

ORIGINAL  
UNITED STATES  
NUCLEAR REGULATORY COMMISSION

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IN THE MATTER OF:  
COMANCHE PEAK ELECTRIC  
STATION, UNITS 1 & 2

DOCKET NO:  
50-445-OL2  
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## 1 UNITED STATES OF AMERICA

## 2 NUCLEAR REGULATORY COMMISSION

3  
4 In the Matter of X  
X  
5 TEXAS UTILITIES GENERATING X  
COMPANY, et al. X Docket Nos. 50-445-OL2  
6 X 50-446-OL2  
7 (Comanche Peak Steam Electric X  
Station, Units 1 and 2) X

8  
9 Crystal Ballroom D  
Hyatt Regency Hotel  
10 815 Main Street  
Fort Worth, Texas

11 Friday, September 14, 1984

12  
13 The hearing in the above-entitled matter  
14 was reconvened, pursuant to adjournment, at 8:30 a.m.

15  
16 BEFORE:

17 JUDGE PETER BLOCH  
18 Chairman, Atomic Safety and Licensing Board

19 JUDGE HERBERT GROSSMAN  
20 Member, Atomic Safety and Licensing Board

21 JUDGE WALTER JORDAN  
22 Member, Atomic Safety and Licensing Board



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P R O C E E D I N G S

8:30 a.m.

1  
2  
3 JUDGE BLOCH: Good morning. Welcome  
4 to the hearing, Mr. Tolson.

5 You have been previously sworn, and  
6 there is no necessity to do that now. You remain  
7 sworn.

8 I understand Mr. Tolson is solely  
9 the Board's witness at this point.

10 MR. DOWNEY: Yes, Your Honor.

11 JUDGE BLOCH: Could Applicants give us  
12 some kind of progress report on the Board's  
13 discovery request?

14 MR. DOWNEY: Perhaps Mr. Brandt might  
15 be able to give a progress report on the travelers.  
16 I believe -- he can correct me if I'm wrong. I  
17 believe there is a request in to the site to check  
18 the drawing numbers, see which weld numbers were  
19 assigned the drawings; also, to request the additional  
20 procedures that relate to the travelers, the  
21 additional procedures that describe the execution,  
22 if you will, of an inspection report.

23 There are two documents from Mr. Vega's --  
24 actually, three subject matters from Mr. Vega's  
25 examination.

1                   One was a copy of a letter that he sent  
2 to the inspectors. One was a copy of a memorandum  
3 specifying the date of the stop-work order in the  
4 Safeguards Building.

5                   The third was the weld filament trail  
6 log.

7                   Mr. Vega, as you might have observed,  
8 has been with us over the course of the week and  
9 will produce those Monday -- I mean, he will get  
10 those for us Monday.

11                   JUDGE BLOCH: Tuesday.

12                   MR. DOWNEY: Well, he will be at the  
13 site Monday. He will collect the paper, as will  
14 Mr. Brandt, and we should have all of those papers  
15 to us by the hearing on Tuesday.

16                   I think that -- There has also been  
17 a question of the contract with O. B. Cannon, which  
18 it is here but it's not in this room.

19                   JUDGE BLOCH: Okay. You said a  
20 question of the contract. That includes both  
21 purchase order and other related documents about  
22 the relationship?

23                   MR. DOWNEY: Purchase order only.

24                   JUDGE BLOCH: Have you looked at the  
25 other documents, the relationship between O. B. Cannon

3

1 and TUGCO and TUSI?

2 MR. DOWNEY: It's my understanding  
3 that there is a contract or a purchase order and a  
4 procedure that they prepared, a construction  
5 procedure, draft construction procedure for paint,  
6 which was something that was part of their  
7 assignment.

8 Other than that, there are no written  
9 materials.

10 JUDGE BLOCH: No written materials  
11 relating to the subsequent meetings as to why they  
12 were called or what their function was, or calls to  
13 O. B. Cannon with respect to the leaked internal  
14 memorandum of Lipinsky?

15 MR. DOWNEY: There certainly were  
16 calls, Your Honor. I don't know of any memorandum  
17 of those calls.

18 JUDGE BLOCH: You might check to see  
19 if there were memoranda of those calls.

20 MS. GARDE: Mr. Bloch.

21 JUDGE BLOCH: Yes.

22 MS. GARDE: We also have a discovery  
23 request that has not yet been answered, and if  
24 intervenors expected to proceed with the Stanford  
25 incident next week, I'm going to have to have the



1 documents that Mr. Downey has represented I will  
2 have access to today to look at them.

3 Some of those are originals, and they  
4 have not yet been produced.

5 JUDGE BLOCH: And those are the three  
6 documents that we described?

7 MS. GARDE: That's one of the things.  
8 There are a number of other things that we are  
9 still waiting for.

10 JUDGE BLOCH: What's the status of  
11 that.

12 MR. DOWNEY: I don't know which  
13 documents she hasn't gotten.

14 MS. GARDE: Mr. Belter has a list and  
15 he said I would see them and he hasn't been here  
16 with the documents yesterday.

17 JUDGE GROSSMAN: Ms. Garde, I think  
18 it's to your benefit to put on the record what the  
19 documents are that you have requested, if you have  
20 it handy.

21 MS. GARDE: Yes. We are missing the  
22 three random PT Reports from Mr. Duncan's signature.  
23 The copy of the letter that I have does not have the  
24 ones marked off. I gave that copy to Mr. Belter.

25 MR. DOWNEY: You mean the ones that we

1 have produced?

2 MS. GARDE: Yes.

3 JUDGE BLOCH: I couldn't hear your  
4 comment, Mr. Downey.

5 MR. DOWNEY: We have made a production  
6 of some, a substantial part of the materials.

7 MS. GARDE: Yes.

8 MR. DOWNEY: My question to her was  
9 which ones have we not yet produced.

10 MS. GARDE: The timesheets for  
11 Mr. Stanford for January 15th and 16th -- 16th and  
12 17th; the original copies of the weld data card for  
13 Weld 40-C; and the call board sheets which were  
14 attached as exhibits but illegible because of  
15 white-out -- or a highlighter didn't copy, so it's  
16 essentially a black line that you can't read through.

17 I think that's all.

18 MR. DOWNEY: What is the exhibit number  
19 of the call board sheets?

20 MS. GARDE: And the original of  
21 Mr. Duncan's OJT timesheets.

22 JUDGE JORDAN: Mr. Downey, I don't  
23 think she heard your question.

24 MR. DOWNEY: My question was, Ms. Garde,  
25 what's the exhibit number of the call board sheets

-6 1 which your copy is illegible?

2 MS. GARDE: I have all that to  
3 Mr. Belter. I'll have to look it up inside the  
4 documents.

5 MR. DOWNEY: I will undertake at the  
6 first break to find out the status of collecting  
7 these materials, although I do note that the original  
8 weld data card may be part of permanent plant  
9 records and in the vault.

