

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: Lester Loyd Smith

Location: Glen Rose, Texas

Pages: 49,500-49,514

Date: Thursday, July 12, 1984

TR 010/1

*Original to Eugenia Pleasant
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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) :

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Glen Rose Motor Inn
Glen Rose, Texas

July 12, 1984

Deposition of: Lester Loyd Smith

called by examination by counsel for Intervenors,
taken before Mimie Meltzer, Court Reporter,
beginning at 10:20 a.m., pursuant to agreement.

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APPEARANCES:

ON BEHALF OF THE APPLICANT:

DONALD O. CLARK, ESQ.
NICHOLAS REYNOLDS, ESQ.
Bishop, Liberman, Cook, Purcell & Reynolds
1200 17th Street, N.W.
Washington, D.C. 20036

ON BEHALF OF THE NRC STAFF:

GEARY S. MIZUNO, ESQ.
Office Of The Executive Legal Director
Nuclear Regulatory Commission
Washington, D.C.20555

ON BEHALF OF THE JOINT INTERVENORS:

AMY RODNICK, ESQ.
511 West 7th Street
Austin, Texas 78701

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C O N T E N T S

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WITNESS:

Lester Loyd Smith

EXAMINATION BY:

Ms. Rodnick

PAGE:

49,504

Mr. Mizuno

49,514

EZERA
COTTON CONTENT

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P R O C E E D I N G S

1
2 Whereupon,

3 LESTER SMITH

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

6 MS. RODNICK: My name is Amy Rodnick. I am
7 substituting for Mr. Tommy Jacks of Doggett & Jacks. I
8 represent CASE, Citizens Associated for Safe Energy.

9 MR. CLARK: Before we start, let us introduce
10 ourselves.

11 MR. MIZUNO: This is Gary S. Mizuno, counsel
12 for NRC Staff.

13 MR. CLARK: My name is Donald O. Clark. I'm
14 a member of the law firm of Bishop, Liberman, Cook,
15 Purcell & Reynolds, counsel for Texas Utilities Electric
16 Company, Applicant in this proceeding.

17 I appear here today in that capacity. The
18 Applicant has already noted its objections to the
19 deposition procedures and schedule ordered by the Court.
20 It intends no waiver of these objections by participating
21 in this deposition today.

22 In addition, Ms. Rodnick, I would like, if I
23 may, to summarize quickly what we perceive to be the
24 ground rules under which we are engaging in this deposition
25 today.

1 A I'm superintendent for the Worthington Group,
2 Incorporated.

3 Q How long have you held that position?

4 A About 3½ months.

5 Q Have you ever been employed by Brown & Root?

6 A Yes.

7 Q Would you tell us in what capacity you were
8 employed by Brown & Root?

9 A Well, I was a journeyman pipefitter, and I was
10 leadman and foreman.

11 Q And where were you employed by Brown & Root?

12 A The Comanche Peak Power Plant, Glen Rose,
13 Texas.

14 Q How long were you employed by Brown & Root
15 at Comanche Peak?

16 A Timewise, they gave me four years, but I wasn't
17 there for the full four years. I'd have to do some
18 figuring to find out just how many years I did work
19 there.

20 Q If you do recollect the approximate dates, could
21 you just very briefly --

22 MR. CLARK: Excuse me. This gentleman is
23 working for you?

24 MS. RODNICK: That's correct.

25 MR. CLARK: Could he sit beside me or whatever,

1 but not over my shoulder where I'm writing here.

2 MS. RODNICK: He can sit right here.

3 MR. MIZUNO: Can he also be identified for the
4 record.

5 MR. PEASE: My name is John Pease. I am with
6 Doggett & Jacks.

7 MS. RODNICK: Mr. Pease is a law clerk. He's
8 not an attorney.

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End
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1 BY MS. RODNICK:

2 Q I believe where we were at was: Mr. Smith, we
3 were asking could you give me the approximate date, to the
4 best of your recollection, of when you worked for Brown &
5 Root at Comanche Peak.

