

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: Bobby J. Murray

Location: Glen Rose, Texas

Pages: 50,500-50,568

Date: Thursday, July 12, 1984

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY & LICENSING BOARD

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

Glen Rose Motor Inn
Glen Rose, Texas

July 12, 1984

Deposition of: BOBBY J. MURRAY
called by examination by counsel for Intervenor,
taken before MARILYNN NATIONS, Court Reporter,
beginning at 2:30 P.M., pursuant to agreement.

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1 APPEARANCES:

2 On behalf of the Applicant:

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17 Washington, D. C. 20555
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I N D E X

<u>WITNESS</u>	<u>EXAMINATION BY</u>	<u>PAGE</u>
BOBBY J. MURRAY	Mr. Sosnick	50,506
	Mr. Berry	50,551
	Mr. Watkins	50,551

FURTHER EXAMINATION BY

Mr. Sosnick	50,558
Mr. Berry	50,567

EXHIBITS

<u>NUMBER</u>	<u>IDENTIFIED</u>
Brandt Exhibit No. 6	50,504

P R O C E E D I N G S

1
2 Whereupon,

3 BOBBY J. MURRAY

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

6 MR. WATKINS: On the record.

7 At yesterday's deposition of C. Thomas Brandt,
8 counsel for CASE, Mr. Roisman, requested the production
9 of several documents from the Staff. This is Applicant's
10 part'al response to that request for production.

11 I am handing Mr. Sosnick a one-page document.
12 It's a memo or letter to Jack Pitts from C. T. Brandt.
13 The date is March 8, 1984, and the memo regards a
14 counseling session held on March 3, 1984.

15 I have a copy for the Staff. Mr. Roisman
16 made that request at page 45,148 of Mr. Brandt's
17 transcript.

18 MR. SOSNICK: I'll note receipt of the document.

19 MR. WATKINS: At pages 45,105/45,106 of the
20 transcript of Mr. Brandt's deposition, Mr. Roisman made
21 a request for certain survey materials. Mr. Brandt
22 testified that he had conducted a survey of QCI employees
23 sometime in the summer of 1983.

24 Those document are being xeroxed and will be
25 provided to CASE at the earliest possible time.

1 At Transcript Page 45,237 of Mr. Brandt's
2 deposition, counsel for CASE and the Staff requested a
3 copy of a transcript of a meeting held at Comanche Peak
4 Steam Electric Station in November of 1983.

5 Applicants are analyzing that transcript to
6 determine whether it is responsive to the original CASE
7 request for production of documents in this phase of the
8 proceeding.

9 We will let CASE know when we have determined
10 whether it is producible.

11 That's all I have on the document production.

12 MR. SOSNICK: All right.

13 MR. WATKINS: Oh, one final matter. I would
14 ask the court reporter to mark her copy of the memo to
15 Jack Pitts that we've previously described as Brandt-6;
16 and Applicants will stipulate as to its authenticity,
17 should CASE want to use it later in this proceeding.

18 (The document referred to was
19 marked for identification as
20 Brandt Exhibit No. 6.)

21 MR. SOSNICK: We will begin now the deposition
22 of Mr. Murray.

23 As a preliminary remark, and not to be
24 construed as an introductory statement, I'm aware that
25 the Applicant's counsel has through the course of these

1 proceedings prepared introductory statements. Intervenor
2 expressly reserves all rights to make such a statement.

3 Mr. Watkins, if you have such a statement today,
4 please go ahead.

5 MR. WATKINS: Perhaps we could identify ourselves
6 for the record. I'm Neal Watkins, counsel for Applicants
7 in this proceeding.

8 MR. BERRY: Gregory Berry, counsel for the NRC
9 Staff.

10 MR. SOSNICK: Charles Sosnick for Intervenor.

11 MR. WATKINS: Mr. Murray is here today volun-
12 tarily. He has not been subpoenaed. He is appearing at
13 this deposition at the request of CASE, the Intervenor.

14 Applicants have noted their objections to the
15 deposition procedures and schedules ordered by the
16 Board for this phase of the proceeding. We do not waive
17 those objections by making Mr. Murray available today.

18 I remind counsel for their obligation to pursue
19 only those lines of inquiry that the Board has determined
20 to be within the scope of this proceeding.

21 MR. SOSNICK: Let's go off the record one
22 second.

23 (Discussion off the record.)

24 MR. SOSNICK: Back on the record.

25 /

EXAMINATION

BY MR. SOSNICK:

Q Just so the record is clear, you're here voluntarily today; is that correct?

A That's correct.

Q Have you ever had your deposition taken before?

A Yes, I have.

Q In what context have you had your deposition taken?

A I had a deposition taken with regard to a personnel lawsuit about three years ago.

Q Personal or personnel?

A Personnel.

Personnel being the termination of an individual.

Q And did that concern Comanche Peak Nuclear Power Plant?

A Yes, the person was employed there.

Q What was the nature of that lawsuit, sir? How did you figure into that?

A The individual worked in a group that was underneath my area of responsibility.

Q What was the name of that individual?

A I'm trying to think what his first name was. His last name was Altuner.

1 A-l-t-u-a-e-r, I believe, is how you spell it.
2 I don't recall his first name.

3 Q When was this lawsuit?

4 A I don't recall the exact date. It was about
5 three or four years ago, somewhere in that time frame.

6 Q 1981?

7 A Possibly. Something in the three- to four-year
8 range.

9 Q Were individual allegations raised against you
10 in that lawsuit?

11 A What do you mean "individual"?

12 Q In that lawsuit.

13 A Like what? Give me an example.

14 Q Was it alleged that you had done something
15 wrong or improper?

16 A He alleged that he was terminated from
17 employment unjustly. The supervisor who worked for me
18 terminated him. He and I were both named as representatives
19 of the company in the lawsuit. I don't know if that's
20 personal or not.

21 Q When you said "unjustly," sir, did that in any
22 way relate to allegations of intimidation or harassment?

23 A No.

24 MR. WATKINS: I don't believe Mr. Murray said
25 "unjustly." I believe those were your words.

1 MR. SOSNICK: No, I believe Mr. Murray
2 testified to that.

3 BY MR. SOSNICK:

4 Q Did you understand the question?

5 A No, it has nothing to do with intimidation or
6 harassment.

7 Q Just as a few ground rules, Mr. Murray, this
8 is a written record. It's a little bit different than just
9 you and I sitting across the table and having a question-
10 and-answer period.

11 So in order that we may have a clean record,
12 please answer audibly. A shake of the head or a nod can't
13 be picked up by Madame Court Reporter.

14 Also, I would ask that you wait until I complete
15 my question before you answer it. In that way you can be
16 sure that you're answering exactly what I ask you.

17 In the same vein, sir, I'll be careful not to
18 interrupt you. This way no one will be speaking over
19 anyone else.

20 end 1
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mgc 2-1

1 Q Do you understand these instructions?

2 A Yes, I do.

3 Q Mr. Murray, are you on any medication?

4 A No, I am not.

5 Q Mr. Murray, prior to your appearance at
6 today's deposition, have you spoken with any individuals
7 who you know have testified in these proceedings?

8 A By these proceedings, do you mean this
9 phase of the licensing proceedings or --

10 Q This phase of the licensing proceedings.

11 A Just so I understand your question, if
12 you mean by "spoken to them," spoken to them about the
13 hearing or the stuff that's going on here, no, I have
14 not. I obviously see a lot of those people every day at
15 work. I know them personally, speak to them, pass the
16 time of day, that kind of thing.

17 Q And have you spoken to any of these
18 individuals regarding the context of their testimony?

19 A No, I have not.

20 MR. SOSNICK: Could we go off one second?

21 (Discussion off the record.)