10 MS. GARDE: Mr. Belter said he was  
11 going to bring the originals up here with someone  
12 from the permanent plant record vault for me to look  
13 at.

14 I am just concerned that I have enough  
15 time to look at these things before we are supposed  
16 to start examination on the Stanford incident, and  
17 I don't want to do that first thing Tuesday morning  
18 and then be expected to start cross-examination.

19 MR. DOWNEY: Why don't we try to  
20 arrange some meeting at the break where Ms. Garde  
21 can review these materials.

22 MS. GARDE: Thank you.

23 JUDGE BLOCH: Mr. Tolson.

24  
25 Whereupon,

1 RONALD TOLSON

2 was recalled as a witness and, having been previously  
3 duly sworn to testify the truth, the whole truth and  
4 nothing but the truth, was examined and testified as  
5 follows:

6 BOARD EXAMINATION

7 BY JUDGE BLOCH:

8 Q Mr. Tolson, do you have an opinion  
9 about the capability of Greg Bennetzen as a QC  
10 supervisor?

11 A Based on observation of his work over  
12 a period of years, I would rank him as competent.

13 Q Was there anything that came to your  
14 attention in the last couple of months that you  
15 thought reflected adversely on Mr. Bennetzen's  
16 competence?

17 A I have no direct knowledge of anything  
18 in the past several months relative to Mr. Bennetzen.

19 Q How about knowledge that you received  
20 as director -- when I say "last couple of months,"  
21 I'm sorry. That's the wrong time frame.

22 I am talking about the last couple of  
23 months while you were in your previous position;  
24 more specifically, the last couple of months before  
25 the T-shirt incident.

1 In that time period was there anything  
2 that you learned that reflected adversely on  
3 Mr. Bennetzen's competence as a QC supervisor?

4 A. Not that I recall, Your Honor.

5 Q. Did you receive any information in  
6 that time period about problems that Mr. Bennetzen  
7 and his group might have been having in the field?

8 A. Not that I would classify as problems.  
9 Mr. Purdy shared with me at one time that Mr. Bennetzen  
10 had requested to be reassigned to ASME activities.

11 JUDGE JORDAN: I didn't hear the last.

12 THE WITNESS: He had requested to be  
13 reassigned to ASME activities.

14 BY JUDGE BLOCH:

15 Q. Yesterday Mr. Purdy testified that  
16 Greg Bennetzen had come to him a couple of times to  
17 discuss problems that he was having in the field  
18 concerning, I guess, what Mr. Purdy characterized as  
19 very rigorous procedures that required inspection  
20 that was causing the craft problems because things  
21 were going slow.

22 Do you know anything about that possible  
23 situation?

24 A. Yes, sir, I think so.

25 When that particular matter was brought



1 to my attention, I visited with Mr. Bennetzen myself.

2 Q Who brought that matter to your  
3 attention?

4 A I don't recall. It might have been  
5 Mr. Purdy. It might have been the building manager.  
6 I can't recall.

7 Q Do you know about the time frame that  
8 this discussion with Mr. Bennetzen took place?

9 A It would have been between the hearing  
10 sessions in February and March, probably close to  
11 the end of February.

12 Q What is your understanding of the  
13 problem that Mr. Bennetzen presented to you at  
14 that time, or what did he say his situation was?

15 A Three basic issues that appeared to  
16 be causing him and his people confusion relative to  
17 what the intent of the procedures were.

18 One was total re-inspection of lighting  
19 fixtures.

20 One was the need for removal of the  
21 cable attachments to motors and a complete re-inspection.

22 A third issue, which I am having  
23 great difficulty recalling right now as to what it  
24 was.

25 Q What did you say to Mr. Bennetzen about

1 these problems at that time?

2 A We discussed it jointly with himself  
3 and his people --

4 Q Jointly with whom? I'm sorry.

5 A With Mr. Bennetzen and two of his key  
6 people.

7 Q Okay. They were in this meeting, also?

8 A Yes, sir.

9 Q And who were they?

10 A Stan Vore and Wayne Whitehead.

11 Q Okay, and what was your view of the  
12 situation?

13 A After reviewing the procedures myself  
14 and discussing with the quality engineering people  
15 who authored the procedures --

16 Q Wait. Let's talk about the meeting.  
17 Had you done the review before you  
18 went to the meeting?

19 A I don't remember. I doubt that I had.

20 Q So do you recall what you said at this  
21 first meeting?

22 A Relative to lighting fixtures, yes, sir.

23 Q And what was it you said?

24 A The original concept on lighting  
25 fixtures, 1980 and 1981, when the procedures were

1 initially identified, was what I will refer to as  
2 a light-switch test.

3 The problem that they were dealing with  
4 is easy for me to describe. You go to the hardware  
5 store and buy a ceiling light. It comes complete  
6 with three leads that you use a wire nut to connect  
7 those three leads to the power in your house.

8 The question at that point was from  
9 the safety-related viewpoint and from the objectives  
10 that we were attempting to accomplish with the QA  
11 program, the key element was when you turned the  
12 switch, did the light bulb come on.

13 That was our original concept at that  
14 point in the circuitry on the lighting.

15 Q I'm not sure I understand your concept  
16 of how the three leads on a light bulb hook up to  
17 the house current. Do they all hook up to the house  
18 current?

19 A Keeping the analogy of the ceiling lamp  
20 in mind, you've got a ground, a positive and a  
21 negative lead.

22 Q And the ground does not go to the  
23 house current, does it?

24 A You connect it to the ground lead in  
25 your cable coming down through the ceiling.

12 1 Q Is the fact that the light bulb lights  
2 up proof that the ground is connected?

3 A No, that doesn't have anything to do  
4 with it. When you flip the switch, with or without  
5 a ground, if the positive and negative leads are  
6 connected, the light bulb will come on.

7 Q Okay. Now, how did this concept of the  
8 light bulb coming on get translated into procedure?

9 A Unfortunately, that was part of the  
10 problem with the procedure. Over a period of years,  
11 for reasons I'm not sure even now I fully understand,  
12 other than the desire on the part of quality  
13 engineering personnel to continue to improve, we lost  
14 sight of the initial objective, which was the  
15 light switch test; and through semantics at least  
16 presented an image to the QC personnel that we  
17 intended more than what we really intended.

18 Q I'm sorry, but how does that happen?  
19 Were the procedures vague?

20 A To me, no, but then I have the benefit  
21 of the history of the development of the program.

22 The procedures, in my judgment, were  
23 very clear, but I could understand how one not familiar  
24 with the history could misinterpret the intent of the  
25 procedures.

1 Q Could you explain that a little more?  
2 Could you explain what the nature of the problem was  
3 in interpretation of the procedure, why it was that  
4 the intent was unclear?

5 A The procedure that they were working  
6 with was what we called and discussed, I think, at  
7 great length in this hearing as a post-construction  
8 verification.

