

# 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: Boyce H. Grier

Location: Glen Rose, Texas

Pages: 45,500-45,614

Date: Wednesday, July 11, 1984

*TR 01 0/1*

*Original to E. Pleasant  
H-1149*

*One copy to E. Johnson, Region IV*

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

11 Glen Rose Motor Inn  
12 Glen Rose, Texas

13 July 11, 1984

14 Deposition of: BOYCE H. GRIER,  
15 called by examination by counsel for Intervenor,  
16 taken before Terri L. Hague, Court Reporter,  
17 beginning at 9:30 a.m., pursuant to agreement.  
18  
19  
20  
21  
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23  
24  
25



## 1           Appearances:

## 2                   FOR THE APPLICANT:

3           RICHARD K. WALKER, ESQ.  
4           Bishop, Liberman, Cook, Purcell & Reynolds  
5           1200 17th Street, N.W.  
6           Washington, D.C. 20036

## 7                   FOR THE NRC STAFF:

8           RICHARD BACHMANN, ESQ.  
9           Office of the Executive Legal Director  
10          U.S. Nuclear Regulatory Commission  
11          Washington, D.C. 20555

## 12                   FOR THE INTERVENOR:

13          JANICE E. ROBINSON, ESQ.  
14          Frederick M. Baron & Associates  
15          8333 Douglas Avenue  
16          Suite 1050  
17          Dallas, Texas 75225

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I N D E X

<u>WITNESS</u>	<u>EXAMINATION BY</u>	<u>PAGE</u>
Boyce H. Grier	Mr. Robinson	45,505
	Mr. Bachmann	45,606
	Mr. Walker	45,612
	Mr. Robinson	45,613

E X H I B I T S

<u>Exhibit No.</u>	<u>MARKED</u>
Grier # 42-1	45,508
42-2	45,531
42-3	45,581
42-4	45,581
42-5	45,581
42-6	45,599
42-7	45,602

P R O C E E D I N G S

1  
2 Whereupon,

3 BOYCE H. GRIER

4 was called as a witness by counsel for the Intervenors  
5 and, having been first duly sworn, was examined  
6 and testified as follows:

7 MR. WALKER: Ms. Robinson, before we  
8 get started, I have a prepared statement I would  
9 like to read into the record, if I may, and then  
10 we have some additional housekeeping matters that  
11 we'll need to deal with.

12 MS. ROBINSON: Sure.

13 MR. WALKER: My name is Richard K. Walker.  
14 I am a member of the law firm of Bishop, Liberman,  
15 Cook, Purcell & Reynolds, counsel for Texas Utilities  
16 Electric Company, Applicant in this proceeding.

17 I appear here today in that capacity  
18 and as attorney for Mr. Boyce Grier.

19 Before proceeding further, I wish to  
20 point out that Mr. Grier is appearing voluntarily  
21 today and that he is not under subpoena. Mr.  
22 Grier's testimony has been requested from the Applicant  
23 by CASE, Intervenor in this proceeding, on the  
24 topics specified in CASE's letter to Leonard W.  
25 Belter, dated June 27, 1984, a copy of which has been

1 marked for identification by the reporter, and  
2 appended to the transcript of Mr. Anthony Vega's  
3 deposition as Exhibit A.

4 The Applicant has already noted its  
5 objections to the deposition procedures and to the  
6 schedule ordered by the Board, and it intends no  
7 waiver of those objections by Mr. Grier's appearance  
8 here today.

9 When the transcripts for this deposition are  
10 available, the witness will sign the original of  
11 each of his depositions on the understanding  
12 that should the executed originals not be filed with  
13 the Board within seven days of the conclusions of  
14 the deposition, a copy of either of the transcripts  
15 may be used to the same extent and effect  
16 as the original.

17 Ms. Robinson, in the course of meeting  
18 with Mr. Grier to discuss the matters that CASE has  
19 notified that they wished to examine Mr. Grier on,  
20 we discovered that there were a couple of documents  
21 in Mr. Grier's file that had not been produced in  
22 response to CASE's request for documents. The  
23 failure to do so was inadvertent. They are both  
24 one page documents consisting of notes made by  
25 Mr. Grier, and at this time I would like to provide



1 both you and Mr. Bachmann with copies of those documents.  
2 One is a one-page set of notes dated 1/12/84.  
3 The second is a one-page set of notes dated 1/25/84.

4 I think, as you can see from reviewing  
5 these documents, they are not very complicated or  
6 involved. There is not a tremendous amount of  
7 information, and I would suggest even arguably no  
8 information that is significantly different from  
9 documents that have already been provided to CASE  
10 in the discovery process in this proceeding.  
11 However, I would like to acknowledge that we are  
12 providing you with these copies late, and if you  
13 desire to do so, obviously, you would have the right  
14 to recall the witness at a later date for the limited  
15 purpose of examining him on these documents.

16 I would suggest, however, out of consideration  
17 for the witness and the rather excruciatingly  
18 complex scheduling that has been involved in this  
19 proceeding that if it is at all possible, the  
20 better course might be to take whatever time you  
21 feel is necessary this morning to familiarize yourself  
22 with the documents and to make any examination of  
23 Mr. Grier that you feel is necessary in light of  
24 these documents in the course of the deposition today.

25 MS. ROBINSON: I think, I'm certain I can

1 ask anything you need ot ask today.

2 (Discussion off the record.)

3 MR. WALKER: Mr. Bachmann, do you anticipate  
4 the need to recall the witness based on these  
5 new documents?

6 MR. BACHMANN: No.

7 MR. WALKER: I appreciate the consideration  
8 of both of you in that regard.

9 MS. ROBINSON: Sure. Is that it?

10 MR. WALKER: Yes.

11 EXAMINATION

12 BY MS. ROBINSON:

13 Q Mr. Grier, we just met. I'm Janice  
14 Robinson, and I'm here representing the Intervenor,  
15 and I have what will seem like more than just a few  
16 questions to ask you today.

17 You're a lot more familiar with this  
18 subject area than I am, so I probably will need  
19 to take a break from time to time, and anytime  
20 that you need to take a break, feel free to ask,  
21 and we'll stop right then.

22 Would you state your name.

23 A Boyce H. Grier.

24 Q And where do you live, Mr. Grier?

25 A I reside at 1405 Allan Lane, that's A-l-l-a-n,

XXXXX



1 West Chester, Pennsylvania, 19380.

2 Q Where are you currently employed?

3 A I'm under contract to Gilbert Commonwealth,  
4 Incorporated, located in Reading, Pennsylvania.

5 Q And how long have you been employed by  
6 that company?

7 A Since December of 1981. I have a copy  
8 of a resume which --

9 MR. WALKER: Yes. Excuse me, Ms. Robinson,  
10 we have been requested, as I understand it, anyway,  
11 to provide updated current resumes for our  
12 witnesses at the deposition, and we do have a  
13 resume for Mr. Grier which we will provide you with  
14 at this time.

15 Mr. Bachmann, if you would like to have  
16 a copy, we can certainly get you one.

17 MR. BACHMANN: Yes, I would like one.

18 BY MS. ROBINSON:

19 Q Have you been living here in Texas  
20 since 1981?

21 A No. I have been on assignment here from  
22 Gilbert working for TUGCO since the end of November  
23 of last year, 1983.

24 Q And I see from your resume that for the  
25 21 years preceding 1981, you worked for the

1 Nuclear Regulatory Commission.

2 A Nuclear Regulatory Commission, and  
3 before that the Atomic Energy Commission, yes;  
4 that's correct.

5 Q And from 1970 until 1971, you were a  
6 director for Region 1 in Philadelphia.

7 A That's correct.

8 Q I see from your resume here your job  
9 description, but can you just tell me briefly  
10 what you did there.

11 A As regional director?

12 Q Yes, sir.

13 A The regional office was under the Office  
14 of Inspection and Enforcement at the time, and my  
15 responsibility as director was to direct the NRC  
16 program of inspection and enforcement for Region 1,  
17 which encompassed eleven northeast states. This  
18 is inspection of NRC licensees in that region.

19 Q And from 1975 to 1977 you were director  
20 for the Division of Reactor Inspection Programs?

21 A Yes. That is in NRC headquarters in  
22 Bethesda.

23 MR. WALKER: Ms. Robinson, may I suggest  
24 it might be sensible for the convenience of  
25 everyone if we make Mr. Grier's resume an exhibit

1 to the deposition.

2 MS. ROBINSON: Sure.

3 (The document referred to was  
4 marked Grier Deposition Exhibit  
5 No. 42-1 for identification.)

6 BY MS. ROBINSON:

7 Q All right.

8 Mr. Grier, you have been here in Texas  
9 since November of 1983?

10 A Yes.

11 Q And as I understand it, there are a  
12 number of different employers at the plant,  
13 Brown & Root and TUGCO and an architect and engineer  
14 firm. You work for TUGCO; is that right?

15 A The contract for my services with Gilbert  
16 is with TUGCO, yes.

17 Q How did you happen to come across that job?

18 A I was contacted in early November by  
19 one of the Gilbert Commonwealth employees who is  
20 in the Jackson, Michigan, office of Gilbert Commonwealth,  
21 and asked if I would be interested in coming down  
22 to Comanche Peak to talk about the position. And  
23 I indicated that I was, and so I came down for an  
24 interview in about the middle of November.

25 I don't remember the exact date, and

1 as a result of that, the contract between TUGCO  
2 and Gilbert Commonwealth was concluded for my  
3 services.

4 Q Who was the Gilbert Commonwealth employee  
5 in Michigan?

6 A Bill Kessler, K-e-s-s-l-e-r.

7 Q And Bill Kessler set up the interview --

8 A Yes.

9 Q -- between the people here and yours?

10 A Yes.

11 Q When you came down to Texas, who did you  
12 meet with?

13 A I initially met in Dallas first with  
14 Mr. Gil Keeley, who was Mr. Kessler's contact,  
15 and then with David Chapman, the manager of quality  
16 insurance, and with Bill Clements, the vice-president  
17 of nuclear.

18 I also made a trip to Comanche Peak, I  
19 believe, the second day. I think I was here two  
20 days, as I recall. I came down with Mr. Chapman  
21 and met with Mr. Tolson, Mr. Purdy. I believe those  
22 were the only ones that I talked to on site.

23 Q Did you have any written communications  
24 with anyone from Comanche Peak or with anyone in  
25 Dallas?



1 A No, I did not personally.

2 Q Did you impersonally?

3 A No. What I mean is, there were, I'm sure,  
4 written communications between TUGCO and Gilbert  
5 in terms of working out the arrangements of my  
6 contract, but I was not involved in that aspect.

7 Q And do you know who it was here at  
8 Comanche Peak that made the actual decision to  
9 hire you?

10 A I believe it was Bill Clements, and I think  
11 it was in Dallas.

12 Q Do you know who held the position that  
13 you now hold before you came?

14 A At Comanche Peak?

15 Q Yes.

16 A My understanding is, it's a new position  
17 not previously -- did not previously exist.

18 Q Do you know why this new position was  
19 created?

20 A It was created to provide an additional  
21 point of contact for employees who had quality  
22 concerns and wanted someone to discuss them and  
23 someone to see that they were investigated.

24 Q Are you familiar with an August 19, 1980,  
25 report on allegations of cover-up and intimidation

1 by TUGCO-Dallas Quality Assurance, written by  
2 Mr. Keeley -- I'm assuming that's the same Keeley  
3 with whom you met, Mr. Spangler and Kaley.

4 MR. WALKER: I'm sorry. What was the date  
5 of the report?

6 MS. ROBINSON: August 19, 1983.

7 THE WITNESS: I'm not familiar with that  
8 report. To my knowledge, I have not seen it.

9 BY MS. ROBINSON:

10 Q And you came to Comanche Peak in November  
11 1983?

12 A That's correct.

13 Q Do you know what prompted Comanche Peak's  
14 decision to create such a position?

15 MR. WALKER: I think the question has  
16 been asked and answered.

17 BY MS. ROBINSON:

18 Q So you would have no idea whether or  
19 not the report acted in that decision?

20 A I do not know.

21 Q And you have never heard of the report?

22 MR. WALKER: I'll object to the question  
23 to the extent that it seeks to elicit testimony that  
24 would constitute hearsay.

25 MR. BACHMANN: I would also like to



1 advise counsel that Mr. Keeley was deposed here  
2 yesterday and questions as to what is contained  
3 in the report that were in Mr. Grier's job would  
4 be more properly addressed to him than in this  
5 deposition.

6 I don't know that it wasn't, but he  
7 was here and was deposed.

8 MS. ROBINSON: I'm just trying to find  
9 out the extent of Mr. Grier's knowledge as to why  
10 this deposition was created. And since that  
11 report was dated in August of 1983, and he came  
12 here in November of 1983, I think it's clearly  
13 relevant, and on an evidentiary matter as to the  
14 extent of his knowledge.

15 MR. BACHMANN: He stated he has no  
16 knowledge of it.

17 MS. ROBINSON: All right. I was  
18 trying to find out if he had any knowledge at all of  
19 the report, not whether he was familiar with it.  
20 That's the question that I just asked.

21 BY MS. ROBINSON:

22 Q How would you describe the ombudsman program?

23 A It's a program to have someone and me  
24 in particular available to employees on site who have  
25 concerns about quality, a point of contact that

1           they can come to, and then to investigate  
2           or to -- the concerns that are expressed or  
3           else refer them to someone else for investigation,  
4           depending on the concern.

5           Q           What are your specific duties as a  
6           general idea of what you do?

7           A           To be available when any employees want  
8           to meet with me, to investigate that concern or to  
9           refer it for investigation.

10                    I'm also involved in the interview  
11           of employees who leave quality assurance department,  
12           exit interviews, if you will, and to see that  
13           concerns that are expressed on exit interviews  
14           are followed up.

15           Q           Do you work a five-day 40-hour week?

16           A           I'm here from about -- I travel Monday  
17           morning and Friday afternoon. So I'm not on  
18           site Monday morning or Friday afternoon.

19           Q           When you say you travel, do you still  
20           maintain another residence?

21           A           Yes, in Pennsylvania, the residence address  
22           I gave. I return to Philadelphia for the weekends.

23           Q           It must get old.

24                    MR. WALKER: Can we go off the record for  
25           a moment?

1 (Discussion off the record.)

2 MS. ROBINSON: Go ahead.

3 THE WITNESS: Let me add one thing just  
4 to make it a complete answer.

5 I'm also involved with other work for  
6 Gilbert so that about one week out of six I'm  
7 not here at Comanche Peak. I'm on another assignment  
8 that takes me about one week out of six.

9 BY MS. ROBINSON:

10 Q You've told me that you make yourself  
11 available for employees who have any kind of safety  
12 concerns and that you also conduct exit interviews.

13 A Yes.

14 Q On a typical day, let's say Tuesday,  
15 Wednesday, Thursday, since you're gone half a day  
16 Monday and Friday, what percentage of your time is  
17 divided between those two activities?

18 A I guess the principal part of my time,  
19 and it's probably about as much as half, is involved  
20 in investigation of concerns or matters that I've  
21 been assigned to investigate.

22 I guess the other, maybe split half  
23 and half, a quarter of employee interviews and  
24 other quarter on exit interviews. I have not done an  
25 analysis but that's my best estimate.

1           Q       I am just trying to get a general feel  
2 of what you do there during the week. Is your job  
3 pretty much an office job or do you spend a  
4 lot of time out on the site?

5           A       Principally an office job. I do, when I can,  
6 get up, walk through the plant, just to make myself  
7 available. I try to do that once a week, but that hasn't  
8 always been possible.

9           Q       And you say you take a walk through the  
10 plant primarily so the workers can see you and know  
11 you are available if they need to talk to you about  
12 anything?

13          A       That's correct.

14          Q       You say that 50 percent of your time is spent  
15 in investigations of concerns that are brought to you by  
16 employees or that are assigned to you to investigate.  
17 Who would assign you concerns to investigate?

18          A       Well, they may come from exit interviews.  
19 I am also reviewing exit interviews from craft  
20 employees from Brown & Root who have expressed some  
21 concerns related to quality.

22                   I am also available for any other  
23 investigations that might be requested.

24          Q       When you say you are assigned an investigation  
25 from an exit interview, can you give me a standard



1 run of the mill investigation?

2 A Well, when I receive a concern on an  
3 exit interview that in my judgment should be investigated,  
4 I will discuss the matter with Mr. Vega who is  
5 manager of the quality assurance -- site manager for  
6 quality assurance, and the discussion of really who  
7 should do the investigation, whether I should do it or  
8 hether it should be referred to someone else depends  
9 on the nature of the concern.

10 Q What kind of investigation would you  
11 yourself conduct on a concern?

12 A If it relates principally to a quality  
13 matter.

14 Q What kind of concern typically would be  
15 delegated to someone else?

16 A If it had to do with documentation, for  
17 instance, there have been a recent couple in that  
18 area that I am not investigating but have been  
19 referred to another member of Mr. Vega's staff.

20 Q Do you know who that person is?

21 A Bob Scott.

22 Q Once you conduct an investigation and  
23 finish it, then what happens?

24 A I prepare a report which is distributed  
25 to Mr. Vega with my findings and maybe some

1 recommendations with the corrective actions proposal.

2 Q Do you as a general rule have a meeting  
3 with Mr. Vega, or do you just submit a written  
4 report to him?

5 A Generally it is just submitting the  
6 report, but available for discussion if he has  
7 questions or comments.

8 Q All right. You say that you make  
9 recommendations. Are those just suggestions to  
10 Mr. Vega?

11 A Just suggestions, right.

12 Q He is free to act on it?

13 A Yes.

14 Q Is he the person that then ultimately will  
15 make the decision as to what to do?

16 A That has been true in the cases that I have  
17 been involved with so far, yes.

18 Q And perhaps you have answered this already,  
19 and if you have I am sorry.

20 Do you decide or does someone else decide  
21 who is going to be responsible for a particular  
22 investigation?

23 A It is done in consultation with Mr. Vega.

24 Q You and Mr. Vega together decide?

25 A Yes.



1 Q Is there anyone else who participates in  
2 that decision?

3 A No. At least not that I am aware of.

4 Q All right. So far we have been talking  
5 about investigations into safety concerns. I am sure  
6 you have also heard mention of claims of harassment.  
7 If employees have any claims with harassment, do they  
8 also come to you with those?

