 allegations of intimidation and harassment involve
15 quality control inspectors?

16 A Yes.

17 Q Why don't we refer to them as QC inspectors;
18 is that all right?

19 A That's fine.

20 Q Now, are you saying to me that a QC inspector
21 would report to his supervisor if he had some kind of a
22 concern that he was being -- I'm just using this for the
23 sake of an example -- intimidated or harassed?

24 A I would assume that's what he would do. That's
25 what he ought to do.

1 Q What would a supervisor do with that
2 information?

3 A It would depend on the information. He might
4 handle it right there on the spot between the inspector
5 and himself, or he may need some more help.

6 Q Now, if these things are reported up by the
7 QC inspector to his supervisor, would there ever be occasion
8 that you would be informed of these allegations?

9 A Generally not.

10 Q Have you ever been informed of a specific
11 allegation?

12 A Yes.

13 Q On what occasion?

14 A Well, I've read the thing about Dobie Hatley.
15 You know, some things get to be public documents, you might
16 say, that I come across or hear about in hearings.

17 But normally the paperwork stays in that
18 organization. I'm not privy to it.

19 Q What organization is that?

20 A Bill Clements' QA organization, where all the QC
21 people work.

22 Q Now, you mentioned a name, a specific allega-
23 tion. What name was that, sir?

24 A Dobie Hatley.

25 Q Any other names that you know of specifically?

1 A Specifically about --

2 Q I'm sorry. I didn't ask you a complete
3 question.

4 Are there any other specific names that you know
5 of which relate to allegations of intimidation and
6 harassment that you were made aware of?

7 A Yes.

8 Q What other names?

9 A Charles Atchison.

10 Q All right.

11 A Dunham. I've forgotten what his first name is.
12 Possibly the Stiners.

13 I can't think of any others.

14 Q How did you hear of the Stiners? Those are
15 two people, each with the name Stiner; is that --

16 A Yes.

17 I've been at hearings. I've heard them
18 testify.

19 Q That's how you heard of the Stiners? At a
20 hearing?

21 A Yes.

22 Q You did not hear of them in your official
23 capacity as Executive Vice-President?

24 A Except reading the paper or something like that.

25 Q In other words, it wasn't reported to your

1 office?

2 A No, it was not reported to my office.

3 Q You mentioned an individual named Dunham.

4 A Dunham.

5 Q Is that a male or a female person?

6 A It's a male.

7 Q How did you learn of Mr. Dunham's allegations
8 of intimidation and harassment?

9 A I don't recall.

10 Q Was it reported to you in your office?

11 A Yes. I saw -- It was an NRC document about
12 it. There was some labor action. It wasn't reported to
13 my office, but I was aware of it.

14 Q You saw a communication from the Nuclear
15 Regulatory Commission?

16 A I believe so.

17 Q Do you recall who that was addressed to?

18 A It was probably addressed to either Mike
19 Spence or Bob Gary.

20 Q You got a copy of that communication?

21 A No.

22 Q It would not appear in your files?

23 A No.

24 Q Dobie Hatley? How did you hear about that
25 allegation of intimidation or harassment?

1 A I don't recall that either.

2 Q Was that reported to you in your office?

3 A No.

4 Q You heard about it outside the work place?

5 A Oh, yes. Outside of my normal work place. I
6 may have seen it in the paper or heard it in a hearing.
7 I don't recall specifically.

8 Q You mentioned an individual named Atchison.

9 A Atchison.

10 Q Is that a male or a female?

11 A That's a male. Charles Atchison.

12 Q How did you hear of the allegations of
13 intimidation and harassment relating to Charles Atchison?

14 A I don't recall that either.

15 Q Was that reported to you in your office?

16 A No.

17 Q Did you see a communication from any source --
18 a written communication?

19 A I don't recall any.

20 Q Did you see any documents or letters from the
21 Nuclear Regulatory Commission?

22 A I'm sure I have.

23 Q -- regarding Charles Atchison?

24 A I'm sure I have.

25 Q On what occasion did you see those documents?

1 A I don't recall.

2 Q How many did you see?

3 A Again, I don't know.

4 Q Do you recall the substance of those communica-
5 tions?

6 A Not really except I know they related to labor
7 issues. He wanted to get his job back or something. It
8 had nothing to do with harassment. It just said --
9 He claimed he was terminated not to his liking. That's
10 what I recall first knowing.

11 Q Tell me, sir, since you're involved with
12 construction and licensing, how important is it to stick
13 to schedule in the construction of a plant, in terms of
14 money?

15 A It's very important.

16 Q What would -- Let's say for some reason all of
17 the roads are washed out and no one can report to work for
18 two days. What kind of monetary impact would that have?

19 A I can't tell you off the top of my head.

20 Q Do you have any idea?

21 A No, I really wouldn't want to guess at it,
22 Charles.

23 Q Do you have any idea how much -- what the
24 monetary impact is if, let's say, one individual is off
25 the job for a day for illness, for example?

1 A No.

2 Q Is it a substantial amount?

3 A You know, this -- I can't say. I don't
4 really know what the question is.

5 One person being absent for one day? It's
6 negligible.

7 Q All right. Let's say for some reason that
8 construction can't be -- that no one can work at the
9 plant for one day. There's a one-day delay in construction.
10 Would that be a negligible impact monetarily?

11 A It depends on the condition and when it
12 happened and so forth. Obviously, it would have some.
13 If it was a day-to-day delay in scheduling, sure.

14 Q But it's a fact that scheduling and staying on
15 schedule is an important thing, isn't it?

16 A In all plants, in everything we do it's
17 important.

18 Q How much is that stressed that the plant be
19 on schedule?

20 A As much as it needs to be.

21 Q Is it a great concern?

22 A In all of my affairs it is, regardless of
23 what plants or what process we're in, we need to maintain
24 our -- whatever we plan to do.

25 Q And do you issue directives, or do you send out

1 memorandums if you, for example, discover that something
2 has slowed down in some way?

3 A No, I don't.

4 Q Would you tell someone to do something about
5 it?

6 A If I needed to, yes.

7 Q Who would you tell?

8 A Joe George.

9 Q What would Mr. George do?

10 A He would act on whatever information we had.

11 Q Would he report to you how he dealt with it?

12 A Possibly.

13 Q Is it possible that Mr. George would report to
14 the supervisors at the plant -- the foreman?

15 A No. He would tell this to me.

16 Q Would he relay the message, let's say, if it had
17 to do with scheduling? Might he relay that to the foreman
18 on the plant?

19 A This is a hypothetical question. I really
20 can't -- I don't really know how to answer it.

21 Q In the work place itself, at the work site,
22 does the foreman have a great deal of control of
23 whether his particular work group is on schedule?

24 A I can't say that. I don't know. I don't work
25 with the foreman.

mgc 3-1

1 We do have objectives, if that is your
2 question. We have a game plan of what we are trying
3 to do, Charles.

4 Q Is staying on schedule a big part of that
5 game plan?

6 A It's a good part of it, yes.

7 Q Has Mr. Spence ever talked to you about
8 that part of the game plan?

9 A Sure.

10 Q How many times has he talked to you about
11 that?

12 A I don't know. I can't respond to that.

13 Q About the allegations of intimidation
14 and harassment, I am going to show you a document
15 from your superior, Mr. Spence, dated December 20,
16 1983. It is directed to all personnel assigned to
17 Comanche Peak Steam Electric Station. I will show
18 that now to you and all counsel.

19 (Document handed to witness.)

20 MR. SOSNICK: Let's just take a pause.

21 (Pause.)

22 MR. SOSNICK: I am going to have the court
23 reporter mark that for identification. It will be
24 marked as an exhibit to this deposition, Exhibit 38-8
25 with today's date.

mgc 3-2

(The document referred
to was marked Exhibit

38-8 for identification.)

BY MR. SOSNICK:

Q Mr. Fikar, this document that I have showed
you marked as Exhibit 38-8, have you ever seen that
before?

A Yes, I have.

Q And when did you first see that document?

A I would presume around this time, December
of '53.

Q And that is from your superior, Mr. Spence?

A Yes, it is.

Q Did you consider that an important document
when you saw it?

A I did.

Q Was it necessary for you to take any steps
to implement the spirit of that directive regarding
allegations of harassment and intimidation?

A No specific steps.

Q Now, then, Mr. Fikar, do you know of any
specific steps taken at Comanche Peak regarding this
directive dated December 20, 1983 from Mr. Spence?

A I lost your question again.

Q I'm sorry. I'll rephrase it.

mgc 3-3

1 This directive contains allegations of
2 intimidation and harassment; is that correct?

3 A That's right.

4 Q And this, the directive says, any acts
5 of intimidation or harassment would not be tolerated;
6 is that correct?

7 A That's correct.

8 Q It also mentions that some levels of disciplinary
9 action would be determined if such things came about?

10 A As appropriate, yes.

11 Q Now do you know if the program at Comanche
12 Peak deals with such allegations of intimidation and
13 harassment in following this directive? Were any
14 initiated?

15 A I don't know of any specific program.
16 That is the program in itself, as I read it.

17 Q Okay. Now, then, Mr. Fikar, did you
18 ever have occasion as part of your job responsibility
19 to report or include in reports allegations of intimidation
20 and harassment to the Nuclear Regulatory Commission?

21 A No.

22 Q Reports directed to them?

23 A No.

24 Q Do you submit reports to the Nuclear Regulatory
25 Commission?

mgc 3-4

1 A I don't, no.

2 Q The department or the various departments
3 that you are in charge of, do they submit reports
4 to the Nuclear Regulatory Commission?

5 A Yes.

6 Q Do they submit one or two reports or a
7 lot of reports?

8 A I'd say a lot. It depends on what you
9 call reports. There's a lot of communication back
10 and forth, let me say it that way.

11 Q Are there a lot of regulations to deal
12 with?

13 A Yes, there are quite a bit of regulations.

14 Q How many regulations?

15 A I can't say (laughing).

16 Q Do you know of a lot of these regulations?

17 A I know there are a lot of regulations,
18 yes.

19 Q Are they easy to deal with?

20 A Not always.

21 Q Let me show you another document, Mr.

22 Fikar, and let me just identify it before I show it

23 to you. It is an office memorandum from the Texas

24 Utilities Generating Company. It's dated December 16,

25 1983, and it's directed to attendees, and it's regarding

mgc 3-5

1 a 10:00 a.m. meeting, December 15, 1983, on investigating
2 allegations and concerns relating to Comanche Peak
3 SES.

4 Just so we're clear, what does SES mean,
5 sir?

6 A Steam Electric Station.

7 Q Okay. And as noted here under Subject
8 on this office memorandum, Comanche Peak SES is the
9 Comanche Peak nuclear power plant; is that correct?

10 A That's correct.

11 Q I will show this to you now and all counsel,
12 and I would like you to look at it.

13 (Document handed to witness.)

14 A Do you want me to read the whole document?

15 Q (Nodding.)

16 A I don't recall seeing this document.

17 MR. SOSNICK: Let's just go off for a
18 second.

19 MR. BELTER: Well, before we go off, if
20 you want to ask questions about it, since he has never
21 seen it before, I would request that we take a short
22 break now so he can review it.

23 MR. SOSNICK: Oh, that's fine. Absolutely.

24 (Brief recess.)
25

m9c 3-6

BY MR. SOSNICK:

Q Mr. Fikar, I am going to show you another document at this time, and I am just going to ask you if you have ever seen it before. It says it's from the Texas Utilities Company. It's dated October 4, 1983. It's signed by J.S. Farrington, and it's addressed to Mr. D.L. Andrews, Corporate Security, Texas Utilities Service, Inc.

I will present that to you now, and tell me if you have seen it before.

(Document handed to witness.)

A I marked a copy, and I think I am familiar with it, yes.

Q All right. I have in my hand another document from the Texas Utilities Generating Company. It is an office memorandum, and it is directed to Distribution from the Dalls office. It is dated April 11, 1984, and under the Subject line, it says "Quality Assurance Allegations/Concerns."

I will hand that to you now, and would you please tell me if you have seen this document before?

(Document handed to witness.)

A I have not seen the document or these attachments, that I recall.

mac 3-7

1 Q All right.

2 MR. SOSNICK: Let's go off.

3 MR. BELTER: Before we go off, just to
4 clear one thing up, you want us to review them while
5 we are off the record.

6 I do note that the first document that
7 you identified that he looked at, Charlie, you used
8 the reference to the first page of that document.

9 MR. SOSNICK: Yes.

10 MR. BELTER: The package you have given
11 us has seven pages, and they appear to consist of
12 about seven different memoranda, separately dated.
13 In looking at it, the back six pages don't appear
14 to be attachments to the top page.

15 MR. SOSNICK: All right.

16 MR. BELTER: It's just one package of
17 seven different items. We'll look at those off the
18 record.

19 MR. SOSNICK: And we'll list all of those
20 separately when and if we refer to them, so there
21 will be no confusion.

22 Let's go off, so everyone can look at
23 these.

24 (Discussion off the record.)

25

mgc 3-8

1 MR. SOSNICK: Let's go back on the
2 record.

3 BY MR. SOSNICK:

4 Q Now, Mr. Fikar, the first packet of materials
5 that I showed you and identified is the TUGCO office
6 memorandum dated December 16, 1983, addressed to attendees,
7 and the subject was a 10:00 a.m. meeting on investigating
8 allegation and concerns regarding Comanche Peak SES.
9 There are several other documents attached in this
10 packet, and briefly I'll just list them so we'll know
11 what we are referring to, and we will have the packet
12 marked for identification.