6 A The first time -- It was either March or
7 April of '79, and I worked there for about three months.
8 I quit, and I stayed gone until it was either October or
9 November of '79.

10 I think then I stayed until June, and I left
11 on a leave of absence to have an operation.

12 Q When you say June, you mean June of 1980?

13 A Yes.

14 Q Did you ever return after that?

15 A Yes. I went back and -- Like I say, this
16 was a month or two, but around March or April of '81 --
17 and stayed until April of last year, '83.

18 Q Each time you worked there, did you receive
19 any kind of job evaluation when you left?

20 A Each time you leave they give you a slip of
21 paper that has your work history -- maybe not your
22 history, but your rating of the type of work, whether
23 it's good, poor, bad or excellent.

24 Q And do you recall what your job rating was
25 each time?

1 A The first two times I left there it was
2 excellent. The last time I left it was good.

3 Q Are you aware of what the scale is? Does it
4 run from poor to excellent? How does that work? Do you
5 know?

6 A Well, it seems like it's poor, fair --
7 There's about four or five. I'm not familiar with them
8 all. Poor, fair, good, excellent. I don't remember just
9 exactly.

10 MR. CLARK: We're willing to stipulate that
11 excellent is the top on that scale.

12 MS. RODNICK: All right.

13 BY MS. RODNICK:

14 Q During the time that you worked for Brown &
15 Root -- the first time you worked between -- I believe you
16 testified between April or March of '79 until you left
17 three months later, were you ever -- Were there ever
18 any safety violations at the plant?

19 MR. MIZUNO: Objection.

20 MS. RODNICK: Let me rephrase that.

21 BY MS. RODNICK:

22 Q Would you very briefly give us a description
23 of what your duties were at the plant?

24 A I was fitting pipe in Reactor 1.

25 Q Is this what you did each time you worked there?

1 A Yes. Of course, when I was a foreman, I wasn't
2 fitting pipe. I was overseeing the fitting of pipe.

3 Q Did you have employees underneath you?

4 A Yes.

5 MR. CLARK: Excuse me. Since there are three
6 periods of employment, it would really be helpful to us
7 if when you ask a question like that, if you could tie it
8 to a period, unless it's the same in each case.

9 MS. RODNICK: I believe his testimony is he
10 always did the same job each time. If I'm wrong, please
11 correct me.

12 THE WITNESS: The second time I was there, I
13 was foreman.

14 MS. RODNICK: Okay.

15 BY MS. RODNICK:

16 Q The first time you were a fitter?

17 A Yes, journeyman fitter.

18 Q What about the third time?

19 A I was journeyman fitter.

20 Q Would you very briefly tell us what kind of
21 recordkeeping procedure is there when pipes are laid to
22 indicate what pipes have been laid?

23 MR. CLARK: Objection. I'm going to rely on your
24 good faith now. How is this leading to a question of
25 intimidation and harassment, et cetera, and its relevancy?

1 MS. RODNICK: What I am trying to do is lay a
2 foundation to show that Mr. Smith at the third time that he
3 worked there as a fitter was, in fact, told to ignore
4 certain procedures involving documentation of pipefitting.

5 MR. CLARK: What does that have to do with
6 QC/QA intimidation, harassment and threats?

7 MS. RODNICK: He is not actually a quality control
8 inspector, but -- Did you want to say something?

9 MR. MIZUNO: Yes. The Staff is now joining
10 in the objection. Please continue, and then I will state
11 for the record my objection.

12 MS. RODNICK: Okay. Let me see if I can lay
13 a little bit more of a foundation. Then if you still
14 object, there will obviously be --

15 MR. CLARK: I'm going to object to any kinds
16 of questions that move towards any issue of documentation,
17 safety violations, et cetera.

18 Now, if you move towards questions of intima-
19 tion and make some sort of connection with Mr. Smith as a
20 QA/QC person involved in some way with intimidation,
21 harassment or threatening, then I'll not stand in your
22 way.

23 MS. RODNICK: I believe his testimony already
24 has been that he was not a quality control inspector. So
25 obviously we are going to have to show that he has some

1 sort of knowledge of certain procedures.

