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UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

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: In the matter of: :
: :
: TEXAS UTILITIES ELECTRIC :
: COMPANY, et al :
: :
: (Comanche Peak Steam Electric :
: Station, Units 1 & 2) :
: :
: :
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Docket No. 50-445-2
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Deposition of: Irwin L. Goldstein

Location: Washington, D. C.

Date: Friday, September 7, 1984

Pages: 1 - 80

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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In the matter of: :
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TEXAS UTILITIES GENERATING : Docket Nos. 50-445
COMPANY, et al. : 50-446
:
(Comanche Peak Steam Electric :
Station, Units 1 and 2) :
:
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Bishop, Liberman, Cook, Purcell
and Roberts
1200 Seventeenth Street, N.W.
Washington, D.C. 20036

Friday, September 7, 1984

Deposition of IRWIN L. GOLDSTEIN, called for
examination by counsel for the Applicants, taken before
Suzanne Young, Court Reporter, beginning at 1:00 p.m.,
pursuant to agreement.

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I N D E X

<u>EXHIBIT NO.</u>	<u>FOR IDENTIFICATION</u>
Goldstein Ex. No. 1 (Written Testimony of Irwin L. Goldstein)	4
Goldstein Exhibit No. 2 (Packet of newspaper articles)	8
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1 INDEX - Continued:

2 EXHIBIT NO.

FOR IDENTIFICATION

3 Goldstein Ex. Nos. 16 and 17
4 (A handwritten report and a
5 typewritten report,
6 respectively regarding the
7 QA audit report.

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P R O C E E D I N G S

(1:00 p.m.)

MR. DOWNEY: This is the discovery deposition of Dr. Irwin L. Goldstein, who has been called as an expert witness by the Intervenor, CASE, in this proceeding. Dr. Goldstein.

Whereupon,

IRWIN L. GOLDSTEIN

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

EXAMINATION

BY MR. DOWNEY:

Q Dr. Goldstein, I will ask you to review a document that has been marked for identification as Applicants' Exhibit 1 and ask if you can identify it.

(The document referred to was marked Applicants' Exhibit No. 1 for identification.)

A Yes. That is written testimony that I gave on August 20, 1984.

Q And was that testimony intended to be offered in

mgc 1-2

1 this proceeding?

2 A Yes, it was.

3 Q Dr. Goldstein, have you been retained by the
4 Citizens Association for Sound Energy to participate on
5 their behalf in this proceeding?

6 A Yes, I have.

7 Q And when were you first contacted by a representative
8 of CASE?

9 A It would be about two or three months ago.

10 Q Going back, then, that was sometime in June or
11 July; is that about right?

12 A Approximately.

13 Q Who made that first contact, if you recall?

14 A A person by the name of Billie Garde.

15 Q Did she call you or write you?

16 A She called me.

17 Q Did you make a memorandum of that call to identify
18 the date or that would identify the date?

19 A I don't have my date book with me, but I probably
20 could identify the date for you, if you want.

21 Q Yes, I would like that, Dr. Goldstein. Could you,
22 please --

ngc1-3

1 A Certainly.

2 Q -- refer to your date book?

3 A Yes.

4 Q When did you agree to work on behalf of CASE
5 in this proceeding?

6 A Whatever day that was, Billie Garde came over to
7 my office and discussed some of the issues in the case, and
8 I told her at that particular time that I thought that
9 whether or not I would testify would depend on whether there
10 were issues relevant to my expertise, and so she gave me
11 some materials to read.

12 I looked at some of those particular materials.
13 I would say approximately a week or so after I looked at
14 them, I had a discussion with Mr. Roisman on the phone, and
15 we discussed what psychological issues might be involved,
16 and I told him what I thought the issues would be. And
17 at that particular point, he asked me to review the
18 materials, some more materials, to see whether I could offer
19 any opinions on them related to industrial organizational
20 psychological issues, which I did.

21 Q Mr. Goldstein, we have a large volume of documents
22 here. Could you identify, please, those materials that

mgc1-4

1 Ms. Garde gave you in your first meeting with her?

2 A I could try, but I have a same large set of
3 documents. I know what I have had in total. I'm not really
4 sure what I have received at any one point in time.

5 Q Let me ask you, did you receive some materials
6 concerning the 1979 survey at that first meeting?

7 A No, I did not. I received more descriptive
8 materials, including summaries of newspaper articles, some
9 materials related to the Atchison incidents, and one or
10 two other things like that.

11 Q And with respect to newspaper articles and
12 summaries, do you have those with you today?

13 A I probably do.

14 Q Would you produce them, if you can?

15 A Okay.

16 (Pause.)

17 Q Dr. Goldstein, have you located the packet of
18 newspaper articles that you received from Ms. Garde in
19 your first meeting with her?

20 A If these were not the articles, then they were
21 articles just like these. I suspect that they were the
22 articles.

mgc1-5

1 MR. DOWNEY: I would like to have this
2 packet of newspaper articles marked for identification
3 as Goldstein Exhibit No. 2.

4 (The documents referred to
5 were marked collectively
6 as Goldstein Exhibit No. 2
7 for identification.)

8 BY MR. DOWNEY:

9 Q Did you read those articles, Dr. Goldstein?

10 A I would say that I scanned them.

11 Q And what you learned from those articles, did that
12 form part of the basis for what you agreed to testify in
13 this case?

14 A Not really. I consider the articles as just
15 giving me some background materials on what persons were
16 saying. I don't consider newspaper articles as scientific
17 evidence of any sort, so, you know, I just knew that there
18 were various perceptions of individuals, and I looked at them
19 in that way.

20 But I was trying to determine whether there were
21 any psychological issues related to work organizations.

22 Q And did those articles help you form a
work?

mgc1-6

1 judgment about whether there were psychological issues in
2 this case?

3 A I think I then had a conversation with
4 Mr. Roisman where we discussed questions like, well, how
5 do people learn -- how does information get passed on in
6 organizations? And I said something, as I recall, like,
7 well, I would need to know a lot more about what actually
8 went on in the organization. And he said to me, "Well,
9 what would you do to find out what is going on in the
10 organization?" And I said, "Well, I would probably conduct
11 a needs assessment."

12 A needs assessment is a technique used by
13 organizational psychologists to determine what is happening
14 in an organization before the implement programs.

15 Q Did these background articles help you identify
16 psychological issues in this case?

17 A Well, I think they identified the fact that there
18 was a group of individuals or some individuals who had
19 concerns about particular issues in the organization, which
20 were typically safety-related concerns. It really couldn't
21 give me much of a feel for how pervasive that was, whether
22 it was, you know, a single individual presenting a viewpoint

ms. 1-7
1 or whatever.

2 Q In addition to the newspaper articles, did
3 Ms. Garde provide you with any other documents in your first
4 meeting?

5 A Well, she did present me with some reports of
6 incidents. Now since then, I have received many, many reports,
7 so I can't really tell you which ones were presented at
8 that particular point in time. But she also described to
9 me her perceptions of some of these particular incidents.

10 The one that comes to mind, I guess, is the
11 Atchison incident.

12 Q So in that first meeting, Ms. Garde verbally
13 described for you the Atchison incident in her words?

14 A Yes, but I mean very briefly.

15 Q Do you recall her describing any other incidents
16 to you?

17 A I'm sure she did, but I don't remember which ones
18 they are.

19 Q Do you recall one of them being the Dunham incident?

20 A No, I don't recall her describing that.

21 MR. DOWNEY: Will the reporter please identify on
22 the transcript that a colleague of Mr. Roisman, Billie Garde,

mgc1-8
has joined the deposition.

(Ms. Billie Garde enters the deposition room.)

1
2 MR. ROISMAN: This is Billie Garde, G A R D E
3 (spelling), and she is a law clerk with our office, working
4 on this case with me.

5 BY MR. DOWNEY:

6 Q The only incident that you recall having
7 described to you was the Atchison matter, is that right?

8 A Well, candidly, I'm sure there were other
9 incidents, but, you know, it was several months ago, and it
10 was a conversation, and if anything was described, I think
11 what was described were the kinds of incidents that they
12 were concerned about, rather than, you know, great detail
13 about any particular incident.

14 Q Apart from the newspaper articles, can you identify
15 from among your materials any materials that Ms. Garde gave you
16 at that first meeting?

17 A I really can't.

18 Q When you testified, Dr. Goldstein, you spent a
19 week or so reviewing these materials; is that right?

20 A Oh, no, no.

21 Q Over a week or so, you reviewed the materials?

22 A Right. I spent a couple of hours maybe, looking

mgc1-9

1 at some of the materials, and then about a week later, I
2 ended up talking to Mr. Roisman on the phone.

3 Q You testified, Dr. Goldstein, that you had discussed
4 with Mr. Roisman your views on what the psychological issues
5 in the case might be; is that right?

