

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: C. Thomas Brandt

Location: Glen Rose, Texas

Pages: 45,000-45,238

Date: Wednesday, July 11, 1984

TR 010/1

*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: C. Thomas Brandt
 called by examination by counsel for
 taken before Mimi Meltzer, Court Reporter,
 beginning at 9:15 a.m., pursuant to agreement.

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APPEARANCES:

FOR THE APPLICANT:

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MM/mml

I N D E X

1			
2	<u>WITNESS:</u>	<u>EXAMINATION BY:</u>	<u>PAGE:</u>
3	C. Thomas Brandt	Mr. Roisman	45,004
4	(Resumed)	Mr. Mizuno	45,172
5		Mr. Roisman	45,201
6		Mr. Watkins	45,211
7		Mr. Mizuno	45,217
8			
9			
10	<u>EXHIBITS:</u>	<u>IDENTIFICATION</u>	<u>EVIDENCE</u>
11	Brandt-1	45,007	45,007
12	Brandt-2	45,094	--
13	Brandt-3	45,095	--
14	Brandt-4	45,106	--
15	Brandt-5	45,151	--
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P R O C E E D I N G S

1
2 Whereupon,

3 C. THOMAS BRANDT,

4 resumed his testimony as follows:

5 MR. ROISMAN: On transcript Page 36,631,
6 there was a question asked of the witness who was
7 Mr. Vega regarding the existence of documents related
8 to the implementation of the ombudsmen and hot-
9 line programs at Comanche Peak. He indicated that
10 there was some documents and that they had been
11 compiled. We requested Mr. Watkins if he would
12 provide us with those copies of such if he
13 hadn't already. If we hadn't already gotten
14 them, he indicated he would do that. We have
15 now received filed material from him as of
16 last evening, which consists of eleven pages.
17 The file is entitled QAI program. Mr. Watkins
18 has represented to me that this is responsive
19 to our request. I'm acknowledging now on the
20 record that we have received this and that the
21 request therefore been responded to.

22 MR. MIZUNO: The staf also requested
23 a copy.

24 MR. WATKINS: And we have a copy for
25 the staff.

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(Document handed to
staff Counsel.)

MR. ROISMAN: For the record, I think we should indicate who is present here today. My name is Anthony Roisman and I am Counsel for the Intervenor case.

MR. MIZUNO: I am Gary S. Mizuno; I am acting as Counsel for the NRC staff.

MR. WATKINS: I'm McNeill Watkins, law firm of Bishop, Liberman, Cook, Purcell & Reynolds appearing for Applicants.

EXAMINATION

BY MR. ROISMAN:

Q. Mr. Brandt, at an earlier hearing in this proceeding, you were asked to submit and did submit your statement of educational, professional qualifications, which were Attachment A to Applicant's Exhibit No. 141-A. I'm going to show you a two-page document which is marked in that way in the upper right-hand corner, and ask you if that in fact is a copy of that document?

MR. WATKINS: Point of clarification. I believe the document itself is Exhibit 141-A. His testimony was Exhibit 141.

1 MR. ROISMAN: Okay, good. Thank you.

2 (Document handed to
3 witness.)

4 THE WITNESS: Yes, it is.

5 BY MR. ROISMAN:

6 Q. I just want to ask you a few questions
7 about this. Maybe if we keep it here between
8 us, we can both go through it. Under the
9 education line, you reference all course
10 work complete for MA Zoology, 1976, University
11 of Missouri. Did you receive an MA degree or
12 was just the work completed?

13 A. I did not receive a degree, no.

14 Q. What was it that you needed to do in
15 order to have gotten a degree? Had you finished
16 all requirements for the degree?

17 A. I had not completed oral examination.

18 MR. WATKINS: Mr. Roisman, we will object
19 to this line of questioning as cumulative. Mr.
20 Brandt has twice been subjected to voir dire
21 before the Board and in addition, Case has
22 supposed to have extensively queried him on his
23 qualifications.

24 MR. ROISMAN: Your objection is noted.

25 BY MR. ROISMAN:

1 Q. Has this changed since the time--since
2 the exhibit was filed in the proceeding?

3 A. No, it has not.

4 Q. Is there anything in your background
5 or experience as indicated there that indicates
6 that you have in fact engaged in construction
7 work as such or is it related to the quality
8 assurance/quality control aspects of construction
9 work?

10 A. Other than the residential construction
11 and commercial rent maintenance positions that
12 I held while I was in school indicated on Page
13 2, it's all associated with quality assurance
14 and quality control.

15 Q. Are there any changes that should
16 be made on this resume to bring it up to date
17 to today from where it is at that time?

18 MR. WATKINS: Perhaps I can
19 simplify this, Mr. Brandt. I hand you this
20 document and ask you if you can identify it.

21 (Document handed to
22 witness.)

23 THE WITNESS: This is my most recently
24 prepared resume.

25 BY MR. ROISMAN:

1 Q. Can you tell me, what is the
2 date of its preparation? In other words, what
3 is it current as of, as of today?

4 A. It's current as of today.

5 MR. WATKINS: Could I ask the
6 reporter to identify--to mark this document
7 for identification as Exhibit 43-1.

8 (The Brandt Exhibit No. 1
9 was marked for identification.)

10 MR. WATKINS: Let's go back on the
11 record. We have agreed that exhibits for Mr.
12 Brandt's deposition will be marked commencing with
13 Brandt-1 which is his current experience summary,
14 and I will ask that that be bound into the
15 transcript.

16 MR. ROISMAN: Are you offering it?

17 MR. WATKINS: Off the record.

18 (Discussion off the record.)

19 MR. WATKINS: Yes, we will offer that
20 into evidence.

21 MR. ROISMAN: No objection.

22 (Brandt Exhibit No. 1 was
23 received into evidence.)

24 BY MR. ROISMAN:

25 Q. Mr. Brandt, regarding this updated

1 version of your resume, is it still the case
2 that your actual construction experience is
3 limited to your experience that was identified
4 previously in your testimony, with respect to
5 your earlier resume?

6 A. Are you referring to my experience
7 in commercial and residential construction?

8 Q. Yes.

9 A. Yes, sir.

10 Q. Thank you.

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1 Q Mr. Brandt, would you describe your
2 responsibilities in your present position with
3 TUGCO?

4 MR. WATKINS: Mr. Roisman, Mr. Brandt
5 is not employed by TUGCO.

6 MR. ROISMAN: I realize he's employed --
7 that he gets paid by EBASCO. My understanding was
8 that he reports to TUGCO.

9 MR. WATKINS: Why don't you ask him.

10 MR. ROISMAN: All right.

11 BY MR. ROISMAN:

12 Q Mr. Brandt, I'm not interested in who
13 pays your salary for the moment. Who are you
14 responsible to? Who must you report to?

15 A On the Comanche Peak project, Texas
16 Utilities.

17 Q Would you please describe what your
18 responsibilities are in that position?

19 A My current position?

20 Q Yes.

21 A I report to Mr. Ron Tolson, who is the
22 project manager of the licensing support task force.
23 We are working full time in licensing supporting.

24 Q And when did you commence that position?

25 A I believe in March of this current year.

1 Q And what was the position that you held
2 immediately before that with reference to the
3 Comanche Peak site?

4 A I was a staff engineer on the site,
5 QA supervisor's staff.

6 Q And your position immediately before
7 that -- give me the time frame of that one, too,
8 also, please.

9 A That was roughly in November 1983 until
10 March 1984. Previous to that I was the non-ASME
11 QA/QC supervisor. Held that position from March
12 of 1983 through November of 1983.

13 Q And prior to that date?

14 A I was a non-ASME mechanical/civil QA/QC
15 supervisor.

16 Q And the periods of that?

17 A February 1982 through March 1983.

18 Q And before that?

19 A I was a staff engineer on the site QA
20 supervisor's staff

21
22 Q Is that the same position you held from
23 November of '83 to March of '84?

24 A The same position description, yes, sir.

25 Q What was your period for that that earlier

1 time?

2 A With the exception of a one-month period
3 from mid-August through mid- to end September, 1981,
4 in which I served as a consultant to Philippine
5 Power Corporation giving a seminar in the Philippines,
6 I was in that position from September 1980 through
7 February 1982.

8 Q And prior to that?

9 A I gave a one-month-long seminar in South
10 Korea for Hyundai Construction Company, Limited.

11 Q And when did you first have an association
12 with the Comanche Peak project?

13 A September of 1980.

14 Q It's my understanding from just looking at
15 your resume that you have had extensive experience at
16 a number of nuclear plants of which this is but one.
17 Is that a fair statement?

18 A Yes, sir.

19 Q And based on that experience, has it been
20 your experience that a person with your kind of
21 qualifications who is employed by a company like
22 EBASCO and then essentially assigned to work at a
23 particular plant would work in so many different jobs
24 for the periods of time that you worked, or is it
25 more typical that you would have worked in one

1 position for an extended period?

2 A Comanche Peak, the relationship between
3 Texas Utilities and EBASCO is an atypical situation
4 from my experience, in that we are not -- EBASCO
5 serves no defined role other than a provider of
6 personnel. From my experience, it's more customary
7 to find an architect/engineering firm supplying people
8 to a project to work in their own program.

9 Q In other words, the fact that EBASCO is
10 not itself retained to be an architect/engineer at
11 the site is unusual, from your experience?

12 A The contractual relationship is one much
13 more of a consulting type role than a defined
14 responsibility type.

15 Q In your opinion, or if you know as a
16 matter of fact, what is the reason why you left your
17 position as staff engineer on site QA supervisor's
18 staff in February of 1982?

19 A There was a reorganization of the TUGCO
20 construction QA organization and a more clearly
21 defined division responsibilities between non-ASME
22 activities and ASME activities than has been occurring
23 previously.

24 And I was essentially chosen to fill one
25 of the two key slots in that new organization.

1 Q Now, when you left that position in March,
2 that new position, the non-ASME mechanical/civil
3 QA/QC supervisor in March of '83, what do you under-
4 stand or what do you believe was the reason for that
5 change?

6 A Once again a reorganization of the program
7 to essentially put all the ASME QA/QC activities under
8 a single -- excuse me -- to put all the non-ASME
9 QA and QC field activities under a single entity
10 rather than having electrical activities under one
11 person and civil and mechanical activities under
12 another.

13 Q In that new position, did you then have
14 working under you someone who had responsibility for
15 mechanical/civil QA/QC and another person who had
16 responsibility for electrical QA/QC in the non-ASME
17 area?

18 A I had people responsible reporting to me,
19 responsible in mechanical areas, the civil areas and
20 the electrical areas. As I say, one person was
21 responsible for mechanical

22
23 Q Okay, then, what transpired in March of
24 1983 -- I'm sorry, excuse me, in November of 1983
25 that resulted in your transfer back to staff engineer

1 to the site QA supervisor?

2 A Once again the organization was reorganized
3 to support the building management organization concept
4 that currently exists and the position of a non-ASME
5 QA/QC supervisor was eliminated.

6 Q Could you explain that a little bit more,
7 the new concept, building management concept?

8 A It's a matrix organization to where each
9 building is virtually self sufficient and that there
10 is a building manager who has reporting to him an
11 engineering supervisor for that building, a construc-
12 tion supervisor for that building, and directly
13 coordinates activities with a QA supervisor --
14 QA/QC supervisor for that building.

15 However, the QA/QC supervisor for each
16 particular building reports back to the site QA
17 supervisor rather than reporting to the building
18 manager.

19 Q Now, did that mean that with regard to
20 any particular building, the QA supervisor for that
21 building would have under him or her these -- in the
22 non-ASME area for the moment, the three components,
23 mechanical, civil and electrical, that you had has
24 on a sitewide basis in your immediately preceding
25 position?

1 Q And in that position that you held from
2 March of '83 to November of '83, what was the
3 difference in your responsibilities at that position
4 as compared to your responsibilities in the position
5 that you held beginning in November of 1983?

6 A I'm not sure I understand the question,
7 Mr. Roisman.

8 Q As I understand it, from March of 1983
9 to November of 1983 you were the non-ASME member
10 QA/QC supervisor for the site, and then beginning
11 on November of 1983 you became staff engineer to
12 the on-site QA supervisor. And I'm trying to under-
13 stand what the difference in your responsibilities
14 were between that earlier position and the later
15 position, just those two positions.

16 A The earlier position that you referenced
17 I was responsible for all QA/QC activities in the
18 non-ASME area for the entire site.

19 In the latter position, I was more of a
20 consulting type role to the site QA supervisor
21 performing assignments and tasks as directed by him
22 into --

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1 Q Did you have different authority in the area
2 of your ability to terminate or recommend termination
3 of employees in your position when you were in charge
4 of the site non-ASME QA/QC than you did when you were
5 the Staff Engineer for the on-site QA supervisor?

6 A I'm not sure I know what you mean by the
7 term "authority."

8 Q Well, let me just withdraw the question for a
9 second, and I'll ask it in a different way.

10 When you were the site QA/QC non-ASME
11 supervisor, did you have the authority to have individuals
12 who were under your supervision fired if you believed
13 that they should be fired?

14 A I did that and currently do still possess the
15 authority to fire any EBASCO employee.

16 Q What about employees other than EBASCO?

17 A In the current position I have no
18 responsibility for any employees other than EBASCO
19 employees.

20 Q I'm sorry. When you say "current," are you
21 talking, as I understand it -- in March of 1984 you had
22 yet another change?

23 A I'm sorry.

24 Q The position I'm interested in for the moment
25 in comparison is November --

1 A Staff engineer position, I had no responsibility
2 for any non-EBASCO employees.

3 Q In the position that you held from November of
4 '83 to March of '84, did you have potentially what ever
5 authority Mr. Tolson would choose to delegate to you that
6 he himself possessed?

7 A Yes, I did.

8 Q Now, going back to the time when you were the
9 non-ASME QA/QC supervisor for the site, did your
10 responsibilities, as distinguished from authorities,
11 include making recommendatins regarding the continued
12 employment of individuals who were under your supervision,
13 even though they were actually employed by persons other
14 than EBASCO?

15 A Yes, it did.

16 Let me clarify that. By "continued employment," I
17 only had responsibility for making recommendations for con-
18 tinued employment at Comanche Peak. I had no responsibility
19 for other contractors' employees, should that contractor
20 choose to remove that employee from Comanche Peak.

21 Q I understand.

22 MR. ROISMAN: For the record, Mr. Tom Carpenter,
23 who is an intern working with CASE, has just arrived and
24 is sitting with me. I think he is like Mr. Brandt; he is
25 assigned to CASE, but they do not pay his salary -- not

1 to say that Mr. Brandt is assigned to CASE. I meant by
2 analogy only.

3 MR. WATKINS: Does Mr. Carpenter have a salary?

4 MR. ROISMAN: Yes. Doing justice is his
5 reward.

6 MR. WATKINS: That, of course, is the goal of
7 all these proceedings.

8 BY MR. ROISMAN:

9 Q In your position -- I think I want to focus
10 for a moment on the position that you held in February of
11 '82 to March of '83. I'm just trying to keep the transcript
12 shorter, if it's all right for us to refer to the time
13 frames, and if you, Mr. Brandt, know what particular job
14 I'm talking about, we'll do it that way.

15 If any confusion develops, let me know; and
16 I'll rattle off the particular title of the position at
17 that time as he has given it to me.

18 MR. WATKINS: Your next series of questions
19 will address that time period?

20 MR. ROISMAN: Yes. If I change or want to
21 address a different time period, of course, I will tell you
22 that.

23 BY MR. ROISMAN:

24 Q Mr. Brandt, looking at the time period of
25 February 1982 to March of 1983, in your position did you

1 have any job description that had specific goals or
2 description of your responsibilities that you were
3 supposed to carry out that you would be measured by to
4 determine how well you were performing your function?

5 MR. WATKINS: May I ask a question for
6 clarification?

7 MR. ROISMAN: Yes.

8 MR. WATKINS: Do you mean TUGCO guidelines,
9 EBASCO guidelines, site guidelines?

10 MR. ROISMAN: I'm interested in both, until
11 I know from Mr. Brandt whether he had them at TUGCO or
12 not; so, yes, let's start and you tell me where you had
13 them. Then we'll focus down on it.

14 THE WITNESS: The position description was
15 described procedurally in TUGCO's QA procedures;
16 responsibilities and authorities were outlined in that
17 procedure.

18 BY MR. ROISMAN:

19 Q Is that an identifiable document? Does it have
20 a name?

21 A I believe the title of the procedure is
22 "Site QA Organization."

23 Q Now, does that describe in general terms what
24 your responsibilities were in that particular position?
25 Or would you say it was a fairly detailed description?

1 A "Detailed" and "general" in respect to a job
2 description, in my opinion, are very subjective terms.
3 For example, one phrase was "carry out the day-to-day
4 activities of the non-ASME mechanical and civil QA/QC
5 group." That's a general statement, but it's very
6 descriptive. What happens from day to day varies
7 widely, and I think it would be impossible for anyone to
8 describe.

9 I don't mean to evade your question, but I
10 have a hard time expressing what's general and what's
11 specific.

12 Q All right. I think you've done a moderately
13 good job, at least in that particular example. Let me go
14 on and see if I can give you more specific questions with
15 regard to that.

16 Did that job description, as it appeared in the
17 site QA organization document, did it tell you the
18 specific standards by which your performance would be
19 judged?

20 Did it say, "You've got to be here at least X
21 number of days, or else that will be treated as a non-
22 performance of duty, or that you must be available to
23 work whenever asked by certain identified people"?

24 In other words, did it have that level of
25 specificity?

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1 A No, it did not.

2 Q Did you know when you took that position what
3 you would have to do in order to perform satisfactorily
4 for purposes of the people who would be reviewing your
5 work at whatever time those reviews took place?

6 A The answer to your question is yes. But I
7 think it's worth clarifying that there are actually two
8 different groups of people that evaluate my work.

9 Q Okay.

10 A One is Texas Utilities, and the other one is
11 my employer.

12 Q Let's just look at Texas Utilities for a
13 second. Did you know whether if you were absent without
14 cause or prior notice for one day, that would result in
15 your being fired, or TUGCO saying they no longer want --
16 telling EBASCO they no longer wanted your services?

17 A I don't really understand your question, Mr.
18 Roisman.

19 Q Well, if you woke up one morning, you're getting
20 ready to go to work, and it's just one of those days in
21 which for whatever the reasons -- if everything else were
22 equal, you just wouldn't go to the office that day.
23 Did you have any idea what the consequences would be to
24 you if you just didn't go in that day? You didn't call
25 anybody; you didn't show up down at the office; nothing.

1 You just didn't go there, and the next day you just showed
2 up at work like nothing had happened.

3 Did your job description or your knowledge of
4 what your performance criteria were give you any
5 indication of what would be the result of that?

6 A My experience in the industry and with several
7 different employers in a professional type position
8 mandates that it's a professional courtesy to your
9 employer and/or a client that you are representing, that
10 if you're not going to be there, you call them and let
11 them know, or let them know in advance that you're not
12 going to be there.

13 In that sense, it's never an issue. If I wasn't
14 going to be there, I'd call or let them know.

15 If your question is whether there were written
16 guidelines saying you could miss one day without calling
17 in without being terminated, two days or ten days or
18 twenty days -- no, sir, that was not identified.

19 Q Now, how about while you were in that position,
20 your own criteria with respect to persons who were working
21 for you, when would you consider it appropriate to recommend
22 that they be terminated, if they didn't call in and tell
23 you that they weren't going to be there on a particular
24 day? Did you have any criteria for that?

25 A At that time the two major supplier personnel

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1 were EBASCO Services and Brown & Root. Both companies
2 had personnel policies that state if you're not going to
3 be at work, that you shall call in.

4 Q Do they state what the consequences are if you
5 don't do that?

6 A Brown & Root's do. EBASCO's do not define any
7 specific disciplinary action for failure to call in.

8 Q And what does Brown & Root prescribe?

9 A I do not know without looking at the policy,
10 sir.

11 Q In the job description -- We're still talking
12 now about the period of February '82 to March of '83. In
13 the job description that appeared to you, is there any
14 indication of whether you would be judged on how you
15 dealt with employees who you felt needed to be disciplined?

16 A In any supervisory position I have ever
17 held, I felt going into it that I understood what was
18 expected of me. As far as directing subordinates'
19 activities in both assigning daily work activities and
20 administering disciplinary action.

21 Q And what was your understanding of that then
22 with respect to your employment for the February '82 to
23 March '83 time period at Comanche Peak?

24 A I was to administer discipline sufficient to
25 ensure an efficient operation of the OA/QC group, and to

1 maintain a professional type atmosphere within the group
2 itself.

3 Q And what was your understanding of what would
4 the consequences be to you if you did not fulfill those
5 responsibilities in a single instance? In one instance
6 you did not fulfill that responsibility, one employee.

7 A That question is almost impossible to
8 answer because it would depend greatly on the incident,
9 the situation surrounding the incident and the type of
10 action I took.

11 Q Looked at now from your perspective, are you
12 saying that going into the incident, you would not have
13 been able to predict with any certainly what management's
14 response would be to the particular conduct that you were
15 about to engage in?

16 A No, I'm not saying that at all.

17 Q Would you have been able to predict with a
18 fair degree of -- high degree of confidence?

19 A Yes, sir.

20 Q What would be the basis for your ability to
21 make that prediction?

22 A My experience in supervision, my familiarity
23 with this utility itself by that point.

24 Q At this time, in February '82 to March of
25 '83, were you assigned to TUGCO or were you assigned to

3-10

1 TUGCO, or were you assigned to Brown & Root?

2 A I was assigned to TUGCO.

3 Q What did you believe would happen to you if
4 you were to approach an employee who had -- who was under
5 your supervision and threatened that person with taking
6 away their certification to be a QC inspector if they did
7 not quit writing NCR's that you believed were inappropriate?
8 Did you have an opinion as to what you thought would be
9 the consequences, if any, if you were to do that?

10 A You have put so many conditions in your
11 hypothesis, Mr. Roisman, it's tough for me to answer. I
12 need to know, before I can answer the question -- I would
13 need to know what the instance was that the NCR was
14 written, how many times NCR's without merit had been
15 written by that specific individual -- several other --
16 I would need to know more of the surrounding circumstances
17 before I could answer your question.

18 Q Let's see if we can try to fill those in for
19 you. Let's assume it was the first time, and that it was
20 an NCR on electrical cable tray that the person found a
21 separation between the cable tray and another cable
22 tray that in his judgment did not meet the specifications;
23 in your judgment it did.

24 He was going to write up his NCR, and you then
25 made the comment I previously referred to to this person.

1 A Number one, given that circumstance, to make
2 the assumption I would threaten anyone with pulling
3 their certifications -- I think was the term you used --
4 is a false assumption because it just doesn't happen.

5 Q I'm sorry. I wasn't making it as an
6 assumption. I was giving it to you as a hypothetical
7 to test your understanding of what consequences might
8 flow to you were you to do that.

9 A I never considered it, and I still wouldn't
10 consider it as a hypothetical because it's just so far-
11 fetched. It's hard for me to imagine that I'd ever do
12 that.

13 Q All right. Let me ask you at what point in
14 the relationship between you and this hypothetical person
15 who's writing NCR's that you think are not appropriate
16 would you in your judgment feel that it was an appropriate --
17 that it was appropriate for you to say, "If you do one more
18 of those, I'm going to have your certification taken
19 away," or "I'm going to seek to have it taken away."

20 A Once again, I have a hard time imagining that
21 I would have threatened the individual with more of
22 these -- "I'll pull your certification" type statement.

23 In my position then I was certified as a Level
24 3. A Level 3 position, as described by ANSI N45.2.6,
25 is to assure that personnal operating under him are

1 properly certified and qualified. If an inspector
2 kept making -- or made redundant errors in judgment on
3 the same issue, I would certainly as a Level 3 have to
4 evaluate the need for additional training.

5 In the period that that additional training
6 was conducted, pulling his certification -- to use your
7 terminology -- would be certainly a consideration taken;
8 rather than threatening -- once again using your term --
9 the inspector with "One more of these and I'll pull your
10 certification." It would have been much more like my mode
11 of operation to sit down and talk to him and ask him why
12 he felt it was a problem, try to figure out where he was
13 coming from and try to talk to his supervisor about his
14 apparent misunderstanding in a given area.

15 If he continued to make the same mistake or
16 in what my judgment appeared to be a mistake -- as I said,
17 as a Level 3 I'd certainly have to consider the need for
18 retraining and recertification in that particular area.

19 Q Do you have any idea of what consequences might
20 flow to you -- or did you have any idea of what
21 consequences might flow to you when you were in the
22 period February '82 to March '83 position, if you did
23 not follow the proper procedure with respect to the
24 treatment of employees under your supervision, in terms
25 of giving them criticism and attempting to make them act

3-13

1 in a professional manner.

2 MR. WATKINS: You haven't established that
3 there is a procedure for doing that.

4 BY MR. ROISMAN:

5 Q Is there a procedure for doing that?

6 A What do you mean by "procedure"?

7 Q Is there an accepted approach -- accepted
8 course of conduct for you to take for disciplining
9 employees under your supervision who are not performing
10 in the way that you believe they should?

11 A There is an approved approach, yes, sir.

12 Q And is that a written or an oral?

13 A If you're talking strictly about technical
14 job performance, it's a regulatory requirement, as I
15 stated earlier. If you're talking about job behavior
16 or administrative type policies, it's written for some
17 contractors and understood for others.

18 Q What was it for you when you were in this
19 position for TUGCO -- written or understood entry?

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1 A I don't understand whether your question
2 refers to discipline that I administered or disci-
3 pline that would be potentially administered to me.

4 Q No, I'm talking about discipline that you
5 would administer.

6 A As I think I stated, Mr. Roisman, maybe
7 we're misunderstanding each other, if I were to
8 administer discipline for technical or a poor job
9 performance in a technical sense, that requirement
10 is mandated by regulatory requirements.

11 Q Which is the requirement that's mandated
12 by regulatory requirements, how you exercise the
13 discipline or what constitutes the improper conduct?

14 A How discipline is to be exercised certainly
15 isn't.

16 Q That's the only part I want to focus on
17 for a moment. I don't want to focus on the question
18 of whether in the particular instance some discipline
19 was appropriate or not. I only want to focus on for
20 you, what were the procedures that were available to
21 guide you in determining how to impose discipline
22 with respect to conduct of a person under your super-
23 vision who you believe was not performing their job?

24 A Performing their job correctly in a
25 technical sense?

1 Q Either. In any way they're under your
2 supervision, you are responsible for them doing their
3 job right. How do you know what discipline to impose
4 on them is they aren't doing their job right? If
5 it's important to your answer, tell me whether it's
6 that they made a technical mistake or that they were
7 drunk on the job, whatever you want to do.

8 A If they made a technical mistake, it was
9 my responsibility as a Level 3 to continually evaluate
10 their job performance and be sure that they had proper
11 training and sufficient training to adequately perform
12 their job.

13 As far as what I did as a disciplinary
14 act, it was a judgment call based on my experience as
15 a Level 3. To say that absolute disciplinary require-
16 ments such as if you make three technical errors, you
17 get your certifications pulled, or if you make thirty
18 technical errors, you get your certification pulled,
19 that's not defined anywhere to my knowledge. As far
20 as administrative type errors, as far as using the
21 reference, using the example you referenced, drunk on
22 the job, those types of things are prescribed.

23 Q The disciplinary action to take is
24 prescribed?

25 A Yes, sir.

1 Q And what are the particular acts of
2 misconduct for which disciplinary is described?
3 We've talked about drunk on the job. Are there
4 others, or is that a sub-class of some larger
5 class?

6 A I don't have the document in front of
7 me. Some examples I can think of off the top of
8 my head are fighting, alcohol or drug usage on the
9 job, under the influence of drugs or alcohol on the
10 job, security violations, are reasons for immediate
11 termination. There are reasons listed for suspension
12 without pay, and then there are other examples that
13 are if first-time offenses, stipulated as reason for
14 formal counseling.

15 Q And what is the document in which this is
16 set forth? Does it have a name?

17 A For Brown & Root employees, it's N -- I
18 don't know the name of the document. It's a series
19 of personnel notes that's essentially the job rules.

20 Q How about TUGCO?

21 A TUGCO's are essentially the same. I have
22 not seen a formal document stating the same. Those
23 are all understood. But the same types of violations
24 are reason for immediate termination.

25 Q And how are the employees made aware of

1 these?

2 A I think it depends largely on who the
3 employee is paid by and the types --

4 Q Let's start with TUGCO. How does a
5 TUGCO employee know?

6 A In the orientation they receive from
7 Texas Utilities.

8 Q And a Brown & Root employee?

9 A I believe every Brown & Root employee is
10 required -- is issued a copy of what Brown & Root
11 calls the job rules, and they should sign a copy of
12 that when they are initially employed at the site.

13 MR. ROISMAN: Off the record a second.

14 (Off the record.)

15 MR. ROISMAN: Might we get a copy of the
16 Brown & Root job rules?

17 MR. WATKINS: It's possible. I'd like
18 you to reduce that request to writing.

19 MR. ROISMAN: I thought I'd like to have
20 it for this afternoon's session with Mr. Brandt. I
21 don't have any way to reduce it to writing short of
22 writing it on a yellow piece of paper.

23 MR. WATKINS: I can try to arrange that
24 now. Would you like to take a recess?

25 MR. ROISMAN: Sure, if you want.

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MR. WATKINS: Off the record.

(Recess.)

1 MR. WATKINS: If we could go back
2 on the record. Before the recess, Mr. Roisman
3 requested that we supply him with certain Brown
4 & Root personnel policy notes. I'm not sure
5 that's what the name of these documents are.
6 My understanding is that these documents have
7 been produced to Case in connection with the
8 licensing proceeding at some point. We are
9 trying to get a copy here, Mr. Roisman, in
10 time for lunch and we will supply you with
11 them then.

12 MR. ROISMAN: I appreciate the
13 courtesy, thank you.

14 MR. WATKINS: May I ask whether you
15 are also interested in TUGCO and/or Ebasco
16 disciplinary documents?

17 MR. ROISMAN: I'm not interested
18 in Ebasco, particularly. But the TUGCO ones
19 would be helpful. I believe the witness's
20 testimony was that the Brown & Root and TUGCO
21 were essentially the same, and he wasn't sure
22 about that. If there's any question, Mr. Brandt,
23 say so now, and we should have them now.

24 THE WITNESS: The rules, themselves,
25 are essentially the same and are contained in

1 the same document.

2 BY MR. ROISMAN:

3 Q. I understand that. But if we ask you
4 questions about the rules and what we're looking
5 at is the Brown & Root rules. Would we be
6 essentially getting information that would
7 be equally applicable to the TUGCO employees
8 to the extent that we're--

9 A. The method of application of
10 disciplinary actions is different for TUGCO
11 employees than it is for Brown & Root, which
12 I think is natural for any two different
13 contractors or a utility and a contractor.