22 BY MR. SOSNICK:

23 Q Mr. Murray, what is your occupation?

24 A I am the currently Acting Reactor Building
25 Manager at Comanche Peak.

mgc 2-2

- 1 Q And how long have you held that position?
- 2 A For approximately nine months.
- 3 Q Who is your employer?
- 4 A Texas Utilities Generating Company.
- 5 Q Now prior to your position as Reactor
6 Building Manager, what was your position?
- 7 A Construction Manager.
- 8 Q And who was your employer?
- 9 A TUGCO.
- 10 Q Have you held any other positions in relation
11 to Comanche Peak Nuclear Power Plant besides Reactor
12 Building Manager and Construction Manager?
- 13 A Yes, I have.
- 14 Q What are those?
- 15 A I was the supervisor of all of the mechanical
16 and civil engineering groups.
- 17 Q And who was your employer at that time?
- 18 A TUGCO, or at that time TUSI.
- 19 Q What is TUSI?
- 20 A Texas Utilities Services
- 21 Q Was that immediately prior to being
22 Construction Manager?
- 23 A Yes, it was.
- 24 Q Any other positions?
- 25 A Prior to that, I was supervisor of a Field

mgc 2-3

1 Support Design Group.

2 Q And who was your employer, sir?

3 A TUSI.

4 Q And prior to that, any other positions?

5 A Prior to that, I was supervisor of the
6 Dalls Office Design Engineering Group.

7 Q And your employer at that time, sir?

8 A TUSI.

9 Q Prior to that, sir, did you hold any
10 other positions?

11 MR. WATKINS: Surely, you are not interested
12 in what went on that far back. He wasn't even on site
13 then.

14 BY MR. SOSNICK:

15 Q Prior to that?

16 A Prior to that, I was the Lead Civil
17 Structural Engineer, the same company.

18 Q And your employer at that time?

19 A The same. TUSI.

20 Q Now when did you first come to work for
21 Texas Utilities?

22 A Texas Utilities? June 15, 1969.

23 Q And when did you first become involved with
24 Comanche Peak Nuclear Power Station?

25 A September 15, 1972.

mgc 2-4

- 1 Q And what was your position at that time?
- 2 A Lead Civil Structural Engineer.
- 3 (Pause.)
- 4 Q Now, sir, as Reactor Building Manager,
5 what are your general job responsibilities?
- 6 A I am responsible for the construction of,
7 cost of, and schedule for completion of the reactor
8 building and the appropriation of whatever resources are
9 necessary to get that done.
- 10 (Pause.)
- 11 Q When did you become Reactor Building Manager?
12 Did you testify it was about nine months ago?
- 13 A Yes.
- 14 Q Now, then, sir, just so we are clear on
15 what you've done for Texas Utilities since you became
16 involved with Comanche Peak in 1972, you were the
17 Lead Civil Structural Engineer; is that correct?
- 18 A That's correct.
- 19 Q When did you become the supervisor of the
20 Dallas office for Design Engineering?
- 21 A That occurred sometime probably in '77,
22 roughly.
- 23 Q As Supervisor of the Field Support Design
24 Group, when was that, sir?
- 25 A '78, early '79, somewhere in that timeframe.

mgc 2-5

1 Q And as Supervisor of Civil and Mechanical
2 Engineering?

3 A Probably late '79, early '80.

4 Q I take it, then, you became Construction
5 Manager sometime in 1980?

6 A '80, '81, somewhere in there.

7 Q And in late 1983, you became the Reactor
8 Building Manager?

9 A Yes.

10 Q Now, then, sir, these different positions
11 that you have held, would these be considered promotions
12 of sorts?

13 A Yes, I would say so.

14 Q Is it safe to say, then, as Reactor Building
15 Manager, you might make more money than you did when you
16 were Construction Manager?

17 MR. WATKINS: Objection. What is the
18 relevance of that.

19 MR. SOSNICK: What is the relevance of that?

20 MR. WATKINS: Yes.

21 MR. SOSNICK: I would like to know this
22 man's authority.

23 MR. WATKINS: What does that have to do
24 with promotions. Why don't you ask him what his authority
25 is? What does money have to do with it?

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MR. SOSNICK: Divisions of responsibility?

You were not paid more?

MR. WATKINS: Was your question --

MR. SOSNICK: It's really a minor thing.

MR. WATKINS: -- how much Mr. Murray is making?

MR. SOSNICK: I did not ask him how much he was making. I was asking him if he made more.

MR. WATKINS: Go ahead.

THE WITNESS: No, there's no comparison or similarity between the jobs relative to money. The Reactor Building Manager wouldn't necessarily make more money than a Construction Manager nor vice-versa.

BY MR. SOSNICK:

Q Now as your counsel suggested, is it a position of more authority?

A No.

Q Was your position as Construction Manager a position of more authority than that of Supervisor, Civil/Mechanical Engineering?

A Yes.

Q Substantially more authority?

A What is the measure of authority? I guess I need some clarification of what you're wanting me to answer.

mgc 2-7

1 Q Just in terms of your job responsibilities
2 at Comanche Peak.

3 A The number of people I'm responsible for or --

4 Q In your personal opinion, as you do your
5 job.

6 A Construction Manager is a more responsible
7 position, yes.

8 Q All right. Now, then, sir, are you aware
9 of allegations of intimidation and harassment at Comanche
10 Peak Nuclear Power Plant?

11 A Am I aware of allegations of it? Yes, I am.

12 Q How did you hear of the allegations?

13 A Well, there's -- obviously you hear of them
14 in the newspaper, the news media. They are discussed
15 among the people on-site themselves, discussions around
16 the site.

17 Q Were they ever reported to you in an official
18 capacity? And I mean by that, were they reported to you
19 as part of your job responsibilities?

20 A You mean, has somebody come up to me and
21 reported an incident of harassment or intimidation?

22 Q No, sir. Were you formally made aware of
23 it at the workplace because you held a certain position
24 at Comanche Peak?

25 A I'm still not sure I understand your question.

mgc 2-8

1 Q Let me rephrase it for you.

2 Right now, sir, you are Reactor Building
3 Manager; is that correct?

4 A That's correct.

5 Q Now, then, sir, in the chain of command
6 underneath you -- for example, say someone was alleging
7 an act of intimidation or harassment, would it be reported
8 up to you?

9 A No, it would not.

10 Q All right. In your position as Construction
11 Manager, would it be reported up to you if someone under-
12 neath you in the chain of command alleged an act of
13 intimidation or harassment?

14 A It might or might not be. As I understand
15 your question -- well, I don't really know how to answer
16 your question.

17 If somebody who worked directly for me
18 alleged that somebody harassed or intimidated them, then
19 I undoubtedly, either directly or indirectly, would find
20 out about that. So in that sense, I guess I would be
21 in the chain of command if the person worked for me.

22 Q How would you find out about it directly?

23 MR. WATKINS: About his employees being
24 harassed?

25 MR. SOSNICK: Yes.

mgc 2-9

1 MR. WATKINS: I will object to the question
2 as beyond the scope of this proceeding.

3 Mr. Murray is on the craft, the construction
4 side of the plant. Harassment of his employees is not
5 at issue here. What is at issue is alleged harassment or
6 intimidation of quality control inspectors or other QA
7 personnel, none of whom report to Mr. Murray.

8 MR. SOSNICK: Your objection is noted. I
9 think it's properly within the scope.

10 MR. WATKINS: I will object to the question,
11 and we will draw a firm line between allegations of
12 harassment of crafts people and that of quality control
13 inspectors.

14 If you would like to go talk to the Judge,
15 we will set up a conference call.

16 Nothing is clearer than that if any of
17 Mr. Murray's people have been harassed has nothing to do
18 with the quality of the plant.

19 MR. SOSNICK: That's your statement?

20 MR. WATKINS: That is my objection.

21 MR. SOSNICK: No, that is your statement,
22 that if any of his people have been harassed, it has
23 nothing to do with the quality of the plant?

24 MR. WATKINS: It's beyond the scope of this
25 proceeding; I'll put it that way.

mgc 2-10 1

MR. SOSNICK: But that was your statement?

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MR. WATKINS: The basis on which Judge Bloch

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ruled, that harassment of quality control inspectors is an

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issue, but harassment is not, is because subsequent to a

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craftsperson doing his job, there will be a quality

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inspection.

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MR. SOSNICK: Okay. I think your position

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is -- I'll ask a different question.

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1 BY MR. SOSNICK:

2 Q Mr. Murray, if a quality control inspector
3 were alleging some acts of intimidation or harassment,
4 in your capacity as Reactor Building Manager, might you
5 be informed of that?