6 A I said that in order to determine what the
7 psychological issues were, that you would have to do a needs
8 assessment in the organization. And as I recall,
9 Mr. Roisman asked me, "Well, what would that consist of?"
10 And I gave a general description of how you enter an
11 organization, you might do some interviews, and you might
12 design a questionnaire and use various procedures, and how
13 you would try to talk to persons across the organization to
14 obtain, I guess -- I mean a really good idea of what a needs
15 assessment is, is that it would give you a photograph of
16 the organization according to the particular issues of concern.

17 Q And, Dr. Goldstein, is the kind of needs
18 assessment that you described to Mr. Roisman the description
19 of the study that you described in your written testimony?

20 A Do you want to point to that?

21 Q Yes, I'd be happy to.

22 You describe at pages 15, 16 and 17 a kind of study

mgc1-10

1 that you might undertake at Comanche Peak.

2 A Essentially.

3 Q That is the kind of needs assessment study you
4 described to Mr. Roisman?

5 A That is generally the way I described it at the
6 time.

7 Q Insofar as you know, has a needs assessment been
8 conducted at Comanche Peak?

9 A Well, I know that studies have been conducted
10 at Comanche Peak, but I wouldn't -- I guess depending upon
11 what you consider the level of those studies, you might
12 consider that some work has been done. I wouldn't consider
13 these exactly as a needs assessment.

14 Q Following your conversation with Mr. Roisman,
15 were you provided additional materials about Comanche Peak?

16 A Yes, I was. I mean, at that point in time,
17 Mr. Roisman said that there were surveys in, I guess, 1979.
18 I think the other date was 1983. And he said -- he asked
19 me whether I would take a look at those and determine what
20 they indicated.

21 Q Did you agree to do so?

22 A Yes, I did.

mgc1-11

1 Q And were those surveys the next materials that
2 you received from your client?

3 A Well, those surveys, plus a whole bunch of other
4 materials.

5 Q Let's start with the surveys, Dr. Goldstein.

6 The materials you were provided with respect to
7 the 1979 survey, can you identify those from among your
8 pile of materials?

9 (Pause.)

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mgc2-1

1 A At this point in time, it's hard for me to tell
2 which came from which, but here are some of the 1979 surveys.
3 Basically -- here are some more 1979 surveys (handing
4 documents to Counsel Downey), and here are some composites
5 of the 1979 surveys.

6 Q Dr. Goldstein, you have handed me three packets
7 of material and a loose survey response.

8 Do these constitute all the materials received
9 on the 1979 survey?

10 MR. ROISMAN: I think there is some confusion.
11 That question asked for all materials received in the '79
12 survey. The first question asked for all the ones received
13 at that other time. And there are additional materials, and
14 I don't know whether he gave them to you there, that were
15 received by him on the '79 survey subsequently. Everything
16 that represents a digesting by us, for instance, that now
17 appears, I believe, as Exhibit -- CHI Exhibit 20, was given
18 to him at a later time.

19 So your second question asked for a broader
20 thing than the first one.

21 BY MR. DOWNEY:

22 Q I apologize. Going back to that first document

mgc2-2

1 production on the '79 surveys, do these materials that you
2 have handed me comprise the materials that you were given
3 at the first meeting?

4 A Most of them are materials that I was given at
5 the first meeting. As a result -- with Mr. Roisman. I had
6 already met with Ms. Garde before.

7 As a result of that meeting, I went back and
8 looked through the surveys and pointed out to Mr. Roisman
9 that it would be -- that there were just a lot of individual
10 surveys, and they weren't organized in any fashion, from the
11 point of view of repetition of themes or anything involving
12 a content analysis, anything involving any summarization of
13 data, which made it difficult to look at, that if he wanted
14 me to, I could, but it would take a pretty long time, and
15 I didn't think that he would want to pay me to do that.

16 And so he offered to do that.

17 Q And did he?

18 A Yes, he did.

19 Q Do you have the materials, the summarizations?

20 A That would be the packet marked "Composites."

21 I don't know if that is all of them, but it is things like
22 that.

1 (Pause.)

2 Q Dr. Goldstein, when you were given the surveys
3 themselves, which as I understand it followed your
4 conversation with Mr. Roisman, which followed by one week
5 your initial conversation with Ms. Garde --

6 A Approximately.

7 Q -- were the surveys that you were provided
8 represented to be all of the surveys that were available?

9 A I don't recall asking that question, but I guess
10 I assumed that those were the surveys or at least some large
11 enough sample of the surveys for me to be able to get a feel
12 for the kind of data that was collected there.

13 Q And then at some subsequent time you were given
14 what was represented to be a summary of the surveys; is that
15 right?

16 A That's correct.

17 Q And were the summaries you were provided the
18 packet of materials that I am handing you now (handing
19 documents to witness)?

20 A Yes, I believe it is.

21 MR. DOWNEY: And, Ms. Reporter, would you mark
22 the composite summaries as Goldstein Exhibit 3?

mgc2-4

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(The documents referred to
were marked collectively as
Goldstein Exhibit No. 3
for identification.)

BY MR. DOWNEY:

Q Dr. Goldstein, once you received the summaries
of the surveys, did you refer back at all to the original
surveys?

A I don't believe I referred back to the original
surveys.

Q And the judgments you formed about the 1979
surveys are a consequence of your examination of
Goldstein Exhibit 3; is that correct?

A That's correct. But as you recall, I had looked
at all the other surveys, so that was providing summaries
of information that I had already looked at.

Q But in your testimony, you said those summaries
on the organization teams and materials was information that
might be relevant to your inquiry.

A That's correct, except that, you know, as you
go through something like that, you go through it somewhat
cognitively saying, "Gee, I have seen that before, and these

mgc2-5

1 are the kinds of themes showing up." I couldn't add and
2 subtract them and come up with exactly how many there were.
3 I didn't go through them with the idea of reading each one
4 as an individual event.

5 Q Leaving with you the same kind of impression
6 that reading the newspaper articles did, for example; is that
7 right?

8 A Well, it is a little bit different. And the
9 surveys are individual responses of a person, and so they
10 present some perception of their events. The newspaper
11 articles, you know, involve a reporter's perception of someone
12 else's perception of the events, and so it is another step
13 away.

14 It's hard for me to know what the kind of filters
15 are. There are obviously also filters in questionnaires.

16 Q Dr. Goldstein, did you provide any direction to
17 the person who was responsible for compiling Goldstein
18 Exhibit 3?

19 A Well, I think we generally discussed the fact
20 that there was an awful lot of data there that wasn't really
21 organized in any coherent fashion, and that it is real hard
22 to deal with that, and it would be nice to know what kinds of

mgc2-6

1 themes are coming up and how frequently they are coming up
2 and items like that.

3 Q Do you know who prepared Goldstein Exhibit 3?

4 A No. I know it was prepared by Mr. Roisman's
5 office, but I don't know who actually did it.

6 Q Did you go from Goldstein Exhibit 3 back to the
7 forms to see if the raw data supported the summary that was
8 provided?

9 A No. What I did was note that many of the themes
10 that I had seen throughout, coming up through there, also
11 appeared in the summary, but I didn't go back and start
12 counting, because that was the whole purpose of Mr. Roisman's
13 office doing it in the first place.

14 Q But you didn't randomly check his work?

15 A No, I did not.

16 Q Dr. Goldstein, was it your understanding that
17 Goldstein Exhibit 3 was to represent a balanced view of the
18 data in the surveys?

19 A Well, a balanced view is kind of an unusual word
20 to use here.

21 Q Let me withdraw the question and try another one.

22 Dr. Goldstein, did you instruct Mr. Roisman or

mgc-2-7

1 one of his colleagues to identify themes that both supported
2 and contradicted their position in this case?

3 A Yes, I did. But the point really is for me that
4 this is not what I would call a scientific survey. It
5 involves -- well, maybe the word "scientific" is had to use
6 here.

7 The survey has problems related to it, and one of
8 the problems that it has related to it is that it is very
9 open-ended, and therefore the best that you can do with it
10 is, you can go through it and try to capture some of the
11 content and everything else.

12 So the purpose of the summary for me was simply
13 to get an overall perception of some of the kinds of issues
14 that came up there, not to give me a scientific analysis of
15 that particular questionnaire, because if the kind of
16 information that you have and the way it is collected is
17 shaky, well, it is fairly obvious that any summary of it
18 is going to be shaky.

19 So I think that my impression of what I asked
20 Mr. Roisman to do for me was to just give me an overall
21 idea of the kinds of things that were coming up and
22 approximately how frequently they were coming up. And for me,

myc2-8

1 it's only -- well, if we talk about a needs assessment giving
2 us a picture, this thing is giving me, you know, a little
3 piece of a photograph that just, you know, gives a little
4 bit of information, and that's the best you can say for it.

5 Q And this piece of photograph may or may not be
6 in focus; is that your point?

7 A Well, the problem with the focus is more dependent
8 upon the data in the questionnaire than it is on the summary,
9 because if the questionnaire isn't totally focused, or
10 you can say that certain kinds of themes are coming up, that
11 certain issues are being presented, and you can indicate
12 whether they are or aren't. And just the way a person can
13 wander through a plant in a couple of days and get a feeling
14 for, you know, whether more work is needed, because there
15 might be issues -- I mean, that's about the way I would see
16 this. It gives you a feeling for what's going on.