14 Q. Is the method for application
15 something that is part of the documents or
16 is that a matter, the practice of the
17 individuals applying the rules in the
18 documents?

19 MR. WATKINS: If I could interpose,
20 not really an objection, but to ask for
21 clarification. Perhaps you should ask whether
22 any TUGCO employees are QC inspectors and if
23 so, how many in the non-ASME QA/QC organization.

24 BY MR. ROISMAN:

25 Q. That sounds like a good question.

1 Consider that asked, Mr. Brandt.

2 A. The answer is yes, there's one. He
3 is a receiving inspector.

4 Q. But there are many others who are
5 QC in the ASME area, correct?

6 A. TUGCO?

7 Q. Yes.

8 A. None.

9 Q. None in the ASME area and only one
10 in the non-ASME area?

11 A. (Witness nods head affirmatively.)

12 MR. WATKINS: Again, we're referring
13 to the period covering 1982 to March, 1983?

14 MR. ROISMAN: Yes, but as I understand
15 it--correct me if I'm wrong. The document in
16 question is one that is current today? The one
17 that you're trying to get is not one that stopped
18 being current in March of '83--excuse me, November
19 of '83?

20 MR. WATKINS: One of the problems
21 we're going to have in dealing with this document
22 is--I have no idea; I will try to find out
23 whether it's a living document and what changes
24 have been made.

25 MR. ROISMAN: All right.

1 BY MR. ROISMAN:

2 Q. But in your position beginning in
3 November of '83 through March of '84, when you
4 were working as the staff engineer for the site
5 QA supervisor, would there be TUGCO individuals
6 who would have been if Mr. Tolson had chosen
7 to delegate the authority to you under your
8 supervision who were QC personnel?

9 A. At that time, I believe there were
10 a--in March of 1984, they had just brought in
11 five additional TUGCO people.

12 Q. I've got a simpler way of dealing
13 with this. Later on I'm going to talk to you
14 about the T-shirt incident. Were there any
15 TUGCO employees who were wearers of the T-shirt
16 or otherwise QC inspectors that were involved
17 in that?

18 A. Not to my knowledge.

19 MR. ROISMAN: But I don't think we'll
20 need the TUGCO one. That's the only one that's
21 going to come up in the subsequent period when
22 he would have had that responsibility. Thank
23 you, Mr. Watkins, for clarifying that.

24 BY MR. ROISMAN:

25 Q. I will just move off of that area

1 for now, and we'll come back to it when we've
2 got the document in front of us. I want to go
3 back again to this question of how your performance
4 was rated. First of all, what is the difference,
5 if there were any, between the rating criteria
6 that Ebasco used and rating your performance
7 while you were assigned to the Comanche Peak
8 project and the rating performance that you got
9 from the organization to whom you were assigned
10 at the Comanche Peak--

11 MR. WATKINS: Objection. Mr. Roisman,
12 you haven't established that there is a rating
13 system.

14 BY MR. ROISMAN:

15 Q. Were you in any way evaluated in your
16 job by Ebasco?

17 A. Yes.

18 Q. Were you in any way evaluated for the
19 performance of your job by the organization to
20 whom you were assigned on the Comanche Peak
21 plant site?

22 A. A formal evaluation?

23 Q. Anything that gave you some specific
24 feedback as to whether you were doing a good job,
25 doing a bad job, or gee, you're kind of a little

1 of both.

2 A. Let me try to use an example to
3 clarify your question.

4 Q. All right.

5 A. If you're working for me, I contract
6 you to mow my front yard, and you do it weekly,
7 and I say--

8 Q. Is that with two e's?

9 (Laughter.)

10 A. Yes. I say, Mr. Roisman, you didn't
11 do a very good job last week, you know, you
12 missed trimming around these trees; is that
13 an evaluation?

14 Q. Yes, it's a feedback; it's a way
15 that you know your job--

16 A. The answer to your question is yes.

17 Q. All right. My question to you then
18 is: With respect to your evaluations in this
19 job, what were the differences between the types
20 of things for which you were being evaluated by
21 the people to whom you were assigned at Comanche
22 Peak and the types of things for which you were
23 being evaluated by Ebasco? What I'm really
24 interested to know is did Ebasco attempt to
25 evaluate you on how you performed particular

1 duties on the site? What do they evaluate on?

2 Well, the person who you were assigned
3 to on the site said you were doing--and if that
4 person reported back to Ebasco and said this
5 is the best guy we've ever had, that's what
6 Ebasco was evaluating you on or were they also
7 independently trying to figure out, did you
8 do a good job of supervising this particular
9 QC job?

10 A. That's a pretty complex question,
11 and I'll try to give you as simple an answer
12 as I can. Essentially, the last, next to the
13 last suggestion you made in your question in
14 that Ebasco's evaluation was based on input
15 they received from how well I was doing my job
16 at Comanche Peak from my supervisor at Comanche
17 Peak. In addition to that, Ebasco's review
18 was a little bit more inclusive in that Ebasco
19 also considered how it was implementing Ebasco's
20 administrative policies, which are sometimes outside
21 the scope of TUGCO's review.

22 Q. Were those administrative policies
23 relevant to people who were employed by Ebasco
24 who were under your supervision who were at
25 this plant site; is that what you're talking about

1 in terms of administrative?

2 A. Yes.

3 Q. Is it your understanding that the
4 persons to whom you were assigned at the Comanche
5 Peak site organizations to whom you were assigned,
6 made written evaluations of your performance
7 back to Ebasco on some kind of a regular basis?

8 A. No, they did not.

9 Q. Do you know how they communicated
10 your evaluations?

11 A. Orally.

12 Q. Were you made aware what was
13 communicated?

14 A. Yes, I was.

15 Q. Were you in attendance when the
16 oral evaluation was done?

17 A. No, I was not.

18 Q. Who reported to you on what those
19 evaluations were?

20 A. On what was reported to Ebasco?

21 Q. Uh-huh.

22 A. My supervisor who was at Ebasco.

23 Q. And that was?

24 A. Terry Hoops.

25 MR. WATKINS: Could you spell Hoops

1 for the record?

2 THE WITNESS: H-o-o-p-s.

3 BY MR. ROISMAN:

4 Q. At the time that you were transferred
5 from or moved from your position as the non-ASME
6 QA/QC supervisor in November of 1983, to the
7 position staff engineer for the site QA supervisor,
8 do you know if an evaluation was done of you that
9 went to Ebasco?

10 A. Once again, Mr. Roisman, I don't
11 understand specifically what you're asking.
12 There was a constant--I don't mean daily--but
13 there was a rather free-flowing information
14 between Texas Utilities and Ebasco.

15 Q. Regarding your performance?

16 A. Regarding my performance. Not on
17 a daily--probably not even a weekly basis, but
18 my boss with Ebasco and the supervisor to whom
19 I was assigned at Texas Utilities, Mr. Tolson,
20 had frequent communication.

21 Q. Prior to the November of 1983, are
22 you aware of any adverse--strike the word
23 adverse--are you aware of any reports that
24 were made on your performance by the TUGCO
25 personnel to Ebasco that indicated any dissatisfaction

1 with the work that you were doing?

2 A. The only report to which I'm aware
3 that could be construed as even moderately
4 negative was I was working so many hours in
5 the summer of 1983 that Tolson called Hoops
6 and stated, you know, he's got to get off the
7 site for a week and give him a break. He is
8 just worn out. It was never a problem for
9 Ebasco when I took vacation. It was more of
10 a case of supply and demand for the utility.
11 To me, that's not necessarily negative when
12 you are going sixty and seventy hours a week
13 on the site, and around the high-pressure job
14 as well as commuting ten to fifteen hours a
15 week and spending probably five to ten hours
16 a week working, you get worn out. If that's
17 negative, that report was communicated to
18 Ebasco.

19 Q. Are you familiar with a document
20 which I am now going to show you just marked
21 as Exhibit 45-1, a type of report on allegations
22 of cover up and intimidation by TUGCO. Does
23 quality assurance by--when there are two
24 individuals, then approved by a third individual,
25 dated August 19, 1983. Let me make clear for

1 the record that the document that I am showing
2 you is a sanitized version of what is--there's
3 a substantially more complete version of this
4 that is contained in a proprietary record.

5 MR. WATKINS: Mr. Roisman, to whose
6 deposition does this belong?

7 MR. ROISMAN: That exhibit number
8 and that document is to the deposition of
9 Mr. Tolson, which was taken yesterday. Now,
10 the nonexpurgated version is appended to the
11 depositions of Mr. Keeley, Spangler and Kahler,
12 who are the authors and approvers of the document.

13 MR. WATKINS: Have you offered this
14 document?

15 MR. ROISMAN: No. This document has
16 not been offered. It has just been marked.

17 (Document handed to witness.)
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1 THE WITNESS: No, I've never seen the document.
2 Now, state the question.

3 BY MR. ROJMAN:

4 Q Okay, has anybody ever talked to you about the
5 contents of the document, to the best of your knowledge?

6 A No.

7 Well, rather obviously, if I've never seen it
8 and the length of the document, I haven't read the
9 document.

10 Q No. That's correct.

11 But to the best of your knowledge, no one
12 ever talked to you about an August 19, 1983 report on --

13 A No, sir.

14 Q Do you have a recollection of being interviewed
15 or talked to by either Messrs. Keeley, Spangler, or
16 Kahler with respect to the subject matter of the
17 document, which is a report on allegations of cover-up
18 and intimidation?

19 A No, I do not.

20 Q Let me ask you to direct your attention, if you
21 would, please, to page 5 of the document and look at the
22 paragraph numbered 3 -- and particularly the last three
23 lines thereof and see if that helps refresh your memory
24 about whether you may have had any communication with
25 these individuals while they were preparing the document.

1 A I recall the incident involved.

2 Q I'm sorry. When you say "the incident,"
3 which are you referring to?

4 A The incident of the communication between the
5 audit team and myself.

6 As far as discussing the incident with any of
7 the three gentleman mentioned on the cover, no, I have
8 never done that.

9 Q Now, the audit team that you're talking about
10 -- just so that there's not any confusion -- is not the
11 audit team that is preparing this report, but the audit
12 team about whom this report is being prepared; is that
13 correct?

14 A Yes, sir.

15 Q At the time of the -- and we'll come back to
16 this later. For the moment, my interest is only in the
17 question. Do you know whether anyone at the TUGCO --
18 at TUGCO, communicated to EBASCO anything regarding your
19 participation in this give-and-take with the original
20 audit team that was looking at the question of whether
21 a particular NCR had or had not been properly written?

22 A I'm quite confident that it has not.

23 I would also like to add at this point that
24 I think had any of the three gentleman preparing the
25 report discussed this incident with me, it would be

1 reported in a much different context than it is.

2 Q Is Mr. Tolson the person who, during your
3 entire assignment at the plant, at Comanche Peak, would
4 have been the person through whom reports on your
5 performance would go to EBASCO?

6 Or are there other people who might also have
7 been making reports to EBASCO?

8 A I think it's reasonable to believe that
9 Mr. Tolson would have always done it.

10 Q And that is still true in your very current
11 position as well?

12 A I think that's the highest likelihood. No
13 one below Mr. Tolson's level would have ever done it.

14 The position I am currently working in, I
15 work almost on a daily basis with vice presidents and
16 executive vice presidents. And knowing the personalities
17 involved, they certainly have no hesitation to pick up
18 the telephone if they're upset about something.

19 Q Are you fairly confident that you have been
20 made aware by your employers at EBASCO of the substance
21 of the communications that took place between Mr. Tolson
22 and EBASCO regarding your performance at this plant?

23 A Yes, I am.

24 Q Are you aware of any incidents in which
25 Mr. Tolson expressed any dissatisfaction with or concern

1 reported in a much different context than it is.

2 Q Is Mr. Tolson the person who, during your
3 entire assignment at the plant, at Comanche Peak, would
4 have been the person through whom reports on your
5 performance would go to EBASCO?

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17 involved, they certainly have no hesitation to pick up
18 the telephone if they're upset about something.

19 Q Are you fairly confident that you have been
20 made aware by your employers at EBASCO of the substance
21 of the communications that took place between Mr. Tolson
22 and EBASCO regarding your performance at this plant?

23 A Yes, I am.

24 Q Are you aware of any incidents in which
25 Mr. Tolson expressed any dissatisfaction with or concern

1 about your performance of your duties while assigned to
2 the Comanche Peak plant for the whole period now, not
3 limiting it to any one of them?

4 A Other than the, I think, somewhat humane
5 concern that I previously described during the summer of
6 1983, that I get off the site for a week and take a
7 vacation -- that's the only one of which I am aware.

8 Q Now, let's turn our attention to your
9 performance as evaluated on the Comanche Peak site.

10 And I think we will need to go to the
11 particular time period -- well, perhaps I should ask a
12 preliminary question.

13 At the time that you were working at Comanche
14 Peak, from the very beginning on, was the person who would
15 be responsible for giving you an evaluation of your work
16 at TUGCO always Mr. Tolson?

17 A Yes.

18 Q Were there ever any other people who did give
19 you an evaluation of your work who were in a position to
20 supervise you?

21 I understand your coworkers might have told you
22 a few things, but that's not what I'm talking about.

23 Anybody in the supervisory capacity that you
24 can remember?

25 A When I was originally assigned -- for

1 approximately three months, I guess, in 1980 -- we were
2 assigned to Mr. Tolson. However, he had us working --
3 there was only two EBASCO employees at that time -- had
4 us working very closely with the quality engineering
5 supervisor at that time.

6 In one sense, I guess you could say that
7 person supervised us. We were more of an independent
8 entity.

9 At that time, we were given a project, put
10 in a trailer, and said, "Get this done." It was a
11 very specific, very well-defined project that we were
12 sent there for originally.

13 We made daily progress reports on those to
14 the quality assurance supervisor at that time, rather
15 than directly to Mr. Tolson.

16 Other than that approximately three-month
17 period, I've always reported directly to Mr. Tolson.

18 Q Okay.

19 Now, how did Mr. Tolson communicate his
20 evaluations of your performance to you? In what ways
21 did he do that, if he did it at all?

22 A Orally.

23 Q And did he do it at specified times?

24 A Just about every day.

25 Q Was there any point in the course of the

1 year, or whatever -- the six-month period -- when there
2 was sort of a summation, when you would be called in by
3 Mr. Tolson, he'd say, "Let's go over your performance for
4 the last six months"?

5 A No.

6 Q Never a kind of summary of it?

7 A Not -- no, not by Mr. Tolson, no.

8 Q Who other than Mr. Tolson?

9 A No one at TUGCO.

10 Q That would get us back to EBASCO, I assume?

11 A Right.

12 Q Can you remember, in the course of those
13 communications, any incidents in which Mr. Tolson expressed
14 dissatisfaction with or concern about your work at the
15 Comanche Peak plant to you?

16 MR. WATKINS: Objection.

17 How is all of this relevant to the issue at
18 this stage of the proceeding, which is the alleged
19 intimidation of QC inspectors?

20 MR. ROISMAN: There's a whole bunch of people
21 who said Mr. Brandt was doing just that.

22 I'm trying to find out whether or not Mr. Tolson,
23 who was often made aware of that, ever said anything to
24 Mr. Brandt about it.

25 I referred here to just one such example. And

1 I'm merely trying to determine whether or not Mr. Brandt
2 was ever instructed in this regard or given any guidance
3 or told that's not right with respect to any of these
4 activities of which he has been accused.

5 MR. WATKINS: Your question was did he ever
6 express any dissatisfaction with Mr. Brandt's work.

7 Would you like to limit it, then, to that
8 subject matter?

9 MR. ROISMAN: First, I want to know if he
10 did. Then, I want to ask him about those particular
11 things.

12 If I didn't do that, you'd say to me, "We
13 don't know that he ever had any dissatisfaction."

14 You know, Mr. Watkins, we can play this game,
15 and you and I can spend the rest of our lives in
16 Glen Rose.

17 I'm trying to ask the witness questions that
18 he will understand that are not going anywhere. When
19 I'm two minutes into the questioning and you think he
20 was off on a tangent, that's fine to get in. When I'm
21 just starting it, I think we both would get along a lot
22 better if you would control that natural tendency to
23 interrupt and let me and Mr. Brandt get to where we're
24 headed.

25 I'm not trying to ask questions that are

1 irrelevant. I'm just trying to lay foundation.

2 So far, all your objections have been "You
3 didn't lay a foundation. You never asked him if he got
4 evaluated."

5 So, now I'm asking him if he knew of any
6 instances. Okay?

7 BY MR. ROISMAN:

8 Q Mr. Brandt, would you like it repeated?

9 A Yes, please.

10 Q Okay.

11 My foundation question to you is: Do you
12 recollect any instances in which Mr. Tolson indicated to
13 you any dissatisfaction with your performance or any
14 concern about the nature of your performance of your
15 responsibilities while you were under his supervision?

16 A I think it's natural to assume that whenever
17 you have somebody supervising another person, unless
18 that is the only person he supervises and the only
19 thing he does, there's going to be things that the
20 supervisor would have done differently than the
21 subordinate.

22 And certainly the subordinate is going to
23 do things that the supervisor does not understand at
24 the time.

25 In that context -- I won't say daily, but

1 regularly -- Tolson and I had conversations with --
2 "Brandt, I don't understand what you did here, both on
3 technical and administrative issues. Why did you do this?"
4 And we'd sit down and talk about it.

5 There were also issues to where he disagreed
6 with what I did. Those we also talked about.

7 Some, after our discussion, I agreed with him
8 I probably should have done differently. Some, after our
9 conversation, I'm sure Tolson thought that I did the right
10 thing.

11 If we're going to get down to each daily event
12 for which those conversations -- those type of conversa-
13 tions occurred, you and I will be at Glen Rose for the
14 rest our lives.

15 Q I have no intention of doing that.

16 I wanted to get exactly the answer that you
17 gave. I wanted to know sort of the nature --

18 A It was a daily interface-type thing. Everything
19 Tolson did I didn't understand. Everything I did Tolson
20 didn't understand. We were both very busy -- still are,
21 for that matter.

22 And when he does something that I don't
23 understand where he's headed or I do something that he
24 doesn't understand where I'm headed or why I'm doing it,
25 we sit down and talk about it.

1 Q Do you remember any instance in which the result
2 of the discussion left the two of you still in disagreement?
3 Neither of you persuaded the other?

4 A Oh, yes.

5 Q Now, let's just start with that latter subgroup
6 for a moment.

7 In any of the other instances in which you and
8 he were in disagreement, did any of those relate to ways
9 in which you handled the disciplining or correcting the
10 conduct of people who are under your supervision?

11 A No, not that I can recall.

12 Generally, our disagreement were over procedural
13 or administrative-type matters or technical matters.

14 Q I think I understand technical matters. But
15 could you just tell me, by example or otherwise, what do
16 you mean by "procedural" or "administrative"?

17 A I'll give you an example that still sticks in
18 my mind.

19 In 1983 -- and this is probably a poor example,
20 but as I said, it sticks in my mind. In 1983, a parking
21 lot was moved. Salaried employees had always been
22 permitted to park in a different parking lot than the
23 craft personnel. They moved the parking lot down the
24 hill, to where it was a much smaller lot and could
25 accommodate fewer cars.

1 Solson made the decision that all QA/QC
2 personnel who didn't have gate access or ability to drive
3 on the site would park in the craft parking lot.

4 I didn't particularly like the decision then or
5 the decision now. That was one matter that we definitely
6 had a disagreement on.

7 He decided that's the way it was going to be.
8 It was his call to make. I accepted that, and I implemented
9 that decision.

10 By no means does it indicate that I agreed
11 with the decision.

12 Q But that's an example of what you would call an
13 administrative --

14 A Yes. Or amounts of overtime work by any one
15 individual or any one group -- those types of discussions.

16 As far as how I disciplined people, I don't
17 ever recall an occasion to where we had a disagreement or
18 misunderstanding that resulted in us parting still at
19 opposite ends of the spectrum.

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mm7pb1

1 Q When Mr. Tolson was giving you your evaluations
2 of your performance periodically -- almost daily I think you
3 testified -- would you have considered it to be reasonable
4 that part of what he would evaluate you on is how you did
5 deal with the question of disciplining individuals under
6 your supervision?

7 A Yes, sir.

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8 Q Mr. Brandt, I'm now going to give you that
9 opportunity that you seem to feel that the people who did the
10 August 19, 1983 report never gave you. I'm going to let you
11 tell your side of this incident involving the NCRs. So I'm
12 going to ask you if you need to, to refresh your memory either
13 to look at those several pages of the report or if you
14 remember the event that was being investigated there
15 adequately, we can get down to the specifics that I'm concerned
16 with, which is that portion in paragraph 3 on page 5 of the
17 document previously marked as Exhibit 45-1.

18 A Okay. And I hope we're limiting the scope of
19 this answer just to this specific incident. I assume that's
20 the case. This incident surrounded an audit performed --

21 MR. ROISMAN: Excuse me, may I just say one thing?
22 Are you aware that there are certain names and details of
23 the particular incident which have been deleted from the
24 document we're discussing in order to protect certain
25 individuals? If not, maybe we should postpone this until

mm7pb2

1 Mr. Watkins -- I do not want to put this in camera, and I
2 don't think we need to have that level of detail to have our
3 discussion. But I don't want the witness to inadvertently
4 discuss things if he's not aware of what the protective order
5 limitations are.

6 MR. WATKINS: He can testify without mentioning
7 the names of individuals involved, so long as you understand
8 who they are. Would you?

9 MR. ROISMAN: Although I've signed the protective order,
10 I don't know who they are either. It's not relevant to this point. I'll
11 match that up later. What I didn't want to have happen was, I didn't want
12 his testimony to end up disclosing one of the things the
13 document contains is portions of the specific incident have
14 also been deleted in order to prevent people from knowing
15 who the person was.

16 I just want to make sure the witness is comfortable,
17 and you, Mr. Watkins, are comfortable that the witness knows
18 what to talk about in order to avoid making that disclosure
19 occur inadvertently.

20 MR. WATKINS: Could we go off the record.

21 (Discussion off the record.)

22 BY MR. ROISMAN:

23 Q The next line of questioning I want to deal with,
24 Mr. Brandt, is how you perform your job of disciplining
25 individuals whose conduct you feel is not appropriate. And

mm7pb3

1 let's go back to an earlier statement that you made. You
2 defined the general responsibility that you have in seeing
3 to it that people do their job, is seeing to it that they
4 carry out their jobs in an efficient way, I believe you said,
5 and in a professional way.

6 A I think that was in response though, Mr. Roisman,
7 to a discussion of job behavior. I previously discussed
8 that they had certain regulatory requirements to meet in
9 performing their jobs.

10 Q Yes, I'm sorry. I'm focusing only now on that
11 aspect of it. Can you tell me, what do you mean by efficient
12 and professional? What do those terms mean to you?

13 A By efficient I mean getting the job done correctly,
14 meeting all requirements of the job and yet doing it in
15 a reasonably expeditious fashion, not always taking the most --
16 or not always taking the extremely well-defined route to
17 completion, but at least heading in the direction of completion
18 rather than circumventing the issue.

19 And professional -- by the term professional I
20 meant in conducting one's own demeanor in a manner that is
21 commensurate with the position in that you wouldn't expect --
22 I wouldn't expect a QC inspector to behave on the job like --
23 I don't mean to be demeaning to anyone, but I would expect a
24 little more out of the QC inspector than I would the average
25 craftsman.

mm7pb4

1 Q When you speak of demeanor, what you are talking
2 about? You mean how they're dressed?

3 A No.

4 Q The language they use?

5 A The language they use, the way they conduct
6 themselves, being able to just sit and discuss something,
7 discuss a problem they had. For example, with either their
8 supervision or with construction or construction's
9 supervision in a logical, calm fashion. And not when they
10 have a disagreement wanting to pick up a piece of rebar and
11 go after somebody in primitive style fashion, or yelling and
12 screaming at someone.

13 Q Would you feel that that -- what you described
14 there. Let's talk about the yelling and screaming at someone,
15 that that might be the demeanor that one would consider more
16 normal among craft than among the QC? Was that the contrast
17 you were seeking to make?

18 A As I stated, I don't mean to be demeaning to
19 anyone. Everybody has a job to do. But I think you will
20 agree with me that there is behavior that would be accepted
21 in a construction environment out paving a highway, for
22 example, that would not be considered acceptable behavior
23 in IBM's corporate office.

24 For example, if you wanted someone -- and this is
25 a ridiculously simple example -- if you wanted someone on a

mm7pb5

1 highway construction project you might say "hey" and just
2 scream at them. You wouldn't do that in an office environment.
3 Professional is a weird term. I've never been asked that
4 question. I've never been asked to define it.

5 But maybe the term in a more refined fashion is
6 what I'm trying to say Not refined to the level of being a
7 stiff-shirt type performance or a white-collar type
8 performance. Certainly with total lack of respect to how
9 they're dressed, because to me if you have an office job you
10 dress much differently than if you're out crawling around
11 under equipment all day.

12 Q Why is this important? Why does it matter whether
13 your QC inspector shows up and has the demeanor that's more
14 appropriate to the construction site than to the office?
15 What does that have to do with them doing a good job in your
16 judgment?

17 A It has more than anything, I think, once a QC
18 inspector loses credibility I think his job performance is
19 automatically going to go down because he is working
20 essentially in an adversarial role. His job is much like
21 a policeman, although I don't like the term policeman for a
22 QC inspector because that's not really his job. But that's
23 the way most craftsmen view it. He's out here checking my
24 work. He will write me a ticket, as such, if it's
25 unacceptable, being an unsatisfactory inspection report or

mm7pb6

1 make me fix it if it's wrong, or make me more conscious of
2 what I'm doing wrong.

3 And to me, I think a key to getting along, a key
4 to completing the job is the ability of the craft and
5 engineering and the quality assurance personnel to work
6 together. And to minimize the adversarial effect that they
7 have on one another, particularly when you're working in
8 135 degree heat, 50 and 60 hours a week. And I know if I
9 was a craftsman and the QC inspector walked up to me and
10 said -- and belittled me for doing a poor job and laughed
11 and made a mockery of the job, it would tend to raise my
12 anger a whole hell of a lot quicker than if he said, Mr.
13 Brandt, you have a problem here and you have some undercut
14 on your welding. You need to repair it.

15 Q What about the reverse situation? Your QC
16 inspector is a model of what you have described as your goal,
17 and a craft person is belittling and insulting to the QC
18 inspector.

19 A That's an unacceptable situation as far as I'm
20 concerned.

21 Q Why?

22 A Everybody out there has a job to do. I think's
23 it's equally as unacceptable for a QC inspector to belittle
24 the craft. As the craft does not functionally report to
25 me or report to a QC supervisor, the QC supervisor cannot

mm7pb7

1 possibly discipline them directly. What has to be done is
2 through their supervisory chain, a contact be established
3 to say that we're not going to accept such behavior.

4 Q What is the belittling was wholly justified?
5 Your QC man really had -- just had a whole series of
6 hypertechnical and erroneous objections stated in a very
7 proper and appropriate manner to this craft person. ANd this
8 craft person had "had it up to here" and just let go. I
9 just mean with verbal abuse.

10 Would that still be unacceptable in your judgment,
11 for the craft person to have done that?

12 A It's a less serious offense in my judgment, but
13 it's still unacceptable. They all have a job to do.

14 Q What did you consider your responsibilities to be
15 if such an event should occur and the craft person was the
16 one who was at fault, since as you just pointed out they are
17 not directly under your control? What did you perceive to
18 be your responsibility in that case if it was reported to
19 you by your inspector?

20 A I would generally go to what I consider the
21 appropriate level in that craft person's supervisory chain,
22 describe the incident to him, sit down, talk to him about
23 it, ask for any mitigating circumstances, try to figure out
24 what caused it. And if it was, as I had been reported, or
25 as it had been reported to me, notify him that we're not

mm7pb8

1 going to accept such behavior and that happened.

2 Q Give me the instant or instances in which that
3 happened, if you can remember.

4 A It happened with some civil engineering people
5 over span and capacity calculation of conduit supports.

6 Q The civil engineering people were craft or --

7 A Engineering.

8 Q Okay.

9 A It happened in the mechanical area on a couple
10 of occasions.

11 Q First of all, did any of it happen involving a
12 craft person on the one hand a QC person on the other, that
13 you know of?

14 A I don't understand the question, Mr. Roisman.

15 Q Was there ever a situation in which a craft person
16 acted in a manner toward one of the people whom you
17 supervised that you thought was inappropriate and you had
18 occasion and go and talk to the appropriate level of
19 supervisory person in their chain?

20 A That's what I was describing.

21 Q I wasn't clear when you said it was in civil
22 engineering.

23 A Oh, if you're talking specifically about craft,
24 it's happened in the mechanical area.

25 Q Can you relate the particular or a particular

mm7pb9

1 example for me?

2 A It happened in an iron worker's fab shop with an
3 inspector and a general foreman arguing over procedural
4 requirements in which the foreman or general foreman, I
5 don't remember which, got in an inspector's face and was
6 shaking his finger in his face. That was stopped.

7 Q Tell me how you dealt with that. First of all,
8 how did you learn about it?

9 A It was totally resolved by one level lower than
10 me, before I ever became aware of it. The incident happened,
11 my mechanical supervisory contacted the assistant general
12 mechanical superintendent and the specific hanger superinten-
13 dent that was in charge of the activity and told him that that
14 was unacceptable behavior. It had to stop.

15 And further, we either immediately or a day or
16 two after transferred the inspector out of the fab shop, at
17 his request, to eliminate any further personality conflicts.

18 Q What steps did you -- or did the person who was
19 under your supervision recommend, if any to the craft person's
20 supervisory regarding what should be done to the craft
21 person involved?

22 A The craft person was counseled on his behavior.

23 Q Was that a term of art? That is, does it describe
24 a particular set of procedures, or is it just a large word
25 for they talked to him?

mm7pb10

1 A I believe in this specific instance he received
2 a written warning.

3 Q When did this happen?

4 A Last summer or last fall. It was while I was
5 still the non-ASME QA/QC supervisor.

6 Q And can you tell me who the inspector and foreman
7 were that were involved?

8 A I don't remember the foreman's name. The
9 inspector's name was Hal Wade.

10 Q In your judgment, did that particular event represent
11 -- and I will use a term of art -- an act of harassment of
12 the QC inspector by the craft person?

13 A I guess before I can answer that question you're
14 going to have to define harassment for me.

15 Q I'll let you define it by the incident. In your
16 judgment, you see, not my definition, your understanding.
17 Would you call that harassment?