9 Q I'm sorry. If you want to continue  
10 with that, you may, but I thought you were saying  
11 that before you got to post-construction verification  
12 that there had been some misinterpretation and  
13 people started going beyond the light switch test.  
14 Is that your testimony?

15 A No, sir.

16 Q It was just at the post-construction  
17 stage that that problem arose?

18 A Yes, sir.

19 Q Okay.

20 A The problem dealt with a generic  
21 statement in the procedure that said the procedure  
22 was applicable to all IE equipment, or something  
23 along that line, without distinguishing in a  
24 negative sense, "except for the light fixtures."

25 It didn't have that type of language



1 in it.

2 Q So there was no exclusion of light  
3 fixtures?

4 A Not at that point in time, no, sir.

5 Q So it really wasn't a misunderstanding  
6 on the part of the QC inspectors, it was that they  
7 were following procedures?

8 A I think there was some confusion  
9 because -- if you'll permit me -- there's an in-  
10 process procedure that deals exclusively with  
11 lighting, and I think it was very clear in there  
12 what the intent was.

13 It was just a monitoring or -- I  
14 think the words in that instruction are "random  
15 surveillance of the terminations of the leads on  
16 the light fixture to the lighting circuit," and  
17 not a hundred percent inspection of each and every  
18 wire nut that was connecting the leads.

19 ///

20 ///

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he

1 Q I see. And when you looked at the two  
2 procedures together you thought it was clear that the  
3 second procedure on IE equipment did not include lighting  
4 fixtures?

5 A Not a hundred percent. The intent was  
6 to -- and this is more important from an operational mode  
7 than from a safety mode, but to spot check the workmanship  
8 of the craft to assure that when you did in fact turn  
9 the -- or put the switch on the lighting circuit that the  
10 bulb would light up.

11 Q So is there any way to tell from the  
12 procedure itself that that was the nature of the  
13 restriction of the phrase "all IE equipment"?

14 A If one were to put the in-process inspection  
15 and the post-verification inspection procedures together,  
16 I thought it was clear. But my objective was to try to  
17 provide to that particular group what they needed to  
18 fully understand and comprehend with the requirements were  
19 and not leave any element of confusion in their mind in  
20 terms of what the intent of the program was.

21 Q So did you tell them that their inter-  
22 pretation was wrong?

23 A We discussed the light switch test and I  
24 went back historically for them and explained where we  
25 started and where we were at today in an attempt for them

2-2

1 to understand, you know, how we got to this point in time.

2 Q And you told them that they were wrong?

3 A I don't think at that meeting I made a  
4 decision one way or the other, because I'm not sure that  
5 I had done the research personally that I needed to be  
6 able to state emphatically rightness or wrongness at that  
7 stage.

8 Q But after you were done doing the research  
9 did you get back to them and tell them they were wrong?

10 A Yes, sir. I sent them a memorandum, just  
11 to each of the building QC supervisors, to explain that  
12 as best I could.

13 Q Did you also change the procedure?

14 A We made some minor changes, yes, sir.

15 Q Well, was the phrased changed to clarify  
16 what "all IE equipment" meant?

17 A I'd have to refresh my memory on that.  
18 Again, I felt like the scope of the post-construction  
19 verification procedure was clear, at least in my mind,  
20 and I attempted, through the memo and hopefully any  
21 follow-up discussion that might occur, to satisfy the  
22 inspectors that that intent was in fact clear to them.

23 Q And I take it that we do not have the  
24 post-verification procedure in the record. You have them  
25 there but they're not in the record?

2-3

1 MR. ROISMAN: That's correct. I believe  
2 these are they. I don't want to swear to that.

3 JUDGE BLOCH: Would you present them to  
4 the witness so he can tell us whether they are the -- I  
5 guess the procedure that was in effect during the problem  
6 that Mr. Bennetzen had, and then the one immediately  
7 after when the change was made.

8 MS. GARDE: And the memo.

9 MR. ROISMAN: What I'm going to give the  
10 witness I'll describe and then he'll have to testify  
11 whether this is what he's been testifying about.

12 I'm giving the witness a document marked  
13 QIQP 11.3-40, dated -- Rev. 15, dated February 13th, 1984,  
14 and AIQP 11.3-40, Rev. 16, dated March 12th, 1984, and a  
15 one-page memorandum signed by Mr. Tolson dated February 28th,  
16 1984, entitled "Post-Construction Inspection of Electrical  
17 Equipment and Raceways, QIQP 11.3-40."

18 BY JUDGE BLOCH:

19 Q Mr. Tolson, do those appear to be the  
20 applicable procedure?

21 A Yes, sir.

22 MP. DOWNEY: Mr. Tolson, if you'd like, we --  
23 the Board has an opportunity to review those materials --  
24 if needs to do so to --

25 BY JUDGE BLOCH:

2-4 1 Q Yes. If you'd like to review them to see  
2 if you'd like to clarify the testimony you've just given  
3 or change it in any way, please feel free to do that.

4 A No, I think we need to pursue a discussion.

5 Q Okay. There's something that you have on  
6 mind to say and I'd like to hear it.

7 A I think I've lost my train of thought.

8 (Bench conference.)

9 BY JUDGE BLOCH:

10 Q Okay. We'd like you to speak closer to  
11 the microphone --

12 JUDGE JCRDAN: No. When you talk right  
13 smack into the microphone it tends to blast, but on the  
14 other hand, your voice is low and so I have difficulty  
15 if it is very far away, but about that distance away and  
16 then speak up because I am having a hard time hearing.

17 BY JUDGE BLOCH:

18 Q In your meeting with Mr. Bennetzen, did he  
19 make any mention of the kinds of problems that his people  
20 were finding during the inspections that they were  
21 conducting?

22 A Yes, sir.

23 Q And what were those problems?

24 A The people had gotten into a complete  
25 disassembly and total reinspection of the terminations of



1 the lighting fixtures.

2 Bear in mind what I'd said earlier about  
3 the -- and I don't know how to explain in any more detail  
4 than to refer to the light switch test in terms of what  
5 the need from a safety-related standpoint is on the  
6 inspection of the lighting terminations at the fixture,  
7 because it varies depending on what the requirements are,  
8 where you are on the circuit. But we're dealing strictly  
9 with the fixture.

10 Okay. They did share, and as I recall, a  
11 fairly high reject rate, in their minds, in terms of what  
12 they had seen to date.

13 I asked were these recorded on non-  
14 conformance reports and the answer was yes.

15 Q Is that right, they were nonconformance  
16 reports and not inspection reports?

17 A Yes. Isn't that nice?

18 BY JUDGE GROSSMAN:

19 Q Could you tell me what type of wiring  
20 we're talking about now?

21 A We're talking about what most of us are  
22 familiar, going to the Handy Dan store or the local hard-  
23 ware, and it's a package of -- the ones I buy these days  
24 are black, little things about yeah long what we call wire  
25 nuts, which is something that you simply screw onto the

1 leads.