17 And it's clear that if you really wanted to know
18 much more specifically than that, then somebody would have
19 to go in there and really conduct a full needs assessment.

20 Q Dr. Goldstein, at the time you reviewed these
21 summaries, was it your understanding that Mr. Roisman's
22 client was trying to prove that there was a pervasive

1 atmosphere of harassment and intimidation at the site?

2 A I guess I'm aware of the fact that there are many
3 people and CASE who have all different agendas. My agenda
4 relates to whether there are any particular issues that I can
5 speak to.

6 Q My question was, what was your knowledge of
7 Mr. Roisman's agenda?

8 A As far as his agenda was concerned with me, it
9 was only to ask me to reflect upon whether there were
10 psychological issues related to that and the extent to which
11 I could identify them from there and give my best
12 professional opinion about it.

13 Q Dr. Goldstein, did you instruct Mr. Roisman or
14 his colleagues to identify what the inspectors considered
15 to be the major problems at Comanche Peak in the questionnaire
16 responses?

17 A I asked him to identify what the predominant
18 themes were.

19 Q Is it your recollection that the questionnaire
20 specifically asked inspectors to identify what they considered
21 to be the major problems in QC at Comanche Peak?

22 A I don't recall that, but if you say it is so, I
23 will accept that.

sy31b1

1 MR. DOWNEY: Madame Reporter, would you mark the
2 questionnaires themselves as Goldstein Exhibit 4?

3 (The document referred to was
4 marked as Goldstein Exhibit No.
5 4 for identification.)

6 BY MR. DOWNEY:

7 Q Dr. Goldstein, I would like you to review the top
8 packet in Goldstein Exhibit 4.

9 (Counsel handing document to witness.)

10 Do you recognize that as what was represented to
11 you as a questionnaire response from the 1979 survey?

12 A Yes, I do.

13 Q Dr. Goldstein, I direct your attention to page 10
14 of that first document, through page 11 of that first document,
15 in Goldstein Exhibit 4. And most particularly the first
16 question. Do you now recall that the question was asked of
17 inspectors to identify the major problems at Comanche Peak?

18 A Yes, that's one of the questions.

19 That question does say major problems, yes.

20 Q And did you direct any special attention to that
21 particular question in providing guidance to the people who
22 prepared Goldstein Exhibit 3?

sy31b2

1 A No, I did not.

2 Q Dr. Goldstein, in providing direction to the people
3 who prepared Goldstein Exhibit 3, did you request that they
4 identify responses that indicated that there was no problem with
5 harassment or intimidation at Comanche Peak?

6 A I don't recall if I did.

7 As I recall, they were to identify the kinds of
8 themes which they were concerned about and the degree to which
9 they were occurring in a general summary viewpoint.

10 Q Dr. Goldstein, do you recall how long after your
11 conversation with Mr. Roisman you received Goldstein Exhibit 3?

12 A I would say not longer than a week.

13 Q And within Goldstein Exhibit 3, I see four separate
14 packets. And the first one has been marked, by the Court
15 Reporter, as Goldstein Exhibit 3 and there is no date on the
16 top. The second indicates, given to Goldstein 8-10-84, does
17 that conform to your recollection?

18 A That would be approximately correct. I mean, I
19 couldn't really be sure.

20 Q And the third and fourth packets are indicated,
21 given to Goldstein 8-13-84. Does that roughly conform with
22 your recollection?

sy31b3

1 A That could very well be. I was getting material
2 all the time, so I didn't log it in.

3 MR. DOWNEY: Madame Reporter, could you mark the
4 three packets -- excuse me, the four packets, which you have
5 marked as Goldstein Exhibit 3, as Goldstein Exhibit 3A. The
6 second packet is Goldstein Exhibit 3B, 3C, and 3D.

7 (The documents referred to were
8 marked as Goldstein Exhibits
9 No. 3A, 3B, 3C, and 3D for
10 identification.)

11 BY MR. DOWNEY:

12 Q Mr. Goldstein, when you received the 1979 surveys,
13 you also received the 1983 surveys, is that correct?

14 A I believe that's correct.

15 Q In your prefiled testimony, you indicate -- in the
16 very last question on page 18 of Goldstein Exhibit 1 -- that
17 it's difficult to judge about what problems were revealed
18 there because you were uncertain as to the procedures used
19 for collecting data. Is that right?

20 A Yes.

21 Q What procedures do you need to know about, in order
22 to find these surveys useful?

sy31b4

1 A Well, again, it's -- there's a lot of open-endedness
2 to it and I don't know the procedures used in obtaining how
3 the questionnaire was developed, whether an appropriate
4 needs assessment was done to identify what the exact issues
5 were that were to be addressed, how the questions were therefore
6 designed in a way that can give you a valid picture of what
7 is going on, what kind of assurances were given to people who
8 were filling it out, under what conditions they filled it out,
9 how the people felt who were filling it out, you know, all
10 the kinds of safeguards that go into making it more likely
11 that you're going to get an accurate representation of the
12 organization.

13 And I didn't have that information.

14 Q And what is your understanding, Dr. Goldstein,
15 of the procedures used in the 1979 survey?

16 A I have the same questions about 1979 survey, but
17 you are asking an additional question when you say -- when you
18 ask well how much does the 1979 survey represent reality and
19 you're asking how much does the 1983 thing represent reality.
20 And then you're asking what the changes are between 1979 and
21 1983. It's a much more sophisticated questionnaire issue.

22 Q My question is not that sophisticated. It is just

sy31b5

1 what is your understanding about how the 1979 survey was done?

2 A I don't have any understanding of how it was done.

3 Q Did you make any inquiries of Mr. Roisman about
4 how it was done?

5 A We might have generally talked about it. It was
6 just taking a look at the questionnaire, the questions,
7 repetition of some of the particular kinds of issues and
8 answer structure and everything else, you know, just led me
9 to believe that it was a home-grown questionnaire.

10 Q Dr. Goldstein, what other materials did you receive
11 -- if you recall -- following your conversation with Mr. Roisman,
12 the second conversation you had with his organization? You
13 have identified the two survey packets.

14 A Yes. Eventually, I received all of the materials
15 sitting here. What order I received them in, I really don't
16 have the faintest idea.

17 Q Mr. Goldstein, when did you report back to
18 Mr. Roisman's organization, concerning your views on what
19 the psychological issues might be in this case?

20 A In part, we were discussing that all the way through.
21 You know, as I received more information, I ventured various
22 kinds of opinions.

sy31b6

1 Q Mr. Goldstein, with respect to those opinions that
2 you ventured, would you identify please what you have identified
3 as the psychological issues in this case?

4 A Oh, I think the psychological issues in this case
5 are discussed in my written testimony. And they really relate
6 to how people learn from the question of whether if an incident
7 occurred in an organization, whether persons are likely to
8 learn anything from that particular incident. That was
9 a major psychological issue that was being discussed.

10 Q Did you identify, for Mr. Roisman, any other
11 psychological issues?

12 A Well, they all relate to that.

end3

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1 Q Mr. Goldstein, did you prepare Goldstein Exhibit 1,
2 your written testimony?

3 A I don't know what you mean.

4 Q Did you write it, author it?

5 A No, I verbally gave it, into a tape recorder, and
6 it was then typed and I checked it.

7 Q Who asked the question:?

8 A Mr. Roisman.

9 Q Dr. Goldstein --

10 MR. ROISMAN: Excuse me, Bruce. I noticed that in
11 the pile of things that were here in front of you, which were
12 the part of what Dr. Goldstein had been given by us,
13 inadvertantly, a fifth piece of what you are now calling
14 Goldstein Exhibit 3 -- which is another summary, this one of
15 the 1983 data, I believe -- was also, or should have been
16 included in that package.

17 And if you want to ask the witness if that was
18 one of them and have it marked as 3E.

19 BY MR. DOWNEY:

20 Q Dr. Goldstein, do you recall receiving the paper
21 -- this summary that I'm about to ask the court reporter to
22 mark as Goldstein Exhibit 3E?

sy41b2

1 A Yes, I do.

2 (The document referred to was
3 marked as Goldstein Exhibit
4 No. 3E for identification.)

s2 bul

5 BY MR. DOWNEY:

6 Q Dr. Goldstein, at page 9 of your written testimony,
7 you indicate that you are familiar with the facts, or you
8 have reviewed the facts associated with the Atchison firing,
9 as found by the Secretary of Labor. Do you recall the
10 testimony about that?

11 A Yes, I do.

12 Q What is your understanding of the facts, as found
13 by the Secretary of Labor?

14 A Well, I haven't memorized all the facts. I just
15 read them before that particular testimony and responded to
16 whether persons would learn anything from that particular
17 kind of incident. So, I mean, I guess I could give you my
18 general summary of some of the facts involving Atchison.

19 Q Can you identify for me, in the materials, those
20 items that you read concerning Mr. Atchison?

21 (Pause.)

