

ORIGINAL

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the matter of:

TEXAS UTILITIES ELECTRIC
COMPANY, et al

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

Docket No. 50-445
50-446

Deposition of: Doug Frankum

Location: Glen Rose, Texas

Pages: 49,000-49,130

Date: Thursday, July 12, 1984

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1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

3 BEFORE THE ATOMIC SAFETY & LICENSING BOARD
4

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

11 Glen Rose Motor Inn
12 Glen Rose, Texas

13 July 12, 1984

14 Deposition of: DOUG FRANKUM
15 called by examination by counsel for Intervenors,
16 taken before Terri L. Hague, Court Reporter,
17 beginning at 9:15 a.m., pursuant to agreement.
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Appearances:

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Also Present:

Tom Carpenter
Dani Rarshawsky

I N D E X

	WITNESS	EXAMINATION BY	PAGE
1			
2	DOUG FRANUM	Mr. Sosnick	49,005
3		Mr. Karman	49,116
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P R O C E E D I N G S

1
2 MR. SOSNICK: I have an introductory
3 remark. It's not an introductory statement.

4 I realize that counsel or counsels here
5 might have introductory statements. Intervenor
6 expressly reserves any and all rights and asks
7 to do so at a later time, and if any counsel would
8 so desire to make it's introductory remarks, please
9 do so.

10 MR. VANDERPOOL: I'm Travis Vanderpool.
11 I am attorney for the Dallas firm of Worsham,
12 Forsythe, Sampels, and Woodrich.

13 I'm here on behalf of Texas Utilities
14 Company, the Applicant in this matter, pointing
15 out that Mr. Doug Frankum is appearing voluntarily.
16 is not under subpoena.

17 His testimony has been requested from
18 the Applicant by CASE, the Intervenor in the
19 proceeding on the topics specified in CASE's letter
20 to Leonard W. Belter dated June 27, 1984, a
21 copy of that letter is attached to Mr. Vega's
22 deposition as Exhibit A.

23 Applicant wishes to point out that by
24 presenting Frankum for deposition today, it's not
25 waiving the objections which it has made to the

1 proceeding in the way of the manner and schedule
2 of the depositions.

3 It is my understanding that the proceeding
4 is being handled under an order issued by the
5 Board on March 15th, and subsequently modified
6 by telephone conferences between attorneys for
7 CASE and the Intervenor and the NRC, that in this
8 proceeding we were asked by the Board chairman
9 and ordered by the Board chairman to use our
10 professional responsibility to segregate the deposition
11 into evidentiary and discovery portions.

12 It is my understanding that with one
13 exception the evidentiary and discovery portions
14 are limited to -- discovery portions if CASE elects
15 to have that discovery portion, that they are limited
16 to issues concerning harassment, intimidation of
17 QC/QA personnel as to quality assurance personnel.

18 After the conclusion of the testimony
19 and the transcript has been prepared, the transcript
20 will be submitted to the witness for signing.
21 If, however, the transcript is not returned
22 signed within seven days, it may be used in the
23 proceedings as if it were sent out.

24 MR. SOSNICK: Mr. Jordan.

25 MR. JORDON: We would reserve our right

1 to make any opening remarks. I think the record
2 should reflect I'm appearing, though, on behalf of
3 Mr. Frankum as his personal counsel.

4 MR. KARMAN: No remarks. And I'm appearing
5 on behalf of NRC.

6 Whereupon,

7 DOUG FRANKUM

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

11 EXAMINATION

12 BY MR. SOSNICK:

13 Q Good morning, Mr. Frankum.

14 A Good morning.

15 Q Mr. Frankum, just so we can have a nice,
16 clean record today, I just want to give you some
17 guidelines. First of all, have you ever had
18 your deposition taken before, sir?

19 A Yes.

20 Q And on what occasion was that?

21 A Quite a few years back.

22 Q What were the circumstances under which
23 you had your deposition taken?

24 A It was a civil suit.

25 Q And that was several years ago?

XXXX

1 A Quite a few, maybe 20.

2 Q Just in case you don't recall those
3 ground rules which I'm sure counsel advised you
4 of then, everything here is taken down in a written
5 record, and that way it's a little different
6 than you and I sitting across the table and discussing
7 the matters today.

8 In order to have a clean record, you must
9 answer audibly. A nod of head or shake can't be
10 picked up by a court reporter, and also I would
11 ask that you want for me to finish my question before
12 you respond.

13 I'll try to do the same and if I don't, I
14 apologize. Sometimes everybody speaks quickly.
15 Sometimes when someone hesitates another person
16 interprets that their statement has been completed.

17 Also, sir, I don't want you to guess
18 today. I want you to give me your best answer
19 based on your personal knowledge. If my question
20 is unclear to you, please ask me to rephrase it.
21 I can restate it or Madam Court Reporter can read
22 it off the record for you.

23 Do you understand these instructions?

24 A Yes.

25 Q Also, Mr. Frankum. are you under any

1 medication?

2 A No.

3 Q Mr. Frankum, could you state your occupation,
4 please.

5 A I'm the project manager at Comanche Peak.

6 Q Who is your employer, sir?

7 A I'm employed with Brown & Root.

8 Q Now, sir, as project manager, could you
9 in sum describe your job responsibilities?

10 A My responsibilities would be the
11 administrative duties, the obligation at the
12 plant to see that the job is built correctly.

13 Q And what job is that?

14 A What?

15 Q The job is done correctly, what job is
16 that?

17 A All of the jobs.

18 Q Specifically, sir, what job?

19 A Comanche Peak.

20 Q Comanche Peak is a large plant, sir.
21 Could you narrow it down to your responsibilities.

22 MR. JORDON: Counsel, I think he's described
23 his responsibilities. If you have a specific
24 question, why don't you ask him.

25 MR. SOSNICK: I thought I did ask a specific

1 question, but perhaps I'll take it back a step.

2 Q Mr. Frankum, who is your immediate
3 superior?

4 A My immediate superior is Jack Dodd.

5 Q Could you spell that, sir?

6 A D-o-d-d.

7 Q What is his position?

8 A Vice-president.

9 Q Vice-president of what?

10 A Brown & Root.

11 Q Do you report to any other superiors?

12 MR. VANDERPOOL You mean within Brown & Root?

13 MR. SOSNICK: At all.

14 THE WITNESS: I report in Brown & Root
15 to Larry Ashley. At the site I report to John
16 Merritt.

17 BY MR. COCNICK:

18 Q Who is John Ashum?

19 A It's Larry Ashley.

20 Q I'm sorry. Larry Ashley.

21 A He's the senior vice-president.

22 Q Of what company, sir?

23 A Brown & Root.

24 Q And Mr. Merritt, who is he, sir?

25 A He's senior construction manager for TUGCO.

1 Q Now, then, sir, are you involved in the
2 quality control aspects of Comanche Peak?

3 A Are you asking me if I'm under the
4 organization of quality control?

5 Q My question is, sir, are you involved in
6 quality control aspects of Comanche Peak?

7 MR. JORDON: If you don't understand the
8 question, ask him to rephrase it.

9 MR. VANDERPOOL Yes, I don't understand the
10 question. What do you mean by "involved"?

11 MR. SOSNICK: Does he have anything to
12 do with it?

13 THE WITNESS: Do I have anything to do
14 with the quality assurance program?

15 BY MR. SOSNICK:

16 Q Do you have anything to do with the quality
17 control program at Comanche Peak?

18 A Only to the point that the quality control
19 program is followed out. I have nothing to do
20 with the quality control personnel.

21 Q Now, sir, you've stated that your involvement
22 is to see that that program is followed out; is
23 that correct?

24 A I stated that part of my duties are to
25 see that the quality assurance program is followed

1 by my construction personnel.

2 Q When I asked you for your duties a few
3 moments ago, you did not tell me that. Do you
4 have other duties that you didn't mention before?

5 A I have a lot of duties out there.

6 Q Well, I'm interested in those.

7 A As project manager, I look after all
8 of the duties of all the Brown & Root construction
9 personnel under my supervision.

10 Q Now, with regard to your construction
11 personnel and their relation to quality control,
12 do you follow a set of established guidelines to
13 make sure those quality control things are carried
14 out?

15 A Yes, we have guidelines.

16 Q What guidelines are those?

17 A Those are procedures we work with.

18 Q What are they called?

19 A Construction procedures.

20 Q That's the title of the document -- is
21 there a document, sir?

22 A Yes.

23 Q What is the title of the document?

24 A There are many construction procedures.

25 Q All right. Sir, in order that you may

1 perform your duties as you described them, and one
2 of them is to see if the quality control aspects
3 are carried out by your construction personnel,
4 what is the document that you use as a guideline.

5 A I'm not sure I understand.

6 Q All right. Do you in the course of your
7 duties, to see that your construction personnel
8 carry out quality control, do you ever refer to a
9 written document in order to see that that is
10 implemented?

11 MR. JORDON: I'm going to object to I
12 think what is a misleading nature of the question.
13 I believe his testimony is that his only involvement
14 in the quality control program was to the effect
15 that he was responsible for craft constructing the
16 job in accordance with plans and specifications.
17 And your question implies, to me, that you believe
18 he has some management responsibility for the
19 quality assurance program. He's testified that he
20 does not.

21 MR. SOSNICK: Counsel, how you understand
22 the question is irrelevant at this point, and I
23 thought it was a clear question, and what I understood
24 the witness' testimony to mean is that he had duties
25 to see that quality control was followed by his

1 construction personnel. In fact, counsel, I didn't
2 hear any words of plans or specifications mentioned
3 yet as you have.

4 Now, I'll rephrase the question. I'm
5 sorry, Mr. Frankum, if it's confused you.

6 BY MR. SOSNICK:

7 Q Did it confuse you, sir? Would you
8 like it stated another way?

9 A Yes, sir, I would.

10 Q Sure. We'll go step by step.

11 MR. VANDERPOOL That would be appreciated.
12 I would say now I would appreciate if you would ask
13 the witness questions specifically designed to
14 elicit information. You've already stated
15 several questions that I think appear to misstate
16 what the witness has testified. I would appreciate
17 if you would try to ask your questions to elicit
18 information, evidentiary information.

19 MR. SOSNICK: On the record, counsel,
20 are you stating I have misstated his testimony?

21 MR. VANDERPOOL: I think you have. I'm
22 not saying you did it intentionally, but I'm saying
23 I think you misstated the testimony.

24 BY MR. SOSNICK:

25 Q Counsel believes your construction personnel

1 are somehow involved in quality control.

2 MR. JORDON: To whom are you addressing
3 that question, sir?

4 MR. SOSNICK: I'm sorry.

5 BY MR. SOSNICK:

6 Q Mr. Frankum, are your construction personnel
7 involved in any way in carrying out quality control?

8 A To the point of carrying out the quality
9 control program.

10 Q Now, then, as project manager, do you
11 have any jurisdictions or are you charged with any
12 responsibility to see that those construction
13 personnel in fact do that?

14 A Yes, I am in charge to see that we follow
15 the procedures and specifications.

16 Q Now, then, sir, when you seek to carry
17 out that responsibility, do you refer to any written
18 documentation?

19 A The only written documentation would
20 be in our specifications and in our procedures on
21 how we are to do a work item.

22 Q Is it your testimony, then, sir, that
23 each particular work item would have a procedure --
24 or, pardon me, a guideline to see that quality
25 control was enforced?

1 A Not necessarily each individual work item.

2 Q Under what circumstances would that
3 change? Under what circumstances, sir, would an
4 individual work item not have those quality control
5 items?

6 A I didn't say it had a quality control
7 item. I said we did not have a procedure for
8 each individual work item. Some procedures cover
9 several items of work. All of them are under the
10 guidelines of our quality control program where it
11 applies.

12 Q Now, approximately how many of these
13 construction personnel are you in charge of?

14 A At present, we have approximately 2500
15 construction personnel.

16 Q The quality control personnel, how many
17 of those are you in charge of?

18 A I'm not in charge of any quality control
19 personnel.

20 Q Does anyone in the quality control
21 organization report to you?

22 A No.

23 Q Now, sir, in the workplace, quality
24 control personnel, the construction personnel, they
25 come in contact with each other, don't they?

1 A Yes.

2 Q In fact, they do that almost daily,
3 don't they? In fact, they do do it daily, don't they?

4 A Yes.

5 Q They talk to each other and ask each
6 other about particular work items; isn't that
7 correct?

8 A That's correct.

9 Q Mr. Frankum, in a workplace with so many
10 people sometimes there's problems, isn't there,
11 of any nature?

12 A Yes, there's always problems.

13 Q Sometimes there's organizational problems,
14 administration problems; isn't that right?

15 A It could be any kind of problem.

16 Q It's the nature of doing business, isn't it?

17 A That's right.

18 Q And, sir, if there's some kind of problem
19 between your construction personnel and quality
20 control personnel, how is that dealt with?

21 A The problem between the two groups,
22 the directions that we have given out there is if
23 the two, the inspector and the craftsmen cannot
24 resolve their problem, it goes to their supervisor
25 and then they will work it out.

1 Q Are you informed of those problems?

2 A Not each problem that arises out there.

3 Q Are you ever involved in these problems?

4 A I'm informed on some occasions of some
5 problems that has came up.

6 Q Who would inform you?

7 A Probably one of my craftsmen.

8 Q But no one from the QC side would inform
9 you?

10 MR. VANDERPOOL Inform him of what?

11 MR. SOSNICK: Those problems in QC.

12 THE WITNESS: I really can't say that
13 that wouldn't have came up in some time and place
14 over the course of the years, that the quality manager
15 wouldn't have said we were having a problem.

16 BY MR. SOSNICK:

17 Q Well, as you sit here today, do you
18 recall any instance where that might have happened?

19 A I would think, yes, that if the QA
20 managers came down and told me we had a problem,
21 we'd probably go look at it out in the field.

22 Q When did that occur?

23 A This occurred a couple years back. I know
24 of at least once or twice, and we would go out to
25 look at a work item.

1 Q A couple of years ago, 1982?

2 A Probably.

3 Q Who came to you?

4 A It would have been Ron Tolson.

5 Q Who is Mr. Tolson, sir?

6 A He was the quality assurance manager.

7 Q He was that?

8 A That's correct.

9 Q What position does he occupy now?

10 A I do not know.

11 Q How many occasions did Mr. Tolson come
12 to you while he was quality assurance manager?

13 MR. VANDERPOOL: What do you mean? When
14 you say how many occasions did he come to you, you're
15 speaking in line of the previous questions, or
16 are you asking him just in general how many times?

17 BY MR. SOSNICK:

18 Q I'm sorry. In light of the previous
19 occasions when he came to talk to you and discuss
20 those problems a couple of years ago, you mentioned
21 he came to you, how many times did he come to you?

22 A Well, Ron Tolson I've met on different
23 occasions when we had problems. How many times, I
24 can't say for sure. You know, we've worked together
25 out there for approximately four years. I would

1 say four or five years, and I couldn't recall the
2 times that Ron Tolson and I have met and talked on
3 work items.