2 Q Okay. What gauge is this, is this 12 gauge  
3 we're talking about?

4 A We've just gone beyond my capability.  
5 I do not know.

6 BY JUDGE JORDAN:

7 Q But these were emergency lights connected  
8 to the 1E system, is that --

9 A Normal plant lighting.

10 Q Normal plant lighting?

11 A Yes, sir.

12 Q Connected to the 1E system?

13 A Some are, some aren't.

14 Q Some are because presumably you want those  
15 lights to stay on in case you lose the plant power?

16 A No, sir. There's battery packs that are  
17 back-up lighting, emergency lighting for that, as I  
18 understand it.

19 Q I see. So you don't know why they were  
20 connected to the 1E system?

21 A No, sir.

22 Q But nevertheless, they were so, and  
23 therefore they did require an inspection?

24 A Yeah, at the risk of going beyond my  
25 technical capability, as I understand the design in some

2-7

1 areas, and it varies depending on the area of the building  
2 that you're in at the -- one end of the lighting circuit  
3 is terminated in a IE bulb and I -- you know, I can't go  
4 much beyond that.

5 BY JUDGE GROSSMAN:

6 Q It seems to me, Mr. Tolson, that you are  
7 suggesting that you were suggesting that there was no  
8 purpose for performing a post-inspection, that the only  
9 real problem would be lights not going on, did you mean  
10 to suggest that?

11 A I think that's essentially what I'm trying  
12 to suggest, yes, sir.

13 Q But you say you're not qualified to really  
14 say that, are you?

15 A I don't want to go beyond what I've already  
16 done when it comes to talking about the details of the  
17 lighting circuitry.

18 Q Well, I just don't want to leave the  
19 record unclear as to perhaps your expressing some expertise  
20 in this area, so let me just ask a few questions so that  
21 we know what the quality of your information is.

22 Are you suggesting that the leads must  
23 necessarily be connected properly in order for the lighting  
24 to go on?

25 A There has to be sufficient contact, as I

2-8

1 understand it, between the leads and the -- from the  
2 cable to the fixture for there to be a circuit for the  
3 electricity to cause the light bulb to go on.

4 Q Right, but it's in a particular junction  
5 box instead of a white lead being connected to a white  
6 lead, or neutral, whichever you want to use, or negative,  
7 or connected to a ground lead coming into the box,  
8 wouldn't the lighting still work?

9 A Now, I doubt it, based on some experience  
10 I've had at my house, but I won't pursue that with you, sir.

11 Q Well, the only reason it wouldn't is if  
12 the ground leads were not properly connected all through  
13 that circuit, isn't that correct?

14 A I don't think so. I don't think it's that  
15 simple.

16 (Bench conference.)

17 BY JUDGE GROSSMAN:

18 Q Are you saying that you know or you do not  
19 know whether you can interchange the ground and the  
20 neutrals in a box and still have the circuit work?

21 A It's my understanding of circuitry that  
22 where you connect -- whatever you connect at the junction  
23 box, if it's not connected the same way at the other end,  
24 then when you flip the switch the light won't work.

25 Q Could you just answer that question, whether

1 you know or do not know whether, if you went to change  
2 the grounds and the neutrals in the junction box whether  
3 the circuit would nevertheless work?

4 MR. DOWNEY: Objection. I believe the  
5 grounds and the neutrals are the same thing, but my  
6 knowledge of electricity is also limited.

7 JUDGE GROSSMAN: It's very limited.

8 JUDGE BLOCH: Do you know whether there  
9 are grounds and neutrals in these boxes?

10 THE WITNESS: I'm kind of simple, I have  
11 to relate my experience with electricity to what little  
12 wiring I've done in the house, and it's got a black wire,  
13 a white wire and a bare wire.

14 The bare wire I normally think is the  
15 ground, and I normally put the white wire together and  
16 the black wire together and I flip the switch and the  
17 lights work, and that's the sum total --

18 BY JUDGE GROSSMAN:

19 Q I have absolutely no problem in what  
20 you've just said. And isn't it a fact that if you,  
21 instead of connecting the neutral, which is the white wire,  
22 to a neutral coming into the box, you connected it to a  
23 ground that was actually working, the circuit would still  
24 work?

25 A I do not know.

2-10

1 Q You don't know. Isn't it possible that  
2 the ground could be disconnected from that junction box  
3 and the circuit would still work?

4 A I think in that case, yes.

5 Q And wouldn't that cause some danger with  
6 regard to short circuits in that junction box, that is, a  
7 danger to someone who might possibly be touching the  
8 circuit when the circuit shorted out?

9 A Based on what I've been told, I would say  
10 yes.

11 JUDGE BLOCH: Do you know whether it also  
12 would create any danger to the circuit itself?

13 THE WITNESS: That I don't know.

14 BY JUDGE GROSSMAN:

15 Q Sir, isn't it possible that even if the  
16 circuit works that a loose nut might create a short circuit  
17 in the box by the leads coming in contact with the  
18 junction box itself?

19 A I would say that's a possibility. That's  
20 based primarily on discussions that I've overheard from  
21 engineering.

22 Q Okay. Now, what kind of outlets are we  
23 talking about? Are these side wired or back wired outlets,  
24 do you know that?

25 A I don't know, no, sir.



2-11

1 Q Isn't it also possible, on a particular  
2 light, that the switch leads could by mistake be  
3 connected to the neutral leads and nevertheless switch  
4 the light on and off?

5 A I don't know.

6 Q You don't know whether that's possible?

7 A No, sir.

8 Q But do you know that it's appropriate only  
9 to use a switch lead to intersect the hot or black leads  
10 on a box, do you know that, whether that's the case?

11 A Could you repeat the question, Judge  
12 Grossman?

13 Q Do you know whether it is the case that  
14 lighting codes require that the switching of a lighting  
15 fixture be done through intercepting the black or hot leads  
16 rather than break the circuit through the white leads?

17 A No, sir, I don't know.

18 Q You don't know. Could you tell me what  
19 type of problems the QC inspectors thought they were  
20 encountering in inspecting these junction boxes?

21 A I think they experienced, at least in the  
22 meeting I had with Bennetzen and Vore and Whitehead that,  
23 you know, they felt like they should continue to do what  
24 they were doing.

25 Q Why?

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A It's just something they expressed to me. They felt like they should disassemble all the lighting fixtures and check the terminations.

Q I think in response to the Chairman's question before as to problems in the junction boxes or with regard to the wiring, you indicated what you thought were problems that were suggested with regard to the inspections themselves, that is, from the perspective of the craft, but I don't believe you have mentioned yet any problems that the inspectors were finding, and I assume they must have been finding some problems or there wouldn't have been any controversy.

Were they finding some problems with the lighting?

A Yes, sir, and that's what I mentioned just a few minutes earlier about those were documented on non-conformance reports.

- - - -

1 Q And you don't have any recollection  
2 of any kind of problems that they had encountered?

3 A Other than they had encountered, you  
4 know, more than one termination in their judgment  
5 that wasn't as good as it should have been.