22 A Here is something.

1 MR. ROISMAN: Let's just go off the record a
2 second.

3 (Discussion off the record.)

4 BY MR. DOWNEY:

5 Q Dr. Goldstein, is the packet of materials that
6 I'm handing you -- including all the materials that you
7 reviewed about Mr. Atchison -- except for the decision of the
8 Secretary of Labor?

9 A I have no idea. It includes some of the materials.
10 Whether it includes all the materials, I couldn't tell.

11 Q And do you recall seeing each of those items in
12 your review of the Atchison events?

13 A Well, I recall seeing these items. I think I have
14 seen all of them, but I am not positive.

15 As a matter of fact, the Dunham thing is in here,
16 with the Atchison things.

17 Q Well, let's identify those that refer to Mr.
18 Atchison.

19 Dr. Goldstein, do you recall reviewing the recommended
20 decision of the ALJ?

21 A Yes, at one time, I looked through some of this.

22 Q And immediately prior to your testimony, did you

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1 look at this?

2 A Well, I looked at a lot of stuff, and I looked at
3 a number of things about Atchison and that was probably one
4 of the things that I looked at.

5 Q Mr. Goldstein, you testify at page 9 of your written
6 testimony that the Atchison thing -- in your judgment -- the
7 Atchison incident, in your judgment, represent an example of
8 the kind of concerns expressed in the 1979 surveys. Do you
9 recall that testimony?

10 A Yes, I do.

11 Q Which documents did you rely upon, in forming that
12 judgment?

13 A I looked at that document. I probably looked at some
14 other documents related to Atchison. I considered it an example
15 of the kinds of things, and I am making assumptions that the
16 incident is as reported.

17 Q So you cannot identify the specific matters that
18 you reviewed and relied upon in offering the testimony on page
19 9, about Charles Atchison?

20 A Oh, I can identify some of them, but you know, I
21 don't know which ones I read at any particular point in time.
22 But I did read some things about Atchison before I gave that

sy41b5

1 testimony.

2 Q And one of the things you read is this document,
3 which the Court Reporter can mark as Goldstein Exhibit 5?

4 (The document referred to was
5 marked as Goldstein Exhibit
6 No. 5 for identification.)

7 MR. DOWNEY: This is the recommended decision of
8 the Secretary of Labor, the recommended decision of the ALJ
9 in the Atchison case.

10 BY MR. DOWNEY:

11 Q Do you recall reading the Atchison -- or in your
12 Atchison review, the briefs of Mr. Atchison's counsel?

13 A No.

14 Q Do you recall reading the decision of the Secretary
15 of Labor?

16 A In general.

17 Q And do you recall reading the newspaper articles
18 about Mr. Atchison?

19 A In general.

20 Q Can you identify which of these sources of materials
21 you relied upon in giving your answer, on page 9 of your
22 written testimony?

sy41b6

1 A No, because for me, the question is whether that is
2 an example of the kind of incident, if it occurred, as to
3 whether persons would learn from it in an organization. And
4 that is all I'm saying. I'm not trying to memorize the case
5 of Atchison or what all the different people said about
6 Atchison, or generally what kind of incident was it.

7 And is it an example of the kinds of incidents that
8 people would learn from if indeed it occurred as reported.

9 Q Your testimony then, is if it occurred as reported
10 in the documents you read, the Atchison incident would be
11 a kind of incident that was identified in the summary prepared
12 by Mr. Roisman's office as a theme in the 1979 surveys, is
13 that right?

14 A No, it is the kind of incident, if it occurred as
15 reported, that would lead people to make statements similar
16 to those reported in that questionnaire.

17 Q Or at least reported in the summaries of the
18 questionnaires?

19 A Or reported in the summaries. I read the
20 questionnaires first.

21 Q So your testimony about Mr. Atchison all assumes
22 the facts that you read to be true?

sy41b7

1 A Absolutely.

2 Q And that is the same with Mr. Hamilton?

3 A Absolutely.

4 Q And the same with Ms. Neumeyer?

5 A Yes, that's correct.

6 Q And the same with Mr. Dunham?

7 A That's correct. I did not conduct a study of it.

8 Q Dr. Goldstein, in offering your testimony about
9 these various incidents, did you read Draft Proposed Findings
10 of Fact prepared by Mr. Roisman's office?

11 A Is that this stack?

12 (Indicating.)

13 MR. ROISMAN: No, that is this stack.

14 (Indicating.)

15 THE WITNESS: I glanced through all that material
16 and I, at one time or another, read it.

end4

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mgc5-1

1 BY MR. DOWNEY:

2 Q Dr. Goldstein, do you recall testimony about the
3 T-shirt incident? And I refer you to page 10 of your
4 prefiled testimony.

5 A Yes.

6 Q Do you recall from what sources you learned the
7 facts that you rely upon in offering your testimony about
8 the T-shirt incident?

9 A Well, the T-shirt incident, I believe, was more
10 a verbal report of an incident from Mr. Roisman and Ms. Garde.
11 At a later time, I read some materials related to that incident,
12 which I think is called the Stanford incident; is that right?

13 Q No. I believe that is a separate incident.

14 A Okay, wait. I later read materials in this
15 book, which is --

16 Q That book is the proposed findings of fact of
17 the Intervenor, CASE, right?

18 A That's correct.

19 Q Do you recall, Dr. Goldstein, reviewing the
20 materials that have been marked for identification as
21 Goldstein Exhibit 6?
22

mgc5-2

1 (The documents referred to
2 were marked collectively as
3 Goldstein Exhibit No. 6 for
4 identification.)

5 A (No response.)

6 Q Dr. Goldstein, I ask you to review the document
7 marked for identification as Goldstein Exhibit 6.

8 A Yes, I did read this.

9 Q And is that the material you read prior to giving
10 your testimony about the T-shirt incident, that appears at
11 page 10 of your written testimony?

12 A It could very well be.

13 Q Do you have any different recollection?

14 A I don't have any different recollection, but there
15 was a lot of verbal discussion related to the T-shirt
16 incident before my testimony, where it was described to me
17 by Ms. Garde and Mr. Roisman, I think on a couple of occasions.

18 Q Would you describe for us, please, what they
19 told you about the T-shirt incident, as best you recall it,
20 prior to your testimony?

21 A Well, basically a number of individuals ended up
22 wearing T-shirts which essentially said that they were

mgc5-3

1 nitpickers. The T-shirt says something about being a
2 nitpicker. It's hard for me to tell what came from documents
3 that I read and what came from discussions, but as it was
4 presented, it was an indication that these individuals were
5 feeling that the atmosphere in that particular organization
6 was such that they were viewed as nitpickers, so they wore
7 these particular shirts.

8 Eventually they were called in concerning these
9 shirts. There is a lot of back-and-forth testimony as to --
10 I guess as to what was said, but there is some testimony
11 saying that they were told to go home and change the T-shirts,
12 and I think there were also comments in it that some of the
13 people who were wearing the T-shirts just happened to be the
14 same individuals who might get transferred.

15 Q Were any representations made to you about the
16 criteria applied in determining who would be transferred from
17 this particular group of inspectors?

18 A Not to me.

19 Q Dr. Goldstein, do you know whether any of the
20 people involved in the T-shirt incident actually testified
21 in this proceeding?

22 A I don't have the faintest idea.

mgc5-4

1 Q Do you have any knowledge of what their testimony
2 was?

3 A No.

4 Q And the basis for your testimony on page 10 of
5 Goldstein Exhibit 1 is what you were told by counsel for
6 the Intervenor in conversations with you and perhaps what
7 you may have read in Goldstein Exhibit 6; is that right?

8 A That's correct.

9 Q Dr. Goldstein, do you recall testifying about an
10 incident involving Sue Ann Neumeyer? And I refer you to
11 page 11 of your prefiled testimony, Goldstein Exhibit 1.

12 A Yes. I testified on that as an example.

13 Q And do you recall what sources you drew upon for
14 the information you used in offering the testimony about
15 Ms. Neumeyer?

16 A Well, I'm not sure if Ms. Neumeyer was one that
17 was described to me at that particular time or one that I
18 read about. But if it was described to me, I did read about
19 it later.

20 Q You mentioned earlier the Stanford incident.
21 Do you recall learning about that incident?

22 A I'm sure if I came up with the words "Stanford

m 5-5

1 incident," somewhere along the way I read about it in this
2 pile of materials.

3 Q And do you recall any of the specific incidents
4 that were described to you either in the materials or by
5 counsel for the Intervenor concerning Ms. Neumeyer?

6 A Well, again, I can't tell you whether my present
7 recollection is based upon conversations with them or what
8 I read. I do recall that there was something in what I read
9 about the fact that Ms. Neumeyer felt that she should not --
10 and I'm not sure whether this is the right term or not --
11 but write NCRs on major things, she should only write the
12 on minor things, and she felt that she should do that because
13 she was discouraged from reporting the major incidents by,
14 I guess it would be her supervisor, whoever was responsible
15 for it.