13 The second memo is also from TUGCO. It's
14 directed to Distribution. It's dated January 3, 1984,
15 and the subject is Policy for Investigating QA/QC
16 allegations.

17 MR. BELTER: Why don't you just indicate
18 that it's from D.N. Chapman.

19 MR. SOSNICK: All right. And it's from
20 D.N. Chapman.

21 The third memo here is from TUGCO. It's
22 an office memorandum directed to Distribution. It's
23 dated November 16, 1983. The Subject is QA/QC Questionnaires
24 for Personnel Leaving QA Department. This is also
25 from D.N. Chapman.

OTTON CONTENT

mgc 3-9

1 The fourth memorandum is from TUGCO. It's
2 directed to Archie Tolson. It's dated November 16,
3 1983. The Subject is Routing of QA/QC Questionnaires.

4 THE WITNESS: Let me just correct something.
5 You're saying it's a memo from TUGCO. It's really
6 a memo on TUGCO stationery from Chapman to Tolson.

7 MR. SOSNICK: Oh, fine. All right.

8 THE WITNESS: I think that's more accurate.

9 MR. SOSNICK: That's fine. Let's just
10 go back --

11 MR. BELTER: That's the case with respect --

12 THE WITNESS: They've all been that way.

13 MR. SOSNICK: All right. That's the way
14 they all are.

15 THE WITNESS: Except the first one, you
16 never did say who it was from.

17 MR. SOSNICK: The first one is from J.C.
18 Walker, Quality Engineering.

19 The one I just described to Mr. Tolson
20 is from Mr. Chapman.

21 The fifth memorandum is also from Mr.
22 Chapman. It's directed to Archie Tolson. It's dated
23 November 17, 1983, and the Subject is Continuation
24 of the QA/QC Questionnaire Program.

25 The sixth memorandum is also from

WALKER TALK

mgc 3-10

1 D.N. Chapman. It's to Archie Tolson. It's dated
2 November 8, 1983, Assignment of Boyce Grier.

3 The seventh and final memorandum in this
4 package is from Archie Tolson. It's also on the TUGCO
5 office memorandum stationery. It's to All CPSES QA/QC
6 Personnel, dated December 14, 1983. The Subject is
7 Availability of Mr. Boyce Grier.

8 I am going to have these marked for identifica-
9 tion purposes as an exhibit to this deposition. I
10 will have the court reporter mark these 38-9 with
11 today's date of 11 July.

12 (The documents referred
13 to were marked Exhibit
14 38-9 for identification.)

15 BY MR. SOSNICK:

16 Q Now, Mr. Fikar, prior to your appearance here
17 today at this deposition, have you ever seen any of
18 the memoranda I just described to you and which are
19 marked in a packet as Exhibit 38-9?

20 A No.

21 Q Let's just clarify something. The last
22 memorandum of this packet, from Mr. Tolson on the
23 TUGCO office memorandum stationery says it is directed
24 to, quote, "All CPSES QA/QC Personnel," end quote.

25 Could you tell us what the initials mean

mgc 3-11

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on that?

A CPSES means Comanche Peak Steam Electric Station.

Q And the QA/QC, what does that mean, sir?

A Quality Assurance/Quality Control.

Q Thank you. If we happen to refer to any of those by the initials, we won't be confused, will we?

A No.

Q Now, sir, when you reviewed this -- well, just look at the first memorandum, and would you tell me what subject this concerns?

MR. BELTER: The memorandum speaks for itself, Counsel. I object to that question.

BY MR. SOSNICK:

Q Just your understanding.

A I agree with me -- with Len. I never have seen the memo before. I can just read what's on it.

MR. BELTER: Do you want him to read everything on it into the record and says that's what it's addressing?

MR. SOSNICK: He's reviewed it, and I would just like his understanding as to the general nature of the memorandum. That's all.

mgc 3-12

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BY MR. SOSNICK:

Q Just your understanding, sir.

A Well, I can read what it says.

MR. BELTER: Read what it says into the
record.THE WITNESS: It says, "Allegations and
Concerns Relating to Comanche Peak SES."

BY MR. SOSNICK:

Q Now, sir, I would like you to look at the first
paragraph of this first memorandum, No. 1. You see
that it indicates a reference to, and I will point
it out to you, sir, hot line calls?

A Yes.

Q Can you tell me what hotline calls are?

A They are direct calls to Dave Andrews,
our Corporate Security Officer.Q Who would make such direct calls to Mr.
Andrews?

A Anyone.

Q And why would they call Mr. Andrews on
a, quote, hotline, end quote?A It's just a direct line to Mr. Andrews
for whatever reason they have. It's open to anyone.Q Under what circumstances would someone
use this special hotline?

mgc 3-13

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A If they wanted to get their concerns to Mr. David Andrews at Corporate Security, that would be a way to get to him.

Q Okay. And what concerns would those be?

A I have no idea

MR. SOSNICK: Okay. Let's just go off one second.

(Discussion off the record.)

End 3

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Q Mr. Fikar, the second memorandum packet which we have described already from D. N. Chapman dated January 3, 1984. Let me just read into the record what the subject is of this memorandum.

A Policy for investigating QA/QC allegations.

Q Now, sir, so we are clear, prior to today's hearings at this deposition you had never seen this particular memorandum?

A That's correct.

Q Do you have any involvement in any policy for investigating QA/QC allegations as noted as the subject of this memorandum?

A No.

Q Mr. Fikar, I will show you the next three memoranda which you reviewed, and for clarity's sake I will just go through the dates. The first one of the next three is November 16, 1983; the next one is also dated November 16, 1983; and the next one is dated November 17, 1983, and the subject of these memoranda appears to be QA/QC questionnaires. Do you agree with that?

A Yes.

Q Mr. Fikar, do you know what a QA/QC questionnaire is?

1 A I've seen a copy of it here somewhere.
2 Isn't that attached?

3 Q Prior to today's appearance at your
4 deposition, had you heard the term QA/QC
5 questionnaire ever used?

6 A I had heard of it, yes.

7 Q Who did you hear it from?

8 A Probably from Bill Clements.

9 Q Did you receive any written communications
10 about QA/QC questionnaires?

11 A No.

12 Q Do you know what QA/QC questionnaires
13 are used for?

14 A Yes.

15 Q What are they used for, sir?

16 A In reading that, it is to have exit
17 interviews with QA/QC employees, to enable them to
18 express any concerns they might have as they leave
19 the site.

20 Q Are you aware of any concerns employees
21 have when they leave the site from your personal
22 knowledge?

23 A I haven't seen any. QC/QA is a separate
24 organization from mine, so I wouldn't be in that cycle
25 at all.

1 Q We only have two memoranda left in this
2 packet and the one I am referring to now is dated
3 November 8, 1983 from D. N. Chapman. The subject is
4 assignment of Boyce Grier. Do you see that appearing
5 on the memorandum?

6 A Yes, I do.

7 Q Could you tell us who Mr. Boyce Grier is?
8 Do you know?

9 A Yes, I know Boyce. He works there at the
10 plant.

11 Q What is Mr. Grier's job at the plant?

12 A He is -- he works in the QC area, QA/QC
13 area, and I would describe it as sort of an ombudsman,
14 where people can come and tell him if they have any
15 problems or concerns.

16 Q What kind of problems or concerns would
17 someone tell Mr. Grier about?

18 A Well, normally it would relate to the QA/QC
19 area.

20 Q It would be technical matters dealing with
21 QA/QC?

22 A I don't know how to answer that, Charles.

23 Q Well, as far as you understand it, what kind
24 of information would Mr. Grier receive from those who
25 had talked to him as you described?

jon4

1 A I don't know.

2 Q What areas would they speak to him about,
3 that you know of?

4 A I would imagine they would speak about the
5 areas, if they have had one of these exit interviews
6 that they have listed on there.

7 Q The various concerns you mentioned?

8 A I don't remember the various concerns I have
9 mentioned.

10 Q You mentioned concerns.

11 A Concerns.

12 Q Okay. Now, what kind of concerns would be
13 mentioned to Mr. Grier? That is what I am getting at.

14 A Well, I assume they relate to QA/QC
15 and so forth.

16 Q What kind of concerns would QA/QC have?

17 A QA/QC -- I don't understand your question.

18 Q I want to understand what your answer meant.
19 You said QA/QC concerns. Now, what might those concerns
20 be?

21 A Well, I don't know. You see, this is a
22 QC organizational document. And I'm not in that
23 organization.

24 Q Okay. Now, the final document in this
25 packet dated December 14, 1983 from Archie Tolson, the

1 subject is availability of Mr. Boyce Grier. Do you see
2 that appearing on the document?

3 A Yes.

4 Q Do you know Mr. Tolson, sir?

5 A Yes.

6 Q Who is Mr. Tolson?

7 A Ron Tolson?

8 Q Yes, sir. Who is that?

9 A He is an employee at the plant.

10 Q What is his job?

11 A His job is -- his exact job title I don't
12 know it. I'm sorry.

13 Q I think it appears on the memoradnum. Would
14 you like to just look at that?

15 A Yes, at that time his job title was
16 apparently TUGCO site QA supervisor.

17 Q And that would be December 14, 1983.

18 A Yes.

19 Q Has his job changed since then, sir?

20 A Yes.

21 Q And what is it now?

22 A That's the one I don't know the title of.

23 Q Okay. Was Mr. Tolson promoted?

24 A Yes.

25 Q Since December --

jon6

1 A Well, he was transferred and had a
2 different job, you know. He is working in a
3 different area now.

4 Q Is Mr. Tolson in a position of greater
5 authority than he was at this time, December 14, 1983?

6 A At least that level, let me say that.

7 Q At least what level?

8 A The level he had there on December 1983.

9 Q Do you have many dealings with Mr. Tolson?

10 A Yes.

11 Q What is Mr. Tolson in charge of?

12 A Mr. Tolson is working in a licensing group
13 area relating to hearings and the licensing process
14 right now.

15 Q So then you would have substantial dealings
16 with him since you are involved in licensing?

17 A Oh, yes. We work very closely together.

18 Q Now, it would appear that Mr. Tolson is
19 somehow involved with Mr. Grier, the ombudsman that
20 you described.

21 A He was.

22 Q He was?

23 A Yes.

24 Q All right.

25 A I presume that's so. Yes.

1 Q And at this time, December 14, 1983, were
2 you also involved with the licensing of Comanche Peak?

3 A Oh, yes.

4 Q Mr. Fikar, I have in my hands a document
5 dated October 4, 1983. It is signed by J. S. Farrington.
6 You reviewed this during the break; is that correct, sir?

7 A Yes, I did.

8 Q All right. And I am just going to have
9 the court reporter mark this for identification as
10 an exhibit to this deposition, Exhibit 38-10.
11 Dated 11 July.

12 XXXX

(The document referred to was
13 marked Exhibit 38-10 for
14 identification.)

15 BY MR. SOSNICK:

16 Q You have reviewed this document during the
17 break; is that correct?

18 A Yes.

19 Q In fact, Mr. Fikar, you have seen the document
20 before today, before this deposition, haven't you?

21 A Yes, I have.

22 Q And I note here this is a two-page document;
23 on the second page there appears Mr. Farrington's
24 signature and beneath that you are copied directly
25 with a copy; is that right?

1 A That's correct.

2 Q It says L. F. Fikar. That is you, sir;
3 is that correct?

4 A That's correct.

5 Q Now, Mr. Fikar, when did you receive this
6 document?

7 A I presume I saw it the same day it is dated;
8 October 1983.

9 Q All right. And tell us, at this time,
10 October 4, 1983 who was J. S. Farrington, who signed
11 this letter?

12 A In October of 1983 -- we have reorganized
13 since then. I'm trying to think back what Jerry's
14 job was at that time. He is currently president of
15 Texas Utilities. At -- back in October of 1983 I
16 believe his job was, among others, chairman of Texas
17 Utilities Services, where I worked.

18 Q All right.

19 A You can get that elsewhere more precisely.

20 Q I apologize for the clarity of the copy.
21 Mr. Farrington's name does appear on the letterhead
22 and it looks like there is some notation there. What
23 might that say? Under his name?

24 A This?

25 Q Yes.

jon9

1 A I believe that will say president. I
2 think that is what I have just said.

3 He was president of Texas Utilities
4 Company at that time.

5 Q All right. Now, at that time was
6 Mr. Farrington involved in any way with the licensing
7 of Comanche Peak?

8 A Well, he is the chief executive of the
9 company, so he would be.

10 Q All right. And did you --

11 A We all report to him.

12 Q And you report to him, too?

13 A Well, through Mike Spence. We all work fr
14 Jerry.

15 Q And licensing matters that you deal with
16 and that you reported to Mr. Spence, those possibly
17 were also reported to Mr. Farrington; is that
18 correct?

19 A Possibly.

20 Q Now the subject of tis letter appears to
21 appear -- oh, that's bad. Pardon me.

22 It appears before the text of the letter and
23 in capital letters it says "HOT LINE PROGRAM." Do you
24 see that on the document?

25 A YES, I do.

1 Q Can you describe to me what the Hot Line
2 Program is based on your review of this letter which
3 you received on October 4, 1983?

4 A Do you want me to read what is in the letter
5 or -- I don't understand what you are asking me.

6 Q Did you receive this letter on October 4,
7 1983?

8 A I'm sure I did.

9 Q You reviewed it today during the break?

10 A Yes, I did.

11 Q You recognized that you had received it?

12 A Yes.

13 Q Does this letter describe the Hot Line
14 Program?

15 A Yes, it does.

16 Q What was the purpose of this letter; do you
17 know?

18 A Well, I think it is stated on there.
19 It was to enable people to convey any concerns they
20 have to corporate top management.