4 Q Many times?

5 A I would say many times.

6 Q Now, then, Mr. Frankum, when Mr. Tolson
7 would come to you and he would relate to you a
8 problem between QC and your construction personnel,
9 what was the method that you two resolved that problem?
10 Give me an example.

11 A Well, each time that Mr. Tolson and I
12 met, it was not that we had a problem.

13 Q Okay. Let's just talk about the problems
14 right now.

15 A The problem that -- and I can't remember
16 exactly what the problem was, but it was determined
17 that we had a problem in the field and Ron Tolson
18 and myself, the supervisor of the craft and the
19 supervisor for the QC inspector, we all met in
20 the office and went through what the problem was,
21 and what should we do about it.

22 Q Whose office did you meet?

23 A Sometimes we would meet in Mr. Tolson's,
24 sometimes we would meet in mine.

25 Q He would call you on the phone and say,

1 "Come down to my office, we've got to talk about
2 something"?

3 A That's correct.

4 Q Now, are you relating to us a particular
5 instance when this happened?

6 A Not necessarily. Like I said, we had
7 met on many occasions.

8 Q Now, these problems we've been kind of
9 talking around, why don't you describe those
10 various problems to us.

11 MR. JORDON: Objection, counsel. I
12 think he's already testified that he can't recall
13 all of the specific instances. If you want to ask
14 him for examples, he may be able to give you
15 examples.

16 MR. SOSNICK: I did ask for examples.
17 BY MR. SOSNICK:

18 Q Why don't you give me those that you
19 remember right now.

20 A I would be glad to do that if I could
21 remember something specific that we went over. I
22 know in the beginning we had some concrete clean-up
23 pour problems and Mr. Tolson and I would meet
24 and then we would go to the field and we would look
25 at the problem, and we would do our part, and he would

1 do his part and it would be resolved.

2 Q Now, that's an example of workmanship,
3 is that right, a problem with workmanship?

4 A Getting the matter resolved is what we
5 went out to do. That's what we set forth to do.

6 Q Sure, I understand that. But the concrete
7 matter, that was a problem with someone's workmanship.

8 A It was a problem that we wanted to go
9 out and see if we had a problem. It turned out
10 that we did not have a problem.

11 Q When you and Mr. Tolson discussed that
12 concrete problem before you went out there to
13 investigate it, what was that problem? What did
14 you suppose was the problem?

15 A The clean-up of a pour that was to be
16 made.

17 Q Now, was that because of a design problem,
18 a workmanship problem? What was it?

19 MR. VANDERPOOL: Are you asking him what
20 his understanding of the problem mentioned by Mr.
21 Tolson was?

22 MR. SOSNICK: Of course.

23 MR. VANDERPOOL: Prior to going out?

24 MR. SOSNICK: Yes.

25 THE WITNESS: That the clean-up was not
adequate.

1 Q And before you went out, what did you
2 believe the cause of the inadequate clean-up was?

3 A I didn't know.

4 Q Did Mr. Tolson have an idea of what it
5 was?

6 MR. VANDERPOOL: Are you asking him if
7 he told him whether or not he had an idea?

8 BY MR. SOSNICK:

9 Q Do you know if Mr. Tolson had an idea
10 of what it was?

11 A No. It's fairly simple. It was a
12 problem that the clean-up was not adequate per
13 his inspector and Ron and I went out to look and
14 it turned out that we were still cleaning on the pour,
15 and when they got through cleaning, it was resolved,
16 and they went ahead and made the pour.

17 Q What -- I'm sorry?

18 A It was really nothing.

19 Q Now, Mr. Frankum, had one of Mr. Tolson's
20 quality control inspectors decided that that
21 clean-up of the pour was inadequate; is that how
22 this started?

23 A I would think that's probably the way
24 it started.

25 Q And if one of Mr. Tolson's QC inspectors

1 had saw something they thought was inadequate,
2 what would they do?

3 MR. VANDERPOOL: I'm sorry. Are you
4 asking about this specific or have you gone into
5 another area?

6 MR. SOSNICK: We are still on this area.
7 What would they do? Give me an example of what
8 they would do.

9 THE WITNESS: They would not sign off
10 the pour card. We have a pour card that has to be
11 signed off and they would not sign it off;
12 therefore, we couldn't continue to work.

13 BY MR. SOSNICK:

14 Q And that would be some kind of indication
15 or flat that something might be wrong?

16 A That's correct.

17 Q Now, how many occasions, sir, such as
18 this clean-up of a pour, on how many occasions
19 would a QC inspector signal something was inadequate,
20 and you went to look at it again with Mr. Tolson?

21 A I can't tell you how many times.

22 Q Many times, sir?

23 A Not many.

24 Q Several times?

25 A Several times.

1 Q Over the past four or five years?

2 A I've been there seven and a half years.

3 Q You've worked with Mr. Tolson four or
4 five years?

5 A Yes.

6 Q Now, if you were to go out with Mr. Tolson,
7 as you've described, who else would accompany you?

8 A Probably the superintendent of that
9 particular craft that was trying to work that item
0 and probably Ron's lead inspector or his supervisor
11 over the inspectors.

12 Q The supervisor over the QC inspector
13 who didn't sign off the card or flag that something
14 was wrong; is that what you're saying?

15 A What I'm saying is that normally we
16 would take the craft supervisor and Mr. Tolson
17 would take his supervisor.

18 Q Would Mr. Tolson's supervisor, that QC
19 supervisor, would he be the supervisor of the QC
20 inspector?

21 A Yes.

22 MR. JORDON: Excuse me, counsel. When
23 you said Mr. Tolson's supervisor, you're referring
24 to the supervisor that reported up to Mr. Tolson?

25 MR. SOSNICK: You're right. That's

1 confusing. Thank you.

2 Q Is that how you understood my question,
3 sir?

4 A I think so. I think I'm trying to get
5 this where we understand one another.

6 Q Absolutely.

7 A Because, Mr. Tolson's supervisors, they
8 can be his head supervisor or they can be one
9 of his supervisors in the field, and either -- all
10 of those people can report --

11 MR. KARMAN: I think the confusion, Mr.
12 Frankum, is when you say somebody's supervisor, I
13 thought might be this is somebody he reports to
14 rather than people that report to him. These are
15 all people that were below Mr. Tolson in the rate
16 of rankings.

17 THE WITNESS: That's correct. When I
18 refer to Mr. Tolson, his supervisors, they are
19 the people that report to him. When I say one of
20 my supervisors, it's someone that reports to me.

21 BY MR. SOSNICK:

22 Q Thank you, Mr. Frank.

23 Now, then, Mr. Frank, let's just use
24 this clean-up of a pour as an example right now.
25 Mr. Tolson would go out with his supervisor that

1 would report to Mr. Tolson in the QC section, and
2 you would go out with a construction supervisor.

3 Would the QC inspector who didn't sign
4 off the card or flag the inadequacy, would he be
5 contacted?

6 A Yes. All of the parties would be there.

7 Q Who would talk to that QC inspector?

8 A His immediate supervisor or Mr. Tolson.

9 Q Now, would you speak to that QC inspector
10 also?

11 MR. VANDERPOOL: You're asking him whether
12 or not he would give him instructions? When you
13 say would you speak to him, that's a very broad
14 term. You're asking him to give him instructions;
15 is that right?

16 MR. SOSNICK: In terms of that investigation,
17 let's talk about that clean-up of a pour, for
18 example; would you speak to the QC inspector who
19 didn't sign off the pour card or who flagged
20 the inadequacy? Would you have occasion to speak
21 to him about it?

22 THE WITNESS: No, I would not.

23 BY MR. SOSNICK:

24 Q Would you ask Mr. Tolson to speak to
25 him about it?

1 A We would go out there with a purpose
2 in mind to look at what the problem was, and I
3 would not have to ask Mr. Tolson to talk to whoever
4 the involved inspector was.

5 Q Mr. Frankum, you would find out what
6 that QC inspector thought was wrong through Mr.
7 Tolson?

8 A That could or could not be. When
9 Mr. Tolson would contact me, we would know that
10 we had a disagreement. If I went out to the pour,
11 we would go to the pour and I would be in touch with
12 my superintendent to find out what the problem was.
13 Mr. Tolson would probably do the same thing with
14 his personnel.

15 Q Would you ever request Mr. Tolson to
16 speak to that QC inspector?

17 A No, sir.

18 Q Would the QC supervisor that went out
19 with Mr. Tolson, would he speak with that QC inspector;
20 do you know that?

21 A I don't know.

22 Q Mr. Frankum, would you speak to the
23 crafts person who was involved, for example, in the
24 clean-up of the pour?

25 A I would speak to the crafts supervisor.

1 Q Would the craft supervisor speak to that
2 crafts person?

3 A Probably.

4 Q Do you know if that line of communications
5 also occurs on the QC side should Mr. Tolson want
6 to find out something? Only what you know, sir?

7 A I can't tell you. I don't know how they
8 do things.

9 Q Now, you related to us a clean-up of a
10 pour. Any other instances, sir, where you would
11 go out and investigate a report by a QC inspector?

12 A I said there were instances over the years,
13 and I can't recall a specific item.

14 Q This is the only single item you can
15 remember, clean-up of the pour specifically?

16 A It was the first one on the site that
17 I was involved in.

18 Q Now, aside from areas in terms of
19 physical work such as clean-up of the pour, do you
20 receive a communication from Mr. Tolson about
21 problems having to do with personnel?

22 A No.

23 Q Did you receive any reports from Mr. Tolson
24 having to do with problems in the relationship
25 between QC personnel and construction people?

1 A No, sir.

2 Q Have you heard of any problems between
3 QC personnel and construction people?

4 MR. VANDERPOOL: You mean in his capacity
5 as project manager, have such problems been reported
6 to him?

7 MR. SOSNICK: No.

8 MR. VANDERPOOL: I object to the question
9 as seeking to elicit hearsay testimony.

10 MR. SOSNICK: It's not for the truth.
11 I just want to know if he heard any. Go ahead
12 and answer.

13 MR. VANDERPOOL: It's not evidentiary,
14 so I object to the question that's been made.

15 MR. SOSNICK: You can go ahead and
16 answer.

17 THE WITNESS: Do I answer or do I not
18 answer?

19 MR. JORDON: You answer. He just wants
20 to preserve his objections.

21 MR. VANDERPOOL: I would remind counsel
22 if you're attempting to get into a discovery
23 deposition, we have an obligation to segregate discovery
24 from evidentiary and this clearly will seek to
25 elicit hearsay information.

1 You're seeking to get information about
2 what he has heard outside of the scope of his
3 responsibilities as project manager.

4 MR. SOSNICK: I have noted your
5 objection. I claim it's not hearsay. I'm proceeding
6 in good faith so please answer the question.

7 MR. JORDON: Let me make a statement
8 for the record.

9 MR. SOSNICK: Of course, sir.

10 MR. JORDON: As everyone knows here Mr. Frankum,
11 nor his employer Brown & Root is involved. Neither
12 Mr. Frank nor his counsel nor Brown & Root nor
13 their counsel have been parties to the communications
14 and arguments and rulings by Judge Bloch and other
15 members of the licensing board regarding proper
16 scope of his examination.

17 For that reason we have made a decision
18 in order to try and expedite these depositions the
19 best we can to rely on Applicant's counsel's
20 interpretation of Judge Bloch's rulings. So when
21 an objection like this is made, we are going to
22 rely on Mr. Vanderpool's interpretation of
23 the proper scope of the examination, and it will be
24 up to Mr. Vanderpool as to whether or not the witness
25 answers the question. And I will request that

1 Mr. Frankum rely on Mr. Vanderpool's discretion in
2 such a case.

3 The second thing that I want to note for
4 the record is it goes back to the question,
5 Charlie, and I believe the question was, have you
6 heard of problems between -- now I've forgotten
7 but it was rather generically phrased, and I wasn't
8 clear in my own mind as to whether or not, again,
9 you were limiting it to problems at the job site
10 involving job duties or whether you were being
11 somewhat broader in your intent.

12 I think you probably intended the former,
13 but I don't think the question was framed quite
14 like that.

15 BY MR. SOSNICK:

16 Q In terms of job duties, Mr. Frankum, have
17 you heard of these problems?

18 A On the project out there, I hear of a
19 great many problems. And what you term as a
20 problem and what I may term as a problem can probably
21 be very far apart, because these problems, they're
22 an everyday occurrence on the job.

23 It may not be a problem that's strictly
24 quality assurance, construction. That's not what
25 I deem as a problem on the job.

1 MR. KARMAN: May I interrupt at this
2 moment? It would seem to me here is where we can
3 run into a problem by shifting that. Why don't
4 we try, if possible, to get this thing done and
5 hit first upon the official problems that came
6 to him in his capacity as supervisor.

7 Of course, I think all of us know what
8 somebody said about somebody else might be considered
9 a problem, and I think we are going to go way off
10 on a tangent on something like this unless you
11 want to segregate as to what you consider the
12 official problems and the so-called scuttlebutt.
13 Otherwise, we can go on and go around in circles
14 on these things.

15 MR. VANDERPOOL: I certainly agree.

16 MR. SOSNICK: Thank you. And I'll clarify
17 because we want a nice record.

18 BY MR. SOSNICK:

19 Q So in terms of official job duties, what
20 problems were reported to you regarding problems
21 between the QC and construction personnel?

22 A There are problems reported to me on
23 procedure interpretations.

24 Q Anything else, sir?

25 A There are other problems. They could be

1 any number of problems reported to me, but mainly
2 we have a problem with interpretation of procedures,
3 and those are like reading the Bible, who interprets
4 it how. Those are not problems at length.

5 Q Let's talk about what you call procedure
6 interpretations. Is it your testimony, sir, that
7 someone in your organization, people that are under
8 your chain of command who report to you that a
9 QC person was not following procedure?

10 A That's not what I said.

11 Q Why don't you explain what you said?

12 A What I said is, it would be a procedure,
13 and the interpretation of the procedure by
14 construction or by QC could be different. One may
15 read it to say one thing; the other would read it a
16 different way. And those are normally resolved
17 very easily.

18 Q All right, sir. So that I'm clear in
19 my mind, someone, for example, under your chain
20 of command would report to you, hey, we read this
21 this way, and the QC guide reads it the other way,
22 and we need some resolution. Is that correct?

23 A That's correct.

24 Q How would you resolve that, Mr. Frankum?

25 A I normally would not resolve that. I would

1 be aware of the fact that they had an interpretation
2 problem, and this would probably be resolved
3 either with the quality engineer and the construction
4 superintendent or the engineer, if it was an
5 engineering problem.

6 It would depend on the variables involved
7 in the interpretation.

8 Q Now, if someone reported up to you the
9 difference in procedure interpretation, who would
10 you go to to get this thing resolved through the
11 quality control people or the engineering people,
12 or the QC supervisor as you mentioned? Who would
13 you contact to get this thing going and get it
14 resolved?

15 A I would -- at the first report, I do
16 not -- I just want to be aware of what goes on at
17 the job. These people we're talking about here call the
18 engineer to get the routing. Like I said before,
19 if it's an engineering problem, then construction
20 would turn our portion over to engineering to
21 resolve with quality engineering.

22 Q Did you ever contact the QA manager and
23 tell them about a procedure interpretation problem?

24 A I don't know that I have specifically on
25 that, that I've told him that they have a procedure

1 problem.