16 But there were a series of incidents reported
17 related to that.

18 Q Do you recall being told that she was directed
19 to write the Stanford NCR by her supervisor?

20 A I don't recall that.

21 MR. DOWNEY: Dr. Goldstein, I would like the
22 court reporter to mark first two documents that you have

mgc5-6

1 handed me as Goldstein Exhibits 7 and 8.

2 (The documents referred to
3 were marked Goldstein
4 Exhibit Nos. 7 and 8 for
5 identification.)

6 BY MR. DOWNEY:

7 Q I will ask you to review those and ask you if
8 those are the two documents that you recall reviewing about
9 Sue Ann Neumeyer prior to your testimony, marked as
10 Goldstein Exhibit 1.

11 A I did review these. Whether I reviewed both of
12 them prior to my testimony, I am really not sure, but I have
13 looked at them at some time or another.

14 Q And you also recall discussing the Sue Ann Neumeyer
15 matter with counsel for the Intervenor in this case?

16 A I'm not sure whether I discussed it with counsel
17 or not.

18 Q Do you know of any other sources of information
19 you had about Ms. Neumeyer prior to your testimony, other
20 than Exhibits 7 and 8 and conversation with counsel?

21 A No.

22 Q Dr. Goldstein, do you recall testifying about an

mg 5-7
1 incident involving Robert Messerly?

2 A Yes, I do.

3 Q Can you identify those materials that you
4 reviewed prior to your testimony about the Messerly matter?

5 A Well, the Messerly matter was described to me
6 by the attorneys, and at a later time I did read a report of
7 it.

8 Q The only information you had prior to your
9 testimony was an oral report by attorneys for Intervenor?

10 A That's correct.

11 Q Do you recall the substance of what they told
12 you about that matter?

13 A As I recall the substance, Messerly described an
14 incident that he had viewed where a quality control inspector
15 appeared to be physically harassed or intimidated or
16 threatened by another individual.

17 Q And?

18 A And as I recall, Messerly also said something
19 about after that incident, there not being as many tags or
20 something like that.

21 Q And so your testimony on Mr. Messerly is based
22 on what you have just described for us?

mgc5-8

1 A Approximately, yes.

2 Q Dr. Goldstein, can you identify the materials
3 that you reviewed in testifying about the Dunham incident
4 that is reported at page 10 of your prefiled testimony?

5 (Pause.)

6 (A series of documents were
7 marked Goldstein Exhibit
8 Nos. 9, 10, 11, 12, 13,
9 and 14 for identification.)

10 MR. DOWNEY: The court reporter has just marked
11 for identification a series of materials concerning
12 William Dunham. Marked for identification as Goldstein
13 Exhibit 9, this report to David Chapman, the subject -- it
14 is dated October 25, 1983 -- the subject, "Investigation
15 into Allegations Made by W.A. Dunham and Concerns Expressed
16 Related to Protective Coatings."

17 Goldstein Exhibit 10 is complainant's post-hearing
18 brief in the case, Dunham vs. Brown & Root, Inc.

19 Goldstein Exhibit 11 is titled "Only Dunham."
20 And I will ask counsel to stipulate that it is a draft of
21 proposed findings of fact prepared by CASE.

22 MR. ROISMAN: Yes, I so stipulate.

mgc5-9

1 MR. DOWNEY: Goldstein Exhibit 12 also appears
2 to be a draft of proposed findings of fact prepared by the
3 Intervenor, CASE, in this proceeding.

4 MR. ROISMAN: Yes. To better identify what these
5 are, these are taken from the deposition of Mr. Dunham that
6 was taken in the Department of Labor case, as opposed to
7 the transcript of the hearing.

8 MR. DOWNEY: Goldstein Exhibit 13 is a copy of
9 the signed deposition of William A. Dunham, with his errata
10 sheet, and I would like his errata sheet marked separately
11 as Goldstein Exhibit 13-A.

12 (The document referred to was
13 marked Goldstein Exhibit
14 No. 13-A for identification.)

15 MR. DOWNEY: Goldstein Exhibit 14 is a
16 handwritten set of materials, 18 pages long.

17 And Goldstein Exhibit 15 is a two-by-two yellow
18 sticker that was on top of the Exhibit Goldstein 14.

End 5

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1 MR. DOWNEY: The parties will stipulate that
2 Goldstein Exhibits 14 and 15 were prepared by employees of
3 Trial Lawyers for Public Justice.

4 BY MR. DOWNEY:

5 Q Can you identify Goldstein Exhibits 9 through 15
6 as materials you reviewed prior to your testimony about
7 William Dunham?

8 A Yes.

9 Q Do you recall reviewing all of those materials
10 prior to your testimony?

11 A Well, I glanced at them. I wouldn't be certain
12 that I read all of them. As a matter of fact, I would be
13 certain that I did not read all of them.

14 Q Mr. Goldstein, I would ask you to read Goldstein
15 Exhibit 15.

16 A "Bill Dunham is a witness who was terminated from
17 his job as QC lead inspector last year for raising safety" --
18 something or other -- "concerns.

19 Q Is that a fair statement of your understanding of
20 Mr. Dunham's claim, upon which your testimony is based?

21 A I think that is probably a fair understanding of
22 Mr. Dunham's claim, yes.

sy61b2

1 Q In preparing your testimony, did you read the
2 depositions of any of Brown & Root's witnesses in the Dunham
3 case?

4 A I glanced through the materials.

5 Q But only these materials that are before us today?

6 A I don't know of any other materials that I glanced
7 through, but I couldn't be positive about that.

8 Q Do you recall reading a brief that Brown & Root
9 prepared in the Dunham case?

10 A I probably glanced through that also.

11 MR. ROISMAN: You're getting real close to just
12 cross-exam. I told you this was all he looked at.

13 BY MR. DOWNEY:

14 Q Do you recall reviewing any materials concerning
15 Mr. Dunham that reflected the company's view on Mr. Dunham's
16 termination?

17 A I probably did.

18 Q But if you did, they are in this pile, Goldstein
19 Exhibits 9 through 15?

20 A I would assume, but I wouldn't guarantee.

21 Q Dr. Goldstein, do you recall which materials you
22 reviewed in testifying about Robert Hamilton? The testimony

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1 appearing at page 9 of your prefiled testimony?

2 A You mean Hamilton?

3 Q Yes.

4 A I know I read some materials on Hamilton. I would
5 have to go and find them. I will try to do so.

6 Q All right, please do.

7 (Pause.)

8 (Discussion off the record.)

9 MR. DOWNEY: The parties, during the recess, subject
10 to Dr. Goldstein's veto, agreed to stipulate that the materials
11 that he was shown were parts of orders of the ASLB in this
12 proceeding, dated September 23, 1983 and October 25, 1983.
13 I will inquire of counsel, if you have a recollection of
14 which portions of those orders Dr. Goldstein was shown?

15 MR. ROISMAN: I think that he was shown all the
16 portions that relate to the Hamiltons and I know that he had some
17 of them related to Cordelia, as well as related to Bob.
18 What he would not have had, or certainly wouldn't have been
19 directed to take a look at, were any portions of those orders
20 that related to things that didn't have to do with Hamiltons
21 at all.

22

sy61b4

1 BY MR. DOWNEY:

2 Q Dr. Goldstein, do you recall reviewing proposed
3 findings of fact of CASE concerning Bob Hamilton?

4 MR. ROISMAN: What time frame?

5 BY MR. DOWNEY:

6 Q Prior to giving your testimony?

7 A No.

8 Q Dr. Goldstein, on page 11 of your testimony, you
9 have testified that you reviewed some facts concerning a
10 QA audit report. Do you have the materials that you relied
11 upon in offering that testimony?

12 Mr. Goldstein, I am showing you two documents, one
13 handwritten and one a typewritten report. Do you recognize
14 those two materials as the materials that you read?

15 A Yes, I do.

16 Q I would ask counsel to stipulate that the
17 handwritten materials were those prepared by Mr. Roisman or
18 his associates.

19 MR. ROISMAN: That is correct.

20 MR. DOWNEY: I will ask the reporter to mark the
21 handwritten document as Goldstein Exhibit 16 and the typewritten
22 document as Goldstein Exhibit 17.

sv61b5

1 (The documents referred to were
2 marked as Goldstein Exhibits No.
3 16 and 17 for identification.)

4 BY MR. DOWNEY:

5 Q Dr. Goldstein, do you recall receiving any verbal
6 reports from counsel about the QA Audit Report?

7 A Oh, I'm sure.

8 Q You're sure that you did?

9 A I'm sure that I did.

10 Q Do you recall receiving any verbal reports from
11 counsel concerning Bob Hamilton?

12 A I am not positive. We did discuss a number of
13 incidents. I may very well -- they very well have made a
14 presentation related to those also.

15 Q Dr. Goldstein, apart from those incidents about
16 which you testified, were you briefed on any other incidents
17 that happened at Comanche Peak and asked to testify about those?