6 A No. If I found out about it in that capacity,
7 it would be third- or fourth-hand after the fact
8 situation.

9 Q Okay. In your capacity as construction manager,
10 would you be informed if a quality control inspector
11 were alleging an act of intimidation or harassment?

12 A Not directly, no.

13 Q In your capacity as Supervisor of Civil/
14 Mechanical Engineering, would you be informed if a
15 quality control inspector were alleging an act of
16 intimidation or harassment?

17 A No, not before. It would only be after the
18 fact.

19 Q Now, as Reactor Building Manager, you have
20 certain crafts people who work underneath you; is that
21 correct?

22 A That is correct.

23 Q Is that likewise the same for the construction
24 manager?

25 A That's correct.

1 Q The Supervisor of Civil/Mechanical Engineering?

2 A Not on that job. On that job there wouldn't
3 have been no crafts people.

4 Q But would it be a fair statement to say that
5 only as Reactor Building Manager and Construction Manager
6 you would have crafts people working under you as opposed
7 to the other four positions you have held?

8 A That's correct.

9 Q Now, if an allegation of intimidation or
10 harassment brought by the quality control inspector
11 where it alleged that the person doing the harassment
12 would be one of the crafts people that you have jurisdic-
13 tion over, would you be informed of that, sir?

14 A After the investigation of the incident had
15 taken place, at that point I would probably be informed
16 of it.

17 Q Did you play any part in the investigation
18 of the incident?

19 A No, not directly.

20 Q How would you indirectly take part in that
21 investigation?

22 A The only part that I would have in it would
23 be as a participant in one of the corporate people's
24 investigation of the allegations.

25 Q What corporate people would investigate the

1 allegation?

2 A The person on site currently doing that --
3 I'm not sure if he's the only one. But Boyce Grier, I
4 think, represents the quality assurance department in
5 investigating those types of issues.

6 Q Do you know if anyone else might investigate
7 those types of issues?

8 A No, I don't know.

9 Q As far as you know, Mr. Grier is the only one?

10 A He's the only one I have personal knowledge of.

11 Q Now then, sir, how might you be involved with
12 Mr. Grier in an investigation?

13 A If in the course of him investigating -- you
14 know -- an allegation of that type, if he found a need to
15 interview me or ask me questions about people that worked
16 for me or supervisors who worked for me or individuals
17 in the craft that might be assigned in the Reactor
18 Building in my capacity as Reactor Building Manager, he
19 might inquire of me what I know of those particular
20 individuals.

21 Q Would he ever request of you that someone --
22 perhaps yourself or one of your immediate subordinates --
23 contact the person against whom the allegations were
24 raised, to talk to them?

25 A To contact the person against whom the

1 allegations were raised?

2 Q The person who allegedly was --

3 A -- was intimidated or who?

4 Q Did the thing that was intimidating to somebody
5 else.

6 A Ask me again.

7 Q The guy who did the act.

8 A Would he ask me to do what?

9 Q Would he ask you to have someone talk to him
10 about the incident?

11 A No, he wouldn't have me do that. He might have
12 me arrange -- as an example, if the guy worked in the
13 craft, he might have me arrange to -- with his supervisor
14 to have him released for two or three hours to go over
15 and visit with Boyce. But he wouldn't ask us to talk to
16 him. Certainly not.

17 He would only interface with us for the people
18 whom he wanted to talk to.

19 Q As Reactor Building Manager, one of your
20 responsibilities is scheduling; is that correct?

21 A That's correct.

22 Q How important is that particular responsibility?

23 A It's quite important.

24 Q Why is that quite important?

25 A The schedule on the job is very important.

1 Q Educate me. Explain to me why.

2 A Well, if you don't meet the schedule in the
3 Reactor Building, then, you know, are quite likely not
4 going to meet the overall schedule on the job. That
5 certainly within my company has some economic impact, if
6 nothing else; and it's real important. Our supervisors
7 are quite interested in me staying on schedule.

8 Q Would it have a big economic impact, as far as
9 you know?

10 A Sure, as would any of the other buildings.
11 They all have to finish at the same time.

12 Q Is it a safe statement to say that scheduling
13 is pretty important all through the plant?

14 A Sure, absolutely.

15 Q For the same economic reasons?

16 A That's right.

17 Q Who are your immediate superiors presently?

18 A I report to John Merritt, J. T. Merritt.

19 Q And what is his position?

20 A He is the Manager of Engineering and
21 Construction.

22 Q And while you were Construction Manager, who
23 was your immediate superior?

24 A John Merritt.

25 Q And as Supervisor of Civil/Mechanical Engineering?

1 A John Merritt.

2 Q As Supervisor of Field Support Design Group?

3 A John Merritt.

4 Q As Supervisor of the Dallas Office/Design
5 Engineering?

6 A Robert Caudle.

7 Q Would you spell that, sir?

8 A C-a-u-d-l-e, I would think. I'm not sure.

9 Q Who are your immediate subordinates in your
10 present capacity as Reactor Building Manager?

11 A The craft supervisor is Ronnie Johnson. The
12 Assistant Reactor Building Manager is Bill Ward. The
13 engineering manager is George Trieste. That's
14 T-r-i-e-s-t-e. The paperflow group supervisors are
15 Jack Kilpatrick and Lanette Adams.

16 Q Now when you were construction manager, who
17 were your immediate subordinates; do you recall?

18 A Doug Frankum, Ken Hasten, Gene Crane, Doug
19 Schoen. That's it.

20 Q Are any of these individuals still under your
21 jurisdiction as Reactor Building Manager?

22 A No, they are not.

23 Q What position does Mr. Frankum hold now?

24 A He is the Brown & Root project manager.

25 Q Are you on the same level as him in the chain

1 of command?

2 A Yes, now. As Acting Reactor Building Manager,
3 yes, we're at the same level.

4 Q As Reactor Building Manager, have any of your
5 immediate subordinates reported to you that one of the
6 crafts people under your jurisdiction allegedly committed
7 an act of intimidation or harassment?

8 A Have any of my subordinates reported that to
9 me?

10 Q Yes.

11 A No.

12 Q In your capacity as construction manager, had
13 any of your subordinates reported to you that one of the
14 crafts people under your jurisdiction had committed an act
15 of intimidation or harassment, or that an act of
16 intimidation or harassment was alleged to have been
17 committed?

18 A Let me be sure I understand the question.

19 Q Sure.

20 A If you mean were there incidents of alleged
21 harassment -- if an incident occurred, they would report
22 that to me verbally. But the way I would -- Those
23 things aren't really allegations until some point in
24 time in which somebody has looked at it, investigated
25 it and -- you know -- it becomes an actuality. It's not

1 just a subject of discussion amongst the people.

2 Q Have any of your subordinates ever reported
3 to you about such an incident?

4 A Sure. They have come to me and discussed ...

5 Q On what occasion?

6 A There was a -- I'm trying to think of all of
7 the ones that are in the paper by name.

8 THE WITNESS: Can we go off the record just
9 a second?

10 MR. SOSNICK: Sure.

11 (Discussion off the record.)

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1 MR. SOSNICK: Back on the record.

2 BY MR. SOSNICK:

3 Q In the course of your job, have any of your
4 subordinates reported to you that a craftsperson under your
5 jurisdiction committed an act of intimidation or harassment?

6 A I would say yes, with the clarification that by
7 the time it would be reported to me it would be a third or
8 fourth hand kind of situation and frequently by that point
9 in time would have been published in the paper and you may
10 have read about it or any number of other things -- as far
11 as that chain of command reporting to me, you know, those
12 kinds of things.

13 Q Do you recall any of those individuals who you
14 were told committed an act of intimidation or harassment by
15 one of your subordinates?

16 A I don't recall all their names. I believe Hatley
17 was the lady's name who worked for Document Control Center
18 and that was indirectly under my area of supervision.

19 There were some people in the hanger construction
20 business. They weren't QC people; they were, I guess,
21 craftspeople and I am not sure that harassment or intimidation
22 was a part of their allegations but I can remember some
23 discussion about them.