6 Q In their judgment or according to  
7 procedures?

8 A According to procedures; I'm sorry.

9 Q But as to the actual writing itself,  
10 they had encountered some problems?

11 In other words, if something may have  
12 been -- well, I don't want to suggest that, but in  
13 my mind I can think of improper connections in some  
14 way, loose or to the wrong leads. Is that the nature  
15 of their problems? Can you remember any specific  
16 examples?

17 A The only thing that I recall coming  
18 out of the discussion was the -- well, I guess,  
19 tightness of the termination at the fixture.

20 BY JUDGE BLOCH:

21 Q Did you ever look at the NCR's to see if  
22 that was the only type of problem that they were  
23 encountering?

24 A I may have but I don't recall at this  
25 point.

1 Q And what was the basis for your  
2 believing that the problems they were encountering  
3 didn't have to be discovered anymore?

4 A I didn't make that decision.

5 Q But I thought you decided that these  
6 inspections weren't required any more?

7 A No, what I said in the memo and said  
8 at the meeting was that I think I have established  
9 the limits of my technical capability.

10 That what, if anything, needed to be  
11 done with it, we should stop at this point and  
12 analyze the need for corrective action and once that  
13 was accomplished, then we would set up a group of  
14 people to solve that particular problem, rather than  
15 attempting to do that at that point in time.

16 It was more of a schedule issue than a  
17 quality issue.

18 Q Did you set up a group of people to  
19 resolve that?

20 A It was not too much longer after that  
21 that I transferred to my new assignment, so I  
22 personally did not.

23 It is my understanding that that has  
24 occurred.

25 Q It was my understanding that before that

1 group met, then, the procedure was changed?

2 A I beg your pardon?

3 Q It is my understanding that somehow  
4 the message got out to the QC inspectors that they  
5 should stop doing the thorough inspection of junction  
6 boxes that they were doing?

7 A Let's not confuse junction boxes and  
8 lighting fixtures because --

9 Q Okay. Just lighting fixtures.

10 A Just lighting fixtures. That's the only  
11 thing I'm talking about.

12 Q Okay. That they should stop doing the  
13 thorough inspection of lightin fixtures that they had  
14 been doing, which you thought was more than required  
15 by procedures?

16 A Yes. My judgment was that it was more  
17 than was intended but, you know, I think the memo is  
18 very clear, that I have before me -- apparently you  
19 do not have it before you, but it is carefully worded  
20 in terms of "we'll stop for now and we'll regroup  
21 after we analyze what has occurred."

22 Q How was that procedure, under that memo,  
23 to work?

24 A Well, the procedure had built into it  
25 a paragraph that deal with what I'm trying to convey,

1 which is a management decision in terms of when we  
2 are going to accomplish something and then that's all  
3 this memo does, is say we'll stop for now and we'll  
4 analyze <sup>it</sup> and if we need to take corrective action,  
5 we'll do that as a separate task but continue with  
6 your other work activities until we have time to  
7 complete the analysis.

8 Q Was that memorandum actually a change  
9 in procedures?

10 A Not in my judgment, no, sir. It was  
11 strictly a scheduler matter that I felt compelled  
12 to convey to Mr. Bennetzen.

13 Q If it were a change in procedures,  
14 would it be permissible to do it by memorandum?

15 A No, sir.

16 Q And your testimony now is that you don't  
17 know the nature of the problems that were being  
18 reported on the NCR's as a result of the lighting  
19 fixture examinations?

20 A Other than the tightness issued that I  
21 mentioned briefly. That's the only issue that was  
22 brought to my attention.

23 Q Do you think the only issue was  
24 tightness?

25 A That's the only one I'm aware of.



1 BY JUDGE GROSSMAN:

2 Q You are not saying that the lighting  
3 wasn't connected -- the lighting leads weren't  
4 connected in the junction boxes and that we are not  
5 concerned with the junction boxes -- I'm sorry. Let  
6 me make my question clear.

7 You're not familiar with where the  
8 connections were made; are you?

9 In other words, you're not making a  
10 categorical statement that we are not dealing with  
11 junction boxes because there were lighting fixtures  
12 involved; are you?

13 Do you know or do you not know whether  
14 or not the connections we are talking about were in  
15 the junction boxes?

16 MR. DOWNEY: Objection. I believe the  
17 witness was quite clear that he is talking about the  
18 terminations at the lighting fixtures and distinguished  
19 it from junction boxes earlier in his testimony.

20 JUDGE GROSSMAN: Well, I 'm asking him  
21 whether he knows or he's just assuming that.

22 BY JUDGE GROSSMAN:

23 Q Do you know? Because I want to find  
24 out what information we're really dealing with here.

25 A We're dealing strictly with the

1 termination that is at the lighting fixture.

2 BY JUDGE BLOCH:

3 Q I take it that the NCR's that were  
4 filed by the electrical group are not now in our  
5 record or any representative sample of them, so we  
6 can tell whether the problem was, in fact, limited  
7 to tightness?

8 MR. DOWNEY: I am confident in saying  
9 that it is not in this part of the proceeding. I have  
10 no knowledge about whether it's in the other part.

11 JUDGE BLOCH: It is not in the other  
12 part.

13 Could they be produced to the parties  
14 so that if there is any problem with Mr. Tolson's  
15 recollection on that we will know from the plant  
16 records whether the problems went beyond tightness?

17 MR. DOWNEY: Yes.

18 JUDGE BLOCH: We will only accept them  
19 for our record if there is a problem with that  
20 testimony.

21 BY JUDGE BLOCH:

22 Q On the issue of destructive evaluation,  
23 Mr. Tolson, who was it that first brought that issue  
24 to your attention?

25 A As I recall, it was the building

1 manager.

2 Q When he told you about the problem,  
3 what did he say?

4 A He asked me to go with him down in  
5 the building and review some specific examples which  
6 had been brought to his attention.

7 Q And the first example that you went to,  
8 what did you see?

9 A A junction box with a loose wire.

10 Q Was the junction box open when you got  
11 there?

12 A Yes, sir.

13 Q Wasn't that contrary to procedures?

14 A I don't think so in this case but I --

15 Q Is there a procedure that requires  
16 several people to be present whenever a junction box  
17 is opened?

18 A I don't know, Your Honor.

19 Q Are you sure you went to an open junction  
20 box to see a wire that was loose?

21 A When I was there, the junction box was  
22 open; yes, sir.

23 Q Who was standing in the area at the  
24 time?

25 A As I recall, there was a couple of

1 electricians working in the general area and  
2 possibly some QC people, but I don't recall exactly.

