

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: Joe Brown George

Location: Glen Rose, Texas

Pages: 47,500-47,542

Date: Wednesday, July 11, 1984

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*Original to E. Pleasant
H-1149*

One copy to E. Johnson, Region IV

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY & LICENSING BOARD

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

Glen Rose Motor Inn
Glen Rose, Texas

July 11, 1984

Deposition of: JOE BROWN GEORGE,
called by examination by counsel for Intervenors,
taken before Terri L. Hague, Court Reporter,
beginning at 3:45 a.m., pursuant to agreement.

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1 Appearances:

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3 FOR THE APPLICANT:

4 MARK L. DAVIDSON, ESQUIRE
5 Bishop, Liberman, Cook, Purcell & Reynolds
6 1200 17th Street, N.W.
7 Washington, D.C. 20036

8 FOR THE NRC STAFF:

9 ORESTE RUSS PIRFO, ESQ.
10 Office of the Executive Legal Director
11 U.S. Nuclear Regulatory Commission
12 Washington, D.C. 20555

13 FOR THE INTERVENOR:

14 JANICE E. ROBINSON, ESQ.
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16 8333 Douglas Avenue
17 Suite 1050
18 Dallas, Texas 75225
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C O N T E N T S

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WITNESS:	EXAMINATION BY	PAGE
JOE BROWN GEORGE	Davidson (voir dire)	47,506
	Robinson	47,531
	Davidson	47,537

1 Whereupon,

2 JOE BROWN GEORGE

3 was called as a witness and was duly sworn.

4 MR. DAVIDSON: I have a brief opening
5 statement which I would like to deliver.

6 My name is Mark L. Davidson. I am a
7 member of the law firm of Bishop, Liberman, Cook,
8 Purcell & Reynolds., counsel for Texas Utilities
9 Electric Company, applicant in this proceeding.

10 I appear here today in that capacity and
11 as an attorney for Mr. J.W. George, a TUGCO
12 employee.

13 Before proceeding I wish to point out that
14 Mr. George is appearing voluntarily and that he is
15 not under subpoena.

16 Mr. George's testimony has been requested
17 from the applicant by CASE, intervenor in this
18 proceeding, on the topics specified in CASE's
19 letter to Leonard W. Belter, dated June 27, 1984,
20 a copy of which has been marked for identification
21 by the reporter and appended to the transcript of
22 Mr. Vega's deposition as Exhibit A.

23 The applicant has already noted its
24 objections to the deposition procedures and
25 schedule ordered by the Board, and it intends no

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1 of those objections and schedule ordered by the
2 Board, and it intends no waiver of those objections
3 by Mr. George's appearance today.

4 At this time I would like to summarize
5 the guidelines established by the Board for this
6 proceeding and the taking of this deposition.

7 Under the order issued by the Board on
8 March 15, as modified by a series of subsequent
9 telephone conference rulings, the scope of tis
10 deposition is limited to the taking of evidence
11 and the making of discovery on harassment,
12 intimidation or threatening of quality assurance/
13 quality control personnel.

14 With one exception, allegations
15 regarding any claimed harassment or intimidation of
16 craft personnel have been specifically ruled by the
17 Board to be beyond the scope of this examination
18 and these proceedings.

19 The Board also has ruled that only
20 evidence based on personal knowledge may be
21 adduced and that hearsay, rumor, innuendo and
22 the like are not proper subjects of the evidentiary
23 portion of this deposition.

24 Finally, the Board has instructed the
25 parties to separate the evidentiary and discovery

1 portions of their examination of the witness. To
2 give effect to the rulings, as well as to ensure
3 expeditious completion of this deposition, we now
4 offer Mr. George as a witness for the evidentiary
5 portion of his deposition.

6 The issues for the deposition are defined
7 by CASE's letter of June 27, a copy of which has
8 been marked as Exhibit A to Mr. Vega's deposition.

9 At the conclusion of that evidentiary
10 deposition, the evidentiary record would be closed.
11 And, with the opening of a new transcript -- to be
12 separately bound -- the discovery deposition of
13 Mr. George would commence, should CASE decide to
14 conduct such a deposition.

15 When the transcripts are available, the
16 witness will sign the original of each of his
17 depositions on the understanding that should the
18 executed originals not be filed with the Board
19 within seven days after the conclusion of the
20 deposition, a copy of either of the transcripts
21 may be used to the same extent and effect as the
22 original.

23 Is there any other opening statement?

24 Mr. Pirfo?

25 MR. PIRFO: I note that in your opening

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1 statement you are appearing as counsel for
2 Mr. George personally upon his request; is that
3 correct?