18 A And asked to testify?

19 Q Let me ask, first. Were you briefed about incidents
20 involving Linda Barnes?

21 A The name is familiar, so it is possible that I either
22 read something about Linda Barnes or talked to someone about

sy61b6

1 Linda Barnes.

2 Q And do you recall -- were you asked whether the
3 incident, concerning Linda Barnes, was an example of the
4 kind of concern expressed in 1979 survey?

5 A As indicated in my written report, there is no
6 report of it, so I wasn't asked.

7 Q Did you report and testify about every incident you
8 reviewed?

9 A No.

10 Q Did you discuss which of those incidents you testified
11 about and which you would testify about and which you would
12 not with counsel?

13 A No.

14 Q Did you offer testimony about each incident, as
15 to which you were asked to testify about?

16 A As indicated in the document --

17 Q The document being Goldstein Exhibit 1?

18 A Right.

19 Q Do you recall being asked what you thought the facts,
20 as described to you, concerning Linda Barnes was the kind of
21 incident that expressed concerns, such as you found in the
22 1979 survey?

sy61b7

1 MR. ROISMAN: I object. You are going, now, into
2 things that he has not testified about and that is within our
3 privilege. You may ask him about what he did testify about.
4 You are calling him as your expert on the Linda Barnes event
5 and that is clearly beyond the scope of what is permissible.
6 You are asking for him to give you information on that, and
7 I have been very generous in letting you get this far, and I'm
8 not going to let you go any further.

9 MR. DOWNEY: I don't think that you've been all
10 that generous, Tony. I think I was entitled to eve hing
11 I've asked for, so far.

12 MR. ROISMAN: No, I mean insofar as the Linda Barnes
13 thing.

14 MR. DOWNEY: I think it is perfectly legitimate
15 discovery to ask if he rendered to you an opinion on the
16 Linda Barnes incident. That is a fact.

17 MR. ROISMAN: First of all, he has already told you
18 that he didn't, so that takes care of it. I let you ask him
19 that question.

20 MR. DOWNEY: Well, let me make sure that we're clear
21 on that.

22

sy61b8

1 BY MR. DOWNEY:

2 Q Did you, Dr. Goldstein, render an opinion to
3 Mr. Roisman or one of his colleagues, about whether the
4 Linda Barnes incident was the kind of incident which concerns
5 of the type you found in the 1979 surveys were raised?

6 A Do you want me to respond?

7 MR. ROISMAN: Yes, it's okay.

8 THE WITNESS: If it isn't in the report, I wasn't
9 asked.

10 BY MR. DOWNEY:

11 Q But did you volunteer that information?

12 MR. ROISMAN: He is not going to answer that
13 question. He just answered all that I think he's required to
14 answer, and I thought his answer was complete. This is
15 probably asked and answered.

16 MR. DOWNEY: Well, if it has been asked and answered,
17 let's have the answer to it.

18 MR. ROISMAN: I like it just the way it sits.

19 BY MR. DOWNEY:

20 Q Dr. Goldstein, did -- I will withdraw that question.

21 Dr. Goldstein, did you execute a written agreement
22 with counsel for CASE -- Mr. Roisman and his group?

sy61b9

1 MR. ROISMAN: Objection, that's outside the scope
2 of anything that is legitimate here.

3 MR. DOWNEY: I don't believe it is, Tony.

4 MR. ROISMAN: Well, make your statement. Tell me
5 why.

6 MR. DOWNEY: I believe it's entirely permissible
7 to find out the scope of his assignment. I believe it's
8 entirely permissible to find out the terms under which he has
9 been employed. And I think that any such written document would
10 contain that information, and its existence certainly is a
11 discoverable question.

12 MR. ROISMAN: You're going to have to get a Board
13 Order to ask him what the relationship is. Other than that, he
14 was retained for what he has already told you earlier on.

15 He answered the question that you asked earlier,
16 you know, what were you supposed to do? And he gave you a
17 complete answer to that. He told you, you know, that he was
18 asked whether he had opinions and to give those opinions. And
19 he told you all of that.

20 You may not have any written communication between
21 him and our office that memorializes any agreement between us
22 without a Board Order. I mean, if you want to seek a Board

1 Order, you have got that privilege.

2 MR. DOWNEY: Which I will do, because I think we
3 ought to just go on and get our agenda items for the Board.

4 MR. ROISMAN: Okay, that is fine. I want you to
5 know I am leaving here in 45 minutes. I will take the phone
6 calls tonight, at another number that I will give you, if
7 you want to do it tonight or tomorrow.

8 MR. DOWNEY: Well, we will see how far we go.

9 MR. ROISMAN: Okay.

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mgc7-1

1 BY MR. DOWNEY:

2 Q Dr. Goldstein, did you provide Mr. Roisman or
3 his office with any written expression of your views about
4 the materials that you reviewed?

5 A No.

6 Q Did you provide Mr. Roisman your views on subjects
7 beyond which you have testified?

8 MR. ROISMAN: Objection. I asked him about how
9 I got to the right place to park. He gave me his views on
10 that.

11 MR. DOWNEY: I will withdraw that.

12 BY MR. DOWNEY:

13 Q Dr. Goldstein, did you offer any professional
14 opinions to Mr. Roisman beyond those as to which you have
15 testified in Goldstein Exhibit 1?

16 A That is such an open-ended question, I don't
17 know how you expect me to respond to that. I mean, we had
18 hours of conversation.

19 Q Did you provide him with your views on any
20 incidents involving any specific people beyond those as to
21 which you have testified in Goldstein Exhibit 1?

22 MR. ROISMAN: Object for the same reason.

mgc7-2

1 MR. DOWNEY: Which is?

2 MR. ROISMAN: That I don't believe you are
3 entitled to have the answer to that question.

4 BY MR. DOWNEY:

5 Q Dr. Goldstein, you have testified that you
6 provided your views and your judgment about whether certain
7 incidents described in your testimony were the kinds of
8 incidents from which people learned certain things on the
9 job site; is that right?

10 A That is correct.

11 Q Did you provide views on subjects beyond
12 professional judgments beyond learning behavior on the job
13 site?

14 A I don't really think so. I mean, I think most
15 of my -- most of my discussions with Mr. Roisman were
16 related to how people learn, and that's it.

17 Q And you reviewed specific incidents which you
18 thought could be examples of that learning behavior?

19 A That's correct.

20 Q And your judgment about those incidents being
21 the kinds of things from which people learn were based solely
22 on the facts as represented to you in these materials that

mgc7-3

1 we have gone through; is that right?

2 MR. ROISMAN: Just a moment. I think you may
3 be confusing the witness when you waved your hand at these
4 materials we have gone through. There is a whole pile of
5 other stuff that is still sitting over there that hasn't
6 made it up to the pile yet.

7 BY MR. DOWNEY:

8 Q Dr. Goldstein, in testifying about Mr. Messerly,
9 for example, you relied upon the representations of counsel
10 for your facts; is that right?

11 A That's correct.

12 MR. ROISMAN: These are all going to be asked
13 and answered?

14 MR. DOWNEY: No. I'm going to pick up, Tony.

15 BY MR. DOWNEY:

16 Q And if those facts were incorrect or inaccurate,
17 could that change your testimony?

18 A Of course.

19 Q And would that not also be true with each of the
20 incidents that we have described -- the audit report,
21 the Neumeyer incident, the T-shirt incident, the Hamilton
22 incident, the Atchison and Dunham incidents?

mgc7-4

1 A Yes.

2 MR. DOWNEY: Thank you for indulging me those
3 compound questions, Tony.

4 MR. ROISMAN: That's all right. I could see where
5 we would go if we didn't do that. We'd be here until the
6 end of the day.

7 (Laughter.)

8 BY MR. DOWNEY:

9 Q Dr. Goldstein, I refer you to page 8 of your
10 prefiled testimony.

11 A Yes?

12 Q Specifically with Point 1 in the question on
13 page 8, do you know of any specific examples where people
14 were fired for reporting safety problems at Comanche Peak?

15 A It may very well be that in that entire pile of
16 stuff there was such an incident reported, but, I mean, I
17 can't tell you that right now. The same thing for all the
18 rest.

19 Q So in this case, your testimony was based
20 strictly on a hypothetical situation. Being fired is the
21 kind of negative response that would lead to learning
22 behavior and inhibit people from making reports.

mgc 7-5

1 A Correct.

2 Q And that is irrespective of whether or not such
3 an incident occurred?

4 A Correct.

5 Q Dr. Goldstein, have you done any professional
6 work with businesses in the nuclear industry prior to this
7 case?

8 A Yes.

9 Q Which companies?

10 A It is not a company.

11 Q What organization?

12 A Battice and the Nuclear Regulatory Commission.

13 Q And have you studied the work force at any
14 particular nuclear power plant, a professional study?

15 A That study involves a group of maybe twenty or so
16 utilities.

17 Q Can you identify some of them?

18 A No.

19 Q You just don't recall them?

20 A Well, I have run panels where the utilities have
21 been present, because we were doing a job analysis. They
22 were representatives of the industry. I remember Yankee

mgc7-6

1 something-or-other in Maine. Another one in Delaware called --
2 whatever it's called. And certainly Calvert Cliffs in
3 Maryland.