9 A Yes, they do.

10 Q About what percentage of the people who come  
11 to you have claims of harassment, whether they be  
12 solely alone or in conjunction with safety concerns?

13 A It is difficult to separate between those  
14 who come and the exit interviews. So if you look at  
15 the total number of investigations that I have been  
16 involved in in the period that I have been here it is  
17 perhaps a third that would relate to the area of  
18 harassment.

19 Q And that includes exit interviews?

20 A Yes.

21 Q Is the ombudsman program operated in  
22 conjunction with any other program that investigates  
23 safety concerns and/or harassment incidents?

24 A Well, the other channel that has been set  
25 up for employees to communicate concerns is the

1 quality hot line, the telephone set up which goes  
2 to corporate security in Dallas where an employee  
3 can make the concerns known anonymously, if he desires

4 Q Is that the principal difference between  
5 the ombudsman program and the hot line, that an  
6 employee can make his claim completely anonymously?

7 A I guess yes. I guess it is. The point  
8 of contact is different. That goes to corporate  
9 security, not into the quality assurance department  
10 people.

11 Q What is the general function of the corporate  
12 security sections in Dallas?

13 A To conduct investigations of matters they  
14 receive. They may -- the concern that they receive on  
15 the hot line will either be investigated by them or  
16 could be referred back to me, for instance, for  
17 investigation, although that has not been done, but  
18 procedure provides for it.

19 In the same way if some concern that  
20 comes to me I feel more appropriate for  
21 corporate security to investigate, it will be referred  
22 to them.

23 Q Was the corporate security section in  
24 Dallas in operation before November of 1983?

25 A I believe it was. I am sure it was, but

1 I do not know when that began.

2 Q Who is David Andrews?

3 A He is director of corporate security.

4 Q And as director of corporate security can  
5 you just give me a brief thumbnail sketch of what he  
6 does?

7 A Other than investigations, I believe he  
8 was involved with personnel security, if you will. I  
9 really don't know.

10 Q All right. I just want to know what you  
11 know.

12 I am just a little curious because in reading  
13 through some material I noticed that there -- I don't  
14 have records indicating that there are a lot of  
15 hot line calls, and I am wondering how big the  
16 corporate security section in Dallas is if their  
17 primary function is to handle hot line calls and  
18 there are not very many of them.

19 A I am sure that it is not their sole  
20 function. They have responsibility for security  
21 matters for the whole company, if I understand  
22 correctly, not just Comanche Peak.

23 Q As a for instance, would it be the job of  
24 corporate security to make sure that people --  
25 teenage kids didn't break into the plant at night and

1 steal things or something like that? Is that their  
2 job?

3 A I presume setting up the programs on  
4 Texas Utilities property is under their cognizance.

5 Q And would David Andrews be the best person  
6 to ask about what corporate security actually does on  
7 a day to day basis?

8 A Yes.

9 Q So all you know is that they do handle the  
10 hot line phone calls, but you are not sure what  
11 percentage of their time that that occupies?

12 A I do not know that.

13 Q Do you know whether the corporate security  
14 section also handles calls based on harassment?

15 A If it is made on the hot line I am sure they  
16 do.

17 Q They don't refer those back to you,  
18 harassment calls?

19 A None have been referred to me.

20 Q All right. So then we have the ombudsman  
21 program to handle any claims of harassment and the  
22 hot line program to handle claims of harassment.  
23 Is there any other program to handle similar claims?

24 A There was a brochure prepared, I believe,  
25 that was put in with pay checks mailed to all

1 employees which described the hot line program and  
2 also provided a form which employees could document  
3 their concerns and mail them into the company,  
4 actually mail them to corporate security. That was  
5 another channel of corporate security.

6 Q Let me backtrack for a minute. When a  
7 claim of harassment comes into you, do you personally  
8 conduct the investigation? If you decide it needs to  
9 stay with you, do you personally conduct the  
10 investigation?

11 A I do.

12 Q And do you know whether if a claim of  
13 harassment comes into corporate security whether  
14 David Andrews personally conducts the investigation?

15 A I don't know that.

16 Q Do you know if he does not conduct the  
17 investigation who would?

18 A I am acquainted with some investigators on  
19 his staff and I presume they would be assigned to  
20 do the investigation, but I don't know them.

21 Q Do you know their names?

22 A I do.

23 Q Will you tell me their names?

24 A One is named Bob Studebaker. One is  
25 named L. D. Montgomery. And a third, his last name



1 Ritchy, I believe. I have only met him once. I am  
2 not sure of his last name?

3 Q R-i-c-h-i?

4 A R-i-t-c-a-i-e, I believe.

5 Q Are those three people all employed by  
6 corporate security? Are they corporate security  
7 employees?

8 A I do not know their employment relationship.

9 Q Do you know whether corporate security  
10 hires any private investigators?

11 A I don't know that.

12 Q And you, yourself, in your capacity, do not  
13 hire a private investigator?

14 A No, I do not.

15 Q Now, I believe you said that you don't know  
16 for sure but that you presume Mr. Andrews might have  
17 Mr. Studebaker, Mr. Montgomery and Mr. Ritchie to  
18 conduct some investigation of harassment claims from  
19 time to time?

20 A I presume it.

21 Q Just so I can get an overall picture of how  
22 broad this program is, there are five people who  
23 might actually participate in investigations of  
24 claims of harassment. That would be yourself,  
25 Mr. Andrews, Mr. Studebaker, Montgomery and Ritchie?



1                   Mr. WALKER: I don't think that is the  
2 witness' testimony.

3                   BY MS. ROBERTSON:

4                   Q       Are there any other people that you know  
5 of who participate in investigations of claims of  
6 harassment other than the five people that I have just  
7 listed?

8                   A       I think that there might be investigations  
9 by supervisors in their own areas. If you were  
10 talking about formal investigations -- I don't know  
11 whether there are more investigators or not.

12                   Q       I am only asking what you are aware of.

13                   A       Yes.

14                   Q       When you say that investigations may be  
15 conducted by investigators in the employee's own  
16 areas, would that occur if a quality control employee  
17 were to report his claim of harassment to his  
18 supervisor, or would that -- or would you have a  
19 supervisor conduct an investigation?

20                   A       I would expect if the employee went to his  
21 supervisor the supervisor would conduct the  
22 investigation.

23                   Q       So when you say that a supervisor might  
24 conduct an investigation, can you think of other times  
25 that a supervisor would conduct the investigation

1           besides when the employee went directly to the  
2           supervisor?

3           A           I would presume that the supervisor might  
4           be assigned to do investigation by Mr. Vega, for  
5           instance, by his superior.

6           Q           That would occur on Mr. Vega's own accord?  
7           He would direct a supervisor to conduct an investigation  
8           of harassment?

9           A           That is what I am suggesting, yes.

10          Q           Have you personally ever known just  
11          what you know Mr. Vega to instruct a supervisor  
12          to investigate into harassment practices before  
13          a claim for harassment was ever filed?

14          A           I don't know of any, no.

15          Q           How about after a claim was ever filed?

16          A           No.

17          Q           So you personally aren't aware at  
18          any time that Mr. Vega instructed a supervisor to  
19          investigate a claim of harassment?

20          A           No, I have no knowledge of that.

21          Q           I asked you earlier about corporate  
22          security, and you told me that David Andrews would  
23          be the best one to tell me about that. so let me  
24          know if you don't know this either.

25                    Do you have any idea why corporate

1 security was selected to act as the hot line  
2 program even though your ombudsman program was  
3 in existnece?

4 A Well, I think we said that the hot line  
5 was set up before I got here.

6 Q I am sorry. I thought we said corporate  
7 security was. I apologize.

8 A But the corporate security was  
9 designated, as I understand it, because of the  
10 independence that they provide. Corporate security  
11 is not under TUGCO. They are under Texas  
12 Utilities Electric Company, I guess, or they are  
13 another arm of the company. They aren't a part  
14 of TUGCO. So there is an independence there and  
15 I believe that is the reason why they were selected  
16 as the point for receiving hot line calls.

17 Q So it was actually your program that came  
18 in as an adjunct to the hot line program?

19 A That's correct.

20 Q Have you ever discussed merging the two  
21 programs all under your direction?

22 A That has not been discussed.

23 Q Again, I am only asking what you know.  
24 We already discussed the ombudsman program differed  
25

1 from the hot line program in that people could  
2 call in anonymously to the hotline.

3 A Yes.

4 Q Do you know if there is any difference  
5 in the administration of the claims or the  
6 investigation of the claims once they come into  
7 you versus once they go to the hot line program?  
8 Do you and Mr. Andrews follow different procedures?

9 A So far as I know, the procedures  
10 are similar. Mr. Andrews writes a report. I am not  
11 sure who his report goes to, however. It doesn't  
12 go to Mr. Vega, as I recall. But the procedures are  
13 similar. I guess the main difference being  
14 Mr. Andrews has the staff of investigators where  
15 I do my investigations personally.

16 Q Is the fact that Mr. Andrews has a  
17 staff of investigators indicative that he has more  
18 claims of harassment to investigate than you do?

19 A I can't draw that conclusion. I don't  
20 know.

1 Q Once Mr. Andrews conducts an investigation  
2 into claims of harassment, do you know whether he  
3 always makes recommendations similar to the  
4 recommendations that you would make at the end of  
5 one of your reports?

6 A I don't know.

7 Q Do you know, then, whether when a claim  
8 for harassment goes to Mr. Andrews' office,  
9 whether Mr. Andrews is the one who makes the  
10 ultimate decision about how to handle that claim  
11 to resolve any differences?

12 A I don't know. Anything would be conjecture  
13 on my part. I believe the matter is referred to  
14 the responsible individual in TUGCO for the decision;  
15 however, that Mr. Andrews only provides the report.

16 Q I'm just trying to find out whether  
17 you know his power is investigatory as is yours,  
18 or whether he also has a decision-making capability.

19 A It's only investigatory as far as I'm  
20 aware.

21 Q And he reports to another person, then,  
22 Mr. Vega, at TUGCO?

23 A Yes.

24 MR. WALKER: I'm sorry. I didn't understand  
25 that question. Do you mean reports in the sense of



1 sending reports or reports in the sense of reporting  
2 to --

3 MS. ROBINSON: I meant who he sends  
4 the reports to. Mr. Grier testifies he sends them  
5 to Mr. Vega, and you don't think that Mr. Andrews  
6 sends his reports to Mr. Vega, you think he sends  
7 them to someone else?

8 A That's my impression. I'm not certain  
9 of that.

10 Q So when a claim for harassment goes  
11 through -- goes all the way through the system,  
12 and you were to conduct an investigation, you  
13 sent a report to Mr. Vega, you said Mr. Vega makes  
14 the ultimate decision about what to do --

15 A Yes.

16 Q -- based upon your recommendations.  
17 Apparently there is at least one other person in  
18 addition to Mr. Vega who also has the authority to  
19 make similar decisions for any claims that went  
20 through Mr. Andrews' office.

21 A It's my presumption that Mr. Andrews'  
22 reports go to higher levels of management than  
23 Mr. Vega; Mr. Chapman or Mr. Clements. So it's  
24 in the same chain for decision.

25 Q All right. You've testified that you thought

1 the programs were fairly similar as to investigating  
2 claims of harassment, and I don't have a flow  
3 chart, for lack of a better description, of what  
4 happens in your office.

5 I do have a copy of a little chart about  
6 what happens once a claim is filed with the Hotline.  
7 What I would like to do is not ask you about the  
8 Hotline program, but go through this and see how  
9 similar your program is to this program, so that  
10 I can get a general feel of what happens from the  
11 time a quality control person would file a claim  
12 with you to the end, whether it be resolved or  
13 dismissed or whatever.

14 MR. WALKER: Excuse me, Ms. Robinson. Do  
15 you intend to make the flow chart or whatever  
16 document it is you have there an exhibit to the  
17 deposition?

18 MS. ROBINSON: That would be fine with  
19 me if you have no objection to it.

20 Have you seen this? I really am using  
21 it more as notes, but I don't care either way.

22 MR. WALKER: I would object to questioning  
23 on the basis of it unless we would make it an exhibit.

24 MS. ROBINSON: That's fine.

25 (Discussion off the record.)

1 MR. WALKER: Do you intend to use any  
2 more of these pages that are attached to it or  
3 just the diagram itself?

4 MS. ROBINSON: Just the diagram.

5 MR. WALKER: Do you mind if we separate  
6 it and get it marked as an exhibit?

7 MS. ROBINSON: No. Will it be possible  
8 for me to get a copy of that to give back to CASE?

9 MR. WALKER: Sure. If you'll help me  
10 remember when we finish here, I'll get a copy of it  
11 made.

12 (The document referred to was  
13 marked Grier Deposition Exhibit  
14 42-2 for identification.)

15 BY MS. ROBINSON:

16 Q I realize this is going to be dull for  
17 you because you do this every day, but it's new to  
18 me so --

19 A Not every day.

20 Q At least Tuesday, Wednesday, Thursday.  
21 Okay. The first stage here is called  
22 initial processing. There are seven stages on  
23 here.

24 A I should say I'm not familiar with that.  
25 I have not seen that flow chart. I'm not familiar  
with it.

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1 Q All right. I'm really not even trying  
2 to compae the two programs so much as to have a  
3 guide so I can go step through step what happens  
4 once something goes to your office.

5 A All right.

6 Q They have listed the first thing done  
7 is documentation of concern. Do you --

8 A I document the concern in the form of  
9 writing up a narrative report of the interview that I  
10 have with the employee.

11 Q Assignment of unique identifier. I  
12 assume that's just a number.

13 A Yes, that's done. It's called a QAI,  
14 quality assurance investigation number is assigned.

15 Q Determination of confidentiality level.

16 A If the employee requests confidentiality  
17 in his interview with me, that will be respected.

18 Q And number 4, creation of master file.

19 A In terms of a file for that particular  
20 QAI, I presume that is done. I should point out in  
21 that regard that there is what is called a QAI  
22 coordinator in Mr. David Chapman's office, and the  
23 numbers for a particular investigation are assigned  
24 there, and the file is maintained there so far as I  
25 know.

1 Q So whenever someone comes in to you  
2 with a claim, you inform DAVID Chapman's office  
3 of that fact, and they assign that claim a number?

4 A I decide whether it's a matter appropriate  
5 for investigation and prepare a draft QAI, give  
6 it to the secretary who communicates with Chapman's  
7 office, the QAI coordinator, and gets the QAI  
8 number and it's put on when she types up the final  
9 form of the QAI.

10 Q Okay. So only claims that you decide  
11 at that initial stage merit investigation will  
12 receive a QAI number and go any further than that?

13 A That's correct.

14 Q Can you tell me what kind of claim  
15 would not go any further than that initial record?

16 A It would depend on, I guess, the significance  
17 of the matter or whether in the basis of my  
18 discussion with the employee I felt the concern was  
19 resolved at that time, and that there was no  
20 further investigation required, or a minor -- or  
21 a matter that was relatively easy to resolve  
22 and didn't require the full investigation might  
23 not get put into the QAI system.

24 Q All right.

25 A Normally issued also -- I think I have



1 already said I would discuss with Mr. Vega if it  
2 was a matter -- whether or not he considered it  
3 a matter appropriate for investigation, and who  
4 should be assigned responsibility.

5 Q So no possible claim would be summarily  
6 dismissed right there at the initial stage without  
7 your first talking to Mr. Vega about it and the  
8 two of you deciding that no further investigation  
9 need be made?

10 A I would say that's the normal case. There  
11 may have been some instances in which I did not  
12 discuss with Mr. Vega.

13 Q You understand that in these claims,  
14 these cases I'm talking about, I'm interested in  
15 cases that involve claims of harassment --

16 A Yes.

17 Q -- in conjunction with safety concerns  
18 or by themselves?

19 MR. BACHMANN: Counsel, I would like to  
20 make a point of clarification at this time in the  
21 record. We're speaking about harassment. The  
22 relative harassment in this particular case is  
23 that that concerns QC inspectors and a type at  
24 which would prevent them from fulfilling their  
25 responsibilities under 10 CFR, Part 50, Appendix B.

1                   There might be some confusion since  
2 we didn't define that early on as to the  
3 meaning of the word as it's being used. There is  
4 sort of a generic term of harassment where a given  
5 employee may feel harassed by a supervisor in  
6 the matter of coffee breaks or days off or pay  
7 raises or performance evaluations, which would have  
8 literally nothing to do with what is at issue in  
9 this case. And I think that this is a good a time  
10 as any to make that point on the record, that that  
11 is the type of harassment that is at issue, and  
12 not the type of perceived or real harassment that  
13 goes on or could go on between an employee and a  
14 supervisor.

15                   MS. ROBINSON: I have been looking at  
16 QC/QA documents all day long yesterday, and  
17 this morning, so I'm sorry that I didn't make that  
18 clear when I first started. I'm not going to stipulate,  
19 I don't think, that the kind of harassment I'm  
20 talking about is the kind that you described,  
21 because as I understand it, some of the claims in  
22 these cases involve exactly the kind of things  
23 that you just mentioned, supervisor reports,  
24 not getting pay raises, coffee breaks, things that  
25 would make a person's job so unbearable that he would

1 be encour-aged -- he or she would be encouraged  
2 to quit his job, and so I think that those kinds  
3 of claims of harassment are relevant to the  
4 issue here. And I intend to ask you about those  
5 things. And I want you to tell me about those things.

6 MR. BACHMANN: I didn't mean to say that  
7 they might not be relevant. I was just making the  
8 point on the record to put in focus our  
9 ultimate goal, which is to examine those claims  
10 of harassment that can be tied to an employee not  
11 fullfilling the inspection responsibilities as laid  
12 out in Appendix B.

13 A lot of these what may be appear to be  
14 petty grievances may indeed along the line become  
15 relevant to ultimate decisions as to whether or  
16 not they were able to do their job properly.

17 Since you were relatively new to this  
18 case, I just wanted to remind you and state for the  
19 record that ultimately is what we have to go to, and  
20 that if a claim of harassment does not affect a given  
21 employee or cannot be connected up with a given  
22 employee being somehow coerced, pressured,  
23 harassed, intimidated into not reporting deficiencies,  
24 then it would be irrelevant.