24 Q So that we are clear, sir, you are recounting
25 individuals now who made allegations regarding intimidation

1 or harassment?

2 A I am not sure the allegations were regarding
3 intimidation or harassment. They were just allegations in
4 general about the job or whatever.

5 Q Were these individuals who committed acts of
6 intimidation or harassment?

7 A No. These were intimidations -- individuals who
8 were filing complaints on their own behalf against other
9 people on the job site. I am not sure --

10 Q In my question, sir, it went to the names of
11 craftspeople who allegedly committed those acts of intima-
12 tion or harassment --

13 A No, none brought to me directly. It is difficult
14 I guess for me to explain to you, you know, the hierarchy
15 out there.

16 Let me see if I could walk you through what a
17 harassment or intimidation type allegation would go like. It
18 would be -- the allegation would occur in the field and the
19 QC person who made that allegation would, for example, go
20 talk to his supervisor.

21 His supervisor would, in turn, go talk to the
22 quality control manager or quality assurance manager.

23 He would, in turn, probably interview the respective
24 QC inspector and refer that to somebody like Boyce Grier,
25 or somebody in Boyce Grier's capacity.

1 Boyce Grier would interview the inspector if he
2 found names of other people involved in it and he would
3 probably interview those people and then based on that file
4 some report, and if there were an actual allegation of
5 intimidation or harassment came out of that investigation
6 then that would probably be brought to the attention of
7 say somebody like John Merritt and then John Merritt would
8 review that with me and that would be kind of how that would
9 occur on the job site.

10 Any other avenue for something like that to happen
11 in the majority of the cases would simply be somebody's --
12 it would just be speculation on somebody's part that, hey,
13 I heard old so-and-so did this or did that or did this and
14 it would just be discussion at that point. It wouldn't be a --
15 by my definition at least, it wouldn't be an actual harassment
16 or intimidation allegation --

17 Q Now, then, sir --

18 A -- it would be discussion amongst a bunch of people.

19 Q Now, then, sir by the process you just described
20 through Mr. Grier to Mr. Merritt, if it looked like something
21 would come out of it, he would consult with you, is that
22 correct?

23 A That's correct.

24 Q Okay, and when he would consult with you, would you
25 undertake any investigation yourself?

1 A No, not at that point. At that point in time, the
2 investigation would have -- either be under way or been
3 completed.

4 Q Mr. Murray, has it ever occurred that perhaps a
5 craftsperson under your jurisdiction in the field has some
6 sort of problem with a QC inspector, suspects that that QC
7 inspector might put in a claim about intimidation or harass-
8 ment, would that craftsperson perhaps talk to his foreman
9 about it?

10 A Oh, I'm sure he would if he felt like an incident
11 had occurred. I am certain he would talk to his foreman if
12 he felt like something had transpired that would cause that
13 QC inspector to raise that type of concern -- I am sure he
14 would talk to his foreman.

15 Q Are you aware of any instances where that might have
16 happened as to any craftspersons under your jurisdiction, and
17 that is including all of your various job positions you have
18 held?

19 A I don't have any personal knowledge of that. I
20 understand that it could have happened literally hundreds of
21 times without me having personal knowledge of it as construction
22 manager. There were approximately 3000 craftspeople in my
23 department, so it could have happened enumerable times and me
24 not know about it.

25 Q Mr. Murray, were you aware of any claims or

1 allegations of intimidation or harassment regarding Bill Ward?

2 A No, I am not aware of any.

3 Q Are you aware of any claims or allegations of
4 intimidation or harassment regarding Ronnie Johnson?

5 A I am aware of one -- I am aware of one where Ronnie
6 was interviewed by Mr. Grier concerning possible intimidation
7 or harassment.

8 Q How did you become aware of that?

9 A Mr. Grier also interviewed me and I scheduled
10 Ronnie to go over and talk to him, so I had knowledge of it.

11 Q Why did Mr. Grier interview you? Did you have
12 personal knowledge as to the incident?

13 A That particular incident, I was in the area of the
14 building where that actually occurred, yeah.

15 Q You heard, and/or saw, that incident?

16 A I observed the incident that he investigated, yeah.

17 Q What was that incident?

18 A An inspector was asked to be relocated and -- from
19 the area he was working in to move to another area and work
20 in that area and he became a little upset with that and after
21 enumerable discussions between his Level 2 lead and Ronnie
22 Johnson and myself and other people, he raised a concern of
23 harassment of him being moved from one area to another area,
24 I guess was his basic concern there.

25 Q What was the name of that QC inspector?

1 A His name was Eddie Niedecken.

2 Q Mr. Niedecken spoke to you about his concerns?

3 A No, he didn't speak to me personally about his
4 concerns, no.

5 Q Did he speak to you about the incident?
MR. WATKINS: When?

6 BY MR. SOSNICK:

7 Q Well, at the time that it occurred?

8 A No.

9 Q After the time?

10 A No, he didn't speak to me about the allegation at
11 all, Mr. Niedecken didn't.

12 Q Now Mr. Grier spoke to you about this incident,
13 is that correct?

14 A Yes, he did.

15 Q What information did Mr. Grier want from you about
16 this incident?

17 A Basically wanted my recollection of what had
18 transpired, you know, from when the request originated to
19 move the inspector from one area of inspection to another
20 area of inspection up through the complete incident and my
21 recollection of what occurred.

22 Q Who made the request that the QC inspector go to
23 another area?

24 A Who made the request? The request was made -- two
25 different people made the request, the inspector's Level 2 --

1 his acting lead in the field who is responsible to assure
2 that he is working in areas he needs to be working in -- made
3 the request of him and Ronnie Johnson made the request of him.

4 Q Mr. Johnson is the craft superintendent, is that
5 correct?

6 A That is correct.

7 Q Mr. Johnson has jurisdiction over certain QC
8 inspectors as to asking them to go to another area?

9 A Mr. Johnson doesn't have any jurisdiction over any
10 of the QC inspectors.

11 Q Is it part of his job that he can ask the QC
12 inspector to go to another area?

13 A He is responsible for implementing the schedule
14 in the building and as part of implementing the schedule in
15 the building, he is responsible to assign the crafts where
16 it is most appropriate they need be and the QC people then
17 are responsible to support the craft doing their inspections.

18 Q As part of the scheduling authority, then, he
19 can request a QC inspector to locate to another area?

20 A He could request through the QA/QC group that they
21 be assigned wherever the more critical areas are on the
22 schedule.

23 Q Now based on your personal knowledge, Mr. Murray,
24 what was it specifically that Mr. Niedecken alleged was the
25 intimidating act or harassing act committed by Mr. Johnson?

1 A I am not sure what his claim was, to be real honest
2 with you. It was -- he was apparently quite upset at being
3 asked to relocate from one area to another area and so from
4 that standpoint, I am not sure what his concern was.

5 It was something that apparently was very upsetting
6 to him at that particular point in time.

7 Q When Mr. Grier interviewed you, didn't he state to
8 you what his concern was, what Mr. Niedecken's concern was?

9 A No.

10 Q Based on your personal knowledge, sir, do you know
11 why Mr. Niedecken did not want to be relocated?

12 A No.

13 Q Mr. Grier did not bring that up with you during your
14 interview with him during the investigation?

15 A No, he didn't. He didn't discuss Mr. Niedecken's --
16 whatever he had to say about it at all. All he was -- all
17 Boyce and I discussed was my recollection of what transpired
18 and we didn't have any discussion about whatever anybody else
19 may have said about it.

20 Q Mr. Grier, as part of his investigation and during
21 that interview, did he ask you whether Mr. Niedecken's claims
22 were legitimate or had some merit to them?

23 MR. WATKINS: Objection. He has testified he does
24 not know what Mr. Niedecken's claims were.

25

1 BY MR. SOSNICK:

2 Q Can you answer the question?

3 A All Boyce asked me was what transpired and that was
4 the sum total of my exit interview, was my recollection of
5 what happened. And other than that, we did not have any
6 discussion about what Mr. Niedecken said.

7 Q Okay. Now as to Mr. Johnson, did Mr. Grier ask you
8 for any recommendations as to what to do with Mr. Johnson in
9 regards to this incident?