18 A I think harassment is a state of mind. If it had
19 happened to me, if I had been the inspector, no, I wouldn't
20 have been harassed by it. I'd have considered it just a
21 day in which somebody's temper was a little bit shorter than
22 normal. Tempers flare.

23 Q As long as we're getting our definition through,
24 what is your understanding of the concept intimidation, as
25 contrasted to the concept of harassment?

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1 A Once again, I think intimidation is a state of
2 mind, depending a lot on individual personality. For you
3 to do one thing to me, I may not feel -- I may not perceive
4 that I was intimidated. A person of different personality
5 characteristics might perceive the very same act, if directed
6 toward him as intimidation.

7 Q Would it be fair to distinguish -- for you and
8 for our further discussions between harassment and intimidation,
9 that harassment is the action taken, and intimidation is
10 the effect received?

end 7

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1 A I'd have to think about that a long time before
2 I could make that stipulation.

3 Q In the particular incident, that we were
4 just talking about, involving Mr. Wade, is it your testimony
5 that based upon your general knowledge of the kind of people
6 who are QC inspectors at the plant, and have been over the
7 last years that you have been there, that the conduct would
8 not under any circumstance -- that particular conduct would
9 not, with respect to any particular inspector, have been
10 harassing? It's just not th kind of thing that rises to a
11 level of being harassing?

12 A Mr. Roisman, you have just asked me to speculate
13 on how 450 people would have perceived a single action. I
14 don't think I can do that.

15 Q You are saying that for Hal Wade it wasn't
16 harassment, in your judgment?

17 A I don't think Hal Wade thought he should have to
18 put up with it, but I also don't think he really thought it
19 was the degree of severity that is normally associated with
20 the term harassment.

21 Q Are you speculating about that or did you and Mr.
22 Wade have occasion to discussion it?

23 A We have discussed it. I've never specifically
24 asked him that question.

25 Q If one of your employees were to tell you that

1 particular conduct was harassing to them, or tended to
2 intimidate them, how would you deal with that? Would you
3 accept that statement from them and say okay, that's all I
4 have to know? Or would you independently look to determine
5 whether it seemed to you reasonable that it should have been
6 harassing?

7 A I would choose the latter course.

8 Q Why would you do that?

9 A Understanding people, I guess, the way I do,
10 having worked around construction, nuclear construction, and
11 with various contractors, subcontractors, AEs, many different
12 locations. You run into different personality types. For a
13 strong-willed person, who takes a lot to harass him, for them
14 to feel harassed. So somebody who has worked in construction
15 for 25 years, and has been around, using a term that is
16 commonly used, and often misused I guess, they're not nearly
17 as easily harassed as a person who is basically even insecure
18 in his own personal life.

19 I guess what I'm trying to say is it depends.
20 Harassment and intimidation, as far as I'm concerned, are
21 much more of a perception. Or at least it depends on the
22 perception that is taken by an individual on the receiving end.

23 Q But then explain to me, why don't you simply
24 accept the statement at its face value, from the person making
25 it, rather than independently evaluate it, as you say you would

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1 do?

2 A Do I accept everything I'm told on face value,
3 in a supervisory position? I would not be a very effective
4 supervisor.

5 Q That's not my question. I'm just asking --

6 A Let me finish, please. Because for every person
7 there is instances where you have personality conflicts
8 between two QC inspectors where one might feel, or could
9 conceivably feel he's being harassed by the other inspector,
10 you supervise both people. One feels he's harassed, the other
11 one definitely feels he didn't harass him. Whose word do
12 you accept?

13 Q Let's probe that a second. Whose feelings are
14 important in this regard? Is it the inspector who is
15 attempting to do the inspection, who says I feel harassed?
16 Or is it the Craft who says look, I'm just doing my job and
17 I wasn't harassing anybody? Whose feelings? Just looking at
18 the feelings question from the perspective of your job
19 responsibilities? Whose feelings are the important ones?

20 A As far as I'm concerned?

21 Q Yes.

22 A The QC inspectors.

23 Q Now the QC inspectors told you I feel harassed
24 and intimidated. And the Craft man says I didn't harass
25 or intimidate anybody. Okay now, we have the situation you

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1 posited. And you say who should I believe. And I'm asking
2 you the question who should you believe.

3 A No, that's not the question I posited. The
4 example I was using were two QC inspectors, if you wish to go
5 back to the Craft and QC inspector example. I never stated
6 that I would ask the QC inspector did he feel intimidated and
7 then go to the Craftsman, who supposedly did the intimidation
8 and simply ask him did you intimidate my QC inspector.
9 I think there's many more ways of evaluating the situation
10 than just talking to the two people who were directly involved.

11 Q Well, we were talking about the situation in
12 which a QC inspector comes to you and says I feel that I am
13 harassed or intimidated. I gave you two options. One, you
14 accept it at face value? Or two, do you independently
15 determine whether you think that was reasonable? You said
16 you would choose two.

17 I'm not trying to find out why you choose two.
18 I want you to try to again explain to me, when your QC
19 inspector comes to you and says I believe I have been harassed
20 and intimidated by the conduct of X Craftsperson. Why do
21 you feel that you need to go behind that to determine the
22 question, has this person been harassed and intimidated?

23 A I think for two reasons. Number one, it's
24 certainly possible that the QC inspector overreacted to the
25 situation. I think that's a constant possibility, just as

1 if the QC inspector were "harassing" the Craftsman, that the
2 Craftsman might have overreacted.

3 As I said, from my experience, people that work
4 in the construction industry don't expect to be treated as
5 they would in nursery school. There's a certain amount of
6 confrontation you're going to have with people on the job.
7 I'm not saying you have to accept anyone making your job
8 unnecessarily hard for you. I think that is certainly the
9 first option. The second option is if any group of people,
10 be it QC inspectors, Craft, or Engineering, knew all they had
11 to do was to make a complaint about something and that complaint
12 would be accepted on face value and action taken, I think you'd
13 be in a state of anarchy.

14 Q So that when the issue is harassment and
15 intimidation, you would presume that it had not happened,
16 until you had some basis to believe that it had?

17 A I did not say that.

18 Q Well, tell me.

19 A I stated that I would evaluate -- and it was
20 your words. I don't remember what they were exactly, but I
21 would essentially evaluate the situation surrounding the
22 incident before I determined that harassment or intimidation
23 had occurred.

24 Q And if, when you completed that evaluation, your
25 QC person continued to say I don't care what you believe, I'm

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1 telling you what I felt, and you believe that that person
2 had overreacted -- to use one of your options -- you would
3 then treat it as not having -- as there not having been any
4 harassment and intimidation?

5 A That's correct.

6 Q Is there a policy that you were aware of, against
7 harassment and intimidation of QC inspectors at the Comanche
8 Peak site?

9 A Yes, there was.

10 Q There was? Has that changed now?

11 A No, I'm only speaking in the past tense, because
12 I assumed we were speaking of the time that I was a QA/QC
13 supervisor. That's true in the past and present tense.

14 Q Is that policy, as long as you have been
15 associated with the Comanche Peak site, always been the same?

16 A As far as not accepting harassment and
17 intimidation?

18 Q Uh-huh.

19 A Yes.

20 Q Has that policy ever, to your knowledge, ever
21 contained any articulation of what should be deemed to be
22 harassment or intimidation?

23 A I don't really know how to answer your question.
24 I think I previously stated, in my opinion, it's a state
25 of mind, depending on individual perception of the action

1 itself. I guess, in that standpoint, it has not been
2 formally defined by anyone.

3 Q When you say state of mind, state of whose mind?

4 A The receiving --

5 Q Person?

6 A The person to whom which the intimidation or
7 harassment was directed.

8 Q What is your understanding of why there is a need
9 to worry about that, as part of the job requirements of the
10 site? In other words, why should there be a policy on
11 harassment and intimidation?

12 A To assure that the QA organization operates with
13 sufficient independence to assure that their prescribed
14 function is ultimately achieved and that their prescribed
15 function is to assure that the design, as set out by the
16 engineer, is completed correctly by the construction.

17 Q How would harassment and intimidation prevent them
18 from doing that?

19 A It could conceivably -- and I emphasize conceivably
20 -- force them to accept, in an intimidated or harassed state,
21 something that they may not accept or indicate is satisfactory
22 in the absence of such intimidation or harassment.

23 Q Do you think that that would happen -- let's
24 set aside, let's take out of the harassment intimidation area,
25 actual physical violence, beating one of your QC inspectors

1 into submission, until they have signed their name, okay?
2 Or holding a gun to their head, or any such acts. And let's
3 leave it only with words, threatening words, loud abusive
4 language. You used the example with Mr. Wade, sticking
5 your finger into somebody's face, threatening them with a
6 variety of different job actions, the sort of construction
7 equivalent of "I'm going to tell your mommy." Whatever.
8 That class of harassment and intimidation.

9 In your judgment, would a QC inspector ever
10 -- let's strike ever, it is such a forever word. Would it
11 be at all likely, in your judgment, to take a very objective
12 determination he had to make, and make it incorrectly because
13 of that? And I'll give you an example that has been discussed
14 previously, separation of certain items, let's say electrical
15 cable. And the requirement is very clear, these have got to
16 be 12 inches apart. And your inspector shows up at that
17 particular spot, he takes out his tape measure and it's
18 10 inches. You can measure it any way you want, it's 10
19 inches.

20 And the Craft guy who, for whatever the reasons
21 are, really begins to lay into your guy about getting ready
22 to write up his NCR, proposed NCR, with regard to that
23 particular item.

24 In your judgment, is it at all likely -- no matter
25 how much that harassment might occur -- that the person would

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1 actually not write up the NCR, when it really was 10
2 inches and was supposed to be 12?

3 A Are you using the term "write up an NCR" as
4 synonymous with report the condition unsatisfactory?

5 Q Yes.

6 A I don't think it's at all likely that it would
7 occur in that instance. Typically, where your disagreements --
8 and I use the term disagreements as a softer, if you will,
9 term than harassment --

10 Q Okay, fair enough.

11 A -- tend to come about, are your more objective
12 type inspections where judgment is required.

13 Q Objective or subjective?

14 A Objective, to argue with someone that something
15 is 12 inches instead of 10 inches is a rather ludicrous
16 argument. I mean, it's so easily proven otherwise, it's just
17 not likely to occur. Whether you argue that, for example, an
18 indication in a weld is undercut or lack of fusion, for
19 example, to whereas if it was undercut it would be acceptable.
20 And if it was lack of fusion, it would not be.

21 Those are typically your areas where disagreements
22 come about between Craft and QC inspectors.

23 Q In your judgment, would those also be the areas
24 in which the effect of an actual harassment and intimidation
25 event might force the QC inspector or make the QC inspector

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1 exercise his or her judgment differently than they would
2 have exercised it if the harassment intimidation were not
3 occurring?

4 A If we can hypothesize, or if you are hypothesizing
5 that his judgment is altered, I am saying yes, it's more
6 likely to occur on these objective type inspections than the
7 subjective type inspections.

8 To use another example, it's much more likely for
9 -- just using the same example I used -- for an inspector
10 to feel pressured or harassed or intimidated into accepting
11 a weld that has an indication which is questionable, whether
12 it's lack of fusion or undercut, the likelihood of that
13 occurring in my mind anyway is significantly greater than an
14 adverse situation of disagreement or harassment, as you have
15 termed it, to occur on whether a weld is 7/16ths of an inch
16 or 1/2 inch.

17 MR. ROISMAN: Can we go off the record for one
18 second?

19 (Discussion off the record.)

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MR. ROISMAN: Back on the record.

BY MR. ROISMAN:

Q Mr. Brandt, did you want to make a clarification?

A Yes, I do.

I was using the terms, I think, "subjective" and "objective" erroneously.

What I meant was the instances -- to where disagreements or harassment could occur are more likely on the events of the subjective-type decisions, than the objective, to where some judgment is required to make the inspection, as opposed to a simple measurement, for example.

Q And is it also your testimony, to complete the clarification, that it's also in those instance where if harassment or intimidation is likely to alter the judgment of a quality control inspector, it would be in those subjective instances, rather than the objective 10-, 12-inch disagreement?

A Yes, sir.

THE WITNESS: Can we take a break for a couple of minutes?

MR. ROISMAN: Absolutely.

(Recess.)

MR. WATKINS: On the record.

With respect to the protective order and the

1 confidential nature of one of the individuals involved
2 with the exhibit that's been designated 39-1, which is a
3 report prepared by Kahler, Keeley, and Spangler and relates
4 to their deposition, Mr. Brandt can testify, we believe,
5 as to the facts and circumstances of his involvement
6 without having to go in camera -- that is, without
7 identifying the individual that was involved.

8 MR. ROISMAN: Perfect.

9 MR. WATKINS: Let me make clear for the record
10 that there were two persons that I believed originally
11 requested confidentiality or didn't say they would waive
12 it.

13 One of those persons, Mr. Tolson, has waived
14 confidentiality. Is that understood?

15 Did you know that?

16 MR. ROISMAN: Yes, I did.

17 What I was unclear about was how many -- there
18 were blanks in there. You couldn't tell from reading it
19 how many people's names those blanks represent. I
20 couldn't tell whether it was two or more than that. But
21 in any event, I did know that Mr. Tolson's name was not
22 under the protective order.

23 MR. WATKINS: The second matter is -- involves
24 the Brown & Root Personnel Manual.

25 May I assume you just want those parts that

1 deal with employee discipline?

2 MR. ROISMAN: Yes, you are correct in your
3 assumption.

4 MR. WATKINS: It's a fairly large, looseleaf
5 binder.

6 MR. ROISMAN: Okay. Are we ready to continue?

7 BY MR. ROISMAN:

8 Q Mr. Brandt, I believe you have testified that
9 you were the staff engineer to the on-site QA supervisor
10 from the period November 1983 to March of 1984; is that
11 correct?

12 A To the best of my recollection, yes, sir.

13 Q And just before that, you were the non-ASME
14 QA/QC supervisor for the site; correct?

15 A (Nodding affirmatively.)

16 Q In either of those capacities, did you have any
17 role to play, either as someone who is consulted or
18 submitted comments on or helped frame the policies that
19 resulted in the creation of a site ombudsman and a hotline
20 at Comanche Peak?

21 A Please repeat your options as far as my
22 participation.

23 Q Were you a participant in the formulation of
24 the policy?

25 Did you submit comments on it?

1 Or were you in any other way consulted with
2 regard to it?

3 A No.

4 Q Did you have any connection to it other than
5 learning --

6 A I was aware that it was under formulation.
7 That's why I asked you to repeat.

8 Q Do you have any opinion as to whether you
9 believe that there was some benefit to be gained by
10 implementing those two measures?

11 A Yes, sir.

12 Q Does that opinion relate to any benefit to be
13 gained with respect to your ability to fully carry out all
14 of your functions and to see to it that the work that
15 you had to supervise was done properly?

16 A It's a difficult question, I guess, for me to
17 answer, because I didn't really supervise anyone after the
18 development of the ombudsman program, I don't believe.

19 Q Well, insofar as your opinion as to whether it
20 would be useful for those persons who --

21 A For a supervisor?

22 Q That's right, who would be in a comparable
23 position -- that you had just before this policy went --

24 A It provides an extra avenue for personnel to
25 describe their concerns to.

1 Q In your judgment, as you reflect on it, as of
2 November of 1983, do you feel that there was any need for
3 an extra avenue for persons to do this?

4 A In my opinion?

5 Q Yes.

6 A I guess I'd like to answer that question by
7 saying I don't really feel it's necessary, or I didn't
8 feel it was necessary.

9 But I think affording the people every
10 opportunity possible to vent their concerns, frustrations,
11 or whatever is a good idea.

12 Q I want to test the limits of that statement.

13 What about a hotline that went to the offices
14 of CASE as another way of the employees venting their
15 concerns? Would that fit into every possible way of
16 venting their concerns?

17 Would that also be, in your judgment, a good
18 idea, although unnecessary?

19 A No.

20 Q Do you want to qualify your statement about
21 giving every opportunity possible?

22 A No.

23 Because from my experience, CASE does not
24 possess the expertise to resolve their problems.

25 Q So, the "every opportunity possible" isn't

1 just to vent their concern, but also to have some
2 resolution reached?

3 A Right.

4 Q Have you had any opportunity to evaluate any
5 of the QAI or to even read any of the QAI reports that
6 have come out of the ombudsman's program since that program
7 has been put into place?

8 A Only one.

9 Q And which one was that?

10 A An incident involving John Winckel.

11 Q Why did you look at the Winckel one?

12 A Winckel was an EBASCO employee.

13 MR. MIZUNO: Could you spell his name for the
14 record? John Winckel.

15 THE WITNESS: It's W-i-n-c-k-e-l, I think.

16 BY MR. ROISMAN:

17 Q He was a QC inspector?

18 A He was a QC inspector employed by EBASCO
19 services.

20 Q Were you satisfied with the way in which the
21 process worked -- that is, I'm talking about the ombudsman
22 QAI process -- worked, in terms of dealing with the problem
23 that involved Mr. Winckel?

24 A Yes, sir, I was.

25 Q As you looked at the whole situation, did you

1 have any misgivings about seeing the problem being resolved
2 through Mr. Boyce Grier, rather than whatever mechanism
3 would have existed prior to the existence of the ombudsman
4 program?

5 A Please repeat the question.

6 Q Whether you saw advantages to the --

7 A In that specific incident?

8 Q Yes, that's right.

9 A No, not really.

10 Q In your judgment, whether there had been an
11 ombudsman program or not, you feel that the problems that
12 have been raised would have been resolved equally well?

13 A Yes. Because in this specific instance, I was
14 contacted prior to Boyce Grier by Mr. Winckel. He
15 contacted first his immediate supervisor and then contacted
16 me.

17 Excuse me. He contacted his immediate
18 supervisor, who contacted his supervisor. And then I was
19 contacted -- as I recall, a three-part memo on request
20 to discuss it immediately with some official at Texas
21 Utilities.

22 Q Is it your understanding of the ombudsman
23 policy that there was an obligation when you learned of
24 this incident, that Mr. Winckel was concerned with,
25 that it go to Mr. Grier?

1 Or could it have been dealt with without his
2 intervention at all? Just a matter of policy I'm talking
3 about.

4 A The term "policy" confuses me, Mr. Roisman.
5 I'll try to answer your question. You tell me
6 if I answer it --

7 Q Would "procedure" be a better word?
8 I wanted to know if that was a requirement that
9 Mr. Grier --

10 A No, there was no requirement.

11 Q All right.
12 Why didn't you simply resolve it in the same
13 way that you would have had the event occurred and there
14 was no ombudsman program?

15 A Had I still been the non-ASME QA/QC supervisor,
16 I probably, even in the existence of the ombudsman program,
17 I would have offered Mr. Winckel one of three options:

18 One, I would completely stay out of it and let
19 Mr. Grier handle the situation -- if he would talk to
20 Mr. Grier.

21 I would work on it by myself, at resolving the
22 problem to Mr. Winckel's satisfaction, without involving
23 Mr. Grier.

24 Or I would have worked jointly with Mr. Grier
25 and let Mr. Winkel make the decision on how he wished it

1 to be resolved.

2 Q And why, in this instance, did you not --
3 strike that.

4 Did you ask the person who was in charge of
5 the non-ASME QA/QC at that time to adopt that recommenda-
6 tion that you have just outlined that you would have
7 followed yourse. .?

8 A No, I did not.

9 Q Any particular reason?

10 A His specific request to me --

11 Q I'm sorry. Would you identify "his"?

12 A Mr. Winckel's specific request to me was to
13 talk to a TUGCO official, in that -- I assume Mr. Winckel
14 understood that I was an EBASCO official.

15 I didn't feel that that was really responsive
16 to his request.

17 And the fact that his immediate supervisor --
18 excuse me, his ultimate supervisor, if you wish -- you
19 used the term "QA/QC supervisor" -- that wasn't his title,
20 but that's essentially the same role he was playing ==
21 at the time was a Brown & Root employee. Mr. Winckel and
22 I were both well aware of that fact.

23 I assumed his request to be -- maybe
24 preemptive of a choice that I would have given him, and
25 the fact that he wished to discuss with TUGCO rather than

1 his employer or his immediate supervisor.

2 He had already discussed it with both his
3 immediate supervisor and his QC supervisor when it was
4 brought to my attention.

5 Q My notes on the particular incident don't
6 reflect this.

7 Do you remember whether the incident occurred
8 after you had made the transfer to your current position?

9 A Yes, it did.

10 Q It did after you were in your current position?

11 A Yes, sir.

12 Q So that your line authority with regard to
13 QA/QC matters on the site had essentially ended by the
14 time --

15 A It was totally zero by that time.

16 Q And that's the only one of the QAIs that you've
17 had occasion to read?

18 A Yes, sir.

19 Q Can we just get clear for the record and make
20 sure that I understand this?

21 The hotline is a telecommunications connection
22 between the plant site and Dallas TUGCO, and the ombudsman
23 is a mechanism for addressing concerns that employees have
24 when either the employee requests it or when it appears
25 in an exit interview and the person in charge of looking

1 at those determines that it should be looked at or
2 whenever Mr. Grier is requested by someone at the plant
3 in a supervisory position to do an investigation. Do I
4 understand correctly --

5 A That's essentially the difference, yes, sir.

6 The hotline is actually controlled by the
7 Director of Corporate Security, and the ombudsman is
8 personified by Mr. Grier, who is on-site. His purpose
9 on-site and function while he's on-site, occasion on-site,
10 those type of things, has been widely publicized, what
11 he's there for.

12 Q During the time that you were at the Comanche
13 Peak site, did you become aware of any incidences in which,
14 in your judgment, a quality control inspector or a QA
15 auditor was harassed and/or intimidated, using your
16 understanding, not my understanding, of those two terms?

17 MR. WATKINS: We'll object on the basis that
18 it will elicit hearsay testimony by others.

19 MR. ROISMAN: Not the answer to my question,
20 whether he's aware of any, won't.

21 MR. WATKINS: All right.

22 THE WITNESS: Your purpose to your question is
23 utilizing my own definition as -- harassment or intimidation
24 as a perceived state of mind on the receiving end.
25

1 BY MR. ROISMAN:

2 Q We've had, as you know, an extensive
3 discussion --

4 A I understand that.

5 I'm trying to understand your question,
6 Mr. Roisman.

7 Q I want it to be your definition.

8 A There have been instances when people felt
9 intimidated.

10 I am aware of no instances of QC inspectors
11 to where, after investigation, I thought it was reasonable
12 for that person to feel intimidated.

13 Q Or reasonable for them to feel harassed?

14 A I'd say that's true.

15 Q You limited your answer to QC inspectors.

16 Do you have no personal knowledge about the QA
17 auditors?

18 A I'm sorry. It wasn't a deliberate omission.

19 I do not -- excuse me. I'll clarify that.

20 There is one instance of which I am aware -- that I became
21 aware of much, much after the fact, that a QC inspector
22 probably was harassed.

23 However, in continuing on with my answer to
24 your last question, I did not mean to exclude QA auditors
25 from the question. I'm not aware of any cases to where it

1 was reasonable to assume that the audit personnel with
2 either harassed or intimidate.

3 Q Is your one recollection on the QC inspector an
4 event that occurred before you were employed at the site?

5 A No, it's not.

6 Q Did it occur to a QC inspector who was under
7 your supervision at the time of the event?

8 A Yes, it did.

9 Q Did you have occasion to be asked to intervene
10 in the matter at the time of it?

11 A No, sir.

12 As I said, I became aware of it probably at
13 least a year after it happened.

14 Q Do you know how it was dispositioned?

15 A I don't know, until the time that I received
16 the complaint, that the inspector involved had ever even
17 complained about it previously -- had never complained of
18 it, at least to anybody at my level or higher that I am
19 aware of.

20 Q And you became aware of it in the form of a
21 complaint that was made to you?

22 A I became aware of it in a discussion with the
23 inspector.

24 Q The particular inspector to whom the event had
25 occurred?

1 A Right.

2 Q And what did you do when you --

3 A The individual involved was no longer employed
4 at Comanche Peak.

5 It was, you know, a year after the fact. And
6 the specific individual involved having left the site,
7 there was little that I saw that I could d .

8 Q And what was the event that you feel fit your
9 definition of being -- I think you said one instance of
10 harassment; is that correct?

11 A Yes, sir.

12 MR. WATKINS: I'll object, because that
13 question does elicit hearsay.

14 MR. ROISMAN: What I'm attempting to do is to
15 get the witness to use the example to help us put a parameter
16 on his understanding of the concept of harassment. It is not
17 being done for the purpose of introducing an incident into evidence.

18 MR. WATKINS: Or the statement will be truthful
19 as to whether the incident took place.

20 MR. ROISMAN: That's right, it will be truthful
21 as to whether or not communication was made to Mr. Brandt.

22 THE WITNESS: I'd like to make a clarification
23 for the record, Mr. Roisman. I have not discussed -- as
24 the individual who purportedly performed the
25 harassment is gone, I have not discussed the incident

1 with him. I have no basis for believing it occurred or
2 did not occur, other than talking to the inspector to
3 which it was directed at.

4 BY MR. ROISMAN:

5 Q Is it fair to say that what you're testifying
6 to, you're going to say "that if what that inspector told
7 me is correct, then, in my judgment, this would be an
8 incident of harassment"?

9 A It certainly borderlines on it.

10 MR. ROISMAN: Does that, Mr. Watkins, deal with
11 all of your concerns?

12 MR. WATKINS: Yes.

13 MR. ROISMAN: Go ahead, Mr. Brandt.

14 THE WITNESS: The incident involved a QC
15 supervisor while observing an inspector perform a coin
16 test to determine degree of cure of zinc primer, grabbing
17 his arms physically and saying, "This is exactly how hard
18 I want you to rub with the nickel."

19 There's a thousand other ways to perform the
20 same instruction that he gave the inspector. At least in
21 my opinion most of them more satisfactory than physically
22 grabbing someone's arm and saying, "This is how hard I
23 want you to rub."

24
25
end t.9

1 THE WITNESS: I used the term "grab" specifically
2 because that was the term used by the inspector to whom the
3 harassment was directed, as opposed to saying "he held my
4 arm and demonstrated to me how hard I was to press on the
5 nickel." Using the term "grab" is a more aggressive act.

6 MR. ROISMAN: I think every other area I am getting
7 ready to get into is a lot more than 10 minutes.

8 Shall we just take this time to break, rather than
9 break in the middle of some area?

10 MR. WATKINS: That's fine.

11 MR. ROISMAN: Okay.

12 (Whereupon, at 12:20 p.m., the hearing
13 was recessed to resume at 1:30 p.m., this
14 same day.)

15 Tape continues with
16 afternoon
17 Session --
18
19
20
21
22
23
24
25

1 AFTERNOON SESSION

2 (1:45 p.m.)

3 Whereupon,

4 C. THOMAS BRANDT

5 resumed the stand and, having been previously duly sworn,
6 was examined and testified further as follows.7 MR. WATKINS: Mr. Roisman, I have learned that a
8 four inch thick package of documents of the surveys that
9 Mr. Brandt conducted will be produced to you.10 My problem right now is finding a xerox machine that
11 works.

12 MR. ROISMAN: Texas heat and xerox do not match.

13 MR. WATKINS: If on the basis of your review of those
14 documents you would like to further cross-examine Mr. Brandt
15 on those documents and on the survey, we will of course make
16 them available so that you can use them.17 MR. ROISMAN: Okay, I'll ask him a couple of
18 questions here when we get started so that I will have a
19 basis for making that judgment after I see them.20 MR. WATKINS: Second item is your request for
21 certain of the documents. I am going to give you a three
22 page package of documents that I have been told is given to
23 each employee on his first day on the job -- that is for
24 Brown & Root employees.

25 (Document handed to counsel.)

1 MR. ROISMAN: Okay.

2 MR. WATKINS: The second document is an inter-office
3 memo to distribution from Gordon Purdy dated July 19, 1982,
4 dealing with Brown & Root departmental policy for disciplinary
5 action.

6 (Document handed to counsel.)

7 MR. WATKINS: Mr. Roisman, I have no way of knowing
8 whether that document was changed, whether it has been
9 replaced, because I have not reviewed the file, so I can make
10 no representations as to it.

11 You might ask Mr. Brandt whether he recognizes it
12 and what it means to him.

13 MR. ROISMAN: Okay, I will do that.

14 Why don't we ask the reporter to mark these?

15 The first one -- a three-page document that
16 represents the Brown & Root statement that is given to the
17 employees when they first go -- when they first come on the
18 job site -- should be marked as Exhibit Brandt-2.

xxx

19 (The document referred to was
20 marked Brandt-2 for
21 identification.)

22 MR. ROISMAN: On the one that is inter-office
23 memorandum for distribution, that also has Brown & Root on
24 it, called Interoffice Memo, signed by Mr. Purdy, be marked
25 as Brandt-3.

xxx

1

(The document referred to was
marked Brandt-3 for
identification.)

2

3

4

MR. WATKINS: And if I may offer at this moment to
make xerox copies available for Mr. Mizuno, is that acceptable?

5

6

MR. ROISMAN: Yes, yes, of course.

7

Why don't we start with finding out about the
survey material?

8

9

MR. WATKINS: Why don't you identify your new
colleague for the record?

10

11

MR. ROISMAN: I am sorry. Sitting with me is

xxx

12

Marina King, who is one of the people assisting us during the
depositions this week and Mr. Carpenter has also joined us.

13

14

BY MR. ROISMAN:

15

Q Mr. Brandt, there has been reference to a set of
documents which are described as survey that was conducted
by you.

16

17

Would you just give me a brief description of what
this was, when it occurred and what does it mean "conducted
by you" or is that an improper designation for it -- so we
will know what it is we will be seeing when we get a copy of
it.

18

19

A It was a questionnaire sent to all the non-ASME
QC people, essentially asking them what they perceived their
job to be, how their perceived their job conditions, what

20

21

22

23

24

25

1 they thought of their supervisor. It contained about 15
2 questions plus an additional page for any comments or concerns
3 they wished to express.

4 It was done at the suggestion of one of my
5 subordinates, a person I have grown to have a great deal of
6 confidence in as far as establishing an anonymous forum --

7 Q Did you say "an anonymous"?

8 A Anonymous -- for inspectors to voice concerns, make
9 suggestions about their daily activities in such a fashion
10 that they could do it in total anonymity and possibly obtain
11 information that I wouldn't have obtained by any other means
12 due to their hesitance to come discuss those problems with me.

13 It was conducted during the summer of 1983.

14 Q So that the documents that we are to receive are
15 the survey questionnaires that you received back in response
16 to this?

17 A Yes, sir.

18 Q I take it from what you just said about anonymity
19 that the questionnaire does not disclose the name of the
20 person?

21 A That's true.

22 Q Is it set up in such a way that no one except the
23 person who filled it out knows who they are unless they chose
24 to put their name on it?