25 MS. ROBINSON: Well, I'm only concerned with

1 claims of harassment filed by QC/QA workers.

2 All right. And then I think that clears  
3 up the matter, doesn't it, because any claim of  
4 harassment by those people I'm interested in.

5 MR. BACHMANN: Right. It has already  
6 been decided that harassment, for instance, of  
7 craft workers is beyond the scope.

8 MS. ROBINSON: I'm not interested in that.  
9 I just wanted to make sure that what I was asking  
10 was clearly relevant for evidentiary purposes.

11 MR. BACHMANN: We hadn't put it on  
12 the record earlier on so I wanted to bring it up.

13 MR. WALKER: In light of this discussion,  
14 I think perhaps I should state my position for the  
15 record, which would be that -- well, I believe  
16 entirely consistent with what Mr. Bachmann said that  
17 harassment, generic harassment, even of QA/QC  
18 personnel, if not such as to prevent that employee  
19 from doing his job and performing the functions  
20 contemplated by 10 CFR Part 50, Appendix B, is  
21 beyond the scope of this proceeding, and therefore,  
22 irrelevant.

23 MS. ROBINSON: And I'm maintaining the  
24 position in good faith that I think, although one  
25 isolated incident may seem to be not the kind of

1 harassment that's relevant for these purposes,  
2 that in conjunction with many similar claims and  
3 also maybe more serious types of harassment, more  
4 directly involved that in conjunction that's going  
5 to make each little isolated incident relevant  
6 to these proceedings.

7 MR. BACHMANN: Perhaps now would be a good  
8 time to take a short break.

9 (Short recess taken.)

10 MS. ROBINSON: Back on the record.

11 BY MS. ROBINSON:

12 Q All right. We were discussing the kind  
13 of claims of harassment that don't get any further  
14 than the initial stage. Just so that I can  
15 have an idea of how petty a claim has to be before  
16 you just dismiss it right there, can you just  
17 give me a couple of examples of things that you  
18 would think were so unimportant that they need  
19 not be pursued?

20 A Specific cases or --

21 Q Well, just a couple of examples.

22 A A case in which an inspector was really  
23 asking questions, at least in my understanding,  
24 more than alleging harassment, although there  
25 might have been some aspect related to harassment



1 in which I was able to respond to his questions and  
2 concerns at the time or a matter in which I was able  
3 to go to the supervisor, the inspector's supervisor,  
4 to explore his concerns, and satisfy myself  
5 that the supervisor was aware of the situation and  
6 that it was being given attention.

7 Q Before I forget this, because I'm sure  
8 I will, let me just interrupt right here. During  
9 the break I learned that Mr. Vega has been the  
10 person you send your reports to for only two months.

11 A Well, Mr. Vega has been in the position  
12 since about the middle of March, I believe.

13 Q All right.

14 A And so from the time I arrived until  
15 he took over the position I was doing it with Mr. Tolson.  
16 It's certainly the same position, but a little  
17 bit different.

18 Q Is Mr. Tolson still with the company?

19 A He is.

20 Q In what capacity?

21 A He is working for the project manager  
22 dealing with licensing matters, hearing matters,  
23 so far as I know. He's no longer in quality assurance.

24 Q And if you know, when Mr. Tolson was  
25 there, did David Andrews send his reports to

1 Mr. Tolson.

2 A I don't know.

3 Q Back to the procedure for investigating  
4 claims. According to the Hotline flow chart,  
5 their next stage is called assessment, and the  
6 first thing that happens there is a review by DCS.

7 A I do not know who DCS is. There is no  
8 review in my mind at this point, unless it's  
9 similar to the review I have with Mr. Vega then.

10 Q Well, then we have something in common.  
11 I don't know what DCS means, either.

12 MR. BACHMANN: Must be director of  
13 corporate security.

14 BY MS. ROBINSON:

15 Q All right. Director of corporate  
16 security, and that is Mr. Andrews?

17 A Correct.

18 Q And then in the second stage there is  
19 categorization.

20 A I don't have categories.

21 Q Other than just whether it's a simple --  
22 well, I guess no claim about safety concerns is just  
23 simple, but whether it's safety concern or whether  
24 it's safety concern in conjunction with a claim  
25 of harassment.

1 A That's true.

2 Q All right.

3 Their third step is possible recontact  
4 with allegor to obtain additional details or a  
5 waiver of confidentiality if applicable. Do you  
6 follow a similar course?

7 A That could be done. As I indicated, if  
8 the employee requests confidentiality, I would  
9 honor it. So there might be reason, I guess, to  
10 recontact for that purpose, but I have not experienced  
11 that.

12 Q And then their fourth step is creation  
13 of work file or decision to discontinue or redirect  
14 inquiry.

15 A Well, it seems to me that is similar to  
16 what we had previously discussed about deciding  
17 how to proceed.

18 Q I have a feeling that perhaps a military  
19 person just drew up this chart for fun one afternoon.

20 All right. We have another category here,  
21 the third category called nuclear interface,  
22 summary of allegations to VP nuclear, determination  
23 of investigative team, make up or notification of  
24 decision to discontinue or redirect inquiry.

25 Are those things that are necessitated

1 of the Hotline because they're a separate body, the  
2 corporate security section, that would not be  
3 required of you.

4 A Well, possibly, but a copy of my  
5 interview, initial interview with the QAI does  
6 go to vice-president of nuclear, and to Mr. Chapman,  
7 I believe. So they do see that at the time of the  
8 decision to initiate investigation.

9 What was the other point?

10 Q Determination or investigative team  
11 make up.

12 A Well, that's part of my discussion with  
13 Mr. Vega initially, who's going to investigate it.

14 Q Right. So if it remains with you, you  
15 investigate it.

16 A That's right.

17 Q You don't have an investigative team?

18 A No.

19 Q Okay. Their fourth step is the conduct  
20 of the inquiry. The first step is to develop an  
21 investigative format and then possibly recontact  
22 with the allegor, interviews and inspections and  
23 documentation.

24 Does the actual inquiry proceed that way?

25 A During the course of the investigation,

1 those are the types of things that I would do,  
2 and interview other people might be involved or review  
3 related documentation.

4 Q You, yourself, conduct the interviews?

5 A Yes.

6 Q Do you talk to the people personally,  
7 or do they file a written statement with you, or  
8 both?

9 A I talk to them personally and document  
10 the interview.

11 Q All right. Their fifth step is consolidation  
12 of results and conclusions where they review  
13 findings, resolve conflicts, draft a final report,  
14 and then legal review.

15 A There is no legal review of my report.  
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1 Q And then the sixth step is called  
2 reporting, a final report to the vice president  
3 of nuclear?

4 A Well, typically my report goes to  
5 Mr. Vega with a copy to vice president of  
6 nuclear and to the manager of quality assurance.

7 Q And to whom?

8 A Manager of quality assurance,  
9 Mr. Chapman.

10 Q And who is the vice president at this  
11 time?

12 A Bill Clements.

13 Q So the person who primarily reviews you  
14 report is Mr. Vega, but Bill Clements and  
15 Mr. Chapman would also receive copies of the report?

16 A Yes.

17 Q Do you have personal knowledge on  
18 any occasions where Mr. Clements or Mr. Chapman  
19 received a report and read it and became  
20 interested enough that they contacted Mr. Vega  
21 to assist Mr. Vega in making a decision?

22 A I have not been involved in any discussions  
23 like that. My impression is that there is a  
24 communication between them after my report has  
25 been received.

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1           Q       Then the final stage is receipt of final  
2       corrective actions report. In the hot line  
3       case is from the vice president, it says, but --  
4       then the next step is notification to a ledger  
5       of results and then corrective action summaries  
6       to President, Texas Utilities, and President, TUGCO.

7           A       Mr. Vega will initiate corrective  
8       actions if appropriate as a result of my reports.  
9       I get copies of any memoranda that he may issue  
10      as a result of the report and anything responding  
11      to the corrective actions, and then I make a  
12      practice of meeting with the employee who has brought  
13      the original concern and inform the employee of the  
14      results of my investigation and what action has  
15      been taken. But that is done verbally.

16          Q       Now, I have been using this chart and it  
17      has been attached as a copy to the deposition  
18      just so people later who were reading the deposition  
19      will be able to see the chart and know what we  
20      were talking about.

21                 All right. It hasn't been offered into  
22      evidence to prove that this is actually the system  
23      that the hot line program would follow, all right?  
24      When I spoke to you earlier about Mr. Andrews, you  
25      said that you weren't sure who Mr. Andrews' reports



1 I believe Mr. Grier's professional qualifications  
2 or resume should be considered evidence, if there  
3 is no objection.

4 MS. ROBERTSON: That is fine with me.

5 MR. WALKER: I have no objections.

6 BY MS. ROBERTSON:

7 Q Now that I have some idea of the  
8 procedure that you follow in investigating a claim  
9 and I have learned that some claims are just so  
10 mihor, so easily resolved that they get  
11 dropped at the very first stage, at the time the  
12 person comes in to see you.

13 Are there otherpoints in your program, your  
14 system, along the way that a claim might not be  
15 pursued any further after that initial stage, but  
16 before a final report was filed and final  
17 resolution came down from Mr. Vega?

18 A I don't believe that has happened, no.

19 Q So once a report goes up to Mr. Chapman's  
20 office, a written report, then generally in your  
21 experience the claim goes all the way through the  
22 system? You file a final report and Mr. Vega  
23 recommends action?

24 A Yes.

25 Q What is it about the ombudsman program

1 that would make quality control workers more likely  
2 to report safety violations or claims of harassment  
3 to you than to their supervisors?

4 A If there were a situation in which the  
5 employee would not want to bring the matter to the  
6 supervisor, it might involve his supervisor, he would  
7 then have the opportunity to come to me with that  
8 concern.

9 Q And then would you, yourself, go to the  
10 supervisor and try to resolve the problem?

11 A If the concern were with the particular  
12 supervisor I would probably go to a higher level of  
13 supervision to explore the matter rather than with the  
14 individual.

15 Q So you would write up a report and it  
16 would be sent off to Chapman's office and then  
17 that would be part of your investigation, one of the  
18 people you would talk to would be a higher supervisor?

19 A Yes, that could be, yes.

20 Q You mentioned earlier that when someone  
21 requested it that you would keep their claim of  
22 harassment confidential?

23 A Yes.

24 Q It is not then as a matter of course?

25 It is just then if someone requests it?



1           A       Yes. That is true.

2           Q       What procedures do you follow to ensure  
3 that the claim will be kept confidential.

4           A       In writing my report I do not include the  
5 name of the individual. It is kept only in my notes  
6 which I maintain.

7           Q       So there are no company guidelines,  
8 at least in your program? I don't know about  
9 Mr. Andrews.

10          A       Yes. Not in my program.

11          Q       You say that when you meet with a worker  
12 you take notes of the meeting?

13          A       Yes.

14          Q       Where do you keep those notes?

15          A       They are kept in my office file.

16          Q       Who has access to those notes?

17          A       The office is locked when I am not there.  
18 I believe there is a key available in Mr. Vega's  
19 office or his secretary has a key, but other than  
20 that no one has access, as far as I know.

21          Q       You say that you keep the notes of your  
22 meeting in a file in your office; is that where  
23 people generally raise these kind of concerns with you,  
24 they come into your office and speak with you?

25          A       Yes.

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Q Where is your office located?

A It is in the construction administration building on site.

Q I have never been to Comanche Peak. Is your office in a place that is easily accessible to the workers during the working day?

A Yes, it is.

Q Are your hours such that -- there are two shifts, aren't there?

A That's correct.

Q And are your hours such that people from both shifts have readily available access to you?

A My normal hours do not overlap with the night shift, no, but if contacted, I could be available in the evening. But that is no problem.

Q Is the building which houses your office a large building?

A Yes, large single floor office building with, I guess it is really offices all around down the center.

Q Who else's office is in that building?

A A large number. One end is construction, Brown and Root management, the TUGCO project management, M. Vega's office is there, document

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1 control center is there, quality assurance record  
2 vault is there, engineering offices. I don't  
3 know how to tell you how many they are, but a large  
4 number and a large number of different groups  
5 represented.

6 Q If the construction management section is  
7 at one end of the building, where in the office  
8 building is your office?

9 A It is I uguess near the center but towards  
10 the other end from the construction management offices.  
11 It is across from the document control center.

12 Q Where is Mr. Vega's office?

13 A It is further down the hall and on a  
14 side hallway, not on the same hallway that mine is on.

15 Q Have you ever seen WKRP where that man has  
16 that office in that building and he has an  
17 imaginary door that he walks through to get in?

18 I am wondering how much of an office you  
19 really have or if you have an enclosed room or if you  
20 have a couple of glass wall partitions, the physical  
21 characteristics of your office inside the building.

22 A It is an office I would guess about one-  
23 quarter the size of this building. Certainly no bigger.  
24 I have a desk, a table, a bookcase, a file cabinet and  
25 chairs, and a window. It is an outside office. And

1 the door to the corridor does have a glass in it.  
2 There are doors to the adjacent office, but they are  
3 locked.

4 Q So you have a window to the outside and then  
5 you can also look out of your office and see what  
6 is going on into the rest of the building?

7 A Into the corridor.

8 Q Into the corridor.

9 A Just the corridor, yes.

10 Q Is there more than one general entrance  
11 into the construction administration building?

12 A Yes, there is more than one. At least four  
13 that I recall.

14 Q And would a person approach your office from  
15 any one of those four?

16 A Could.

17 Q Is there like a company cafeteria or  
18 anything in that building or a place there where like  
19 people have lockers or put their stuff during the  
20 day?

21 A No, I don't believe so.

22 Q So just your average worker on an average --  
23 would an average worker on an average day have  
24 occasion to come into that building?

25 A Well, a number of them do come to the

1 document control center to get documents or to the  
2 records vault to look at documents so those areas  
3 do get a large number of personnel employees who are  
4 actually working in the plant. There is a steady flow  
5 of people into and out of those areas. As I indicated,  
6 my office is right across from one entrance to the  
7 document control.

8 Q So if people have to go to document  
9 control and they had to be there, it would be real  
10 easy for them to go to your office to see you?

11 A That's right.

12 Q Do the people there have to punch a  
13 time clock?

14 A My impression is -- I do not know the  
15 procedures, but my impression is yes, they punch in  
16 and out at the gate.

17 Q And Mr. Vega -- is there anyone other  
18 than Mr. Vega, for instance Mr. Clements or  
19 Mr. Chapman or any of those people who also office in  
20 that building?

21 A No. Mr. Chapman and Mr. Clements both  
22 are in Dallas.

23 Q Are there any other people in supervisory  
24 positions that relate to the quality assurance control  
25 program that have offices in that building?



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A The supervisor of quality manager has  
an office next door to Mr. Vega. Mr. Chuck Welch  
who was supervisor of quality assurance under Mr. Vega  
has an office across the hall from Mr. Vega.  
I mentiod earlier Mr. Bob Scott. Heis across the  
hall from Mr.Vega. He is a staff member.

end4

MILLERS FALLS  
ERASE  
COTTON CONTENT

1 Q Mr. Vega must have a big office if all  
2 those people are right across the hall.

3 A I believe those are the only other ones  
4 in that building from quality assurance.

5 Q Do you ever have people who are somewhat  
6 skittish about meeting you in your office because  
7 of its central location so that actually would  
8 work against a maintenance of confidentiality,  
9 and ask to meet you somewhere else?

10 A No one has asked me to meet them anywhere.  
11 There have been some occasions in which the employee  
12 apparently was uncomfortable in coming to my office,  
13 but did not ask to meet me and go somewhere else, no.

14 Q They just mentioned to you once they  
15 were there that it made them a little uncomfortable?

16 A Yes.

17 Q Have you ever thought about moving your  
18 office so that people might feel more comfortable  
19 about coming in and talking to you about their  
20 problems?

21 A I have not really considered that. I  
22 guess I don't think it's a chilling influence, if  
23 you will, but if there's reason to, I would certainly  
24 consider it.

25 Q As a practical matter, how is it possible

1 to maintain confidentiality during the investigative  
2 process? I understand that you do not put the  
3 person's name on the report that goes to Mr. Chapman.

4 A Yes.

5 Q But if you're investigating an incident,  
6 I assume you have to ask other people who were  
7 there what happened.

8 A That's true, and I think it's very  
9 difficult to maintain confidentiality and that's the  
10 reason I don't promise it unless it's requested.

11 I have, I believe, had only one case in  
12 which the employee did request confidentiality,  
13 and so it does make an investigation difficult. If  
14 it involves looking at a particular incident, it would  
15 be difficult.

16 Q So you haven't developed any magic  
17 procedures to follow or anything that would protect  
18 someone throughout the course of the investigation.

19 A No.

20 Q Once an investigation is finished and you  
21 make your recommendations to Mr. Vega, and Mr. Vega  
22 gets back with you or whomever with his final  
23 conclusions, at that point is the person's identity  
24 revealed, the person who made the --

25 A I don't think that's really been phrased yet.

1 I guess we haven't had that situation.

2 Q All right. And you don't know whether  
3 Mr. Andrews has had that situation?

4 A I don't know.

5 MR. BACHMANN: Just for the record, the  
6 witness previously testified there has only been  
7 one instance where confidentiality was requested.  
8 Perhaps he could address himself to the outcome  
9 of that and what happened on that one instance  
10 that he has personal knowledge of.

11 MS. ROBINSON: What happened?

12 MR. BACHMANN: Insofar as the confidentiality  
13 issue is concerned in your one instance.

14 THE WITNESS: Well, the employee came  
15 with me principally about concerns with documentation.  
16 Incidentally, this was not a QA/QC person.  
17 It was in the paper flow group.

18 There were some aspects of harassment  
19 in her story. She did want for that reason her  
20 allegations to remain confidential. I investigated  
21 the documentation concerns and have referred to  
22 harassment concerns for Mr. Andrews' investigation. I  
23 don't know the status of his investigation. I  
24 completed my investigation of documentation concerns  
25 and wrote the report without identifying the employee.