2 Q Now, then, Mr. Frankum, are you aware
3 of the allegations concerning intimidation and
4 harassment at Comanche Peak Nuclear Power Plant?

5 A Let me see if I understand you. Am I
6 aware of intimidation and harassment at the plant;
7 is that what you said?

8 Q Are you aware of the allegations of
9 intimidation and harassment? Do you understand the
10 question, sir? I see a little bit of --

11 A I don't know how to answer it because
12 I am not aware of any harassment or intimidation
13 out there. I'm aware of the accusation that
14 there is --

15 Q Okay. Now, it's your testimony, sir,
16 you're not aware of any specific intimidation or
17 harassment?

18 A No, sir.

19 Q Mr. Frankum, as a representative of Brown &
20 Root up at Comanche Peak and a person of authority,
21 you're charged to see that the job is done; is
22 that correct?

23 A That's correct.

24 Q To see that it's done right?

25 A That it's done correctly.

1 Q Under contract, the contract that you
2 have with Texas Utilities?

3 A Yes.

4 Q Do you follow a schedule of construction?

5 A We have schedules.

6 Q You have more than one?

7 A Yes, we have more than one.

8 Q Are they important?

9 A Of course they're important.

10 Q Why? Why are they important?

11 A You schedule the work to try and complete
12 the job.

13 Q Is it important in the monetary sense
14 that jobs be done on time according to schedule?

15 A Yes, it's important.

16 Q How important is that?

17 A To me?

18 Q Yes.

19 A It's important.

20 Q It's very important, isn't it?

21 A Sure, it is.

22 Q Is that stressed to the people under you
23 to get everything done on time?

24 A What's stressed to the people under me
25 is to do the job right the first time.

1 Q Of course, and is scheduling part of that?

2 A Scheduling is part of that.

3 Q Did you ever find it would fall behind
4 schedule?

5 A That's true.

6 Q A lot of things may cause that; isn't
7 that right?

8 A A great many things could.

9 Q Did safety inspections ever cause that?

10 A No, that hasn't been a -- are you asking
11 me --

12 Q Has safety inspections ever thrown you off
13 schedule?

14 A No, not that I can say for sure. Most
15 of what throws me off schedule are design changes
16 or material delivery or some item like that would
17 be a hold-up in the schedule.

18 Q How might a design change occur?

19 A Many different ways.

20 Q Could it as a result of a safety inspection?

21 A No.

22 Q As far as you know, sir, are the QC
23 personnel under any schedule?

24 A As far as I know, they are not.

25 Q Is it a fact, sir, that many, many instances,
work on a particular item cannot proceed until a

1 safety information has been done by a QC person?

2 A Let me hear you say it one more time.

3 Q Sure, of course.

4 Is it correct to say that many items
5 work cannot proceed until safety check is done at
6 some point?

7 A Let me answer that like it is. We
8 have hold points that are quality -- and that
9 hold-point is honored until it's inspected, but
10 this is a normal routine thing we do. It's part
11 of the work item that we do have checkpoints where
12 you go here and you wait and get your inspection,
13 and then you go forth. That's the way they are.
14 I can't say they're held up. It's part of the work.

15 Q My question is, sir, with those work
16 items you're talking about, there might come a
17 point where there has to be a check, and then
18 after it's checked you can continue with the item?

19 A That's correct.

20 Q But as far as you understand, sir, the
21 QC safety people who do the check are under no
22 particular schedule?

23 A As far as I know, they're under no particular
24 schedule.

25 Q So it may occur you might have to wait a

1 little while to complete an item if you're waiting
2 for the check point to be completed?

3 A That's possible.

4 Q Has it ever occurred that someone would
5 report up to you something like we are waiting
6 too long to get the check points done by the QC
7 inspector?

8 A Yes, that could be reported to me.

9 Q Has it ever been reported to you?

10 A Yes.

11 Q How many occasions?

12 A Several occasions.

13 Q Would you relate to me one of those
14 occasions?

15 A This would be in the area we would have
16 a work force and we would visit and Mr. Tolson
17 would say he has this many people, and could you
18 supply us some more people to keep up with the work.

19 Q So you would contact Mr. Tolson under
20 such a situation?

21 A Yes. It's probably just a personnel
22 problem, he didn't have enough inspectors to go
23 around and cover the work force.

24 Q Would you consider that a serious problem?

25 A It would not be a serious problem because

1 I've got two choices, either he hires more people
2 or I lay off some people. It has to balance out.

3 Q But in terms of scheduling, sir, may
4 it become a serious problem?

5 A To me, it could be a serious problem.

6 Q Now, then, you've testified that something
7 like this has happened on several occasions; is
8 that correct?

9 MR. VANDERPOOL: Something like what?

10 BY MR. SOSNICK:

11 Q An incident where there would be a
12 scheduling problem because on a work item, the
13 check point was not gone over by a QC inspector?

14 A What I said was we probably would have
15 moved in a work force that exceeded the ability
16 of the personnel people that I had; that I would
17 have gone and talked to Mr. Tolson and talked
18 to him about hiring more people, or that I needed
19 more inspectors. That's what I said.

20 Q But should you be proceeding more rapidly
21 than the QC inspectors are able to, to match
22 in terms of their inspection, that would be because
23 you're on a schedule, of course.

24 A I schedule my work.

25 Q Are you currently on schedule up at

1 Comanche Peak?

2 A We are trying to stay on schedule for
3 September the 26th fuel load.

4 Q How do you stand right now, sir? Are
5 you on schedule?

6 A I think we are in fair shape.

7 Q A little bit ahead?

8 A I think we're in fair shape.

9 Q You mean you might be a little bit
10 behind?

11 A I said I think we are in fair shape.

12 Q Okay.

13 A There's many variables connected with
14 loading fuel as he might testify.

15 We have --

16 MR. JORDON: Excuse me. We have two
17 other people in the record that have not been
18 identified.

19 MR. CARPENTER: Sure.

20 Tom Carpenter of GAP.

21 MR. RARSHAWSKY: Dani Rarshawsky for the
22 Intervenor.

23 BY MR. SOSNICK:

24 Q Mr. Frankum, at this time last year,
25 summer 1983, what was your schedule status?

1 A This time last year, we were on the
2 completion phase of the job and cleaning up the
3 odds and ends or the new engineering items, or the
4 TMI or a great many things.

5 Q Were you on schedule?

6 A At that time the schedule would have
7 been hard to define as whether I was behind or ahead.

8 Q In other words, you don't know right now?

9 A Not for sure.

10 (Outside interruption.)

11 MR. SOSNICK: Why don't we go back on
12 the record.

13 BY MR. SOSNICK:

14 Q At any time while you have been project
15 manager at Comanche Peak, Mr. Frankum, have you been
16 behind schedule?

17 A Yes.

18 Q When was that?

19 A We have been behind schedule a great
20 many times.

21 Q Did you ever have a serious problem being
22 behind schedule?

23 A Always. When you're behind schedule, you
24 have a problem, what is the problem, and then you
25 have to try and attack the problem.

1 Q Is it always a serious problem when
2 you're behind schedule, is that what you're saying?

3 A To me, it is.

4 Q Is it a serious problem to your company?

5 A It's a serious problem to my company, and
6 it would be a serious problem to the utility. It
7 would be a serious problem to everyone, I would
8 think.

9 Q Now, then, Mr. Frankum, you've testified
10 that on occasion you might be informed by someone
11 under your chain of command that on a scheduling
12 problem, because of the things we've discussed
13 with the QC inspectors and the work item and the
14 check point and so on, and you've explained about
15 adjustments in work force and so on, can you tell
16 me how your construction personnel react to those
17 kinds of problems?

18 A How my construction personnel would
19 react would be the supervisor would come and say,
20 we are going to need some more inspectors. I've
21 got more people moving in. I'm doing this and we
22 need to see if they can hire some more inspectors.

23 Q That's what he would tell you? I want
24 you to tell me if you know how your people, the
25 craft people, would react to that.

1 A I don't know.

2 Q Did you ask your supervisors how they
3 would react?

4 A Well, I would ask the supervisor and
5 ask him and say, we're going to need some more
6 inspectors. We try to look at this from the
7 front end. I try to talk to QC to see how many
8 people we are going to have to move to the front
9 end so they can adequately staff the work force.

10 Q But you inform QC of your schedule needs?

11 A I inform them of my work force, what am
12 I going to do, am I going to have to go to night
13 shift. I have to keep those people informed on
14 what I'm doing.

15 (Outside interruption.)

16 (Short recess.)

17 MR. SOSNICK: Let's go back on the record.
18 We're back from our short break.

19 BY MR. SOSNICK:

20 Q Do you recall what we were discussing,
21 Mr. Frankum?

22 A Not the last time. I would like you to
23 repeat whatever you were talking about last.

24 Q Sure. We were generally talking about
25 scheduling, and you related to me that sometimes

1 a scheduling problem might arise when a particular
2 work item which requires check points would have
3 to be looked at by the QC inspectors, might be
4 looked at -- you're work force is ready to go on
5 and QC might not have enough personnel, and you
6 would have to contact someone like Mr. Tolson and
7 work that out.

8 Would you inform Mr. Tolson of your
9 scheduling needs when you called him and told
10 him about that?

11 A I would tell him, like I said a while ago,
12 if I determined that I needed to move people to a
13 different area or a night shift, I would inform him
14 because they have to know where I'm going to work
15 next with what kind of workers.

16 Q But you would tell them when you called
17 him, of course, my guys are waiting and you have
18 got to put some more people on there.

19 A No, I didn't say that. I would tell
20 him where we were going to work, and then if we
21 ran into a problem, what could he do about getting
22 adequate personnel down there to accommodate my
23 work force.

24 Q Okay. And if you encountered that problem,
25 where it would be necessary for him to accommodate

1 your work force, might you say to him, well, my
2 guys are waiting, or, you know, we're ready to go
3 and the schedule is stopped right now because you
4 have to adjust your work force.

5 MR. JORDON: Objection to the question.
6 I think it mischaracterizes the witness' prior
7 question.

8 Charlie, I think you framed the question
9 in terms if it was necessary for him to accommodate
10 your work force, and I don't believe that was his
11 prior testimony.

12 MR. SOSNICK: I wasn't trying to -- it's
13 characterized certainly, and I was presenting that
14 as a hypothetical.

15 BY MR. SOSNICK:

16 Q Do you understand the question?

17 A No, I would like you to repeat what we
18 were talking about.

19 Q Sure. I would just like to know, when
20 you would encounter the problem having to do --
21 the problem which you described which would lead
22 up to the adjustments of the work force; in other
23 words, you would want the QC to accommodate your
24 work people because they were ready to go ahead on
25 a job and that problem came about, what would you

1 tell Mr. Tolson?

2 MR. VANDERPOOL: What you're asking him,
3 are you saying this is a hypothetical?

4 MR. SOSNICK: Sure. What you might tell
5 him.

6 MR. VANDERPOOL: I'm going to object.
7 I'm not sure I understand the nature of the
8 hypothetical. I'm also going to object to the use
9 of a hypothetical question in this manner in an
10 evidentiary proceeding. I don't think it's a proper
11 question.

12 MR. SOSNICK: All I'm getting at, Mr.
13 Frankum, is what are your concerns, what do you
14 express to him.

15 MR. JORDON: Now, you're asking him what
16 he actually expressed; is that correct?

17 BY MR. SOSNICK:

18 Q Not on what he actually expressed. I'm
19 asking in a direct sense what are the concerns that
20 you raised with him?

21 A You know, I would like you to ask me
22 a question that I can answer to the best of my knowledge,
23 and right now, I've listened to two or three versions
24 of something, and I'm going to answer to the very
25 best of my knowledge.

1 Q Of course.

2 A Ask me one more time what the hell we're
3 talking about.

4 MR. JORDON: I think we're just a little
5 confused. I don't know that we really have a big
6 disagreement here, but he's testified that he had
7 these conversations on occasion with Mr. Tolson
8 and given that testimony, I don't see the need for
9 a hypothetical. Why don't you just ask him, what
10 were his general concerns during these conversations;
11 what did he say?

12 MR. SOSNICK: Fine.

13 BY MR. SOSNICK:

14 Q What were your general concerns?

15 A When I would move a work force, change
16 a work shift, or whatever, I need necessarily to
17 work the people, if I went to Mr. Tolson, I would
18 tell him that I was going to night shift, I was increasing
19 the day shift, I was increasing the work force in
20 this particular area, and I would ask him if he
21 could support this. And what he could do about that --
22 I do not tell him that he's got to do this. I ask
23 him what can he do with it.

24 Q Okay. Now, has there ever been an
25 occasion where you would so inform him when work would

1 begin and a problem arose, because there wasn't
2 enough QC people?

3 A Has there ever been a problem where
4 there was not enough QC people?

5 Q Yes.

6 A Yes, there's been a problem.

7 Q And when that happens on certain work
8 items as we've discussed that require check
9 points, certain places, your construction personnel
10 can't go any further until the QC people address
11 those check points; is that right?

12 A That's correct.

13 Q Now, when that happens, would you contact
14 Mr. Tolson?

15 A If I had -- like I've told you two or
16 three times --

17 Q No, sir, before you go ahead, let me
18 just -- when that would happen, when there wasn't
19 enough QC people, what would you do?

20 A I've told you, you know, we try to inform
21 the QC personnel what our needs are going to be.
22 If we don't, I would probably ask Tolson how are
23 you coming on recruitment of people, or whatever.

24 Q My question, Mr. Frankum, is what you've
25 testified that that has happened before, that you

1 hadn't had enough QC people, when that happens, what
2 do you do?

3 MR. JORDON: I think that's what he just
4 answered.

5 MR. VANDERPOOL: He's answered the question.

6 THE WITNESS: I think I've answered
7 the question.

8 MR. SOSNICK: Let's go off a minute.

9 (Discussion off the record.)

10 MR. SOSNICK: Let's go back on the
11 record.

12 BY MR. SOSNICK:

13 Q Now, Mr. Frankum, when you informed
14 Mr. Tolson of the particular problem, that there
15 wasn't enough QC persons, what actions might Mr. Tolson
16 take?

17 MR. VANDERPOOL: What actions might he
18 take?

19 MR. SOSNICK: Yes.

20 BY MR. SOSNICK:

21 Q Based on your experience, what actions
22 has he taken?

23 A He has tried to recruit the necessary
24 personnel.

25 Q Has there ever been occasion where Mr. Tolson

1 wasn't able to recruit the necessary personnel?

2 A No. We've always been able to come up
3 with adequate personnel.

4 Q You've testified earlier, sir, that
5 sometimes when these problems occur, you may have
6 to lay off some people.

7 A That's not what I said. You asked me what
8 would I do.

9 Q No. You testified earlier sometimes
10 adjustments in work force have to be made, that
11 you might have to lay off some people on your side.

12 MR. KARMAN: I don't think that was his
13 testimony. His testimony was, should that occasion
14 arise, he would have to. I don't remember him
15 saying he had to lay off people.