21 Q Have you ever used the hot line program?

22 A No, I have not.

23 Q Do you know of any individuals who have
24 used it?

25 A I don't know of any at all.

1 Q Do you know if the hot line program in fact
2 is used at all?

3 A Yes, I do.

4 Q How do you know that?

5 A I've asked Dave Andrews.

6 Q All right. And what did Mr. Andrews tell you?
7 Is it used a lot?

8 A I don't know if I asked him that question.
9 I know it is being used. But I don't know how many;
10 I don't know who they are; I don't see the report.

11 Q All right. In other words you have never
12 received an oral or written evaluation of the hot line
13 program?

14 A No, I have not.

15 Q Have you received at any time any personal
16 opinion from any individual associated with Comanche
17 Peak about the hot line program?

18 A No, I haven't.

19 Q It is not discussed too much?

20 A By who?

21 Q By you?

22 A No, not very much.

23 Q Is it discussed by the people you deal with
24 every day?

25 A No. We know it is a program that is in

1 place.

2 Q Okay.

3 A And we advertise it: there are signs all
4 over the plant.

5 Q But in your regular job functions it is not
6 something that is discussed often, is it?

7 A Unless it happened to concern one of my
8 employees it would not ordinarily be.

9 Q Has it ever concerned one of your employees?

10 A No.

11 Q So it hasn't been discussed with regards to
12 your job?

13 A Well, it hasn't been discussed in that
14 context.

15 Q All right. What context was it discussed?

16 A WELL, I am aware of the program. We are
17 supportive of the program. We want to make sure that
18 everybody knows about the program. So in that context
19 we obviously discussed it.

20 Q You know of the program's advertisement.

21 A Yes.

22 Q Mr. Fikar, I will show you another memorandum
23 which you reviewed during the break. It is dated
24 April 11, 1984. Do you recognize that memorandum?

25 A This is one of the ones I looked at a while

1 ago?

2 Q Yes.

3 A Okay.

4 Q From Mr. Chapman, in fact?

5 A Yes.

6 Q And there is an attachment to it?

7 A Yes.

8 Q And what are those attachments; why don't
9 you identify this?

10 A It says questionnaire for persons leaving
11 QA/QC.

12 Q Now, I am going to have this marked. This
13 packet will identify the various attachments to it
14 and we will have it marked by Madam Court Reporter as
15 Exhibit 38-11, dated 11 July.

16 (The document referred to was
17 marked Exhibit Number 38-11
18 for identification.)

19
20 BY MR. SOSNICK:

21 Q Mr. Fikar, for the record, prior to
22 today's appearance at this deposition had you ever see
23 this memorandum dated April 11, 1984, subject: quality
24 assurance allegations/concerns?

25 A No, I have not.

XXXXXXXX

1 Q Now, on the second page of this memorandum,
2 Mr. Fikar, below Mr. Chapman's signature there is an
3 indication as to everyone this letter was copied to.
4 Can you see that?

5 A Yes, I can.

6 Q The first person on this list is E. L.
7 Andrews. Are you acquainted with Mr. Andrews?

8 A Yes, I am.

9 Q In fact, do you know what his position is?

10 A He is director of corporate security.

11 Q Do you have any dealings with Mr. Andrews?

12 A Not very many, but I do have some.

13 Q What kind of dealings would you have with
14 Mr. Andrews?

15 A Well, in his work as corporate security
16 officer, he might occasionally get with me about an
17 employee or in his routine business.

18 Q What kind of security matters would be
19 consult with you about regarding his employ?

20 A Whatever the happening is. Drugs,
21 misbehavior -- I can't characterize it.

22 Q Does he report to you often about drugs?

23 A No.

24 Q About misbehavior in the plant, does he
25 report to you about that often?

1 A No.

2 Q Do you recall any instance when he reported
3 misbehavior to you in the plant?

4 A Misbehavior, no.

5 Q So you discussed these things that you
6 just mentioned?

7 A Oh, yes. Well, I -- maybe I better ask that
8 question again.

9 Which things?

10 I know we have talked about drugs. Now,
11 whether you characterize that as misbehavior or not,
12 I am a little confused. That is all I am saying.
13 I wasn't trying to dodge your question.

14 He works the whole system. You see, it might
15 be one of my employees in the Dallas office that has
16 got nothing to do with Comanche Peak or one of the other
17 power plants. Dave is a corporate officer. And
18 occasionally I will ask him to investigate something.
19 That's really what I was a little confused about.

20 Q Is it true, then, Mr. Andrews, that you
21 might ask Mr. Andrews to investigate a particular
22 employee in his capacity as corporate security?

23 A Oh, yes.

24 Q Now, on what occasion would you request
25 Mr. Andrews to do an investigation of an employee?

jon16

1 A It depends on the circumstances, Charlie.

2 Q Can I have one circumstance where you have
3 so requested him to do that?

4 A I can't recall a specific instance where I
5 asked him to do that. I don't , off the top of my head.

6 Q Have you ever requested him to do that?

7 A I don't know if I have ever done that.

8 Q If you had requested Mr. Andrews to do that
9 would there be a written record of that request?

10 A On his part, I am sure he keeps records.
11 I wouldn't kee a record of it.

12 I He would record that request in any file he
13 might keep?

14 A I would presume so.

15 Q Would he record the investigation in a
16 file that he might keep?

17 A I would assume so.

18 Q Would you hae those in your files?

19 A No, I wouldnot.

20 Q How would he report to you; would he send
21 you the file and have you read it?

22 A He might not report to me at all.

23 Q For the record, sir, you cannot recall at
24 this time that you have ever requested Mr. Andrews to
25 investigate an employee at Comanche Peak?

1 A That's correct.

2 Q Now, the next name on the copy list to this
3 memo is Mr. Grier, and we have talked about him before;
4 is that correct?

5 A That's correct.

6 Q And you have had some dealings with
7 Mr. Grier at the plant?

8 A Occasionally.

9 Q The next person on the list is A. Vega.
10 Do you know who a person named A. Vega is?

11 A Yes, I do.

12 Q And who is this person?

13 A He is the site QA manager.

14 Q Do you have substantial dealings with
15 Mr. Vega?

16 A I see him quite often. We work very
17 near each other in the plant.

18 Q Is there any overlap between his job and
19 yours?

20 A No. He works for Mr. Clements' organization.
21 He is not in my organization in any way at all.

22 Q Did you ever receive any communications from
23 Mr. Vega?

24 A I am sure I do.

25 Q Are you aware of any programs that Mr. Vega

1 might be working on at any particular time at
2 Comanche Peak?

3 A I probably would be, yes.

4 Q What programs are you aware of?

5 A Well, I know he is working very hard on
6 working directly with his inspectors trying to let
7 them express their concerns. He meets with them a
8 lot. That's a program? I'm a little confused.

9 Q Just what you know of, sir.

10 A I am aware of what he does.

11 Q All right.

12 A Yes, sir.

13 Q And if he talks to his inspectors, would
14 you receive any kind of report on that?

15 A No, no.

16 Q The next name is D. E. Diviny. Are you
17 acquainted with that person?

18 A Yes, I am.

19 Q Who is that person?

20 A He is the QA supervisor over in the
21 operations side. I believe he works for
22 Mr. Kirkendahl's area somewhere.

23 Q Do you have any dealings with Mr Diviny?

24 A No, I do not.

25 Q Did you ever have any discussions with

1 Mr. Diviny?

2 A Yes.

3 Q And what would you discuss with Mr. Diviny?

4 A I have no idea. It has been -- I have
5 known him for many years, but I don't have any direct
6 dealings with him. He has been at the site as long as
7 I have.

8 Q Nothing job related, then?

9 A Nothing.

10 Q The next name is C. H. Welsh. Do you know
11 a C. H. Welsh?

12 A I have seen the name, but I don't know if
13 I could recognize him.

14 Q Do you have any substantial job dealings
15 with Mr. Welsh?

16 A Obviously not.

17 Q The next name is L. M. Bielfeldt.

18 A Yes.

19 Q Do you know this person?

20 A Yes, I do.

21 Q And do you have any substantial job
22 dealings with Mr. Bielfeldt or Ms. Bielfeldt?

23 A Miss Bielfeldt. Lisa.

24 Q Lisa Bielfeldt.

25 A No, I don't have substantial job dealings

1 with her. She works in the quality engineering
2 group. Sh works through Dave Chapman and
3 Mr. Clements. But she is at the site.

4 Q The next name is J.D. Hicks. Do you
5 know a J. D. Hicks?

6 A Yes, I do.

7 Q And what is this person's job?

8 A He is the QC supervisor under Mr. Vega
9 responsible for non-ASME quality control work.

10 Q Do you have any substantial dealings with
11 Mr. Hicks?

12 A Not very much.

13 Q You have some dealings with Mr. Hicks?

14 A Oh, yes.

15 Q They are job related?

16 A Yes, sir.

17 Q What would they concern?

18 A Well, we would be in meetings togeher
19 occasionally.

20 Q What would the topic of the meetings be?

21 A It depends on the situation, but since he
22 is responsible for QC in the non-ASME area, it would
23 relate to that. It could relate to whatever.

24 Q He is a QC supervisor?

25 A Yes, he is.

1 Q Would he be involved in any way in
2 personnel matters involving the QC inspectors?

3 A I am sure he would. They work for him.

4 Q Would he ever report to you about those
5 personnel matters?

6 A No.

7 Q The next name is D. L. Anderson. Do you
8 recognize that name?

9 A No. I recognize the name but I can't pin
10 a face to it.

11 Q You do not know this person?

12 A I really don't.

13 Q Do you know what this person's job is?

14 A I have no idea. Apparently works in Dallas.

15 Q In fact it says Dallas QA.

16 A I don't know him.

17 Q The next name is also indicated as Dallas QA.
18 It is A. H. Boren. Do you know this individual?

19 A Yes, I do.

20 Q Who is this person?

21 A He is -- works in the Dallas QA and he
22 works on vendor compliance, I think, generally.

23 Q Vendor compliance would deal with
24 inspection of certain materials used in the plant; is
25 that correct?

1 A That's right. That's the main area he
2 works in.

3 Q Now it appears that all of these people are
4 involved with the subject of the memorandum,
5 quality assurance allegations/concerns?

6 A That's the title of it, yes.

7 Q Attached to this memorandum is a
8 questionnaire. Had you ever seen this questionnaire
9 prior to your appearance here today?

10 A No, I haven't.

11 Q Do you know of any individuals who have
12 filled out a questionnaire such as this?

13 A No, I don't.

14 Q Were you aware of the questionnaire
15 program prior to today?

16 A Yes, I knew they had a questionnaire
17 program but I had never been involved in it.

18 Q How did you become aware of the
19 questionnaire program?

20 A In meetings or discussions or somewhere
21 relating to the hot line -- somewhere I was aware of
22 it, but I never have seen one.

23 Q Now, the next memorandum attached to this
24 packet is marked Exhibit 38-11.

25 A Yes.

jon

1 Q It does not appear to be dated; is that
2 correct?

3 A It is just a form, it loks like.

4 Q A form, directed to distribution.

5 A Yes, sir.

6 Q Request for assistance in resolving quality
7 assurance allegations; do you see that?

8 A Yes, I do.

9 Q Have you ever seen this form prior to
10 today, sir?

11 A Yes, I have seen that one.

12 Q All right. Now tell me under what
13 circumstances you have seen this form?

14 A I think -- I'm trying to recall. I have
15 seen it. It might be related to the Dobie-Hadley
16 thing. I have seen it somewhere.

17 Q Well, tell me about that. How would you
18 see it in relation to Dobie-Hadley?

19 A Well, Dobie Hadley worked in construction.
20 And that is my side of the business. So somewhere in
21 that process I recall seeing that document, but I
22 don't know the contents.

23 I remember Boyce interviewed her. When
24 she was terminated. See, construction, I would be
25 involved in to some extent. But that is all I can

1 recall.

2 Q In fact, sir, this form relates to who
3 allegation was made by; is that correct?

4 A That's what it says.

5 Q And so you might have reviewed a form like
6 this regarding an allegation made by Dobie Hadley?

7 A Yes.

8 Q When did you review that?

9 A Recent months; I don't recall.

10 Q Have you ever met Dobie Hadley?

11 A I have seen her. I have never met her
12 personally.

13 Q Are you aware of any allegations she has
14 made?

15 A I have read a bunch of them.

16 Q What are they?

17 A Oh, I can't recall right now.

18 Q Tell me one.

19 A She was alleging inefficient construction
20 practices, among others. There were a bunch of them.

21 Q Any others?

22 A I'm trying to think.

23 She made an allegation about drug use, as I
24 recall.

25 Q Tell me about the drug use, sir.

1 MR. BELTER: Objection.

2 BY MR. SOSNICK:

3 Q Tell me about the allegations of drug use
4 that you were made aware of by Dobie Hadley?

5 A Well, Dobie Hadley, in her -- now, what
6 did she do? She had a meeting with NRC folks. And I
7 have seen a copy of it. It was filed with the Board.
8 That's how I became aware of it. She listed a whole
9 bunch of things. The thing is about half an inch thick.

10 Q Okay. So we have construction matters and
11 something related to drugs?

12 A Yes.

13 Q Anything else?

14 A Without reviewing the document nothing pops
15 into my head.

16 Q All right. Now, with regard to Ms. Hadley's
17 concerns regarding construction matters, why were those
18 brought to your attention?