3 Q You don't recall the names of any  
4 QC people, do you?

5 A Well, Mr. Bennetzen was with me.

6 Q Mr. Bennetzen was with you at that time?

7 A Yes, sir.

8 Q And you say you saw a loose lead?

9 A Yeah. A lead which it was reported to  
10 me had been jerked out during the inspection process.

11 Q Who told you it was jerked out during  
12 the inspection process?

13 A One of the craft individuals that was  
14 there.

15 Q And did you ask Mr. Bennetzen about it?

16 A He was standing there at the same time.  
17 The purpose of my visit was really -- you know, I  
18 would not discuss those kind of details with Mr.  
19 Bennetzen or the craft, so I doubt if we discussed it  
20 at all.

21 Q What gauge wire was involved; can you  
22 tell us?

23 A Again, I don't know.

24 Q Was it larger than a household wire?

25 A About the same size.

1 Q Was there damage to the lead?

2 A I didn't look that close. It was about  
3 6 or 7 feet up and we didn't climb up there to look  
4 at it.

5 Well, you saw this condition now and  
6 you went to another junction box; is that right?  
7 Or you went somewhere else -- you said there were  
8 several of these.

9 A I've never said there were several.

10 Q I thought you just said that a couple  
11 of minutes ago. I may be wrong.

12 I thought you said you saw several.  
13 You just saw one?

14 A I saw one loose wire that was pointed  
15 out to me.

16 Q How difficult was it to repair that  
17 problem with the one loose wire?

18 A Again, I don't know. Just looking at  
19 it, it didn't appear to be all that complicated.

20 Q Sounds like it's a matter of putting  
21 the wire back on and tightening up the nut?

22 A That would be my assumption; yes, sir.

23 Q So did you think that was an important  
24 problem when you saw it?

25 A Not at the time; no, sir.



1 Q. And if the nut had been tight on the  
2 wire --

3 A. This is a lug, now, sir.

4 Q. Lug. Excuse me.

5 A. Not a --

6 Q. -- the lug was tight on the wire when  
7 it was installed and it had been installed properly  
8 and someone used finger pressure to pull on the wire,  
9 would it have come off the lug?

10 A. I don't know. To be honest with you,  
11 I learned a long time ago not to pull on wires.

12 Q. When you saw the wire, did you know  
13 whether it was loose before the QC inspectors got  
14 there?

15 A. No, sir.

16 Q. What did you do to follow up on this  
17 incident and decide what its significance was?

18 A. I asked either Mr. Bennetzen or Mr.  
19 Vore, I can't recall which, was the loose termination  
20 recorded on a deficiency report and the answer was  
21 yes.

22 At which time I really didn't give that  
23 particular issue much more thought because as long  
24 as it's recorded and fixed, from a safety standpoint,  
25 you know, at that point, that's all my concern was.

1 Q So now what did you do with respect to  
2 the building manager who had made this complaint  
3 about a destructive evaluation?

4 A I don't recall taking any further  
5 action with him on that particular issue.

6 Q Wasn't this sort of a bee in his bonnet?

7 A It may have been but I don't recall  
8 discussing it with him.

9 Q Was this matter of destructive  
10 evaluation a concern of yours after you found out  
11 what happened?

12 A Not from a safety standpoint but most  
13 definitely from a personnel standpoint.

14 Q Why was that?

15 A I overheard some of the Chairman's  
16 comments earlier this week and I would feel  
17 essentially the same way. I would be concerned if I  
18 had an individual in my group that considers that to  
19 be normal practice.

20 Again, from a safety standpoint, and  
21 the way I view my point, if it's recorded and fixed,  
22 that's what I'm after.

23 Q The Chairman may have made the remarks  
24 not understanding what a destructive examination was.

25 What was that practice which you were

1 worried about in this instance?

2 A I would not condone destructive  
3 examination of equipment, period. I just don't  
4 think it's proper. There's a right way and a wrong  
5 way, in my understanding, to conduct the inspections.

6 If, in fact, it is destructive, then  
7 that's a matter I'll deal with but I'll deal with  
8 it on a case basis, as opposed to a generic basis.

9 Q If you have told me about the complete  
10 investigation you did, then my understanding is that  
11 you didn't know then or now that there was any  
12 desctructive evaluation.

13 A That is correct.

14 Q So why were you worried about personnel?

15 A I'm not sure how to answer your question,  
16 Judge Bloch. I'm not sure I understand what the  
17 question is.

18 Q It almost sounds to me like even though  
19 you hadn't investigated and found out that any person  
20 of yours had done anything wrong, you were still  
21 worried about it.

22 A That's the type of thing that I would  
23 pursue but I wouldn't do it personally.

24 To me, it's a security issue as opposed  
25 to a QC issue.

3-13 1 Q And you thought someone ought to look  
2 into whether someone had done something wrong in  
3 getting that lead off that lug?

4 A Yes, sir.

5 Q So, what did you do?

6 A I personally did nothing.

7 Q Well, as an organization, what did you  
8 do?

9 A Shortly after this incident, I  
10 transferred to another assignment and I do not know  
11 what's been done.

12 Q But you had plenty of time before the  
13 T-shirt incident to do something; didn't you?

14 A No, sir.

15 Q Why is that?

16 A The T-shirt incident was a day or two  
17 after what we're talking about here.

18 Q YOU say you were concerned about the  
19 personnel in the plant doing something that was  
20 destroying the electrical system and you didn't call  
21 security?

22 A I did not call security in the day or  
23 two preceding the T-shirt incident; that is correct.

24 Q But then without knowing that anything  
25 had happened, you were still concerned about the fact

1 that personnel might be doing something wrong;  
2 weren't you?

3 A. Yes. I sure was.

4 Q. Wasn't that the acceptance of what the  
5 building manager told you without any further  
6 investigation of whether your people had integrity?

7 A. I'm not sure I made that decision one  
8 way or the other, Judge Bloch.

9 Q. Well, do you believe that your QC  
10 inspectors had integrity?

11 A. I think over all, yes, sir.

12 Q. And, therefore, wasn't it a logical  
13 assumption that reasonable explanation could be  
14 provided for why that wire was loose?

15 A. I felt sure that if we pursued it that  
16 a reasonable explanation could be provided.

17 Q. Is that why you didn't pursue it?

18 A. The reason I didn't pursue it is because  
19 I just didn't have the time.

20 Q. But you were standing there with Mr.  
21 Bennetzen at the time you were looking at this wire;  
22 why didn't you ask Mr. Bennetzen to pursue it?

23 A. In my judgment that was a matter for the  
24 security people to look into and not me or my QC  
25 people.



1 Q Why not in the first instance, at  
2 least, ask the supervisor, "What the hell happened  
3 to you/?"

4 A I wouldn't do that in front of the  
5 craft.

6 Q Well, did you leave him as soon as you  
7 left the craft or did you stay with him to talk to  
8 him about what happened, since he was your supervisor?

9 A I don't remember what we did after  
10 that particular issue.

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BY JUDGE GROSSMAN:

Q Mr. Tolson, did you testify that one of the reasons that -- or one of the principal reasons that persuaded you that there was a problem with regard to the QC investigations is your viewing this loose lead in the junction box?

A I'm sorry, Judge Grossman. Would you repeat that question?