16 BY MR. SOSNICK:

17 Q Has there ever been occasion where you
18 laid off people because of that problem?

19 A No.

20 Q So in every instance, sir, you had that
21 problem, you've been able to resolve it with the QC
22 side?

23 A Yes, we have. We've been able to
24 resolve our problems.

25 Q Now, are there QC personnel that are also

1 employed by Brown & Root?

2 A Yes, there are QC personnel that are
3 employees of Brown & Root.

4 Q Are there also QC personnel who are
5 employees of Texas Utilities?

6 A Yes.

7 Q There are construction people who are
8 employees of Texas Utilities?

9 A Not construction per se, hands-on type
10 people. They have construction managers and
11 building managers, and that type of personnel.
12 They have administrative-type people.

13 Q That's what I meant. Thank you.

14 Does Brown & Root have a profit-sharing
15 plan, Mr. Frankum?

16 MR. VANDERPOOL: I object to the relevance
17 of the question. It's totally irrelevant whether
18 or not Brown & Root has a profit-sharing plan .

19 MR. SOSNICK: I think it's very relevant.

20 MR. VANDERPOOL: Well, I think we're
21 required by the Board chairman to keep our questions
22 to relevant matters to harassment and intimidation
23 of quality control personnel. If you demonstrate
24 how this is relevant to the matters before the Board,
25 I might withdraw my objection. I see no relevance to

1 it.

2 MR. SOSNICK: The relevance, sir, comes
3 into play because NRC regulations, certain
4 segregation of certain control personnel is required.

5 BY MR. SOSNICK:

6 Q All right, Mr. Frankum, does Brown &
7 Root have a profit-sharing plan, as far as you know?

8 MR. VANDERPOO: I renew my objection.

9 MR. SOSNICK: The objection is noted.
10 Go ahead. You can answer.

11 THE WITNESS: We have a retirement plan.

12 BY MR. SOSNICK:

13 Q What is that called?

14 A R&S Retirement Savings.

15 Q We're not going to get into the details
16 of all the details of profit-sharing plans, but
17 of course, you put away some money and the company --

18 MR. VANDERPOOL: I'm going to again
19 object to the line of the questioning. I'm in
20 no way aware of any allegations that there has been
21 any discrimination of quality control, quality
22 assurance personnel in any retirement plan or any
23 profit-sharing plan. I may stand corrected; there
24 may be some, but I'm not aware of any such allegations.

25 If there are some, this might be relevant,

1 but I think this whole line of questioning is
2 totally irrelevant.

3 MR. SOSNICK: Well, I think you just missed
4 how I responded to your earlier objections. Why
5 don't we just go ahead. We don't want to spend
6 too much time with it anyway. I think the objection
7 is noted, and we can just go ahead. I'll state
8 for the record that I'm proceeding in good faith,
9 and I believe it certainly is relevant, and within
10 the proper context of, and Travis, I can sense
11 that you're concerned about the relevancy here, and
12 I note that, and it's recorded on the record so --

13 MR. KARMAN: Why don't you go off the
14 record and try to tell us where you're going
15 with this.

16 MR. VANDERPOOL: Yes. I would also
17 like to point out the distinctions, there is a
18 relevancy question here, there's also a question
19 of a distinction between evidentiary matters and
20 discovery matters, and I think at the very most, even
21 if it were relevant, it's nothing more than discovery.
22 And I think we have an obligation to segregate that
23 so I'll be happy to go off the record if you want
24 to discuss and advise us where you're going with it.

25 MR. SOSNICK: We can go off a second.

1 (Discussion off the record.)

2 MR. VANDERPOOL: Let's go on the record.

3 I think that the relevancy of your
4 testimony both as to evidentiary matters and
5 to discovery matters should be demonstrated on
6 the record to the Board.

7 I don't think that there's been any
8 demonstration in our off the record discussion of
9 any relevancy, either as to discovery or to
10 evidentiary matters. And I certainly think this
11 is not a proper subject for evidentiary matters.
12 And we have asked you to demonstrate for us how
13 this is relevant to the evidence that the Intervenor
14 is seeking to put before the Board.

15 MR. JORDON: Charlie, I am, of course, not
16 a party but maybe I can throw out something that
17 would perhaps expedite it. I think what you're
18 being asked is, because it's so unclear to the rest
19 of us as to what the probable relevance of this
20 could be, I think you're being asked to state
21 your good-faith basis for believing it's relevant
22 per Judge Bloch's telephone order of Monday of this
23 week.

24 MR. SOSNICK: My good-faith believes
25 in a monetary way there may be some conflict here

1 with NRC regulations dealing with the separateness
2 of QC and other personnel. And, of course, that's
3 intimately linked to intimidation and harassment.
4 And I'm just going to go into that and in a few
5 questions, I think it would become very apparent.

6 Also, I thought that was made clear
7 when we went off the record. I don't really consider
8 it proper to talk about things when we went off
9 the record and go on the record and state your
10 belief as to an off-the-record discussion.

11 Now, I'll state again, I'm proceeding in
12 good faith. Actually we'll just get through this
13 segment which does not have to be a lengthy part
14 much quicker. The objections are noted and preserved.

15 I've stated my --

16 MR. JORDON: I still for myself don't
17 understand how the existence of a Brown & Root
18 retirement plan can impact on the separatability
19 and independence of craft and quality assurance.
20 Is your sole point here that both groups of
21 employees may fall under the same retirement plan;
22 is that what you're driving at?

23 MR. SOSNICK: I'm not going to be deposed
24 here. I think we should just go ahead right
25 now and get on with the questioning.

1 MR. VANDERPOOL: I'm not sure that we
2 are going to go ahead right now. In fact, we
3 are not going ahead right now because I think this
4 matter is clearly not evidentiary. If you're trying
5 to go into discovery, there's a question as to whether
6 or not this matter is relevant, and you can go
7 into this on discovery, but I think there are two
8 problems.

9 First, is it relevant, and second, are
10 you in good faith segregating discovery and
11 evidentiary materials, and I think this is an
12 improper line of questioning because of its
13 relevancy and also because it's clearly not
14 evidentiary.

15 MR. SOSNICK: These are all noted. We
16 are just going to keep restating what we believe
17 are our objections. Why don't we just go off for
18 a second?

19 MR. VANDERPOOL: Let's take a short break.

20 (Short recess.)
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1 MR. VANDERPOOL: I would like to state
2 that we have voiced our objections. Rather than going
3 back in and restating those objectoins totally before
4 the Board, let me just briefly state the line of
5 questions that counsel has raised we feel is objectionable
6 in that it is irrelevant and, secondly, we feel that
7 not only is it irrelevant, but it is clearly not
8 evidentiary and have asked counsel to segregate
9 discovery matters from evidentiary matters.

10 I feel that at the very most the only
11 possibility is it could be a discovery matter and
12 should be so isolated.

13 What that I would like a stipulation that
14 it is not necessary for us to reassert this objection
15 each time that you ask a question along this line
16 because we do object to the entire line of questioning.

17 Absent such a stipulation, then I will
18 reassert the objections each time.

19 Can we so stipulate?

20 MR. SOSNICK: Travis, I have already
21 noted your objections to the line of questioning and it
22 is noted and I think we will just go ahead with that.

23 MR. VANDERPOOL: But it is not necessary
24 for me to reassert it each time?

25 MR. SOSNICK: If you object to the line

1 of questioning, I have noted that and that is fine.

2 MR. VANDERPOOL: Okay.

3 BY MR. SOSNICK:

4 Q Mr. Frankum, do you know why Brown & Root
5 had a profitsharing plan?

6 A I would say that we had an R&S plan.

7 Q What is an R&S plan?

8 A Retirement and savings.

9 Q Do you know what a profitsharing plan is?

10 A Yes, I am aware of what a profitsharing
11 plan is.

12 Q Is your R&S plan a profitsharing plan?

13 A Our R&S plan would be similar to a
14 profitsharing plan.

15 Q Mr. Frankum, as project manager are you
16 aware of the contract relationship between Brown & Root
17 and Texas Utilities?

18 A Yes, I am aware of the contract obligations.

19 Q Are you under a fixed contract basis?

20 A Yes. We are under a fixed fee contract.

21 Q Would I be correct in stating, sir, that
22 Brown & Root's profits by performing services under this
23 partiucular contradt had Comanche Peak, is the record
24 related to your Brown & Root costs in performing those
25

jon3

1 services?

2 A You need to go through that once more.
3 I didn't quite get all of that.

4 Q Sure. Is Brown & Root paid under this
5 contract with Texas Utilities on an hourly basis?

6 A No. I stated that Brown & Root was a
7 fixed fee contractor.

8 Q Now, sir, is it correct -- would it be
9 correct to state that Brown & Root will make greater
10 profits on this particular project if they complete it in
11 less amount of time rather than a greater amount of time?

12 A No. We are still on a fixed fee.

13 Q Do you have a payroll to meet?

14 A What?

15 Q Does Brown & Root have a payroll to meet?

16 A We pay every week.

17 Q The more people work the more checks you
18 have every week?

19 A Uh=huh.

20 Q If you can finish your job in four weeks
21 rather than eight, you pay less payroll; is that correct?

22 MR. VANDERPOOL: What job are you talking
23 about?

24 MR. SOSNICK: Any job.

25 THE WITNESS: That applies to the entire job.

MILLERS FALLS
B. C. DRAKE
COTTON CONTENT

Jon4

1 If you get through, nobody gets paid, you
2 know. However many people I have got there are going
3 to draw a pay check.

4 Q If Brown & Root can finish their job
5 at Comanche Peak -- (outside interruption.)

6 MR. SOSNICK: We will go back on.

7 BY MR. SOSNICK:

8 Q I will try and clarify the questions here
9 because I think that you and I are misunderstanding each
10 other.

11 A I believe we are about that far
12 apart, Charlie.

13 Q Okay.

14 MR. KARMAN: I think you might want to try to
15 get some understanding of what he means by fixed fee.

16 BY MR. SOSNICK:

17 Q Sure. Do you want to explain fixed fee
18 to us?

19 A Fixed fee is a project you would
20 undertake for a set amount of money.

21 Q Now, then, Mr. Frankum, no matter how long
22 Brown & Root takes to do their job at Comanche Peak,
23 they will receive the same amount of money?

24 A That's correct.
25

1 Q And the longer they are up there doing the
2 job, the more costs they have; is that right?

3 A No, sir.

4 Q Why?

5 A We are still on a fixed fee. Brown & Root
6 will receive so much money for this job.

7 MR. JORDON: When you say fixed fee, do
8 you mean fixed amount of money for doing the whole job
9 and Brown & Root bears the cost of the job out of that
10 fee?

11 THE WITNESS: No. That would be hard
12 contract. What I am saying here, we are on a fixed fee.
13 Brown & Root receives so much money for doing this
14 project and that is all they receive.

15 The client pays the cost of the -- you know,
16 we are going to get so much money and the client pays
17 the rest of the money.

18 BY MR. SOSNICK:

19 Q Does the client -- here you are
20 referring to Texas Utilities?

21 A That's correct.

22 Q Does the Texas Utilities pay the payroll
23 for Brown & Root people?

24 A They reimburse Brown & Root for the moneys
25 that it takes to make the payroll.

Jon6

1 I don't understand how this fits in.

2 MR. VANDERPOOL: Well, we have got -- you
3 aren't alone, Mr. Frankum.

4 THE WITNESS: I really don't know. I fail
5 to understand it.

6 MR. JORDON: I don't think it does any more.

7 MR. SOSNICK: Let's just go a couple of
8 steps further.

9 MR. VANDERPOOL: I take it we are still in
10 the same line of questioning, your questions are
11 relating to this retirement plan.

12 MR. SOSNICK: Yes.

13 MR. VANDERPOOL: We are not voicing our
14 objections to the questions because we have already
15 raised them.

16 MR. SOSNICK: You have a standing objection
17 to this line.

18 BY MR. SOSNICK:

19 Q Mr. Frankum, Texas Utilities reimburses
20 Brown & Root for the payroll?

21 A Yes.

22 Q What are the costs that Texas Utilities
23 reimburse Brown & Root for; do you know?

24 MR. VANDERPOOL: I am going to object
25 because I think it is calling for the witness to state a

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1 legal conclusion. For asking him his understanding of
2 how things are paid, I will permit him to answer.

3 BY MR. SOSNICK:

4 Q Just your understanding, sir.

5 A My understanding is they reimburse for the
6 payroll for expenses incurred by Brown & Root pertaining
7 to this particular job.

8 MR. JORDON: Excuse me, Charlie. I didn't
9 hear. Payroll and --

10 THE WITNESS: Well --

11 MR. SOSNICK: Wait a minute. Why don't
12 we hae the court reporter repeat his answer.

13 MR. JORDON: That is fine. I didn't hear
14 whether he said "payroll and" or "payroll expenses."

15 (The reporter read the record as requested.)

16 BY MR. SOSNICK:

17 Q Mr. Frankum, do you know if it may cost
18 Brown & Root any sums of money to process nonconforming
19 reports written up by Brown & Root QC personnel.

20 A The question is does it cost Brown & Root
21 any moneys to process a nonconformance report?

22 Q We can refer to it as NCR.

23 A No, it doesn't cost Brown & Root.

24 Q Who bears the cost?

25 A The client would absorb that cost.

1 Q Mr. Frankum, do you know an individual
2 named Anthony Vega?

3 A Yes. I know an Anthony Vega.

4 Q How do you know him, sir?

5 A He works out at Comanche.

6 Q What is his position at Comanche?

7 A Quality assurance manager.

8 Q And in your job responsibilities and job
9 dealings would you deal with Mr. Vega in that capacity?

10 A That's correct.

11 Q And how would you deal with him in that
12 capacity; why don't you explain that?

13 A I would deal with Mr. Vega in the capacity
14 that he is the quality assurance manager and I am the
15 constructions manager.

16 Q Now, on what occasions might you two
17 interface?

18 MR. VANDERPOOL: I am not sure I under-
19 stand the question, counsel.

20 MR. SOSNICK: I would just like Mr.
21 Frankum to explain his relationship with quality
22 assurance, Mr. Vega, in partiucular, and in terms of
23 Mr. Frankum's job duties, responsibiolities and in terms
24 of what he understands to be Mr. Vega's job duties and
25 responsibilities.

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1 THE WITNESS: My relationship with
2 Mr. Vega would be the same. He is head of the quality
3 assurance group and if I have occasion to talk to him
4 about anything we are in meetings where we talk about
5 the job and it is just a normal working relationship that
6 you have on any job.

7 BY MR. SOSNICK:

8 Q Now, can you give me examples of the
9 occasions in which you would have to contact Mr. Vega
10 or Mr. Vega might have to contact you?

11 A I have not had to contact Mr. Vega. We
12 have a working session meeting on Saturday where each
13 group is in attendance, and sometimes Vega is there
14 and sometimes he is not.

15 Q Are you acquainted with an individual
16 named Dick Dononin?

17 A I am not.

18 MR. KARMAN: How do you spell it?

19 MR. SOSNICK: D-o-n-o-n-i-n.

20 BY MR. SOSNICK:

21 Q Mr. Frankum, do you have any dealings in
22 your capacity as project manager with quality engineers?

23 A No, no, I don't have occasion to interface
24 with those people.

25 Q Do you have any occasion to interface with

1 any QC inspectors?