19 A I've seen Board filings. I'm in that
20 process.

21 Q Are you aware of any allegations Ms. Hadley
22 made regarding intimidation or harassment on the job?

23 A I am not personally aware of any.

24 Q Have you heard of any that she has made?

25 A I've heard that she is making some.

jon

1 Q And were those brought to your attention with
2 the other allgations that you have mentioned?

3 A What other allegations?

4 Q Construction matters and the drug matters;
5 those two.

6 A IF it was in those documents, yes, I would
7 have seen it.

8 Q Let's go back to the Hot Line Program.

9 Can I ask you, sir, why you were copied
10 with a letter regarding the Hot Line Program?

11 In fact, I showed you that letter. I will
12 just refer to it again. YOU may refer to it if you
13 wish. It is Exhibit 38-10.

14 Why were you sent a copy of this letter, sir,
15 as far as you know?

16 A This went to anybody had any involvement at
17 all with Comanche Peak. It went to all the people
18 involved. And it relates to all of them.

19 Q That was sent to everyone at Comanche Peak?

20 A It was intended to, to all these people.
21 All these people have some connection with Comanche
22 Peak.

23 Q And as far as you know, sir, when was this
24 program implemented, the Hot Line Program?

25 A I presume it was about that date. I

1 remember it was last fall sometime.

2 Q Prior to this time was there a Hot Line
3 Program?

4 A No, we didn't have a Hot Line Program.

5 Q Are you aware of any specific incident
6 or occurrence which prompted the implementation of
7 the Hot Line Program?

8 A No, not any specific incidents.

9 Q So as far as you know it just kind of --
10 someone's idea and they did it at this particular time?

11 A I guess that's correct.

12 Q Mr. Fikar, are you aware of any
13 communications from Darryl G. Eisenhut of the
14 Nuclear Regulatory Commission directed to
15 Mr. Spence during April of this year?

16 A I am sure there were some. I just don't
17 know any specifics.

18 Q Do you recall a letter from Mr. Eisenhut
19 which listed some various allegations in regard to
20 Comanche Peak?

21 A WERE there 24 of them?

22 Q That's right.

23 A Yes, I remember that.

24 Q You have seen that letter, haven't you?

25 A Yes.

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Q And is it a fact, sir, that some of these allegations concern matters which would come under your jurisdiction?

A I don't recall the allegations specifically but I think so. Without looking at them again.

MR. SOSNICK: Let's go off the record for a minute.

MR. BELTER: Before we go off, if you want to get into the details of any of this, Charlie, I am going to ask to look at the letter.

MR. SOSNICK: Oh, of course. It might not be necessary to get into it, the minutea.

(Discussion off the record.)

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1 MR. SOSNICK: Back on the record.

2 BY MR. SOSNICK:

3 Q Mr. Fikar, I have in front of me a copy
4 of the certain letter that we referred to and you
5 recognized containing 24 allegations. The letter's
6 from Mr. Eisenhut directed to Mr. Spence, and I'd
7 just like to show that to you now for your review.

8 Have you ever seen this document before,
9 sir?

10 A Yes.

11 Q And you've seen the attached allegations?

12 A Yes.

13 MR. BELTER: Am I correct, Counselor,
14 that the document you are showing him now, you've
15 removed the answers from?

16 MR. SOSNICK: Yes. He's only got the
17 letter.

18 MR. BELTER: He only has the letter?

19 MR. SOSNICK: Uh-huh.

20 BY MR. SOSNICK:

21 Q Yes. And you have seen that?

22 A Yes.

23 Q Now then, sir, did any of those allegations
24 concern matters under your jurisdiction as you recall?

25 A Yes. As I'm reading -- I can do that, can't

1 I?

2 Q Sure, of course. Go ahead.

3 A Yes.

4 Q In fact, sir, would you like a moment to
5 read those?

6 A It depends upon what we're going to do.

7 MR. SOSNICK: Why don't we just go off a
8 second. You may look at the document.

9 (Witness perusing document.)

10 BY SOSNICK:

11 Q Mr. Fikar, you've reviewed that certain
12 letter we've mentioned from Mr. Eisenhut?

13 A Yes.

14 Q Prior to today's appearance at this depo-
15 sition, you had seen this letter before with the
16 attached allegations?

17 A Yes.

18 Q At this time, sir, I have in my hand
19 another letter from Mr. Eisenhut addressed to Mr.
20 Spence. I'd like you to look at it.

21 Prior to your appearance here today, had
22 you ever seen that letter?

23 A I believe I have.

24 Q And is it a fact, sir, that it relates
25 to the other letter --

1 A Yes.

2 Q -- we have here from Mr. Eisenhut?

3 A Yes.

4 Q Would you care for a moment to review it?

5 A I know what it is.

6 MR. SOSNICK: Let's have these marked
7 for identification as exhibits to this deposition.
8 The letter of April 24th from Mr. Eisenhut to Mr.
9 Spence will be marked Exhibit 38-12 dated 11 July,
10 and then the second letter that you've just looked
11 at, also another letter from Mr. Eisenhut to Mr.
12 Spence. The date of the letter is May 1, 1984, and
13 we'll mark that for identification as Exhibit 38-13,
14 dated July 11.

15 (The documents referred
16 to were marked for identi-
17 fication as Exhibits 38-12
18 and 38-13, respectively.)

19 BY MR. SOSNICK:

20 Q Now, sir, you have seen these prior to
21 today's deposition, haven't you, these two letters?

22 A Yes, I have.

23 Q Let's talk about the first letter that I
24 showed you, and it's marked as Exhibit 38-12. It
25 contains some allegations regarding Comanche Peak,

1 does it not?

2 A That's correct.

3 Q And do some of these allegations deal with
4 matters in your jurisdiction?

5 A Yes, they do.

6 Q What areas do they deal with, those
7 allegations, generally, sir?

8 A Engineering and construction.

9 Q And would these matters impact on the
10 licensing which you are also involved with?

11 A I don't quite know what that question is.

12 Q These allegations regarding engineering and
13 construction, do they in any way or -- strike that.

14 Do engineering and construction matters in
15 any way deal with licens ng? Do they have any effect?

16 A Yes. I don't quite get the connection.

17 Q There are various regulations for the
18 Nuclear Regulatory Commission required in construc-
19 tion, aren't there?

20 A Oh, yes.

21 Q And likewise engineering?

22 A Yes.

23 Q And those regulations have to be met in
24 order to get a license, right?

25 A Absolutely.

1 Q Are there many regulations?

2 A Very many.

3 Q A lot to deal with, huh?

4 A Qu'te a few.

5 Q Yeah.

6 Now, this letter requests a response to
7 those allegations, does it not?

8 A It does. No, it doesn't. I don't believe
9 the first letter does. I think the second one does,
10 Charles. Isn't that correct?

11 Q Well, why don't you review it and I think
12 you may have confused them. Why don't you just look
13 at the end of the first paragraph.

14 (Witness perusing document.)

15 BY MR. SOSNICK:

16 Q Does it request a response, sir?

17 A Yes, it does.

18 Q The second letter, marked Exhibit 38-13,
19 also from Mr. Eisenhower, this has some qualifications
20 to the response, does it not?

21 A Yes, it does.

22 Q In fact, sir, it requires that the answers
23 be made under oath?

24 A I believe that's correct.

25 Q Why don't you just look at it and make

1 certain of that.

2 A (The witness perusing the document)

3 Q Now that you've reviewed the document
4 again, were you correct in your first response that
5 it requires that a response be made under oath?

6 A That's what it asks, yes.

7 Q All right.

8 You recall that now that you have reviewed
9 the letter?

10 A Yes.

11 Q This letter from Mr. Eisenhower marked as
12 an Exhibit 38-13 also requests documentation relating
13 to the responses, does it not?

14 A Yes, it does.

15 Q Did your department or did the departments
16 under your jurisdiction have to work on the responses
17 to these?

18 A Yes, they did.

19 Q Did they spend a lot of time working on
20 them?

21 A Yes, they did.

22 Q Approximately how much time?

23 A I assume they were involved in that whole
24 month or whatever the time difference is.

25 Q They might have been involved for an

1 entire month?

2 A Well, I'm sure they were. We got it in
3 April and we had to respond in May, and a lot of the
4 things relate to my area. So they were involved.

5 Q You were involved in that response, were
6 you not?

7 A I saw the final response.

8 Q Did you see the documentation that was
9 used in the response, that was used -- strike that.
10 Did you see the documentation on which
11 the response was based?

12 A I don't recall if I did or not.

13 Q Did someone in your office tell you, we've
14 completed the response to the allegations, would
15 you review it now, sir? Did someone request you to
16 review them?

17 A I did review them. I don't quite know
18 how I got to review them, to be more precise.

19 Q Of course, sir --

20 A As a corporate officer, we all looked at
21 them.

22 Q Of course, as a corporate officer, you
23 would have to approve those responses as they related
24 to matters in your jurisdiction?

25 A Yes.

1 Q Did anyone mention to you that the docu-
2 mentation was available to be produced to the Nuclear
3 Regulatory Commission if they requested it?

4 A I don't understand the question.

5 Q The letter asked that documentation be
6 provided as to the responses, is that correct?

7 A Yes.

8 Q Did someone tell you that the documentation
9 is prepared, it's ready, should the NRC request it?

10 A Not that specifically, no. We have docu-
11 mentation and we did furnish it. I don't quite
12 understand the question.

13 Q Did you furnish documentation with the
14 responses?

15 A I'm sure we did.

16 Q Now, then, sir, I'd like you to take a
17 look at one of the allegations which are attached to
18 Exhibit 38-12, one of the Eisenhower letters, it's
19 allegation Number 24.

20 A (The witness perusing the document)

21 Q You have reviewed that just now?

22 A Yes, I have.

23 Q What is your understanding of what that
24 allegation concerns?

25 A Do you want me to read it?

1 Q What is your understanding of that
2 allegation? What does it deal with?

3 A It says it is alleged that there is constant
4 pressure by craft and management on QA/QC inspectors
5 not to write non-conformance reports.

6 Q Okay. What do you understand that to
7 mean?

8 A Just what it says.

9 Q Okay. In fact, sir, you are familiar with
10 that allegation, aren't you?

11 A Yes.

12 Q You saw it when you first reviewed the
13 letter?

14 A Yes.

15 Q Did that concern you?

16 A No.

17 Q And so you took no action with regard to
18 that particular allegation, did you? Did you take
19 any particular action with regard --

20 A As a result of that allegation, no, I
21 did not, because I didn't feel that was accurate.

22 Q Did you discuss that allegation with anyone,
23 sir?

24 A I reviewed the whole report as we completed
25 it. So I've seen the allegation; I've seen our response

1 to it, Charles.

2 Q Now, then, Mr. Fikar, we've had some
3 reference to a Charles Atchison --

4 MR. WOLF: Off the record.

5 (Discussion off the record.)

6 MR. SOSNICK: Back on the record.

7 BY MR. SOSNICK:

8 Q Mr. Fikar, we have had some reference to
9 Charles Atchison, is that correct? We've mentioned
10 that today during your deposition?

11 A Yes.

12 Q Have you ever met Charles Atchison?

13 A No, I haven't.

14 Q You're aware, sir, that Mr. Atchison has
15 made various allegations concerning Comanche Peak?

16 A Yes, I am.

17 Q Do you know what some of those allegations
18 concern?

19 A They're in regard to QA/QC matters and
20 inspections, and that's about all I can recall.

21 Q Do they in any way concern allegations
22 of intimidation or harassment?

23 A I didn't think there were. Not initially.

24 Q Are there some that you are aware of now?

25 A I think he's claiming that now or recently.

1 from what I read.

2 Q And the other allegations you know of, sir,
3 do they concern construction matters?

4 A Yes.

5 Q Were these allegation. brought to your
6 attention?

7 A No. I don't quite understand the question.
8 Which allegations, Charles?

9 Q The allegations concerning construction
10 matters. When Mr. Atchison first made those, were
11 you made aware of them?

12 A No, I was not. I never heard of Mr.
13 Atchison until he was off the job.

14 Q Kind of after the fact?

15 A Yes, much after the fact.

16 Q After he was terminated and some things were
17 made newsworthy or something like that?

18 A That's right. That's the first time I'd
19 ever heard of him.

20 Q Mr. Fikar, did you have any involvement
21 in any investigation as to any allegations concerning
22 Mr. Atchison?

23 A No, I did not.

24 Q Are you aware of those who were involved
25 or are involved in an investigation regarding

1 allegations made by Charles Atchison?

2 A I don't know how to answer that. I don't
3 even understand the question, Charles.

4 Q All right. Let's go back a step. You
5 told me that Mr. Atchison made some allegations that
6 concerned construction matters, is that correct?

7 A That's correct.

8 Q As far as you know, sir, is someone
9 investigating those matters?

10 A Yes, I'm sure somebody is investigating
11 those matters. I'm not aware of the specifics.

12 Q Okay. In fact, sir, has someone been
13 investigating that for a while already?

14 A It's come up at the hearings. And there's
15 been testimony on it. That's what I recall.

16 Q Okay. Prior to the hearings, sir, were
17 you aware of any investigation?

18 A Never heard of them.

19 Q Were you aware of any investigation regard-
20 ing allegations made by Mr. Atchison concerning
21 intimidation or harassment?

22 A I was not.

23 Q Based on your knowledge, sir, who would
24 be the person involved in an investigation regarding
25 allegations made by Charles Atchison concerning

1 construction matters?

2 A He wasn't in my organization, so it would
3 be over in the QA/QC organization, if, in fact, such
4 occurred. So I don't know, Charles.