2 But if you will let me continue, I'll try to
3 keep it short.

4 MR. MIZUNO: Now could I state my objection?

5 MR. CLARK: Please.

6 MR. MIZUNO: Staff objects to this line -- to
7 what I perceive to be the line of questioning and its
8 direction, since the Board has indicated that the
9 proceeding as currently envisioned by all of the
10 parties was to be limited to eliciting evidence on
11 harassment or intimidation of QC/OA personnel.

12 If Mr. Smith is not an employee of a QC/OA
13 organization at Comanche Peak, then the only evidence
14 that would be of interest or relevant and admissible in
15 this proceeding at this time would be his knowledge --
16 direct knowledge of QC inspectors or OA personnel
17 being intimidated.

18 Other than that line of testimony, we would
19 object to Mr. Smith's testimony regarding his intimidation
20 or intimidation of other crafts people.

21 MR. CLARK: The Applicant will join with the
22 Staff in that objection on the ground that we are just
23 wasting Mr. Smith's time and everyone else's time. I
24 do have some questions for Mr. Smith, but I think we are
25 at an end on this.

1 BY MS. RODNICK:

2 Q Mr. Smith, during the first time that you
3 worked at Brown & Root, do you have any personal or
4 direct knowledge of intimidation or harassment of either
5 quality control inspectors or yourself?

6 A No.

7 Q What about the second time you worked for
8 Brown & Root?

9 A No.

10 Q What about the third time you worked for
11 Brown & Root, from March or April of '81 until April of
12 '83?

13 A Well, I personally was told to keep quiet about
14 the work.

15 MR. CLARK: Objection. We've established that
16 Mr. Smith is not QA or QC. And, consequently, any evidence
17 with regard to his particular situation is not germane to
18 the topic.

19 We're talking about QA or QC.

20 THE WITNESS: I had nothing to do with QA/QC.

21 BY MS. RODNICK:

22 Q Let me ask one question. With respect to
23 pipefitting, the third time you worked for Brown & Root,
24 Mr. Smith, did you have any personal knowledge of
25 improper work being done?

1 MR. CLARK: Objection.

2 MR. MIZUNO: Objection.

3 MR. CLARK: For the same reasons as stated
4 before. We have to rely on your good faith as a lawyer
5 not to get into that area.

6 MS. RODNICK: We're trying to get into one
7 area and one area only. I'd be happy to stay away from
8 the --

9 MR. CLARK: Why don't we go off the record
10 for a moment.

11 (Discussion off the record.)

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1 MS. RODNICK: Back on the record now.

2 BY MS. RODNICK:

3 Q With respect to the third time you worked for
4 Brown & Root, Mr. Smith, do you have any personal knowledge
5 of harassment or intimidation of quality control inspectors?

6 A No, no personal.

7 MS. RODNICK: I have no further questions.

8 MR. MIZUNO: I guess I don't have any questions
9 now that he said that.

xxx

10 BY MR. MIZUNO:

11 Q I don't want to repeat now that you have said that
12 but you have no personal knowledge of any QC inspector
13 or QA auditor being intimidated or harassed?

14 A No.

15 MR. CLARK: I have no further questions either,
16 counsel, except that I would like to close this evidentiary
17 part and moving pursuant to the guidelines set by the Board,
18 go into a discovery deposition and pick up right there from
19 that.

20 MS. RODNICK: That's fine.

End 3.

21 (Whereupon, at 10:40 the taking of the
22 evidentiary portion of the hearing was concluded
23 a discovery section follows.)
24
25

Lester Smith

CERTIFICATE OF PROCEEDINGS

This is to certify that the attached proceedings before the
NRC COMMISSION

In the matter of: TEXAS UTILITIES ELECTRIC CO., et al.
(Comanche Peak Units 1 and 2)

Date of Proceeding: July 12, 1984

Place of Proceeding: Glen Rose, Texas

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

Mimie Meltzer
Official Reporter - Typed

Mimie Meltzer
Official Reporter - Signature