Q Were your impressions of what the problems were with regard to these inspections influenced to any great extent by your viewing this loose lead that you just mentioned?

A No, sir, I don't think it was influenced one way or the other. Like I said, I saw one loose lead and --

Q Did that suggest to you that perhaps the QC inspectors were participating in destructive testing or inspection?

A I think, as I testified in my deposition, I thought with the loose lead, if I believed in face value the craft allegation, then it was certainly possible; but I have learned over the years not to take what I am told at face value.

Q This loose lead that you are talking about, was this junction box six or seven feet overhead;

-2  
1 is that what you said?

2 A. That's correct.

3 Q. And it wasn't one of the wire nut  
4 connections you were talking about; it was a lug on  
5 which the wire was loose; is that it?

6 A. That's correct.

7 As I recall, the wire was pulled from  
8 the lug.

9 Q. From the lug.

10 JUDGE BLOCH: You said "pulled from  
11 the lug." You knew it was off the lug. How did you  
12 know it was pulled from it?

13 THE WITNESS: I am just trying to  
14 remember and visualize what I saw, but I think the  
15 lug was still in the box and the wire was loose.

16 BY JUDGE GROSSMAN:

17 Q. What kind of lighting are we talking  
18 about now?

19 A. I'm not even certain it was lighting.

20 Q. Six or seven feet overhead; what  
21 could it have been other than the lighting?

22 A. There is conduit in that particular  
23 room running everywhere, so, you know, I wouldn't  
24 hazard a guess as to what type of circuit it was.

25 Q. Well, then, is it possible that this

1 was not at all connected with the problems you had  
2 heard of post-inspections of the lighting circuits?

3 A. I think we need to clarify. This  
4 post-inspection covers virtually anything that's  
5 an electrical circuit or what have you, regardless  
6 of whether it's associated with lighting.

7 It's much broader in scope, the  
8 inspection, than just lighting.

9 Q. There was more involved than just  
10 lighting circuits here.

11 A. Certainly. In fact, lighting was a  
12 very small part of the over-all effort.

13 BY JUDGE JORDAN:

14 Q. The problem with the procedures,  
15 however, that you mentioned a change was made,  
16 that was entirely with respect to the lighting,  
17 not the junction box; isn't that correct?

18 A. (No response.)

19 JUDGE BLOCH: Is the reason you are  
20 hesitating that you are not sure whether the change  
21 in lighting procedures affected what happened in  
22 junction boxes?

23 THE WITNESS: I don't have recall on  
24 what was done in the lighting procedure. I don't  
25 recall any substantive changes in the post-construction

1 verification procedures.

2 BY JUDGE GROSSMAN:

3 Q Sir, are there plugged outlets in  
4 the ceiling six or seven foot overhead that we are  
5 talking about?

6 A I don't remember.

7 (Bench conference.)

8 Q Mr. Tolson, after you leave the stand,  
9 before you go to recess or some other time, if you  
10 discover that any of your testimony is technically  
11 incorrect, I would appreciate it if you would come  
12 back and point that out to us.

13 I am only suggesting that, and perhaps  
14 I am incorrect on my assumptions, and maybe everything  
15 you have said is correct.

16 BY JUDGE BLOCH:

17 Q One more question on this issue of  
18 destructive examination. Is there anything else that  
19 you haven't shared with us that led you to believe  
20 that an incident of destructive evaluation had taken  
21 place?

22 A Not that I recall.

23 Q Did you say that you spoke to  
24 Mr. Purdy about Mr. Bennetzen's desire to transfer?

25 A Yes, I did.

1 Q In what time period was that?

2 A I think the week previous Mr. Purdy  
3 had indicated or I had heard from someone that  
4 Mr. Purdy had talked to that Mr. Bennetzen was  
5 interested in transferring back to Mr. Purdy's  
6 organization to assist with the completion of the  
7 N-5 program.

8 Q So the information that Mr. Bennetzen  
9 might be interested in a transfer came to you from  
10 Mr. Purdy; is that correct?

11 A That's correct.

12 Q Would it surprise you to hear that  
13 the reason Mr. Purdy learned about it is that the  
14 building manager had spoken to Mr. Purdy?

15 A No, sir, it wouldn't surprise me.

16 Q Do you think it is appropriate for  
17 the building manager to be speaking to the ASME  
18 QC supervisor about the transfer of a QC person who  
19 was working in his building?

20 A I think there is a missing link in the  
21 conversation. Because of my involvement in this  
22 hearing process, I had asked Mr. Purdy to represent  
23 me in the Safeguards Building with Mr. Bennetzen when  
24 I was not on site.

25 So it's not surprising considering the



1 relationships that exist between people working  
2 together in a small area for the building manager to  
3 convey to Mr. Purdy that Mr. Bennetzen would prefer  
4 to transfer back to something that technically he's  
5 probably more comfortable with.

6 Q So when you were on site, in your  
7 opinion, it would have been improper for the building  
8 manager to speak to Mr. Purdy?

9 A Had I been on site I would have  
10 expected the building manager to come to me as  
11 opposed to Mr. Purdy.

12 Q Did the building manager ever come to  
13 you directly about the transfer of Mr. Bennetzen?

14 A No, sir.

15 Q Wasn't it your decision to make as  
16 to whether to allow the transfer?

17 A It was an agreement when we  
18 established the matrix organization concept that  
19 no key positions would transfer without the approval  
20 of the upper site manager personnel, which would  
21 have included myself.

22 Q Were you here yesterday when Mr. Purdy  
23 stated that he was not in the chain of command with  
24 respect to Mr. Bennetzen?

25 A He was not technically in the chain of

1 command, but as I mentioned, I had asked Mr. Purdy to  
2 work closely with Mr. Bennetzen with my absence.

3 Q Do you know whether you were absent  
4 at that time?

5 A Based on the hearing schedule of  
6 February, March, April and May, I would guess that I  
7 was absent a considerable period of time.

8 Q Isn't it your understanding that the  
9 request for transfer occurred somewhere in the period  
10 between the destructive examination incident and the  
11 T-shirt incident?

12 A No, I think it preceded that.

13 Q Preceded that; are you sure?

14 A I'm reasonably sure, yes, sir.

15 Q Do you have personal information prior  
16 to that about the request through this channel from  
17 Mr. Purdy?

18 A Yes, sir, just the time frame, I am  
19 quite certain that it was before the --

20 Q Do you know about how much before that  
21 it was?

22 A A week or so.

23 Q How do you know that it's in that  
24 time frame?

25 A I discussed the issue with Mr. Bennetzen

1 between the -- my first knowledge of the destructive --  
2 or the allegation of the destructive examination and  
3 the T-shirt incident.

4 I had heard about that prior to finding  
5 out about the allegation of the destructive  
6 examination.

7 Q What leads you to think that it  
8 happened before the incident of destructive examination?

9 A Because I heard about the issue of  
10 destructive examination on Monday or Tuesday, and I  
11 was aware of Mr. Bennetzen's feelings prior to that  
12 time.