4 Q Is this work making presentations to members
5 of the company? Is that the kind of work you did?

6 A No. I'm doing a job analysis.

7 Q Of what job?

8 A The SRO and the RO, the reactor operator and the
9 senior reactor operator, for licensing.

10 Q And apart from your work on the job analysis of
11 reactor operators and senior reactor operators, have you
12 done any professional studies of work forces at nuclear power
13 plants?

14 A No.

15 Q And have you done any of a nuclear construction
16 site?

17 A No.

18 Q Dr. Goldstein, I refer you to page 14 of your
19 prefiled testimony, and specifically the last question on
20 the page.

21 If I were to ask you, based on what you know about
22 the Vermont Yankee plant, could you say there was not a major

mgcr-7

1 problem in QC personnel feeling that they were not able to
2 freely carry out their work?

3 A I don't have the faintest idea.

4 Q So it wouldn't be possible for you to say that?

5 A No. I didn't do a needs assessment there.

6 Q And you haven't done one here; is that right?

7 A That's correct.

8 Q So it wouldn't be possible for you to answer
9 that question affirmatively?

10 A Which question.

11 Q The last question on page 14.

12 A Well, I answered it there.

13 Q I know. But my question is, you could not answer
14 that question in the affirmative with respect to any power
15 plant in the United States; isn't that correct?

16 MR. ROISMAN: That is cross-examination. You
17 are going to have your chance to ask him that. But this is
18 the nose of the camel in the tent.

19 (Discussion off the record.)

20 BY MR. DOWNEY:

21 Q Dr. Goldstein, you testified about a needs
22 assessment -- I think you called it a study. Now the needs

7-8

1 assessment is your testimony -- that is in your testimony;
2 is that right?

3 A Are you referring to the '79 and '83 studies?

4 Q No. I'm talking about the study that you
5 proposed to undertake or that could be undertaken to answer
6 the question on page 14 of your written testimony.

7 The question that you say you cannot answer is
8 on page 14?

9 A Correct.

10 Q And you then go on to explain how that question
11 can be answered; is that right?

12 A That is -- I mean, I offer some general views
13 on what needs to be done in order to answer the question.

14 Q And how would you select the QC inspectors to
15 undertake such a needs assessment?

16 A You don't go in and select QCs.

17 Q Who do you select?

18 A Well, the process of doing a needs assessment is
19 a fairly complex process that involves going in and working
20 with representatives and facets of the organization and
21 setting up the appropriate guidelines to ensure that the
22 study can be carried out properly.

mgc7-9

1 Certainly the organization is involved. Working
2 with these facets of the organization might be called a
3 liaison team. Certainly they are involved to some extent.
4 You have to know the organization before you know who you're
5 selecting.

6 Q So you first study the organization?

7 A That's part of the needs assessment.

8 Q And you do testify, do you not, that in your
9 study, you would interview QC inspectors, that you would
10 contemplate such interviews?

11 A If I say something like that, it's an example of
12 the kinds of people who would be interviewed, and I can't
13 design a study without knowing anything about the organization.

14 Q Is random selection one way you might select
15 people for interview?

16 A I doubt it.

17 Q How would you?

18 A I mean, what you want, the question of random
19 selection speaks to representativeness of the persons,
20 and what you have to do is determine what representativeness
21 means. If you get representativeness by using random
22 selection methods, you use it.

25% COTTON

mgc7-10

1 But let's say that you have two persons in a
2 police -- well, let's say you have a police organization,
3 and some of them work day shift and some work night shift,
4 and the job changes from day shift to night shift. You want
5 to make sure that there are representatives from both.
6 If you use methods of random selection and use small samples,
7 you might not have that.

8 So you do that study first, and then you decide
9 on the selection method.

10 Q Dr. Goldstein, do you know how large the QC force
11 is at Comanche Peak?

12 A I probably have heard at one time or other, but
13 I don't remember.

14 Q What is your best recollection of its size?

15 A I don't guess at things I don't remember.

16 Q Assuming all these incidents about which you
17 testified were true, the seven or eight that we have gone
18 through today, would the size of the work force make a
19 difference in the impact that that would have on the learning
20 behavior of the work force?

21 A Not necessarily.

22 Q What information do you have that would lead you

mgc7-11

1 to believe that other QC inspectors were even aware of these
2 allegations?

3 A Well, the number of incidents is only one kind
4 of an indicator that you would have as to whether there is
5 a problem or not. One could conjure up -- and I mean
6 "conjure up" -- a situation where a message is given to the
7 work force over just a couple of incidents if they are
8 dramatic enough. So let's say that your Organization X,
9 and an individual enters the work force and they don't
10 wear their safety helmet, and the person gets fired because
11 they don't wear the safety helmet. Then let's say a month
12 later a person gets fired because they don't wear their
13 safety helmet. And let's say two months later a person
14 gets fired.

15 You could have an organization of hundreds and
16 hundreds of people. I think the message is clear. The
17 message is that if you don't wear your safety helmet, you
18 get fired. I would tend to think that most everybody in that
19 organization would know that, even though there only might
20 have been one or two incidents involving hundreus or perhaps
21 thousands of people.

22 Q So the kind of incident you are talking about, using

mgc-12

1 your example, changed slightly, is a craftsman were fired
2 on the day of which he is accused of harassing or
3 intimidating a QC inspector, that would be learning behavior
4 of the type you testified about?

5 A Well, that's right. The message might be mixed
6 at that point.

7 Q And if it happened a second time, that would be
8 reinforcing the first incident; is that right?

9 A Correct.

10 Q And if it happened a third time, that would
11 reinforce it still further.

12 A Correct.

13 Q Do you know or were you told whether craftsmen
14 had been fired from Comanche Peak for allegedly harassing
15 QC inspectors?

16 A I don't recall.

17 Q And that would be the kind of positive learning --
18 I am not familiar with your terms, Dr. Goldstein; I have
19 to look back -- inhibitors -- that would be an inhibitor
20 that would prohibit craftsmen, would inhibit them from
21 intimidating inspectors; is that right?

22 A That is an example.

mgc7-13

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Q I believe you testified that firing is a dramatic example. Do you recall that testimony?

A I would say that in the work force, if someone is fired, that is usually a fairly dramatic example.

Q Dr. Goldstein, is your testimony in any way intended to offer an opinion on whether there was harassment and intimidation of quality control inspectors at Comanche Peak?

A No, it's not.

End7

sy81bl

1 Q And would the needs assessment, or the study you
2 recommended, answer that question?

3 A If one of the goals of the needs assessment is to
4 determine whether persons are harassed, then one would try to
5 design a procedure to determine that.

6 Q And that may or may not be successful, is that
7 right?

8 A Any study may or may not be successful. However,
9 it's more likely to be successful if it is done right.

10 Q Dr. Goldstein, did you -- do you recall testifying
11 about whether the current system for investigating complaints
12 of harassment and intimidation at Comanche Peak was effective?

13 A Yes, I recall, but I don't know that I was talking
14 about the current system, as much as I was referring to a
15 report of some of the kinds of things that might be done, and
16 asked to venture an opinion about it, as I recall. I would
17 have to look back.

18 As you note, on page 13, I was told what it is and
19 I responded to that.

20 Q And were you told anything about how many people have
21 used the system?

22 A Um, I don't recall being told.

sy81b2

1 Q And did you review any of the materials that showed
2 what happened to people who did use the system, how their
3 complaints were handled?

4 (Pause.)

5 Dr. Goldstein, we have before us a set of materials
6 that relate to one of the mechanisms at Comanche Peak for
7 raising concerns. Do you recall reviewing these materials
8 before you offered testimony here?

9 A No.

10 Q Did you review them after your testimony?

11 A Well, I guess I had them in my possession, but I
12 don't believe I reviewed them.

13 Q You don't think you ever reviewed these?

14 A No.

15 Q So in your testimony, you didn't intend to offer
16 a judgment on whether the system in place at Comanche Peak for
17 raising and addressing concerns of inspectors was an adequate
18 system?

19 A I didn't address that in my testimony.

20 Q And similarly, you were asked to address -- or did
21 you address in your testimony -- whether management's response
22 to any particular concern -- other than in the 1979 surveys --

sy81b3

1 was an adequate response to the concern?

2 A Nope.

3 Q Dr. Goldstein, on page 17 of your prefiled testimony,
4 you were asked a question about whether a particular response
5 to the survey reflected -- in your judgment -- an adequate
6 response. The last question on 17 and top of page 18. Do
7 you recall being asked that question?

8 A Could you say it again? I didn't follow it.

9 Q Yes, at the bottom of page 17 of Goldstein Exhibit
10 1 and continuing to the top of 18, there is a question about
11 whether a particular response, in your judgment, would have
12 been adequate to the concerns raised in the 1979 surveys.
13 Is that right?