1 I did not get back to the employee because the  
2 employee is no longer working at Comanche Peak.

3 Q Why don't we talk about that in a  
4 little more detail.

5 Is this the claim that you're referring to?

6 A Yes.

7 MS. ROBINSON: Off the record for a minute.

8 (Discussion off the record.)

9 MS. ROBINSON: Back on the record.

10 BY MS. ROBINSON:

11 Q Mr. Grier, I'm about to ask you some  
12 questions about the one case that you mentioned  
13 where an employee had come to you with problems  
14 and requested confidentiality, and to preserve that  
15 person's request for confidentiality, I'm going  
16 to refer to her as Employee X. All right?

17 MR. BACHMANN: The Staff would now interpose  
18 an objection to the questioning of Mr. Grier as to  
19 the party X having been able to review off the  
20 record the documents which counsel for Intervenors  
21 intends to refer to that apparently Employee X is in  
22 no way connected with the QA/QC program, and therefore,  
23 her experiences or any questions about her is beyond  
24 the scope of the issue in this hearing insofar as  
25 harassment and intimidation must be connected to



1 QA/QC personnel at the minimum, and therefore,  
2 the Staff objects and would like the Board to consider  
3 as it reads this transcript that this entire part  
4 of the testimony should be stricken.

5 MR. WALKER: Counsel for the Applicant  
6 joins in the Staff's objection. I will permit the  
7 witness to answer questions, but only to the extent  
8 that the answer to the questions would not serve  
9 to reveal the identity of this person, and, therefore,  
10 though as everyone recognizes, and I believe can  
11 stipulate, this person was not a QA/QC employee, I  
12 would direct the witness not to answer any questions  
13 that would reveal the particular department or area  
14 in which this employee worked, the nature of the  
15 work, the names of supervisors or co-workers, or any  
16 other things that might tend to reveal the person's  
17 identity.

18 I would further ask that if the witness  
19 has any question about whether the answer to a particular  
20 question might endanger revelation of her identity  
21 that the witness consult with me before answering.

22 MS. ROBINSON: First of all, I think  
23 that the questions that I'm about to ask are  
24 relevant because the overall problem, as the  
25 Intervenor sees it at the plant, was a pervasive dismissal

1 of claims of quality safety and a dismissal of  
2 claims of harassment on the part of those people  
3 who actually came and reported problems of product  
4 safety and plant safety, and what this particular  
5 case involves is a person who came to Mr. Grier  
6 with problems concerning safety at the plant.  
7 And this person claimed that she had been harassed  
8 because of her inclination to report such problems,  
9 and I think that this information is relevant to  
10 show the overall pervasive feeling at Comanche Peak.

11 Now --

12 MR. WALKER: Excuse me, counsel, before  
13 you proceed with questioning, I believe the witness  
14 was the only one among us who was not given the  
15 opportunity to review the document from which we  
16 all concluded that this person was not a QA/QC  
17 employee. And I would just ask that we be sure  
18 that the witness knows who Employee X is.

19 MS. ROBINSON: All right.

20 MR. BACHMANN: Do you intend to make this  
21 document an exhibit?

22 MS. ROBINSON: No. I just want to ask  
23 questions about it.

24 The second thing is that he has already  
25 mentioned things on the record in regard to this

1 woman, and I don't know how obstinate you're going  
2 to be in the things you're instructing him not to  
3 answer, but you realize, that if we are to follow  
4 your instructions to Mr. Grier in the strict sense,  
5 then I can't ask him any questions at all.

6 MR. WALKER: Well, obviously I don't  
7 have any idea what questions you have in mind,  
8 but --

9 MS. ROBINSON: Well, it's relevant to  
10 the -- I can't show a good-faith effort to try to  
11 obtain relevant evidence here if I can't talk about  
12 the department that this person worked in, and what  
13 this person was complaining about. Then all I have  
14 on the record is that this person is not a quality  
15 control employee and why are we talking about her?

16 MR. BACHMANN: Is this person one of  
17 the Intervenor's witnesses? I mean, I have no  
18 idea who it is.

19 MS. ROBINSON: The honest truth is that  
20 I don't have a clue.

21 MR. WALKER: I don't believe so, but  
22 I'm not certain of this.

23 MR. BACHMANN: I might have to ask any  
24 questions at least that first document you're holding  
25 be entered as an exhibit, so the Board can judge the

1 relevance of the line of questioning. Is there  
2 anything in that document that would disclose  
3 the identity of that person?

4 MS. ROBINSON: Her name is not in any  
5 of --

6 THE WITNESS: It's not in my report, no.

7 MS. ROBINSON: It's just as he said  
8 in his handwritten notes.

9 MR. WALKER: But does your report reveal  
10 anything regarding the department's names of  
11 supervisors, workers?

12 THE WITNESS: I believe it does. I would  
13 have to review to be sure. I'm sure it indicates  
14 where she worked.

15 MR. BACHMANN: It was indicated to me  
16 earlier that there was -- and I believe this was off  
17 the record -- that there's a protective order  
18 circulating through these depositions that may or  
19 may not be applicable to the situation, and I  
20 think this would be a good time to resolve that  
21 right now.

22 You are offering this person in essence  
23 for her experiences. I think it would be in the  
24 Intervenor's interest to protect her identity. Yet  
25 at the same time, it seems that Mr. Walker is the



1           one that is shielding the identity of someone who  
2           has potentially damaging information, so we are  
3           in a rather unique situation here.

4           MS. ROBINSON: Well, the department she  
5           worked in is already on the record. That came in  
6           before I brought out these documents, but --

7           MR. BACHMANN: Do you want to try to touch  
8           base with the people who have wanted the protective  
9           order before we go on with this, and find out what  
10          the rules of the game are before we proceed?

11          MR. WALKER: That's fine with me. I  
12          have been told that it would not reach this  
13          situation. I discussed it with co-counsel for the  
14          Applicant before we commenced this deposition,  
15          but I do think it would probably be wise for us  
16          to check that for ourselves.

17          MR. BACHMANN: Before we put something on  
18          the record that would compromise the individual's  
19          identity.

20          Let's go off the record.

21          (Discussion off the record.)

22          MR. WALKER: Let's go on the record.

23          For the record, I need to say a couple  
24          of things.

25          First of all, in our short recess, I was



1           able to obtain a copy of the protective order and  
2           very briefly and cursorily reviewed it, and I  
3           must say, based on that cursory review, I am of  
4           the opinion that the identity of this person -- I'm  
5           sorry, the confidentiality of the identity of this  
6           person may well be covered by the terms of the  
7           protective order, though I understand from the  
8           representations of Mr. Roisman, as well as one  
9           of the attorneys in my firm, that this case was at  
10          least not explicitly considered in the process  
11          in which the terms of the protective order were  
12          worked out between the parties.

13                         In any event, as I have stated to both  
14          counsel for the Intervenors and the Staff, while we  
15          were off the record, my concern in the revelation  
16          of this person's identity is that I perceive some  
17          potential risk that future employees who might  
18          wish to speak to Mr. Grier about problems, concerns,  
19          and complaints, but who would only do so if they  
20          felt assured that any such conversations would  
21          be held confidential, might be deterred from  
22          contacting Mr. Grier if the identity of this individual  
23          who did expressly request confidentiality and who  
24          so far as anyone sitting at this table knows has never  
25          waived her request for confidentiality, if the

1 identify of that person should be revealed in the  
2 public record of this proceeding, therefore, my  
3 instructions to the witness will remain the  
4 same as they were earlier, with the exception of  
5 the identity of the department, which has been  
6 already revealed as counsel for the Intervenor has  
7 pointed out, but as to any other identifying information,  
8 in particular the names of specific supervisors,  
9 employees, co-workers, and so forth, I will direct  
10 the witness not to provide answers that would  
11 reveal those identities, and I would request, though,  
12 obviously, I could not prevent her from doing so, I  
13 would request that counsel for the Intervenors  
14 not reveal such information, either.

15 MS. ROBINSON: Counsel for the Intervenors  
16 has no more desire than you do to reveal that  
17 information.

18 MR. BACHMANN: A brief statement by the  
19 Staff. I'll make this very brief.

20 I have reviewed the protective order.  
21 The Staff does not believe that that order would  
22 voer the situation since the protective order presupposes  
23 that one party has an identity which it will not  
24 disclose prior to the entering into a protective  
25 order or the agreement, statement of nondisclosure.

1                   In this instance, the parties are all  
2 aware of the identity of the individual. The  
3 concern is that the individual's either name or  
4 information that could lead to the individual's name  
5 would be placed in the public document room and  
6 available to the general public. So as far as  
7 this record of these depositions are placed in the  
8 document room, I'm not quite sure what the procedure  
9 is.

10                   We are following a unique procedure.  
11 If indeed the Board will be judging as to what  
12 portions of these transcripts will be placed in the  
13 PDR certainly the Staff would request that any  
14 allusions that may serve to identify the individual  
15 be deleted prior to placing it in such document room.

16                   MR. WALKER: So we are all clear, I would  
17 like to note for the record that there has been  
18 nothing that occurred either during our recess or  
19 during the period which we have been on the record  
20 that would suggest that the objections to relevancy  
21 interposed first by the Staff and then by myself  
22 was not well-taken. And, therefore, I just want  
23 to make it clear, we are dealing with two separate  
24 issues here, one, a consideration for this individual's  
25 request for confidentiality, which is, however, unrelated,

1 as I see it, to the objections to questions relating  
2 to her situation on the grounds of relevancy inasmuch  
3 as it would not appear that such questions will relate  
4 to allegations of intimidation, harassment of QA/QC  
5 personnel.

6 MS. ROBINSON: And, again, the Intervenor  
7 is maintaining that questions regarding this employee  
8 are relevant --

9 MR. BACHMANN: Janice, may I suggest  
10 that you might want to make that argument after you  
11 have asked the questions, so then you would have  
12 that for the basis for argument given the  
13 responses. This is all preserved on the record before  
14 the Board can make its judgment.

15 MS. ROBINSON: Sure.

16 You can just put a period after "that  
17 are relevant," period. And then after that what  
18 he said.

19 BY MS. ROBINSON:

20 Q Perhaps I can ask these questions without  
21 revealing as much information as I thought would be  
22 necessary, but I'm not sure.

23 A long time ago we were talking about  
24 an employee who came to you. It's the only employee  
25 who ever came to you and requested that her situation



1 be kept -- her name be kept confidential.

2 A I would like to correct my testimony.

3 There is another case which has occurred  
4 to me of confidentiality. It was the first, QA-1. It was  
5 a craft employee who wrote a letter with some  
6 allegations that I was assigned responsibility for  
7 investigating. And while initially the employee  
8 did not request confidentiality, he subsequently  
9 did so; in the case of QAI-1, there was also a  
10 request for confidentiality.

11 Now, that individual was not an employee  
12 of the company at the time he made the allegations.  
13 It's my understanding that he waived confidentiality  
14 in connection with providing these reports.

15 Q All right.

16 A I don't believe it has any allegations  
17 related to harassment, intimidation aspect.

18 Q I won't ask you any questions about that.  
19 I read it.

20 A I wanted to correct the fact that there  
21 was another case in which confidentiality has  
22 been requested in my investigation.

23 Q All right.

24 The person who came to you with safety  
25 concerns and also with a claim of harassment was



1 not a QA/QC employee; is that correct?

2 A That's correct.

3 Q The person worked in the documentation  
4 department; is that correct? I believe you have  
5 already stated that.

6 A The paper flow group, which is not part  
7 of documentation, but a part of the task force in  
8 the construction department.

9 Q This person came to you with three specific  
10 safety concerns, did she not?

11 A Three specific concerns with respect to  
12 documentation.

13 Q That's correct.

14 A Yes.

15 Q The person also made claims of harassment  
16 to you, and you wrote those -- you mentioned those  
17 claims of harassment in your first report; is that  
18 correct?

19 A That's correct.

20 Q Do you recall Employee X mentioning to you  
21 that she had been told by supervision that she was  
22 finding too many documentation problems?

23 A Yes.

24 Q Do you recall her mentioning to you that  
25 she felt her responsibilities had been restricted

1 because of the problems she had found?

2 A Yes.

3 Q Do you recall her saying to you something  
4 to the effect that she had been told that if she  
5 wanted to continue to eat, she should stop  
6 identifying problems?

7 A Yes.

8 Q And do you recall her telling you that  
9 because she was afraid to go to supervision,  
10 she had come to you with these problems?

11 A Yes.

12 Q All right. Did you conduct an investigation  
13 into the safety concerns which she mentioned to you?

14 A Yes. If you're using safety concerns  
15 to mean documentation concerns, yes.

16 Q Yes.

17 A That aspect of it I investigated.

18 Q And what was the result of your investigation?

19 A Her allegations were confirmed, the  
20 concerns were confirmed.

21 Q And then what happened?

22 A They were corrected. One aspect of it,  
23 I believe, later was found not to be a problem,  
24 having to do with the particular drawing which showed  
25 a junction box that was not used. That was an

1           engineering problem -- at least she felt it was an  
2           engineering problem. That matter was subsequently  
3           pursued and on evaluation showed that that was  
4           not a problem, but the purely documentation aspects  
5           of her concerns were confirmed and they were corrected.

6           Q           When there are documentation problems in  
7           a plant such as the ones that Employee X mentioned  
8           to you, does that affect the overall safety and  
9           quality of the plant?

10          A           It could if the drawing in consideration  
11          was not the proper revision or the proper change  
12          available to those using the drawing.

13          MS. ROBINSON: At this time I want to  
14          state that I think that this line of questioning  
15          has been and is relevant because I think this  
16          is an example of what the Intervenor is trying to  
17          show as an overall pervasive problem at the plant  
18          of people who report or have a tendency to report  
19          safety problems, quality problems, at the plant,  
20          are then harassed and forced to quit their jobs  
21          or be moved to other departments, and I think that  
22          even though this person is not a quality control --  
23          was not a quality control employee, that these  
24          questions are still relevant.

25          MR. BACHMANN: Counsel, did that conclude

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your questioning?

MS. ROBINSON: That concludes why I think the whole line of questioning is relevant.

MR. BACHMANN: Because Mr. Grier has not at all testified as to anything other than what the employee told him.

MS. ROBINSON: I am not -- perhaps I don't understand what you're saying. I'm not offering this to prove the truth of the matter asserted.

MR. BACHMANN: No, I just wondered whether you had finished your questioning.

MS. ROBINSON: I'll go on with some more questions.

MR. BACHMANN: Because you asked him if he investigated the documentation aspects and said they found the concerns were correct, but we haven't got into whether or not there was any validity into the harassment charges.

MS. ROBINSON: And I'm not ever going to ask him about the validity of the harassment charges. I am going to ask him about harassment charges, though, right now.

BY MS. ROBINSON:

Q All right. You testified earlier when you were still -- we were still referring to this



1 particular case as the one time that someone came  
2 to you with a claim of confidentiality. You testified  
3 then that you did not review the harassment claims  
4 yourself, that you sent those to Mr. Andrews.

5 A That's correct.

6 Q Why did you choose to send the  
7 harassment claims to Mr. Andrews?

8 A I think I described the procedure; I have  
9 the option to refer matters to Mr. Andrews for  
10 investigation, and it was my judgment that in this  
11 case it was more appropriate that he investigate  
12 the concern with respect to harassment that did  
13 not seem to be in the particular quality area  
14 that I was competent to investigate.

15 I thought it would be better to refer  
16 to Mr. Andrews.

17 Q Does Mr. Andrews have more expertise  
18 in the documentation area than you do?

19 A Well, I don't know. I would say that  
20 Mr. Andrews has more competence in the purely  
21 investigatory aspects.

22 Q So you feel that although you were competne  
23 to investigate her substantive safety concerns,  
24 that Mr. Andrews, or one of the people that we talked  
25 about earlier who works in his office, would be more



1 competent to investigate whether or not her  
2 harassment claims were true in fact?

3 A Yes. I felt he was more competent to do  
4 that.

5 Q Is that because Mr. Andrews has had more  
6 experience in conducting those kinds of investigations?

7 A That's my understanding.

8 Q Is it then a routine practice of yours  
9 that when a person comes to you with claims of  
10 harassment not relating to coffee breaks and pay  
11 raises, but specific claims of harassment such as  
12 in this case where a woman claims that she was told  
13 by supervision that she was finding too many  
14 documentation problems, is it your standard practice  
15 to send those kinds of claims of harassment to  
16 Mr. Andrews' office?

17 A It has been the practice to consider  
18 each case on its own merit. I believe there is  
19 one other case that I have also -- related to  
20 harassment that I have also referred to Mr. Andrews,  
21 but there have been some cases that I have investigated  
22 myself.

23 Generally they are more directly related  
24 to quality matters.

25 Q The ones that you keep yourself?

1           A     Yes.

2           Q     So that I understand you correctly,  
3 do you mean quality matters versus documentation  
4 matters, or do you mean quality matters versus  
5 harassment matters?

6           I want to know, are you --

7           A     Harassment involving quality control  
8 personnel, I guess is the ones that I have kept for  
9 myself.

10          Q     So if this employee had come to you with  
11 a very similar problem and had been a quality  
12 control personnel, that would have entered in your  
13 decision whether to keep it yours or whether to  
14 send it to Mr. Andrews?

15          A     That would have been a consideration, yes.

16          Q     When the person is a quality control  
17 personnel, do you have a standard practice of  
18 keeping that investigation in its entirety in your  
19 office?

20          A     I have already indicated that in some  
21 cases another staff member under Mr. Vega has been  
22 assigned to the investigation, so it's not -- by my  
23 office, you mean me personally, have not always  
24 done the investigation myself?

25          Q     All right, well, you understand that

1 the reason I'm having to torture you here today  
2 is because you run the o.budsman program there.

3 A Yes.

4 Q And what I need to find out is how much  
5 of the time do you, yourself, because you said that  
6 you didn't have an investigative team, so how  
7 many of the time do you yourself actually  
8 participate in the investigation of claims of  
9 harassment by quality control personnel.

10 A Insofar as harassment allegations are  
11 concerned, either I have done the investigation or  
12 I have referred it to Mr. Andrews. No other member  
13 of the quality assurance staff has performed  
14 harassment investigation under the QAI system.