25 A It was set up so I could tell what group it came

1 from because as some of the questions were directed at their
2 impression of their supervision, I could use it as a tool
3 to evaluate my supervisors, people who reported directly to
4 me.

5 It was a very subtle difference. There is a word
6 change typically in a couple of the 14 or 15 questions. They
7 are in the same order. For you to pick it up and take a
8 quick glance at it and look at all 15 questions, you would not
9 notice the difference.

10 Q Was it -- was the questionnaire sent out by you
11 with some kind of a memorandum or instruction?

12 A There was a cover sheet to the questionnaire which
13 essentially describes the purpose of the questionnaire, says
14 that it is anonymous, describes what I was doing with it,
15 giving them a chance to voice their concerns, telling me how
16 I can make their job easier for them.

17 I can tie it to group by the questions are worded,
18 as I said. In no case can I tie it to an individual.

19 Q How many of these were sent out, roughly?

20 A Ballpark -- 150.

21 Q These were to the non-ASME QC people, essentially
22 people who worked for you at that time?

23 A Right.

24 Q Did it get sent out in a way that indicated that
25 you expected everyone to return it and there was a time by

1 which it was to be returned?

2 A It is not clear from reading the cover sheet. It
3 was delivered to the groups by the person whose idea it was.

4 Q By the way, who was that?

5 A Mike Warner, W-a-r-n-e-r. He explained to them
6 what the purpose was, explained to them -- it was their
7 chance of getting an anonymous but direct line of communication
8 to me. There was no way that -- since it was anonymous,
9 there was no way to check to see if everybody had returned
10 them or to ding the people who hadn't returned them, but if
11 they wished to return them they should return them by a
12 certain date. After that we weren't to look through any
13 submittals.

14 Q What number did you get back out of the total
15 number you sent out, roughly?

16 A The overwhelming majority of them.

17 Q When did you get the survey answers back? When did
18 they come back to you, roughly?

19 A That is a question I have been asked by my own
20 counsel, Mr. Roisman and I don't honestly remember the exact
21 date.

22 The sequence of events was they were passed out,
23 they were given a week to 10 days to complete them, they came
24 back to Mr. Warner, who essentially collated or tabulated
25 results.

1 Most of them are yes - no answers to where I got
2 sheets back that say, for example, "Supervisor X" and then
3 a blank questionnaire with scratch marks tallying the yes
4 answers and the no answers. That took some amount of time.

5 The closest I can tie it down is late Spring or
6 Summer, 1983 it was sent out. It was probably two to three
7 weeks, maybe a month after I sent it out that it reappeared
8 on my desk with the results tabulated.

9 Q Did you have in addition to the tabulation of the
10 results any memorandum evaluating the results or any opinion
11 expressed, either by Mr. Warner or anybody else?

12 A Nothing in writing.

13 Mr. Warner and I discussed it.

14 Q Did you do anything after you got those results?

15 A Supervisory changes, yes, sir.

16 Q What was it that you did?

17 A I reassigned some of the supervisors.

18 Q I guess we can see for ourselves when we get it,
19 but since we are right at the point, did the answers to the
20 questionnaire enable the person if they wanted to say
21 Supervisor -- and name somebody -- has been doing something
22 wrong?

23 A Yes. As I said, there was essentially a yes - no
24 type answer, I believe, and I am speaking from memory now.

25 Most of them were not even a definite yes or a

1 definite no. I think the choices were mostly yes and mostly
2 no. With each answer there was a couple of lines provided
3 for any kind of narrative comments they wanted to add in
4 addition to basically the entire last page with any other
5 comments you would like to make at this time.

6 Most of them have comments on them.

7 Q Was the reassignment a decision which you have the
8 authority to implement yourself or merely that you had to
9 recommend to somebody to implement?

10 A That was solely my decision.

11 Q Did you memorialize the reasons for the reassign-
12 ments in some document?

13 A No.

14 Q Do the people who were reassigned -- were they
15 told by you why they were being reassigned?

16 A In only one case that I can remember did I explain
17 to that supervisor distinctly why he was being reassigned.
18 I take it back -- in two of the cases.

19 One of the reassignments involved a transfer offsite.

20 Q Now were these reassignments that were made made
21 within the organization that you had the responsibility for,
22 the non-ASME?

23 A Right.

24 Q So it is like moving a supervisor from mechanical
25 to electrical or something like that?

A Exactly.

1 Q And were there any other actions that you took
2 based upon the answers that you got from the survey?

3 A I can't think of any right now, off the top of
4 my head, Mr. Roisman. I might be able to provide more input
5 if I had them in front of me.

6 Q We'll probably all have that chance at some later
7 time. Did you, either before you initiated the survey, or
8 subsequent to the time you initiated, have occasion to discuss
9 the idea of doing the survey and/or the results of the survey
10 with any of the people who you reported to, like Mr. Tolson
11 or Mr. Chapman?

12 A Tolson and I discussed it.

13 Q Was all the communication between you and Mr.
14 Tolson on this also in writing -- also oral?

15 A It was also oral, to the best of my recollection,
16 yes sir.

17 Q Do you remember whether Mr. -- Mr. Tolson --
18 did you discuss with him before you did it?

19 A Yes.

20 Q Did you go to him to seek his concurrence for
21 doing it, or just to advise him that you were doing it?

22 A I think it would be fairer to describe my going
23 to Mr. Tolson as a sounding board, if you will. Hey,
24 Tolson, do you think this is a good idea? I certainly didn't
25 need his concurrence to do it. I didn't really, I guess,

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1 even need to let him know I was doing it, just a day to day
2 operation. But it was a different type approach. I had
3 never done it before and I wanted to bounce the idea off of
4 him. He thought it was a reasonably good idea.

5 Q Did he have any suggestions for you on ways to
6 improve it or do it differently?

7 A Not that I remember.

8 Q Then did you go back to him, after you got the
9 survey results back, and discuss with him again?

10 A In general, yes. We didn't sit down and read
11 through every single -- excuse me. I say we didn't. I
12 did not sit down with him and peruse each individual response.
13 I discussed the general overall results.

14 Q Did you discuss with him the actions that you
15 were planning to take, or if they were already taken, that
16 you had taken in light of the survey?

17 A Let me clarify, at this point, the personnel
18 decisions were not as an absolute result of the survey.
19 Certainly the reassignments were affected by the results --
20 or my decision to make the reassignments was affected by the
21 results of the survey. But to say that the survey was an
22 absolute-type document, that's not true.

23 In answer to your question, though, I did discuss
24 the reassignment of the personnel with Mr. Tolson.

25 Q Was that in order to seek his concurrence or,

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1 again, as a sounding board?

2 A It was more of -- partially a sounding board,
3 partially keeping him apprised because I wasn't moving lead
4 inspectors or things like that. I was moving, you know,
5 people immediately under me at that point. It was more of a
6 keeping him apprised of what I was doing type situation.

7 Q What was it in the surveys, if you remember,
8 that contributed to your decision to make the particular
9 reassignments? And let me just stop you. We're going to see
10 these things, and you've already said that it's hard to
11 remember without them. If you'd rather answer these
12 questions with them --

13 A I'd rather answer them with them in front of me,
14 Mr. Roisman.

15 Q That's fine, all right. With the exception of
16 yourself, Mr. Tolson, and Mr. Warner, and of course the
17 people who actually filled them out, are there any other
18 individuals who you consulted with or who would have a basis
19 to have any knowledge about the content of these surveys or
20 the actions that you took, in part, in light of what you
21 learned in the survey?

22 A Mr. Warner had assistance from an individual
23 in collating the results.

24 Q Who was that?

25 A Mark Welch. Excuse me, if I can clarify myself,

m111b4

1 I didn't really mean collate, in the typical sense. I meant
2 more of a tabulation. It wasn't a matter of sorting sheets
3 of paper. It was an exercise in tabulating results.

4 Q Was it, in your judgment, purely clerical, or
5 did it require the exercise of some judgment?

6 A No, it was more clerical-type function.

7 Q At the time that Mr. Welch assisted Mr. Warner
8 in doing this tabulation, where was he employed at the plant
9 site? Was he working for you?

10 A He worked for me, yes, sir.

11 Q I'm just trying to get clear on Mr. Welch's -- is
12 this the same Mr. Welch who, at some time in 1984 -- early
13 1984 -- was also the acting site supervisor for engineering,
14 Quality Control engineering? Does that ring a bell with you?

15 A I think we're talking about the same person, but
16 I don't ever remember him being a quality engineering
17 supervisor -- yes, he was.

18 Q Acting?

19 A Yes, he was, for a short period of time.

20 Q The job now held by Mrs. Bielfeldt?

21 A Right.

22 Q And the one who, at some even subsequent time to
23 that was put in charge of the electrical inspectors in the
24 safeguards building?

25 A Same person.

mm111b5

1 Q And what functions was he performing for you
2 at the time he and Mr. Warner did the tabulation?

3 A He was on my staff as a staff assistant.

4 Q What did that mean? He wasn't a supervisor and
5 not an inspector?

6 A Non-supervisory, non-inspector, non-Quality
7 Engineering. He was essentially special projects coordinator,
8 if that term means more to you. He did essentially what I
9 assigned him to do.

10 Q Okay, so he was a special assistant that you called
11 on when you wanted somebody to do something that you yourself
12 didn't have the time to do personally?

13 A Exactly.

14 Q And did he have any substantive input, other than
15 doing the tabulation? Did you sit with him and Mr. Warner
16 when you consulted about what the survey results might mean
17 or whether you should do the survey at all?

18 A I did not discuss, to my recollection, doing the
19 survey with Mr. Welch at all. I did sit and briefly discuss
20 the results with Mr. Warner and Mr. Welch, when they brought
21 them back to me. I don't recall any substantive type of
22 information exchange that occurred at that meeting.

23 MR. ROISMAN: Okay, I think that gives me enough
24 information. Let me just say, on the record, that it does
25 not sound, from what I've heard, as though there would be

mm111b6

1 any reasonable doubt but that our discovery request would
2 encompass -- I'm not talking here about sanction or anything.
3 I just want to be clear, on the record, that my interpretation
4 of our discovery request would say that this information would
5 clearly fit it and be appropriate. I just want to make that
6 statement on the record.

7 MR. WATKINS: If I then could also make a
8 statement for the record. Mr. Brandt, when did you realize
9 that you had these documents and give them to your lawyers?

10 THE WITNESS: Monday, July 9th, 1984.

11 MR. WATKINS: Were you out of the country for the
12 week preceeding Monday?

13 THE WITNESS: Yes, I was.

14 MR. WATKINS: Mr. Roisman, I don't want to argue
15 about whether they were subject to disclosure or not. I'm
16 not that familiar with the request for production in the first
17 place.

18 MR. ROISMAN: Okay.

19 I want to be very clear. I don't think there's
20 any question. I would like the witness to look at a
21 document, which I'll ask the reporter to mark as Brandt-4.

22 (The document referred to was
23 marked as Exhibit No. Brandt-4
24 for identification.)
25

mm111b7

1 BY MR. ROISMAN:

2 Q Mr. Brandt, I'm going to have you just take a
3 look at this document, which is an office memorandum from
4 Mr. Vega to Ms. Bielfeldt, dated March 21, 1984. It's
5 entitled Inspector Interviews.

6 The reason I'm asking you to look at it is do
7 you have any reason to believe that that is referring to the
8 surveys that you did?

9 (Document handed to witness.)

10 A It's definitely not responsive to the survey that
11 I did. It's not even clear to me, from reading it at this
12 point -- and I might add, it's the first time I've seen this
13 document -- what interviews Mr. Vega is talking about. But
14 it's also, to the best of my knowledge, Ms. Bielfeldt and
15 Mr. Vega. At this date, I'm not even aware that the surveys
16 I conducted were conducted.

17 Q I wasn't asking with the expectation that it was.
18 I just wanted to be clear that this was yet another group of
19 interviews and not another memorandum about the surveys that
20 you had done.

21 MR. ROISMAN: I'm not using it for any purposes
22 other than that. I don't know if you want a copy or not.

23 MR. MIZUNO: I would like that to be bound into
24 the transcript, even though you're not offering it for
25 evidence, simply because we'll have it there.

(The document referred to follows:)

mm111b8

1 BY MR. ROISMAN:

2 Q During the lunch break, did you have an
3 opportunity to look at this document that we talked about
4 before the August 19, 1983 report, or even maybe earlier than
5 that? The report on allegations of cover up and intimidation?
6 And to discuss the question of particularly Paragraph 3 on
7 Page 5. It's exhibit 45-1.

8 A Yes, I did. Excuse me. My copy is marked 39-1.

9 Q I believe that what you have is the document
10 designation, the one that is in camera. Although I can see,
11 by looking over there, that yours has all the spaces in it.
12 I don't know whether that's a confusion in the other transcript
13 or not.

14 But for clarity purposes, since I know that the
15 one that is marked 45-1 has no non-disclosable items in it --

16 MR. WATKINS: Why don't you let the witness use
17 yours then?

18 MR. ROISMAN: Okay, that's fine.

19 (Document handed to witness.)

20 BY MR. ROISMAN:

21 Q I'm going to do something, Mr. Brandt, I don't
22 usually do. I'm going to ask you go ahead and tell me your
23 story. You obviously wanted to do that earlier. You felt
24 like the auditors hadn't given you the chance. I don't want
25 you to say the intervenors didn't. There was a reference

mm111b9

1 to you, at the bottom of this Paragraph 3. Tell your story
2 and then we'll ask a few questions about it.

3 MR. WATKINS: Could we stipulate that, just in
4 the event that he accidentally mentions the name of the
5 person, that is confidential? We can ask the reporter to
6 strike the name and leave a blank in the transcript.

7 MR. ROISMAN: Yes, but I can't waive what I
8 think is the Applicant's right to take whatever punishment
9 it wants to take against him for breaching the protective
10 order made for his benefit.

11 MR. WATKINS: Understood.

12 MR. MIZUNO: Excuse me, can you identify the page
13 and paragraph?

14 MR. ROISMAN: Page 5, paragraph 3, end of the
15 paragraph.

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1 THE WITNESS: Let me first state, Mr. Roisman,
2 when I first read this this morning when you handed it to
3 me I was a little more upset about it than I am now, simply
4 because in reading it this morning and reading the paragraph
5 out of context, it appeared to me to be a conclusion drawn
6 by this report. In effect, it's a statement of the allegation
7 made, not any conclusion drawn by anybody. The way I read it.

8 But I would like to briefly describe for the
9 record just what happened.

10 BY MR. ROISMAN:

11 Q Okay.

12 A A team of auditors was at the site conducting an
13 audit. They described -- they had a problem much as identified
14 in the paragraph 3 on page 5. The morning that I was
15 approached with this problem I was physically in my truck
16 leaving the site to catch an airplane to fly to Atlanta,
17 Georgia to conduct some preliminary examinations on the
18 Unit 2 hot shutdown panel, which was ultimately going to be
19 seismically qualified by actual physical test in Wiley
20 Laboratories.

21 I was actually driving from my office to the gate,
22 and ultimately to the airport when I was stopped by one of
23 the auditors. This auditor described to me that they had
24 this problem.

25 Q By this, you mean the problem that is described in

1 paragraph 3.

2 A Described in paragraph 3. I said I was on a
3 short fuse, meaning that I didn't have much time, but I'd
4 be glad to come in and talk to him about it. I stopped,
5 got out of my truck, walked into an office where they were
6 discussing this problem with one of my QC supervisors.

7 The problem as stated in paragraph 3 is a little
8 bit misleading in the fact that the problem -- well, the
9 paragraph leads you to believe the audit team felt the
10 disposition was improper. In reality that was not the case.
11 Their problem with the NCR disposition was that the NCR
12 referenced at that time was closed. It was being used --

13 MR. ROISMAN: Excuse me, I don't want to
14 interrupt. I've asked him to do this and I'm glad to have
15 him do it, but we both understand that what he's now doing
16 is testifying to hearsay. His understanding what the audit
17 team said.

18 THE WITNESS: That's not hearsay, Mr. Roisman.
19 They described their problem to me.

20 MR. ROISMAN: I'm afraid that's --

21 MR. WATKINS: Your objection is noted.

22 MR. ROISMAN: I'm not going to stop you from saying
23 it anyway. It's just that the Board has talked about hearsay.

24 THE WITNESS: I understand what you're saying.
25

mml2pb3

1 BY MR. ROISMAN:

2 Q All right.

3 A At any rate, their problem was the fact that we
4 were using the closed nonconformist report in referencing
5 this ongoing inspection report. Philosophically, I didn't
6 agree with their approach. I tried to explain why I didn't
7 agree with their approach. They still refused to accept my
8 position.

9 Q Is this why you're still in the truck?

10 A No, I'm inside now in my QC supervisor's office.

11 Q But still in that time frame when you're on the
12 way to the airport.

13 A Still in a hurry to get to the airport to catch
14 a plane.

15 Q Okay.

16 A Admittedly, I was probably somewhat frustrated by
17 their inability to understand what I felt was a pretty clear
18 issue, and the conversation ended with my asking one of the
19 two auditors what I could do to resolve this problem. And
20 I suggested writing another NCR stating essentially the
21 same thing as the first NCR stated, dispositioning it exactly
22 the same way but leaving it open until all inspection work
23 had been completed.

24 Therefore, he would be referencing an open NCR
25 on an inspection report, which is completely consistent with

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1 the procedure they felt they had problems with. Both
2 auditors at that time indicated that they had no problem
3 with that. That would resolve their concern.

4 I directed my QC supervisor to write the NCR to
5 get with engineering and get the NCR dispositioned and I
6 left in a hurry. I was gone for three days, returned to the
7 site Monday morning, was called by my supervisor Mr. Tolson
8 into his office and stated that he had a problem. I said,
9 what's your problem. He said, Vega thinks you beat up on
10 one of his auditors. Not meaning physically, but whipped up
11 verbally on him.

12 And I said, what? And he explained the situation.
13 And I said, no, that's not the way it happened at all. I
14 said, let me explain to you what happened. I'm just totally
15 blown away by the fact that anyone's upset about it because
16 when I left I left under the impression that everyone was
17 happy with what had taken place, much less that anybody felt
18 that I had harassed them or whipped up on them.

19 He said, well, call Vega. So I called Tony. Tony
20 and I discussed it. I told him exactly what had happened.
21 He said, I agree with you. He said I'd be astonished at this
22 point. He said it appears to be just a miscommunication.

23 I said, if the auditor involved was upset at all
24 he did not express any amount of concern to me, indicated
25 that my proposed solution was acceptable to, for that matter

mml2pb5

1 both of the auditors. And quite frankly, I considered the
2 issue closed. I assumed that he would resolve it at his
3 level. I'm further amazed in the report that this incident
4 is specifically mentioned, and yet I wasn't -- no one ever
5 contacted me as far as interviewing me.

6 Q Was there a time subsequent to that when you and
7 Mr. Tolson met with the auditors for the purpose of further
8 discussion of this after your return from the trip?

9 A After I returned from the trip, both auditors
10 involved, Mr. Tolson, myself and the audit group supervisor
11 met on the site.

12 Q Who was the audit group supervisor? Is that --

13 A She's not protected, Debra Anderson.

14 Q Okay.

15 A On the site with an effort to clear the air, to
16 indicate that there was no hard feelings on our part -- by
17 our I mean Mr. Tolson and I guess the auditor that I was just
18 totally blown away by the fact that I was uncooperative or
19 harassing them in any manner. The fact that I had explained
20 to them that I didn't have any time to spend with them, it
21 should have been evident by the fact that the auditor that
22 stopped me, stopped me in my truck driving out the gate, that
23 I was in a hurry.

24 And if I was abrupt with either of the auditors,
25 I was sorry about it. It wasn't intentional on my part.

mm12pb6

1 Q Were these auditors also present at this little
2 meeting?

3 A Yes, they were.

4 Q And did they express to you any reaction to what
5 you had said?

6 A One of them started reading one particular criterion
7 of Appendix B to both Mr. Tolson and myself. I don't even
8 recall which criterion it was, which in a meeting geared to
9 be a reconciliation type meeting, reconciliation of personality
10 conflicts, such an action I thought was quite --

11 Q Harassing?

12 A Harassing for lack of a better term. Counter-
13 productive at best. And the meeting ended at that point.

14 Q Was it your impression at that point that that
15 particular auditor, at least the one who had read that, had
16 not fully accepted your explanation?

17 A It was at that point, yes, sir. But to this date
18 I don't know why. It's inconceivable for me, for a man to
19 say yeah, that will work and then come back two days later
20 and decide, not only was that not what occurred but that I
21 tried to whip up on him, is to me just astonishing at best.

22 Q I gave you one more chance to get it off your
23 chest, Mr. Brandt. I don't know that anybody's going to
24 give you another chance.

25 A Thank you.

mml2pb7

1 Q As a supervisor of QC personnel, do you have
2 any particular either procedures or approaches that you draw
3 on to communicate your views on the inappropriateness of
4 harassing an intimidating action on the one hand against your
5 personnel and your support for your personnel as a counter-
6 measure to reduce the impact of any harassing and intimidation
7 on the other?

8 MR. WATKINS: We are again looking back to the
9 time that Mr. Brandt was non-ASME --

10 MR. ROISMAN: During the time when QC inspectors
11 were under his supervision, yes, correct.

12 THE WITNESS: Other than directly telling them
13 and emphasizing in group meetings that were held with, I
14 guess virtually all groups I supervise that I did have an
15 open-door policy, that I wanted to hear from them. If they
16 wanted to talk to me, they could come see me.

17 The issue came up during early summer.

18 BY MR. ROISMAN:

19 Q Of --

20 A '83, of inability to catch me. The comment was
21 made, there's not many telephones in the field. I'd say
22 early summer. It might have been spring. It was warm, it's
23 my recollection when it was done.

24 I had a gatetronics which is the plant public
25 address system mounted on my office wall with the speaker so

mm12pb8

1 not only did they have telephone access to me, they had
2 gatetronics access. It was inside my office. And I assured
3 all of them that had expressed any concern over intimidation
4 that I would come personally and resolve any problems they
5 had with intimidation or harassment.

6 During the summer of 1983 Mr. Krisher also
7 emphasized the same thing to groups of QC inspectors on more
8 than one occasion. They also saw me respond to their requests
9 to come both by construction and by QC. Construction would
10 come in and complain that an inspector acts and is just
11 being overly ridiculous. Most cases where I went to the field
12 at construction's request the inspector was right. The
13 inspector was correct in doing what he had done.

14 In all cases -- I won't say in all. In the
15 overwhelming majority of cases the inspector involved was with
16 me at that time and saw me direct the craft on what we would
17 accept and what we would not accept.

18 Q So that you demonstrated your support in the field?

19 A At least from my perspective I think I demonstrated
20 good faith in showing support for them whenever they needed
21 it. I took every measure that I knew of to provide them
22 access to me personally.

23 I don't ever recall an occasion where my office
24 door was even closed unless there was a meeting going on
25 inside my office. They were all well aware of the fact where

mml2pb9

1 my office was. Most of them knew me personally. They had
2 telephone access and plant PA system access.

3 I don't know what more I could have done.

4 Q In fact, isn't it true that subsequent to this
5 early summer of '83 you did do something more? Isn't that
6 when you decided to go with the anonymous survey?

7 A That really was not geared in any way toward
8 harassment by the craft.

9 Q But it was geared to your general concern -- maybe
10 concern is too harsh a word -- but your general interest in
11 seeing if I provide a mechanism with complete anonymity will
12 I get some more information about how my people feel about
13 their job and what they were doing than what I was getting
14 otherwise.

15 A Right.

16 Q Had you had any experiences or any events that
17 had occurred that made you think that if you did such a
18 survey you would be likely to get any information that you
19 weren't already getting?

20 A No, there was a number of factors, I guess, that
21 contributed to my sending out the survey. I was very busy.
22 It wasn't unusual for four people to be standing, and I had
23 an extra office -- where my secretary sat, four or five people
24 literally waiting to stand to talk to me. That can be
25 frustrating for an inspector to stand around waiting to talk

ma12pb10

1 to someone. That was one factor.

2 Some people, I don't think, no matter how strong
3 their personality or how meek their supervisor's personality
4 would feel comfortable coming in and telling their supervisor
5 that they had a problem, particularly in the area of really
6 just a personal gripe about something. Not even so much as
7 a work related problem, but something they'd really like to
8 see changed that would make their life a whole lot easier.

9 There was also some concern, I guess, on my part
10 that I was playing a site role and not an Ebasco role, and
11 not a Brown & Root role. But that everybody had equal access.
12 I was really just trying to make every effort possible to
13 give everybody any chance to say anything they wanted to to
14 me personally. To say that there was really anything that
15 really led up to that survey is probably erroneous. Just to
16 me it was something that, as I said, one of my key people
17 came up with as an idea that I thought was a reasonably good
18 idea and I implemented it.

19 Q In your judgment, do you feel like now in retrospect
20 that it was a good idea?

21 A Yes, I derived some information from it.

22 Q Some information that you weren't otherwise getting?

23 A That's probably true to an extent. I also
24 solidified some opinions that I had made. Also negated some
25 other opinions that I had. So from that standpoint, it

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end 12.

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provided me a broader perspective of what was happening down
at the first line and inspector level.

1 Q When you would have occasion to take a disciplinary
2 action against one of your inspectors or supervisors and
3 inspectors, when you were in this role, with the QC
4 inspectors working for you, was it your approach to identify
5 to the person explicitly what it was that they had done or
6 not done that was the basis for the disciplinary action you
7 were taking?

8 I'm asking that in light of your earlier testimony
9 about the reassignment of some supervisors, which I'm not
10 trying to presume was disciplinary, that some you had told
11 why and others you didn't say anything to. What was your
12 normal approach?

13 A As far as discipline of people?

14 Q Uh-huh. When you were doing something that, in
15 your judgment, you were doing it for disciplinary reasons.

16 A In 100 percent of the cases, they knew exactly
17 what I thought the problem was.

18 Q And was it your recollection that in most or all
19 or just a handful of those cases the thing == the item that
20 you were identifying as the basis -- or items for the
21 disciplinary action was something that was reflected in some
22 written procedure or document which the employee could readily
23 know of and realize, when you said "This is why I'm doing it,"
24 that there was something that they should have known from
25 reading it that they shouldn't have done?

1 A I would say in most of the cases that was the
2 case, they should have known, or there was something available
3 to them to indicate they were doing wrong.

4 Q Mr. Brandt, if you would take a look now at what
5 has been marked as Brandt Exhibit 2, which is the Comanche
6 Peak Steam Electric Statement issued by Brown & Root, three-
7 page document, laying out on the second page their basic
8 safety rules, which I believe you testified was given to all
9 the Brown & Root employees as the first entered the site.

10 MR. WATKINS: I believe I stated that on the
11 record.

12 MR. ROISMAN: Okay.

13 I made the foolish assumption your counsel knew
14 what he was talking about.

15 BY MR. ROISMAN;

16 Q Would you bail him out by saying that he did know
17 what he was talking about, confirm what it was?

18 MR. WATKINS: The reason I said it was that is
19 my understanding -- I do not know --

20 THE WITNESS: That's my understanding, also,
21 Mr. Roisman.

22 BY MR. ROISMAN:

23 Q Can you tell me, does this list here represent
24 the place where one would go to look to find the specifically
25 articulated conduct which would form the basis for

1 disciplinary actions if you were a Brown & Root employee now?

2 A It provides some of them.

3 Q And where would the employee who wanted to have
4 them all available -- where would the employee go to find
5 those?

6 A I don't think there is a single document that
7 lists what you're asking for.

8 Q Would you think it's in two other documents or
9 ten other documents?

10 Do you have an estimate?

11 A For Q/C personnel?

12 Q Yes.

13 A Brown & Root QC personnel?

14 Q Yes. Let's just limit it to that.

15 A I would say in one other document that I can think
16 of.

17 Q Okay.

18 And what would that other document be?

19 A The document you have sitting in front of you.

20 Q The one marked as Brandt Exhibit 3?

21 A Yes, sir.

22 Q Am I correct -- are both of these documents given
23 to the employees when they first commence employment at the
24 plant site -- at the Comanche Peak plant site?

25 A It's my understanding that the document that is

1 marked Brandt No. 2 is given to all Brown & Root employees
2 upon entering the job site.

3 Q Right.

4 A The document labeled Brandt No. 3 is an internal
5 QA policy. It is part of Brown & Root's QA policy notes that
6 is administered by Mr. Purdy, who is the Brown & Root site
7 QA manager. And exactly how he implements distribution or
8 transmission of the information contained in this memorandum,
9 I do not know.

10 Q As far as you know, other than what's listed in
11 the two documents, are there any other bases for disciplinary
12 action against QC inspectors at the Comanche Peak site who
13 are Brown & Root employees?

14 A Without specific instances, Mr. Roisman, I would
15 have a great deal difficulty answering that question due to
16 the great deal of room for interpretation, particularly the
17 items listed in item B of the exhibit marked Brandt-3.

18 For something I considered not capable of perform-
19 ing, assigned work, you may not consider the same.

20 So, to make a blanket statement that you just made
21 would be very difficult for me.

22 MR. ROISMAN: Let's go off the record for a second.

23 (Discussion off the record.)

24 MR. ROISMAN: Back on the record.

25 MR. WATKINS: By the way, Mr. Roisman, you were

1 using our copies of Brandt 2 and 3. So, I have taken them
2 back.

3 The reporter has your copies.

4 MR. ROISMAN: Back on the record.

5 BY MR. ROISMAN:

6 Q Mr. Brandt, I would like to talk with you about
7 what is known as the T-shirt incident.

8 Does that have a well-enough-established definition
9 that we know what we're talking about?

10 A Yes, sir.

11 Q As I understand it, the T-shirt incident began, in
12 terms of its most noticed form, when some eight QC electrical
13 inspectors showed up on the site one morning wearing these
14 T-shirts which had on them words to the effect that "Our
15 business is picking nits," or something like that.

16 Can you tell me, referencing that day now, when
17 did you first become aware of the fact that there were people
18 on the site wearing such T-shirts?

19 A I was somewhere in the Administration Building.

20 Q And how did you become --

21 A I came back toward my office, which was, at that
22 time, directly across the hall from Mr. Tolson's.

23 I simultaneously ran into my own administrative
24 assistant, who indicated to me that Mr. Tolson was looking
25 for me and --

1 Q Who was that person?

2 A Tony Pereria, P-e-r-e-r-i-a.

3 He indicated to me that Mr. Tolson was looking for
4 me. And as I said, simultaneous to running into him, I ran
5 into Mr. Tolson. Mr. Tolson was quite upset, indicated to
6 me that -- that there were some people, some QC inspectors
7 who had shown up wearing what he considered offensive T-shirts.
8 He considered it reverse intimidation, one of those people
9 was employed by EBASCO, and that he would be sending him to
10 me to talk to.