4 MR. DAVIDSON: Correct, sir.

5 MR. PIRFO: Thank you.

6 MR. DAVIDSON: Ms. Robinson, I have
7 reviewed the letter of June 27 to which reference has
8 earlier been made at this deposition and the
9 subjects as to which the evidentiary portion of
10 this deposition is said to be devoted, and it is
11 my belief that this witness has no relevant
12 knowledge that could supply evidence in these
13 proceedings. And I would offer to you at this
14 time that I am prepared to voir dire the witness
15 to demonstrate my belief.

16 MS. ROBINSON: Be my guest.

17 MR. DAVIDSON: Thank you.

18 MR. PIRFO: I have no objections.

19 VOIR DIRE EXAMINATOR

20 BY MR. DAVIDSON:

21 Q Mr. George, please state your full name
22 for the record.

23 A Yes. My name is Joe Brown George.

24 Q Are you sometimes known as J.B. George?

25 A Yes, sir. That is what I am known as.

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Q Are you also known as Joe George?

A Yes.

Q Mr. George, what is your current title and position?

A I am the vice president and general manager of the Comanche Peak project.

Q And you are an employee as I earlier stated --

A Of Texas Utilities Generating Company.

Q Yes, sir. How long have you held that position?

A Since July of 1980.

Q And you have held the position of vice president and general manager of the project -- I am sorry. I didn't mean to characterize that.

You have held the current position since July of 1980?

A Yes.

Q Continuously to this date?

A Yes, sir.

Q Would you briefly explain what your job responsibilities are?

A My responsibilities are for the engineering, construction, procurement, licensing and fuel procurement.

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1 Q Mr. George, do you have any supervisory
2 responsibility over QA/QC personnel?

3 A No, sir, I do not.

4 Q Are any QA/QC personnel within your
5 chain of command?

6 A No, they are not.

7 Q Do any QA/QC personnel report directly to
8 you?

9 A No, they do not.

10 Q Mr. George, do you have any personal
11 knowledge of any incidents of harassment,
12 intimidation or threatening of QC/QA personnel?

13 A No, sir, I do not.

14 Q Mr. George, are you -- do you know a
15 Howard J. Robinson, sometimes known as Robbie
16 Robinson?

17 A Yes, I casually know Robbie.

18 Q How do you know Mr. Robinson?

19 A I know Mr. Robinson in my walkthroughs
20 and visits at the plant I would have met
21 Mr. Robinson. He happened to live at an apartment
22 that I lived at. He and I were both single at that
23 time. We did our washing at the same washeterias
24 so I just casually knew Robbie as a speaking
25 acquaintance.

1 Q I understand. But you were not a
2 personal friend of his?

3 A No, sir.

4 Q Mr. George, did you receive what at the
5 time were anonymous letters written by Robbie
6 Robinson?

7 A I received some anonymous letters in the
8 fall of 1982 that subsequently came from Robbie.

9 Q You learned subsequently that they came from
10 him?

11 A Yes.

12 Q Do you recollect the tenor of the
13 allegations made in those letters?

14 A Yes, sir. The main thrust of Robbie's
15 allegations were directed toward the hangar
16 superintendent, and they dealt largely with
17 misconduct and behavior in the way of theft and
18 that type of thing.

19 Q Now, when you say, sir, the hangar
20 superintendent, is this individual a craft person?

21 A Yes, sir. He is responsible for
22 installing the hangars there.

23 Q I see. And is it your testimony --
24 and I should not say testimony, but is it your
25 statement in the context of this voir dire

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1 examination to determine whether you have relevant
2 testimony to provide, is your statement that it was
3 this individual who was implicated on the allegations
4 of theft by Mr. Robinson?

5 A Yes, sir.

6 Q Do you recollect the name of the
7 individual?

8 A Yes, sir. His name was Hal Goodson.

9 Q Mr. George, did -- in these series of
10 letters that you received to the extent that you
11 recollect, did Mr. Robinson make any allegations
12 regarding the harassment, intimidation or threatening
13 of any QA/QC personnel?

14 A No, sir.

15 Q Mr. George, do you know whether Robbie
16 Robinson is currently employed at Comanche Peak?

17 A No, sir.

18 Q You do not know whether he is or he is not?

19 A No, sir. I don't know Robbie's whereabouts.
20 He wouldn't be employed at Comanche

21 Q Oh, you do know that he is not employed?

22 A That's correct.

23 Q In other words, it is your understanding
24 that he is not employed?

25 A That's right.

1 Q Do you have personal knowledge of the
2 circumstances of the termination of his employment at
3 Comanche Peak?

4 A I know that he was ROF, but I don't know
5 about the details of it.

6 Q The question is: Do you have personal
7 knowledge --

8 A No.

9 Q -- of Mr. Robinson's ROF?

10 A No, sir.

11 MR. DAVIDSON: Counsel, I feel that the
12 statements made in voir dire here suggest very
13 strongly that based on the allegations on which this
14 witness has been called to testify, he has no
15 relevant information that is admissible evidence
16 and there is no purpose to be served by taking an
17 evidentiary deposition of him.