5 Q Okay. Let's just make a hypothetical then,
6 if you heard of some matters concerning construction,
7 and they concerned you and you would want an investiga-
8 tion. Who would you report those to?

9 A Joe George.

10 Q And then Joe George would take it from
11 there?

12 A Yes.

13 Q And who would he have investigating?

14 A It depends on what it is.

15 Q Would he contact a certain department if
16 they related to construction matters?

17 A Whatever. He knows where everybody works.

18 Q All right. If, let's say, for the sake of
19 example, an allegation concerned intimidation and
20 harassment, someone who was under your jurisdiction,
21 and it concerned you and you would want an investiga-
22 tion. Who would you go to?

23 A Joe George.

24 Q And where would Joe George go to have
25 that investigated?

1 A To wherever, the area the person works
2 in, I presume.

3 Q And he would go to that area and what would
4 he do?

5 A He would investigate the allegation, I
6 presume.

7 Q Would he personally interview that person?

8 A He might.

9 Q Are you aware of any particular procedure
10 he follows?

11 A No. We don't have a particular procedure.

12 Q Now, then, Mr. Fikar, we've also made
13 reference today to someone named Dunham. Do you
14 recall that?

15 A Yes.

16 Q And who is this individual named Dunham,
17 as far as you know?

18 A I believe he was a painter.

19 Q Where was he a painter?

20 A At Comanche Peak.

21 Q Had you ever met Mr. Dunham?

22 A No.

23 Q Is Mr. Dunham currently an employee at
24 Comanche Peak?

25 A No.

1 Q Was he terminated from his job at
2 Comanche Peak?

3 A I don't recall the circumstances. I
4 know he's not here anymore.

5 Q When did he leave Comanche Peak under
6 whatever circumstances they were?

7 A I don't know the specific date. It
8 seems to me it's about a year ago.

9 Q Are you aware of certain allegations
10 Mr. Dunham has made regarding Comanche Peak?

11 A Offhand, I don't know of any that he's
12 made.

13 MR. BELTER: Charlie, to help me for
14 a minute here, and I think I've been liberal here
15 this morning in not objecting and I presume the
16 whole purpose here is to establish Mr. Fikar's
17 state of mind. Do you think that is relevant,
18 what he knows, what he doesn't know, as a result
19 of any kind of hearsay presented to him? You
20 indicate to me that that is relevant in your
21 judgment?

22 MR. SOSNICK: It certainly is relevant.
23 Mr. Fikar has a lot of responsibility at the plant,
24 and some of the individuals involved in the various
25 allegations we're dealing with --

MR. BELTER: I'm not disputing that.

1 I just want to be clear that all of this hearsay
2 that he's giving, he may have heard, he may have
3 seen, it may have come to him through the newspaper,
4 all of this stuff is just going to his state of mind.
5 All right.

6 MR. SOSNICK: I'll try to refrain from
7 asking for direct statements. If I do, I will
8 certainly think ahead whether they would come under
9 some exception so they would be admissible.

10 MR. BELTER: I think it is clear from
11 the record that an awful lot of what he's testified
12 to this morning gives you a good indication of what
13 he knew and what he didn't know, but an awful lot of
14 what he knew was the result of all kinds of hearsay.

15 MR. SOSNICK: Well, I'm not going to
16 rea-ly accept an objection after the fact --

17 MR. BELTER: I am not objecting.

18 MR. SOSNICK: Let's just go on.

19 BY MR. SOSNICK:

20 Q Are you aware of any allegations this
21 individual named Dunham has made regarding Comanche
22 Peak?

23 A I can't state any. I'm sure he made some,
24 but I don't know what they are.

25 Q Have you heard that he has made any

1 allegations regarding intimidation or harassment?

2 A I think so.

3 Q Okay.

4 A He's filed a law action or something, I
5 think.

6 Q Now, you've testified that Mr. Dunham was
7 involved with paint at the plant, is that correct?

8 A I said I thought he was a painter.

9 Q Are there special kinds of paint that you
10 use at Comanche Peak?

11 A Yes.

12 Q Why do you use a special paint at Comanche
13 Peak? Why don't you just educate me --

14 MR. BELTER: I am going to object,
15 Charlie. This thing relates to harassment and intimi-
16 dation of QC inspectors. To ask him why you use a
17 special kind of paint, I'm sure we could write a few
18 books on it, it's a technical matter. It has nothing
19 to do with the subject matter of these proceedings.

20 MR. SOSNICK: I think it does, and I will
21 just clarify that. It is very relevant.

22 MR. BELTER: It is relevant to the issue
23 of intimidation of QC inspectors? What special kind
24 of paint is used at Comanche Peak?

25 MR. SOSNICK: The issue is relevant because

1 a special paint is used. It must be used because
2 it's a nuclear power plant. Therefore, it, as many
3 other areas of construction or workmanship at the
4 plant are important, and if, in fact, certain of
5 these allegations are true, that certain individuals
6 are harassed or intimidated, perhaps they could not
7 perform those special jobs and that would go to the
8 licensing of the plant.

9 So it certainly is relevant, and I just
10 don't want -- I don't want books and books about
11 paint, I just want to know if a special paint is
12 used and I'm sure Mr. Fikar is certainly able to tell
13 me why a special paint is used.

14 MR. BELTER: My whole point to you, Charles,
15 is that why a special paint is used and the degree
16 to which it's safety related or not safety related
17 or would have an impact on the licensing proceeding
18 is being discussed elsewhere and has been discussed
19 at length elsewhere in these proceedings. To go
20 into it with him is repetitive and redundant.

21 MR. SOSNICK: Thanks, Len. I don't want
22 to be repetitive or redundant. We'll just do it
23 very quickly.

24 BY MR. SOSNICK:

25 Q Mr. Fikar, maybe we can just get the answers

1 directly and I'll just ask you a few questions.

2 Mr. Fikar, is a special paint used because
3 it's a safety matter?

4 A Yes.

5 Q This has something to do with radiation?

6 A Sort of.

7 Q What does it have to do with?

8 A Well, we need to have a surface that can be
9 decontaminated easily in case we have an accident.

10 Q All right. So is it fairly important to
11 have proper paint procedures?

12 A Oh, yes.

13 Q And Mr. Dunham was involved in those
14 paint procedures as far as you know?

15 A (Pause.)

16 Q As far as you know, sir.

17 A I think he was a painter.

18 Q Now the painting matters, would those in
19 any way come under your jurisdiction?

20 A Yes, they would.

21 Q And, sir, are you aware of any complaints
22 from the Nuclear Regulatory Commission regarding
23 painting procedures at Comanche Peak?

24 A Complaints? No.

25 Q Mr. Fikar, are you aware of any communications

1 from the Nuclear Regulatory Commission concerning
2 allegations of intimidation of paint QC inspectors?

3 A Would you ask that again, please, sir? I
4 lost it.

5 Q The matters we've discussed about the paint
6 coatings and so forth are under your jurisdiction?

7 A Yes.

8 Q And, sir, are you aware of any communications
9 from the Nuclear Regulatory Commission concerning
10 allegations that the paint quality control inspectors
11 may have been intimidated or harassed at Comanche
12 Peak?

13 A The way you phrase it is what's -- I know
14 there are a bunch of allegations about paint, if that's
15 the question, yes. We've had 90 of them when we
16 responded to them. Now, that's why I lost the thread
17 of the question. Some of those may have related to
18 harassment, I'm not even sure.

19 Q Are you aware of something that the Nuclear
20 Regulatory Commission told the corporate officers at
21 Comanche Peak about intimidation and harassment that
22 dealt with paint QC inspectors?

23 A I am not -- I hadn't been involved in
24 anything like that, let me just say that. They work
25 in another area.

1 Q Mr. Fikar, I'm sure you have to read many
2 regulations, federal regulations regarding nuclear
3 power plants in your job as a corporate officer at
4 Comanche Peak, is that right?

5 A I don't read it personally.

6 Q Are you familiar with some?

7 A I'm familiar with some. I know we have a
8 lot of them.

9 Q There are a lot, aren't there?

10 A There are a lot, yes, as I understand.

11 Q Are you aware of any federal regulations
12 which deal or concern intimidation and harassment of
13 QC personnel?

14 A I don't know what regulation that would
15 be.

16 Q Not the specific number. Are you aware of
17 any that might deal with it specifically?

18 A I'm sure the CFR 50 generally covers that.
19 That's all I can say, Charles.

20 Q And based on your knowledge of that statute,
21 how does it deal with it?

22 A Well, we want to make sure the plant is
23 built properly, has the best quality that we can
24 achieve reasonably, and make sure it operates properly.
25 And that's to our best interest, too.

1 Q And that's in order so you get your
2 license, is that correct?

3 A Well, it's in order to get a license,
4 and also for our best interest to operate a safe
5 plant.

6 Q And so part of that federal regulation
7 requires that, or relates to how the QC inspectors
8 may operate in the plant.

9 A Yes.

10 Q That they be free from some harassment --

11 A They're free from schedule impact, they
12 report to a separate organization, yes. They are not
13 involved in cost at all.

14 Q And, of course, sir, those concerns would
15 be under jurisdiction, wouldn't they? I mean, you're
16 involved in the construction and engineering and so
17 forth?

18 A I don't understand the question.

19 Q The concerns you told me about about --

20 A I believe in them. I think they're right,
21 if that's the question.

22 Q Okay. Yes. Do they affect those areas
23 that you have jurisdiction over?

24 A Well, they interface with them all the
25 time.

1 Q Sure. Of course they do.

2 Mr. Fikar, I'll show you a copy of a
3 letter from the Nuclear Regulatory Commission. It's
4 dated December 22, 1983. It's directed to the Texas
5 Utilities Generating Company, to the attention R. G.
6 Gary, Executive Vice President and General Manager.
7 The letter is signed by John T. Collins. Attached
8 to that letter, the attachment reads, Notice of
9 Violation and Proposed Imposition of Civil Penalty,
10 and that is three pages long. There is also signed
11 by Mr. Collins.

12 I'll show you a copy of the letter now.

13 A (The witness perusing the document)

14 MR. BELTER: We are going to have to
15 review this letter. Is this a good time to take a
16 break?

17 MR. SOSNICK: Let's go off the record.

18 (Discussion off the record.)

19 (The document referred to was
20 marked Exhibit No. 38-14 for
21 identification.)

22 (Whereupon, the above-entitled matter was
23 recessed at 12:15 o'clock p.m., to reconvene at
24 1:15 o'clock, the same day.)

25

- - -

AFTERNOON SESSION

(1:15 p.m.)

1
2
3 MR. SOSNICK: All right. We're back from
4 lunch now.

5 BY MR. SOSNICK:

6 Q Mr. Fikar, I had marked for identification a
7 letter that you reviewed with counsel. It's marked as
8 Exhibit 38-14. It's dated July 11.

9 MR. BELTER: The letter is dated --

10 MR. SOSNICK: The exhibit is marked 38-14,
11 dated 7-11-84. The letter is dated December 22, 1983.
12 The letter is signed by John T. Collins, Regional
13 Administrator, Nuclear Regulatory Commission.

14 The letter is directed to Texas Utilities
15 Generating Company.

16 BY MR. SOSNICK:

17 Q You have reviewed this document, Mr. Fikar?

18 A Yes.

19 Q Prior to your appearance today at this
20 deposition, had you ever seen this letter?

21 A Yes, I have.

22 Q And when did you see that letter, sir?

23 A About the time of its issuance, December of
24 '83.

25 Q The latter part of December of '83?

6-2

1 A Sometime in that vicinity.

2 Q Okay. Shortly after this letter is dated?

3 A Yes.

4 Q Now, Mr. Fikar, this letter is not directly
5 addressed to you. It's directed to the attention of
6 R. J. Gary, Executive Vice-President and General Manager
7 of Texas Utilities Generating Company. Do you see that
8 on the letter?

9 A Yes, sir.

10 Q How was it, sir, that you received a copy of
11 this letter?

12 A I'm on general distribution for enforcement
13 letters and anything relating to licensing. All letters
14 to the company were addressed at that time to Mr. R. J.
15 Gary. Now, they're all addressed to Spence. We have
16 distributions within the company of various sorts.

17 Q In other words, sir, by the nature of what
18 this letter discusses, it would be routed to you?

19 A I get generally copies of all letters
20 addressed that way.

21 Q Is that because they deal with licensing?

22 A Generally.

23 Q Your answer is yes?

24 A Well, I say genera'y.

25 Q Generally yes or generally no?

6-3

1 A Generally yes. This one relates to enforcement
2 action.

3 Q All right. Enforcement action by who, sir?

4 A By Region IV.

5 Q Region IV.

6 A -- of the NRC.

7 Q If we refer to the Nuclear Regulatory Commission
8 as NRC, that won't confuse anyone here, will it, Mr.
9 Fikar?

10 A Not me.

11 Q Attached to that letter from Mr. Collins is a
12 notice of violation and proposed imposition of civil
13 penalty. Do you see that, sir?

14 A Yes.

15 Q And you've reviewed that?

16 A Yes.

17 Q And, in fact, you also reviewed that when you
18 first received this letter in December '83?

19 A Yes.

20 Q Now, Mr. Fikar, who at Comanche Peak had
21 responsibility to see that this NRC Commission communication,
22 the concerns raised by them were addressed by Comanche
23 Peak?