11 Q What did you understand that he meant, or what do
12 you mean now by the phrase "reverse intimidation"?

13 A It was an effort on the QC inspectors' part to
14 personally harass Mr. Tolson.

15 Q Is that reverse intimidation -- is that your
16 recollection of his words? Or is that your interpretation of
17 his words?

18 A I'm not quoting Mr. Tolson, Mr. Roisman.

19 To the best of my recollection, that was his
20 words, if it was not his exact words. It's certainly my
21 interpretation of what he said.

22 Q Roughly, what time was this?

23 A I would say approximately 9:00 o'clock. That's
24 probably plus or minus an hour, one way or the other. I
25 honestly don't remember. It was early in the day.

1 Q Did you have any further conversation at that time
2 with Mr. Tolson?

3 A I asked him what the T-shirt said. He said,
4 "You'll see when Pitts gets here."

5 Q Pitts being your person?

6 A (Nodding affirmatively)

7 Yes, sir.

8 Q And other than that, did you have any discussion
9 with him?

10 A Not that I recall.

11 Q What was your next connection with the T-shirt
12 incident that day?

13 A Mr. Pitts arrived at my office.

14 Q Was he alone at the time?

15 A Yes, he was.

16 Q Now, your office, you said, was across the hall or
17 down the hall from Mr. Tolson?

18 A Directly across the hall from Mr. Tolson's.

19 Q And when was that, roughly, in terms of how long
20 after you just had your --

21 A Several minutes.

22 Q And what happened then?

23 A I talked to Mr. Pitts.

24 Q And what was the conversation -- what was your
25 side of that conversation? Did you start the conversation

1 with him? Or did he start it with you when he came in?

2 A If you're asking as far as exchanging pleasantries,
3 I don't remember.

4 If you're asking who started any substantive
5 conversation, it was me.

6 Q Okay.

7 So, what happened?

8 A I told him I considered his wearing of the T-shirt
9 that he currently had on unprofessional and, as far as I was
10 concerned, it was unacceptable attire.

11 Q And why did you feel that way?

12 A To me, it was poking fun at what was a very -- an
13 already sensitive issue, could easily have aggravated or
14 aroused the craft people.

15 I'm not so sure that I wouldn't have been personally
16 aroused myself if I had been a craftsman.

17 Q Give me a little of that history, if you would.
18 What was it about -- before you answer that, do you know what
19 a nit is?

20 In the real world, do you know what a nit is?

21 A A small detail.

22 MR. WATKINS: How are you spelling "nit"?

23 MR. ROISMAN: N-i-t.

24 THE WITNESS: The terminology that I'm familiar
25 with, used to represent, is of a small minute detail.

1 BY MR. ROISMAN:

2 Q And the term "nitpicker," as you understand it?

3 A It's a slang expression used typically by
4 construction when they feel the QC inspectors are being
5 overbearing.

6 Q Did the phrase have a history at Comanche Peak, as
7 such? Had it arisen in any --

8 A Not too much prior to that, the Ft. Worth Star
9 Telegram ran an article concerning an ex-QC supervisor who
10 had purportedly made the statement -- and I'm not quoting,
11 once again -- if you guys don't stop nitpicking, I'm going
12 to run you off, something to that extent.

13 The word "nitpicking" was used in the byline of
14 the article.

15 Q And who was that person who was alleged to have
16 made that statement?

17 A Harry Williams.

18 Q And at the time that that appeared in the
19 newspaper, like how long was that before this T-shirt
20 incident?

21 A I don't remember, Mr. Roisman.

22 Q Was it like years or weeks?

23 A Shortly before, I think is what I said.

24 Q Yes.

25 A If you're going to ask me to distinguish between

1 two and five weeks, that would be tough.

2 Q No, I'm not.

3 A It would be a matter of weeks.

4 Q Weeks as opposed to months?

5 A Right -- to the best of my recollection.

6 Q Do you have -- you expressed, I believe, your
7 view that when you saw the T-shirt and saw what it said on
8 there, you had a concern as to the impact that it might have
9 on the craft if they saw people wearing those T-shirts?

10 A Right.

11 Q And what was the basis of that concern? What
12 had occurred about this concept, nitpicking, that made you
13 worry that there might be some sort of reaction from the
14 craft?

15 A Well, actually two-fold. Most QC inspectors
16 wouldn't be proud of the fact if someone accused them of
17 being a nitpicker. A nitpicker implies lack of reason, an
18 unreasonable person.

19 Most QC inspectors like to think of themselves as
20 being reasonable people.

21 I wouldn't have been proud to have been one of
22 their fellow inspectors. If someone was accusing me of being
23 a nitpicker, I wouldn't take that as complementary at all.

24 As a craftsman who makes his living doing the best
25 he can at what he knows how to do and someone is proud of the

1 fact and advertising the fact that they are out looking for
2 the smallest little detail to bust him, that would probably
3 aggravate me pretty well, too.

4 Q So that your perception was that if you were a
5 QC inspector and someone said of you that you were a
6 nitpicker or accused you of doing nitpicking work, that that
7 would probably itself be inflammatory to the QC inspector?

8 A I don't know -- "inflammatory" is a pretty strong
9 word. It would be -- it certainly wouldn't be a complimentary
10 remark. It would be a degrading remark.

11 Q In this instance, you have testified that you
12 were actually concerned about some physical reaction from the
13 craft as a result of these eight people wearing the
14 nitpicker T-shirts; is that correct?

15 A That was a concern, yes, sir.

16 Q So that you felt that at least in this context
17 this was maybe more appropriately called inflammatory?

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25
end 13

mgc 14-1

1 A Potentially inflammatory, yes, sir.

2 Q Do you think that that was because of
3 the prior history of the nitpicker concept on the
4 site, or do you think if this had occurred and the
5 allegations about Harry Williams had never been made
6 that you would have felt the same way? Just one day
7 a group of inspector show up with that --

8 A I'd have felt the same way. I may not
9 have felt as strongly about as I did, but you pick
10 a site where there's QC and Construction working together
11 to try to accomplish the same goal and use the word
12 "nitpicking" in association with QC inspectors or
13 have QC inspectors demonstrate the fact that they
14 are proud of the fact that they're nitpickers, I don't
15 think you're going to get a positive reaction at all.

16 Q When you saw the article that appeared
17 in the Fort Worth newspaper that alleged that Mr.
18 Harry Williams had used this phrase with respect to --
19 was it with respect to QC inspectors that he was
20 alleged to have used it?

21 A Yes.

22 Q Did you know whether, in fact, any such
23 thing had happened?

24 A I have no firsthand information whether
25 it occurred or not.

mgc 14-2

1 Q Did you, at the time of the newspaper
2 article, make an effort to find out whether it had
3 occurred?

4 A I had already completed my investigation
5 by that time.

6 Q What did you conclude in your investigation?

7 A I have no reason to believe that Mr. Williams
8 did not use the term "nitpicking."

9 Q I'm sorry. I think only a lawyer, to
10 this moment would I have thought, could have said
11 that.

12 (Laughter.)

13 Are you saying that you believe that he
14 did.

15 A To me, it says the same thing. Yes. If
16 you're more comfortable with me saying --

17 Q I'm always a little nervous with double
18 negatives, but okay, go ahead.

19 A His use of the word, the context in which
20 he used it, I thought was extremely poor judgment
21 on Mr. Williams' part.

22 Q Did you take any action after you had
23 reached that conclusion with regard to either
24 Mr. Williams or the QC inspectors or the craft in
25 general, to deal with any problems that you thought

mgc 14-3

1 might have been created by its use?

2 A I replaced Mr. Williams.

3 Q And when did that happen?

4 A The decision made, or when he was actually --

5 Q First the decision and when --

6 A The decision was made the last week of
7 July.

8 Q Of?

9 A Of 1983. I put someone working directly
10 with him to get as comfortable a feeling as he could
11 with what Mr. Williams' daily activities were. Mr. Williams
12 departed the site the last week of August 1983.

13 Q And the T-shirt incident occurred between
14 those two dates?

15 A No. The T-shirt incident occurred, my
16 best guess is March 1983.

17 MR. WATKINS: 1983?

18 THE WITNESS: I'm sorry. 1984. In March
19 of this year. I can give you an exact date by checking
20 some documents, which I don't have in front of me.

21 BY MR. ROISMAN:

22 Q I'm a little unclear. I thought we were --
23 when we discussed this before and I was trying to
24 pin down when the nitpicking statements had appeared
25 in the newspaper, you indicated a few weeks, maybe

mgc 14-4

1 measured in weeks, before the T-shirt incident.

2 Is it the case that the newspaper article
3 came substantially after the actual event? Is that
4 it?

5 A Yes.

6 Q Was there much reaction on the site at
7 the time of the Williams event?

8 MR. MIZUNO: What Williams event?

9 MR. ROISMAN: When Mr. Williams allegedly
10 used the nitpicker phrase.

11 THE WITNESS: I did not become aware of
12 the fact that Mr. Williams had used the phrase that
13 was quoted in the newspaper until roughly six months
14 after it happened.

15 BY MR. ROISMAN:

16 Q I'm having some difficulty here. When did the
17 event in which Mr. Williams allegedly made the nitpicker
18 speech, just to give it a title that we can refer
19 to, when did that happen, as you understand it?

20 A January 1983.

21 MR. WATKINS: Let me not a standing objection.
22 This is going to be based on hearsay, Mr. Brandt's
23 testimony about the event.

24 MR. ROISMAN: Correct. I am not trying
25 to get him to tell us the substance of the event.

mgc 14-5

1 I am trying to use the event to measure actions by.

2 BY MR. ROISMAN:

3 Q Between that time and six months. After
4 that time roughly, there was no -- no information
5 came to you that indicated that -- was Mr. Williams
6 a QC supervisor; is that what his role was?

7 A Yes.

8 Q That a QC supervisor, someone working
9 for you, had told some of the QC inspectors that they
10 should stop nitpicking or they would be out the gate
11 or something to that effect; is that correct?

12 A I'm sorry, Mr. Roisman.

13 Q I'm trying to understand that from the
14 time of the event that Mr. Williams was allegedly
15 involved, it actually occurred around January 1983.
16 It was about six months before you, who was his supervisor,
17 and the personnel that he spoke to were under your
18 general supervision, before any of that information
19 actually reached you.

20 A Six months had elapsed; yes, sir.

21 MR. WATKINS: Excuse me. What information
22 exactly are you talking about? The events of the
23 meeting of January or the use of the word "nitpicking"?

24 MR. ROISMAN: The use of the word "nitpicking"
25 by Mr. Williams.

mgc 14-6

1 THE WITNESS: That's the way I understood
2 the question. Six months.

3 BY MR. ROISMAN:

4 Q Did that bother you at all? Did you find that
5 disturbing that no --

6 A Yes, I did.

7 Q Did your investigation into the matter
8 include an effort to find out why that had not come
9 to your attention earlier?

10 A I asked the very person who told me why
11 he hadn't brought it to my attention earlier.

12 Q And who was that person, and what did
13 he tell you?

14 A Mickey Finn. We talked about the incident
15 in which it occurred, and he said, "Harry called the
16 guys, and he said, 'You guys don't stop that nitpicking,
17 and I'm going to come behind you and run you to the
18 gate,'" or something to that effect.

19 That's no effort on my part to quote what
20 happened.

21 Q I understand.

22 A That information was provided to me in
23 late June 1983.

24 Q And Mr. Finn, when you put to him the
25 question, "Why are you telling me now, and why didn't

mgc 14-7

1 I hear about it before"?

2 A He didn't have a good answer.

3 Q Was he one of the people who purportedly
4 heard the statement? It was made in part to him?

5 A Yes, sir.

6 Q What was your understanding of how many
7 people were present when the statement was made? I
8 don't mean an exact number. Are we talking about
9 a few or twenty?

10 A Probably less than ten.

11 Q Did you ever find out the answer to the
12 question of why didn't you learn until roughly six
13 months after the nitpicker statement was allegedly
14 made that it was allegedly made?

15 A Why such a time span lapsed?

16 Q Yes.

17 A No, I did not. I have attempted to find
18 out why no one came in and described the incident
19 to me, but I have not come up with any concrete answer.

20 Q Did you talk to the QC inspectors who
21 were present at the time that Mr. Williams was purported
22 to have made the statement?

23 A Yes, sir, I did.

24 Q Did they indicate to you that they considered
25 this statement one that really upset them?

mqc 14-8

1 A They thought it was inappropriate.

2 Q I'm sorry?

3 A They thought it was inappropriate. I

4 guess that's the best way to describe it.

5 Q Did they indicate to you a reaction to
6 it that was consistent with what you have indicated
7 to me when we were discussing earlier how you thought
8 this phrase, "nitpicker," might strike either a QC
9 inspector accused of it, on the one hand, or a crafts
10 person who was being told that QC was going to nitpick
11 them on the other?

12 A Please repeat that question.

13 Q I'm trying to find out whether they expressed
14 to you a reaction to the alleged charge about nitpicking
15 at the level of intensity that you have previously
16 testified you would expect to occur if one were to
17 use that phrase, either with reference to a QC inspector
18 or that a QC inspector might use as saying to craft,
19 "This is how I am going to inspect your work."

20 A Well, I know for a fact at this point
21 that it upset a person who wasn't even there to the
22 extent that they went to Region IV with a complaint.

23 Q Do you know whether that occurred after
24 the time that you had learned of it or before the
25 time you learned of it?

mgc 14-9

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A It was before the time I had learned of
it

Q Shortly after the event actually occurred?

A To the best of my recollection; yes, sir.

Q Was that person who went to Region IV
someone who also worked for you another QC inspector?

A Yes, it was.

Q And so in the intervening period, maybe
now four and a half months between when this person
went to Region IV about it, Region IV also did not
give you any indication that there had been an event
in which some of your people had been allegedly accused
of being nitpickers.

A I was aware through Region IV, through
I&E people who came to investigate the technical substance
of the complaint, but I was unaware of the adverse
reaction that the QC inspectors had to the phrase
used by Mr. Williams until I was -- until I was notified
by Mr. Finn in June.

Q But were you aware from the I&E people
at Region IV that the phrase "nitpicker" had been
used with reference to your people?

A Definitely not.

Q So they didn't share that piece of information

MR. MIZUNO: Objection. It hasn't been

mgc 14-10

1 established that the I&E people at Region IV knew
2 about the phrase "nitpicker."

3 BY MR. ROISMAN:

4 Q Mr. Brandt, was it your understanding -- you said
5 you subsequently learned that someone went to Region
6 IV. How did you learn that somebody went to Region
7 IV with allegations?

8 A He admitted it in the labor hearing.

9 Q Which hearing was that?

10 A Dunham.

11 Q And who was the person who made that?

12 A Bill Dunham.

13 Q Were you present or did you subsequently
14 read the transcript of the deposition? How do you
15 know that that took place at DOL?

16 A I was there.

17 Q Was there a time when Region IV communicated
18 with you regarding the completion of their investigation
19 into whatever the allegation was that Mr. Dunham made
20 with regard to this event with Harry Williams?

21 A Do you mean of the substantive matter,
22 Mr. Roisman, or of the investigation of the adverse
23 effect it had on the QC inspectors?

24 Q Well, if it was at two different times,
25 give them to me.

mgc 14-11

1 A It was two different inspectors or investiga-
2 tions.

3 MR. MIZUNO: Let me interrupt at this
4 point. There were two separate portions, I guess.
5 One was the technical look at the technical allegations
6 which were received by Region IV from Mr. Dunham,
7 and those, I think, are what Mr. Brandt has been talking
8 about when he talks about technical concerns.

9 I understand that Mr. Dunham also made --
10 and I don't know whether this was separate and apart
11 from him technical concerns -- he also expressed his
12 concern about the Harry Williams incident and the
13 "nitpicker and being walked out the gate," his termination,
14 and that was actually carried out by a different part
15 of NRC. That's the OI investigation report.

16 THE WITNESS: Exactly.

17 BY MR. ROISMAN:

18 Q All right.

19 A I don't know if I could continue from
20 where I was at before Mr. Mizuno verified that. I
21 don't know whether it was investigation or separate
22 investigations. All I'm saying, I'm under the impression
23 that the two portions of that investigation or the
24 two investigations were concluded at separate times.

25 End 14

Meltzer/bm
15-1

1 Q Let's go back to the T-shirt event itself.
2 On the morning when you met with Mr. Pitts in your
3 office and you indicated to him that you thought the
4 wearing of the shirt represented unprofessional conduct,
5 I believe you said -- correct me if I'm wrong -- that you
6 wanted him to take it off.

7 Did you and he have any further discussion?
8 Was that the end of the matter?

9 A I asked him why he did it.

10 Q And what did he tell you?

11 A He described that he was the only EBASCO
12 person in a totally Brown & Root group, that he did it in
13 an effort to try to fit in, that he felt in retrospect that
14 it was poor judgment on his part and assured me that it
15 would never happen again.

16 Q Were you satisfied with that?

17 A Yes. I was satisfied with the sincerity of
18 his response.

19 Q Did you have a comparable conversation with
20 Mr. Williams about the use of the "nitpicker" phrase
21 after you learned about it; that is, where you expressed
22 your feelings about the appropriateness of him having
23 used it?

24 A I told him to the best of my recollection, I
25 thought it was incredibly poor judgment on his part.

15-2

1 Q And did he at that time give you his
2 evaluation of your evaluation?

3 A I don't honestly recall, Mr. Roisman.

4 Q Did you decide on the basis of that very poor
5 exercise of judgment on his part that that was the reason
6 to terminate his work for you?

7 A That was a contributing factor. That was not
8 the sole factor, no, sir.

9 Q What were the other factors?

10 A He had totally lost the confidence of the group
11 he was supervising.

12 Q Was that second consideration -- or second
13 stated one, was that the more prominent or was it the
14 other, or were they just a combination?

15 A By "second stated reason," you mean the loss
16 of confidence?

17 Q That he had totally lost the confidence of the
18 group he was supervising.

19 A I would say it was a combination of all factors.
20 I don't know that one was predominantly more important.

21 Q Was the fact that the NRC was investigating the
22 matter, including OI, and was probably going to issue a
23 report about it in any way a factor in your decision?

24 A Absolutely not.

25 Q Am I correct that the individuals who were

1 involved in the T-shirt incident were not themselves
2 involved in the earlier event with Mr. Williams? It was a
3 different group of QC inspectors?

4 A A totally group of people, yes, sir.

5 Q After you finished your conversation with Mr.
6 Pitts on this subject, was that the end of your involvement
7 with the T-shirt event that day? First of all, did you have
8 anything more to say to him, other than what we have
9 already communicated?

10 A He asked me if he could take the shirt off and
11 turn it inside out, if that would be acceptable. I said --
12 I responded that the Utility was making up their mind on
13 what they wanted as a course of action.

14 As far as I was concerned as his employer, that
15 was unacceptable to me, and that in the event that they
16 had concerns to express they were offered the opportunity
17 to talk to Mr. Boyce Grier, and they were sent down to a
18 large room where they were being housed -- I guess --
19 for lack of a better term -- waiting to talk to Mr.
20 Grier.

21 I told Mr. Pitts that I would get back with
22 him when the Utility made a decision on what they wanted
23 to do.

24 Q That was the end of your conversation?

25 A That was the end of my conversation with Mr.

1 Pitts.

2 Q What was your next involvement on that day, if
3 any, with the T-shirt incident?

4 A I was informed at roughly 11:00 that the
5 disciplinary action that the Utility wanted to make was to
6 send them home. They were to remove the T-shirts. If they
7 wished to return the next day, they made; and they would
8 be paid for the remainder of that day.

9 Q So if I understand correctly, they would be
10 given the remainder of the day off with pay?

11 A Yes, sir.

12 Q And given the option of coming back to work the
13 following day, assuming they weren't again wearing the
14 T-shirts; and that that was to be the end of the matter?

15 A Yes, sir.

16 Q Maybe I'm being foolish, but I don't understand
17 where is the disciplinary action in that?

18 A The disciplinary action that I took was my
19 counseling of Mr. Pitts as far as unprofessional and
20 unacceptable -- unprofessional conduct in wearing the
21 shirt itself and inappropriate attire for work.

22 Q I'm sorry, I was referring -- You had indicated
23 that the Utility decided that the disciplinary action that
24 it was going to take was, and then you ticked off these
25 items to me. I'm asking what part of that was disciplinary.

1 A Texas Utilities considers a verbal discussion
2 or a counseling session, even if it results in being
3 sent home with pay as a disciplinary action.

4 Q Is that equally true at Brown & Root and
5 EBASCO, as far as you know?

6 I ask that only because you made the statement
7 that identified Texas Utilities.

8 A In my own personal and professional opinion,
9 sending a person home with pay is in no way disciplinary.

10 Q And it's your understanding that the employees
11 were told -- Well, strike that.

12 Did you have any -- How did you know that this
13 was a disciplinary action that was being recommended by
14 the utility? What was your source of information?

15 A Mr. Tolson.

16 Q And is it your understanding that they were
17 free to come back if they wanted to, or that there was
18 some option on the company's part for them not to be able
19 to come back?

20 A They were free to come back if they wanted to.
21 As a matter of fact, the counseling session -- the
22 written counseling report I gave to Mr. Pitts clearly
23 indicates that he was welcome to return to work at 7:00
24 the next day, if he so chose.

25 Q You say the written counseling report. Is

1 that something that was prepared after you did the
2 counseling?

3 A It was typed after the counseling occurred,
4 describing the events that took place during the oral
5 counseling session, which Mr. Pitts signed acknowledging
6 receipt of the counseling.

7 Q Is that a standard procedure that was used at
8 the plant site, or was that a unique EBASCO procedure?

9 A It's a procedure that I utilize for the
10 EBASCO people. It's not a form; it's just a letter.

11 MR. ROISMAN: Mr. Watkins, I don't believe we
12 have that. I can double check my T-shirt file, but I
13 don't remember us having -- We have virtually no documents
14 produced that were documents other than TUGCO documents or
15 Brown & Root documents, and would request, if it's
16 available, that we have a copy of it; and assuming I
17 don't have any questions about it, which it is quite
18 possible I do not, then we agree that the reporter can
19 give is a number which we will now discuss and that it
20 can be attached here. I'm not offering it in evidence.

21 MR. WATKINS: Did you retain a copy of this
22 document, Mr. Brandt?

23 THE WITNESS: I think it was provided.

24 MR. ROISMAN: Do you think it may already have
25 been?

1 THE WITNESS: I think so. If not, I still have
2 a copy of it, if that's the question.

3 MR. ROISMAN: When we take a break sometime this
4 afternoon, if we've got it, I'll bring it in; and then we
5 can mark that one. If not, perhaps we can work out an
6 arrangement together when we take a break.

7 BY MR. ROISMAN:

8 Q Did you have occasion to speak to Mr. Pitts
9 yet another time that day after you learned from the
10 Utility -- from Mr. Tolson what the Utility's policy was
11 going to be on this matter?

12 A I talked to Mr. Pitts twice. Once was the
13 counseling session I described.

14 Q Right.

15 A The second time I called him back in, I told
16 him what the decision was as far as being sent home with
17 an option to come back without the T-shirt. He signed
18 the letter that I wrote to him describing the counseling
19 session and describing what his options were as far as
20 coming back the next day.

21 Those are the only two occasions that I talked
22 to Mr. Pitts on that day.

23 Q And who else did you talk to that day with
24 regard to any disposition or development of policy or
25 implementation of policy on this matter with the T-shirt

1 incident?

2 A I don't really understand what you mean by
3 "development of policy."

4 Q Well, I guess what I'm trying to do is to have
5 you not tell me about some -- for lack of a better
6 term, what I'll call what you might have had at lunch --
7 but other conversations with Mr. Tolson or other QC
8 inspectors that were designed to either develop a
9 position with regard to "What are we going to do about
10 this T-shirt situation," or to implement some decision
11 that had already been reached?

12 A The only discussions I had regarding the
13 implementation of any action regarding the T-shirt incident
14 were with Mr. Tolson.

15 Q And your conversations with Mr. Tolson, at least
16 so far -- first, is the one where he said, "I'm going to
17 be sending somebody to you." Second was the one where he
18 quoted to you what the resolution was by corporate
19 management and TUGCO on what to do with it?

20 A Right.

21 Q Was there yet another?

22 A There was an additional that I remember. He
23 asked me if I talked to Pitts and what Pitts' response
24 to me was, what the results of our conversation were. I
25 explained essentially what had happened in the counseling

1 session.

2 Q If you had had the decision to make all on your
3 own or had chosen to make it all on your own, what would
4 your disposition have been beyond what you did with Mr.
5 Pitts, or different than what was done with Mr. Pitts?

6 A The only different thing that I would have
7 done was as I stated just a few minutes earlier -- to me
8 sending someone home and paying them is not discipline
9 at all.

10 I would have probably had Mr. Pitts go home,
11 take the shirt off. If he wished to return the next
12 morning, that was fine. But I would have paid him only
13 through the time that he left the site that day.

14 Other than that, I would have done nothing
15 differently.

16 Q Mr. Brandt, I am going to --

17 MR. ROISMAN: First, let me ask the reporter
18 if she would mark what I am now handing her. I'll
19 identify what it is as Brandt Exhibit 5.

20 (The document was marked for
21 identification as Brandt
22 Exhibit No. 5.)

23 BY MR. ROISMAN:

24 Q Mr. Brandt, I have just asked the reporter
25 to mark -- and again I'm not offering this into evidence,

15-10

1 but I want us to have a reference to refer to -- a
2 document which is actually a part of a much larger document.
3 It is page 24 of a document entitled "Report of
4 Investigation, Comanche Peak Steam Electric Station,
5 Intimidation of Coatings QC Personnel."

6 It is put out by the Office of Investigations,
7 Field Office, Region IV, dated August 24, 1983.

8 The page, you will see, has a number of whited-
9 out sections. It is a public version of a report prepared
10 by the Office of Investigations. The page in question is
11 a page that refers to an interview with you.

12 I'm going to ask you to take a look at it.
13 There's a statement here -- if you will just read the
14 third paragraph down, beginning "Brandt stated that" --
15 Don't read it into the record. Just take a look at it.

16 (Document handed to witness.)

17 Q (Continuing) Mr. Brandt, this refers to -- or
18 it says here that you stated that you had interviewed
19 all of the coatings QC inspectors and learned Williams
20 had threatened to fire inspectors, et cetera.

21 Is it correct that you interviewed all of the
22 coatings QC inspectors sometime around June of 1983?

23 A No, sir.

24 Q Did you interview any of them, other than to
25 have the conversation that you have previously discussed

15-11

1 with me, with Mr. Mickey Finn -- or is that Ms.?

2 A Mr.

3 I interviewed a large portion of the coatings
4 QC inspectors. The only part of this statement which is
5 incorrect is the term "all."

6 Q Was that interviewing done after Mr. Finn had
7 come to you, and you had learned about this?

8 A Mr. Finn was one of the inspectors I interviewed.

9 Q What was it that caused you to have any
10 interview with these coatings inspectors?

11 A A discussion I had had with Dunham on June 14th.

12 Q Was that a discussion which he or you had
13 initiated?

14 A He had.

15 Q And what was in that discussion that made you
16 decide to interview most of the other coatings inspectors?

17 A He was grossly upset over Harry Williams.
18 That's where I learned of the grabbing of the arm that we
19 discussed earlier. He also made the statement that Mr.
20 Williams had -- I think using his terms, and I'm not trying
21 to quote, just the concept -- chewed him out, disciplined
22 him in front of craft which he didn't think was too
23 cool.

24 In our probably half-an-hour conversation, it
25 was obvious that he was upset with Mr. Williams'

15-12

1 performance. I assured him at that point that I would
2 look into his specific allegation and would talk to some
3 people and see what was going on.

4 Q And the conclusion of that whole process of
5 talking to these people and the like, was your decision
6 later in the summer that you were going to terminate
7 Mr. Williams' employment?

8 A It led to my decision that Mr. Williams had
9 totally lost effectiveness as a supervisor.

10 End 15
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Meltzer/bm
16-1

1 MR. WATKINS: Mr. Roisman, what's the date
2 of this report of which this page is a part?

3 MR. ROISMAN: As I indicated before, it's
4 August 24, 1983. Now, that's not the date -- There's
5 nothing here that indicates the date on which --
6 I'm sorry. It does. The page does purport to indicate
7 the date on which Mr. Brandt was interviewed.

8 BY MR. ROISMAN:

9 Q Prior to the date of your interview with
10 OI, were you aware that OI was conducting an investigation
11 of this particular incident involving Mr. Williams?

12 A Yes, sir, I was.

13 Q And how did you become aware of that?

14 A OI was on site interviewing coatings
15 inspectors.

16 Q And you put two and two together?

17 A Yes, sir.

18 When Mr. Driscoll interviewed me, he told me I
19 was the final interview that would be concluding his
20 investigation.

21 Q And at the time of that interview with Mr.
22 Driscoll, had you already decided that you would be
23 terminating Mr. Williams?

24 A Yes, I had.

25 Q And did you tell that to Mr. Driscoll?

16-2

1 A I don't know that I came out and as much said,
2 "Don, I am going to replace Harry," or "Don, I'm going
3 to replace Mr. Williams." He did ask me why it took me
4 so long to do something about it. I distinctly remember
5 that question.

6 I indicated that I had just found out about
7 it during the set of interviews that I conducted, and that
8 I already had corrective action planned. He didn't pursue
9 it much further.

10 I think he understood from the context of my
11 discussion what was going to happen.

12 Q When he asked why it had taken so long to do
13 something about it, did you interpret that to mean that
14 he thought that you had known about the Williams' event
15 from virtually when it occurred?

16 A I think -- to use a colloquialism -- I think
17 he was fishing for information and trying to figure out
18 exactly how long I had known about it.

19 I indicated to him the process that I had gone
20 through in talking to Dunham, assuring Dunham I had
21 talked to other people -- talked to other people. Mickey
22 Finn told me what statement had been made through these
23 interview processes. It was evident that Mr. Williams
24 had lost effectiveness,

25 It wasn't really until the conclusion of the

16-3

1 interview that I had -- until I was really convinced. I
2 guess there was just no way of rehabilitation.

3 Q Did Mr. Dunham mention the "nitpicker"
4 statement to you when he talked to you back in June?

5 A No, sir, he did not.

6 Q And was the only coatings inspector who
7 mentioned it to you Mr. Finn?

8 A Yes, sir.

9 Q Does that surprise you at all?

10 A Subsequently I went back and asked -- you know,
11 was this the terminology that was used. There were different
12 versions, but each of the versions had the term "nitpicking"
13 in it.