10 A No.

11 Q What was the outcome of this investigation?

12 A The outcome? The outcome was Mr. Grier wrote a
13 report and the report was subsequently reviewed between myself
14 verbally -- between myself and Mr. Tony Vega, quality
15 assurance manager, and we again agreed between ourselves of
16 the potential problems of interfacing with the QC people and
17 reaffirmed, if you will, our commitment to minimize our
18 direct discussions with either QC people and maintain any
19 discussions that we have through their Level II's or through
20 the QC supervision and basically just reconfirmed the need
21 to continue to do that and continue counselling the craft and
22 other people in the field to maintain that some posture with
23 QC people.

24 Q Do you personally counsel craftpeople as to their
25 relationship with QC personnel?

1 A Yeah, I certainly issue some guidelines to the
2 craft on how they should or shouldn't interface with the QC
3 people, certainly.

4 Q Do you advise them to interface as little as possible?

5 A That is correct.

6 Q Now was Mr. Niedecken eventually relocated as the
7 request was put?

8 A Yes, he was.

9 His Level II reviewed the request with him and he
10 relocated and spent the remainder of that in the area where
11 we requested the inspection be done.

12 Q Do you know where he works presently?

13 A Where Mr. Niedecken works presently?

14 Q Yes.

15 A He presently is a QC inspector in the paint area
16 in the reactor building.

17 Q So Mr. Niedecken would still be inspecting areas
18 that your craft people were -- could be working on?

19 A That is correct.

End 4.

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1 Q Mr. Murray, do you know a George Clancy?

2 A I only know of him. I've heard his name
3 mentioned. I don't actually know him, no.

4 Q Have you ever met the man?

5 A Possibly. I understand he was a QC
6 inspector or worked in the quality department some
7 years ago, and as many years as I've been on the job,
8 I quite likely have run across him at some time or
9 other but I don't recall the individual.

10 Q What is his position presently, as far
11 as you know?

12 A I have no idea.

13 Q Does he work at Comanche?

14 A Not to my knowledge.

15 Q Mr. Clancy was a QC individual, QC inspector,
16 as far as you know?

17 A He worked in the quality assurance depart-
18 ment someplace.

19 Q Did you ever have any dealings with Mr.
20 Clancy, and I'm speaking in the context of your job
21 responsibilities?

22 MR. WATKINS: I believe he's testified
23 that he's never met Mr. Clancy.

24 BY MR. SOSNICK:

25 Q I'm not talking about meeting him. I'm

1 just saying did he have anything to do with anything
2 of Mr. Clancy's work as part of your job responsibi-
3 lities?

4 A No, not to my knowledge, no.

5 Q Had you ever seen a document prepared or
6 written by Mr. Clancy?

7 A Not to my knowledge, no.

8 Q Did you know what areas -- strike that.
9 Let's go back to Ronnie Johnson for a
10 moment. Do you know of anyone else who was involved
11 in the investigation concerning the alleged intimidat-
12 tion and harassment involving Ronnie Johnson?

13 A Aside from myself and Niedecken, the only
14 other person I'm aware of for sure that was involved
15 in that was Jim Uehlein, who's the Level 2 lead for
16 Mr. Niedecken.

17 Q And was anyone else on the craft side
18 involved in the investigation regarding Ronnie
19 Johnson?

20 A Not that I know of, no.

21 MR. WATKINS: When you say involved in
22 the investigation, do you mean involved in the
23 incident or in the investigation?

24 BY MR. SOSNICK:

25 Q No. In the investigation.

1 A From the craft side, I do not recall
2 anybody else.

3 Q Did you understand my question when I first
4 asked you?

5 A Yeah.

6 Q Okay

7 A I think so.

8 Q Do you understand it now?

9 A I will just restate it.

10 Q Okay.

11 A In the allegation, the only two crafts
12 people are people involved in craft that I know of
13 that was involved were interviewed by Boyce was
14 myself and Ronnie.

15 Q It was your testimony, sir, that during
16 your employment for Texas Utilities in the context
17 of a relationship with Comanche Peak, Mr. Johnson
18 was the only subordinate under you who was accused
19 of alleged acts of intimidation or harassment?

20 MR. WATKINS: Objection. That's your
21 statement. If you want to ask a question, ask a
22 question.

23 BY MR. SOSNICK:

24 Q Fine. Anyone else other than Mr. Johnson
25 who was your subordinate who was accused of alleged

1 act of intimidation or harassment during your
2 relationship with Comanche Peak nuclear power
3 plant?

4 A I do not know. There could have been
5 others, certainly within all the hundreds of people
6 that technically reported through an organizational
7 arrangement to me, that I might not have been aware
8 of. But that's -- when you say any crafts person,
9 that encompasses the 3,000 plus all those who have
10 come and gone over a period of three years, and that's
11 an awfully long time, an awful lot of people.

12 Q How long has Mr. Grier been involved in
13 investigations of intimidation and harassment?

14 A I'm not certain when he actually came
15 to the job site. I've been aware of him down there
16 for the past, I'll say, five or six months, maybe.
17 His office is situated where I have to walk past it
18 occasionally, so I see him and have been seeing him
19 there for the past few months.

20 Q He's been there for five or six months?

21 A I don't know how long he's been there.
22 That's just -- I'm aware of him having been there
23 for that long. He could have been there longer than
24 that.

25 Q Prior to Mr. Grier being there, who did

1 that, who did his job? Who investigated acts of
2 intimidation or harassment?

3 A I don't know. I don't know if anybody
4 specifically did that for them, for the quality
5 assurance department or not, or if they did it
6 themselves.

7 Q Did the QC inspections have any impact
8 on scheduling?

9 A Did the QC inspections have any impact on
10 scheduling?

11 Q Yeah. Let me just go back and I'll
12 clarify it.

13 As reactor building manager, you said
14 that one of your responsibilities was scheduling
15 regarding the building of the reactor.

16 A Right.

17 Q And various work items are performed at
18 certain points. Some of them have to be checked by
19 the QC people, is that correct?

20 A Correct.

21 Q And do the QC inspections, do they in
22 any way at any time ever have an effect on scheduling,
23 on completion of work?

24 A A QC inspection takes an amount of time,
25 and because it's time related, it could technically

1 have an impact on schedule. However, when you
2 schedule a building and you schedule the work
3 activity, part and parcel with the duration of the
4 activity when you schedule it would be the time it
5 would take for the crafts person to do it, as well
6 as the QC person to inspect it, as well as the
7 engineering person to have whatever involvement they
8 had. So I would say no, from a major schedule
9 impact, the QC inspection work, because it's more
10 of a sequencing thing than it is the QC having a
11 direct schedule impact.

12 Q Practically, does it ever have an impact?

13 A It takes time, as such. That's what a
14 schedule is. A schedule is work items versus time,
15 and anybody who contributes minutes to the job out
16 there, is involved in some fashion in that regard.
17 But it's -- the inspection takes X amount of units
18 of time, and, you know, that's just part of getting
19 the job done.

20 Q Does it ever take more time than it should,
21 you know, based on what your estimates are that the
22 inspection should take?

23 A Our estimates are generic in nature and
24 are based on averages of thousands individual
25 inspectors. If you took ten to inspect an item,

1 they would inspect it in ten different times. It's --
2 that is just the nature of the business. If I had
3 ten crafts people build it, they would take different
4 amounts of time to build it, so it's -- you know, that's
5 just -- we estimate it and schedule it based on an
6 average amount of construction time, and included in
7 that's an average amount of QC time.

8 Q Okay. Built into that estimate you assume
9 that you would have a certain number of QC inspectors
10 available?

11 A That's true, to support whatever number of
12 craft activities are involved.

13 Q Has there ever occasion that there were
14 not enough QC inspectors to meet the work items being
15 performed by the craft people?

16 A Oh, I'm sure somewhere there's been incidences
17 of that on the job someplace. And resources are pretty
18 finite, you know. What you do there on a job of this
19 magnitude, there's rarely ever a situation where there
20 aren't enough other areas to shift or relocate people
21 into that are -- for example, you might relocate your
22 crafts people into an area and accept a little longer
23 lead time for inspection in an area that doesn't have
24 any schedule criticality and put your inspection
25 resources on those things that are right on, you know,

1 the critical path of schedule. And, you know, you
2 would overcome a problem like that that way.