2 A No.

3 Q Do you ever speak to the QC inspectors?

4 A Sure.

5 Q In a job related context?

6 A How are you all doing, just --

7 Q Just in conversation?

8 A Just in conversation. When I walk
9 through the plant I am fairly well known and I try to
10 speak to as many people as I can that I go by.

11 Q Do you know an individual named Sue Ann
12 Newmayer?

13 A No, I don't.

14 Q Do you know an individual named Sue Ann
15 Stogdil?

16 A No.

17 Q Mr. Frankum, have you ever heard --
18 strike that.

19 Mr. Frankum, would you ever request Mr.
20 Tolson to speak to some of his QC inspectors?

21 A No.

22 Q From your personal knowledge, sir, do you
23 know of any instances where Mr. Tolson has talked to
24 his QC inspectors?

25 A What he said to his inspectors, I have

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1 no idea. I know that he has had meetings with his
2 people like I do with mine.

3 Q From your personal knowledge, might you
4 know what those meetings concern?

5 A No, I couldn't tell you.

6 Q Mr. Frankum, have you ever heard the term
7 "calling on the carpet" used?

8 A Have I ever heard the term "called on the
9 carpet"?

10 Q Yes.

11 A For the last 30, 40 years I have heard
12 that term.

13 Q Have you ever heard it used up at Comanche
14 Peak?

15 A I am sure I have.

16 Q Explain to me what that would mean if you
17 heard it up at Comanche Peak.

18 A My definition of being called on the carpet
19 is I have to go report to my boss that I probably done
20 something and he wants some clarifications or he wants
21 some information.

22 Q Mr. Frankum, have you ever called on the
23 carpet any QC personnel?

24 A No, sir.

25 Q Have you ever called on the carpet any of

1 your own personnel?

2 A Yes, sir.

3 Q Have you ever called on the carpet your
4 own personnel in a situation which related to QC
5 inspectors?

6 MR. VANDERPOOL: I guess so we are clear,
7 we are using the term called on the carpet in accordance
8 with the definition Mr. Frankum gave you; is that right?

9 MR. SOSNICK: As he understands it.

10 MR. VANDERPOOL: All right.

11 MR. JORDON: Answer, if you understand the
12 question.

13 THE WITNESS: I understand you are asking
14 me if I have ever called any of my people in to be
15 talked to about quality control personnel?

16 BY MR. SOSNICK:

17 Q Yes.

18 A Is that what you are asking?

19 Q Yes.

20 A Yes, I have.

21 Q And on what occasion have you done that,
22 sir?

23 A Where there was an allegation that this
24 person may or may not have harassed a QC inspector.

25 Q You mean your construction personnel?

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1 A That's correct.

2 Q And has this occurred? Have you had to

3 call in your construction personnel to talk about that?

4 A I have called in construction personnel and

5 talked to them.

6 Q Who have you called in?

7 A I have called Ronnie Johnson who is the

8 personnel who comes to mind when I have called in on that

9 particular type of incident.

10 Q Anyone else?

11 A No. That is the only one.

12 Q That is the only one?

13 A The only one that I can recall that

14 I have -- superintendent that I have called in and talked

15 to about an allegation of harassment or intimidation,

16 which ever it was.

17 MR. VANDERPOOL: As I understand, you are

18 asking if he has done personally; is that correct?

19 MR. SOSNICK: Yes.

20 BY MR. SOSNICK:

21 Q Now, who is Ronnie Johnson, Mr. Frankum?

22 A He is one of my superintendents in the

23 reactor bed.

24 Q Did I understand you correctly that there

25 is an allgation that Mr. Johnson had harassed somebody?

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A That's correct.

Q Who did he allegedly harass?

A One of the QC inspectors.

Q Who was that QC inspector?

A I don't know what his name would be.

Q Were you ever given that name?

A No.

Q Is there a reason why you were not given that name?

MR. VANDERPOOL: Are you asking him what his understanding of why he was not given the name or what he knows about why he wasn't given a name?

MR. SOSNICK: Yes.

THE WITNESS: There is not any particular reason that I can think of. Rarely do I ever get a name of any person that has made a harassment allegation or anything like that.

BY MR. SOSNICK:

Q Now, you recall the name Ronnie Johnson right now and you have stated there are others. How many others?

A I don't believe I stated that.

MR. JORDON: I don't believe that was his testimony.

Q All right. Were there other people besides

1 Ronnie Johnson?

2 MR. JORDON: Other people what?

3 MR. VANDERPOOL: Yes.

4 MR. SOSNICK: All right. I am sorry.

5 I thought we understood the line of questioning.

6 BY MR. SOSNICK:

7 Q You stated that you can recall calling
8 in Ronnie Johnson regarding allegations made that he
9 had harassed a QC inspector; is that correct?

10 A That's correct.

11 Q Were there any other people of your
12 construction personnel that you have called in
13 regarding an allegation that that particular
14 individual had harassed a QC inspector?

15 MR. VANDERPOOL: Mr. Frankum personally;
16 is that what you are asking when you say "you" you are
17 talking about Mr. Frankum?

18 MR. SOSNICK: YES.

19 THE WITNESS: Have I personally talked to
20 supervisors about harassment of QC inspectors?

21 MR. JORDON: Specific instances.

22 MR. KARMAN: Let's start over.

23 MR. SOSNICK: Yes, let's start over.

24 BY MR. SOSNICK:

25 Q If you understand my question, then

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1 answer. If not, why don't you say you odn't understand.

2 MR. VANDERPOOL: Charlie, my problem also
3 is I guess often with Mr. Frankum you use the term "you"
4 to mean Brown & Root or you are referring to the people
5 under him as superintendents. That is all I was
6 trying to make clear, is that you are talking about
7 instances where Mr. Frankum himself has called them
8 in.

9 MR. SOSNICK: Okay. Sure.

10 MR. JORDON: And just so we hopefully
11 don't have to go through it one more time, the concern
12 I have, the way you worded the last question, Charlie,
13 it seemed that maybe we went from -- the first question
14 was had you called in any other people who have been
15 alleged to have harassed QC personnel; and, secondly, the
16 way it was asked I believe is have you talked to any of
17 your people about harassment of QC personnel. And I see
18 those as two different questions.

19 MR. SOSNICK: All right.

20 BY MR. SOSNICK:

21 Q Do you recall when we talked about calling
22 somebody on the carpet?

23 A Could we pick up at Ronnie Johnson? I am
24 up with you up to there.

25 Q Okay. Your testimony, Mr. Frankum, was

1 that you yourself called in Ronnie Johnson regarding
2 allegations made that he had harassed a QC inspector?
3 Is that correct?

4 A That's correct.

5 Q Were there other individuals among your
6 construction personnel that you called in, like Ronnie
7 Johnson, regarding allegations made against that -- about
8 that particular person as to intimidation or harassment
9 of QC inspectors?

10 A There have been other supervisors called
11 in and I have talked to them about an allegation of
12 intimidation, harassment, not particularly to them that
13 these personnel had done the harassment, but maybe one
14 of the persons in their group had been accused of that.

15 Q Let's break that down.

16 A Okay.

17 Q Were there other supervisors that these
18 allegations concerned that the supervisor had harassed
19 a QC person?

20 A No.

21 Q Ronnie Johnson was the only supervisor that
22 you know of -- strike that.

23 That you called in?

24 A Ronnie Johnson is the only crafts
25

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1 superintendent that I have called in to talk to about
2 an allegation of harassment and intimidation.

3 Q That Ronnie Johnson allegedly made?

4 A That's correct.

5 Q And your testimony, sir, is that you
6 talked to other supervisors on the construction side
7 about -- you have talked to them about intimidation,
8 harassment, but that concerned people in their work
9 groups?

10 A That's correct.

11 Q On how many occasions did you call Ronnie
12 Johnson into your office about the intimidation and
13 harassment?

14 A One time.

15 Q When was that?

16 A That was about three or four weeks ago.

17 Q And how did you learn of the allegations
18 of intimidation and harassment?

19 A I learned through -- John Merritt called and
20 told me that there was an allegation of harassment about
21 Ronnie Johnson.

22 Q Just so we are clear, sir, what is John
23 Merritt's position?

24 A John Merritt is the construction manager
25 for TUGCO.

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1 Q Now, Mr. Merritt is not a QA/QC person,
2 is he?

3 A No, sir.

4 Q And, Mr. Frankum, based on your under-
5 standing, how did Mr. Merritt receive such information?

6 A From, based on what I know, he would
7 probably receive a memo or a call from Tony Vega
8 or from Boyce Grier.

9 Q Have you ever received memos from Tony
10 Vega or Boyce Grier concerning allegations of
11 intimidation and harassment?

12 A No, sir.

13 Q How did you deal with Mr. Johnson when
14 you called him in?

15 A I tried to get the facts on what went
16 on, and we talked over the seriousness of the situation,
17 and I counseled with him on how in the stage of the job
18 we are in how he has to be cautious on how he conducts
19 himself. To this day I do not know that any
20 intimidation has been proven against Ronnie.

21 Q So you investigated and counseled him?

22 A Yes, sir.

23 Q And that was the end of it?

24 A That was the end of it.

25 Q No one else was involved in dealing with

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Mr. Johnson?

A No.

MR. VANDERPOOL: During the time he was in with Mr. Frankum?

MR. SOSNICK: No.

BY MR. SOSNICK:

Q As far as you know, did anyone else deal with Mr. Johnson regarding the allegations?

A I think Mr. Johnson visited with Boyce Grier also.

Q Do you know if anyone else Mr. Johnson dealt with regarding the allegations of intimidation and harassment?

A Not to my knowledge.

Q Now, Mr. Frankum, tell me how it was decided that after you spoke with Mr. Johnson that that would be the end of this particular incident?

MR. VANDERPOOL: I am sorry. I don't understand the question.

Q Who made the decision that after you spoke with Mr. Johnson that that was the end of the investigation of counsel?

A For the information that I had in regard to the allegation, I was satisfied in my mind that Ronnie was capable of performing a good job that day.

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Q So you made the decision?

A I made the decision.

Q So you made the decision that you had enough with Mr. Johnson?

A Yes.

Q And you could lay it to rest?

A Yes.

Q And did you communicate to anyone else that was the end of this incident?

A No, I did not.

Q Did you inform Mr. Merritt that you had dealt with it?

A I couldn't. I told Johnson and Vega that I had counseled with Ron.

Q What I am getting to, Mr. Frankum, is if the complaint is received and you decide -- and you deal with it, sir, and you decide that in this instance the visit to your office was enough, how does anyone else who would be involved in investigating such allegations know that they are not to continue?

A The structure that is out there on allegations is that allegations are normally referred to Mr. Boyce Grier and Mr. Boyce Grier will do the investigation only, and if he determines there is some serious -- or however his determination is, a letter

1 would probably be sent to Tony Vega and in turn to
2 John Merritt and I in turn would receive something
3 from John Merritt to respond to.

4 Q Is it your testimony, then, Mr. Frankum,
5 that unless Mr. Grier would hear further from you that
6 there would be no further investigation?

7 A I don't quite --

8 Q Let's take it back a step.

9 A All right.

10 Q After you received the information and in
11 this instance you received it from Mr. Merritt; is that
12 correct?

13 A That's correct.

14 Q Now, if you had decided that further
15 investigation had to be taken, who would you contact?

16 A I would have -- further investigation -- if
17 I decided it had to go further, I wouldn't inform anyone
18 until I finished my investigation.

19 Q You would conduct the investigation
20 personally?

21 MR. VANDERPOOL: Are you talking about his
22 own investigation?

23 MR. SOSNICK: No. I am talking about
24 Ronnie Johnson.
25

1 BY MR. SOSNICK:

2 Q If you determined that with Mr. Ronnie
3 Johnson further investigation was necessary besides
4 the visit to the office, where you did some
5 investigation, counseling, and you determined that
6 further investigation was necessary, who would you
7 contact?

8 MR. VANDERPOOL: You are not asking him
9 with respect to investigation that other personnel might
10 take such as Boyce Grier; you are asking about his
11 handling of the matter as you understood his control; is
12 that correct?

13 MR. SOSNICK: I am asking about Ronnie
14 Johnson.

15 MR. VANDERPOOL: Well, I understand we
16 are talking about Ronnie Johnson. What I am asking you
17 is are you asking about -- are you implying in your
18 question or is it your understanding that he has some
19 control over what Mr. Grier does?

20 MR. SOSNICK: I am simply asking, he
21 receives a communication from Mr. Merritt and it came from
22 Mr. Grier and it dealt with Ronnie Johnson and you
23 called Mr. Johnson into your office and you did your
24 investigation and counseling, and at that time you decided --
25 you were satisfied that you had deal with it and the

1 issue was resolved.

2 BY MR. SOSNICK:

3 Q Is that correct?

4 A That is what I had done.

5 Q Now, such a situation let's assume when you
6 called Mr. Johnson into your office that you
7 determined that further investigation was necessary, I
8 would like to know what you would do then?

9 MR. VANDERPOOL: I will object to the
10 question because, to start with, you are asking a
11 hypothetical question. I don't think it is a proper
12 scope for an evidentiary matter to ask such a
13 hypotehtical question and I think it would require the
14 witness to speculate as to what he might do under some
15 situation and I think certainly it is not a proper
16 subject for an evidentiary matter.

17 BY MR. SOSNICK:

18 Q Wouldyou have a procedure to follow if you
19 felt further investigation was necessary?

20 A No, I wouldn't have a written procedure.

21 Q To take such actions you would determine
22 what actions would be necessary yourself?

23 A I would letermine what had to be done.

24 Q And that would be your decision solely?

25 A My decision?

1 Q Only?

2 A That's correct.

3 Q Mr. Frankum, have you ever based on your
4 experience and time at Comanche Peak as project manager,
5 have you ever heard of an NCR being voided?

6 A Yes.

7 Q Under what circumstances would an NCR be
8 voided?

9 A There could be a number of reasons why they
10 might void an NCR.

11 Q Why don't you give me a number of those
12 reasons?

13 A An NCR could be improperly written.
14 It may have referenced the wrong procedure. They would
15 void it and rewrite a procedure.

16 The disposition could be such that there
17 was an error. There could be a misunderstanding -- there
18 would be a number of reasons why an NCR could be voided.

19 Q How often does that happen?

20 A Not very often.

21 Q Now, when you say that one might be
22 improperly written, who would make the decision that the
23 NCR was improperly written?

24 A Quality engineer.

25 Q Would you receive any communications up

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1 through the chain of command from construction personnel
2 that they believe an NCR was improperly written?

3 A No. Before an NCR is written it is
4 processed the same time each time. We don't have
5 control over the NCRs.

6 Q But your construction personnel would
7 have knowledge that an NCR was written, wouldn't they?

8 A Of course.

9 Q My question was would one of the
10 supervisors of the construction personnel ever relay
11 up the ladder that they felt that an NCR was improperly
12 written?