14 Q I think earlier today we discussed the
15 question of whether a particular part of the responsibility
16 of your QC inspectors, when you had supervision over the
17 QC inspectors, was to do their job efficiently.

18 And I think you indicated some things -- and
19 I'm clear about that.

20 My question to you is: When you observed in
21 your judgment that one of your employees was voting to
22 do a job slowly -- in doing a job that you thought they should do
23 and could do and ought to be able to do more quickly
24 than they were doing it, did you have any particular way
25 or technique that you used for expressing your opinion

1 that they should move it along a little bit?

2 A Typically what happened -- and by efficiently
3 completing an inspection, I didn't necessarily mean the
4 speed at which an inspection was completed. I think I
5 indicated approaching the problem head on, rather than
6 just absolute speed of inspection.

7 But typically what would happen, if I was
8 concerned about the speed at which a person was working,
9 I would approach their supervisor and ask them to evaluate
10 it on a more detailed basis and see what their problem
11 was.

12 I don't ever remember approaching an inspector
13 directly and saying -- asking the question, "Hey, what's
14 taking you so long?"

15 THE WITNESS: Could we take a five-minute
16 break, Mr. Roisman?

17 MR. ROISMAN: Yes.

18 (Short recess.)

19 MR. ROISMAN: Back on the record.

20 BY MR. ROISMAN:

21 Q Mr. Brandt, with regard to the T-shirt
22 incident, I just want it to be clear that you did not
23 have any direct involvement in, nor were you consulted
24 with regard to the question of whether the individuals
25 wearing the T-shirts should be held at one place or another

1 place; is that correct?

2 A That's true, sir.

3 Q Did you have any participation in any decision --
4 assuming one was made -- with regard to searching their
5 belongings, or gathering the materials that were in their
6 desks, or anything like that?

7 A No.

8 Q And that includes also the EBASCO employee,
9 if anything was done with regard to him? That was not
10 through consultation and agreement by you?

11 A I played no part in that decision.

12 Q All right. I assume you're aware of the
13 requirement of 10 CFR Part 50, Appendix B, regarding the
14 separation between the scheduling and financial
15 considerations on the one hand, and QA/QC work on the
16 other -- I mean, in a general way? Are you aware of
17 that such exists?

18 A Yes, sir.

19 Q And with the exception of the procedures and
20 requirements that are set forth in the quality assurance
21 plan for this plant, what particular procedures are
22 you aware of that are designed to implement that
23 separation?

24 A The organizational structure itself. No one
25 performing inspection at Comanche Peak reports at any

1 level short of the president of Texas Utilities Generating
2 Company to any person in common -- any person who has
3 any responsibility for cost schedule construction activity.
4 That's a completely separate arm of the Utility.

5 Q Do you have any -- Strike that.

6 Should the -- Should someone from the
7 construction side -- let's say relatively your level on
8 the construction side --

9 A You mean the level I was at?

10 Q Yes, that's right.

11 -- run into some of your QC inspectors one
12 day and in a completely friendly chatty sort of way say
13 to them, "Fellows, I just came out of a meeting with the
14 top brass in Dallas, they are really concerned about how
15 long it has been taking this plant to get built. And it's
16 costing the company tremendous sums of money every day.
17 I'm just hoping -- and I have no reason to believe that
18 it's not so -- that you are doing your work as
19 expeditiously as you possibly can," and he walks away.

20 One, if that should happen, would you think
21 that that was inappropriate that it would have happened
22 at all? Would it be violative of the separation?

23 A Before I would even pass judgment, I would
24 have had to hear the tone in which it was expressed by
25 this construction fellow. I think you used the term that

16-7

1 he used.

2 Q Assuming it was completely conversation, he
3 wasn't threatening. He wasn't saying, "Guys, I'm really
4 expecting you to do over anything."

5 A I don't think that's out of line.

6 Q So, in your judgment then, it wouldn't be
7 inappropriate, even for you, assuming again you were
8 saying, "I have some information I want to give all of
9 you that I have just learned today," and just pass the
10 information on, that that also would be okay?

11 A Before I agree to that, Mr. Roisman, please
12 repeat the phrase that I'm supposed to be passing on?

13 Q Basically that you would be advising your
14 inspectors, you would simply -- you would tell them that
15 you have been made aware of the fact that the top
16 management of the company in Dallas is concerned about
17 how long it has taken to get the Comanche Peak plant
18 built, and that it is costing a substantial amount of
19 money to the company which means ultimately to its
20 ratepayers; and that you hope that everyone is doing
21 their job correctly and as expeditiously as possible,
22 consistent with doing it correctly.

23 A No, sir, I don't think that would be appropriate
24 at all.

25 Q Would it be any more appropriate if it were

1 said, instead of by you, by someone on the construction
2 side, but also again in a very casual, just "I'm giving
3 you guys some information that I heard today"?

4 A These questions that you're asking are very
5 speculative in nature. My response is: It's speculative.

6 I think that would depend on what level that
7 person in construction is at. If a welder said, "Hey" --
8 to a welding inspector, for example, "Hey, Texas
9 Utilities is really concerned about how much this place
10 is costing. We ought to really hang in there together and
11 get it done. Get it done right, but get it done as
12 quickly as we can."

13 That would take a very different connotation
14 in my mind than someone in a supervisory position trying
15 to make somewhat of a policy statement and passing it on.
16 Maybe even if they weren't trying to make a policy statement,
17 it could be perceived as a policy statement.

18 Q Is your understanding that the requirement that
19 there be this separation between scheduling and cost
20 considerations on the one hand, and QA/QC on the other,
21 is intended to prevent, one, an organizational reporting
22 that would require a person who has responsibility with
23 QA/QC to be, in effect, reporting to someone who had a
24 responsibility for cost and scheduling, thus making them
25 subject to that person's cost and scheduling agenda;

1 and, two, to try to take out of consideration in the QA/QC
2 area any consideration by the QA/QC personnel of the
3 cost and scheduling concerns?

4 Does it have both policies, both the
5 structural one and, if you will, a more functional
6 substantive one?

7 A I don't know whether it's intentional or not,
8 but you have just changed gears, so to speak, in
9 paraphrasing Appendix B.

10 You are now using the term "organizational
11 freedom," which I believe is exactly what Appendix B
12 requires.

13 Before you were saying -- and I don't mean to
14 quote you because I don't remember either -- but freedom
15 from pressure, freedom from concern.

16 To me the regulatory requirement is meant to
17 provide a regulatory guideline to assure that the
18 people inspecting or performing quality assurance/quality
19 control functions of the construction of the plant are
20 free from any unnecessary pressures related to costs and
21 scheduling.

22 Q I guess my question is -- without trying to not --
23 not to get into this paraphrasing problem -- my question
24 is: In addition to arranging the structure of the
25 plant personnel so that you don't have cost and scheduling

16-10

1 people with direct supervisory control over quality
2 assurance and quality control people, is there also
3 another aspect of this requirement, which is that the
4 costs and scheduling considerations are not to be
5 brought home to or communicated to the QA/QC personnel
6 as well?

7 A I'd answer that question yes, but in the vein
8 that I answered the question a couple of questions ago,
9 in that I think it's the intent not to portray it as
10 policy.

11 I don't think there's any way that you could
12 write any regulatory requirement, any procedure, law,
13 guideline or otherwise, that would prohibit casual
14 conversation between a craftsman and a QC inspector.

15 Q But isn't that also true, that you couldn't
16 write a regulatory requirement that would in so many
17 words articulate exactly what was going to be harassment
18 and intimidation, but you could say, "It's not to happen,"
19 as Mr. Clements, for instance, has said on a number of
20 occasions?

21 A The only point I'm trying to make, Mr.
22 Roisman, is I think I agree with the statement you're
23 trying to get me to agree with. But I agree with it not
24 from the standpoint to try to attempt at all to prohibit
25 casual conversation regarding costs and schedule, but

16-11

1 something that is meant as policy or something coming
2 from the supervisory personnel that could be construed
3 as policy.

4 Yes, I agree that's part of the intent.

5 Q Do you in any way feel that your job performance
6 at this site is affected by how quickly in a lawful manner
7 you can get -- or could get when you had the supervisory
8 authority quality control inspections completed with
9 regard to items that they related to?

10 A No, sir. I think quite to the contrary. I think
11 my performance was more judged on the adequacy of the
12 inspections we performed. The fact that the inspections
13 were valid inspections, they were correct, and inspections
14 were done only once, rather than to have to come back and
15 reinspect items. Maintaining a high level of efficiency
16 within the QC ranks I think was a greater concern -- or a
17 greater measure of my job -- of my job efficiency, than to
18 the absolute speed in which I could get inspections
19 performed.

20 Q When an inspector working for you would perform
21 an inspection and indicate a nonconforming item or in some
22 other way indicate that he thought something was wrong,
23 and, in fact, in your judgment the inspector was wrong
24 and the thing that he had said he thought was defective
25 was not, what part of your job responsibility was it that

1 would make you correct the inspector; and if he persisted
2 in it, perhaps take disciplinary actions with respect to
3 it?

End 16
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1 A I think we talked about that briefly
2 this morning, and that it's a Level 3's responsi-
3 bility to assure continued competence in QC
4 inspectors. If, for example -- and we use the same
5 example I used this morning, there was a questionable
6 call to where the inspector thought a linear indica-
7 tion in a weld was lack of fusion and in my opinion
8 it was undercut and thereby acceptable rather than
9 rejectable as the inspector had reported, it's my
10 function as a Level 3 to make that call.

11 Q Allright. My question to you -- let's
12 stick with your example, although I don't pretend
13 to have any expertise in this area of welding.
14 But if the inspector kept making that call what you
15 believe and had concluded as a Level 3 was an
16 undercut, he kept saying was a lack of fusion, and
17 assuming that no one corrected him on that, I take
18 it the consequence would be that the welder would
19 have to come back and rework the weld to some extent
20 to remove what was, in your view, an innocuous under-
21 cut and in the inspector's view, a lack of fusion.

22 A Exactly.

23 Q Would the weld be less safe if that was
24 done, more safe, or would it be irrelevant?

25 A It's irrelevant.

1 Q So it's not safety that would be the
2 justification for taking disciplinary action against
3 an employee who persisted in the face of your saying
4 to him, Joe, you are calling them wrong. You keep
5 saying that that's a defective weld, but it's an
6 undercut. And you tell him once and you tell him
7 twice, you tell him three times, and each time he
8 keeps writing the nonconforming reports on comparable
9 situations, not because of safety. What is it then?
10 What is the reason why Joe should be disciplined
11 because he keeps calling these undercuts lacks of
12 fusion?

13 A A QC inspector's function is to assure
14 what the designer intended was incorporated into
15 the physical plant by the constructor through
16 physical inspection. No more; no less. It would be
17 physically impossible or financially economically
18 impossible for you and I to pay electric bills or,
19 to use another example, water bills or pay insurance
20 rates, if we had to construct insurance buildings to
21 absolute perfection. The designer goes into his
22 design philosophy with a certain factor of safety
23 in mind. For example, when he specifies AWS-D-11 for
24 structural welding, there's certain types of discon-
25 tinuities that AWS accepts. It states that there's no

1 need to repair these types of discontinuities.

2 To force a contractor into perfection
3 is not the intent of the designer, and consequently
4 not the charter of the QC inspector.

5 Q And what does TUGCO lose as a result of
6 that happening? What is the down side to TUGCO?
7 Is this an abstract point of philosophy or does it
8 have a practical impact on TUGCO?

9 A A single incident of it?

10 Q No, you've got several welders who are
11 going around and they're doing this in contravention
12 of your judgment that these undercuts -- and they're
13 telling everybody it's lack of fusion.

14 A You're talking about welders or welding
15 inspectors?

16 Q I'm sorry, welding inspectors who are
17 then, of course, requiring welders to do that.

18 A It's loss of -- an unnecessary loss of
19 time and money.

20 Q Are these items that we're now talking
21 about the very one here, the undercut versus the
22 lack of fusion going back to our discussion this
23 morning? Is that one of those places where we're
24 dealing with subjective judgment or is it one
25 of those places like whether it's ten inches or

1 twelve inches?

2 A The specific incident we're talking
3 about?

4 Q That kind of --

5 A I'm glad you asked the question because
6 I was about to make the distinction. To me, a person
7 who, for example, using the same example we've been
8 talking about, fails to realize an undercut is
9 actually undercut and continues to call it lack of
10 fusion, is a much more salvageable case than an
11 inspector who shows a lack of proficiency in using
12 a steel tape measure. The ten inch versus twelve
13 inch we talked about this morning, to me if the guy --
14 if an inspector can't properly distinguish the
15 difference between ten inches and twelve inches and
16 repeatedly has these problems, he's probably not
17 worth trying to salvage. It's just a very simple
18 observation. There is no judgment involved at all,
19 that is how far is it.

20 I would tend to see his future as an
21 inspector with much less favor than I would a person
22 who just has problems, for example, in the subjective
23 areas, such as undercut versus lack of fusion.

24 Q That was my point. It is to some extent
25 one of those subjective judgment areas as opposed to

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the ten to twelve inch.

A Yes, sir.

MR. ROISMAN: Okay.

REVEREND
MILLERS FALLS
COTTON CONTENT

mm18pb1

EXAMINATION

BY MR. MIZUNO:

1
2
3 Q Mr. Brandt, in your previous employment at other
4 construction sites have you -- were you in a position to
5 review the personnel policies for various constructors or
6 contractors with regard to termination policies or an
7 imposition of discipline on the workers?

8 A I guess I don't understand your question, Mr.
9 Mizuno. Let me ask a clarify question of you, if I may. Are
10 you talking about in a position of evaluating policies other
11 than my own company, or of my own company in particular?

12 Q Of other companies.

13 A On one occasion, yes.

14 Q Before I follow that up, were the -- are the
15 personnel policies of Ebasco consistent from job site to
16 job site?

17 A There's job site variations, but the basic
18 philosophy is the same.

19 Q In that one instance where you had an opportunity
20 to compare the personnel policies, do you believe that the
21 standards or the various measures or items which may be
22 cause for the imposition of discipline to be relatively the
23 same or drastically different from those of Ebasco or
24 Brown & Root?

25 A I think with slight variations, they are basically

mml8pb2

1 all the same.

2 MR. ROISMAN: Excuse me, off the record for a
3 moment.

4 (Discussion off the record.)

5 BY MR. MIZUNO:

6 Q With regard to the level of specificity of the
7 procedure to be taken for disciplining an employee, do you
8 find that there is a substantial difference between this
9 other company that you had an opportunity to review their
10 personnel policies and Ebasco's?

11 A Let me say for the record, Mr. Mizuno, that the
12 company that I had an opportunity to personally formulate
13 the personnel policy was a foreign company.

14 Q I see.

15 A In that sense, it's not a real good example because
16 there's different labor laws, different customs, everything
17 else.

18 Q Okay. Let's end our further discussion on that.
19 Earlier this morning you indicated that a threat to "pull
20 certificates" which I assume to mean to require a QC
21 inspector to undertake retraining, you consider that to be
22 a disciplinary action which you would not impose if it was
23 the first incident of an inspector writing an incorrect NCR;
24 is that correct?

25 A Yes, sir, I do.

mml8pb3

1 Q Do you think that this would be the case for
2 other supervisors? In other words, is your personal standard
3 the same as would be expected for other supervisors in your
4 position?

5 A To the extent that they wouldn't pull certifications
6 for one error, I think that's fairly standard.

7 Q Okay. We discussed the hotline program and the
8 ombudsman program at some measure this morning, and you
9 indicated that the hotline was instituted to, one, to allow
10 an avenue for QC inspectors and other people to vent their
11 concerns in a certain manner, another channel. ANd also, to
12 reach a resolution on those concerns.

13 Does the hotline program provide for the results
14 of the company's resolution to be communicated back to the
15 persons who originally made the concern?

16 A Provided that the individual gives the company
17 either the tape on the hotline or the director of corporate
18 security enough information to recontact him with that
19 resolution. Yes, sir, in all cases.

20 Q Assuming that a person gave sufficient identification
21 so that the company could contact the original person making
22 the concern, do you think it is the advisable thing, or
23 desirable thing for the company to do so?

24 A Yes, sir.

25 Q If so, why?

mml8pb4

1 A It's my experience with many of the concerns or
2 allegations that are made on this and other projects that
3 ofttimes the allegation itself is due to a lack of understanding
4 of either the process involved or the regulatory requirement
5 imposed. By going the additional step to go back to the
6 person who voiced the concern, it's more of a training process
7 as well as, I think, the final step in any investigative
8 process of closing out your investigation.

9 Q Now this -- your belief. Is that your own personal
10 belief, or do you also believe that is a company policy
11 which has been expressed in one document or another?

12 A It's at least my own personal belief. I am not
13 sure whether Texas Utilities has a written policy statement
14 on the subject or not.

15 Q Okay. With regards to the ombudsman program, I
16 guess I have the same question. If a person makes an
17 allegation or expresses a concern to the ombudsman, which is
18 currently Mr. Grier?

19 A Yes, sir.

20 Q Is there a method for the company to get back to
21 the original allegor once the company has resolved the concern,
22 or come to a conclusion about the --

23 A It's my understanding that Mr. Grier has gotten
24 back with the expressor of the concern, yes, sir.

25 Q Can you identify the QAI number for the Winckel

mml8pb5

1 incident?

2 A No, I cannot.

3 Q You indicated some time this morning that you
4 were aware of incidents involving complaints by QC inspectors
5 of intimidation or harassment, or events which QC inspectors
6 considered themselves to be considered to be intimidation and
7 harassment. Can you describe those incidents, or is there --

8 A I could describe incidents that I remember right
9 off the top of my head, if that's what you're asking.

10 Q Apart from the ones we discussed on the record here
11 involving Winckel, Dunham and the T-shirt incident, are
12 there any others? Can you identify -- well, can you tell me
13 whether they were the subject of some company investigation?

14 MR. WATKINS: I will object on the hearsay grounds,
15 unless you're asking for incidents that he has personally
16 observed.

17 MR. MIZUNO: No, incidents that he knows about.
18 The only reason is, I want to --

19 MR. WATKINS: You're not seeking --

20 MR. MIZUNO: This is discovery.

21 MR. WATKINS: This is an evidentiary transcript.
22 You're not seeking to prove or disprove that incidents took
23 place. If you're seeking to establish whether the alleged
24 incidents came to Mr. Brandt's attention --

25 MR. MIZUNO: And I want to know precisely were

mml8pb6

1 those incidents that came to Mr. Brandt's attention. And
2 I'd say it has a mixed evidentiary, discovery label on that.
3 But the Board has indicated that we're not having desegregated
4 transcripts.

5 MR. WATKINS: I understand. The Board has indicated
6 though with respect to the specific incidents of alleged
7 harassment and intimidation, it's not interested in learning
8 about those incidents via hearsay. You're asking Mr.
9 Brandt to tell you on a hearsay basis about precisely those
10 incidents.

11 MR. MIZUNO: I'm asking Mr. Brandt for the purpose
12 of knowing what incidents came to his attention. Not for
13 the purpose of proving that those incidents, in fact, occurred.
14 The reason for asking Mr. Brandt, or finding out about Mr.
15 Brandt's knowledge in this area is because I want to follow
16 up and determine what Mr. Brandt did in response to his
17 knowledge of those incidents. And I do not want to have a
18 general discussion of incidents. I want to specifically
19 define each incident, since Mr. Brandt may have pursued
20 different resolutions for each of these incidents.

21 MR. WATKINS: On that basis then, we understand
22 each other. AND if Mr. Brandt remembers incidents, he can
23 tell you.

24 THE WITNESS: We discussed a Hal Wade incident
25 this morning.

end 18.

mgc 19-1 1

2 THE WITNESS: I think I sufficiently
3 described what happened there. There was an incident
4 involving a coatings inspector by the name of Lanette
5 Adams and a coating superintendent by the name of Junior
6 Haley, H A L E Y (spelling).

7 Ms. Adams had performed an inspection.
8 Junior observed her performing the inspection and
9 wanted to know the results of the inspection and chased
10 her through the building to find out these results. She
11 came to me and told me she felt scared just from
12 Mr. Haley's physical size and her physical size and the
13 comparison in sizes, and I said I'd look into it.

14 I had talked to Mr. Haley about the incident.
15 He admitted that that had happened. That he was in no
16 way after her, other than to find out information, and
17 I instructed Mr. Haley that if he wanted information,
18 he could go through her supervisor and obtain it, that
19 the next time I found him chasing one of my QC
20 inspectors through the building, we were going to have
21 major problems.

22 BY MR. MIZUNO:

23 Q Junior Haley was a coatings supervisor.
24 In other words, he was a crafts supervisor.

25 A Craft supervisor.

Q Did you inform Ms. Adams of your talk with

mge 19-2

1 Mr. Haley?

2 A Yes, I did. And I assured her that it would
3 not happen again.

4 Q Did she indicate any dissatisfaction with
5 your actions in that regard?

6 A No, she did not. There was an incident with
7 a Class 5 hanger inspector. I don't remember exactly
8 which one. And a combination of pipehanger/superintendent
9 by the name of Ronnie Johnson and a General Foreman by
10 the name of Forrest Dendy, D E N D Y (spelling), to which
11 Mr. Dendy, Mr. Johnson and the inspector involved and
12 myself all sat and discussed the situation. I think we
13 jointly reached the conclusion that it was a misunder-
14 standing on everyone's part, and both Mr. Dendy and
15 Mr. Johnson were apologetic that the misunderstanding
16 occurred. The inspector understood, seemed happy with
17 the resolution, and the meeting adjourned.

18 There was an incident --

19 Q Before you go on, let me ask you about the
20 two incidents we have talked about so far.

21 First of all, did you make any kind
22 of memorandum or other kind of written document?

23 A No, I did not. In no case.

24 Q Okay, fine. Okay, go on to your next
25 incident.

mgc 19-3

1 A There was an incident to where the night
2 shift General Superintendent wrote a letter to the
3 General Civil Superintendent questioning my night shift
4 supervisor's certification and basically ability. I was
5 brought a bootleg copy of the letter the next morning.

6 Q By whom?

7 A By someone who I would rather remain
8 nameless.

9 Q Was he a craft person?

10 A Yes. It was given to me under that
11 understanding. I told him I would look into the situation
12 at 5:00 p.m. that day when the night shift General
13 Superintendent came in -- excuse me -- I'm not using names --
14 Jim Sandlin was the night shift General Superintendent;
15 the General Civil Superintendent on the day shift was a
16 gentleman by the name of Billie Ward.

17 Those two gentlemen, Mr. Foote who was my
18 night shift superintendent -- F O O T E (spelling) -- and
19 I sat down and had a discussion. I told --

20 Q Before you go on, was this
21 letter which was sent from the night shift General
22 Superintendent to the General Superintendent, was a copy
23 of that letter also given to your night shift QC
24 supervisor?

25 A No, it was not.

mgc 19-4 1

Q He never knew about it?

2

A No, sir.

3

MR. WATKINS: Mr. Foote was the person about whom the letter was written; is that correct?

5

THE WITNESS: Mr. Foote did not receive a copy of the letter.

7

BY MR. MIZUNO:

8

Q Do you think because of that Mr. Foote could have been intimidated by the letter, since he never knew about it.

10

11

A Mr. Foote was not really intimidated, but there were inspectors on the night shift who were aware that the letter was written, which was what my concern was.

13

14

15

Q I see.

16

A I explained to Mr. Ward and Mr. Sandlin that I didn't need any of their letters. I'd be glad to discuss any of my personnel certifications with them, if they wished to discuss it. I didn't think we needed to get into a letter writing mode, criticizing each other's personnel in essence, explained to them to their satisfaction that the concern they had raised in the letter was not a concern, and told them -- essentially made Mr. Ward an offer that if we wanted to get into a letter writing contest, we could start at any time he wished.

25

mgc 19-5 1

2 I think Mr. Ward understood my dissatisfaction
3 with the practice. I think he understood why I was
4 concerned and the effect it could have, the negative
5 impact on the QC people working for Mr. Foote, and both
6 Mr. Sandlin and Mr. Ward agreed that if they had any
7 problems in the future, we would all be aware of what
8 each other's problems were without writing nasty memos
back and forth.

9 Q Okay. Now Mr. Foote was at that meeting,
10 right?

11 A Yes, sir, he was.

12 Q Now you indicated that part of your concern
13 was because it may have a negative effect on the QC
14 inspectors, the line QC inspectors.

15 Were the results of this meeting somehow
16 transmitted back down to the QC inspectors, the line
17 QC inspectors?

18 A Yes, I believe it was.

19 Q Did you do that yourself?

20 A No, I believe Mr. Foote did. I believe two
21 inspectors were aware of it. It was over a questionable
22 call in the coatings area on night shift that Mr. Foote
23 had made as a Level 3. Mr. Sandlin had gone to the
24 Personnel Records Section of the permanent plant records
25 vault, looking for Mr. Foote's coatings certification, as

mgc 19-6

1 Mr. Foote was certified as a Level 3, as opposed to a
2 Level 1 or 2. It was not in the area of the vault in
3 which they looked. Consequently, they questioned
4 Mr. Foote's ability or certification status to make the
5 call that he made.

6 I explained that Mr. Foote was a Level 3,
7 a certified Level 3, and that there were certification
8 records in the vault and on file. That seemed to solve
9 Mr. Ward and Mr. Sandlin's concern. As I said, I don't
10 even remember which two inspectors were involved, or if it
11 even was two. It was one or two inspectors. But I believe
12 Mr. Foote had passed the message on down to him that
13 Mr. Ward's and Mr. Sandlin's concern had been rectified.

14 Q Did Mr. Foote tell you that, that he had told
15 the QC inspectors?

16 A I don't remember. I have reason to believe
17 he did, because I would have no reason to believe that that
18 had happened, had he not told me.

19 Q Okay. Is that it?

20 A That's all I can think of.

21 Q Thank you on that.

End 19

1 Q We spent some time talking about a survey that you
2 did where you handed out a questionnaire to your QC inspectors
3 and you indicated that there is a section, or with each
4 section there was a space for the QC inspectors to submit
5 some narrative comments as well as checking off yes or no.

6 In those comments, did you -- before I go to that,
7 first, were there any questions in the survey that specifi-
8 cally asked the QC inspectors whether they had been harassed,
9 intimidated or prevented from doing their job or --

10 A Mr. Mizuno, I have not looked at the survey recently.
11 I found them by accident. I wasn't looking for them. I was
12 looking for something else and ran across them. I provided
13 them.

14 There was a stack of documents approximately that
15 high (indicating). I picked them up out of the credenza that
16 is behind my desk and handed them to our attorney.

17 Q So you can't even recall the comments --

18 A I can't even recall what the questions are, much
19 less the comments.

20 Q Right.

21 Now you indicated that based upon the survey or
22 after the survey I should say and based in part upon the
23 survey, you reassigned a number of the QC inspector supervisors,
24 is that not correct, and you indicated that at least -- well,
25 you told two of them the reasons for their reassignment?

1 A Right.

2 Q How many supervisors were reassigned at that time?

3 A I don't mean to be vague, Mr. Mizuno, but reassigned
4 is a somewhat -- reassigned to you might mean something that
5 it doesn't mean to me.

6 There was a division of responsibilities. If I
7 could describe and answer your question, I think that is
8 probably the most expeditious fashion.

9 I moved C.C. Randall from night shift to assume
10 electrical conduit and cable tray support QC supervision.
11 I moved Mike Foote from supervising electrical conduit and
12 cable tray and Hilti bolts to night shift. Hilti bolts was
13 transferred under the supervision of Mr. William Lawrence and
14 Mr. Harry Williams was transferred off the site.

15 Q Okay. I guess I heard four names there, four
16 people totally involved in this.

17 A That is why I say the number of reassignments might
18 vary depending upon the definition of the term.

19 Q Okay. I believe I heard you say, though, that
20 all of the inspectors knew the reasons for their "reassignment,"
21 is that true -- even though you might not have told them
22 explicitly?

23 Or was I recollecting --

24 A All the inspectors or all the supervisors?

25 Q Supervisors.

1 A I think you are recalling incorrectly.

2 Q Do you think --

3 A It would be speculative at best on my part,
4 Mr. Mizuno, to suppose that.

5 Q Okay.

6 Do you think that the reassignment of a supervisor
7 without telling him the reason for his reassignment -- and I
8 am putting reassignment as whatever action that you mean as
9 far as moving them from one position to another or transferring
10 them out -- without giving them a reason, do you think that
11 that is conducive to the supervisor's evaluation of his
12 quality of work?

13 MR. WATKINS: Objection. What does this have to do
14 with harassment, intimidation of QC inspectors?

15 If you are suggesting that Mr. Brandt cannot
16 transfer a supervisor from one job to another I'll suggest
17 first of all that that would paralyze him as a manager and
18 secondly it has nothing to do with the issues in this
19 proceeding.

20 MR. MIZUNO: One, I am not suggesting that
21 Mr. Brandt does not have the authority or the responsibility
22 to do that. Rather I am trying to determine whether actions
23 in which people are transferred or other personnel action
24 taken against them without any reasons being given to them
25 may be perceived by a reasonable person as being intimidation,

1 harassment or some -- not necessarily being effective in
2 getting them to do their work properly.

3 And I would assume the QC supervisors are -- while
4 not specifically QC inspectors, that they fall within this
5 range of affected people, which the Board has said we are
6 interested in looking in their possible intimidation and
7 harassment.

8 Do you disagree with that?

9 MR. WATKINS: I think it is irrelevant, but perhaps
10 it would be faster if Mr. Brandt answered the question.

11 THE WITNESS: I think, number one, it is only
12 counter-productive, Mr. Mizuno, if it is done for disciplinary
13 reasons. Only one of the transfers was really done as any
14 kind of disciplinary measure.

15 Mr. Randall was moved off night shift simply because
16 he had been on night shift too long. I worked night shift
17 myself. You tend to lose touch with what is going on in the
18 project simply because you are so isolated.

19 In the event that disciplinary action was -- if you
20 interpret Mr. Williams' transfer off the site as discipline --

21 Q I guess before you go into that, do you consider
22 Mr. Williams' transfer offsite to be disciplinary?

23 A No, I don't.

24 Q Was one of the reasons for transferring Mr. Williams
25 offsite his handling of the "nitpicking" incident?

1 A Let me clarify that it was not my decision to transfer
2 Mr. Williams offsite.

3 It was my decision to move in a direction to replace
4 Mr. Williams. Mr. Williams' employer, Dravo Utilities,
5 constructors, transferred Mr. Williams.

6 Q Did you have any part in recommending to his
7 employer that he be transferred offsite?

8 A No, I did not.

9 Q Let me understand, then. You were in the process
10 of trying to reassign Mr. Williams for whatever reason,
11 disciplinary reasons, but prior to that, before the time when
12 you could actually do that he was transferred offsite by the
13 company independent of your supervisory actions?