3 Q Has the occasion ever arisen where crafts
4 people might have to wait for an inspection to come
5 about because at that particular time there may be
6 a shortage of a QC inspector?

7 A No, I'm certain that's the case. There
8 have been times where they've waited for inspections.
9 That's the nature of the business of doing inspections.
10 They're most frequently done -- after the fact, after
11 construction has been completed, if they are of an
12 in-process variety where you need an inspection prior
13 to proceeding, that's always the case with every
14 inspection. You're always -- the craft always does
15 some work activity, then he waits on an inspection,
16 and then he proceeds from that point with another
17 one. That's always the case.

18 Q Now when the inspection occurs, sometimes
19 happens, does it not, that that particular work item
20 may not pass the inspection?

21 A Sure.

22 Q And the inspector would write up some kind
23 of report that would say, this does not meet the
24 standard I'm supposed to judge this on, is that
25 correct?

1 A That's correct.

2 Q And sometimes he fills out something that's
3 called a nonconformance report? You've heard that
4 term?

5 A Yes.

6 Q If I use the term NCR, you'll know what
7 that is?

8 A I will understand what that is, sure.

9 Q Now if an NCR is written on a particular
10 item, is there a lot of waiting time to disposition
11 or process that particular report?

12 A It depends on the, I guess -- what do you
13 mean by a lot of time? Weeks? Months? Years?

14 Q Well, more time than just waiting for the
15 inspection to be completed.

16 A Oh, sure. Yeah. An NCR is, in effect,
17 a -- for that particular item, is a type of stop-
18 work, if you will. And until the NCR is subsequently
19 reviewed by engineering, quality engineering, its
20 disposition rereviewed by quality engineering and
21 signed off, no work proceeds from that point on.
22 So it's a type of stop-work, and it would be certainly
23 in most cases, a longer hold-up than just a, you know,
24 a normal inspection.

25 Q Sure. And, for example, that might occur

1 in any phase of that work item being worked on?

2 A Sure.

3 Q No matter how big was crew was, the craft
4 crew waiting?

5 A Correct.

6 Q Now then, Mr. Murray, if you had a problem
7 with not enough inspectors being available to meet
8 the work that your craft crew was working on, how
9 might you deal with that?

10 A It would be dealt with two ways. The
11 initial way it would be dealt with would be to
12 identify the shortage to the respective quality
13 assurance managers and see what corrective action
14 could be taken in terms of applying additional
15 resources on their behalf to the area.

16 If that is not a viable option, if they
17 do not have any resources, then you quite likely
18 are going to reduce the number of craft involved in
19 it. Otherwise, they would just be sitting around.

20 Q Do any questions ever arise on behalf of
21 the craft people that perhaps the inspections going
22 on are just taking too long for what the QC inspec-
23 tors have to look at?

24 A Sure.

25 Q And if the craft people raise these concerns,

1 who would they report it to?

2 A If the craft felt like, for a particular
3 given inspection, that the inspection was taking
4 much longer than it should, they would raise that
5 concern to their supervisor and him to their supervisor.
6 Once they got to one of the manager levels, myself or
7 one of the other managers, they would be brought to
8 the attention of the QA manager. They would look
9 into it, agree or not agree, and proceed from there.

10 Q Who is the QA manager?

11 A Tony Vega.

12 Q Have you ever had occasion to communicate
13 something like that to Mr. Vega, that inspections in
14 a particular area were taking too long?

15 A Most of my discussions -- we've had
16 instances where the inspection process was not proceed-
17 ing as rapidly as we felt like the craft could support
18 and we've made requests of Tcny to look at adding
19 additional staff or looking on his side of the house
20 to see what can be done to make that process either
21 more efficient or more people added to it.

22 Q Do you know of any instances where craft
23 people have raised a concern with one of their foremen
24 or supervisors that particular QC inspectors or
25 particular, singular, QC inspector was taking too

1 long to do a certain inspection job?

2 A I'm not personally aware of all those
3 discussions, but I'm sure discussions like that
4 have probably occurred. That's the nature of the
5 business. QC, you know, in many areas, is very
6 subjective, and any time it's subjective and you
7 get more than one person involved in it, you're not
8 going to get total agreement. And that's just the
9 way it is.

10 Q Then what -- do you ever issue regular
11 directives to craft people under your jurisdiction
12 regarding scheduling?

13 A Sure.

14 Q And how often might you do that, daily?

15 A Daily.

16 Q And is that something that is emphasized
17 strictly by you?

18 A Emphasized by me, what do you mean?

19 Q In other words, do you feel it's an
20 important directive when you give to them?

21 A Certainly.
22
23
24
25

#6

1 Q Mr. Murray, do you know a Mr. Hamilton?

2 A I do not.

3 MR. WATKINS: Could you give us a first

4 name, please?

5 MR. SOSNICK: I am not aware of the first

6 name.

7 MR. WATKINS: Could the name be Robert

8 Hamilton?

9 MR. SOSNICK: It certainly could.

10 MR. WATKINS: Could it be William Hamilton?

11 MR. SOSNICK: I am not aware of the first

12 name.

13 MR. WATKINS: Could it be David Hamilton?

14 MR. SOSNICK: Are you taking my deposition?

15 MR. WATKINS: You asked asked if he knew

16 a Mr. Hamilton. I asked you if you had the first name.

17 MR. SOSNICK: I have already answered that.

18 THE WITNESS: I know one.

19 MR. WATKINS: Do you know a Robert Hamilton?

20 THE WITNESS: No.

21 MR. SOSNICK: I have nothing further right

22 now

23 MR. BERRY: No questions.

24 MR. WATKINS: Let's take a short recess.

25 MR. SOSNICK: Before we break, I just

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thought of something. Do you mind?

MR. WATKINS: Go ahead.

MR. SOSNICK: Never mind. I did ask it.

Let's take 10.

(Short recess.)

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1 MR. BERRY: Mr. Murray, my name is
2 Greg Berry and I am here on behalf of the Nuclear
3 Regulatory Commission. I just want to ask you a couple
4 of questions to make sure that I understand the testimony
5 that you gave here this afternoon, and what you know about
6 the incidents, of allegations of intimidation and
7 harassment at the Comanche Peak plant.

XXXXXX
8 EXAMINATION

9 BY MR. BERRY:

10 Q Mr. Murray, do you ever recall a QC
11 inspector coming to you and complaining about the
12 housekeeping conditions at Comanche Peak site, complain
13 that they weren't in compliance with, you know, some code
14 or provision or standards?

15 A No, I am not aware that any QC inspector
16 came to me with such a complaint.

17 Q You testified this afternoon that you do
18 not know Mr. Clancy?

19 A That's correct.

20 MR. BERRY: No further questions.

XXXX
21 EXAMINATION

22 BY MR. WATKINS:

23 Q You were asked about an incident involving
24 a QC inspector named Eddie Niedecken?

25 A Yes.

jcr4

1 Q In your own words can you describe that
2 incident from start to finish?

3 A Sure. I don't recall the exact day but
4 as I recall it it was some time prior to lunch. In the
5 lower portion of the building we had a large number of
6 areas in a particular quadrant that were completed and
7 available for inspection and the inspection personnel
8 normally assigned to that quadrant were either busy or
9 one or two were absent that day, or for whatever reason
10 we were short of inspection people and needed additional
11 inspections done so we could get some of the crafts
12 people back to work in putting paint on.

13 The area that Mr. Niedecken was assigned
14 to, everything was proceeding at that point, all the
15 crafts people in his area were working, and from a
16 schedule standpoint we felt the other area was more
17 important. It was only 10 feet or so from the area that
18 he was already working in and from a schedule standpoint
19 we wanted Mr. Niedecken to relocate and perform inspections
20 in the other area.