13 A No, they wouldn't.

14 Q That has never happened?

15 A I can't say that it has never happened.
16 IF it has happened I don't know it.

17 Q Have you ever heard from anyone on the
18 construction side, from those under your jurisdiction,
19 that an NCR was improperly written?

20 A No. It is just generally after the
21 fact that the whole thing has been processed. Like I say,
22 the NCR could have been written and the wrong number or
23 the wrong reference or the wrong something could be on it.

24 Q Now, you also mentioned that one may be
25 written and it might be voided as a misunderstanding.

jon27

1 What did you mean by that?

2 A Well, I said there are many variables on
3 how an NCR could be voided. If an inspector
4 misunderstood the procedure on the spec, to give him time
5 to determine what was to take place he would probably
6 write an NCR and it could be -- and this is all, just
7 like you asked, how could it, there is many ways it could
8 be written improperly.

9 Q Under any circumstance whatsoever would
10 you ever hear from any construction personnel that they
11 believe an NCR should have been written and had been voided?

12 A Not until after the fact.

13 Q What do you mean by after the fact?

14 A That the NCR had already been voided and
15 they would say well, an NCR got voided.

16 Q As far as you know, Mr. Frankum, there has
17 been no situation where someone on the quality control
18 side might question the NCR, they might have to go out
19 to that particular work item and look at what was done,
20 in such situations you know of no instance where someone
21 from the construction side would go with them to see if in
22 fact that NCR should have been there?

23 MR. JORDON: Objection. If you are
24 categorizing the prior testimony. I don't think the
25 question is consistent or --

jon28

1 MR. SOSNICK: I am not characterizing
2 his testimony.

3 MR. VANDERPOOL: Would you read back the
4 prior question, please?

5 MR. SOSNICK: It is long and --

6 MR. VANDERPOOL: I know. That is why
7 I want it read back.

8 (The reporter read the record as requested.)

9 MR. SOSNICK: Let's have another question.

10 MR. VANDERPOOL: Yes, because I don't
11 understand it.

12 BY MR. SOSNICK:

13 Q Mr. Frankum, as far as you understand,
14 might a quality control person visit, look at the work
15 item where the suspect NCR was written?

16 A Would a quality person go look at the work
17 item in question? Is that what you asked me?

18 Q Yes.

19 A I am sure they would if they had doubts in
20 their minds.

21 Q Now, if there were doubts in the quality
22 control person's mind about whether the NCR was proper,
23 this is based on your knowledge, might quality control
24 personnel go out and look at that item again, that work
25 item?

jon29

1 A I can speculate. I can't for sure because
2 an NCR is processed entirely in turn to those people
3 and how they come to the disposition I can't say in
4 every instance on how they would react to any NCR. I
5 don't know.

6 Q Now, based on your personal knowledge, has
7 there ever been an instance where an individual from
8 the construction personnel side accompanied quality
9 control person to visit -- or to inspect a work item
10 with an NCR that might not have been properly
11 written?

12 A The only way that could happen is if the
13 quality engineer wants someone to locate the work
14 item inside the plant.

15 Q And do you know if that has ever happened?

16 A I don't know that it has or it hasn't.
17 It is a very congested place.

18 Q Might you be advised that a
19 construction person go out with a QC person to the
20 item that the NCR was written on?

21 A No, I probably wouldn't know if that
22 happened.

23 Q Now, Mr. Frankum, you have testified that
24 you talked to other supervisors, construction personnel
25 supervisors, about allegations of intimidation and

1 harassment; is that correct?

2 A That's correct.

3 Q On how many occasions have you
4 addressed the construction personnel supervisors
5 about allegations of intimidation and harassment?

6 MR. VANDERPOOL: Let me be sure I
7 understand. You are categorizing his testimony and I
8 believe what you are referring to is the line of
9 questioning involved with Ronnie Johnson, whether
10 there was testimony that he had, quote, called on the
11 carpet, end quote, Ronnie Johnson regarding that and
12 there was also, I believe, testimony that he had talked
13 with other supervisors, but not involving allegations
14 that they themselves had been involved in alleged
15 intimidation and harassment.

16 MR. SOSNICK: That's right.

17 MR. VANDERPOOL: So you are asking about
18 those other supervisors in the instances we have just
19 referred to; is that correct?

20 Do you understand, Mr. Frankum?

21 THE WITNESS: I believe the bottom line of
22 your question was how many times?

23 BY MR. SOSNICK:

24 Q That's right.

25 A And I couldn't tell you specifically how

jon31

1 how many times. I know of instances through the course
2 of the years where some question may have come up about
3 intimidation and harassment.

4 Q More than once?

5 A I am sure it was more than once.

6 Q More than five times?

7 A I don't know if it was more than five.

8 It was more than one and it has probably been more than two,
9 but for me to be to a specific number, I can't give you
10 that.

11 Q Now, are those allegations of
12 intimidation and harassment, do those involve QC
13 inspectors?

14 A Yes, in the sense that the allegation
15 would come that there was harassment or intimidation
16 to the QC inspector?

17 Q And in this context that we are speaking
18 of right here, not Ronnie Johnson, those alleged acts
19 of intimidation and harassment came from crafts people?
20 Is that correct?

21 A Against the QC person?

22 Q Yes.

23 A Against the QC person.

24 MR. JORDON: Excuse me. I am lost. Are
25 you saying allegations made by craft people against QC

jon32

1 people?

2 MR. SOSNICK: No. Let's go off the record
3 for a second.

4 MR. VANDERPOOL: We want to be on the
5 record.

6 MR. SOSNICK: I will clarify for you. We
7 are talking about the allegations of intimidation and
8 harassment allegedly made by the crafts people and
9 Mr. Frankum talked to those crafts people supervisors
10 about that.

11 BY MR. SOSNICK:

12 Q Is that correct, Mr. Frankum?

13 A That's correct as I understand the
14 question.

15 MR. JORDON: Okay. That's fine. I
16 just wanted that clarification.

17 BY MR. SOSNICK:

18 Q And for further clarification, those
19 allegations of intimidation and harassment concerned
20 QC inspectors: is that correct?

21 A That's correct.

22 Q Now, you mentioned before, Mr. Frankum,
23 that you became aware of the allegations that
24 were described with Ronnie Johnson, you became aware of
25 that through Mr. Merritt; is that correct?

jon33

1 A That's correct.

2 Q And Mr. Merritt learned it from Mr. Grier?

3 A I don't know where he learned it. All I

4 know is that Mr. Merritt told me that there was an

5 allegation that he had received that Ronnie Johnson was

6 involved in intimidation and harassment of QC.

7 Q As I understand it, Mr. Merritt has received --

8 would receive such information from Mr. Grier?

9 A Mr. Grier or Mr. Vega.

10 Q Now, what is Mr. Grier's position at

11 Comanche Peak?

12 A I can give you his job description. I

13 can't give you what his position is.

14 Q That's fine.

15 A His job description is to investigate

16 safety related complaints, QC harassment, intimidation

17 complaints, and that is about all I can tell you about

18 what he does.

19 Q How long has Mr. Grier been up at Comanche

20 Peak?

21 A I would guess probably five or six months,

22 seven months. Something like that.

23 Q How many people are on Mr. Grier's staff,

24 as far as you know?

25 A None that I know of.

jon34

1 Q So far as you know, Mr. Grier operates
2 by himself?

3 A Yes.

4 Q And prior to five or six months ago what
5 individual did those jobs that Mr. Grier does now?

6 A Prior to Mr. Grier coming on site the
7 investigation of harassment or intimidation, if it would
8 be from a craft to a QC person, was done by me, by
9 some of my supervisors.

10 Q Prior to five or six months ago, if the QC
11 inspector had a complaint about intimidation or
12 harassment, he would have to somehow communicate that
13 to you so you could investigate?

14 A He would go to his supervisor. It would
15 come from the QA manager to me.

16 Q And approximately five or six months ago who
17 was the QA manager?

18 A Ron Rolson.

19 Q So prior to five or six months ago you
20 would hear of allegations of intimidation and harassment
21 from Mr. Tolson?

22 A If there was any, that would be where they
23 come from.

24 Q And prior to five or six months ago, after
25 Mr. Tolson would inform you, it would be up to you

1 it would be up to you to investigate?

2 A Yes, it would.

3 Q And how would you investigate?

4 A The same way I do now. If it is a craft
5 person I would have the superintendent go out, take
6 statements, talk to people, find out what was said and
7 what happened.

8 Q Would you follow any sort of written
9 procedure in investigation?

10 A No.

11 Q You would determine on a case by case basis
12 what to do?

13 A Yes.

14 Q And in making that case by case
15 determination, that was your decision alone as project
16 manager?

17 MR. VANDERPOOL: Are you asking about
18 decisions with respect to construction?

19 MR. SOSNICK: Yes.

20 MR. VANDERPOOL: Or what he has knowledge
21 of?

22 MR. SOSNICK: Yes.

23 THE WITNESS: The investigation would be
24 closed out when quality assurance manager and myself were
25 satisfied that we had adequately put the thing to bed.

BY MR. SOSNICK:

1 Q Okay. And would you confer with the
2 quality assurance manager as to the status of the
3 investigation?

4 A I would tell him where I stood. That is
5 my obligation to tell him what I have found out in the
6 matter.

7 Q So you might have a meeting or two about
8 what you were investigating and what he was investigating?

9 A We would probably have a meeting to
10 conclude that we had adequately investigated it and that
11 the people involved were satisfied with the disposition.

12 Q Prior to five or six months ago might
13 Mr. Tolson accompany you on investigations or speak to
14 the crafts person involved?

15 A No, sir.

16 Q Prior to five or six months ago might you
17 accompany Mr. Tolson and speak to the particular QC
18 inspector involved?

19 A No, sir.

20 Q When was the last time that you spoke
21 to your supervisors regarding alleged harassment
22 intimidation of QC inspector; by crafts persons?

23 MR. VANDERPOOL: Just so we are certain
24 about what your meaning is, as we pointed out earlier,
25 a misunderstanding can occur because of the use of the

1 word "supervisor." A supervisor can mean someone
2 under you who supervises other employees under you or
3 it can mean one of your supervisors. So are you speaking
4 one of his bosses or people under him?

5 MR. SOSNICK; People under him.

6 THE WITNESS: All right. I am going to tell
7 you what I think the question was.

8 MR. SOSNICK: I will restate the question
9 and we can start fresh.

10 MR. JORDON: Charlie, before you
11 restate the question are we still talkng about specific
12 instances or the last time?

13 MR. SOSNICK: I would like to know the last
14 time.

15 BY MR. SOSNICK:

16 Q When was the last time you spoke to
17 supervisors, that is people under you, regarding
18 alleged intimidation and harassment of QC inspectors by
19 crafts persons?

20 MR. VANDERPOOL: I apologize for this,
21 Charles. But you have got a line of questioning
22 about the Ronnie Johnson incident or you brought that
23 back in. Are you still talking about that prior
24 testimony or are you talking about now just any time?

25 We are not talking about the Ronnie Johnson

1 incident and other supervisors?

2 MR. SOSNICK: I just want to know the last
3 time you talked to him.

4 THE WITNESS: Ronnie Johnson was the last
5 time.

6 BY MR. SOSNICK:

7 Q Prior to that?

8 A Prior to that I talked to a supervisor
9 on an allegation of one of his personnel.

10 Q Which supervisor did you speak to?

11 A Charlie Britt.

12 Q B-r-i-t-t?

13 A No, I didnot call Charlie Britt in.
14 Charlie Britt came to me and said that there was going
15 to be an allegation.

16 Q And who was the crafts person?

17 A I know him, but I not by name.

18 Q Now, Mr. Britt came to you directly
19 and said that -- what did he say?

20 A Let me see if I can recall what he came
21 in to me and said. I will put it as close as I can.

22 Q Sure. Of course.

23 A Charlie came in and said he was fairly
24 certain that there was going to be a harassment or
25 intimidation charge made against one of his workers. We

1 talked on it and I told Charlie, I said go out
2 and get the statements and do the investigation and do
3 the entire investigation like we normally would do.

4 Q Okay, now, did Mr. Britt tell you how he
5 had learned that an allegation would be made?

6 A I am fairly certain that one of his
7 foreman reported to him. I can't say exactly how he
8 came by that.

9 Q You understand that the QC inspector
10 involved might have told the foreman who has in turn told
11 Mr. Britt?

12 A He could have. I don't know how he got the
13 information.

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BY MR. SOSNICK:

Q Did Mr. indicate to you that he knew the particular QC inspector involved?

A No, he didn't have occasion that he knew the specific inspector.

1 Q Did he indicate to you what particular
2 work item it referred to?

3 A He told me what work it was, a generic
4 work. I can't single out exactly what the work item
5 was.

6 Q And to the best of your recollection,
7 when did this occur?

8 A Oh, it's been a couple of months back.

9 MR. VANDERPOOL: I'm going to object
10 to this question as being discovery-related rather
11 than related to evidentiary matters. I think it's
12 obvious you're conducting discovery, and as I
13 understand, the whole purpose of this was to go
14 into evidentiary matters, so I'll voice an objection
15 to this line of questioning because it's not
16 evidentiary material.

17 MR. SOSNICK: I'll just respond very
18 briefly to that objection, and then we'll proceed
19 because it's clearly dealing with allegations of
20 intimidation and harassment, and Mr. Frankum is
21 relating a particular incident that was reported to
22 him by Mr. Britt, so I believe it's certainly relevant
23 and evidentiary.

24 MR. VANDERPOOL: My object was not to
25 relevancy. It was objection to the lack of being --

1 it was not evidentiary because you're not going
2 to the matters that relate to your specific
3 allegations.

4 MR. SOSNICK: I don't know if you heard
5 me. I might have trailed off on the end. I
6 said I believe it's relevant and evidentiary, and
7 I note your objection.

8 BY MR. SOSNICK:

9 Q This incident occurred this year?

10 A Yes.

11 Q A couple of months ago, you said?

12 A I believe that's what you said.

13 Q It happened in 1984, perhaps?

14 A A couple of months ago.

15 Q Now, you requested Mr. Britt to conduct
16 an investigation?

17 A That's correct.

18 Q And you instructed him to take statements?

19 A That's correct.

20 Q Take statements of whom?

21 A Of the involved parties in construction.

22 Q Did he take statements of the QC
23 personnel?

24 A No, he didn't take statements from QC.

25 Q And did he deliver these statements to you

1 after he took them?

2 A He brought up his report to me.

3 Q And what did you do then, sir?

4 A I looked the reports over, told Charlie
5 to file the reports.

6 Q Further action was necessary, you felt?

7 Q No, I didn't say that. I said, file the
8 reports and the QC inspector had gone to Boyce
9 Grier, and we would wait to get a determination
10 from Boyce. We in turn wrote a letter to Tony Vega
11 saying that we had counseled with the person, and
12 if he needed anything further from us, to let
13 us know.

14 Q I'm sorry, but I think you said file,
15 and I thought you said fold. I apologize. I
16 misunderstood you.

17 So let me just understand you here. You
18 asked Mr. Britt to file the reports; is that correct?

19 A Yes.

20 Q And then you asked him to send over the
21 reports to Mr. Grier; is that correct?

22 A That's correct -- no, wait a minute.
23 I thought I said I told him to write Mr. Vega a
24 memo concerning the counseling of this particular
25 individual.