15 Q So when you say that sometimes Mr. Vega  
16 will have a supervisor perform an investigation,  
17 that investigation would relate only to quality,  
18 safety concerns, and not harassment concerns?

19 A That's correct.

20 Q When you sent the harassment part of  
21 Employee X's claim to Mr. Andrews, did you follow  
22 that up to see what he found out?

23 A So far as I know, that investigation has  
24 not been completed. I have not received a report,  
25 so I don't believe it has been completed.

1 Q So that I will not reveal this person's  
2 identity, I will be general here, but sometime  
3 during the year of 1984, this person came to you  
4 with a complaint?

5 A Yes.

6 Q And then approximately one week later  
7 the person quit; is that correct?

8 A Yes, that's my understanding.

9 Q Even though this employee quit, do you  
10 believe that Mr. Andrews' investigation into the  
11 harassment concerns would continue, only if you know?

12 A My understanding is that it is still  
13 to be completed, yes.

14 Q So you have a definite feeling that this  
15 investigation is still continuing?

16 A Yes.

17 Q How long does an investigation of that  
18 kind generally take in your office, just on  
19 the harassment claim?

20 A I would try to complete normally within  
21 a week to two weeks, depending on priority or  
22 whether or not something might come up.

23 Q Mr. Andrews takes considerably longer.  
24 When Mr. Andrews' report is complete, he will send  
25 a copy not to Mr. Vega, but to someone in Mr. Vega's



1 chain of command, probably higher up, you said?

2 A Yes.

3 Q Will you also receive a copy since you  
4 had referred the complaint to him in the first place?

5 A I know in some cases --

6 Q Or would you expect to?

7 A I wouldn't expect to. I know in some  
8 cases I have received reports that I have referred  
9 to him, and I would presume I would in this case.

10 Q To date, though, you know of nothing  
11 being -- no final resolution has been made of that  
12 claim?

13 A I do not know the status.

14 (Outside interruption.)

15 MR. BACHMANN: I've been informed that the  
16 questioning concerning Employee X has been completed.  
17 The Staff stands by its relevancy objections for  
18 the matters as stated before, and also would like  
19 to add a materiality objection since there is no  
20 evidence as to the disposition of these hearsay  
21 claims of harassment.

22 Even whether there be any relevance to it,  
23 all we have is Mr. Grier's recitals of allegations  
24 made to him. We do not have the person who made  
25 the allegations here. We have no results of any



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investigation. Therefore, we have no way of knowing if indeed there was ... harassment to begin with, and therefore, the Staff also adds a materiality objection to the testimony concerning Employee X.

MR. WALKER: Applicant joins in both objections.

MS. ROBINSON: Again, the Intervenor wants to make clear that none of this questioning was conducted to porve the truth of the matter asserted in these documents that have been provided to us. Moreover, I was simply asking the witness whether he remembered the things that he had written down in his own report written a few months ago, and the Intervenor still feels that all of the questions that have just been asked are relevant and material.

MR. BACHMANN: Off the record.

(Discussion off the record.)

(Whereupon, at 12:30 p.m., the hearing was recessed, to reconvene at 1:30 p.m., this same day.)

- - - - -

## 1 AFTERNOON SESSION

2 (1:50 p.m.)

3 Whereupon,

4 BOYCE H. GRIER

5 resumed the stand and testified further as follows:

## 6 EXAMINATION

7 BY MS. ROBINSON:

8 Q Mr. Grier, are you read to go at it again?

9 A I am ready.

10 Q I have some documents here that I want  
11 you to take a look at. It shows at the bottom  
12 that you received copies of each of these. I want  
13 to know if you remember those.

14 A Yes, I recall.

15 Q Do you recall each of these?

16 A Yes.

17 Q All right. I want to ask you a couple of  
18 questions about these.19 MR. BACHMANN: Do you want these marked  
20 as exhibits?21 MS. ROBINSON: We can attach them to the  
22 deposition. We need them in another deposition right  
23 now, so these copies will have to be given to you  
24 tomorrow or later on today.

25 MR. WALKER: Can I see the documents?

1 MS. ROBINSON: Sure.

2 MR. BACHMANN: We are off the record now.

3 (Discussion off the record.)

4 (The aforementioned documents were  
5 marked as Grier Deposition Exhibit  
6 Nos. 42-3, 42-4, and 42-5 for  
7 identification.)

8 BY MS. ROBINSON:

9 Q Would you look at this document marked  
10 as Grier 42-4, and it talks about -- it has a  
11 heading that says "Inspector Interviews."

12 A Yes.

13 Q As I understand it, there have been  
14 two different sets of inspector interviews, one of  
15 which was of about 150 different QC/QA people,  
16 and one of which was the tee-shirt incident  
17 inspector interviews.

18 Does this refer to the tee-shirt incident  
19 inspector interviews or --

20 A Yes, the so-called tee-shirt interviews.

21 Q Would you explain to me what surveillance  
22 of this activity refers to?

23 MR. WALKER: I'm going to object to the  
24 question on the grounds that I believe the document  
25 speaks for itself.

1 BY MS. ROBINSON:

2 Q Mr. Grier, I need to know because I  
3 can't discern from the document because I'm not  
4 familiar with the inner workings of this company  
5 exactly, do you know yourself what surveillance  
6 of this activity refers to?

7 A I believe that I understand it, yes.

8 Q Can you explain that to me, please?

9 MR. WALKER: Same objection.

10 MS. ROBINSON: Are you instructing him  
11 not to answer the question?

12 MR. WALKER: No.

13 MS. ROBINSON: You can go ahead and answer.

14 THE WITNESS: Surveillance is used in  
15 terms of observing or assessing a particular activity.

16 BY MS. ROBINSON:

17 Q Right.

18 A As opposed -- similar to an inspection  
19 but you're not really looking at a physical measurement  
20 sort of thing, if you will, but an activity.  
21 The activity referred to is this retrievability of  
22 IR's, which stands for inspection reports. One of  
23 the items going out of my interviews of the  
24 electrical QC inspectors which involved the tee-shirt  
25 group was some concern on their part in the documentation



1 area of retrieving IR's, so this is the follow-up  
2 on that report by Mr. Vega directed by Mr. Welsh,  
3 asking him to arrange for surveillance of the  
4 activity, meaning the retrievability of IR's  
5 and advise me of your schedule of conducting this.

6 Q All right. So it was just to make sure  
7 that the retrievability of IR's would be easier in  
8 the future.

9 A That's correct.

10 Q Thank you.

11 And this document marked as Grier 42-5,  
12 does it also -- when it says "Inspector Interviews,"  
13 is --

14 A Yes, it relates to the same thing. I  
15 believe my report of the interviews of the electrical  
16 QC inspectors is dated March the 15th, and this,  
17 again, is a follow-up in response to that report.

18 This is directed to Lisa Bielfeldt, who  
19 is manager of quality engineering and relates  
20 to the matters that came up as a result of my  
21 report and her area of responsibility.

22 Q All right. And this third document which  
23 is Grier 42-3 dated March 26, and also the title  
24 "Inspector Interviews" at the top, that again refers  
25 to the tee-shirt incident interviews?



1           A       Yes. And I believe this is Mr. Welsh's  
2 response to the first document I looked at.

3           Q       All right.

4           A       I'm sure that's what it relates to.

5           Q       I was just confused as to the terminology  
6 used and didn't notice what you were talking  
7 about.

8                   Thank you.

9           MR. WALKER: I would like the record to  
10 reflect that the documents referred to bear no  
11 indication of having been authored by this witness,  
12 and to the extent that counsel's comment just now  
13 will suggest the contrary, I think it was incorrect.

14           MS. ROBINSON: I don't understand at  
15 all what you're talking about. All I said is that  
16 these show that Mr. Grier received copies at the bottom.

17           MR. WALKER: Well, you said, "I wanted,"  
18 or through the line of questioning, I inferred,  
19 to ascertain what you, which I took to mean  
20 Mr. Grier, were referring to, and I just would  
21 like the record to reflect that Mr. Grier is not  
22 the author of these documents, and therefore, in  
23 these documents he is not referring to anything.

24           MS. ROBINSON: My apology. I did just  
25 want to know if he knew what was referred to by

1 inspector interviews at the top of these three  
2 documents.

3 MR. BACHMANN: These will be bound into  
4 the record as exhibits but not as evidence.

5 MS. ROBINSON: That's fine.

6 BY MS. ROBINSON:

7 Q Mr. Grier, I looked over your resume  
8 and it means about as much to me as the statistics  
9 page in the sports section. All I really want to  
10 know is if you have ever held a job where your  
11 duties were similar to those that you have now before.

12 A No, I have not.

13 Q I take it that things were different at  
14 Comanche Peak before you came there. Do you have  
15 any idea what systems were in place before your time  
16 there and what changes had been made since you  
17 have come?

18 MR. WALKER: I will object to the question  
19 to the extent that it calls for the witness to  
20 testify to matters that constitute hearsay.

21 BY MS. ROBINSON:

22 Q When Mr. Grier came to this job at  
23 Comanche Peak it was a new position, it was a new  
24 ombudsman program, and I'm assuming that if the  
25 company felt that they needed to institute a new

1 program, that they were having some kind of problems  
2 or they wanted to eliminate any possible problems  
3 that they might have, and I want to know when he  
4 came in what was he trying to avoid, or what was  
5 he trying to change to make better. And I think  
6 that it's relevant as to his state of mind as to  
7 how he could proceed in his job.

8 That's all I want to know. I'm not  
9 asking this to prove the truth of the matter asserted.  
10 I just want to know what he thought he needed to do.

11 MR. WALKER: Fine.

12 THE WITNESS: Well, could you repeat  
13 the question?

14 MS. ROBINSON: Could you read it back.

15 (The reporter read the record as requested.)

16 BY MS. ROBINSON:

17 Q That was very broad. Pertaining to  
18 QC/QA and the report of claims of harassment and  
19 claims concerning quality control and safety.

20 A My understanding of the situation prior  
21 to taking certain actions was the only systems  
22 available were those normally available in any  
23 organization where an employee had an opportunity  
24 to go to his supervisor or any level of supervision,  
25 to be responsive to concerns which employees had

1           apparently expressed, to provide additional  
2           channels for employees to use to express their  
3           concerns. The Hotline, for instance, was set up.  
4           That was set up before I arrived, and then we  
5           already talked about that. We talked about the  
6           brochure mailing, access to corporate security.

7                         Those were put into place, and then beyond  
8           that, I was brought a board to provide a direct  
9           contact with an individual on site for employees to  
10          come to with concerns.

11           Q         All right. In the hopes that more concerns  
12           regarding general safety and quality control would  
13           come to the knowledge of management so that they  
14           could do something about it if they could go  
15           to an impartial person such as yours.

16           A         Yes.

17           Q         And what's your opinion, do you think  
18           that the system is working so far?

19           A         I believe it is, yes.

20           Q         And were you the one that implemented  
21           the program of conducting employee exit interviews?

22           A         That was started before I arrived.  
23           It was part of the program to be responsive  
24           to employee concerns along with the Hotline and other  
25           things, so the exit interview procedure had been



1 started.

2 Q Can you tell me if any law enforcement  
3 agencies were involved in the recent crack-  
4 down on the use of illegal drugs at Comanche Peak?

5 MR. WALKER: Objection. It assumes  
6 facts not established in this record.

7 BY MS. ROBINSON:

8 Q Mr. Grier, has there been a recent  
9 crackdown at Comanche Peak on illegal drug use  
10 at the plant?

11 A I understand that there has from newspaper  
12 accounts.

13 MR. WALKER: I will object to the question  
14 and move that the answer be stricken on the grounds  
15 that it's clearly hearsay.

16 MS. ROBINSON: The question asked for  
17 hearsay?

18 MR. WALKER: Yes, the objection is to  
19 the question. I'm moving that the answer be stricken  
20 on the grounds that it's clearly hearsay.

21 BY MS. ROBINSON:

22 Q You have no personal knowledge of any  
23 crackdown on the use of illegal drugs at the  
24 Comanche Peak Power Plant, not as to the specifics  
25 of it, just whether one occurred or not?



1           A       I have not been involved in the investigation.  
2           I'm aware that an investigation has been conducted.

3           Q       And the only way that you are aware  
4           that such an investigation was conducted is  
5           through newspaper accounts?

6           A       I have been involved in exit interviews  
7           of employees who were dismissed in which I understand  
8           the basis for this related to drugs.

9           MR. WALKER: Counsel, may I have a moment  
10          for voir dire here?

11          Mr. Grier, your response to the last  
12          question indicated that you understood that the  
13          occasion for the exit interview had to do with some  
14          sort of investigation relating to drugs.

15          Do you derive that understanding from  
16          what the employees in those exit interviews told you?

17          THE WITNESS: No. In the exit interview  
18          form for craft personnel, there is a line which  
19          says the reason for termination, and that form was  
20          filled in that I reviewed. This was not my  
21          interview of the particular individual, but a review  
22          of the exit interview form which contains that  
23          statement.

24          MR. WALKER: Okay.

25          BY MS. ROBINSON:

1           Q       I believe from your testimony that  
2           I may assume that you were not consulted by  
3           management or anyone else in the operation of any  
4           crackdown on the use of illegal drugs at Comanche  
5           Peak if in fact such a crack down occurred.

6           A       I was not consulted, was not involved.

7           Q       Are you aware of something happening  
8           at the Comanche Peak plant commonly referred to  
9           as a tee-shirt episode?

10          A       I am aware.

11          Q       Briefly, can you tell me what is the  
12          tee-shirt episode?

13          A       My understanding is that that refers to  
14          and occasion in which I believe eight inspectors  
15          wore tee-shirts with the same design, and as a result  
16          of that, they apparently were retained in a room  
17          and subsequently sent home.

18          Q       And part at least of your understanding  
19          of this subject is due to the fact that you interviewed  
20          those inspectors; is it not?

21          A       I did, but my interviews were arranged  
22          prior to the day of this event, and only happened  
23          to coincide with the event.

24          Q       Why had you arranged interviews already in  
25          electrical?

1           A       I had been requested by Mr. Tolson to  
2 interview all of the inspectors in the electrical  
3 QC section of the safeguards task force at the  
4 beginning of that week. There had been some  
5 complaints on the part of inspectors about procedures  
6 and matters, and he asked me to conduct the  
7 interviews and to provide him with the report on my  
8 assessment of problems.

9           Q       Did you discuss the tee-shirt incident  
10 with any of the inspectors during your interviews?

11          A       If I can describe what occurred --

12          Q       Please.

13          A       From my standpoint, the interviews had  
14 been arranged, and they were scheduled to start  
15 on the morning, I believe, of March 8th. The  
16 first inspector was sent over in my office for  
17 interview at 8:30, as I recall. And it turns out he  
18 was wearing a tee-shirt, but it didn't mean anything  
19 to me at the time.

20                   During that interview with the first  
21 inspector, there was some commotion in the corridor  
22 with not any interruption at that point. I didn't  
23 really know what was going on, but later was  
24 interrupted and was told that the inspector that  
25 I was interviewing would be -- when I finished, he

1 should go down the corridor about two offices, I  
2 believe, and then they would bring in another inspector  
3 for me to interview.

4 So my interviews on that first day  
5 consisted of the eight who had on the tee-shirts,  
6 but that was purely coincidental with the tee-shirt  
7 event.

8 My interviews had already been arranged  
9 and were already in process when the tee-shirt  
10 event occurred.

11 Now, on the next day, which was a Friday,  
12 I interviewed the remaining members of that electrical  
13 QC section. There were a total of 16 in the  
14 group. So I interviewed the eight on Thursday, the  
15 eighth, and the other eight on Friday, the ninth.

16 Q I bet you wished they would have picked  
17 a different day to wear their tee-shirts.

18 Do you know whether or not the inspectors  
19 had items confiscated from their desk while they  
20 were being held in a room?

21 A I don't know that for a fact. There were  
22 some -- during my interviews on Friday, the next day  
23 there were some statements in that regard. But --

24 MR. WALKER: I would object on the grounds  
25 that the testimony just rendered is clearly hearsay

1 and at least if counsel elicited it with the intention  
2 of proving the truth of the matter asserted, it  
3 is inadmissible, and should be stricken.

4 MS. ROBINSON: What I asked is, whether  
5 he knew whether or not that was true, if he had  
6 personal knowledge.

7 MR. WALKER: So you're not offering  
8 it to prove the truth of the matter asserted?

9 MS. ROBINSON: That's correct.

10 BY MS. ROBINSON:

11 Q Mr. Vega is your supervisor; is that  
12 correct?

13 A I report to Mr. Vega, yes.

14 Q If he were to make such an assertion in  
15 his final report on the issue to Mr. Chapman,  
16 would you have any reason to dispute that?

17 A Make what assertion?

18 Q That the inspectors' personal items  
19 along with work-related items from their desks were  
20 confiscated while they were being held in a room.

21 A I have no basis one way or the other.

22 Q Did you have any active role once the  
23 tee-shirt incident occurred in making recommendations  
24 as to how to deal with it.

25 A Not with respect to the tee-shirt problem,



1 no.

2 Q From what I can tell, the truth is,  
3 you were conducting interviews the whole day while  
4 it was going on; is that not correct?

5 A Yes. It was until noon or so. It  
6 was morning. It did not take all day, but for  
7 the entire morning.

8 Q All right. So you were not consulted by  
9 anyone as to how to deal with the eight men who had  
10 worn identical tee-shirts that day?

11 A I was not.

12 Q Mr. Grier, will you please look at these  
13 Xerox copies of some handwritten notes and tell  
14 me if you recognize them.

15 A Yes. These are my interview notes from  
16 the interviews of the electrical inspectors. There  
17 should -- all right. There should be 16 inspectors,  
18 the lead inspector, that is the supervisor of the  
19 group, and the quality engineer who had  
20 responsibility for the particular procedure that  
21 related to the inspection they would have conducted.

22 MR. WALKER: May I see those documents?

23 MS. ROBINSON: Sure. I would like to  
24 have these offered into evidence.

25 MR. BACHMANN: Do we have a statement

1 from the witness that these are indeed unaltered  
2 legible copies of his notes?