18 However, I would invite your response to
19 my remark.

20 MS. ROBINSON: I assumed that you might
21 say something like that. I have some questions for
22 you and this partially in response to some testimony
23 that was given in another deposition earlier today
24 in which your name was raised and I would like to
25 ask you about that, and I also have a differnece

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1 of opinion with Mr. Davidson as to the relevance
2 or testimony.

3 Secondly, Mr. Davidson has done most of
4 my work for me. But I do have a few questions
5 regarding the Robbie Robinson anonymous letters, and
6 I feel that they are relevant even though Robbie
7 Robinson wasn't a QA/QC employee, because -- that
8 the allegations in this case involve a pervasive
9 theme of management at the plant ignoring claims
10 concerning all kinds of things on the part of
11 employees. And in good faith I think that this
12 is relevant.

13 MR. PIRFO: The staff position beyond a
14 cross-examination in light of what was elicited from
15 the witness on the voir dire, I would oppose the
16 intervenor's position that a pervasive scheme or
17 scenario of intimidation is within the purview of
18 the Board's ruling with relationship to these
19 depositions.

20 MR. DAVIDSON: Let me respond in this
21 manner to you, Ms. Robinson. We certainly want you to
22 have every opportunity to examine Mr. George if
23 there is relevant evidence to be obtained.

24 However, I think that the voir dire has so
25 far shown that that is not the case.

1
2 If you disagree, it seems to me that it is
3 your obligation to make a proffer on the record to
4 establish a foundation for your assertion that there is
5 relevant evidence to be obtained.

6 IF I may elucidate. While you refer
7 to your allegations that there is a pervasive
8 climate of intimidation, before you can use that as
9 the basis for a claim that there is relevant evidence
10 to be obtained from this witness you must establish
11 a foundation for that assertion. You must show
12 relevant evidence already admitted in the record
13 which gives rise to the inference that that is a fact.

14 At the moment it is merely allegations
15 and supposition. I would say not even that. But if
16 I grant you that that still doesn't go so far as
17 to establish the necessary foundation to permit you
18 to go further.

19 Therefore, if in fact you wish to assert
20 a good faith assertion that there is relevant
21 testimony to be had in the evidentiary as opposed to
22 a discovery deposition, then I suggest it is your
23 obligation to do two things.

24 First, you make a proffer of that
25 evidence or information which you believe establishes
the foundation and then, second, is to continue the

1 voir dire of this witness to show that he has
2 relevant evidence that bears upon and builds upon the
3 foundation which you have laid.

4 At that point I would be most happy to
5 allow you to examine the witness in an evidentiary
6 deposition.

7 MS.ROBINSON: I am new to this case as of
8 yesterday. I am assuming that the complaint in this
9 case alleges all kinds of pervasive refusal by
10 management at this company to listen to claims
11 involving safety and a number of other issues on the
12 part of the workers and also efforts by the management
13 to actually prevent workers from ever disclosing such
14 claims.

15 Perhaps I am wrong. Perhaps the complaint
16 makes no such allegation.

17 MR. PIRFO: Well, I think your nuance or
18 knowledge with regard to this case is immaterial
19 as to what the Board has ruled and the nature of
20 these depositions.

21 In all candor I don't mean that disparaging.
22 We are here to do certain things that the Board has
23 mandated be done, which is your function as well.

24 The education of counsel for the intervenors
25 isn't something that necessarily should be undertaken
 during the course of an evidentiary deposition.

1 MS. ROBINSON: I will tell you what,
2 right now, we can just stop right now and I will go
3 get my Uncle Tony and have him come in here and he
4 can fight this out with you, because I have some
5 relevant questions to ask this man and I am going to
6 ask him before he leaves today. So perhaps you
7 should not waste your time with educating counsel.

8 MR. DAVIDSON: Now, before this gets out of
9 hand, I don't certainly mean in any way to -- I
10 don't think that the issue, Ms. Robinson, and I hope
11 my remarks weren't in any way misunderstood --
12 relates at all to a level of education of the case.

13 I have every reason to believe that by
14 training and experience you are fully capable of doing
15 the examination. My objection -- and it is not an
16 objection at this point, it is my statement, -- relates
17 rather not to the issue of what has been alleged
18 in the complaint, and I frankly do believe that if the
19 complaint or whatever documents have been filed in
20 this case do not in specific alleged or assert some
21 .nd of amorphous and otherwise unsubstantiated
22 ephemeral climate of intimidation -- I am sorry
23 if I interrupted your colloquy with my client.

24 MS. ROBINSON: No. My colloquy was
25 interrupting you.

1 MR. DAVIDSON: I am sorry, but I did lose
2 my train of thought. Could you repeat to me what I
3 said?

4 (The reporter read the record as requested.)

5 MS. ROBINSON: If I could talk like that
6 I would get lost, too.

7 MR. DAVIDSON: That somewhere in the
8 various submissions that CASE has made, this kind of
9 assertion has been put forth.