24 A No one at Comanche Peak. That was handled in
25 Dallas.

1 Q All right. And who, sir, in Dallas would see
2 that the matters discussed in this letter were addressed?

3 A At that time it would have been Mr. Gary, since
4 it relates to his area of responsibility.

5 Q And, sir, based on your personal knowledge, how
6 would Mr. Gary address this? What procedure would he
7 follow?

8 A I'm not familiar with procedures, but I know
9 we responded to the letter -- Bob did.

10 Q Bob is --

11 A Bob Gary.

12 Q That's the same R. J. Gary --

13 A Yes.

14 Q -- that's referred to on this letter?

15 A Right.

16 Q Now then, sir, do you know the individuals
17 at Texas Utilities Generating Company, besides Mr. Gary,
18 who were involved in addressing those matters contained
19 in this letter?

20 A I know several.

21 Q All right. Why don't you tell me their names?

22 A Well, Mr. Clements who is a Vice-President
23 working for Mr. Gary has direct responsibility for
24 nuclear; he would have been involved.

25 I'm pretty sure Mr. David Chapman, who is head

6-5

1 of QA would have been involved.

2 Q Anyone else that you know of?

3 A Probably Mr. Tolson, who is the site QA
4 supervisor.

5 Q Do you recall any others?

6 A No.

7 Q Were you at all involved in this?

8 A No. You see, that's not in my area of
9 responsibility. I did see the letter. I did see the
10 response to the enforcement action as a corporate
11 officer.

12 Q Now, you saw the response, sir, you state
13 because you are a corporate officer. All corporate
14 officers received copies of this?

15 A That's a public letter. The public gets that
16 letter. Obviously, all of the corporate officers get it,
17 too -- those concerned with nuclear.

18 Q Was this of any special concern to you, sir,
19 since you are in charge of construction, engineering and
20 licensing?

21 A Well, any notice of violation is of concern,
22 yes.

23 Q And any notice of violation might affect
24 licensing; is that correct?

25 A Well, it could affect all things. Sure, it

1 affects licensing.

2 Q Now, sir, I'll hand you this letter. I'd like
3 you to look again at it. In particular, why don't you look
4 at the third paragraph on the first page. Take your
5 time. You can read it if you like.

6 A (Perusing document.)

7 Q Have you had a chance to review that, Mr.
8 Fikar?

9 A Yes, I just did.

10 Q Mr. Fikar, the third paragraph of this letter
11 marked as Exhibit 38-14 relates to intimidation of
12 coatings QC inspectors. Do you see that on the letter,
13 sir?

14 A Yes, I see that.

15 Q Do you recall that particular reference when
16 you first received the letter in December '83?

17 A Do I recall --

18 Q Do you recall seeing this?

19 A I got the letter, yes.

20 Q Now, coatings QC inspectors is referenced in
21 this letter. Does that refer to painting or coatings QC
22 inspectors?

23 A It just says "QC inspectors."

24 Q What is the reference to "coatings"?

25 A Oh, coatings, yes. Excuse me.

6-7

1 Q That would be paint?

2 A That would be paint, yes.

3 Q Do you refer to it by anything else?

4 A Paint or coatings.

5 Q Is it ever referred to as protective coating?

6 A It might be.

7 Q Okay. There's also a reference here, sir,
8 to, quote, Criterion 1 of Appendix B to 10 CFR Part 50,
9 end quote. Are you familiar with that Criterion 1 of
10 Appendix B to that particular statute is?

11 A I couldn't recite all of the criteria. I
12 know there's 18 of them. They all refer to certain
13 segments, but I'm not that conversant with it.

14 Q Okay. You are --

15 A I have read it.

16 Q You have read it?

17 A Yes.

18 Q Is it an important document?

19 A They're all important.

20 Q Is Appendix B an important --

21 A Very much so.

22 Q Tell me some of the things that Appendix B
23 deals with in relation to intimidation.

24 A Apparently Criterion 1 deals with intimidation.
25 I don't know of any other areas -- except -- I know we

1 have to have a separate QA/QC organization. They report
2 to different authorities, but specifically on intimidation
3 I can't quote you any, Charles.

4 It mainly relates to safety of a plant.

5 Q That's to ensure that the QC inspectors do a
6 thorough job?

7 A It's to ensure a safe plant -- safe to the
8 public and to our employees.

9 Q Of course.

10 As far as you know, Mr. Fikar, does this
11 reference in this particular NRC letter have anything to
12 do with the Mr. Dunham that we've discussed before?

13 A I think so. I think that was the incident --
14 was him.

15 Q Do you recall the specifics of that incident?

16 A Only after the fact and from what I've heard at
17 hearings and read in the papers. I wasn't involved in it
18 at that time.

19 Q But as you know now, it was something to do
20 with Mr. Dunham, a paint coating inspector --

21 A No, it really doesn't. Mr. Dunham was not an
22 inspector; he was a painter.

23 So this had to do with a QC supervisor and some
24 inspectors that worked for him.

25 Q All right. Do you know the names of those

1 persons?

2 A I think the supervisor was Harry Williams. I
3 don't know the names of the inspectors. I'm not familiar
4 with that organization.

5 Q So that we're clear here, sir, it was --
6 This letter refers to intimidation by the supervisor of
7 the inspector?

8 A That's what it says, yes.

9 Q And you've told me that the supervisor involved
10 here -- you believe his name is Harry Williams?

11 A I believe that's right.

12 Q And you do not know of the name of the
13 inspectors?

14 A No, I don't.

15 Q As far as you know, Mr. Fikar, how serious --
16 how serious was this for the NRC to write you?

17 A Well, the NRC thought it was serious enough to
18 write us a letter. We don't agree with it, and we have
19 told them so. We don't think that it's correct.

20 Q Now, from what you know of NRC procedure,
21 what is necessary for them to send you as attached to
22 this letter marked Exhibit 38-14 a notice of violation
23 and proposed imposition of civil penalty?

24 MR. BELTER: I'm going to object. There's no
25 way he's qualified to answer that question.

6-10

1 THE WITNESS: I don't know.

2 BY MR. SOSNICK:

3 Q Have you ever seen a notice of violation and
4 proposed imposition of civil penalty?

5 A I've seen that one.

6 Q Have you seen any others?

7 A Yes. We got several others.

8 Q How many have you had this year?

9 A I don't think we've had any this year. I don't
10 recall any. We may have. I don't recall any.

11 I don't recall any, and I'm pretty sure we
12 haven't had any that had any monetary penalty -- or
13 proposed monetary penalty. I'm sure we've had some
14 Level 4/Level 5 type as a result of inspections.

15 Q Inspections by who, sir?

16 A By the NRC.

17 Q Do you recall, sir, the Eisenhut letter that
18 we discussed earlier?

19 A Yes.

20 Q And that contained a list of 24 allegations;
21 is that correct?

22 A That's right.

23 Q Have you on any other occasions received a
24 communication from the NRC listing a number of allegations
25 for you to respond to?

6-11

1 MR. BELTER: For you, meaning --

2 THE WITNESS: Me or --

3 MR. BELTER: -- TUCGO?

4 MR. SOSNICK: For Texas Utilities Generating
5 Company.

6 THE WITNESS: Yes.

7 BY MR. SOSNICK:

8 Q Was that following an investigation by the
9 Nuclear Regulatory Commission?

10 A I can't say. I know they sent us 90 allegations
11 regarding paint and coatings, and we responded to those,
12 if that's the kind of question you're asking.

13 Q When did you receive those 90 allegations as
14 to paint and coatings?

15 A I don't recall the date. It has been within
16 recent months.

17 Q This year?

18 A Yes, this year. And I believe we responded
19 in June sometime.

20 Q Okay. Mr. Fikar, were you in any way involved
21 in investigating the intimidation of coatings QC
22 inspectors as related in the NRC letter marked as
23 Exhibit 38-14?

24 A No.

25 Q Mr. Fikar, do you know of an investigation that

6-12

1 was taken with regards to the intimidation of coatings
2 QC inspectors listed in the NRC letter marked as Exhibit
3 38-14?

4 A I know there were investigations made over in
5 the QA/QC area relating to this, obviously.

6 Q Do you know what manner those investigations
7 took?

8 A It's not in my area of responsibility. I
9 wouldn't normally see those.

10 I remember attending a meeting at the NRC
11 Region IV office discussing this letter. But the QC
12 people were then describing what they were doing.

13 Q All right. Who was present at that meeting?

14 A Bob Gary, Bill Clements, Tony Vega -- I can't
15 think of anybody -- I was there.

16 There may have been several others, but I don't
17 recall.

18 Q Were there people there from the NRC?

19 A Oh, yes. It was at their headquarters office.

20 Q Who was there from the NRC?

21 A John Collins. There was some lawyer, four or
22 five other folks. And I think we even at that time had
23 a -- they had somebody connected on the phone to Washington.
24 I don't recall who that would be.

25 But it was in Arlington.

1 Q Were any of the QC inspectors there?

2 MR. BELTER: I'm going to object. Charlie,
3 you're in the discovery mode here. You're clearly in
4 discovery here.

5 You have a right to have answers, but I want
6 you to pay for this portion of the transcript and admit
7 to me that this is discovery.

8 MR. SOSNICK: No, I'll not admit that this
9 is discovery.

10 MR. BELTER: You're telling me that the
11 answer to the question, "What QC inspectors were there,"
12 as evidence in this hearing is going to -- in and of
13 itself -- cause this Board to rule one way or the
14 other on this issue of harassment or intimidation?

15 MR. SOSNICK: Would you give me an opportunity
16 to respond, rather than cutting me off?

17 MR. BELTER: I'm just asking.

18 I am sorry if I cut you off. I didn't realize
19 I did.

20 MR. SOSNICK: The procedure as to investigation
21 of these allegations is very pertinent. If there was a
22 meeting involving something that concerned NRC, to the
23 extent that they would send a letter to Texas Utilities
24 Generating Company with an attached notice of violation
25 and proposed imposition of civil penalty, it bears very

6-14

1 strongly -- It's certainly evidentiary as to the
2 allegations at hand.

3 I'm not going too far with this. We're not
4 going to go on a fishing trip. I just have a couple more
5 questions about it.

6 MR. BELTER: I'm obviously going to let you
7 ask the questions, but I'm trying to understand how
8 finding out the NRC's method of investigating this
9 allegation is going to add anything -- any weight one
10 way or the other to this Board's determination of whether
11 the generic allegation here about harassment and intimidat-
12 tion is correct or not.

13 MR. SOSNICK: Oh, my purpose here is to inquire
14 as to Texas Utilities Generating Company's investigation.

15 BY MR. SOSNICK:

16 Q Mr. Fikar, were any of the QC inspectors
17 present at the meeting that you referred to with the NRC?

18 A No.

19 Q Mr. Fikar, do you receive reports or updates
20 or some kind of evaluation from your staff regarding
21 scheduling of construction and whether you're on the
22 time table?

23 A Oh, yes.

24 Q How often do you receive those reports?

25 A Well, I receive them daily, hourly, weekly.

6-15

1 All the time. I'm down at the project most of the time,
2 so I'm very aware of where we are. We specifically go
3 over it at least once a week.

4 Q Mr. Fikar, should you discover, for example,
5 that a certain group of welders, for example, that they're
6 behind schedule, what would you do?

7 A I would talk to Joe George. I would say, "It
8 looks like some welders are behind schedule. Go look into
9 that."

10 Q And what would Joe George do?

11 A He would look into it.

12 Q All right. I just want to get at: How would
13 he look into it, sir? Who would he talk to?

14 A They all work for him -- you know -- in that
15 organization somewhere. So specifically I'm not sure
16 who he'd talk to. He might talk to John Merritt who
17 works for him -- you know.

18 Q Okay. Would he talk to individual welders,
19 perhaps?

20 A No, I doubt it very much.

21 Q Would he talk to the foreman perhaps?

22 A Probably not.

23 Q Would he talk to the supervisor?

24 A Probably not. He would probably talk to the
25 manager responsible for that area.

end 6

jonl

#7

1 Q Say, Mr. Fikar, that a particular area
2 where welding is going on, they are behind
3 schedule and it is because you are waiting for
4 reports from QC inspectors; they have to finish that
5 area. And you are behind schedule; what would you do?

6 A WE need to get the inspections made. We
7 would just wait until we got the reports. Now,
8 we might talk to their manager and say, by the way,
9 I have got a crew here sitting here for five hours
10 and we would appreciate it if you would make an
11 inspection for me. That's the kind of process we
12 go through.

13 Q Okay. Did you ever inquire as to what
14 the -- why it is taking so long or more time than
15 you thought it would take?

16 A I wouldn't.

17 Q Would anyone?

18 A I would hope the QC supervisor would if
19 it got to him. We don't go directly to the
20 inspectors.

21 Q You would go to the QC supervisor and
22 ask?

23 A I wouldn't, but we would probably go to
24 the manager if it is a serious problem. Most of the
25 time these things get resolved all by themselves.

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1 But my folks have standing instructions
2 that they have got to go through all the quality
3 inspections that are necessary to make it a safe
4 plant. And they know that.

5 MR. BELTER: Let the record reflect
6 that Mr. Fikar emphatically put his finger on the
7 table during that response.

8 BY MR. SOSNICK:

9 Q Have you ever heard of any rumors
10 concerning coverups regarding audit reports at
11 Comanche Peak?

12 A No, sir.

13 Q Mr. Fikar, are you aware that Mr. Clements
14 had commissioned a report to investigate allegations
15 of coverup and intimidation at Comanche Peak?