3 MS. ROBINSON: As is his handwriting legible.

4 MR. BACHMANN: Sometimes we have problems  
5 with the copy machines.

6 MS. ROBINSON: Will you look through  
7 those and let us know if they have been altered in  
8 any way? Just make sure they are like they  
9 were when you wrote them.

10 (Pause.)

11 THE WITNESS: Could you repeat the question?

12 MS. ROBINSON: Yes.

13 BY MS. ROBINSON:

14 Q Are the documents in an unaltered  
15 state? Do they accurately reflect what you wrote  
16 at the time you originally made them?

17 A They appear to be accurate copies of  
18 my notes. One set which is marked A,B,C,D,  
19 inspector rather than names has certain information  
20 deleted. And these are copies of the same notes  
21 which have just been -- they originally were provided  
22 with names deleted and subsequently copied.

23 So these are copies of the same thing.

24 Q So I may be looking through two sets of  
25 the same thing?

1           A       That's correct, but these have been  
2 altered by deletions in order not to identify the  
3 person. You will note my report was written with  
4 Inspector A,B,C,D. I should point out that's  
5 the way I was requested to write the report by  
6 Mr. Tolson so he could not identify which inspector  
7 told me what, so that was planned when the request  
8 for the interviews was originally made. And  
9 that's what I followed through with the report,  
10 and that's the reason why inspectors' names don't  
11 appear in my report.

12           Q       All right.

13           A       And the material originally provided  
14 was done that way, but now there is a set to match.  
15 You have the original version. Now, there is some  
16 places where the copying is not very good. If you  
17 want the words, I can provide them.

18           Q       Have you marked all the places where  
19 they're illegible?

20           A       This is the only one. Do you want me  
21 to fill it in?

22           MR. WALKER: Counsel, do you still want  
23 to make both sets a part of the deposition?

24           MS. ROBINSON: No, just the full set.

25           THE WITNESS: Let me make one other -- there

1 appears to be one missing, number 4 for the night,  
2 and I think I counted 16 there, but I don't see  
3 number 4 on the 9th, and that would be the one with  
4 10:00 a.m. on the 9th.

5 Q That one? (Indicating)

6 A Yes, that one is not here with the name,  
7 I don't believe.

8 Q All right. Let's put that one in with  
9 the set to be entered as an exhibit.

10 A So then this will be a complete set  
11 except that that one copy has deletions on it.

12 MR. BACHMANN: Okay. This would be marked  
13 as Grier 42-6 all the documents collectively.  
14 Based on what Mr. Grier has just stated as to  
15 the condition of the documents, caveat, there are  
16 some portions that may not be legible and that  
17 the one document -- we are using the one document  
18 without the inspector's name; is that correct?

19 THE WITNESS: Yes, an identifying position.

20 MR. BACHMANN: -- the staff has no  
21 objection to these being entered into evidence.

22 MR. WALKER: I need to ask Ms. Robinson,  
23 the purpose for which you are offering these documents  
24 into evidence.

25 ell, let me maybe simplify this. If the

1 purpose is to prove the truth of the matter asserted  
2 in the documents, then I would have to object to  
3 their admission on hearsay grounds.

4 MS. ROBINSON: I don't believe that  
5 could be a hearsay objection.

6 MR. WALKER: Why not?

7 MR. BACHMANN: You've got the gentleman  
8 here. These were normal course of business documents,  
9 and it could easi'y be an effort to ensure that  
10 the person is accurately stating now that which he  
11 wrote at the time of the interviews.

12 MR. WALKER: No, but my point is that  
13 the statements made to him were themselves hearsay.

14 MR. BACHMANN: Oh, you see what you're  
15 saying.

16 MS. ROBINSON: I'm not offering these  
17 documents to prove that what those people  
18 told him was true.

19 MR. WALKER: Okay.

20 MR. BACHMANN: Merely to demonstrate  
21 that they told him that.

22 MS. ROBINSON: That this is what he  
23 heard them say that day and wrote down. That's  
24 all I want to know.

25 MR. WALKER: Okay.



1 MR. BACHMANN: Any objections?

2 MR. WALKER: No, no other objections.

3 (The aforementioned document was  
4 marked Grier Deposition Exhibit  
5 No. 42-6 for identification.)

6 BY MS. ROBINSON:

7 Q I believe that you already testified  
8 that after you spoke with the 16 inspectors that  
9 the Comanche Peak plant has tried to make it easier  
10 to retrieve IR's. That was one of the inspectors'  
11 complaints, was it not?

12 A That was.

13 Q And you tried to rectify that situation.

14 A Based on the documentation that you  
15 previously --

16 Q From Mr. Welsh?

17 A Mr. Welsh, yes.

18 Q Do you know of any other changes  
19 that have come about thus far as a result of your  
20 interviews with the different inspectors.

21 A I do not know specifically, no.

22 Q Earlier I talked to you about the general  
23 procedure that you follow when a claim is filed,  
24 all right?

25 A Yes.

Q Now, what I would like to do -- or what

1 I'm going to do, anyway, is go through a particular  
2 claim.

3 MR. BACHMANN: Let me ask counsel for  
4 Intervenors if she has any other questions for  
5 Mr. Grier on the tee-shirt episode.

6 MS. ROBINSON: No, I don't.

7 BY MS. ROBINSON:

8 Q Do all these papers look familiar to you?

9 MR. BACHMANN: Off the record for just  
10 a second.

11 (Discussion off the record.)

12 BY MS. ROBINSON:

13 Q Is all of that familiar?

14 A Yes.

15 Q This is an allegation made by Eddie  
16 Niedecken.

17 A Niedecken.

18 Q Niedecken.

19 A Yes.

20 MR. WALKER: Do you intend to make  
21 these documents as an exhibit to the deposition?

22 MS. ROBINSON: I can if you think it will  
23 make it easier.

24 MR. WALKER: I will object to questions  
25 drawn from the documents unless they're made an exhibit.

1 (Discussion off the record.)

2 BY MS. ROBINSON:

3 Q Mr. Niedecken complained to you that  
4 he had been harassed by a building manager, did he  
5 not?

6 A Yes.

7 Q And do you remember whether you yourself  
8 conducted the investigation into the claims of  
9 harassment or whether that was something that you  
10 referred to someone else?

11 A I conducted the investigation.

12 Q One of the things that I want to know  
13 is, who is Dan Hicks?

14 A He is the QC supervisor under Mr. Vega. All  
15 of the QC supervisors report to Mr. Hicks.

16 Q So this is a case where an employee complained  
17 to a QC supervisor and Mr. Vega upon receiving the  
18 report of that complaint sent it back to you.

19 A I believe in this case Mr. Hicks referred  
20 him directly to me.

21 Q All right.

22 A If I could explain the forms --

23 Q Please.

24 A This is the form which we talked about  
25

1 in the procedure --

2 MR. WALKER: Excuse me if we're going to  
3 refer directly to the documents then we will  
4 need to make them an exhibit.

5 MS. ROBINSON: I'm sorry. I thought  
6 it was already done.

7 MR. BACHMANN: It will be Grier 42-7,  
8 an exhibit not yet in evidence.

9 (The aforementioned document was  
10 marked Grier Deposition Exhibit  
11 42-7 for identification.)

12 THE WITNESS: This is the form that  
13 initiates the investigation, the QAI form that assigns  
14 the number, assigns the investigation and attaches  
15 generally the basis for the allegations and in  
16 this case, it's the statement from Mr. Niedecken  
17 alleging his harassment. And then the remainder  
18 of the document that you have is my investigation  
19 report. That should be all one complete document.

20 I see it's not stapled together but the  
21 others are just attachments to the report so that  
22 is the report of the investigation which was  
23 initiated by this form.

24 BY MS. ROBINSON:

25 Q All right. And all of these attached.

XXX

1           You yourself conducted the interviews with Bob Murray.

2           A       Yes.

3           Q       And with Juan Ponce?

4           A       Yes.

5           Q       Mike Barr?

6           A       Yes.

7           Q       Mike Griggs?

8           A       Yes, and I believe there is some other  
9 interviews attached to the first part that you have  
10 there.

11          Q       And can you remember at this point, if  
12 not, that's fine, why it was that in this case you  
13 just decided to investigate the claim of harassment  
14 rather than send it to Mr. Andrews?

15          A       This involved a quality control inspector  
16 and in my judgment was something that I could  
17 investigate and deal with without difficulty.

18                   MS. ROBINSON: All right. Off the record.

19                   (Discussion off the record.)

20                   THE WITNESS: This is my report to  
21 Mr. Vega --

22                   MR. WALKER: Let the record reflect that  
23 the witness is referring to a document bearing a  
24 heading "To A. Vega," dated June 15, 1984, subject:  
25 allegations of intimidation of QAI number 0016."



1 THE WITNESS: Now, this memorandum  
2 from Mr. Vega was his actions on my investigation  
3 report, which he directed it to J.T. Merritt.

4 MR. WALKER: Let the record reflect  
5 that the witness is now referring to a document  
6 bearing the heading "To J.T. Merritt," dated  
7 June 18, 1984, subject: report on allegations QAI  
8 0016."

9 BY MS. ROBINSON:

10 Q Mr. Grier, do you remember making an  
11 investigation --

12 MR. BACHMAN: Excuse me, counsel, but  
13 this has not been offered into evidence. It has  
14 only been marked as an exhibit.

15 MS. ROBINSON: No, that's fine.

16 MR. WALKER: You're offering it into  
17 evidence?

18 MS. ROBINSON: No, I thought we were  
19 just supposed to mark it because you say if I'm  
20 going to ask questions of the pages that you want it  
21 attached as an exhibit to the deposition, so it's  
22 just attached as an exhibit to the deposition. Is  
23 that okay?

24 MR. BACHMANN: Yes, that's fine. It  
25 makes it easier for the Board to refer to it when they

1 review the record.

2 BY MS. ROBINSON:

3 Q Mr. Grier, do you remember investigating  
4 a case involving a Mr. Laughary, Mr. Chris Laughary?

5 A Chris Louie, I believe it is.

6 Q L-a-u-g-h-a-r-y.

7 A I did not investigate. Mr. Laughary  
8 came to me with his allegation. I documented the  
9 interview and initiated the investigation requesting  
10 assistance of corporate security to do that  
11 investigation.

12 Q And Mr. Laughary was a QA employee, was  
13 he not?

14 A He was. He was not an inspector. He  
15 was in the procedures group, as I recall.

16 Q All right. I just want to know if you  
17 can remember why it was that since he was a QA  
18 employee that you sent his harassment claim to  
19 Mr. Andrews rather than handle it yourself?

20 A As I recall, his allegation was  
21 harassment by his supervisor, and I concluded that  
22 that was best investigated by Mr. Andrews.

23 Q And why was that? Why is that --

24 A It was not really a quality inspection  
25 matter, if you will.

1 MS. ROBINSON: All right. That's all I  
2 have.

3 MR. BACHMANN: Is that the end of your  
4 questioning?

5 MS. ROBINSON: Yes.

6 MR. BACHMANN: Let's see if we can  
7 get Mr. Walker out at the proper time.

8 EXAMINATION

XXXXX

9 BY MR. BACHMANN:

10 Q Good afternoon, Mr. Grier.

11 A Yes, sir.

12 Q You have been the ombudsman for the  
13 quality control area on the site for approximately  
14 eight months; is that correct, since November of '83?

15 A Since the end of November of '83, yes.

16 Q In your opinion, has your existence,  
17 the existence of your functions and your job been  
18 fairly well-publicized throughout the people that  
19 you would expect to report to you?

20 A Yes. All employees in the QA/QC group  
21 were informed by memorandum of my presence and  
22 availability.

23 Q When was this memorandum sent out  
24 approximately?

25 A Roughly the middle of December, a week or

1 so after I arrived on site.

2 Q So you feel -- and also from your personal  
3 experience, do you have anything else that would  
4 indicate to you that they are aware of your job?

5 A They have been coming to me. Because of  
6 my contacts with them, I'm sure that they are aware  
7 that I'm available.

8 Q When your functions and job was publicized,  
9 was it indicated somehow, in your opinion, that  
10 harassment-type complaints were to be directed  
11 to you or could be directed to you?

12 A As I recall, the terminology used was  
13 quality concerns without any specific reference  
14 to harassment and intimidation.

15 Q In your opinion from the people that  
16 you have seen, is it your opinion that they understand  
17 that they can come to you with complaints of  
18 harassment, intimidation?

19 A Yes, they understand that.

20 Q In the seven to eight months that you have  
21 been in this function approximatley how many --  
22 or maybe you can give me an exact number, how many  
23 QA/QC people have come to you with complaints  
24 of intimidation or harassment?

25 A It's about ten.

1           Q       Of those approximately ten people, do  
2           you identify those who have come to you with  
3           complaints of intimidation or harassment that would  
4           be the type of intimidation, harassment that would  
5           discourage proper reporting of deficiencies  
6           in the QA program?

7           MR. WALKER: Assuming the allegations to  
8           be true.

9           MR. BACHMANN: Well, my question was the  
10          complaint, would it touch upon this as stated to Mr.  
11          Grier. True or not is not material at this point.

12          THE WITNESS: I do not recall any that  
13          I would put into that category.

14          MR. BACHMANN: This Mr. Niedecken, just  
15          from the brief glance I had of your reports, seemed  
16          to have allegations in that area, didn't he?

17          A        But that was not in his supervisory  
18          line. The allegations was not with respect to his  
19          supervisor or anybody above him. It was building  
20          manager who is in the construction department.

21          Q        Well, that's primarily what we are  
22          really looking for -- in fact, I think it's been  
23          characterized as craft intimidation of QA proceeding,  
24          to really focus it in. That's specifically the type  
25          of harassment and intimidation that I'm looking for.



1           A       But the particular aspects of this did  
2           not reflect problems with his inspection. It  
3           was initiated because of priorities of doing  
4           inspections.

5           Q       So there was nothing in Mr. Niedecken's  
6           case -- and we have put in as an exhibit your  
7           investigation report, there is nothing in that case  
8           that would lead you to believe that any of this  
9           harassment was in any way connected with discouraging  
10          Mr. Niedecken from reporting deficiencies.

11          A       That is not an aspect of that allegation.

12          Q       Now, to clarify that report, as far as  
13          it could apply to craft and people outside the  
14          organization, again, I would like to ask you the  
15          question, do any of these people that have come  
16          to you, have any of them made allegations of harassment  
17          or intimidation that would touch upon discouraging  
18          them from reporting QA deficiencies?

19          A       I do not recall of any of them in that  
20          area.

21                   MR. BACHMANN: That's all the questions I  
22          have.

23                   Excuse me. I just recall, I have one  
24          other question if you'll indulge me here.

25                   MR. WALKER: Fine.

1 BY MR. BACHMANN:

2 Q This came up during Mr. Purdy's  
3 deposition yesterday, and I'm going back to the answer  
4 you gave to the last question.

5 There w. s some talk about a Sue Ann  
6 Neumeyer having made certain allegations or having  
7 concerns about intimidation or harassment, and I  
8 understand that you were contacted in that case.

9 A That's correct.

10 Q And that it seems, looking at it from  
11 one viewpoint that what Ms. Neumeyer has in  
12 subsequent statements said that she felt that she  
13 was somewhat intimidated. Do you have any personal  
14 knowledge of the Sue Ann Neumeyer affair?

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1           A        She came to me with concerns, as I  
2 understood it, regarding on a non-conformance  
3 report that she had written, that this was going  
4 to lead to possible harassment.

5           I looked into the matter and discussed  
6 it with Gordon Purdy, who was supervisor for the group  
7 in which she was in and confirmed that her action was  
8 proper in writing the NCR, and that she had no reason  
9 to be concerned.

10           I got back with Ms. Neumeyer with my  
11 findings and concluded my participation on that  
12 basis.

13           Q        In your opinion, when you communicated  
14 Mr. Purdy's answer to Ms. Neumeyer, did Ms. Neumeyer  
15 have any particular reaction that you're aware of?

16           A        Not that I'm aware of.

17           Q        So, if I understand correctly, you were  
18 informed by Mr. Purdy that she was right, it was a  
19 non-conformance and you communicated to her that she  
20 was in the right and she noncommittally accepted  
21 your representation?

22           A        That's correct.

23           Q        And then that was the end of it, as far  
24 as you have any personal knowledge?

25           A        That's correct.

1 MR. BACHMANN: Okay. Now, I'm finished.

2 EXAMINATION

3 BY MR. WALKER:

4 Q Mr. Grier, this morning in response to one  
5 of Ms. Robinson's questions, you testified that when  
6 you give -- when you produce reports as a result of  
7 your investigations, that those reports are not subject  
8 to legal review. How do you know that?

9 A I do not send them for legal review. I  
10 do not know whether they receive reviews as a result  
11 of the copies going to Mr. Chapman.

12 Q So in other words, your testimony is you do  
13 not know?

14 A That's correct, I do not know.

15 Q In the period since you have been working  
16 in your present capacity at Comanche Peak, Mr. Grier,  
17 I believe you testified that on several occasions you  
18 have investigated matters that have been brought to  
19 your attention, either through employees expressing a  
20 concern or through being asked to investigate something  
21 by someone in management, and that frequently that  
22 results in your producing a report which may include  
23 some recommendations for specific corrective actions,  
24 is that correct?

25 A That's correct.

1 Q Of the occasions when you have investi-  
2 gated a matter raised by a QA/QC employee, reached  
3 conclusions and submitted your report recommending  
4 specific actions to correct a problem that you had  
5 concluded existed, on how many of those occasions  
6 were your recommendations not followed by management  
7 at Comanche Peak?

8 A My recollection is that in all cases,  
9 corrective action has been initiated.

10 Q And that corrective action has been the  
11 corrective action you have recommended?

12 A Yes.

13 MR. WALKER: I have no further questions.

14 MS. ROBINSON: I have just one yes or no  
15 question.

16 EXAMINATION

17 BY MS. ROBINSON:

18 Q Did Ms. Neumeyer request confidentiality  
19 when she came to see you?

20 A No.

21 MS. ROBINSON: Thank you.

22 MR. WALKER: Let me express on the record  
23 my appreciation for the courtesy you have shown me  
24 schedule by both of the other attorneys at this  
25 deposition.