10 So the issue is not, I think, so much related
11 to whether or not this is something that intervenors
12 claim.

13 My concern is really quite different.
14 My concern is the distinction between an evidentiary
15 deposition in which you seek relevant admissible
16 evidence and a deposition that is discovery.

17 In order to elucidate relevant evidence
18 one has to have not only a witness that possesses
19 relevant information, but also a foundation for the
20 examination of that witness to demonstrate the
21 relevance of his information.

22 I suggest to you that we have neither
23 here. We neither have a foundation for your assertion
24 nor do we have a witness who has any personal
25 knowledge that is relevant to the claims in suit.

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As for the issue of what is the scope, O do believe that it is plain from the rulings of the Board that the scope of these depositions is limited to the harassment, intimidation and threatening of QC personnel.

Moreover, I would point out that if one looks at the transcript of the hearing of June 14 you will find at pages 13,915 to 920 extensive discussion, including Mr. Roisman, about the scope of this hearing and you will see that Judge Block stating the position of the Board that intimidation of craft personnel is not a part of these proceedings and that is near a quote, and in fact I am prepared if you wish to get that transcript for you since it is available in my room and produce it.

So the issue -- and I want this understood, is not what has been filed in this case by the intervenor. The issue, rather, is what is the appropriate scope of examination in an evidentiary deposition and who is an appropriate witness in such a deposition.

That was the burden of my remarks and nothing else, and I am not in any way trying to take advantage of you in terms of any lack of preparation you have made.

1 I might add that in terms of preparation
2 I feel rather embarrassed at my own lack of it. I
3 came in this case after conducting a trial on
4 Tuesday of last week and I took Wednesday to see my
5 wife before they told me I would be coming down here,
6 and I became first acquainted with the existence of this
7 proceeding on a flight to Dallas on Thursday.
8 So we are, I think, at somewhat of an equal
9 disadvantage.

10 MS. ROBINSON: You don't have a clue,
11 but, anyway, number one, I have questions to ask him
12 aside from asking him about this one statement in this
13 document, and that is because of what someone else
14 who I am assuming is a corporate official of some one
15 of these companies said earlier this morning. And
16 he indicated in the deposition that Mr. George might
17 have some knowledge relevant to this hearing. And I
18 am going to ask the questions. Just because you come in
19 here and ask all the questions for me doesn't mean I
20 am not going to ask these questions.

21 MR. DAVIDSON: No, no. I think you
22 misunderstood. I am not saying you cannot ask
23 questions, Ms. Robinson. I guess I have made
24 myself a little unclear and I apologize for that.

25 In fact, I am trying to be straightforward

1 and as clear as possible and if I am not getting
2 across I am sorry. I will try.

3 All I am saying to you is not that you
4 can't ask questions. I am saying that at this
5 point in time while we are in voir dire you have an
6 obligation to make a proffer and now you have begun
7 to do that.

8 You mentioned a document. I haven't
9 seen it. You just held it up. You said I am going
10 to ask questions beyond or outside the scope of this
11 document and you also said you have some information
12 which you feel makes this testimony relevant by
13 virtue of testimony given in an earlier deposition, testimony
14 which at the moment I am unaware of, as you have not
15 articulated it.

16 It may well be that given an opportunity from
17 your proffer to know what the document referred to
18 is and what the testimony is and how it connects to
19 this witness, we may in fact establish a basis for
20 his examination.

21 If we do, then I would invite you to go
22 forward and ask a lot of questions to make sure that
23 you are satisfied.

24 MS. ROBINSON: I don't really have a lot
25 of questions. I could have been done by now, but

1 I --

2 MR. PIRFO: I am not sure what we are
3 doing -- what exercise we are involved in just right
4 here so the staff can be on record saying if you
5 have questions, are we going to proceed with this
6 deposition or are you instructing -- as I understand
7 it, applicant's counsel is not instructing the witness
8 not to answer any questions, and I think the thing
9 we should turn to now is the Intervenor's questions.

10 MR. DAVIDSON: I don't mean to disagree
11 with Mr. Pirfo, but he is absolutely correct, I haven't
12 instructed the witness not to answer questions.

13 However, I want to make sure that we are in
14 an evidentiary deposition. It may be that if the
15 proffer isn't made and we can't establish that he has
16 relevant evidence for the purpose of an evidentiary
17 deposition that what we will do is close the evidentiary
18 deposition and open a discovery deposition, and then
19 while the scope of the proceedings will not be enlarged,
20 certainly your latitude in questioning will be, and
21 the necessary relevant information that he must have
22 to testify in the evidentiary deposition will not be a
23 bar.

24 MS. ROBINSON: I'm not conducting and I
25 don't intend to conduct a discovery deposition. I
also -- and perhaps I just don't understand the

1 rules, but I don't think that I have to clear with you
2 before I ask my questions whether or not I may ask
3 my questions.