16 A No, I was not.

17 Q I refer to it now -- strike that.

18 Did you ever see a report commissioned by
19 Mr. Clements regarding allegations of coverup and
20 intimidation?

21 A No.

22 Q Have you heard rumors of intimidation
23 and coverup on the part --

24 A I think I answered that awhile ago, didn't
25 I, Charlie?

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1 Q Mr. Fikar, in terms of your corporate
2 office and your responsibilities, how much time is
3 spent seeing that various Federal regulations we
4 have been talking about or talking around are met
5 and enforced?

6 A Everything we do relates to that, Charles,
7 so it is very difficult to quantify. We are always
8 cognizant we have got to live up to the regulations.
9 So it enters into every aspect of what we do.

10 Q Was it ever produced -- new Federal
11 regulations that produced new work on your part?

12 A Yes.

13 Q Did the regulations often increase?

14 A I don't quite understand your question.

15 Q During your eight years at Comanche Peak
16 have there been more Federal regulations to look at
17 and respond to?

18 A There have been quite a few, yes.

19 Q Were any of those particularly difficult
20 to deal with?

21 A I can't respond to that unless I have some
22 in mind. We respond to what we have to live up to
23 the regulations. Some might be easier to do than
24 others.
25

1 Q Wre those regulations particularly
2 strict?

3 A I don't know if I can characterize that.
4 The regulations are there and we live up to them.

5 Q Are any of them more difficult to comply
6 with than others?

7 A I believe I answered that already.

8 Q All right.

9 (Discussion off the record.)

10 BY MR. SOSNICK:

11 Q Mr. Fikar, in a particular part of the
12 plant -- let's say, for example, we will just say
13 welding -- should there be an unusually high number
14 of NCRs written up, nonconformance reports on a
15 welding job, would you be informed of that if it was
16 more than normal?

17 A I believe so, yes.

18 Q Why would you be informed of that?

19 A Welding is construction. That is in my
20 area of responsiblity. Ifthe welding was not done
21 properly I would know about it pretty quick.

22 Q And if that happened, sir, how would you
23 act upon it?

24 A It depends on what the situation is.
25 We would make sure the welding is the highest quality

1 and meets all the regulations, and meets our
2 procedures.

3 Q You would have somebody go and look
4 at what was being done? From your office?

5 A Someone. You are hypothesizing. Someone
6 obviously will look at it. If something seemed to
7 be going wrong with welding, sure, we have people
8 from all over the plant.

9 MR. SOSNICK: I don't have anything further
10 right now.

11 EXAMINATION

12 MR. WOLF: Mr. Fikar, I am Mr. Wolf. I am
13 here as counsel for the NRC staff. I propose to be
14 very brief. I think the examination so far has been
15 exhausted and I have little to add.

16 There were several names, however, that did
17 appear in the record and I am sure they appear
18 elsewhere in the record over and over again. But I
19 think it might be helpful if we were to clarify a
20 little bit further the organizational structure as
21 it relates to the conduct of your activities.

22 Specifically I understand from your
23 testimony that there has been a reorganization that
24 took effect as of the first of January of this year.
25

XXXXX

1 BY MR. WOLF:

2 Q Is that correct?

3 A That's correct.

4 Q And what is the organization by whom you
5 presently are employed?

6 A Texas Utilities Generating Company, a
7 division of Texas Utilities Electric Company.

8 Q And your position once again is?

9 A Executive vice president.

10 Q And I believe you testified that there are
11 two executive vice presidents?

12 A Yes.

13 Q Is that correct?

14 A Yes.

15 Q And the other is Mr. --

16 A R. J. Gary.

17 Q And he is the executive vice president for
18 a particular function?

19 A His responsibility is for operations of
20 the power plants and mine is engineering which
21 incorporates engineering design and construction
22 and so forth. Both fossil plants and nuclear plants.

23 Q With respect to the activities under
24 Mr. Gary's supervision, is there a group that has
25 responsibility specifically for Comanche Peak reactor?

1 A Yes. He has Mr. Bill Clements, vice
2 president, nuclear, working directly for him.

3 Q And are the -- is the quality assurance
4 function -- are the quality assurance quality
5 control personnel all -- for the Comanche Peak
6 facility -- all within Mr. Clements' jurisdiction?

7 A Yes. Mr. Clements has responsibility
8 for the QA/QC organization both in Dallas and at the
9 site. We report directly to him. I have no
10 involvement with them on my side of the house. And
11 they in turn -- he reports in turn to Bob Gary.

12 Q I believe there was some reference to
13 Mr. Chapman.

14 A Mr. Chapman is the manager -- I believe
15 his title is Manager of QA, reporting directly to
16 Mr. Clements. And Mr. Vega here at the site, I
17 believe, works for Mr. Chpaman.

18 Q And there is a Mr. Tolson also; does he
19 report to Mr. Chapman?

20 A Not now. He did several months ago.
21 The jobs have changed. Mr. Vega now has the job that
22 Mr. Tolson had several months back.

23 Q All right. Before January 1, 1984
24 were you at that time employed by TUGCO?

25 A No, I was not. I was in what was then

1 known as Texas Utilities Services, Incorporated, a
2 service company providing the same kind of services
3 I am giving now. I was in what we call the service
4 company at that time. Although I was also a vice
5 president of the generating company. I got my pay
6 check from the service company.

7 Q Did Mr. Gary at that time also have
8 responsibilities that included operations and I
9 should say the construction of Comanche Peak?

10 A Mr. Gary has not ever been responsible
11 for construction of Comanche Peak. He has been
12 responsible -- he was at that time responsible
13 for operation of fossil fuel plants and the operations
14 and QA side of Comanche Peak.

15 Q Thank you for correcting me.

16 A And he was at that time in the old
17 Texas Utilities Generating Company.

18 Q All right. But from a functional point of
19 view, your area of responsibility, and Mr. Gary's
20 area of responsibility as far as the actual day to
21 day conduct of work affecting Comanche Peak was not
22 affected by the reorganization?

23 A Not at all.

24 Q Okay. For the activities involved in the
25 construction of the Comanche Peak program, are the

1 employment decisions asuch as decisions to hire
2 pesonnel, including the crafts personnel,
3 ultimately made by somebody reporting to you?

4 A Yes.

5 Q And would there --

6 A Only for the engineering construction side;
7 not for the quality assurance/QC side.

8 Q And welders, painters, carpenters, these are
9 the kinds of people who would be employed by people
10 who reporting to you?

11 A Yes. Engineers.

12 Q Engineers and so forth.

13 A Yes.

14 Q The -- on the quality control side,
15 the inspectors and other quality assurance and
16 quality control personnel who would report to
17 Mr. Clements, do you have anything to do with the
18 hiring of those people?

19 A Not at all. He does that all by himself.

20 Q Have you ever submitted recommendations
21 to Mr. Clements or are there other people reporting
22 to him or to Mr. Gary with respect to hiring of
23 personnel?

24 A I have not.

25 Q Have there been occasions -- do you have

1 as a general practice any opportunity to be
2 engaged in the review of the performance of any
3 of the quality assurance personnel?

4 A I do not.

5 Q Do you have any responsibility or occasion
6 to take part in the disciplining or termination or
7 other sanctions with respect to quality assurance
8 or quality control personnel?

9 A Absolutely not.

10 Q Would you have occasion to bring to the
11 attention of Mr. Gary or people reporting to him any
12 instances in which quality assurance/quality control
13 personnel, by their activities, interfere with the
14 ability of the engineering staff to complete its --

15 A Oh, yes, I could get involved in this.

16 Q Do you recall specific occasions on which
17 you personally have discussed any incidents of
18 that nature?

19 A Yes. I have talked to Bob and Clements
20 both occasionally. I'd say it looks like you might
21 need to staff up with some more people; we are
22 running -- you know, we need more inspections and
23 stuff like that. But that is the only context I
24 would be discussing with them. Because we are all
25 trying to do the same thing, is to get the plant

1 built and operating and he has got a certain part
2 of it and I have got. And we have got to
3 coordinate our activities. So it would be in that
4 mode.

5 Q When a particular -- when the activities
6 of a particular inspector, and allow me to use the
7 term inspector to refer to anybody in the QA/QC
8 organization.

9 A Yes.

10 Q If the activities of an inspector are
11 perceived by your organization to be interfering
12 with the accomplishment of its work, would there
13 be a written -- might there be a written report
14 made of such an incident or concern?

15 A There might be.

16 Q Do you recall having seen any such
17 written reports that would conform to that
18 description?

19 A I can't recall anything characterizing that.

20 Q Do you recall having seen -- and this
21 may be repetitive of what you have already
22 testified -- do you recall having seen instances in
23 which reports were made by inspectors with respect
24 to concerns that they might have that people who
25 report to you interfered with the performance of

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1 A Yes.

2 Q And --

3 A This would be someone saying, like an
4 inspector saying this craft person is ragging me?

5 Q Right.

6 A Yes, I would see that if that were the case.
7 I don't recall any specific instances of this, but
8 yes, I would. And I have.

9 Q And would there be -- if those were
10 written statements in some form or another they
11 would come in --

12 A They would come to my attention,
13 certainly. And I would take some action as
14 appropriate.

15 Q And when something comes to your
16 attention and you do take some action, would there
17 be a record of the action that you have taken, a
18 written record?

19 A Probably, yes. It depends on what the
20 action is. If it was termination, yes. If it was
21 a counseling session I am not sure.

22 Q But would it be your responsibility to
23 ensure that in the event that an inspector had a
24 concern and it were investigated, would it be
25 your responsibility to see action appropriate in

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1 your judgment were taken?

2 A Yes. See, normally something like that
3 would come up through the QC organization and they
4 would have some record of the events happening. They
5 would probably come over to our side of the house
6 and say one of your guys is harassing one of our
7 fellows and we do that and look at it and report
8 back to us and tell us what you are going to do
9 about it.

10 . So if there were a record of that sort
11 it would most likely be in the QC organization if
12 that is where the process started.

13 Now, if it was a wdlr came to me and
14 said there is an inspector out here haranging me
15 it would probably be in our side of the House. It
16 depends on where it starts. ANd we would notify the
17 QC people and vice-versa.

18

19

20

21

22

23

24

25

end7

1 MR. WOLF: Off the record for a
2 minute.

3 (Discussion off the record.)

4 BY MR. WOLF:

5 Q. Mr. Fikar, do you remember earlier
6 this afternoon the discussion of a letter dated
7 December 22, 1983, from Mr. John Collins IV to
8 the Texas Utilities Generating Company, Exhibit
9 38-14?

10 A. Yes, I remember.

11 Q. Was it your testimony that the
12 matters stated in Mr. Collins' letter were
13 handled by Mr. Clements and others outside of
14 your organization?

15 A. That is correct.

16 Q. In this letter, do you recall this
17 statement that the intimidation of codings,
18 QC inspectors by the QC supervisor constitutes
19 a significant violation according to Appendix B,
20 10 CFR Part 50?

21 A. Yes.

22 Q. Are the coding QC inspectors in your
23 area of responsibility?

24 A. No, they're not.

25 Q. Is the QC supervisor in your area

1 of responsibility?

2 A. No, no.

3 Q. Is the reason that this was not in
4 your area of responsibility that neither the
5 codings QC inspector nor the QC supervisor was
6 in the area of your responsibility?

7 A. That's correct.

8 Q. If a letter were written to you in
9 which the intimidation of codings QC inspector
10 were stated to be by someone in your organization,
11 then would it fall within your area of
12 responsibility?

13 A. Obviously, I'd be involved then, yes.

14 Q. Mr. Fikar, is there any document
15 that you can recall that formally identifies what
16 the split of responsibility between those
17 matters subject to Mr. Gary and those matters
18 subject to you?

19 A. We've got organization charts and
20 we've got job descriptions.

21 Q. Specifically, I have in mind--

22 A. We have the FSAR, all of that is in
23 there.

24 Q. Does the FSAR specifically speak,
25 as you recall, to the responsibility or QA

1 functions?

2 A. Very definitely. And it'll have a
3 complete organization and reporting responsibilities
4 That's the best place to find that.

5 MR. WOLF: I have no further questions.
6 Thank you.

7 MR. BELTER: Do you have anything
8 else before I do redirect?

9 MR. SOSNICK: Let's go off the record
10 for a moment.

11 (Discussion off the record.)

12 (Short recess.)

13 MR. BELTER: Back on the record.
14 I would like to have this marked as 38-15.

15 (Exhibit 38-15 was marked
16 for identification.)

17 EXAMINATION

18 (By Applicant)

19 BY MR. BELTER:

20 Q. I have a document which was marked
21 38-15 which appears to be a resume of L. F.
22 Fikar. Would you take a look at it and see if
23 you recognize it.

24 A. (Perusing document.) Yes, sir.

25 Q. Is that your resume?

1 A. Yes, sir.

2 Q. Is the information on that document
3 correct?

4 A. Yes.

5 Q. You answered some questions earlier
6 this morning about a hypothetical complaint,
7 actually you answered a lot of hypothetical
8 questions. In response to one of those questions,
9 you indicated that possible reaction to receiving
10 a complaint might be to report the matter to a
11 supervisor. Could you tell us what you had in
12 mind when you spoke of this hypothetical complaint?
13 What would be a typical complaint, if any?

14 A. Well, I believe it would be similar to
15 what I talked to this gentleman about awhile ago.
16 Say a QC inspector had a complaint about a welder.
17 That would come to my attention and then my
18 responsibility would be to see down through our
19 organization, which is the welding side, is there
20 anything here that should be corrected or looked
21 into. And on the QC side, that's their
22 responsibility.