21 I reviewed this with Ronnie and he concurred
22 with me that that was in fact the case and we went upstairs
23 out of the building to find the level II, who is the
24 immediate supervisor of Mr. Niedecken. He was
25 unavailable. We went to one of the other buildings there

1 to look for Mr. Uehlein's supervisor. He also was
2 unavailable. We looked for the reactor building QA/QC
3 manager; he was unavilable.

4 At that point I got back up with Ronnie.
5 He was back down in the trailer where the paint paper flow
6 group and the QC area is and Mr. Niedecken was upstairs
7 at that point in time out of the building taken a break.

8 I asked Ronnie to get up with him and about
9 the time I walked in Mr. Niedecken walked back down and
10 went back into the field.

11 I asked Ronnie to go get up with
12 Mr. Niedecken and ask him if he would mind relocating to
13 the other area while I continued to look for the level II.

14 Ronnie went back into the building and
15 I continued to look and not more than a minute or two
16 after that I ran into Jim Uehlein who is his level II and
17 Jim and I turned and went back down into the building, got
18 there approximately the same time Ronnie did. Ronnie had
19 requested of Mr. Niedecken that he -- if he would mind
20 moving over. He seemed a little distrought that anybody
21 would ask him to move.

22 Ronnie reviewed that then with Jim
23 Uehlien, his lead, and Jim concurred with the request and
24 asked Mr. Niedeckecken to move and Ronnie and I at that
25 point left the area. Or didn't leave the area; we moved

jon6

1 some few feet away from Eddie and Jim. They continued
2 to have a discussion about it.

3 Niedecken appeared to be quite upset.
4 He used a lot of profanity. He was talking in a very
5 loud tone. And eventually I guess concurred with Jim
6 that he would reluctantly move and do inspections in the
7 other area.

8 Jim left the area to go back upstairs and
9 I found out later the reason he went upstairs was to get
10 a piece of instrumentation ready to use and after he left
11 Niedecken then came down into the other area, stopped and
12 had another discussion with another of the inspectors
13 recounting what had happened, and this time he was close
14 enough to me that I could hear some of what he was saying
15 and the loudness with which he was talking, he was
16 basically going on about how he didn't want to move and
17 he didn't think it was right that he ought to move and
18 he was again using a lot of profanity and in general being
19 disruptive.

20 A lot of the crafts people at this point in
21 time had stopped and were looking to see what was going on.
22 He then left that inspector and moved on to another area
23 down where some other people were and was appearing to
24 start that conversation with another group of people and
25 at that point in time I went down and talked to him and

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1 asked him if there was anything I could do to help him
2 or get him settled down. He said no, that he didn't
3 want to move and that he didn't understand why he had to
4 move, and I explained to him that we felt like from a
5 scheduling standpoint that it was more important for the
6 job that he inspect in the other area than the one he was
7 inspecting in and requested that he move, but if he felt
8 like he couldn't accept that then I would request that he
9 not create such a disruption to the remainder of the people
10 in the field and if he would like for me to I would be
11 happy to go upstairs and call some of the QA management
12 people or whomever he wanted to come down and talk to him
13 and maybe resolve what was concerning him.

14 In a nutshell, that was the end of that
15 incident.

16 MR. SOSNICK: I will have to object.
17 I will let Mr. Murray finish, but to the extent this is
18 hearsay, I will place my objection on the record.

19 MR. WATKINS: Your objection is noted.

20 BY MR. WATKINS:

21 Q As a rule, Mr. Murray, are requests that
22 QC inspectors move from one job to another made to QC
23 supervisors rather than to the inspector himself?

24 A Yes. That's the primary purpose of the
25 level IIs in the field, is to assure that the appropriate

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1 amount of QC inspection is in the proper area so that
2 we all collectively get our jobs done.

3 Q In this case Mr. Johnson only made the
4 request of Mr. Niedecken and the QC inspector because
5 you couldn't find the lead inspector?

6 A We couldn't find him. There was none
7 available.

8 Q To your knowledge, did Mr. Niedecken's
9 complaint relate at all to the quality of his inspection
10 effort?

11 A No, not to my knowledge. It was only the
12 objection to being asked to move from one area to
13 another.

14 Q Mr. Murray, craft requests to the QA/QC
15 organization for specific inspectors to do specific jobs
16 are usually made specifically to whom?

17 A Well, in the case of the reactor building
18 the level IIs at least.

19 Q You are talking where you would ask an
20 inspector to do certain inspections, to move and do
21 certain inspections?

22 A That's correct.

23 You would make that request at least to
24 a level II if not to some higher level in the QA group.

25 Q Can the QC level II refuse to transfer

1 the QC inspector?

2 A Sure.

3 Q Do you have any control over whether he
4 does or not?

5 A None at all.

6 Q And if he doesn't send a QC inspector to do
7 the work, what happens?

8 A Well, the craft in that area doesn't get
9 any QC support if he doesn't send him.

10 Q In other words nothing happens?

11 A Nothing happens.

12 The only recourse at that point would be
13 for somebody at my level to proceed several steps
14 organizationally up the ladder with the QA/QC
15 management people themselves. That would be the only
16 recourse.

17 Q You testified earlier, didn't you, that
18 you advised crafts people subject to your supervision
19 regarding their interaction with QC inspectors. Have you
20 done that once?

21 A Innumerable times. It is a subject of
22 almost continual discussion. It is a very sensitive area
23 and we try to keep the crafts people from having any more
24 conversations with the QC people than they absolutely
25 have to to get their jobs done. And anything concerning

1 a disagreement with an inspection or an interpretation
2 of an inspection or a resource allocation problem
3 within the QA/QC department is -- the craft is directed
4 to continually maintain those types of issues and
5 questions to at least the level II if not higher.

6 MR. WATKINS: That is all I have.

7 MR. SOSNICK: I just have a few questions
8 on reexamination.

9 EXAMINATION

10 BY MR. SOSNICK:

11 Q Let's talk about Mr. Niedekcn and the
12 issue you related to us. When did that event occur?
13 When did that incident occur?

14 A Approximately a month ago, three or four
15 weeks ago. I don't know exactly.

16 Q And now that you have described the
17 incident -- approximately how long did it take, how long
18 did that thing go on with Mr. Niedecken and looking for
19 QC people and so on? How long did that whole event
20 occur?

21 A From the time we wanted the person
22 relocated until he was relocated?

23 Q Yes.

24 A Probably an hour. Total. Start to stop.
25 An hour and a half maybe.

CXXXXX±

end
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mn71b1

1 Q Is it in the usual scope of your duties
2 or your routine that you might spend an hour out on the
3 floor area trying to relocate a QC inspector?

4 A Me personally?

5 Q Yes.

6 A No, not as a general rule.

7 Q Have you done it before?

8 A I've had many, many times spent an excess of
9 an hour out reviewing in the field where the Crafts people
10 are assigned in numbers, and we're talking whether or not
11 they're properly allocated into the areas, whether or not
12 they have enough workspace, whether or not they have the
13 proper resources from an engineering equipment, compressed
14 air, et cetera standpoint. And obvious QC inspections is
15 a resource in the area, and so an hour wouldn't be an
16 unusual amount of time.

17 When we started discussing where the QC
18 person needed to be, until the time he actually got there,
19 was an hour. We were discussing many, many things in
20 addition to that one, the first thirty or forty minutes
21 were that touring through the building looking at different
22 areas.

23 Q How often might you go out on the floor and
24 have to deal with the relocation of QC inspectors?

25 A Never, as a general rule.

mn71b2

1 Q This was the only incident?

2 A Where I have personally been involved with
3 the assignment of a QC person?

4 Q Yes.

5 A Yes, sir. It's the only time I've personally
6 been involved. It's a thing that occurs all day, every day.
7 It's a very common practice.

8 Q And it occurs all day, every day, and it
9 involves various people under your jurisdiction on the
10 Crafts side?

11 A Yes.

12 Q Now you've stated, Mr. Murray, that you
13 advised the Crafts people about their relationship with
14 the QC personnel, is that correct?