4 Now, I will ask my questions, and if you
5 think that I can't ask them within the scope of this
6 evidentiary deposition, then feel free to object.

7 MR. DAVIDSON: Well, see, the problem I
8 have here is that the obligation we both have is to
9 exercise our professional responsibility to make a good
10 faith determination as to the propriety of the question-
11 ing. That is what I am doing. Your refusal to make
12 the proffer that I have asked you to make seems to
13 me to be a denial of the exercise that's been
14 imposed on both of us by Judge Bloch. Judge Bloch
15 has asked you to make a good faith determination, but
16 it seems to me that I'm entitled to ask the basis
17 for your good faith determination and that's all I'm
18 asking.

19 MS. ROBINSON: My good faith determination
20 on the questions that I am about to ask relates to a
21 statement made by a Mr. Fikar in a deposition earlier
22 today.

23 Now, may I please ask the questions, and
24 if you find them objectionable, I'm sure that you will
25 not hesitate in all eloquence to object.

1 MR. DAVIDSON: I think I've been rather
2 handily put down.

3 Ms. Robinson, I think that you have begun
4 to understand what I have requested. I appreciate
5 your identifying Mr. Fikar as the deponent whose
6 statements you wish to -- for the basis of your
7 examination.

8 Could you tell us what it is he said so we
9 can determine whether this witness has relevant
10 knowledge?

11 MR. PIRFO: Let the Staff position -- I'm
12 not sure she has to do it that way, just so the record
13 is clear. The Staff doesn't support that methodology.

14 MS. ROBINSON: No. I'll take a break.
15 I'll just take a break because --

16 MR. PIRFO: Could we put on the record
17 what the purpose of the break is?

18 MS. ROBINSON: You know, just because
19 you're slicker than I am doesn't mean you are going
20 to run the show this way. I just wanted to ask the
21 guy a couple of questions. I could have been done by
22 now.

23 MR. DAVIDSON: Ms. Robinson, I don't want
24 you to feel I'm trying to take advantage of you in any
25 way. I really don't, and I'm sorry if you feel that

1 way. I really am only insisting upon what I understand
2 to be proper procedure.

3 MS. ROBINSON: Well, I don't understand
4 that proper procedure in a deposition of any kind is
5 for me to be bound by your examination of this witness.

6 MR. DAVIDSON: I don't think that's what
7 has been intended here.

8 MS. ROBINSON: You aren't allowing me to ask
9 this witness questions because you are saying that you
10 are the judge and that you have to determine whether
11 I am making a good faith effort before I even ask my
12 questions.

13 Now, if I ask my questions and you think I
14 haven't made a good faith effort, then is the time to
15 object and say that isn't relevant; not before.

16 MR. DAVIDSON: Can we go off the record?

17 (Discussion off the record.)

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1 MR. DAVIDSON: Ms. Reporter, we
2 should return to the record.

3 I want to just state that Ms. Robinson
4 and I have now just had a fairly lengthy
5 discussion about the original statements that
6 I have made here, and I believe that through
7 the process of discussion, we both reached
8 something of an understanding that the remarks
9 were not personally directed at any individual
10 in this room and that, likewise, they were not
11 intended in any way to deny Ms. Robinson her
12 right to take appropriate examination of this
13 witness in the appropriate context, be that
14 evidentiary or discovery.

15 I think we've also come to the
16 conclusion at this point that what Ms. Robinson
17 would like to do is to either make a proffer
18 or pose some brief questioning on topics to
19 determine whether or not this witness has a
20 relevant information within the scope of the
21 proceedings, and if she has, or adduces such
22 responses as I have told Ms. Robinson in our
23 short off-the-record break, it will be certainly--
24 let me rephrase that. It will be my responsibility
25 to see to it that she is permitted to ask this

1 witness all of the questions that she can that
2 are within the scope of the proceeding and that
3 are relevant.

4 Mr. Pirfo, since you did participate
5 in our off-the-record colloquy, do you have
6 any statements to make?

7 MR. PIRFO: I have nothing significant
8 to add to that.

9 MR. DAVIDSON: Ms. Robinson, are we
10 agreed?

11 MS. ROBINSON: We're agreed.

12 MR. DAVIDSON: Thank you.

13 MS. ROBINSON: Ms. Robinson now has
14 a more basic understanding of the law.

15 MR. DAVIDSON: Off the record.

16 (Discussion off the record.)

17 MR. PIRFO: I would like this on
18 the record, please, that during the break, the
19 staff attorney, at least, made no attempt--and
20 I only speak for myself--to educate Ms. Robinson
21 as to the law.

22 MR. DAVIDSON: Off the record.

23 (Discussion off the record.)

