

November 19, 1980

Joe Kane  
P-214  
13/B3

Note to William J. Olmstead, Assistant Chief Hearing Counsel

SUBJECT: MIDLAND DEPOSITION WITNESS

We plan to take the depositions of several Bechtel employees in Ann Arbor beginning on Tuesday, December 9, 1980. One of the witnesses the Staff would like to depose is Mr. P. A. Martinez, former Midland Project Manager for Bechtel. I have been told that Mr. Martinez is now employed by Bechtel in Mexico and that they have no intention of bringing him back for a deposition.

We were initially motivated to take Mr. Martinez's deposition because of his position as project manager. We thought he would be as knowledgeable as anyone with respect to the errors made in soil placement.

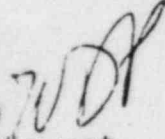
Our interest in Mr. Martinez increased after we took the deposition of Dr. Sherif Afifi, Chief Geotechnical (soils) Engineer for Bechtel. With respect to a number of subjects on which we thought Dr. Afifi should have answers, he told us that project management would know that. Examples of this are:

1. With respect to the appropriate compaction criteria to be applied in placing fill, the Region III Inspection Report shows a 3-year period of mass confusion in Bechtel as to the appropriate criteria. At the beginning of this 3-year period, Dr. Afifi advised project management what he thought the appropriate criteria should be, but when questioned as to why it was not followed, we were referred to project management.
2. Dr. Afifi testified that he made an estimate of shear wave velocity of 700 feet per second. We know that the shear wave velocity used in the seismic design of Category I structures was 1350 feet per second. This higher value is in some respects non-conservative. Later information revealed that Dr. Afifi's original 700 feet per second estimate was more accurate than the 1350 feet per second used in design. When asked why the wrong value was used, Dr. Afifi referred us to project management.
3. In the PSAR, Consumers committed to removing loose natural sands with relative density less than 75%. Licensee never carried through on this commitment. When we inquired of Dr. Afifi about this, he referred us to project management.

Darl Hood (Project Manager) and John Gilray (Quality Assurance Branch Midland (Soils) reviewer) participated in a meeting with Bechtel in early 1979 in which they were told that Bechtel was considering removing Mr. Martinez from the Midland Project because there were problems with his relationship with Consumers. At about the time of this meeting, John Gilray was told that Martinez was not a strong manager and that Bechtel expected improvement because Martinez's prospective replacement (John Rutgers) had the qualities of technical competence and strong management abilities with respect to day-to-day problems.

I cannot make a strong recommendation on whether we should pursue taking Mr. Martinez's deposition. He was in a position to know what all the problems were, but our experience to date in the depositions is that witnesses who should know answers frequently do not know.

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