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(Whereupon, at 3:05 p.m., the deposition  
was concluded.)

WILLIAMS BROTHERS  
E. ZERVA SE  
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 11, 1984

Place of Proceeding: Glen Rose, Texas

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

TERRI L. HAGUE

---

Official Reporter - Typed

*Terri L. Hague*

---

Official Reporter - Signature



Grier 42-1  
th 7-11-89

**BOYCE H. GRIER**  
Technical Adviser

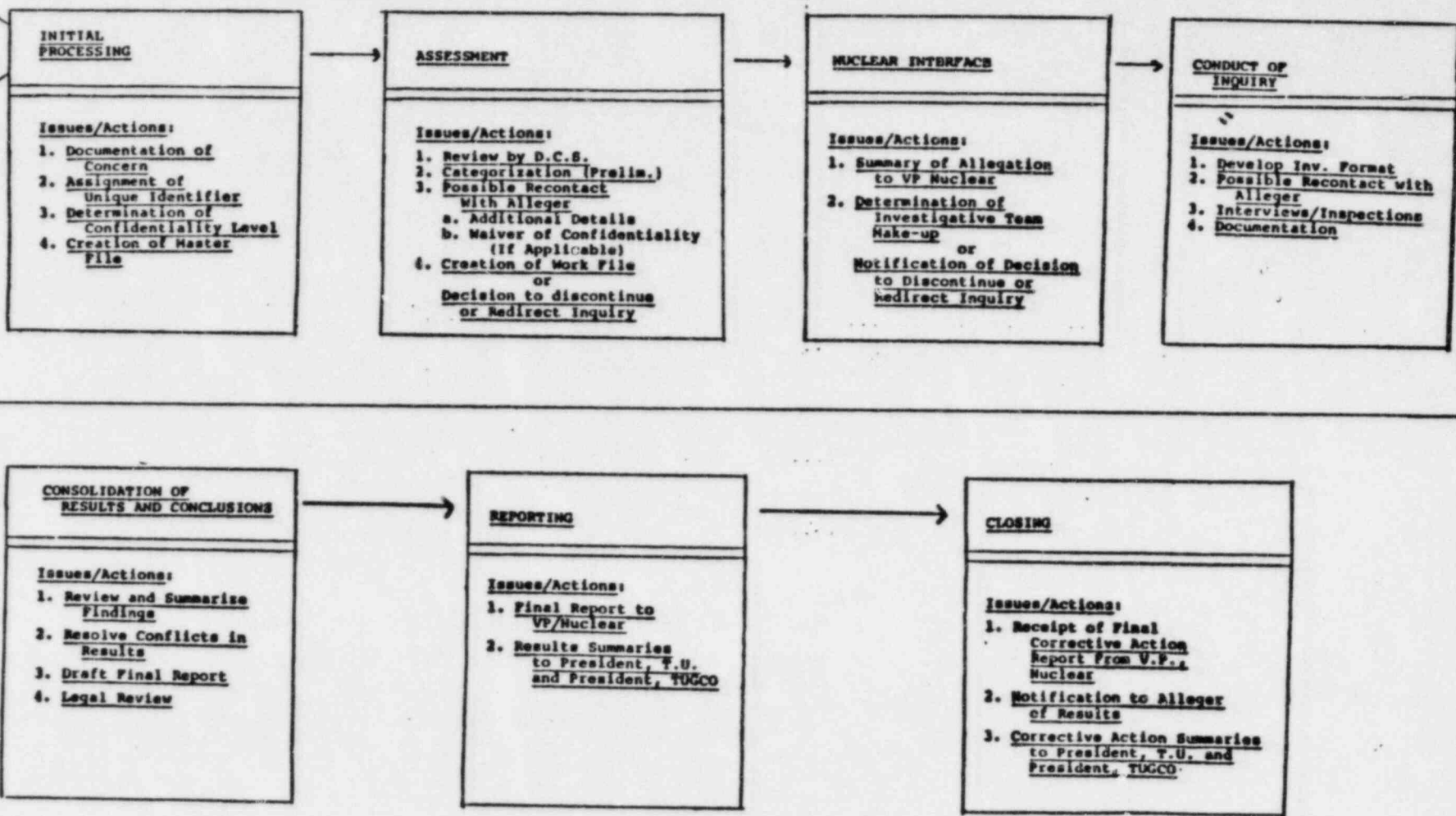
<u>EXPERIENCE</u>	<u>GILBERT/COMMONWEALTH since 1981</u>
1981 to Present	Technical Adviser - Provide technical support and guidance to clients with respect to Quality Assurance Program development and implementation. Assist in the resolution of problems relative to application and interpretation of regulatory standards.
1960-81 1977-81	<u>Nuclear Regulatory Commission/Atomic Energy Commission</u> Director, Region I (Philadelphia) - Directed inspection and enforcement program for NRC licensees in eleven Northeastern States (NRC-Office of Inspection and Enforcement).
1975-77	Director, Division of Reactor Inspection Programs - Directed development of inspection program for the construction, testing and operation of reactors licensed by the NRC; development of the licensee contractor/vendor inspection program; and development of positions on technical issues arising from results of inspections and investigations (NRC-Office of Inspection and Enforcement).
1973-75	Assistant Director for Construction and Operation - Directed development of inspection program for reactors under construction, undergoing testing and in operation, and provided support for resolution of technical issues identified during inspections and investigations (AEC-Directorate of Regulatory Operations).
1967-73	Regional Director, Region III (Chicago) - Directed program for inspection of AEC licensees in eight Midwestern States (AEC-Division of Compliance).
1963-67	Reactor Inspection Specialist - Provided technical direction of the reactor inspection program (AEC-Division of Compliance).
1960-63	Reactor Inspector - Inspected reactors under construction and in operation (AEC-Division of Compliance).
1955-60	<u>E. I. DuPont de Nemours</u> Reactor Physicist - Provided technical support to production reactor operations (DuPont, Savannah River Plant).
1946-54 1951-54	<u>U.S. Navy</u> Active Duty, U. S. Naval Reserve
1946-49	Active Duty, U. S. Navy
<u>EDUCATION</u>	B.S., U.S. Naval Academy, 1946 B.A., Erskine College, 1950 Graduate Work, Physics, University of Virginia, 1951

INVESTIGATIVE SEQUENCING OF QA/QC CONCERNS RECEIVED BY CORPORATE SECURITY

Grier 42-2  
-th 7-11-81

Written Concern

Hot Line Concern





TEXAS UTILITIES GENERATING COMPANY

Grier 42-3  
th 7-11-84

OFFICE MEMORANDUM

To A. Vega Glen Rose, Texas March 26, 1984  
Subject Inspector Interviews

CONFIDENTIAL

~~In your memorandum to me dated March 21, 1984, you indicated that concerns have been expressed relating to document packages and duplicate packages with different numbers for the same components.~~

In addition, your memorandum indicated that a concern had also been expressed on the retrievability of IR's.

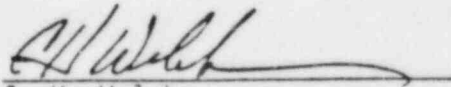
I have reviewed the above areas of concerns and have made the following observations:

1. The possibility for inspector confusion (duplicate packages with different numbers for the same components) exists in the filing of packages for conduits. For example: Documentation of Conduit C02012345 and C12012345 are filed in the same conduit package. For this example C0... is the conduit installed in a common area and C1... is the same conduit which has received this new number since the "first" cable to be pulled through it was for use in Unit 1.

The package where the documentation for this conduit is located is CXXX12345. This is an acceptable method of filing these documents, however, as can be seen a possible source of confusion unless the individual searching for the document is familiar with the filing system.

2. The filing of IR's is accomplished by filing under the identification number of the item inspected, by the IR number or in packages. The retrieval of IR's filed in packages has at times been hampered due to the computer being down. However, if correct identification is provided by the individual requesting the IR, the time required to locate the IR is minimized.

In summary, I conclude that the present filing/retrieval methods and practices are adequate and do not require revision. In addition, I conclude that the concerns expressed by the inspectors on these matters do not indicate a need for further action on this subject at this time.

  
C. H. Welch  
Site QA Supervisor

CHW/b11  
cc: B. R. Clements  
D. N. Chapman  
B. H. Grier

TEXAS UTILITIES GENERATING COMPANY

Grier 42-4  
th 7-11-84

OFFICE MEMORANDUM

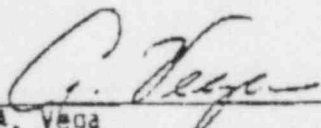
To . C. H. Welch . . . . . Glen Rose, Texas . . . . . March 21, 1984  
Subject . . . . . Inspector Interviews . . . . .

CONFIDENTIAL

Concerns have been expressed related to document packages and duplicate packages with different numbers for the same components, presented to inspectors for their use in conducting inspections.

A concern has also been expressed on the retrieveability of IR's. The problem appears to have been observed during the establishment of work packages related to the integrated building management system. An improvement has been noted in some instances.

Please arrange for a surveillance of this activity and advise me by March 23, 1984, of your schedule for conducting this surveillance.

  
A. Vega  
TUGCO Site QA Manager

AV/b11

cc: B. R. Clements  
D. N. Chapman  
B. H. Grier

TEXAS UTILITIES GENERATING COMPANY

Grier 42-5  
th 7-11-84

OFFICE MEMORANDUM

To L. M. Bielfeldt Glen Rose, Texas March 21, 1984  
Subject Inspector Interviews

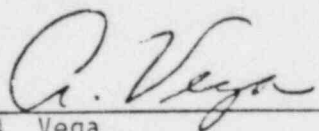
CONFIDENTIAL

This will confirm my request that you review the attached report. These items confirm our previous discussions that we need to further emphasize the following:

1. TUGCO management is totally dedicated to a quality plant in full compliance with all applicable requirements.
2. TUGCO management is totally dedicated to a strong and effective Quality Assurance/Quality Control program at Comanche Peak.
3. Organizing Quality Engineering at Comanche Peak under your responsibility with you reporting to the Manager, Quality Assurance provides an additional measure of independence from Site Quality Control. As such, you are independent of Site QA/QC in assuring that inspection procedures and instructions accurately reflect design requirements. Our decision to systematically discuss procedure revisions, specifically when the inspection requirements are deleted or relaxed to explain engineering or programmatic justification, directly addresses their most serious concern.

I believe the above actions will address the procedural and management concerns expressed. I would like to discuss with you any suggestions you might have relative to training although this does not appear to be a matter of concern. I intend to request surveillance action to address the documentation concern.

I would like to meet with you prior to March 23, 1984 to finalize our plans to address the Quality Engineering related issues in this report.

  
A. Vega  
TUGCO Site QA Manager

AV/b11  
cc: B. R. Clements  
~~D. H. Chapman~~  
B. H. Grier

Interview with Davey Oliver

Elect QC - Safeguards I - Level II

4 yr Elect QC

3 yr Concrete QC

Stem Vone - QC lead

Installation fine blankets, cable trays, cable pulls, - network - reparation

→ ①

Procedures changed frequently  
3-4 times since Task Force formed

Conduit -

- 11.3-23 changed twice in last week
- 40
- 29
- 26

Last two weeks - training - two sessions a day

NIS module change

under cable pulling - cables no problem

-52 test of modules

Grier 42-6  
th 7-11-84

(#1)

(2)  
3/8/84  
8:30 am  
Oliver

→ (2)

Packages - from PFG

Found four packages concerning same  
tray - same violation - different numbers

216 15 17

44 94

Covered putting cover on same tray

→ (3)

Problem getting DCA's

Previously had own prints - Now can't  
get print when someone else has it  
out

No problems with NCR

→ (4)

Problems with IR - close out from  
previous inspections

No safety concerns



Interview      Wayne Whitehead

Elect QC - Safeguards I - Level II

Elect QC - Nov 81  
Task force - since formed  
CP since - Jan 80

Post construction verification -  
procedure being changed

Training in new procedures

Problems with interpretation

Feels problems being resolved

Documentation has been problem -  
Improvements noted

No problems with NCR's  
Sometimes disagrees with disposition

(Not much to say)

Interview - Eddie Snyder - 9:30am

Elect QC - Safeguards - Level II

2yr Elect QC -  
3yr at CP

PCV - separation -

Problems with quality

Work still going on in most rooms

Terminations in lighting, also power + control  
Identification on conduit

Procedure being changed because of  
problems with looking too far

Lat damage

Class 1E lighting not to be inspected

(#3)

(2)  
Snyder

Push from Area management

No problems with NCR's

No problems with documentation  
IR's are in packages

Interview Lang Davis

Select QC - Safeguards I - Level II

2 yr CP -  
1 yr select QC

(college grad)

Inspection in all areas of elect

Procedures are problem  
pressure on craft

No system for changing procedures  
or for commenting on new procedures  
No feedback

Conflicts in craft, area mgt, QC

PTG not ready for task force operation

Duplicate packages

IR retrieval problem - two people assigned  
to vault to correct problems

No problems with NCR's  
or dispositions

(#4)

(2)

Davis  
3/8/84

10:00 am

Problems with training  
Testing not strict enough  
for coals



Interview with Anthony Ambrose

Elect QC - Safeguards I - level II

1 month in Safeguards  
Previously in reactor  
Elect QC since 9/82

Inspections - all elect area

No problems with procedures

Area management feels problems are with QC

No problems with training

Documentation problems are being resolved  
Reactor ~~task~~ force had more problems

No problems with NCR's

IR problems

Separation was not built in Safeguards

Construction training lacking

Interview with Jack Pitts

Elect QC - Safeguards I - Level I

(EBASCO)

1 yr at CP - Elect QC  
Safeguards Task force.

Inspections - PCV, separation, lighting  
Terminations

Procedures being changed - eliminate remaining  
correas

May be compromising quality  
Only cosmetic look

Problems with response from Q/E on questions  
regarding "quimboks"

No documentation problems

No problems with NCR issuance  
Disposition - use as if - sometimes

Interview with Bruce Hearn

Elect QC - Safeguards - Level I

Elect QC - 19 mo  
CP - 2 yr

Inspections - lighting,

Separation Task Force under Russian prior  
to Building Task Forces

No procedure in areas of inspection - lighting  
procedure

Training - no problems

Documentation - problems with incomplete

IR is no problems

(would not open up)

Interview with Milton Banfield

Elect QC - Safeguards I - Level I

Elect QC - since July 83

3yr at CP

Inspections - PCV and separation

Procedure being revised to relax requirements

Problems with lighting

Procedure requirement for STE or EE present  
inhibit inspections

NCR's no problem

Problems not limited to Safeguards Bldg

Promotion policy

Training - reading procedures and asking questions

Documentation is improving

FR problem

#1  
①  
3/9/84  
8:30 am

Interview with Keith Bennett

Select QC - Safeguards - Level II

2 wks - Previously with reactor group

1 yr 3 mo - CP in Select QC

PCV in Safeguards

Some in reactor bldg

Problems in lighting - inspectors being limited

Reactor bldg - not Q

Safeguards - lighting is Q

Understands procedures being changed

Training now is reading procedures and  
answering questions

Reactor group had training on procedure changes

No problems with documentation

No problem with NCRs

Some problems with dispositions

Identified number of problems in short time w/ Safeguards  
Believes new procedure will not find problems



Interview with Jim Striffelle

Elect QC - Safeguards I - Level II

Elect QC - 2/1/82 - at CF  
(20 yr ~~many~~ electrician)  
Equipment, penetrations, - inspections

Procedures - no problem

Training - good  
No training in procedure

Documentation - incomplete packages  
Improving  
DCA - no problem

Must check out ~~time~~ age - not  
just print needed

No problem with NCR's new  
Previous systems -

Disposition - excessive use - as-is  
Recourse to Super, QE, Eng on occasion

Fuels inspections in PCV are being limited  
QA Mgt + Area Mgt don't seem to care  
"No way equipment being damaged by inspection"

Interview with Al Mock

2 wk in Elect QC - Safeguards - Level I  
Previously in reactor group  
1 yr at CP Elect QC

NCR is on cable pulls -

Concern - PCV - cable slack not as prescribed  
Terminations in lightning  
2 means - 90% problems  
1 mean - no problem - apparently  
difference in workmanship

Training - needed because of procedure  
revisions - going well

Documentation - packages incomplete  
IR lists not complete

No problems with NCR's  
Work well with engineers to resolve  
No problems with disposition

Interview with

- Level I

PCV - all types

- Concern -
- ① Newspaper - Ft Worth - statement  
"... might have done damage during inspection"
  - ② Locked out when going through personal efforts
  - ③ Area management - "overdoing jobs"
  - ④ Procedures changed frequently

Value - junction box - Q blocks - NCR-E44-00543  
Main steam line 2/15/84

Terminal blocks - do not have lugs  
Should not use on safety equipment

Intimidation - reaction to going to NRC

Feeling lost because spoke up -

No problems with NCR's  
Dispositions - too many use as is

3/9/84  
10:00

INSP C

Inspectors need more freedom to do job

Should conduct routine interviews  
on random basis

Feds craft was lack of search - and  
lack up of inspectors with T-shirts

loss of IR's - cannot find in vault

Interview with John Hunter

Elect QC - Safeguards - Level II

Since task force formed  
1 yr in QC  
6 yr at CP

Lighting inspections - terminations, class. IE  
initial inspections

No problems with inspections  
Procedures - changed too frequently  
Individual training in procedures

Training - alright

PCG - packages incomplete  
1/2 to whole day looking for documents  
Situation improving

No problems with NCR's  
Disposition - too many use-as-is

Not involved with PCV and separation

Feels management doesn't care  
Procedure changes are in direction of relaxation  
Inspection of terminations removed about month ago

11.3-25

Would like to  
feel that he  
did good job



Interview with Tony Roberts

Select QC - Safeguards - Level 1

2 wks in Safeguards  
From reactor group  
Oct 83 - Select QC  
1 yr - at CP

PCV - 1 wk - previously in reactor  
New cable tray

In reactor group - everything went smooth  
Opened junction boxes regularly

Not as much cooperation in Safeguards group

Training - going good - has been helpful

Instructors - should bring up problems encountered  
mostly read procedures -  
responsive to questions

No problems with NCR's  
Disposition - no problems

A.B. Lussan - lead in reactor group was big help

Interview with Ron Jones

Elect QC - Safeguards - Level I

2 mo - Safeguards - on loan from Unit 2

1 yr 3 mo - Elect QC

PCV - separation - in Safeguards

Safeguards group has too many agreements  
with construction - don't follow  
procedures - too many informal

Taught that inspections should be by procedure

Terminations - cut wires - broken terminal block  
Craft must open up junction boxes

Newspaper articles - "inspectors damaging" is  
intimidating - directed toward whole group  
(Allegation of sabotage!)