24 MR. DAVIDSON: Terri, can we go back on
25 the record?

1 MS. ROBINSON: Mr. Fikar testified
2 earlier today in a deposition that Mr. George
3 has some knowledge of instance of harassment
4 and intimidation at the Comanche Peak plant--
5 (Outside interruption.)

6 MR. DAVIDSON: Would the record
7 reflect that Ms. Robinson, who has been
8 accompanied by a Mr. Segal in her office,
9 has now been joined by Eloy--

10 MR. GAITAN: I'm not staying.

11 MR. DAVIDSON: I've been corrected.
12 The gentleman is not staying.

13 MR. PIRFO: Off the record.

14 (Discussion off the record.)

15 MR. DAVIDSON: Would you please
16 continue, Ms. Robinson, with your statement?

17 MS. ROBINSON: And I would like to
18 ask the witness a few questions about that.

19 MR. DAVIDSON: That is your statement?

20 MS. ROBINSON: Yes.

21 MR. DAVIDSON: I think that certainly
22 is an acceptable approach to making the proffer,
23 and I think it goes very far along, but I think
24 we need one other element before we have the
25 necessary predicate, and that is, when you say

1 "some knowledge," what kind? If it's merely based
2 upon hearsay, rumor, gossip or innuendo, it's not
3 personal knowledge, and it's not knowledge at
4 which he can testify to under oath.

5 MS. ROBINSON: Mr. Fikar testified
6 today under oath, as I understand it, that whenever
7 he receives a complaint of harassment at the
8 Comanche Peak plant, he refers that complaint
9 to Mr. George.

10 MR. DAVIDSON: I see. That is very
11 helpful. What you've told us is that he has
12 second- and third-hand hearsay knowledge of
13 alleged incidents, but he certainly has no
14 personal knowledge of incidents.

15 MS. ROBINSON: I am not interested
16 in the truth or falsity of the incidents
17 reported. I am interested in establishing what
18 procedures are taken at the plant.

19 MR. DAVIDSON: Ms. Robinson, may I
20 tell you that that seems to me to be a sound
21 basis for taking this witness's testimony in
22 evidence.

23 MS. ROBINSON: Thanks.

24 MR. DAVIDSON: And I would now ask
25 you, having had that, if that is the only area

1 in which you wish to question, and if it is,
2 then I think we should go forward. If it isn't,
3 I think we should finish the voir dire by giving
4 a proffer to any other topics that you may have.

5 May I ask another question while
6 you're studying your notes? When you say "complaints
7 of harassment, intimidation and threatening," are
8 we talking about harassment, intimidation and
9 threatening of QC personnel?

10 MS. ROBINSON: I was not present at
11 Mr. Fikar's deposition.

12 MR. DAVIDSON: Well, you understand
13 the reason for my question?

14 MS. ROBINSON: I do.

15 MR. DAVIDSON: All right. I think
16 maybe if you can try to find out what the
17 complaint procedure is for that, I think we
18 may, nonetheless, be within the bounds of
19 proper testimony, so I'm not going to, at this point,
20 instruct the witness in any other way except to
21 say that we are prepared to answer in that area,
22 so long as it is within the scope of the
23 proceeding.

24 MS. ROBINSON: In the same regard, I
25 assume that you are going to maintain your objection

1 as to the evidentiary nature of questions
2 pertaining to any affidavit or anonymous letters
3 by Robbie Robinson who was not a QA/QC employee.

4 However, I do have a few questions
5 that I want to ask in that regard, again, to
6 learn what kind of procedure was followed at
7 Comanche Peak when complaints of that nature
8 were received by management.

9 MR. DAVIDSON: I'm afraid I can't
10 agree that the procedures for handling a
11 complaint by a craft employee about the
12 allegation--such as the allegation of Mr.
13 Robinson, which were drunkenness of a supervisor,
14 assessed by a supervisor, a craft supervisor,
15 and the like, fall within the scope of this
16 hearing.

17 The scope of this hearing, Ms.
18 Robinson--and I think the record is replete
19 with statements to this effect--has to do with
20 claimed harassment, intimidation and threatening
21 of QC/QA personnel, and certainly most relevant
22 to that, it seems to me, is management's response
23 to such complaints if they are received, since
24 it, obviously, goes very directly to the ability
25 of QA/QC personnel to do their job and whether,

1 MR. DAVIDSON: Ms. Robinson, I believe
2 that during this most recent break, you indicated
3 that you wanted to begin questioning the witness
4 with respect to the statement in the Fikar deposi-
5 tion to determine whether or not -- on the subject
6 of the handling of complaints about incidents of
7 harassment, intimidation and threatening of personnel.
8 You did not specify whether it was QA/QC personnel
9 or not, but I assume that will come out in your
10 questioning. Therefore, I invite you to go ahead
11 with the witness.