14 A Before I ever had to formally remove Mr. Williams
15 from any position, he was notified that he was being trans-
16 ferred to another project.

17 Q I see. Okay, fine.

18 Do you recall your testimony on the report of the
19 investigation of intimidation and coverup on the part of
20 Dallas QA management, paragraph 3, I think on page 5?

21 A Yes, I do.

22 Q Can you tell me which NCR number that was that was
23 involved there?

24 MR. WATKINS: Could we hold on just a second.

25 Off the record.

1 (Discussion off the record.)

2 MR. MIZUNO: I have withdrawn my question regarding
3 the identification of the NCR number identified in that
4 portion of what I will call the Spangler Report, because
5 Mr. Brandt indicated off the record that he did not know the
6 NCR record.

7 BY MR. MIZUNO:

8 Q However, I would like to continue the examination
9 by asking Mr. Brandt whether he knows whether the concern
10 that this NCR had been "dispositioned improperly" had been
11 finally resolved by the QA/QC management at Comanche Peak?

12 A It was never a concern to my knowledge that it had
13 been improperly resolved by QA/QC management on site. It
14 was a concern possibly of the auditors, which I believe that
15 report reflects.

16 Whether they have finally closed it out, I have no
17 idea.

18 Q Would you have expected them to have informed you
19 that --

20 A Mr. Mizuno, I have already testified that I have
21 never even seen the report.

22 Q That is a different question though. The question
23 is whether you would have expected -- even though they did
24 not show it to you, whether you would have expected someone
25 to inform you about it?

A No. They were clear on what my position was.

End 20.

1 Q You indicated that you went out -- there were
2 incidences where you went out to the field because you were
3 called out to the field by various QC inspectors because
4 of a problem, a disagreement, with the Craft. And in those
5 instances, where the inspector was correct, as a general
6 matter -- if you can -- can you tell us what you did, as
7 regards to following this up on the Craft side?

8 A The question is so general, Mr. Mizuno, I'm
9 going to have problems.

10 Q Let me try to narrow this down a bit. Did you
11 just, when you looked at a problem, determine that the
12 inspector was correct in the field? Did you just explain
13 to the particular Craft person in the field, at that point,
14 or did you also go to his supervisor or did you send
15 a memorandum, or did you do anything else to assure that
16 -- I guess, higher Craft supervisors were aware of this
17 incident, where there was a disagreement, and that your
18 inspector was correct?

19 And also, as a separate question, do you think that
20 that is a necessary procedure to undertake?

21 A The action I took, depended on the nature of
22 the disagreement. If it was purely a technical disagreement,
23 I explained to both sides what my decision was. If the
24 inspector concurred with me to the point that he was
25 comfortable in signing the inspection report, I dropped

mm211b2

1 it at that. If he wasn't comfortable signing the
2 inspection report, I signed the inspection report as
3 Level 3, explained to the Craft why I made the decision I
4 made, explained to the QC inspector why I made the decision
5 I made, and moved on.

6 If the disagreement -- I think using your term --
7 was other than technical nature, if the disagreement
8 involved a confrontation between the QC inspector and the
9 Craftsman, I don't remember in any cases where I approached
10 the Craftsman directly. It's not so much true on Comanche
11 Peak as it's a non-union job. From my experience, the
12 quickest way to get in trouble on any construction site is
13 to direct a Craftsman to do anything, in the event that it's
14 a union job.

15 From that training, and from just using a little
16 bit of common sense, in all cases it was my practice to
17 go to at least the man's supervisor, in some cases one or
18 two levels higher than that, and discuss the problem, what
19 I thought the problem was, and explain that I would not
20 tolerate it anymore if the inspector was right.

21 Q Okay, and the inspector knew that you were doing
22 that?

23 A Yes, indeed.

24 Q When did you -- and I know we're plowing old
25 ground here -- but I'm just unclear yet. When did you first

mm211b3

1 find out about the fact that Mr. Williams had this meeting
2 with QC inspectors, where he talked about don't nitpick.
3 And I don't want to know the time when you first found out
4 that he used the word nitpicking. But I understood there
5 was a difference. You might have known that there was a
6 meeting.

7 Later on, there was a length of time, and then
8 you found out that he used the word nitpicking at the
9 meeting. Is that true?

10 A I knew the meeting occurred on the day it
11 occurred.

12 Q And Mr. Williams told you that about the
13 meeting?

14 A Yes.

15 Q What you found out about -- that Mr. Williams
16 actually used the words "nit-picking" from the QC
17 inspector that told you that, did you do anything to
18 inform your higher supervisor, Mr. Tolson in particular?

19 A Yes, I did. I told Mr. Tolson.

20 Q And what did Mr. Tolson tell you? What was the
21 substance of your discussion?

22 A I just told him that the interviews I was
23 conducting had led me to what had happened at the meeting
24 and I thought Mr. Williams had used an incredibly poor
25 judgment in describing what he was trying to portray.

1 Q Did Mr. Tolson have any reaction at that point?

2 A I honestly don't remember.

3 Q Did you recommend any disciplinary action be
4 taken against Mr. Williams at that time?

5 A Mr. Tolson was aware, in that time frame, that
6 I was considering replacing Mr. Williams. It might have
7 taken the context of discussing replacement. However,
8 I had not make a final decision at that time.

9 MR. MIZUNO: Can we have a short break at this
10 point?

11 MR. ROISMAN: It's okay with me.

12 MR. WATKINS: That's fine.

13 (Recess.)

14

15

16

17

18

19

20

21

22

23

24

25

EX ~~43-1~~ 7/11
Brandt - 1

C THOMAS BRANDT

SITE QUALITY ASSURANCE SUPERVISOR

EXPERIENCE SUMMARY

Over seven years experience in Quality Assurance, Quality Control and nuclear licensing, including technical and administrative supervision/management of inspection and testing personnel, procedure and Quality Assurance program development, administration of contracts/subcontracts and preparation and presentation of expert testimony in nuclear licensing.

Responsible for preparation of Quality Assurance manuals for entire programs for ASME Section III and ASME Section XI (both preservice inspection and repair and replacement). Have developed programs to implement requirements of various IE Bulletins (79-01B, 79-02, 79-06, and 79-14) and Branch Technical Positions (ETSB 11-01).

Developed computer programs for heat number traceability, welder qualification, non-conformance report trending and preparation of ASME N-3 and N-5 Code Data Reports.

Served as a consultant integrated into a utility's organization in the areas of nuclear licensing.

Served as the utility's representative in the ASME survey of their contractor and supervision/oversight of that contractor's activities.

On two occasions, responsible for preparation and presentation of formal training seminars; one on mechanical/welding inspections, one on welding and NDE.

REPRESENTATIVE EXPERIENCE

<u>Client</u>	<u>Project</u>	<u>Size</u>	<u>Fuel</u>	<u>Position</u>
Union Electric	Callaway Unit 1	1150MW	Nuclear	Lead
Louisiana Power & Light	Waterford Unit 3	1165MW	Nuclear	Support
Comision Federal de Electricidad	Laguna Verde Units 1 & 2	635MW ea.	Nuclear	Lead
Florida Power & Light	St Lucie Unit 1	777MW	Nuclear	Support
Hyundai Engineering & Construction, Ltd.	Kori Nuclear Units 5 & 6	900MW ea.	Nuclear	Consultant/ Instructor
Philippine National Power Corporation	Philippine Nuclear Project	620MW	Nuclear	Instructor
Texas Utilities	Comanche Peak Units 1 & 2	1150MW ea.	Nuclear	Lead/ Consultant

EMPLOYMENT HISTORY

Ebasco Services Incorporated, New York, NY;	1978 - Present
Site Quality Assurance Supervisor	1983 - Present
Principal Quality Assurance Specialist	1982 - 1983
Senior Quality Assurance Specialist	1980 - 1982
Quality Assurance Specialist	1978 - 1980
Tompkins-Beckwith Mechanical Contractors, Hahnville, LA	1978
Mechanical/Welding Inspector	
Daniel International, Fulton, Missouri	1977 - 1978
Lead Welding Inspector	1978
Welding Inspector	1977

EDUCATION

University of Missouri - BA Biology	1974
University of Missouri - All course work complete for MA Zoology	

PROFESSIONAL AFFILIATIONS

American Welding Society - Member

Current or Previous Certifications

ANSI N45.2.6	Level III	-	All Inspection Disciplines
SNT-TC-1A	Level II	-	Penetrant Testing
SNT-TC-1A	Level I	-	Magnetic Particle Testing
ANSI N45.2.23	Auditor		

7/11/84 Brandt #2
CW

Brown & Root, Inc.

BROWN & ROOT, INC.
JOB #35-1195

COMANCHE PEAK STEAM ELECTRIC STATION

* S-T-A-T-E-M-E-N-T *

IT IS AGREED BY THE UNDERSIGNED THAT EVEN THOUGH THE EMPLOYER PROVIDES PARKING FACILITIES WHERE POSSIBLE, I WILL USE SUCH PARKING FACILITIES AT MY OWN RISK AS TO ANY PAINT SPRAY OR OTHER DAMAGE RESULTING BY REASON OF THE CONSTRUCTION PROJECT.

SIGNATURE: _____
FIRST MIDDLE LAST

BADGE NO. _____

DATE: _____

BASIC SAFETY RULES
Job #35-1195

The Basic Safety Rules to be followed by all Brown & Root, Inc. employees as well as employees of Subcontractor's on this project are the following:

1. Violations of Company, Federal and State Regulations is cause for immediate termination.
2. U.S.H.A. approved hard hats will be worn by all employees on the project site.
3. For personnel wearing prescription eyeglasses, the use of eyeglasses with a safety-type lens is recommended. Eye protection will be worn by ALL personnel in designated areas.
4. Approved hearing protection will be worn by all employees in designated high noise level areas.
5. Approved respiratory protective devices will be worn in areas designated as areas of high concentration of dusts or dangerous atmospheres.
6. Clothing must give adequate protection to the body. Shirts with sleeves must be worn at all times and shirt tails must be worn inside the trousers, except in the case of welders and burners. Footwear must give adequate protection to the feet. Steel toed shoes are recommended. No loafers, canvas or suede shoes will be allowed. Footwear must be a well constructed, construction type snee or boot, rubber type soles (No leather soles). No Tennis shoes allowed.
7. Housekeeping is an integral part of every job and each employee will keep his work area clean. A clean job is a safe job.
8. Compressed air will not be used to dust off hands, face or clothing.
9. Nothing is to be placed in drinking water containers for cooling. The tops of drinking water containers shall not be removed to obtain ice.
10. There will be no running on the job site.
11. No glass bottles, cameras, firearms, soft drink cans, alcoholic beverages or drugs, other than those legally purchased or prescribed by a physician or a project paramedic are allowed on the job site.
12. "HORSEPLAY" on the job site is strictly prohibited. Violation of this rule is cause for immediate termination.
13. All job related injuries will be reported immediately to the Safety Department or First-Aid facility. The safety Department or the employee's immediate supervisor must be notified before going to a doctor for a job related injury.

The above Basic Safety Rules are for the benefit of each employee assigned to this project. Failure to abide by these rules will be considered grounds for immediate termination.

You are advised that in the case of Safety Rule No. 11, assurance of compliance will be made by means of periodic inspection of vehicles, lunch boxes, and clothing.

Your signature indicates that you have read and understood the Basic Safety Rules and that you accept these and all other safety rules as a condition of employment.

SIGNATURE

DATE

In addition to the 13 Basic Safety Rules to be followed by all Brown & Root employees, the following rules are also strictly enforced on this job site:

SAFETY BELTS

1. A safety belt, consisting of the belt and a lanyard attached to the D-ring by at least one snap, must be worn and used when an employee climbs to any height exceeding six feet. If and when the employee stops his travel for any reason, he must attach his lanyard to a substantial fixture, such as a pipe, hanger, or steel beam. 2 X 4 wooden handrails are not desirable to tie the lanyard around.
Never detach the lanyard completely from the belt itself. When this is done, the belt becomes nothing more than a tool belt.

DOUBLE EYE PROTECTION

2. When an employee's duties cause him to create any airborne, flying particles, then double eye protection must be worn. Double eye protection consists of a face shield and monogoggles. Some of the jobs requiring this protection are grinding, using flapper wheel on grinder, a steel brush on grinder, pencil grinder, Hilti drilling above waist high, chipping concrete, using blow pipe on air hose, water blasting and any use of bench grinder or carbon saw.

BARRICADE TAPE

3. A. Black and yellow tape, stretched approximately 42" high and parallel to the walking surface, is placed there to inform you that beyond the tape is a possible hazard to the employee. There is possibly a scaffold being wrecked, concrete chipping in progress, or a heavy lift being made. Yellow and black tape must not be used as a physical barrier for a fall hazard. Do not cross the black and yellow tape. Seek another route for your travel.
B. Yellow and Magenta (pinkish-purple) tape, either with or without Radiation "Keep Out" sign attached, is placed in an area in such a manner as to block entrance, to inform employees that a pipe or weld is being x-rayed with radiation. Crossing this tape could result in senseless exposure to the radiation which can have very adverse results to the employee. Any employee must not, for any reason, cross this yellow and pink tape. To do so may result in termination.

TAGS

4. Blocking, lock out, and unsafe tags, in many various forms, are used on many systems, panels, and pieces of equipment. Employees should read tags that are attached to items in their work area so as to be aware of what is happening. These tags must not be removed, defaced beyond legibility, and above all, must not be ignored. To do so can result in termination.

Your signature indicates that you have read and understood the above Safety Rules and that you accept these and all other safety rules as a condition of employment.

SIGNATURE

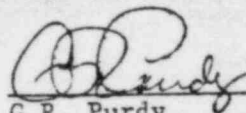
DATE

C. Absenteeism

Note: The employee's immediate supervisor shall determine the validity of the absence as to excused or unexcused.

- Unexcused Absence - First offense, Employee Counseling Report; second offense, the employee will receive three (3) days off without pay; third offense will result in immediate termination.
- Excused Absence - (6 absences within a 6 month period without a doctors excuse) Supervisor should initiate a Counseling and Guidance Report.

When an employee is terminated the immediate supervisor shall obtain any copies of Employee Counseling and Guidance Reports from the QA Administrative Assistant, take them to the Time Office for attachment to the Assignment Termination Form H-12 (attachment 2), and sign and date same.



G.R. Purdy
Site QA Manager

GRP/bm

7/11/84 Brandt-4
TEXAS UTILITIES GENERATING COMPANY

OFFICE MEMORANDUM

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

Subject Inspector Interviews

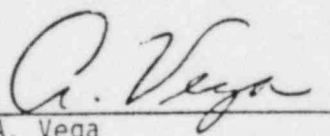
CONFIDENTIAL

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. W. Chapman~~
B. H. Grier

22pb1

1 BY MR. MIZUNO:

2 Q Let's talk about the T-shirt incident. You
3 indicated that the electrical QC inspectors that were
4 involved in this incident were given the option of coming
5 back to work the next day. Were they told that -- was it
6 conveyed to them that their jobs were guaranteed that their
7 jobs would be there? Or were they told that they could
8 come back and see if their jobs were there?

9 A Mr. Pitts was told his job was secure. Mr. Pitts
10 is the only one of the eight that I talked to.

11 Q Okay. Who informed the other seven inspectors
12 of the company's decision?

13 A Mr. Purdy.

14 Q Now I understand that the counseling session with
15 the electrical inspectors was separate from the point in time
16 when the inspectors were informed of the company's decision.

17 MR. WATKINS: Objection. Mr. Brandt has testified
18 Mr. Pitts was the only employee for which he was responsible,
19 and that he conducted a counseling session with Mr. Pitts.

20 MR. MIZUNO: Eight?

21 MR. WATKINS: That he conducted a counseling
22 session with Mr. Pitts. The only employee for which he had
23 responsibility. You were saying inspectors.

24 BY MR. MIZUNO:

25 Q Is that true?

22pb2

1 A Yes, sir.

2 Q You did not conduct any counseling session with
3 any other employee?

4 A No, sir.

5 Q We spent some time talking about whether you
6 received information on schedule or cost consequences flowing
7 from delay in construction and inspection activities. And
8 we spent much time talking about hypothetical situations. I
9 would like to know whether you recall any instances where
10 you were -- where either -- where you were directly approached
11 by higher management, either higher QA/QC management or
12 people from the construction side. And specifically for the
13 purpose of talking about delays in inspection and effect on
14 cost with delay.

15 A As far as being approached by anyone as far as
16 delays in inspection and delays on cost, the answer is no.

17 Q Okay. Have you told any supervisors or line
18 inspectors that they ought to hurry their inspections or
19 conduct their inspections in a manner -- in the most expeditious
20 manner possible because there is a concern with cost?

21 A No, I have not.

22 Q Has any QC inspector or supervisor indicated to
23 you that -- this is not for the truth of the matter asserted,
24 because we are getting into the hearsay problem here -- but
25 has any QC inspector or supervisor, QC supervisor approached

22pb3

1 you and said that he was approached by someone either a
2 manager or some other person talking about costs effects of
3 delays in QC inspections on the cost of the plant, or delay
4 in getting it licensed and online?

5 A Not that I recall. No, sir.

6 Q Returning to the Williams, Dunham matter, are
7 you aware of a meeting that was arranged between QC inspectors
8 in the coatings area and two corrosion engineers?

9 A Yes, I am.

10 Q Did you direct that that meeting be held?

11 A I arranged for it to be held. I was approached by
12 Mr. Kelly who was one of the corrosion engineers, asked if --
13 he thought it would be a good idea. I concurred, and I set
14 up the meeting.

15 Q Why did you think it was a good idea?

16 A Because the spec and construction procedures had
17 received substantial changes and it was an education process
18 as informing the inspectors as to why the procedures were
19 changed.

20 Q Were you aware of any complaints by either your
21 supervisors or QC inspectors under you in the coatings area
22 that they were unclear as to the requirements of the
23 procedures, inspection procedures?

24 A I don't understand the question, Mr. Mizuno, at
25 that time?

22pb4

1 Q Yes. Prior to setting up the meeting with the
2 corrosion --

3 A That wasn't the purpose of the meeting. The
4 purpose of the meeting was to assure that they understood
5 from the people who made the changes what the purpose of the
6 changes were, and what the justification for the changes
7 were.

8 Q Were you at that meeting?

9 A No, I was not.

10 Q Did you assign anyone from your staff to attend
11 that meeting?

12 A Yes, I did.

13 Q Who was that?

14 A Mr. Krisher.

15 Q Did Mr. Krisher report back to you as to what
16 occurred during that meeting?

17 A Yes, he did.

18 Q And can you summarize what he told you?

19 A In briefest summary form, Dunham had been a
20 disruptive force, refused to let the meeting achieve its
21 intended purpose that I had a problem with Dunham and we
22 needed to do something about it.

23 Q Did Mr. Krisher express any concern with any other
24 QC inspectors at that meeting?

25 A No, he did not.

1 Q After Mr. Krisher told you this, what did you do?

2 MR. WATKINS: Is the question what he did regarding
3 what Mr. Krisher had told him?

4 MR. MIZUNO: Yes, as a response to that --

5 THE WITNESS: I ultimately decided we should counsel
6 Dunham on his attitude and give him three days to think about
7 it.

8 BY MR. MIZUNO:

9 Q What is the method for counseling Mr. Dunham,
10 counseling any QC inspector?

11 A What's the method?

12 Q Yes.

13 A I don't understand what the question means.

14 Q Is there a specific form that you fill out?

15 A For Brown & Root people there's a specific counseling
16 form.

17 Q Did you fill that form out yourself?

18 A No, I did not.

19 Q Did you direct anyone to do that?

20 A Yes, I did.

21 Q Who was that?

22 A Mr. Krisher.

23 Q After Mr. Krisher filled out the form, did you
24 review what he wrote down on that form?

25 A Not before it was discussed with Mr. Dunham. No,

1 I was not on the site.

2 Q Was that a normal procedure for Mr. Krisher?

3 A For me to not be on the site?

4 Q No, for you not to review a counseling form prior
5 to it being discussed by the counsellee.

6 A The show goes on when I'm not there. Mr. Krisher
7 had full authority to act in all matters in my absence.

8 Q Are you familiar with the document entitled TUGCO
9 QA management review board? I guess I should show this to
10 you. Actually, there's several documents in this. It has
11 been identified earlier as Purdy -- Exhibit Purdy 42-1. Have
12 you seen this?

13 A No, I have not.

14 Q Maybe you should thumb through some of those
15 because this is actually a compilation of various documents.

16 MR. ROISMAN: Off the record.

17 (Discussion off the record.)

18 BY MR. MIZUNC:

19 Q Have you ever seen this document?

20 A No, I'm not familiar with it at all.

21 Q That ends that unfortunately. The fact that you
22 haven't seen this document, does that indicate that you
23 have never heard of this document before I showed this to you?

24 A I'm aware the inspector interviews took place. I
25 have never seen nor discussed that document with anyone.

22pb7

1 Q You've never discussed the results of that
2 document either?

3 A No, I have not.

4 MR. MIZUNO: That ends my examination at this
5 point.

6 MR. WATKINS: I have five questions for essentially
7 clarification.

8 MR. ROISMAN: And I have a few based upon what
9 Mr. Mizuno said.

10 MR. WATKINS: Would you like to go first?

11 MR. ROISMAN: If you'd like me to, fine, I'll be
12 glad to.

end 22.

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EXAMINATION

BY MR. ROISMAN:

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3 Q Mr. Brandt, you were just testifying -- I believe
4 it was correct -- that Brown & Root had a form, a counseling
5 form, that was prepared in advance of the counseling of
6 Brown & Root employees?

7 A Not always in advance, no, sir.

8 Q But that with regard to the conseling of Brown
9 & Root employees, there was always a form, either before
10 or after prepared?

11 A Any formal counseling session of Brown & Root
12 employees resulted in preparation of this form.

13 MR. ROISMAN: Mr. Watkins, just for the record,
14 if we have not received those counseling forms, as they
15 relate to the witnesses who we had identified in our
16 initial listing, I would think it fits squarely within our
17 request. I'm stating this for the purposes of the record.
18 Could you undertake to determine whether it has been
19 interpreted by the people who were giving us our information,
20 that we were to get that counseling form?

21 MR. WATKINS: Have you received that counseling
22 form?

23 MR. ROISMAN: To the best of my knowledge, we have
24 received no counseling forms for any people. I certainly
25 have not seen anything that looks like a counseling form.

mm231b2

1 MR. MIZUNO: You must have seen the one for
2 Dunham.

3 MR. ROISMAN: I have not been doing the Dunham,
4 so it's possible that the one for Dunham is in, through
5 the DCL procedure.

6 MR. MIZUNO: Dunham, Atchison, it's also
7 I believe attached to the OI report, too. I've received
8 several different documents.

9 MR. WATKINS: Let me understand --

10 MR. MIZUNO: Also the Vega report on that subject.

11 MR. WATKINS: I'd be astonished if you did not
12 have a copy of the Dunham counseling report. But I'm
13 more interested in your thoughts, as to whether you
14 think your request for documents would have covered all
15 counseling reports?

16 MR. ROISMAN: No, only the ones that related to
17 our identified individuals. Mr. Belter had, on a number
18 of occasions, said I'm not going to search all the files
19 to determine everybody.

20 MR. MIZUNO: Here's Dunham's counseling report,
21 which was attached to the Vega report, which I think you
22 got.

23 MR. WATKINS: It's entirely possible, with respect
24 to a number of individuals on your list. They were never
25 counseled.

mm231b3

1 MR. ROISMAN: That is quite possible and as long
2 as we are clear that for all of those who were counseled
3 we have the form, then I don't have any -- I got no problems.

4 THE WITNESS: If I led you to believe, Mr. Roisman,
5 that that form is used by other than the QA personnel
6 within Brown & Root's organization, that was unintentional.
7 I have no knowledge of what construction uses, as far
8 as documenting counseling sessions.

9 BY MR. ROISMAN:

10 Q No, nor was I asking about them, beyond that,
11 in any event. I was limiting it to Brown & Root QA/QC.
12 Well, maybe the one to ask is Mr. Belter.

13 I don't have any more question about that. I
14 just want to make sure that that's happened.

15 MR. WATKINS: I suggest you take it up with him.

16 BY MR. ROISMAN:

17 Q You indicated that you had told Mr. Tolson that
18 it was your judgment that Mr. Williams had used poor
19 judgment in the way he handled the meeting with the paint
20 coatings inspectors, in roughly January of 1983. Is that
21 correct?

22 A Yes, sir.

23 Q Did you tell Mr. Tolson what you thought the
24 implications or consequences were of that poor judgment,
25 what you believe would flow from that? Not what should

1 happen, but what did you think were the implications of it?

2 A Not that I recall, no, sir.

3 Q Did you have a view, as to what you think the
4 implications of it were?

5 A I think, more than anything, it probably just
6 caused a continuing degradation of the working relationship
7 between Mr. Williams and the people he supervised.

8 Q And what, in your judgment, is the consequence
9 of that degradation?

10 A Ineffectiveness as a supervisor.

11 Q Does it have, in your judgment, any impact on
12 the performance of QC inspections?

13 A No, sir.

14 Q I'm sorry?

15 A In this case, no, sir.

16 Q As far as your concerned, there's nothing from
17 the performance of Mr. Williams, that you found, that had
18 any impact -- adverse impact -- on the performance of the
19 responsibilities of the QC inspectors who he was supervising?

20 A Adverse impact is an incredibly broad term. If
21 you're talking about adverse impact on the plant, or
22 adverse impact on the inspectors.

23 Q I'm talking about adverse impact on the performance
24 or their job.

25 A No. Even though, I think the answer is no.

1 Q What, if any, disciplinary action did you take
2 against Harry Williams after you had completed your
3 investigation into the nitpicking speech and other matters
4 related to him?

5 A I had decided that he needed to be replaced.

6 Q I may be mistaken, but I thought you testified
7 to Mr. Mizuno, just a few moments ago, that you did not
8 view that as being disciplinary action.

9 A No. I said I didn't review his transfer. I
10 had decided, when I moved Everett Mouser into the group,
11 that I was going to replace Mr. Williams. I didn't care
12 what TUCI -- or for that matter, Texas Utilities, did with
13 Mr. Williams, but I was going to replace him as someone
14 who is responsible for supervision of protective coatings,
15 QC inspections. That decision was made the last week in
16 July, 1983.

17 Q And that decision to replace was the disciplinary
18 action that you --

19 A We might be getting hung up on the term or the
20 semantics of the term "disciplinary action." I prefer
21 the term corrective action, if that answers your question.

22 Q We've been using it a lot this morning, and I
23 asked you about it --

24 A I understand, but I have a problem with the term
25 in reference to what happened there, Mr. Roisman, because

mm231b6

1 it didn't really affect Mr. Williams. He is still
2 receiving the same monetary remuneration for his services.
3 He is still employed. He was transferred, by his company,
4 before I was forced to do anything with him, as far
5 as disciplinary.

6 Q All right, but you're -- did you have some kind
7 of limit on what kind of disciplinary actions you could take
8 against him, because he was not an employee of EBASCO or
9 TUGCO, or Brown & Root? Is that where the problem comes
10 for you, in answering my question?

11 A No, just the term disciplinary action, I guess.
12 And maybe it's just a philosophical difference we have,
13 or a lack of communication.

14 Q Let me try it a different way. After you
15 completed your investigation of Mr. Williams, and the
16 allegations that have been made against him, was it your
17 judgment that disciplinary action should be taken against
18 him?

19 A No, for one reason. I don't believe, to this
20 day, Harry Williams actually thought he was doing wrong.

21 Q Okay.

22 A As I've told OI, and I think you earlier today,
23 or Mr. Mizuno, whoever asked me the question, I think it
24 was incredibly poor judgment on his part. I think it was
25 an incredibly poor choice of words to use in discussing a

mm231b7

1 problem with QC inspectors. But you have the disadvantage
2 of not knowing the man, and I don't really believe there
3 was any intent on Harry Williams' part to knowingly do
4 wrong.

5 Q After your counseling session with Mr. Pitts,
6 did you believe that there was any intent, on his part, to
7 do wrong in wearing the t-shirt?

8 A No, sir. I viewed it then, and I view it today,
9 as an effort by Mr. Pitts to try to fit into the groups
10 he was working in. He was being singled out, by the Brown
11 & Root inspectors, as being the only non-Brown & Root
12 inspector in the group. In that essence, he was receiving
13 a lot of peer pressure.

14 I think he was trying to conform and show them
15 that he was one of the guys.

16 Q You testified, in answer to Mr. Mizuno's question,
17 that you had known that Mr. Williams' had had a meeting
18 with the point coating inspectors. I think your words are
19 something like the day that it occurred. Am I correct that
20 you had learned of it from Mr. Williams?

21 A That's right. He told me it had occurred.

22 Q What did he tell you had occurred? What were
23 you advised of at that time?

24 A That he had taken him down and shown him all --
25 I think he had all the day shift inspectors that were

mm231b8

1 certified to inspect concrete, because that was the issue,
2 concrete coatings. And he had shown him what he considered
3 to be acceptable -- the real issue was essentially three
4 issues.

5 One of the issues was they had accepted some
6 items which were unacceptable. Secondly, they had rejected
7 items that were not rejectable. And third, and probably
8 most important, the room was a very small room, probably
9 the size of -- just to give you an idea -- maybe the kitchen
10 in this room.

11 MR. WATKINS: Could you give us the dimensions?

12 MR. ROISMAN: That's right. Unfortunately, we
13 won't have the kitchen with us.

14 THE WITNESS: It's not bindable in the transcript?

15 MR. ROISMAN: Six by six?

16 THE WITNESS: Eight by ten. We're talking ballpark
17 figures. A small room. They had an incredible of noted
18 rejections and the nature of marking rejections on concrete
19 coatings involves the application of a small piece of duct
20 tape, drawing an arrow on the duct tape on top of the
21 coatings indicating what the rejectable area is.

22 I think Mr. Williams was more upset that they
23 had spent an incredible amount of time performing this
24 inspection, rather than going in and finding the excessive
25 number of rejections, I guess, is as good a way to put it

mm231b9

1 as any, and just categorically rejecting the whole operation,
2 telling construction to rework the area.

3 Q Did he, in any way, indicate to you that he had
4 been critical of the QC inspector's work or what tone he
5 had used, or how he had communicated his concerns?

6 A He made no indication to me at all, as to the
7 tone of his discussion with the inspectors. He did indicate
8 to me that he had covered the areas to which they had
9 accepted, which were unacceptable, and had covered the areas
10 to which were acceptable, yet they had rejected.