23 Q. Hypothetically, Mr. Fikar, if the
24 complaint related to the supervisor himself, what
25 would you do?

1 A. Well, we would go to his manager,
2 obviously not to him, whoever he reports to.

3 Q. You indicated in response to a question
4 this morning that Mr. Andrews has not to your
5 knowledge has not investigated any of your
6 employees. Is there any way that you can be
7 certain who Mr. Andrews has investigated and who
8 he has not?

9 A. I have no way to know that.

10 Q. Is it possible then that Mr. Andrews
11 may have investigated some of your employees
12 without your knowledge?

13 MR. SOSNICK: I object. That's
14 a leading question.

15 THE WITNESS: Do I answer it?

16 BY MR. BELTER:

17 Q. Yes, you answer it.

18 A. No. Not to my knowledge.

19 Q. I'm going to reask that question again,
20 Mr. Fikar. I think you may have lost the question.

21 A. I may have.

22 Q. You indicated that you have no way of
23 knowing who Mr. Andrews investigates. And I asked
24 you, is it possible that Mr. Andrews may have
25 investigated some of your employees without your

1 knowledge? What is your answer to that question?
2 Is it possible?

3 A. Yes, he can investigate employees in
4 my organization without my knowledge. I'm glad
5 you asked that.

6 Q. In response to a question that the
7 Eisenhower letters earlier this morning, you
8 indicated an opinion that documentation had
9 been forwarded with that response. Do you, in
10 fact, know whether or not documentation was
11 forwarded with the response?

12 MR. SOSNICK: I will have to object.
13 I think you are characterizing his testimony.
14 You're reciting it as though that is his
15 transcript testimony. We have no way of knowing
16 that is accurate. In fact, you're paraphrasing
17 it.

18 MR. BELTER: What is your objection?

19 MR. SOSNICK: You may be restating
20 his--misstating his testimony.

21 MR. BELTER: I am not misstating his
22 testimony. I am convince what I stated is correct.
23 You may answer the question.

24 BY MR. BELTER:

25 Q. My question is: Do you, in fact, know

1 whether or not any documentation was forwarded
2 with the response to the Eisenhut letter?

3 MR. SOSNICK: I object. It's a
4 leading question.

5 MR. BELTER: There is nothing leading
6 about it. Go ahead and answer the question.

7 THE WITNESS: I do not know for a
8 fact what went out with the Eisenhut letter. I
9 did not author the letter. Bill Clements did
10 that.

11 BY MR. BELTER:

12 Q. You were asked a series of questions
13 about NRC having a lot of regulations and you
14 indicated a desire to comply with those
15 regulations. Have you, in fact, gone beyond
16 NRC and posed requirements in instances?

17 A. Yes, we have.

18 Q. Can you give me an example?

19 A. I think the best example I can give is
20 our response to the lessons learned and the
21 Three-Mile Island incident. We incorporated
22 probably in our plant here at Comanche Peak
23 more of those recommendations coming out of
24 Three-Mile Island than any other plant in the
25 country. Specifically, our stud system, which

1 our safety perimeter display system, which relates
2 to man, machine interface. I believe we'll be the
3 first plant on the line that incorporates that
4 feature. Also, the human factor changes; all our
5 control boards have been fixed. We decided to
6 build our own simulator. These are things over
7 and above and beyond any regulatory requirements.
8 We're not forced and required to do those things,
9 but we decided for the health and safety of the
10 plant and the public, we ought to go ahead and
11 do them, even though it cost us quite a bit of
12 delay in the plant, cost and schedule.

13 Q. In response to a number of questions
14 this morning seeking to identify documents and
15 your knowledge with respect to the contents of
16 those documents, you were not familiar with many
17 of these documents. Is there a reason for your
18 non-involvement and non-familiarity with these
19 documents?

20 MR. SOSNICK: Counselor, I have to
21 object. It's a little vague to which documents
22 are you referring to?

23 MR. BELTER: I'm referring to every
24 document this morning that you indicated you had
25 never before. Do you understand that?

1 A. Yes, and the reason that I haven't seen
2 them, I'm not supposed to see them. I'm not
3 involved in that part of the business, as I was
4 explaining to this gentlemen that relates to
5 the QA/QC area, and I'm not involved in that area.
6 So I wouldn't normally see those documents. And
7 we designed the system specifically for that so
8 we have a complete separation of responsibilities
9 between Mr. Clements' organization and Mr. Gary's
10 and mine.

11 BY MR. BELTER:

12 Q. Mr. Fikar, would you condone rushing
13 this plant to completion at the expense of quality?

14 A. Absolutely not.

15 Q. Do you have an opinion as to the
16 relative monetary impact of not building a
17 top-quality safe plant as compared to the monetary
18 impact of delay?

19 A. Well, if I perceive what the question
20 is, you--we're building a plant here that's going
21 to cost around 3.9 billion dollars. That is a
22 lot of money. We would not jeopardize that
23 plant and the investment we have in the assets
24 just for a day or two a week, or even a month or
25 two delay. It's not worth that tradeoff. We are

1 dedicated to getting the plant operating
2 but we will not jeopardize our investment
3 that we have in the plant, even though it causes
4 a delay.

5 Q. Could you give me any examples of
6 management-imposed construction delays?

7 A. Oh, yes. We will not condone any
8 construction activity which we don't think is
9 up to our standards or doesn't meet the
10 requirements we've set out in the FASR.
11 Examples: We had the reactive vessel and Unit
12 2 came in and we found out that the foundations
13 weren't built in proper, so immediately halted
14 work, determined what the cost was, took the
15 corrective action before we let any more
16 construction proceed. That cost us some money.
17 It cost us time, cost us schedule delay. I
18 remember other instances where-- Oh. The
19 Three Mile additives that we put into this
20 plant are the same kind of thing. We decided
21 we've got to do them. I remember at one point,
22 we were in the pour on one of the unit containers,
23 I believe it was Unit 2, where somebody
24 discovered in the process that we left some
25 reinforcing parts out. So we immediately shut

1 down the work, we got our engineers to analyze
2 the situation. They caught it soon enough and
3 they were able to take some corrective action
4 on that. The next pour, then we had some
5 training, some meetings, some development about
6 why this isn't going to happen again. Those are
7 the kinds of things you were asking.

8 Q. Yes. You were asked a hypothetical
9 question about receiving a report that a large
10 number of NCR's had been written in a particular
11 area. Would you in any way condone as a management
12 response to such a report any pressure of any
13 sort to not write NCR's?

14 A. Absolutely not. There are many
15 vehicles for reporting non-conforming conditions.
16 NCR's is one, CMC's is another, DCA's is another,
17 inspection reports, unsats; we want our people
18 to tell us about it. We don't want anything
19 built into this plant that isn't safe so we
20 would not condone it. And normally, quality in
21 the plant does not start with QC inspectors, it
22 starts with the construction craft people. We
23 hammer that into their heads early on. Quality
24 starts with construction, not because it's being
25 inspected by somebody. So we do encourage if

1 there's anything wrong, we want to know about
2 it and know about it quick.

3 MR. BELTER: That's all I have.

4 MR. SOSNICK: Mr. Fikar, I just
5 have a few questions and then we should be
6 done.

7 FURTHER EXAMINATION

8 (By Intervenor)

9 BY MR. SOSNICK:

10 Q. During our break today at lunch,
11 Mr. Fikar, did you review any documents?

12 A. No, I did not.

13 Q. During the lunch break today, Mr.
14 Fikar, did you discuss with anyone the
15 testimony you gave this morning?

16 A. Yes.

17 Q. Who did you discuss this with?

18 A. I had lunch with Mr. Belter.

19 Q. You discussed it with Mr. Belter?

20 A. Yes.

21 Q. Now then, Mr. Fikar--

22 MR. BELTER: I'm going to object
23 because this is not redirect. Go ahead.

24 BY MR. SOSNICK:

25 Q. Mr. Fikar--

1 MR. BELTER: You could have asked
2 this when we came back from lunch. Go ahead.

3 BY MR. SOSNICK:

4 Q. Mr. Fikar, you in reponse to
5 questions posed by Mr. Wolf, testified that
6 under some situations, you may receive a
7 report from a welder. Say, that a QC inspector
8 has used the term ragging on him. Just for
9 clarification, what did you mean by "ragging"?

10 A. Oh, being overly picky about an
11 inspection, maybe taking a long time, maybe
12 examining a weld with a microscope when the
13 requirements just call for arm's length
14 inspection, that kind of thing. You know, you
15 can wear that out.

16 Q. Something that someone would determine
17 to be nit-picking or--

18 A. Yes. That's a good way to phrase it.

19 Q. You also gave an example, or you also
20 made reference to, a situation where a QC
21 inspector would say that a craft person is
22 ragging?

23 A. It's possible, yes.

24 Q. And you would receive a report about
25 that?

1 A. Yes.

2 Q. Now, if you would receive a report
3 of that, how would you follow up on it?

4 A. Well, I would see that it gets
5 thoroughly reviewed; are the facts correct?
6 Is there any action that needs to be taken?
7 Is there any termination or counseling or
8 whatever required and see that that happens.
9 Because we do not condone that activity.

10 Q. In other words you would investigate?

11 A. Yes.

12 Q. And what procedure do you have to
13 investigate that sort of allegation?

14 A. You mean, a written procedure?

15 Q. What steps do you follow?

16 A. My folks understand that we've got
17 to pursue these and see where the facts are
18 and what action needs to be taken. So I would
19 go, if I heard about it, normally I would hear
20 about it through the chain of command. But if
21 I got it directly, I'd go back down the chain.

22 Q. You go back down through the chain
23 of command?

24 A. Sure. I could tell Joe George that
25 somebody called me in the middle of the night

1 and said, whose this has done this to somebody;
2 look into it.

3 Q. Now, would you always follow the
4 same procedure?

5 A. It depends on the circumstances,
6 Charles. It depends on what the situation is.

7 Q. I understand.

8 A. We would make sure that that kind
9 of action if it did take place, would never
10 happen again, and the people need to understand
11 that. If it didn't, we would clear up the
12 situation.

13 Q. Depending on the situation that you
14 would determine how to handle it?

15 A. Yes, sir.

16 Q. Now, Mr. Fikar, you testified to
17 other questions put to you by Mr. Wolf that you
18 may have occasions to give some input to Mr.
19 Clements, for example, this was in reference to
20 the need for more inspectors. Do you recall
21 that?

22 A. Yes.

23 Q. Might such a request come about because
24 an inspection in a certain area might be taking too
25 long?

1 Q. Now before you would make a request
2 or give some input to Mr. Clements that you would
3 need more inspectors under such circumstances,
4 would you try to deal with it before you went
5 to him?

6 A. Oh, absolutely. That would be most
7 unusual that this would ever happen anyway.
8 Those things normally get worked out at the
9 lowest level possible, which is usually at
10 the first supervisory level. If it comes to
11 our attention, that's very rare.

12 Q. Then you would go to the supervisory
13 level directly and try and deal with it before--

14 A. Not necessarily. I don't understand
15 your question, now. I think I tried to explain
16 how it happens, but if to my organization, the
17 need shows that Mr. Clements either ought to
18 have more inspectors and it got to that stage.
19 I'd say that's very rare because they know at
20 each level what's happening anyway. And then
21 I would talk to Bill. See, he has a separate
22 budget for mine, too, so you maybe need to get
23 more inspectors; you might be holding up the
24 program.

25 Q. My question, Mr. Fikar, is before

1 you would go to Mr. Clements, would you try to
2 deal with it first within your organization?

3 A. Sure. The problem was not in my
4 organization.

5 Q. I follow you.

6 A. I would make sure they are accurate and
7 why are they saying this and why is this so.

8 Q. Then you would conduct some sort of
9 investigation effort into that?

10 A. I hate to characterize it as quite
11 that, probably talk to some folks.

12 Q. So you would kind of take some action
13 depending on what you determined to be proper
14 in that particular circumstance?

15 A. I would try to find out what it was.

16 Q. You wouldn't have any kind of set
17 procedure guidelines to follow?

18 A. No.

19 Q. Mr. Fikar, with regard to the
20 Eisenhut letter, do you know what I'm referring
21 to?

22 A. Yes. The 24 allegations?

23 Q. Correct, sir. And the Eisenhut
24 response, do you know what I'm referring to there
25 sir?

1 A. Yes.

2 Q. Do you know--

3 A. Our response to the Eisenhut letter?

4 Q. Yes. Do you know of any documentation
5 that accompanied that response to the NRC?

6 A. I don't know for certain.

7 Q. Do you know of any?

8 A. Do I know of any what?

9 Q. Any documentation?

10 A. I do not know what was sent. I've
11 seen documentation that was connected with it,
12 but I don't know if it got to the post office
13 or even sent. I really don't know.

14 Q. Now, some of those allegations went
15 to areas of your organization, is that correct?

16 A. Yes.

17 Q. You mentioned some areas that you
18 went beyond with Federal Regulations required.
19 You talked about, I take it, things learned from
20 Three Mile Island experience, and those were
21 things that had to do with, for lack of a better
22 based control room safety precautions or something
23 like that. Indicators?

24 A. Improved safety of the plant.

25 MR. SOSNICK: I have nothing further.

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Thank you.

MR. BELTER: I have nothing further.

(Whereupon, at 2:35 p.m., this
deposition was concluded.)

MILLERS FALLS
ERASE
COTTON CONTENT

CERTIFICATE OF PROCEEDINGS

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

In the matter of: Texas Utilities Electric Company, et al

Date of Proceeding: Wednesday, July 11, 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.

Marilynn Nations

Official Reporter - Typed

Marilynn Nations
Official Reporter - Signature