12 MS. ROBINSON: Thank you.

13 EXAMINATION

14 BY MS. ROBINSON:

15 Q Mr. George, I'm Janice Robinson.

16 A Yeah, glad to know you.

17 Q It's great to know you.

18 Who is Mr. Fikar?

19 A Mr. Fikar is the executive vice president
20 for Texas Utilities Generating Company.

21 Q And what is your position?

22 A I'm vice president and general manager
23 of the Comanche Peak project.

24 Q And who is your immediate supervisor?

25 A Mr. Fikar is my boss.

1 Q And what do your general job duties
2 include?

3 A I'm responsible for the engineering and
4 for the construction of the procurement and for the
5 licensing activities and for the fuel activities.

6 Q Has Mr. Fikar ever referred a complaint
7 of harassment and intimidation to you?

8 MR. DAVIDSON: Objection, Ms. Robinson.
9 I think we have already had extensive discussions
10 about what the appropriate scope of these proceedings
11 are. Do you know or can you explain for us a limita-
12 tion to that which is relevant? What kinds of complaints?

13 MS. ROBINSON: Yes. I'm sorry. QA/QC.

14 BY MS. ROBINSON:

15 Q Has Mr. Fikar ever referred a complaint
16 of harassment of a QA/QC employee to you?

17 A All of the activities and the things that
18 are referred to me in the process of a large project
19 like that, there are many, many, and he's referred
20 many things to me, but to try and narrow it down to
21 a QA/QC harassment and intimidation, I would have to
22 think on that. But, normally, the procedures in that
23 area would be to the officers or to the people
24 responsible for QA/QC. I guess if he did, I, in
25 turn, would relate it to these folks that are responsible

1 for QA/QC, and I guess if it was dealing with
2 engineering and construction folks, then I would
3 take action to have it looked into.

4 MR. PIRFO: I'll move to strike the
5 answer as unresponsive. I think the question was
6 whether there had been any instances of harassment
7 of QA or QC personnel referred to Mr. George, and
8 the answer --

9 MR. DAVIDSON: By Mr. Fikar.

10 MR. PIRFO: By Mr. Fikar, and the answer
11 was unresponsive.

12 BY MS. ROBINSON:

13 Q Do you know whether Mr. Fikar has ever
14 referred such a complaint to you?

15 A I don't recall it, no, not on QA/QC. If
16 you could name the individual, what it was about, I
17 could probably recall it.

18

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1 Q I believe Mr. Fikar's testimony was
2 that when he received complaints concerning harassment
3 and intimidation of QA/QC employees, he just
4 referred them to you.

5 A Well, that was just a generic statement,
6 it sounds to me like.

7 Did he say what specific one he referred
8 to?

9 Q It sounded like a generic statement
10 to me, too, and I just wanted to find out if he
11 ever had referred such a claim to you.

12 A I don't remember it, if he did.

13 MR. DAVIDSON: I was reminding the witness
14 that I would appreciate it if he pauses between
15 the question and the answer so he can think carefully
16 through them, what you're asking, so his answers
17 can be responsive and also he would give me an
18 opportunity if I wish to make a statement. However,
19 I have no statement to make at this point.

20 BY MS. ROBINSON:

21 Q Are you sure that Mr. Fikar has never
22 referred such a complaint to you?

23 MR. PIRFO: I must object, asked and
24 answered.

25 MR. DAVIDSON: I would object on a different
 ground. I believe the question is argumentative.

1 MR. PIRFO: I have no problem with the
2 form of the question. My problem is with the substance.
3 I noted my objections for the record.

4 MR. DAVIDSON: Mr. George, you may answer
5 the question. The objections were made for the
6 record.

7 THE WITNESS: What was the question again?
8 BY MS. ROBINSON:

9 Q The question was, are you sure that
10 Mr. Fikar has never referred such a claim
11 to you?

12 A I'm not sure. I said I don't recall
13 any specific instance.

14 Q If Mr. Fikar were to refer such a claim
15 to you, do you know of a standard procedure that
16 you would follow in disposing of that claim?

17 MR. DAVIDSON: I object to the form of
18 the question as being premised on a hypothetical.
19 I think if the form of the question had been, is
20 there a procedure for -- that you follow for
21 handling any complaints you might receive with
22 respect to harassment, intimidation, threatening of a
23 QA/QC personnel, it would be acceptable.

24 MR. PIRFO: I join in the objection.
25

1 BY MS. ROBINSON:

2 Q Is there a standard procedure that
3 you would follow upon receiving from Mr. Fikar
4 a referral of a complaint of harassment and
5 intimidation of a QA/QC employee?