11 Q And was his reporting to you that he had that
12 meeting a normal thing? I mean, would you normally expect
13 any of your supervisory personnel to report to you if they
14 had such a meeting?

15 A For a meeting of that nature, yes, sir.

16 Q And would you normally simply accept what they have
17 told you about the meeting, and not ask how did it go?
18 Did you get any backtalk, or anything like that? Or would
19 you probe and try to learn more about the nature of the
20 meeting?

21 A I wouldn't, as a matter of course, ask other than
22 the supervisor who had conducted the meeting. If you're
23 asking, you know, did I ask those questions of Mr. Williams,
24 I honestly don't remember, Mr. Roisman.

end23

25

1 Q Lastly, in the current position that you hold now,
2 are considerations of cost and scheduling appropriate factors
3 for you to be influenced by in attempting to do the work that
4 you are now doing along with, I believe, Mr. Tolson?

5 In other words, are you now out of the QA/QC
6 limitation and into the side where that is an appropriate
7 consideration?

8 A I think I can answer your question in two ways,
9 Mr. Roisman. I think from a regulatory standpoint, I think
10 I am now free of the requirement to be organizationally
11 independent enough to provide judgment because now I work for
12 the engineering department.

13 Personally the type of work to which I am now
14 engaged full time involves giving depositions, sworn deposi-
15 tions, providing sworn affidavits, representing material
16 fact in a licensing proceeding and I can assure you I will
17 never personally sign something regardless of any time schedule
18 even established by Judge Bloch that I have any hesitation
19 with at all.

20 Q But there are other aspects of your work, if I
21 understand, then, the nature of the functions that involve
22 organizing people to get material pulled together.

23 A No, sir.

24 Q It is only the giving of testimony?

25 A My current job description involves 100 percent

1 of my time in nuclear licensing support.

2 Q But my question is, isn't there more to it than
3 just testimony and depositions? I know today that hasn't
4 been the case.

5 A No, sir, not since I have been in that position.
6 I have provided testimony in licensing hearings. I have
7 prepared affidavits that we have subsequently filed before
8 the Board. I am currently working with various groups for
9 additional affidavits that have to be filed that have not
10 yet been filed.

11 We have responded to allegations forwarded to us
12 by both Region IV and the NRR. One hundred percent of my
13 work time is devoted to some licensing activities.

14 Q And do you feel any greater sense of urgency to
15 complete those tasks factually, accurately than you felt
16 before to complete the QC inspection work that you were
17 responsible for?

18 A No, sir.

19 MR. ROISMAN: That's it.

20 BY MR. WATKINS:

21 Q Regarding the room at which Mr. Williams conducted
22 this meeting, did that room have a name?

23 A It is termed the "skimmer pump room."

24 Q Earlier that day, had Mr. Williams come to you to
25 describe anything with respect to that room?

xxx

1 A Yes, sir, he had.

2 Q What did he tell you?

3 A That Tom Miller and another inspector who I believe
4 at this point to the best of recollection was Walter Elliott,
5 E-l-l-i-o-t-t, I distinctly remember the fact that Tom Miller
6 was the inspector.

7 He had another inspector with him. They had spent
8 approximately eight hours inspecting the small room and it
9 has literally covered with duct tape marking defects.

10 Q Did you go to see the room for yourself?

11 A Yes, I did.

12 Q Did you confirm for yourself the three items that
13 you have testified Mr. Williams mentioned, which were -- what
14 were those three items?

15 A The fact that they had accepted areas which were
16 unacceptable, that they had rejected areas to which I could
17 find no indication of rejectable indication and the fact that
18 they had spent a considerable amount of time in performing
19 a detailed inspection of a room that was categorically
20 rejectable.

21 Q Did you form a judgment about these inspectors'
22 performance of that inspection?

23 A I don't understand your question.

24 Q Did you instruct Mr. Williams to take some sort of
25 corrective action on the basis of your personal review?

1 A I instructed Mr. Williams to have the meeting.

2 Q Did you instruct Mr. Williams to have a meeting in
3 that room?

4 A No, I did not.

5 Q What was your purpose in asking Mr. Williams to
6 conduct a meeting?

7 A To demonstrate -- excuse me, let me correct myself.

8 In essence, although not directly, I did instruct
9 Mr. Williams to have the meeting in that room, in that I
10 instructed Mr. Williams to get the concrete coatings
11 inspectors together and explain the three areas in which I
12 personally am concerned, that being the areas which had been
13 accepted that were rejectable, the areas which had been noted
14 as rejectable which were not and the fact that such effort
15 had been expended on a room that simply needed to be rejected,
16 returned to construction for additional rework.

17 Q Was one of your concerns these inspectors
18 fundamental ability to do their jobs right?

19 A Yes, it was.

20 Q Mr. Roisman this morning asked you a number of
21 questions relating to your duties between February of 1982
22 and March of 1983, is that correct?

23 A Yes, he did.

24 Q After March of 1983 and until November of 1983, did
25 you retain your title as non-ASME QA supervisor?

1 A Yes, I did.

2 Q Did your basic duties change after March?

3 A The basic duties remained the same. The only
4 change that was effected was the addition of all the electrical
5 QC personnel and quality and engineering -- electrical
6 quality engineering personnel.

7 Q Mr. Brandt, I show you what has been identified --
8 a document that has been identified as Brandt-3 --

9 (Document handed to witness.)

10 -- which you discussed earlier. Do you have any
11 way of knowing whether that document has been as of today
12 replaced or amended?

13 A Do I have a means of knowing or do I know?

14 Q Do you know?

15 A No, I do not.

16 Q Do you know whether during the period February of
17 '82 to November of 1983 that document was changed?

18 A Well, it is obviously either been initially issued
19 or changed on July 19th, '82, as that is the date of the memo.

20 Prior to that date -- excuse me, after that date
21 I have no way of knowing whether it was changed.

22 Q Mr. Roisman asked you several questions regarding
23 how QC or QA employees would know what actions would warrant
24 disciplinary action. Do you recall those questions?

25 A Yes, I do.

1 Q Did you understand his questions to relate to
2 written means of identifying actions and disciplinary
3 responses?

4 A Yes, sir, I did.

5 Q Are there non-written means by which a QA employee
6 may know whether his actions may warrant disciplinary response
7 from management?

8 A Yes, there are.

9 Q And what is that?

10 A Probably the most important of all is common sense.

11 Q Would you explain that?

12 A Any professional employee I think has a very good
13 idea of what will be deemed acceptable behavior and
14 unacceptable behavior on his part.

15 Q Mr. Roisman asked you a number of questions relating
16 to hypothetical situations. In the real world, would your
17 reaction to and your response to any such situation depend
18 on all the facts and circumstances?

19 A I think in all the instances that Mr. Roisman and
20 I discussed, the hypotheticals involving discipline, the
21 hypotheticals involving technical issues included would have
22 to be evaluated on their own specific merits of that specific
23 instance before I can apply any concrete rule.

End 24.

24

25

1 Q Mr. Roisman posited a hypothetical in which a
2 QC inspector repeatedly and erroneously identified a
3 discrepant condition.

4 Do you recall the part of your -- that your
5 response to that hypothetical was that if the weld in question
6 had to be repaired over and over again, it would represent
7 unnecessary commitment of resources?

8 A Yes, I do.

9 Q Would it also be true that it was call into
10 question the inspector's basic ability to do his job?

11 A Yes, sir.

12 In either case, either the case that we discussed,
13 the objective case of the 10 versus 12 inches in separation
14 violation or the welding violation that we discussed that was
15 a subjective decision, would call into question the
16 inspector's basic ability to do the job.

17 But as I think I stated this morning, much more
18 so in the case to where he failed to even make correct
19 objective decisions.

20 MR. WATKINS: That's all I have.

21 Mr. Mizuno has more questions.

22 MR. MIZUNO: Not based in this. I'm sorry. I
23 forgot about one more item here which I would like to
24 question.

25 MR. WATKINS: Fine.

MMj1 25/2

1 MR. MIZUNO: I wanted to hand this to Mr. Brandt.

2 This was identified as Exhibit 45-2. It's dated
3 August 8, 1983. It is a memo which has been variously
4 referred to as the J. J. Lipinsky memo. It's a memo from
5 J. J. Lipinsky, who is apparently an employee with the
6 O. B. Cannon, C-a-n-n-o-n, Company.

7 This is a memo from Mr. Lipinsky to R. B. Roth.
8 (Document handed to witness.)

9 MR. WATKINS: May I ask to whose deposition was
10 this document made?

11 MR. MIZUNO: I believe that was Mr. Tolson's
12 deposition.

13 MR. ROISMAN: That's correct.

14 Again, not in evidence, but identified and
15 attached to it.

16 MR. WATKINS: Mr. Mizuno, do you intend to offer
17 this document?

18 MR. MIZUNO: Not at this time -- in part, because
19 this is not the proper person.

20 MR. WATKINS: For the record, we will object to
21 the use of this document as represented

22 Also, it hasn't been authenticated.

23 FURTHER EXAMINATION

24 BY MR. MIZUNO:

25 Q On the first page, there's a section July 27, 1983.

XXXXXXXX

1 A Uh-huh.

2 Q On the second paragraph within that category, there
3 is a -- I guess a -- second to the last, of the last sentence
4 there, it says, "C. T. Brandt (Ebasco) volunteered to have
5 T. L. Miller (Ebasco) at the airport by three o'clock."

6 Prior to that -- well, the whole paragraph reads:

7 "Also discussed former OBC employees with emphasis
8 on T. L. Miller (Ebasco), R. Tolson (TUGCO) asked JJL if JJL
9 would rehire T. L. Miller (Ebasco). JJL replied 'Depending
10 on circumstances, yes.' C. T. Brand (Ebasco) volunteered to
11 have T. L. Miller (Ebasco) at the airport by three o'clock."

12 MR. WATKINS: May I ask you simply ask
13 Mr. Brandt whether he recalls the meeting with Mr. Lipinsky?

14 BY MR. MIZUNO:

15 Q Do you recall this conversation?

16 A It's quoted out of context, but that's essentially
17 what happened.

18 There are some factual errors in the paragraph.

19 Q Okay. Can you explain what you meant by that --
20 what you meant by "volunteered to have" -- well, can you
21 explain -- did you volunteer to have T. L. Miller at the
22 airport by 3:00 o'clock? Or did you say --

23 A Did I make that statement? The answer is yes.

24 It was said in a joking environment. T. L. Miller
25 does not and never has worked for Ebasco. I have no authority

1 I have no authority to transfer T. L. Miller
2 anywhere. At the time, I had not even met Tom Miller, but
3 I had heard bad about Tom Miller from absolutely everyone
4 that discussed him with me.

5 Tolson asked Lipinsky if he would rehire Miller.
6 Lipinsky said, "If I had a job for him, yes." Tolson and
7 Lipinsky were kind of laughing about it, and I added,
8 jokingly -- at least on my part -- "If that's the case, I
9 can have him to the airport by 3:00 o'clock."

10 Q Okay. Is T. L. Miller a QC inspector?

11 A Yes, he is.

12 Q Was he under your supervision at the time?

13 A Yes, he was.

14 Q You never had a chance to personally review his
15 work product, go out in the field?

16 A At that time?

17 Q Yes.

18 A I had seen the skimmer pump room, which he was
19 the inspector of record.

20 Q In that room, he was the only inspector?

21 A As I said earlier, he had another inspector with
22 him. He was the one that signed the IR for the room, to the
23 best of my recollection. I think he had a trainee with him.

24 Q Other than that particular incident, did you have
25 any other opportunity to view his work product?

1 A At that time?

2 Q Yes.

3 A Not at that time, to my recollection.

4 Q You indicated everything you heard from everyone
5 said this T. L. Miller was a bad guy or he didn't do very
6 good work.

7 Can you recall some of those incidents and who
8 tole you that?

9 A No, I did not say that.

10 Number one, I think it's a little unfair to ask
11 about a question that was made in a joking manner. It's
12 misquoted and clearly indicates that he's an employee of
13 EBASCO, which he is not and never has been.

14 But I'll answer the question.

15 Tom Miller, at the time, worked for C. C. Randall.
16 C. C. Randall regularly reported to me that he had to
17 constantly work with Miller to keep him on the straight and
18 narrow. And I think that's using exactly Mr. Randall's
19 words.

20 At that time, I had no intentions of getting rid
21 of Tom Miller or trying to get rid of Tom Miller. Had I
22 had genuine intentions of getting rid of Tom Miller, I would
23 have pursued it. I made no effort to even counsel Tom Miller.

24 Q Okay. During this meeting that you had with --
25 well, let me ask you, how many times did you have a meeting

1 with Mr. Lipinsky while he was on-site for this trip?

2 MR. WATKINS: Objection -- I'll withdraw the
3 objection.

4 THE WITNESS: Joe Lipinsky, on July 26th, 1983,
5 walked into my office, introduced himself, handed me a business
6 card, said "I'm Joe Lipinsky. We're here on a contract for
7 TUSI to look at your coating situation. John Merritt has
8 advised me that you will give me a site tour."

9 I called Harry Williams. For the time that it took
10 Harry Williams to walk from his office to mine, which, at the
11 time, was probably 200 yards, Joe Lipinsky and I sat and
12 exchanged idle chat. I asked Joe Lipinsky if he knew exactly
13 what he was going to be doing at Comanche Peak. He said he
14 had just arrived, had been brassed in.

15 BY MR. MIZUNO:

16 Q Brassed in?

17 A Brassed in, received an ID badge, and had done
18 little more than that and really knew little of what his
19 scope was going to be.

20 At that point, Harry Williams arrived. Joe Lipinsky
21 and Harry Williams walked out of my office. Maximum total
22 time spent: 5 minutes.

23 The next day Joe Lipinsky, Ron Tolson, and I
24 made -- it's described in the second paragraph on page 1 --
25 for, once again, a period not to exceed 10 minutes, discussed

6:00
PM.

1 essentially -- excuse me, "discussed" is misleading --
2 listened to Joe Lipinsky discuss the items that he states
3 on page 1 of his report. And from that point on, I never had
4 occasion to talk to Mr. Lipinsky on the site.

5 Q Okay.

6 Were you aware of a meeting between Lipinsky and
7 Mr. Merritt, Mr. Tolson, Mr. McBay, and Mr. Crane?

8 A Yes, I was.

9 However, I was not on the site at that time.

10 Q After that meeting occurred, did any of those
11 gentlemen convey to you the substance of that meeting with
12 Mr. Lipinsky?

13 MR. WATKINS: Objection. That would be all
14 hearsay.

15 MR. MIZUNO: I'm not asking him about the content
16 of that. I just want to know whether he was told about the
17 content of that meeting.

18 MR. WATKINS: Moreover, we'll object on relevancy
19 grounds. Nowhere in this memorandum, this trip report, are
20 allegations of intimidation or harassment mentioned.

21 MR. MIZUNO: Okay. I will point out -- to
22 paragraph A on page 3 of this document, which indicates,
23 toward the end:

24 "The fact that management attempts to squash any
25 efforts to point out faulty problems (No NCR's, QC reporting

1 to production, etc.) to some extent confirms the above, and
2 has led to a morale problem with the inspection staff."

3 MR. WATKINS: You are reading from a document that
4 -- the document speaks for itself. If it's going to be
5 introduced into evidence, we'll deal with it. But it is not
6 evidence.

7 MR. MIZUNO: So, what is your objection to ask
8 him about meeting?

9 We're not talking about the document, we're talking
10 about a meeting which this document happens to memorialize
11 in one sense.

12 I'm asking Mr. Brandt whether he --

13 MR. WATKINS: Heard about the meeting.

14 I inserted a hearsay objection.

15 MR. MIZUNO: That's not hearsay, Mr. Brandt hearing
16 about meeting -- whether he heard, whether someone told him
17 about the content of that meeting.

18 MR. WATKINS: Your question is did he hear about a
19 meeting.

20 MR. MIZUNO: That was a question which Mr. Brandt
21 answered.

22 MR. WATKINS: Are you asking him what did he hear?

23 MR. MIZUNO: Yes. I'm not offering it for the
24 truth of the matter, asserting the purpose of asking that.

25 And if you want him to state this, if this is your

1 concern, the question is if Mr. Brandt did here certain
2 things which related to intimidation or harassment, I would
3 like to determine what Mr. Brandt did, if anything. I think
4 that is clearly within the scope of this proceeding.

5 MR. WATKINS: On that basis, then,

6 THE WITNESS: Is your question, then, have I heard
7 about any contents of the meeting with regard to harassment
8 or intimidation?

9 BY MR. MIZUNO:

10 Q No. My question is whether you heard about this
11 meeting between Mr. Lipinsky and Mr. Tolson.

12 A Let me clarify at that point. I heard about it
13 since it happened. When the meeting happened, I was not on
14 the job, I was in New York.

15 Q Okay. Fine.

16 Now, the question I was getting into is whether at
17 some later time, after the meeting occurred, whether you
18 heard -- whether somebody conveyed to you what occurred in
19 that meeting?

20 A Can I answer the question?

21 MR. WATKINS: Yes.

22 THE WITNESS: I've read the transcript of the
23 meeting.

24 BY MR. MIZUNO:

25 Q Was a transcript made of that meeting?

end 25

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A I don't know that you'd call it a transcript, in
that it was not taken by a court reporter.

mgc 26-1 1

MR. MIZUNO: Off the record, please.

2

(Discussion off the record.)

3

BY MR. MIZUNO:

4

Q Mr. Brandt, can you tell us when you read

5

the transcript of that meeting?

6

A In preparation for licensing testimony

7

on coatings in Applicants' counsel's office in Washington,

8

D.C., sometime the first part of this year. I don't

9

honestly remember when.

10

Q Okay. There was a second meeting that is

11

referenced in this document which indicates that there was

12

a meeting between Lipinski and a Mr. Church -- no -- a

13

Mr. Merritt, J.J.N., who apparently is --

14

A Jack Norris.

15

Q Were you aware of that meeting?

16

A No.

17

Q That a meeting was scheduled.

18

A Mr. Mizuno, if I messed up at this point,

19

I've just realized something. I've answered your

20

question incorrectly. The meeting that is referred to in

21

that report was more or less an exit meeting when

22

Mr. Lipinski left the site. It was conducted sometime

23

in July or August, I believe.

24

Q I see. Which meeting?

25

A The meeting that I'm claiming was

mgc 26-2

1 transcribed. That meeting, to the best of my knowledge,
2 was not transcribed. I was not aware of the meeting.
3 I was not at the meeting.

4 Q Okay.

5 A Subsequent -- just to make it a clear
6 record to explain my misconception -- subsequent to
7 Lipinski, Roth, Norris & Company leaving the site in
8 August, there was a meeting held with O.B. Cannon in
9 November. That meeting was transcribed.

10 So that meeting, I was not aware of the
11 meeting. I was not on the site. But that meeting is
12 not reflected in Lipinski's memo, as Lipinski's memo
13 is dated August 8.

14 I apologize for the incorrect response.

15 MR. ROISMAN: Just to be clear, you think
16 that meeting was in November?

17 THE WITNESS: I think, Mr. Roisman; yes, sir.

18 BY MR. MIZUNO:

19 Q We still have two different meetings that
20 occurred; that is, exit meetings on July 28th.

21 A I was party to neither one of them. Neither
22 one of them, to the best of my knowledge, have any
23 written record.

24 Q Were you made aware of what was discussed
25 at either of those two meetings?

mgc 26-3

1 A Only to the extent that the discussions which
2 took place in those two meetings are referenced in the
3 transcription of the November meeting which I have read,

4 Q Okay. Since I don't know what was
5 discussed at the November meeting, let me ask you, were
6 you told or has it come to your attention that one of
7 the subjects that was discussed was management's attempts
8 to prevent -- excuse me -- management attempts to prevent
9 the identification of problems with coatings or to not
10 write NCRs or problems with QC reporting to Production?

11 MR. WATKINS: Let me explain something.

12 THE WITNESS: May we go off the record?

13 MR. WATKINS: No. Stay on the record,
14 please. This is clearly going to be counsel's statement
15 and not Mr. Brandt's. I am offering it for your guidance,
16 Mr. Mizuno.

17 Mr. Brandt is intimately familiar with all
18 aspects of Mr. Lipinski's trip report. The reason that
19 he is intimately familiar with it is because he is
20 preparing testimony. He is preparing an affidavit for
21 submittal to the Board in a licensing procedure. The
22 purpose of the affidavit would be to explain whether any
23 corrective action on the basis of Mr. Lipinski's trip
24 report is necessary or appropriate.

25 MR. MIZUNO: Okay.

mgc 26-4

1 MR. WATKINS: If you continue to question
2 Mr. Brandt as to his knowledge and what he has done,
3 inevitably you are going to run up against my claim of
4 privilege on an attorney/client basis, because I have
5 discussed this matter with Mr. Brandt.

6 MR. MIZUNO: I don't understand how an
7 attorney/client privilege can come into play when we are
8 talking about efforts by Mr. Brandt to address a problem
9 which appears to be concerns relating to compliance with
10 10 CFR Part 50, Appendix B.

11 Now as far as your strategy and being
12 involved in how your going to answer that, I would agree.
13 Those particular conversations are privileged.

14 I am not -- I don't intend to go into that
15 direction. I am looking for substantive information as
16 to what Mr. Brandt's knowledge of Mr. Lipinski's meetings
17 with these people, if he knew that there were concerns
18 about intimidation, harassment, morale or problems --

19 MR. WATKINS: There's nothing in that
20 document on harassment and intimidation.

21 MR. ROISMAN: I'd like to just jump in here
22 for a second.

23 The transcript of the statement taken of
24 Mr. Lipinski by Mr. Hawkins on its cover lists you as
25 appearing on behalf of Mr. Lipinski.

mgc 26-5 1

MR. WATKINS: Yes.

2
3 MR. ROISMAN: If that's so, I think you've
4 got serious conflict of interest problems here now, because
5 you are now appearing in a matter in which Mr. Lipinski's
6 memo seems to be relevant. You are appearing on behalf
7 of a party whose interests are not in any way identical
8 to those of Mr. Lipinski.

9 I raise it only because we seem to be getting
10 deeply into it, and you're starting to raise attorney/client
11 privilege.

12 I happen to share your ultimate goal here,
13 but for an entirely different reason. That is, I'm
14 inclined to think that Mr. Brandt should be allowed to
15 complete his preparation of his testimony, put it on, and
16 be cross-examined at that time, and say whatever he has
17 to say. But I do think there's a real question here if
18 we're going to get into attorney/client privilege.

19 Excuse me a second.

20 MR. WATKINS: O.B. Cannon continues his
21 consultant relationship with Texas Utilities. Mr. Lipinski
22 has been assigned work in the licensing proceeding, also
23 for the preparation of either affidavits or testimony on
24 behalf of Texas Utilities. So there is a relationship
25 both between Mr. Lipinski, to answer his question, and
Texas Utilities and Mr. Brandt as a contractor's employee.

mgc 26-6

1 MR. MIZUNO: I don't know what your
2 statement in response to -- the conflict of interest
3 concern was raised by the Staff with Nick Reynolds at
4 the time Mr. Hawkins -- we informed Mr. Lipinski that
5 we wanted to take his deposition. We had a long run-around,
6 and I'm not going to repeat it at this point.

7 The Staff has already indicated that it
8 thought there was a conflict of interest or a conflict
9 of interest problem, and I don't want to pursue that now.

10 But regardless of that, I can understand
11 what you are saying about the fact that you are preparing
12 an affidavit or testimony on this area. If that is the
13 case, I would conclude my examination of Mr. Brandt at
14 this point, with the clear understanding that I am free
15 to continue my examination regarding this matter on any
16 item involving Lipinski, once Mr. Brandt's testimony or
17 affidavit is filed on this particular subject matter.

18 MR. WATKINS: What, in your mind, is the
19 relation between the Office of Investigation and the
20 licensing proceeding on the Lipinski trip report matters?

21 MR. MIZUNO: I didn't know there was one
22 going on.

23 MR. WATKINS: Why was the interview conducted?

24 MR. MIZUNO: That was not an OI investigation.
25 That was an I&E investigation.

mgc 26-7 1

MR. WATKINS: What is the relationship
between the I&E investigation and the licensing
proceeding?

End 26 4

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mgc 27-1

1 Have you read the transcript of the
2 Hawkins/Johnson interview with Lipinski?

3 MR. MIZUNO: Yes, at some point.

4 MR. WATKINS: If your concern is with the
5 Applicants' response under Appendix B, then I would suggest
6 that you reread that transcript, because I think you
7 will conclude, at least on the basis of the transcript,
8 that no corrective action is necessary.

9 MR. MIZUNO: No. I read that, and at the
10 time that I read it, I had serious concerns because
11 Mr. Lipinski represented -- I take that back. I read
12 Mr. Lipinski's memo, and I had what I thought was a clear
13 idea as to what Mr. Lipinski's concerns were.

14 At the time that Mr. Lipinski's interview
15 was conducted, I read through the interview and I understood
16 that Mr. Lipinski had made essentially a 180-degree
17 turnaround in his evaluation of the coatings area at
18 Comanche Peak. And I'm unclear as to why that turnaround
19 occurred and what was the basis for that, regardless of
20 what Mr. Hawkins asked or didn't ask.

21 MR. WATKINS: And my answer is, that will be
22 the subject of testimony by affidavit or otherwise in this
23 licensing proceeding.

24 MR. MIZUNO: Okay. That's fine. And I
25 indicated that I would be willing to reserve my continuing

mgc 27-2

1 examination of Mr. Brandt at that point. But I am trying
2 to respond to your point that says that if I read the
3 transcript, that all my concerns would be allayed. And
4 they weren't.

5 My specific concern is, which I was
6 attempting to pursue or beginning to pursue was, given
7 the Lipinski memo, whether Mr. Brandt was aware of it or
8 did he become aware of the concerns which were originally
9 expressed in the memo, and then what actions he took to
10 respond to them, and if he felt no actions were necessary,
11 what was the basis for his decision in that regard.

12 MR. WATKINS: Why don't you ask him, then,
13 when he became aware of it and what he did as a result.

14 MR. ROISMAN: Just before we offer that,
15 I want to make two clarifying points.

16 I agree with Mr. Mizuno that the existence
17 of that transcript in which Mr. Lipinski was represented
18 by a lawyer who at that time was not involved in this
19 licensing proceeding, but whose firm was, hardly quells
20 the concerns raised by Mr. Lipinski's memo involving
21 possible harassment and intimidation problems at the site.
22 That's number one.

23 Number two, the conflict of interest
24 concern that he expressed, I think could have been dealt
25 with at that time, assuming that an appropriate Chinese

mgc 27-3 1

2 Wall was constructed within the firm. And as I understand
3 the opening lines of the deposition or sworn statement
4 were to ascertain, in fact, that you, Mr. Watkins, were
5 not involved in the licensing proceeding. You indicated
6 at the time that you were not.

7 So my concern if there is a conflict of
8 interest problem is now, not then.

9 MR. MIZUNO: Is that it?

10 MR. ROISMAN: That's it.

11 MR. MIZUNO: I have agreed to postpone or
12 discontinue my examination of Mr. Brandt on this subject,
13 with the understanding, as I stated before, that I will
14 be pursuing this if I feel that Mr. Brandt's affidavit
15 does not satisfy my need for additional information on
16 the record.

17 I will also state that as far as the
18 conflict of interest question is concerned, as long as
19 there is clear understanding by -- well, I'll just leave
20 that right now. The Staff is not going to address the
21 conflict of interest question at this point. It's aware
22 that it is there. It has been aware since the time that
23 the Lipinski interview was taken.

24 MR. WATKINS: Shall we go off the record
25 to discuss making Mr. Brandt available for further
examination on the basis of his survey materials, or would

mgc 27-4

1 you rather have that on the record?

2 MR. ROISMAN: I would suggest that we do
3 it on the record, and I will indicate simply that it's
4 impossible for me to know, without seeing the surveys,
5 what if any further discussion I will want to have with
6 him.

7 The surveys, as I understand it, were
8 actually -- not signed, but we are seeing the documents
9 that were prepared by other people, not by Mr. Brandt,
10 so that their admissibility is not dependent upon
11 Mr. Brandt. If somebody wanted to put them in, they
12 can go in, because they are -- you all will swear that
13 you give us authentic documents, they're authentic
14 documents. He's talking to me about what they say; that's
15 hearsay. My asking him, "Well, when you read this,
16 what did you think?"; that's not. And that's what I have
17 to look at to see what they say, and I won't know that
18 until I get them and have a chance to study them.

19 So I can't give him any guidance at this time.
20 I reserve -- and everybody understood that going in, that
21 we would reserve.

22 MR. MIZUNO: I have two comments to make.

23 One is, based upon the fact that it appears
24 that there was a transcript of the meeting which was not
25 provided to -- Staff was not aware of, even though we

mgc 27-5

1 didn't have a formal discovery request, I'm asking the
2 Applicants whether they would informally provide it to
3 us, or whether they would like that request reduced
4 to writing.

5 MR. ROISMAN: Let me add onto that my call
6 at the start. I nearly forgot. We do not have and have
7 not received, as far as we determined, any copy of a
8 meeting, although we were aware that there had been a
9 meeting.

10 Now I don't think any of us were aware that
11 there had been a transcript or whatever it was that was
12 taken of that, and if it exists, we think it's within
13 our discovery request, and we would like to have it if it's
14 available.

15 MR. WATKINS: I'm not sure it is, but I will
16 certainly get back to you on that.

17 MR. ROISMAN: Okay.

18 MR. MIZUNO: And the Staff --

19 MR. WATKINS: If we serve a copy on CASE,
20 we will certainly serve one on Staff as well.

21 MR. MIZUNO: Thank you.

22 MR. ROISMAN: And vice-versa?

23 MR. MIZUNO: The second point is that...
24 Staff is -- although we've been talking about hearsay
25 with regards to documents at this point, the Staff wants

mge 27-6

1 to note right now that although some of the documents
2 we have been talking about have been characterized by
3 various parties as hearsay, the Staff believes that they
4 may be admissible as -- although hearsay may be
5 admissible pursuant to the exceptions of the Federal
6 Rules of Evidence, specifically the business records
7 section.

8 MR. WATKINS: We will take that up whenever
9 you seek to introduce documents.

10 MR. MIZUNO: Right.

11 MR. WATKINS: Does that conclude your
12 questioning of Mr. Brandt?

13 MR. MIZUNO: Yes.

14 MR. WATKINS: Good.

15 MR. ROISMAN: Does that conclude everybody's
16 questioning of Mr. Brandt?

17 MR. WATKINS: I don't know.

18 MR. ROISMAN: All right. Thank you,
19 Mr. Brandt.

20 (Whereupon, at 6:25 p.m., the taking of
21 the deposition was concluded.)
22
23
24
25

C. THOMAS BRANDT