Training - don't explain procedure - just read  
Sometimes QE cannot respond - other  
QE's are good.

Documentation - Safeguards PFG - missing documents  
no IRO - no DCAO

Aux and Unit 2 - much better  
No improvement in Safeguards

# 7 (2)

3/9/84

11:30 am

down

Turned three packages back this morning  
because incomplete

No problems with NCR's  
Disposition - too many use-as-is

Harassment by GASC Nat and craft

PCV, separation, lighting shut down in Safeguards  
NOT shut down in other areas

#8

①  
5/9/84  
1:00 pm

Interview with Gerald Payer

Select QC - Safeguards - Level I

1 mo - Safeguards - on loan from Unit 2

Select QC since July 83  
CP - Oct 78

(TPL for 3 yrs)

PC - separation

Did pre test - found problems

First room on 873 - many problems

Wasn't ready for inspection

Inspected according to procedure  
Found 50-60% bad terminations

Rot damage

Could not get SWA's to look at equipment

Only one SWA issued for pump motor

NR on equipment unprotected

Training - good

Documentation - problems

Three packages - today - nothing in folder

Example - 4 IR's open on junction box

DCA's, CMC's, RN's

#4

3/9/87  
1:00 pm  
Pmpt

Documentation not improving

No problems with NCR's  
Disposition - no problems



①  
3/13/84  
1:30 pm

Interview with Charlie Townsend

Assigned to SGTTF last week

Six QEs in electrical area

Procedure changes - clarification  
Electrical NCR's - revision  
FR's ~~with~~ <sup>closing out</sup> NCR's - revision  
Training - test for certification

Since 1972 - at CP  
EBASCO - seven years  
Level II - 3 yr.

Rev 11.3-40 - Rev 16 - inspection of  
breakers, terminations - not fixtures

Dropping fixture could disturb termination  
Need to be careful when dropping fixture  
because of weight  
Revised procedure eliminates dropping fixtures

Previous revision did not require inspection of  
lighting fixture terminations - neither did it limit it

5/7/84 ①  
10:00 am

X-228

Jim Vone - Lead Elect QC - Safeguards Task Force  
Since Nov

4 yr Elect QC  
9 yr at CP

16 QC dup in Task Force

Supv - Greg Bennett

Involved in PCV

Initial inspection of lighting  
Rework

Problems interpreting procedure - what is to be  
inspected - to what extent

QE-QI  
11.3-40

High failure rate in lighting terminations

Inspection of valve control junction boxes  
Procedure said check terminations

Major procedure change - has opportunity to comment  
No system to request procedure change after issuance

Last 3 weeks - training on procedures - Coil Manning  
schedules - QE instruct  
Previously training done by Vone

Yone  
3/7/54  
10:00am

No problems with issuing NCR

Inspector have problems with "use as is"

Has recourse to QE in case problems with disposition

Attitude problem with inspectors

Recognizes Tolson has responsibility for program - makes decision on what to inspect and what not to inspect  
Some inspectors don't accept this fact

Grier 42-7  
-in 7-11-84

TEXAS UTILITIES GENERATING COMPANY

OFFICE MEMORANDUM

To Distribution QAI# 0016  
Subject REQUEST FOR ASSISTANCE IN RESOLVING QUALITY ASSURANCE ALLEGATIONS

Investigation Requested by A. Vega Date 6/7/84  
Corporate Security Assistance Requested Yes ( ) No (XX)  
Allegation Made by (Name, Dept., Badge #) Eddie Niedecken  
Confidentiality Requested Yes ( ) No (XX)  
Allegation Made to (Name, Dept., Badge #) Dan Hicks

The attached allegation has been received by the TUGCO Quality Assurance Department. The following individuals are asked to provide the assistance requested in order to resolve the allegation.

Boyce Grier:  
\_\_\_\_\_  
\_\_\_\_\_  
Please investigate the allegation of intimidation in the attached statement and provide a report of your findings.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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All correspondence relating to this matter shall reference the above QAI number and will be distributed as detailed below.

- Distribution - Confidential
- D. N. Chapman/Dallas QA/QE File
  - D. L. Andrews/Corporate Security
  - Boyce Grier/CPSES QA
  - Initiator

6-6-84

While working on three inspections with Dee Aree on El 808, Romney Johnson walked up and ask if I was doing anything. I informed Mr Johnson that I had several inspections going at the time. He told me that I was to forget the finish coat inspections and move down the hall and start doing primer repair inspections for Henry Felkins. I have no problem with being moved, but the problem is when I have inspections ongoing, and not being able to complete my inspection, and do my paper work that creates a problem with me. After this had taken place Mr Bob Mung pulled me off to the side and told me that he was not going to have this complaining. He asked me what the problem was, I told him that I did not appreciate being pulled off an ongoing inspection. He told me that he run this job and that he wanted the primer repair inspections before the finish coat inspections. I then informed him that I still did not like how it was being worked. He then told me again that he was running this job. By this I got the



impression that if I don't like  
it I could walk out the gate

Eddie F. Jackson

6-6-84

## OFFICE MEMORANDUM

To J. T. Merritt Glen Rose, Texas June 18, 1984Subject Report on Allegation  
QAI-0016CONFIDENTIAL

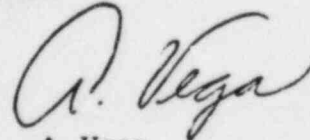
I am transmitting the subject report. Last week, Messrs. B. R. Clements, J. B. George, B. J. Murray and myself had several meetings to discuss this and two other complaints filed by QC Inspectors against Mr. Murray. The other two incidents involve Messrs. D. Finn and D. Hundley. I will forward the investigation reports on the two latter incidents as they become available.

Mr. George has advised Mr. Murray that he is not to communicate his concerns or observations directly with the Inspectors; that such communication on inspection activities should be directed to the QC Leads, the Building QC Supervisor, Mr. Hicks or myself.

Please be advised that we are examining our practice of assigning QC personnel to the building task forces. While we believe this organizational concept has served our objectives well in the past, we will not hesitate to discontinue the practice if deemed necessary to avoid any appearance that construction is directing inspection activities. We will not compromise our independence.

We will review our policies to assure adequate supervisory coverage in the field and will work on improving communication between Building and QC management.

Please advise if you have any questions on this matter.



A. Vega  
TUGCO Site QA Manager

AV/bll

cc: B. R. Clements  
J. B. George  
D. N. Chapman  
B. H. Grier

## TEXAS UTILITIES GENERATING COMPANY

## OFFICE MEMORANDUM

To A. Vega Glen Rose, Texas June 15, 1984Subject Allegations of Intimidation  
QAI #0016CONFIDENTIAL

Attached is my report of interviews conducted in connection with an investigation of allegations made by a QC Inspector, Eddie Niedecken, that he had been intimidated by the Unit 1 Reactor Building Manager, Bob Murray.

Based on my review of the results of the interviews and my other inquiries into this matter, I have concluded the following:

1. The Building Manager, Bob Murray, and the Construction Superintendent, Ronnie Johnson, asked the QC Inspector, Eddie Niedecken, to interrupt his inspections of finish coat and move to do other inspections of primer coat which they considered to be of higher priority. Prior to making this request of the QC Inspector they had made an effort to contact a Lead QC Inspector but when a Lead could not be located they dealt directly with the Inspector. This was a practice which apparently has been followed in the past and without previous difficulty.
2. The QC Inspector objected to being moved before he could complete the inspections he had started and he complained in a heated manner.
3. Because of the QC Inspector's behavior, the Building Manager took the QC Inspector aside and explained that as Building Manager he established the construction schedule and in that way he determined the priority for inspections. The Building Manager told the QC Inspector that if he could not accept this they would go together to see a QC Supervisor. This discussion by the Building Manager was perceived by the QC Inspector as an effort to intimidate him and to threaten him with the loss of his job if he did not perform the inspections requested.
4. There was not a consensus among those present regarding their observation of the QC Inspector's behavior when he was complaining about being moved. The Building Manager said the Inspector used profanity. The Paint Department General Foreman also said the Inspector used profanity and he felt the Inspector was disrespectful toward the Building Manager. The Paint Department Foreman felt the Inspector was wrong in the way he behaved. On the other hand the Lead QC Inspector and another QC Inspector said they did not hear any profanity and did not feel the Inspector created any disturbance.

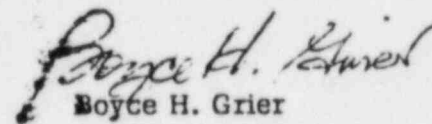
5. During the morning of June 6 when this event occurred there were only two Lead QC Inspectors for Coatings available in the Unit 1 Reactor Building. Five QC Supervisory personnel who are normally available were either absent or otherwise engaged. The QC Supervisor for the Reactor Building was on vacation. The Lead QC Inspector who was acting for the QC Supervisor in the coatings area and two other Lead QC Inspectors were attending a training session to take the Level II Certification test. Another Lead QC Inspector was out sick.
6. The Building Manager did not contact higher level QA/QC Management when the problems occurred with inspection support and with QC Inspector behavior. Neither the QC Supervisor, Dan Hicks, nor the Site QA Manager, Tony Vega, received any notification of the problems from the Building Manager.

Based on my review of this matter, I have concluded that the Building Manager's talk with the Inspector was not to intimidate him but to discipline him. While the Inspector's allegation was not confirmed, I believe the actions of the Building Manager were inappropriate and that the matter of Inspector behavior should have been referred to QA/QC management for appropriate action.

As a result of this investigation I recommend the following corrective action:

1. The Building Manager should be advised to refrain from attempts to discipline QC Inspectors directly and to communicate problems with inspection support and Inspector behavior to QA/QC management for resolution.
2. QA/QC management should examine the practice regarding the inspection assignments for QC Inspectors so as to avoid any appearance that construction is directing QC Inspectors. Steps should be taken to assure that adequate control is being exercised by QC over inspection assignments and that required independence of the QC function is not being compromised.
3. QA/QC management should review their policy for QC Supervisor availability to assure adequate supervisory coverage in the field whenever regularly assigned Supervisors are absent.

If you have questions or comments on this matter please let me know.

  
Boyce H. Grier

BHG/bll

Attachments

cc: B. R. Clements  
D. N. Chapman

Interview with Eddie Niedecken

On June 6, 1984, at about 3:00 p.m. I met in my office with Eddie Niedecken to discuss his allegation of intimidation during performance of a quality control inspection.

Niedecken stated that he is a QC Inspector in the protective coatings area assigned to Unit 1 Reactor Building Task Force. His lead Inspector is Jim Uehlein.

Niedecken stated that at about 11:00 a.m. on June 6 he was involved in conducting finish coat inspections of three hangers on Elevation 808' of Unit 1 Reactor Building. He stated that Bob Murray, Billy Ward and Ronnie Johnson came by and Johnson asked Niedecken if he was busy. Niedecken explained that he was doing finish coat inspections. Niedecken said that Johnson told him that he needed an Inspector for primer inspections and Niedecken should leave what he was doing and do the primer inspections. Niedecken stated that he did not like to leave unfinished inspections but he moved to do the primer inspections. He stated that while he was waiting for instruments to get started on the primer inspections, Bob Murray took him aside to talk to him. He stated that Murray told him that he (Murray) was running this job and if Niedecken didn't like the way it was going he knew what he could do. Niedecken said he felt this meant he would be out of a job.

(A copy of Niedecken's written statement on this event is attached.)



6-6-84

While working on three inspections with Dee Acre on El 808, Romney Johnson walked up and ask if I was doing anything. I informed Mr Johnson that I had several inspections going at the time. He told me that I was to forget the finish coat inspections and move down the hall and start doing primer repair inspections for Henry Felkins. I have no problem with being moud, but the problem is when I have inspections ongoing, and not being able to complete my inspection, an do my paper work that creates a problem with me. After this had taken place Mr. Bob Mury pulled me off to the side and told me that he was not going to have this complaining. He asked me what the problem was, I told him that I did not appreciate being pulled off an ongoing inspection. He told me that he run this job and that he wanted the primer repair inspections before the finish coat inspections. I then informed him that I still did not like how it was being work. He then told me again that he wa running this job. By this I got the

expression that if I don't like  
it I could walk out the gate

Eddie F. Johnson

6-6-84

Statement of Jim Uehlein

On June 6, 1984, at about 3:30 p.m. I met in my office with Jim Uehlein to discuss the allegation by Eddie Niedecken of intimidation by Bob Murray.

Uehlein stated that he is a Lead QC Inspector in the protective coatings area assigned to Unit 2 Reactor Building Task Force. Uehlein is assigned to the 808' elevation of the building and is responsible for supervising 5 Inspectors who inspect the work of 4 paint crews.

Uehlein stated that Niedecken was performing assigned inspections of finish coat on 808'. These are required in-process inspections under procedure QI-QP-11.4-26, Rev. 6. He stated that Niedecken was asked by Ronnie Johnson to stop the inspections of finish coat and move to do inspections of primer coat. Uehlein stated that it is not unusual for construction to request Inspectors to change inspection assignments.

Uehlein stated that he went to get instruments for Niedecken to do the primer inspections. He stated that Niedecken complained at being moved and that Bob Murray took Niedecken aside to talk to him. He stated that he did not hear what was said but he understood from Niedecken that Murray told him words to the effect as follows: "I'm running the show. If you don't like it you know what you can do."

On June 8 at about 9:30 a.m. I again met with Uehlein to discuss Niedecken's behavior when he was complaining about being moved. Uehlein stated that Niedecken did not get loud and did not use profanity when Uehlein was present.

Interview with Bob Murray

On June 7, 1984, at about 4:45 p.m. I met in my office with Bob Murray to discuss the events of June 6 which led to allegations by Eddie Niedecken of intimidation by Murray. Murray is Building Manager for the Unit 1 Reactor Building Task Force.

Murray stated that Ronnie Johnson was with him when they could not find a Lead QC Inspector to arrange for inspection of the primer coatings. He stated that they saw Eddie Niedecken and asked him to inspect the primer coatings. Murray stated that Niedecken got upset at being asked to move. He stated that at this time Jim Uehlein, the Lead QC Inspector, appeared. Niedecken was complaining because of being moved and addressed his comments to Uehlein. Uehlein went to get a instrument needed to do the primer inspections and while he was gone Niedecken continued to complain about being moved. Murray stated that there was another QC Inspector in the area as well as craft personnel and that Niedecken was complaining loudly and using profanity. At this point Murray stated he called Niedecken aside to talk to him. He stated he told Niedecken that he (Murray) was responsible for the decision on where construction work is scheduled and that is what determines where inspections are needed. He stated that he told Niedecken that if he could not accept that then he would get QC supervision to explain. Murray stated that he did not tell Niedecken that he would be "out the gate" if he could not accept the fact that Murray has responsibility for scheduling work.

Interview with Juan Ponce

On June 8, 1984, at about 10:30 a.m. I met in my office with Juan Ponce to discuss the events on June 6 which led to allegations by Eddie Niedecken of intimidation by Bob Murray. Ponce is a QC Inspector for paint and coatings assigned to Unit 1 Reactor Building Task Force.

Ponce stated that he was in the area waiting to do inspections when Ronnie Johnson asked Niedecken to move to do primer inspections. He stated that Niedecken told Johnson he wanted to finish the inspections of finish coat that he had started. He stated that Bob Murray was present with Johnson and Murray became upset because Niedecken would not move to do the inspections requested. He stated that Murray took Niedecken aside and talked to him. He stated that Niedecken did not talk loud or create any disturbance. He stated that noise level in the area was high because of equipment being tested and he could not hear what was said by Murray or Niedecken.



Interview with Mike Barr

On June 8, 1984, at about 11:00 a.m. I met in my office with Mike Barr to discuss the events which led to allegations by Eddie Niedecken of intimidation by Bob Murray. Barr is a General Foreman in the Paint Department assigned to Unit 1 Reactor Building.

Barr stated that he was in the area where the hangers were ready for primer coating and did not see Johnson and Murray ask Niedecken to move. He stated that when he saw Niedecken he was "hot" at being moved. He stated that when Niedecken walked by Barr he was using profanity and told Barr that he did not like being moved. Barr stated that he saw Murray take Niedecken aside but could not hear what was said because of the high noise level. Barr stated that he felt Niedecken showed disrespect to Murray. He stated that if an individual under him had reacted as Niedecken did the individual would be terminated for insubordination.

Barr stated that he has known Niedecken for several years and that Niedecken has a hot temper. He stated that he feels the relationship between construction and QC is good and there are no significant problems.

Interview with Mike Griggs

On June 8, 1984, at about 11:40 a.m. I met in my office with Mike Griggs to discuss the events on June 6 which led to allegations by Eddie Niedecken of intimidation by Bob Murray. Griggs is a Foreman in the Paint Department assigned to the Unit 1 Reactor Building, Elevation 808'.

Griggs stated that he was in the area on June 6 when Murray took Niedecken aside to talk to him. He stated that he did not see what happened earlier and did not hear what was said during the discussion between Murray and Niedecken. He stated that the noise level was high because of equipment being operated for testing and with the requirement to wear ear plugs in the area he could not hear what was said. He stated that Niedecken was obviously upset and having a disagreement with Murray. He stated that there was a heated exchange of words and not just a conversation between Murray and Niedecken.

Griggs stated that he felt Niedecken was wrong to exchange words as he did with Murray. He stated that he did not know what the reporting relationship was between Niedecken and the Building Manager but he understood the Building Manager was in charge and he felt Niedecken was wrong to talk to Murray in the way he did.

Griggs stated that he has dealt with Niedecken in the past and has had no problems getting along with him. He stated that there have been occasions in the past when there was a shortage of qualified QC Inspectors but that new Inspectors have been added and the situation is better now.