6 A There is no formalized procedure that
7 I know of, if that's what you're asking.

8 Q That's what I'm asking.

9 A I would have --

10 MR. DAVIDSON: Did you finish your answer,
11 Mr. George, or were you trying to state what
12 procedure you do follow?

13 THE WITNESS: Well, I can say what I
14 would do.

15 MR. DAVIDSON: I think that's what Ms.
16 Robinson would like to know.

17 THE WITNESS: Well, what I would do would
18 certainly take it serious and proceed with having
19 it investigated by the appropriate people, and if
20 it was in the QA/QC, that would probably involve
21 both of the managers and the ones in QA/QC, and
22 since they don't report to me, and I'm not
23 responsible for them. They would probably conduct
24 the investigation.
25

1 BY MS. ROBINSON:

2 Q Has anyone ever referred a complaint of
3 harassment and intimidation of a QA/QC employee to
4 you?

5 A No.

6 MS. ROBINSON: That's all I have.

7 MR. PIRFO: I have no questions.

8 MR. DAVIDSON: I would like a short break
9 to confer with the witness.

10 MR. DAVIDSON: We are going to go on the
11 record.

12 Mr. George, I have about one or two
13 questions for you, if I may.

14 XXXX

EXAMINATION

15 BY MR. DAVIDSON:

16 Q Do you recollect, to the best of your
17 knowledge, of ever having received from anyone
18 the referral of a complaint regarding alleged
19 harassment, intimidation, or threatening of a
20 QA/QC employee?

21 A I do not recall any, but I would expect
22 them because that's not the area -- my side of it is
23 not what it would be reported to.

24 Q I understand that, but I merely ask if
25 you recollect it.

1 A I do not.

2 Q That you do not recollect it?

3 A No.

4 Q In your testimony and response to questions
5 of Ms. Robinson, when she asked you whether
6 anyone had ever referred one to you, did you mean
7 no, it had never happened, or merely you do not
8 recollect?

9 A I do not recollect, is what I meant to say.

10 Q Mr. Geroge, how many employees have
11 there been at Comanche Peak during the time that you
12 have been vice-president and general manager for
13 construction and engineering?

14 A Well, there's been close to 35,000
15 people associated with that project over the life of
16 it, but in my tenure, I would have to guess, but
17 it's up in the thousands.

18 Q Would it have been more than 10,000?

19 A In the time that I've been associated
20 with the project, yes. I was the general manager
21 of the project before I was vice-president and
22 general manager.

23 Q I understand. So how many years have you
24 been associated with the project?

25 A Be eight years come this February.

1 Q Would it be a fair and reasonable estimate
2 to say, then, that there were more than 20,000
3 employees that you had some relationship with or
4 supervisory responsibility over?

5 A Yes, sir, over in the engineering
6 construction side of the house. That's what I'm
7 speaking to. I'm not speaking of QA/QC.

8 Q And how many employees did you guess,
9 the number?

10 A 20,000 neighborhood.

11 Q 20,000 neighborhood. You don't recollect
12 everything that occurred with those 20,000 people,
13 do you?

14 A No, sir, I don't.

15 Q I didn't think so.

16 Mr. George, you earlier described your
17 job responsibilities. Could you do that for me again?

18 A My job responsibilities is engineering
19 construction procurement, the licensing activities
20 and the fuel activities.

21 Q Do you have any supervisory capacities
22 over QA/QC personnel?

23 A No, sir, I do not.

24 Q Is there a reason why you do not have
25 that supervisory responsibility?

1 A Well, the reason is, the philosophy
2 is that QA/QC is free to do whatever is required
3 to ensure quality and safety of the plant, which
4 is our top priority.

5 Q And by that you mean therefore the
6 QA/QC department is maintained independently so
7 as to give it full discretion?

8 A Yes, sir.

9 Q Mr. George, would a complaint about
10 the harassment, intimidation or threatening of
11 a QA/QC employee normally be referred to you?

12 A No.

13 MR. DAVIDSON: I have no further questions
14 of this witness.

15 MR. PIRFO: I have no questions for the
16 Staff.

17 MR. DAVIDSON: Ms. Robinson, do you
18 have some questions?

19 MS. ROBINSON: No.

20 MR. DAVIDSON: At this time I would close
21 the evidentiary record and invite Ms. Robinson to
22 take a discovery deposition on any other topics she
23 feels are appropriate.

24 MS. ROBINSON: Ms. Robinson does not
25 wish to conduct such a discovery deposition.

1 MR. PIRFO: I guess I don't get to ask
2 any questions.

3 MR. DAVIDSON: I'm sorry.

4 MR. PIRFO: No, no, it's her deposition.
5 We haven't noticed.

6 MR. DAVIDSON: No, you are a member of
7 the staff so I feel free to ask any questions you
8 have so long as they're relevant.

9 MR. PIRFO: And only if I have authorization
10 to pay for the deposition, so I'm not going to jump
11 into that. I have no questions.

12 MR. DAVIDSON: Ms. Reporter, I then
13 state that these proceedings are adjourned, and
14 this record is closed with respect to this witness.
15 And thank you for your efforts.

16 (Whereupon, at 5:00 p.m., the deposition
17 was concluded.)
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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