14 A That's correct.

15 Q And were you informed, at any time, what management's
16 response to the survey was?

17 A No, it's a hypothetical.

18 Q So you don't know what the response was?

19 A No.

20 Q So you have no views about whether the actual
21 response was adequate?

22 A That's correct.

sy81b4

1 I guess I would modify that in one sense, and that
2 is that some of the same themes appeared in the '83 survey.
3 If I was taking a look at that, from the point of view of
4 would I be concerned, I guess the answer to that would be yes,
5 I would be concerned enough to look at it if I was professional.

6 MR. ROISMAN: Could you just make clear what the
7 "that" was? You said make sure to look at that.

8 MR. DOWNEY: That being the responses to the surveys.

9 THE WITNESS: If I was called into an organization and
10 handed the surveys and asked is that enough of an indicator
11 to say that there might be a problem and we should look at it,
12 my answer would be I can't really tell you how pervasive the
13 problem is. All I can tell you is that some sample of the
14 persons here thought there was a problem.

15 That's what actually my testimony, I believe, says
16 and therefore would lead me to look further.

17 BY MR. DOWNEY:

18 Q And you said, based on the surveys. You really mean
19 based on the summaries of the surveys prepared by
20 Mr. Roisman's organization?

21 A Well, I read all the surveys, but I used the
22 summaries. I mean, I read all the surveys. I think I said a

sy81b5

1 little earlier, when one reads the surveys you don't draw
2 a blank after that and forget all about it and only pick up
3 the information from the summary. If I read the surveys, and
4 I didn't think there was anything in the survey, I wouldn't
5 have told them to summarize it.

6 Q But in providing your testimony, you looked at
7 the counts that were in the summaries?

8 A I looked at the themes.

9 Q The themes?

10 A And a general idea of the counts.

11 Q In reading the surveys yourself, do you recall
12 identifying complaints about pay, as being a matter of concern
13 among inspectors?

14 A I recall that in, at least the '79 survey, that
15 that did come up.

16 Q And do you recall the desire to have cross-training
17 as one of the concerns that the respondents -- the theme from
18 the 1979 survey?

19 A I don't recall, but it could be.

20 Q And you identified in the surveys, did you not, that
21 there were several themes that were being sounded by the
22 inspectors, is that right?

sy81b6

1 A That's correct.

2 Q Dr. Goldstein, I want to go back to where we left
3 off in the beginning, which was your second conversation with
4 Mr. Roisman's group -- was with him personally.

5 A You mean on the phone or in person?

6 Q On the phone.

7 Do you recall the next contact you had with his
8 organization?

9 A Well, I recall being visited by --

10 (Discussion off the record.)

11 s2 bu2

12 end8

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sy91b1

1 BY MR. DOWNEY:

2 Q Dr. Goldstein, do you have a sense for how long it
3 would take to conduct the kind of study that you describe on
4 pages 16 -- 15 and 16 of your prefiled testimony?

5 MR. BRYANT: Objection to form. You can answer it,
6 if you understand what he is asking.

7 THE WITNESS: It is a little hard to answer that
8 question because I don't know the sample sizes. I don't know
9 a lot about the organization from the point of view of what
10 the parameters of the organization are. And I also don't
11 know how difficult it would be to get the cooperation
12 necessary to do the study the right way, and all of those
13 kinds of things.

14 But it shouldn't take longer than six months.

15 Q And it could take shorter?

16 A Sure.

17 Q Do you have a ballpark estimate for how much it
18 would cost to conduct such a study?

19 A Well, the cost is really directly related to the
20 sample size, the liaison team, and everything else. So
21 that's really hard for me to tell.

22 MR. DOWNEY: Oh, the page numbers, to which I have

sy91b2

1 referred Dr. Goldstein, are page numbers in his prefiled
2 testimony, which has been marked for identification as
3 Goldstein Exhibit 1.

4 BY MR. DOWNEY:

5 Q Mr. Goldstein, how many hours did you spend --
6 how much time did you spend reviewing materials prior to
7 testifying or prior to giving your written testimony in this
8 case?

9 A I would say about four days, three or four days?

10 Q 25 or 30 hours?

11 A Yes, that would be correct.

12 Q And how much time did you spend discussing these
13 incidents with counsel prior to your testimony?

14 A About four or five hours.

15 Q Dr. Goldstein, did you review any materials
16 concerning the training program at Comanche Peak in preparation
17 to your testimony, or prior to your testimony? Training
18 programs for QC inspectors, the formal training program?

19 A No, I did not.

20 Q And you testified, did you not, that that's one
21 of the ways in which people learn how to do their job? Isn't
22 that right? In your written testimony?

sy91b3

1 A Well, I don't recall that being the context of
2 the remarks that I made in my written testimony, but I
3 certainly would agree that one of the ways that you learn
4 your job is through training, both formal and informal.

5 Q And you did not review any of the materials
6 concerning the formal training program for QC inspectors at
7 Comanche Peak?

8 A That's correct.

9 Q Dr. Goldstein, did you review any of the actual
10 testimony offered in this proceeding, prior to providing your
11 written testimony?

12 A I don't know what you mean by the actual written
13 testimony. Everything that I -- I think nearly everything
14 I reviewed has been sitting on this table. Now, I don't know
15 if there -- there is obviously testimony involved in the
16 things that I reviewed, so I don't really know exactly what
17 you are referring to.

18 Q Actually, if Ms. Garde could come back, I would like
19 counsel to stipulate that Dr. Goldstein did not review any
20 of the transcripts of the testimony in this proceeding. It
21 would be much easier if we could do it that way.

22 MR. BRYANT: We will have to wait for a moment.

91b4

1 She had to call the office.

2 BY MR. DOWNEY:

3 Q Do you know how many witnesses testified in this
4 proceeding, other than yourself, Dr. Goldstein?

5 A No.

6 (Pause.)

7 MR. DOWNEY: During the recess, counsel for the
8 parties consulted and have agreed to stipulate that in
9 preparation for his testimony, which is Goldstein Exhibit 1,
10 and in preparation for his deposition today, Dr. Goldstein
11 did not review any of the evidentiary transcripts generated
12 in this proceeding. Is that correct, Ms. Garde?

13 MS. GARDE: That is correct.

14 BY MR. DOWNEY:

15 Q Dr. Goldstein, do you have any personal knowledge
16 about the way in which management's open door policy at
17 Comanche Peak is implemented?

18 A No.

19 Q Dr. Goldstein, you testified, in your written
20 testimony, about facilitators and inhibitors. Those are the
21 terms you used, is that right?

22 A Right.

sy91b5

1 Q Were you asked to review what facilitators were
2 available or in place at Comanche Peak to encourage QC
3 inspectors to do their job?

4 A No, I was not.

5 Q Were you asked to review, or did you review, any
6 of the potential inhibitors that would tend to prevent
7 craftsmen from intimidating or harassing Quality Control
8 inspectors.

9 MR. BRYANT: Objection. Form.

10 MR. DOWNEY: What specifically?

11 MR. BRYANT: Well, it is a compound, to begin with.

12 MR. DOWNEY: That's correct. It is a compound
13 question. I will withdraw it.

14 BY MR. DOWNEY:

15 Q Dr. Goldstein, were you asked to review any
16 materials and identify potential inhibitors that would tend
17 to prevent craftsmen from harassing or intimidating Quality
18 Control inspectors?

19 MR. BRYANT: I'm sorry. Could I get that back?

20 (The reporter read the record as requested.)

21 BY MR. DOWNEY:

22 Q Did you understand the question?

1 A Yes. I could use a little elaboration.

2 Q As I understand your testimony -- and correct me --
3 inhibitors are those things that tend to inhibit people from
4 doing certain things.

5 A That's right. It inhibits performance.

6 Q It inhibits performance. Now my question was, did
7 you review any materials for the purpose of identifying
8 what inhibitors you might find that would inhibit craftsmen
9 from intimidating Quality Control inspectors?

10 A No, I did not review any of the material.

11 Q And were you asked to make such a review?

12 A No, I was not asked.

13 Q Dr. Goldstein, do you have any corrections to make
14 on Goldstein Exhibit 1?

15 A Not to my knowledge.

16 Q You have reviewed it and approved Goldstein Exhibit
17 1?

18 A Yes, I have.

19 MR. DOWNEY: No more questions. That is it.

20 (Whereupon, at 3:50 p.m., the taking of the
21 deposition was concluded.)

22

(Signature Waived)

CERTIFICATE OF PROCEEDINGS

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1
2
3 This is to certify that the attached proceedings before the
4 COMMISSION

5 In the matter of: Deposition of Irwin Goldstein

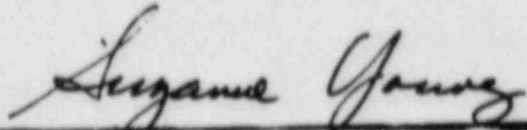
6 Date of Proceeding: Friday, September 7, 1984

7 Place of Proceeding: Washington, D. C.

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

10
11 Suzanne Young

Official Reporter - Typed

12
13 
14 Official Reporter - Signature