15 A Yes, sir.

16 Q And you do that from time to time?

17 A Yes, sir.

18 Q Did you mention, sir, that you want to keep
19 down the talking between the Craft people and the QC
20 personnel?

21 A To keep down their interface with anything
22 that's not germane to getting their specific job done.

23 Q Is that because disagreements might arise?

24 A It's to preclude any disagreements and to
25 avoid, because of the sensitive nature of some of the

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1 issues regarding harassment or intimidation, to be sure
2 that we're doing everything that we can to keep that from
3 happening.

4 Q Is it your experience that if some interface
5 occurs, that disagreements might probably happen?

6 A I don't think disagreements, no. I think
7 there would be a bigger concern probably with maybe having
8 differences of opinion resolved at some level where they can't
9 be resolved and having misinterpretation of those discussions
10 with the QC people or the Crafts people. So it's just best
11 not to initiate the discussion to start with.

12 If you don't concur with the QC inspector,
13 you can address that to the Level 2 as a memo. You don't
14 address it to the inspector himself.

15 Q Is it possible then that some level friction
16 may result, if they interface, the Craft people and QC people?

17 A If you mean by some level of friction that they
18 would have a difference of opinion, certainly. Particularly
19 in paint because the majority of the acceptance criteria
20 that the QC people use in the paint area is subjective, as
21 opposed to objective evidence. It's not a matter of taking a
22 ruler and going out and measuring to see if the dimension
23 is correct or to see if a particular piece of hardware looks
24 exactly like the respective drawing that goes with it. It's
25 a very subjective type of evaluation.

mn71b4

1 Is that white paint on sufficiently thick
2 that it's got the red primer covered, where you can't
3 see any of it? Have you got too many microns of dust
4 settled into the paint while it was drying? Have you got
5 those kinds of things.

6 Q Would your Crafts people discuss amongst
7 themselves, or perhaps with you, the subjective nature,
8 say of the paint inspections?

9 A Pardon?

10 Q You testified that the paint inspections are
11 rather subjective as compared to other inspections. Is
12 that right?

13 A Yes, that's right.

14 Q And might the Crafts people discuss the
15 subjective nature of those inspections regarding paint
16 inspections by QC personnel?

17 A Might they discuss them?

18 Q Yes. Are you aware of any discussions they
19 had regarding those inspections?

20 A The Crafts guys specifically don't discuss
21 it with me. There's a lot of discussion on a continuing
22 basis at the job site, relative to the subjective nature of
23 the coating on this. That's just how it is.

24 Q Do you ever discuss the subjective nature
25 of the inspection with anyone?

mn71b5

1 A The subjective nature of the inspection?
2 It's discussed. It's discussed with the Design Engineer,
3 who writes the spec. It's discussed with the QA management
4 people.

5 Q With regards to Mr. Niedecken, you testified
6 that he was asked to move approximately ten feet?

7 A 10 or 15 feet. From here to her. It was
8 about the distance he moved.

9 Q You related that Mr. Niedecken used abusive
10 language?

11 A When he was talking initially to Mr. Uehlein,
12 I was told he did. When he left Mr. Uehlein and came down
13 and talked to the other inspector, he was close enough to
14 me, at that point then, that I could hear what he was saying
15 and he definitely was. So he was abusive in profane terms,
16 at least. I'm not sure abusive. He used profanity, I think
17 might be a better description.

18 Q Did you understand, at that time, why he
19 might use such strong language, if he only had to move 10
20 feet or 15 feet?

21 A No.

22 Q So then you do not know really what might have
23 sparked the abusive or profane language?

24 A No.

25 Q Now you were asked a question regarding a

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1 QC inspector coming to you, regarding a housekeeping matter.

2 Do you recall that?

3 A Yes.

4 Q And your testimony, sir, was that no QC
5 inspector came to you and related any concerns about that?

6 A That's correct.

7 Q Did any individual at all come to you regarding
8 such a matter?

9 A I am aware of -- and I don't recall if it was
10 an NCR or a Corrective Action Report, a CAR. One or the
11 other of those, a year or two back, was issued for house-
12 keeping, in some areas of the plant. I'm aware of that,
13 but no individual has ever come to me and discussed that.

14 Q And who issued that NCR? Do you know?

15 A Somebody in our Quality Assurance department.

16 Q What action was taken, with regard to the NCR?

17 A The area was cleaned up.

18 Q Did you have any personal involvement,
19 regarding that NCR?

20 A No, I was just aware that it was issued.

21 Q Back to Mr. Niedecken. Was it urgent that
22 Mr. Niedecken move the 10 or 15 feet you described?

23 A It was much urgent.

24 Q Was there some sort of emergency that he
25 had to moved right away?

mn71b7

1 A I don't know. I suppose that depends on
2 your definition on an emergency. There were several crafts
3 people who were, for that period of time without inspection
4 people were unemployed. They didn't have anything to do,
5 so in that sense it was -- we were interested in keeping
6 them busy and keeping them working. But, you know, minor
7 waits for QC that's not an emergency kind of thing. It
8 happens frequently.

9 Q That the reason was that there were craft
10 people waiting to do some other job and he was needed to
11 go over there so they could proceed.

12 A That's correct.

13 Q And because they were waiting around, you
14 went down to help to get him relocated more quickly and
15 looking for the QC person to have him relocated and so on.

16 A No, I didn't go down to do that. I was down
17 there when the discussion took place, and I just happened
18 to be there. And because with Ronnie and I both looking
19 for the level II of the other QA managers, there was two
20 of us looking instead of one, and at that particular moment
21 that's what I felt like needed to be done.

22 Q Excuse me, I meant Mr. Johnson had requested
23 that Mr. Niedecken be located to a different spot because
24 the craft people were waiting to continue with the job, and
25 this inspector's services were needed so that they could

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1 continue.

2 A That's correct.

3 Q And before that request came through, was
4 Mr. Niedecken inspecting another particular area?

5 A At the particular time he was assigned to
6 another area. At the particular time he was requested to
7 move he was not inspecting anything.

8 Q And do you know what he was doing before he
9 was requested to move?

10 A I know what area he was working in, but I
11 don't know what specifically he was doing.

12 Q But as far as you know he wasn't inspecting
13 anything he was just hanging around?

14 A He gave the appearance of being available for
15 reassignment to the other area.

16 Q And based on your knowledge of what occurred,
17 did Mr. Niedecken claim that he was doing something else
18 at the time?

19 A I don't know what his claims were. Again, I
20 wasn't close enough to hear what his discussion was with
21 his level II. I observed it, it's obviously pretty noisy
22 in the field. I observed it from some 10 or 15 feet away.

23 Q So it's possible he might have been inspecting
24 something else.

25 A I suppose.

mn71b9

1 MR. SOSNICK: I have nothing further.

2 FURTHER EXAMINATION

3 BY MR. BERRY:

4 Q Mr. Murray, prior to this incident with
5 Mr. Niedecken and Mr. Johnson, are you aware of any complaints
6 from craft personnel about Mr. Niedecken in that he'd been
7 too slow before? Anything like that?

8 MR. SOSNICK: Pardon me. Before you answer,
9 can we go off the record one moment?

10 MR. WATKINS: Sure.

11 (Discussion off the record.)

12 MR. WATKINS: Back on the record. Do you
13 remember the question that was asked, Mr. Murray?

14 THE WITNESS: No, please ask me the question.

15 BY MR. BERRY:

16 Q Prior to this incident had any complaints been
17 brought to your attention about Mr. Niedecken and the quality
18 or -- strike that. I'll rephrase the question.

19 Prior to this incident with Mr. Johnson and
20 Mr. Niedecken do you have personal knowledge of any
21 complaints about Mr. Niedecken's work, whether it was too
22 slow or any complaints at all?

23 A No, I don't.

24 MR. BERRY: No questions.

25 MR. SOSNICK: Thank you, Mr. Murray.

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THE WITNESS: Thank you.

(Whereupon, at 4:25 p.m., the taking of
the deposition was concluded.)

BOBBY J. MURRAY

CERTIFICATE OF PROCEEDINGS

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

5 In the matter of: Texas Utilities Electric

6 Date of Proceeding: Thursday, July 12, 1984

7 Place of Proceeding: Glen Rose, Texas

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

10
11 Marilynn Nations

12 Official Reporter - Typed

13
14 Marilynn Nations
15 Official Reporter - Signature