1 Q Now, the particular individual you're
2 referring to is the crafts person --

3 A That's right.

4 Q -- that allegedly made the intimidation
5 and harassment?

6 A That's correct.

7 Q And who performed the counseling on the
8 particular individual?

9 A The craft general superintendent, Charlie
10 Britt.

11 Q Did you ask Mr. Britt to so counsel
12 this particular individual?

13 A Well, I could have or I could not have.
14 It's part of what we do when we have a problem
15 to counsel people and normally I'll leave this up
16 to the superintendent over the particular craft.

17 Q So, in other words, in this case, the
18 superintendent would decide what to do, how to
19 counsel that person or further investigation.

20 A That's correct.

21 Q And you mentioned you would send something
22 over to Mr. Grier. What would that be?

23 A I thought I said I sent it to Mr. Vega.

24 Q Okay. Did you send anything over to
25 Mr. Grier?

1 A No, I don't believe we did.

2 Q Would Mr. Grier be informed of this
3 incident?

4 A Like I said, the inspector did go to
5 Mr. Grier and we in turn sent a letter to Tony
6 Vega on the reports that we had concerning the incident.

7 Q Now, the reports you sent over to Mr.
8 Vega, what do those reports contain, what
9 investigation was taken and the counseling involved?

10 A It would say we had so and so in and
11 counseled him on harassment, intimidation, or
12 whatever pertaining to QC.

13 Q And would you name all of the parties
14 involved in the report?

15 A It was one person and we counseled him,
16 and we sent a memo to that effect to Tony Vega.

17 Q In other words, when you send this
18 communication over to Mr. Vega, would you identify
19 who the person -- who the craft person was who
20 allegedly did those acts, and who allegedly harassed,
21 and then who, in this case, his supervisor was,
22 who did the counseling.

23 MR. VANDERPOOL: Are you asking the
24 substance of his report? You're saying "Would you"?

25 MR. SOSNICK: The substance of the report.

1 MR. VANDERPOOL: You're asking him what
2 he did, what he concludes the report says.

3 THE WITNESS: The report said our
4 person's name and he had been counseled in
5 this particular instance. It probably would not
6 have named the QC inspector, because that's not
7 part of what we do. It's part of our problem from
8 there, and we have to address that and Tony is
9 to get a report from Grier, I presume.

10 I don't see reports from Grier. And
11 if we need to be contacted any further on it, just
12 get in touch with us.

13 Q Was your report sent over to Mr. Vega
14 before Mr. Grier was apprised by the QC inspectors
15 of the report?

16 A I don't know. I can't say for sure.
17 I doubt it.

18 Q But you learned from Mr. Britt that
19 a complaint was going to be made to Mr. Grier?

20 A That's correct.

21 Q Now, then, filing the report -- or --
22 strike that.

23 You said memo -- sending the memo over
24 to Mr. Vega; is that according to a certain written
25 procedure you have?

1 A No, it's not a written procedure that
2 we do this.

3 Q And this is something that you determined
4 was the best way to deal with it?

5 A That's something we determined is the
6 best way to handle these situations.

7 Q You individually? Who decides that?

8 A I decide that we should respond to
9 Tony to tell him what we have done.

10 Q And you decide, sir, how to communicate
11 with -- and by Tony, you mean Mr. Vega; is that
12 correct?

13 A That's correct.

14 Q You decide how to communicate to Mr.
15 Vega or if you should communicate with Mr. Vega; is
16 that correct?

17 A That's correct.

18 Q Now, Mr. Frankum, we've made reference
19 before to these nonconformance reports and I'm
20 sure you're familiar with what those are; is that
21 correct?

22 A That's correct.

23 Q And if you and I refer to them as NCR's
24 we won't be confused, will we?

25 A No.

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1 MR. VANDERPOOL: He can only speak as
2 to whether he will be confused, not whether you
3 will be.

4 MR. SOSNICK: All right. I'll try
5 not to be confused either.

6 BY MR. SOSNICK:

7 Q Where are the NCR's kept? Where are
8 they located if a QC inspector would like to go
9 get one and he's dealing with something one of
10 your construction personnel did? Where would he
11 get one?

12 A He would go to his NCR coordinator.

13 Q Are any of the NCR's located in your
14 office, the forms?

15 A No.

16 Q Were they ever?

17 A No.

18 Q The NCR coordinator, where is his office?

19 A I'm not really sure.

20 Q At times, Mr. Frankum, during the
21 course of construction when an NCR is written, might
22 it sometimes be dealt with by a design change?

23 A It could, it could not be. I can't
24 answer that.

25 Q Is it possible that it might be dealt with

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a design change?

A Like I say, anything is possible. I don't know. I do not disposition NCR's. The disposition is made either by quality engineering or by engineering. Most cases, it would be engineering that makes the disposition to an NCR.

Q They do make design changes; is that right, sir?

A Yes, we do make design changes.

Q Now, in the chain of command, the engineering people who might disposition that NCR, who do they report to?

A They would report to the engineering manager, Mike McVey.

Q Who would he report to?

A He reports to John Merritt.

Q Who does John Merritt report to?

A To Joe George.

Q Does Mr. Merritt report to you?

A No, he doesn't report to me.

Q Does Mr. George report to you?

A No.

Q But Mr. Merritt would report to you regarding allegations of intimidation and harassment; is that correct?

EXEMPT
COLLUSION

1 A If you call it reporting to me, he
2 would call me and say to me, we have a problem, and
3 I need to do something.

4 Q I mean, he would be in contact with you?

5 A Yes.

6 MR. VANDERPOOL: I understood your questions
7 previously when you were saying whom reports to
8 whom that you were talking about a supervisory chain
9 of command. You've just changed the word.

10 MR. SOSNICK: Just in this instance, I
11 didn't mean to whom do you report. I meant
12 would Mr. Merritt contact you.

13 MR. VANDERPOOL: All right.

14 BY MR. SOSNICK:

15 Q Mr. Frankum, are you aware of an
16 organization called CASE, C-A-S-E?

17 A Yes.

18 Q And when did you first become aware of
19 that organization?

20 A I guess it's been a year or two, however
21 long we have been in the hearings.

22 Q Have you ever informed anyone not to
23 deal with that organization called CASE?

24 A No, sir.

25 Q Now, as far as you understand it, Mr. Frankum,

1 if a QC inspector wanted to make a complaint about
2 an allegation of intimidation and harassment, what
3 would he do? How would he transmit that complaint?

4 A Are you asking me how do I understand it?

5 Q Yes.

6 A I think he could go at it one or two
7 ways. He could go at it to his immediate supervisor
8 or he could probably go up to the QC manager, or he
9 could go to Boyce Grier straight out. That's how
10 I understood it.

11 Q And prior to five or six months ago,
12 before Mr. Grier came on at Comanche Peak, just one
13 of the other alternatives were available, as far
14 as you know?

15 A No, no.

16 Q Tell me about it. What else?

17 A He would have been able to go to the NRC.

18 Q Okay. And can he go to the NRC now?

19 A Of course he can go to the NRC.

20 Anybody can go to the NRC.

21 MR. KARMAN: Some stay there.

22 MR. SOSNICK: Could we just take a break
23 for five minutes?

24 MR. VANDERPOOL: Sure.

25 (Short recess.)

1 MR. SOSNICK: Why don't we go back on.

2 BY MR. SOSNICK:

3 Q Mr. Frankum, prior to your appearance
4 today at this deposition, had you reviewed any
5 documents in preparation for this particular appearance?

6 A No, I have not reviewed any documents.
7 I don't have any to review.

8 Q And prior to your appearance today at this
9 deposition, did you have any discussions with any
10 persons who have testified this week in these
11 proceedings?

12 A Yes.

13 Q Who did you talk to?

14 A Well, it's the talk of the job, this
15 proceeding. I talked with Ken Liford, James Callicutt,
16 Lou Fikar, Joe George --

17 MR. JORDON: He asked you conversations
18 with who had testified.

19 MR. SOSNICK: With those people who have
20 testified here in these proceedings.

21 MR. VANDERPOOL: And you're asking him
22 just who he has had conversational contact with --

23 MR. SOSNICK: People who have testified,
24 have you talked to them after their testimony was given?

25 THE WITNESS: Sure. That's what I was

1 saying. I talked to them every day.

2 BY MR. SOSNICK:

3 Q After their testimony given here, had
4 you talked to them?

5 A Yes, I have.

6 Q Which people did you talk with?

7 A Ken Liford, James Callicutt, Joe George,
8 Steve Fikar, Tony Vega, that's it.

9 MR. JORDON: All right. I don't believe
10 Joe George and Lou Fikar have testified, have they?

11 MR. SOSNICK: Yes, they certainly have.

12 BY MR. SOSNICK:

13 Q What was the subject of your conversation
14 with those individuals? Did you talk about the
15 testimony they gave?

16 A Talked about generalities. How did it
17 go? How rough was it? How did you do? What do
18 you think? That's what we talked about.

19 Q Did you talk about what questions
20 were asked?

21 A No, we didn't specifically get into
22 individual questions. Mainly we were interested in
23 how they seemed to fare, because this is really
24 new to all of us, and it's something we talk about.

25 Q Did you talk about the areas that were

1 discussed?

2 A We talked about intimidation and harassment,
3 yes.

4 Q And these people that you talked to,
5 they related to you what they said about those
6 particular areas?

7 MR. VANDERPOOL: Would you read the question
8 back, please?

9 (The reporter read the record as requested.)

10 MR. VANDERPOOL: Is that a question?

11 MR. SOSNICK: Yes.

12 MR. VANDERPOOL: I don't understand the
13 question.

14 BY MR. SOSNICK:

15 Q Did those people relate to you what
16 they testified to?

17 A Well, like I said, we talked in general
18 terms, mainly about what was talked about, how did
19 they fair, what was the conversation, intimidation
20 and harassment. Of course, we talked about it.

21 Q And did these people talk to you about
22 how they responded to questions --

23 MR. VANDERPOOL: Are you -- excuse me.

24 BY MR. SOSNICK:

25 Q Did those individuals that you mentioned,

1 did you talk to them about how they responded to
2 the questions dealing with intimidation and harassment?

3 MR. VANDERPOOL: Are you asking the
4 witness if he asked those people, or if they talked
5 to him about answers to specific questions?

6 BY MR. SOSNICK:

7 Q My question is, Mr. Frankum, were your
8 discussions with these people who have testified;
9 did they tell you of their answers to the general --
10 to general questions about intimidation and harassment
11 that were brought up during their deposition?

12 A No, I don't think they told me any specific
13 answer. Like I said, we talked in generalities
14 on how did you do, who did you have, and what was
15 it about, and that's the kind of conversation we had.

16 Q And during the short break that we just
17 had, sir, did you discuss with anyone the testimony
18 you gave this morning prior to that break?

19 A I went over with my attorneys what I
20 had talked about.

21 Q Now, then, Mr. Frankum, of your personal
22 knowledge --

23 MR. JORDON: I hope there is no insinuation
24 on the part of Intervenor's counsel that there was
25 anything inappropriate about those conversations

1 with counsel.

2 MR. SOSNICK: Of course not. I mean,
3 the client has to have counsel, counsel has to have
4 a client, and they talk to each other.

5 BY MR. SOSNICK:

6 Q Now, then, Mr. Frankum, based on your
7 personal knowledge, are there ever instances in the
8 plant where certain material would be upgraded?

9 A Based on my personal knowledge of
10 that particular type of instance, there's been
11 material that through the proper testing and the
12 proper performance tests that has -- there's
13 probably been upgrading. I can't testify what the
14 place was or -- there's many instances where one
15 material that would suffice for all types of
16 activities.

17 Q But you know generally of instances
18 where material might be upgraded, not specifically?

19 A Might be, not specifically.

20 Q Not specific instances, but it does happen.

21 A I said it might happen.

22 Q Okay.

23 A I cannot put my finger on one single
24 place out there that we have upgraded material.

25 Q Now, can you tell me, sir, what an

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interoffice memo is from craft management?

MR. JORDON: Inter or intra?

BY MR. SOSNICK:

Q Inter, i-n-t-e-r. Have you heard the term? It's referred to as IM.

A Yes, sir.

Q And might an IM ever be used to upgrade material?

A Not to my knowledge. That doesn't come under construction charge.

MR. VANDERPOOL: Counsel, how is that relevant to the subject matter of these depositions? I'm going to object to the line of questioning because I don't see the relevancy of the matter, and I object because it's not evidentiary.

If you're getting into a discovery area, the discovery area is relevant.

MR. SOSNICK: I'll ask a question, I think, that the relevance and the evidentiary value will become obvious. I note your objection, of course.

BY MR. SOSNICK:

Q Mr. Frankum, based on your personal knowledge might an NCR written on a particular work item produce or necessitate an upgrading of material?

A I don't know that that would necessitate

1 an NCR being dispositioned by upgrading material.
2 If that's happened, it's unbeknowns to me.

3 Q Mr. Frankum, do you know an individual
4 named Dobie Hatley?

5 A Yes.

6 Q In what context do you know this individual?

7 A She worked out at the plant.

8 Q She doesn't work out there anymore?

9 A No.

10 MR. KARMAN: Can I have the name again,
11 please?

12 MR. VANDERPOOL: Dobie Hatley.

13 Q Did you work with Ms. Hatley?

14 MR. VANDERPOOL: I'm going to object
15 to the question as any questioning relating to
16 Mr. and Mrs. Hatley, as I understand any questions
17 relevant to Mrs. Hatley are to be reserved until the
18 week of the 23rd. There's been a dispute about
19 that.

20 MR. SOSNICK: Why don't we go off for a
21 second, just for a second?

22 MR. VANDERPOOL: All right.

23 (Discussion off the record.)

24 (Short recess.)

25 MR. VANDERPOOL: Let me just state that

1 I'm reserving my objections to the matter regarding
2 Dobie Hatley because there's a question about
3 request for production of documents, and what
4 those allegations are.

5 But rather, at this point, rather than
6 instruct the witness not to answer, I'm reserving
7 those objections so counsel can ask a couple questions
8 to determine whether or not you do want to recall
9 the witness during the week of the 23rd.

10 MR. SOSNICK: Thank you, Travis.

11 BY MR. SOSNICK:

12 Q Mr. Frankum, are you acquainted with a
13 person named Dobie Hatley?

14 A Yes, I know Dobie Hatley.

15 Q Do you know her from your contacts at
16 Comanche Peak through the power plant?

17 A I know Dobie and where she works.

18 Q Ms. Hatley no longer works at Comanche Peak;
19 is that correct?

20 A That's correct.

21 Q And have you heard of the circumstances
22 under which she was terminated?

23 A Yes.

24 MR. SOSNICK: All right. I have nothing
25 further right now.

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1 MR. KARMAN: I have just a couple. I
2 think it's been a pretty exhaustive examination.
3 I'd like to clarify a couple of questions.
4 EXAMINATION
5 BY MR. KARMAN:
6 Q Am I correct that Mr. Vega replaced
7 Mr. Tolson in his position with the quality assurance
8 side?
9 A Yes.
10 Q To the best of your knowledge, by whom
11 is Mr. Boyce Grier employed?
12 A To the best of my knowledge, he's employed
13 by TUGCO.
14 Q You say he's been there about six months?
15 A Six, seven months. Seems like he came
16 in last month.
17 Q This is the last question. You indicated
18 that at one point in your testimony, your
19 supervisor was to counsel the craft person with
20 respect to these allegations of intimidation or
21 harassment. Exactly what do you mean by counsel him?
22 What do they do?
23 A We have a number of counseling things
24 that we do, and what this is is a counsel sheet
25 that goes in their file, in the craft file, and what

1 he would do, he would sit down and go through the
2 problem as he perceived it. He would counsel the
3 craftsperson, you know, this is against the
4 work rules we have here, and you're not to
5 do it anymore, and if this comes up again you
6 would be subject to termination.

7 Q When you say do it anymore, is there an
8 assumption he did it the first time?

9 A No, if you do it again. If I said anymore,
10 well, that's the way I talk out there. What it
11 does, it flags us this guy has been talked to before,
12 and if it would come up again, he would be subject
13 to termination, pending on what came out of --

14 Q I'm just a little confused as to whether
15 or not by indicating to him that he should not do
16 it again, that you have determined that he did
17 something that he should not have done.

18 A Let me make sure I understand what you
19 just asked me.

20 Q Right.

21 A Repeat it.

22 Q I thought you said to me that in this
23 counseling session you go through this check list
24 or whatever it is, this counseling list, and
25 you tell this person not to do again what they
did before.

1 A Yes, sir, that's what I said.

2 Q By saying that, are you saying that
3 what they did before could be considered an
4 intimidation or harassment?

5 A No, sir. I'm saying that in the investigation
6 we will normally counsel with anyone in question
7 on anything on QC matters. And if it's determined
8 that there is a problem, then they are told if
9 this comes up again, or they are involved with
10 any threat or harassment whatsoever to do with QA/QC,
11 then they will be subject to termination.

12 Q So you have not determined at that
13 time that these people are guilty of having done
14 what had been alleged they did?

15 A Most of the time that's correct, because
16 we will wait to get a report, and we will send in
17 a report to -- like I say, we will send a report
18 to Vega, and if they need anymore information or
19 come up with something we need to know about, we
20 would agree, and reopen the thing.

21 Q You just don't want them involved in
22 any controversy again?

23 A That's exactly right.

24 MR. KARMAN: I have no further questions.
25

EXAMINATION

1
2 BY MR. VANDERPOOL:

3 Q Mr. Frankum, how many people are presently
4 employed under your supervision at the Comanche
5 Peak Steam Electric Station?

6 A In excess of 2,500.

7 Q What is the highest number, to the best
8 of your recollection that have been employed out
9 at Comanche Peak project under your supervision?

10 A Somewhere between 4,600 and 5,000.

11 Q And of that number of employees, and
12 let's speak at present, how many would you expect
13 to be foreman? How many foremen do you presently
14 have working for you?

15 A That would be around 240 to 250 foremen.

16 Q How many general foremen are there?

17 A I'm going to have to do some quick math.
18 Three foremen to a general foreman. Whoever is
19 quick at math, what is that?

20 Q It would be about 130, 140.

21 A That would be between 80 and 100 general
22 foremen out there.

23 MR. SOSNICK: Counsel, just so we are
24 clear hear, I assume you're going up the chain of
25 command, foreman and general foreman?

1 THE WITNESS: That's correct.

2 MR. SOSNICK: And you're going to go up?

3 BY MR. VANDERPOOL:

4 Q Would you state what the relation between
5 a foreman and a general foreman is?

6 A A general foreman would look after
7 probably three foremen that had probably ten persons
8 working under it?

9 Q And what is the next stage in the chain
10 of command under you above a general foreman?

11 A That would be a craft superintendent.

12 Q Approximately how many craft superintendents
13 do you have working under you?

14 A Probably about 18 to 20.

15 Q Are there any others underneath you in
16 the chain of command?

17 A Two more.

18 Q What are those?

19 A Assistant general superintendent and
20 general superintendent.

21 Q How many general superintendents are there?

22 A I've got three assistant general
23 superintendents and four general superintendents.

24 Q Would you describe for the Board, please,
25 how you go about managing the personnel under
you with respect to the chain of command?

1 A It's the general superintendent, and
2 in occasions the assistant general superintendent
3 depending on what we want to do and how far around
4 does this person have to get. That would
5 be the normal approach that I would take and want
6 my wishes conveyed.

7 Q Do you deal directly in management
8 with foremen and general foremen on an ordinary
9 basis?

10 A No, not on any ordinary basis.

11 Q With whom do you deal directly on your
12 regular basis, which personnel?

13 A General superintendents, assistant
14 general superintendents, and some craft superintendents
15 that do not have a general superintendent above them.

16 Q You testified earlier about an occasion
17 when you counseled Ronnie Johnson in connection
18 with an allegation that he harassed or intimidated
19 a QC inspector. Do you recall that testimony?

20 A Yes.

21 Q Would you tell me, please, sir, what
22 was your understanding of the allegations made
23 against Mr. Johnson?

24 A The understanding that I had of what
25 had taken place was that a QC inspector felt that

1 he was being harassed when Ronnie Johnson
2 was standing behind him watching him make an inspection.

3 Q And is that the incident that you counseled
4 with Mr. Johnson about?

5 A Yes, sir.

6 MR. JORDON: What did you tell Mr. Johnson?

7 THE WITNESS: That we were in an extremely
8 sensitive area there, that he has to be very
9 cautious, and deal only with the QC supervisors,
10 and he assured me that he had not done anything
11 but deal with the Qc supervisors.

12 BY MR. VANDERPOOL:

13 Q Mr. Frankum, an allegation, I believe,
14 has been made by the Intervenor that you harassed
15 and intimidated a Mr. Jack Doyle. Would you state,
16 please, sir, whether, to your knowledge, you have
17 done anything to harass or attempt to intimidate
18 Mr. Jack Doyle.

19 A No, sir, I have not.

20 Q The allegation has also been made that
21 you have, quote, blacklisted, or have been engaged in,
22 quote, blacklisting, unquote, Mr. Jack Doyle. And
23 I'm presuming that that means doing something to
24 prevent him from being employed elsewhere.

25 Would you state whether or not you have

1 been involved in, quote, blacklisting, unquote, Jack
2 Doyle?

3 A No, sir. I don't know Mr. Doyle, and
4 I know of no instance where he's been harassed,
5 intimidated, or blacklisted.

6 Q All right, sir. The allegation has also
7 been made by the Intervenor that you have been
8 guilty of harassment and intimidation of
9 Mr. Robert Messerly. Would you state whether or not
10 you are aware of any incident when you have been
11 involved either directly or through your people
12 in the harassment and intimidation of Mr. Robert
13 Messerly?

14 A No, sir. I don't know Mr. Messerly,
15 and I know of no instance where anything like
16 this has occurred.

17 Q Have you been a part of or done anything,
18 to your knowledge, to contribute to, quote,
19 blacklisting, end quote, of Mr. Robert Messerly?

20 A No, sir, I have not.

21 Q I believe it was alleged in an affidavit
22 filed by a Henry Steiner that in September of 1980,
23 Mr. Callicutt, Mr. Ken Liford went to a crew headed
24 by Mr. Ronnie Johnson. Mr. Steiner was in that
25 crew, and told Mr. Johnson that unless he finished
 a weld in an area by 5:30 that afternoon, that

1 Mr. Johnson would be terminated. Would you state
2 whether or not that allegation is correct.

3 A No, sir, that's not correct, to the
4 best of my knowledge, in 1980, that never occurred.

5 MR. VANDERPOOL: Pass the witness.

6 MR. JORDON: We have no questions.

7 MR. SOSNICK: I have just a few questions
8 on the examination.

9 EXAMINATION

10 BY MR. SOSNICK:

11 Q Mr. Frankum, do you know Henry Steiner?

12 A No, I do not know him personally.

13 Q You say you do not know him personally.
14 Have you ever met him?

15 A No. To my knowledge, I haven't. I
16 don't know what the man looks like.

17 Q Mr. Vanderpool mentioned a Mr. Messerly.
18 Did you know that Mr. Messerly or had you heard
19 that he had somehow been blacklisted?

20 A No, I had not heard that he had been
21 blacklisted, and I do not know Mr. Messerly.

22 Q And Mr. Frankum, is it your testimony
23 that you do not know Mr. Doyle?

24 A No, sir, I do not know Mr. Doyle.

25 Q Mr. Frankum, in re. onse to Mr. Vanderpool's

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1 questions, you mentioned that you would have occasion
2 to deal with individuals below craft, the craft
3 superintendent, but not on a regular basis. On
4 what occasions would you have occasion to deal with
5 individuals below that level?

6 A Wait a minute. I think what I stated
7 is, I deal with the general superintendent, the
8 assistant general superintendent, some of the
9 superintendents that do not have a general superintendent,
10 and to say that I do not know all of my superintendent
11 wouldn't be right. I know every one of them.

12 They worked for me a great while, but I
13 try to keep my business dealings through the
14 general superintendent, so they're aware I'm not
15 going to bypass the chain of command.

16 Q My questioj is whether you knew all of
17 them. My question is, you testify that you
18 regularly deal with the individuals you just described
19 to me; is that correct?

20 A That's correct.

21 Q Now, those are the people you regularly
22 deal with, when would you have occasion to deal
23 with those individuals below those that you
24 regularly deal with in the chain of command?

25 A It could be any number of occasions I could

1 go by and say what's going on, how are you doing.
2 Dealing with them on a working basis is what we
3 do out there. I know a lot of foremen, general
4 foremen, and there's a lot that I don't know.

5 Q Now, then, Mr. Frankum, would you have
6 occasion to deal with those individuals, say, from
7 the general foreman level down in the chain of
8 command concerning allegations of intimidation and
9 harassment if they arose?

10 A Yes, sir. I would have an obligation to
11 do that.

12 Q Yes. And when you would deal with those
13 individuals, would you follow any sort of written
14 procedure?

15 A No, I don't have a written procedure
16 for talking with these people.

17 Q And so in those instances concerning
18 intimidation and harassment, when you would deal
19 with those individuals, you would make your
20 determination how to handle it on a case-by-case basis?

21 A Yes, sir.

22 Q Mr. Frankum, you mentioned that there's
23 a counsel sheet that is filled out and kept on
24 an individual when he is interviewed about an
25 allegation of intimidation or harassment; is that correct?

A No, that is not correct.

4A

1 Q Why don't you explain to me what a
2 counsel sheet is?

3 A I said a counsel sheet is something
4 we use for the files on safety, on work habits,
5 tardiness, absenteeism. It is a general counseling
6 sheet that is used universally by all my people
7 to go in the individual's file.

8 Q Okay. And, Mr. Frankum, under that
9 category of work habits that you have mentioned, would
10 those include, for example, allegations of intimidation
11 and harassment?

12 A Only if that was the subject that they
13 were being counseled on.

14 Q I see. Now let me just be clear on this.
15 If there were allegations of intimidation and harassment
16 and that particular individual was interviewed or
17 counseled, there would be a counsel sheet record of that
18 in his file?

19 A I would say there could or could not be
20 because we have gone to this counseling sheet here of
21 late. This has not been something that has been with us
22 since the job.

23 Q When did you begin this system?

24 A Oh, I would say we probably started
25 keeping track on the counseling records about a year ago.
We went through a more standard form. Previous to that

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1 there were forms of the individual. The department head
2 would have some type of recordkeeping, and we just kind
3 of standardized the form.

4 Q Now, then, Mr. Frankum, since you have
5 adopted this form approximately a year ago, in every
6 instance where when a construction personnel is
7 interviewed or counseled about the allegations of
8 intimidation or harassment, is there a counsel sheet kept?

9 A Actually I can't say that for positive
10 that there is a sheet on the persons. The only ones that
11 I can testify to is the ones that I have talked to about
12 where there is a counseling sheet on the electrical
13 person.

14 Q Is the procedure though, now, is it supposed
15 to be one is kept, it is supposed to be kept.

16 A It isn't a procedure.

17 Q Okay.

18 A It is not a procedure. But there is a
19 method of keeping track of what they talk to the person
20 about.

21 Q The method that they use to keep track
22 of what they talk to the person about, if you follow that
23 method, should you be keeping one of these counsel sheets?

24 A Yes, sir, that's correct. If you follow
25 the proper way of doing our business you could have a

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1 record that you counseled this individual on whatever
2 the activity you would counsel him on.

3 Q And that would include allegations of
4 intimidation and harassment?

5 A That could include allegation of harassment.

6 Q Under what circumstances would a counseling
7 session involving allegations of intimidation, harassment,
8 be recorded?

9 A None that I know of.

10 Q And prior to a year ago, before you
11 adopted this counsel sheet form -- am I referring to it
12 correctly, first of all?

13 A Yes.

14 Q Prior to a year ago before you dopted
15 this counsel sheet form was there a record kept of
16 counseling of an individual regarding allegations of
17 intimidation and harassment?

18 A If it was kept it was kept in the QA
19 record file. I don't have any records, to my knowledge,
20 past what we instituted a year or so ago on the counsel
21 sheets, and it wasn't intended for any specific item.
22 It was intended for whatever we talked to people about.

23 Q Sure. Now, Mr. Frankum, you have
24 testified in response to Mr. Vanderpool's questions that
25 the person in the -- in contact about the discussion of the

1 counsel sheet, I think you said the foreman would
2 review the problem as he perceived it.

3 At that level, Mr. Frankum, the foreman
4 would deal with the problem as he thought best; is that
5 what you are saying?

6 A No. This counseling sheet would
7 involve the foreman and general foreman in most instances,
8 yes.

9 Q Now, based on your testimony that the
10 foreman or general foreman would deal with the individual
11 as he -- strike that -- that he would deal with the
12 problem as he perceived it, did you mean by that
13 testiomny that the foreman would address the issue as he
14 t-ought best under the circumstances?

15 A Let me see how to answer that.

16 The foreman, general foreman would
17 counsel persons in absenteeism, insubordination, all the
18 tings that people would do. If it comes to harassment and
19 intimidation that would not necessarily be left up to the
20 determination by a foreman and general foreman was to do
21 because these would be a very open item that would be
22 dealt to us from the Boyce Grier type activity and
23 therefore I would tell my supervisors to look into this.

24 Q But it would be an open matter, in other
25 words, dealing with the situation, it could be d alt with

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in a variety of ways.

A Yes, sir.

MR. SOSNICK: I have no further questions.
Thank you, Mr. Frankum.

THE WITNESS: Yes, sir.

(Whereupon, at 1:00 p.m., the taking of
the deposition was concluded.)

WILLIAMS & WATKINS
FBI
COTTON CONTENT

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CERTIFICATE OF PROCEEDINGS

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

In the matter of: Comanche Peak Steam Electric
Station, Units 1 and 2

Date of Proceeding: July 12, 1984

Place of Proceeding: Glen Rose, Texas

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

TERRI L. HAGUE

Official Reporter - Typed

Terri L. Hague

Official Reporter - Signature