13 Q How did you become aware of those  
14 feelings?

15 A Either from Mr. Purdy or from my  
16 assistant, Mr. Hicks, and I can't recall which of  
17 the two brought it to my attention.

18 Q Did you approve the transfer of  
19 Mr. Bennetzen?

20 A Not until I talked to him.

21 Q In what time period did you talk to  
22 him?

23 A March 6th or 7th, as I recall.

24 Q I'm sorry. I'm not very good at  
25 dates. Is that the week of the T-shirt incident?

1 A It's the same week, yes, sir.

2 Q And what day of that week?

3 A Tuesday or Wednesday.

4 Q Was that the same day that you  
5 observed the destructive examination problem?

6 A It was shortly after that, but not  
7 necessarily the same day.

8 Q Could you describe to me your  
9 conversation with Mr. Bennetzen about his transfer?

10 A I simply told him that it had come to  
11 my attention that he had expressed a desire to do so,  
12 and I wanted to hear from him personally if that is  
13 in fact what he chose to do.

14 Q No further discussion?

15 A No, not that I recall.

16 Q No assurance to him it had nothing to  
17 do with the destructive evaluation?

18 A I don't recall us talking about the  
19 destructive examination.

20 Q No discussion of why he wanted to  
21 transfer?

22 A He probably mentioned something along  
23 the lines that his relationship with the building  
24 manager wasn't as good as he would care for it to be.

25 Q Who initiated the discussion of the

1 transfer?

2 A I did.

3 Q Had he ever approached you prior to  
4 that time and requested from you that the transfer  
5 be made?

6 A No, sir.

7 Q Do you have an open-door policy?

8 A Practice but not policy. I associate  
9 policy with something in writing.

10 Q Okay, a practice, and does that mean  
11 that people do actually come in through your door and  
12 talk to you about things that concern them?

13 A Key people, yes, sir. Rank-and-file  
14 inspection personnel, rarely.

15 Q Is Mr. Bennetzen too low to be a --

16 A No, sir. He reported directly to me.

17 Q I thought there was someone in between  
18 him and you; that's not true?

19 A That's not true.

20 Q Why do you suppose that someone wanting  
21 a transfer because of problems with the building  
22 manager wouldn't speak to his immediate supervisor?

23 A There's a pretty good chance that at  
24 the time he chose to discuss it, I wasn't there.

25 Q You mean you think he would only have

1 chosen a particular moment in time when he was  
2 interested in discussing it?

3 A. You know, I can't add any more than  
4 what I have already said, Your Honor.

5 Q. Do you know any reason why he might  
6 have gone to Mr. Purdy twice to discuss this problem  
7 and to you zero times?

8 A. I don't recall the twice. Could you....

9 Q. From the testimony yesterday, I  
10 believe Mr. Purdy testified that he spoke to  
11 Mr. Bennetzen about problems in the task force  
12 twice.

13 A. Okay.

14 Q. But he didn't speak to you at all  
15 about it?

16 A. Not until March 6th or 7th.

17 Q. Isn't that an important step to take  
18 without discussing the step any further with the  
19 employee who is being transferred?

20 A. I'm sorry, I don't understand.

21 Q. You transferred Mr. Bennetzen based  
22 on a rumor that he was interested in a transfer and  
23 a brief discussion in which he never told you why  
24 he wanted to be transferred beyond, maybe, "I had  
25 some problems with the building manager." Is that



1 not true?

2 A. (No response.)

3 Q. Well, explain it more to me. How did  
4 you decide that it was appropriate to transfer him?  
5 What was the deciding factor in your mind?

6 A. Because he expressed to me that's what  
7 he wanted to do.

8 Q. You said you initiated the conversation.

9 A. I had heard, either from Mr. Purdy or  
10 Mr. Hicks, either of whom may have been available  
11 to Mr. Bennetzen in my absence, that Mr. Bennetzen  
12 had expressed a desire to transfer back to work on  
13 the N-5 program.

14 I then followed up on that conversation  
15 with Mr. Bennetzen, very likely with Mr. Purdy  
16 present, since Mr. Purdy was his administrative  
17 supervisor.

18 Q. Do you have any information as to  
19 what period of time the building manager was  
20 interested in the possibility that Mr. Bennetzen  
21 might be transferred?

22 A. I beg your pardon?

23 Q. Do you have any information about the  
24 period of time in which the building manager was  
25 interested in having Mr. Bennetzen transferred?

-13 1 A. Memory tells me that the building  
2 manager may have suggested that possibility to me,  
3 but I can't recall any specific discussion with him  
4 on it.

5 Q. Would it surprise you if he suggested  
6 that to Mr. Purdy but never talked to you about it?

7 A. Not if I wasn't there.

8 Q. Do you remember the period of time in  
9 which he may have had this discussion with you that  
10 you can't remember in detail?

11 A. No, sir, but it would have probably  
12 been mid to late February.

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5-1

1 Q And you really can't remember anything  
2 about why he wanted Mr. Bennetzen transferred?

3 A I don't recall stating that he said that  
4 he wanted him to.

5 Q Did he?

6 A I don't remember him stating it in those  
7 terms.

8 Q Do you remember what the terms were?

9 A No, sir, not in great detail.

10 Q Did you have any discussions in this time  
11 period with building management about the problem of slow  
12 work in this particular area?

13 A The building manager had asked me, probably  
14 in the same time frame, to lend him a hand because in his  
15 judgment things were not going as well as he would have  
16 liked them to have gone in his building.

17 Q And did he mention who the supervisor was  
18 who was responsible for it not going as well as it ought to?

19 A He didn't have to because I knew who it  
20 was.

21 Q And who was that?

22 A That was Mr. Bennetzen.

23 Q Did he tell you what the QC people said  
24 about the reason for the slowness?

25 A No, we didn't discuss that.

5-2

1 Q Did you talk to the QC people at that  
2 time to determine what they thought the reason was for  
3 the slowness?

4 A As I stated in my deposition, my initial  
5 effort was to participate in the meetings that were held  
6 between the key QC personnel and the key craft and  
7 building management personnel, as I recall, three times  
8 a week.

9 Q But outside of that, by yourself, as QC  
10 site supervisor, you didn't make any effort to find out  
11 the QC side of the story?

12 A Certainly.

13 Q Well, what did you do to find that out?

14 A Well, we've discussed briefly earlier the  
15 session with Mr. Bennetzen, Mr. Vore and Mr. Whitehead,  
16 which as I recall was after the meeting with the -- that  
17 I just mentioned earlier, with the craft and building  
18 management personnel.

19 Q And after you were done with that meeting  
20 with them, did you think that the QC personnel were at  
21 fault in this situation?

22 A No, sir.

23 Q After that meeting with them, did you  
24 leave with the impression that Mr. Bennetzen should be  
25 transferred?

1 A. No, sir.

2 Q. Did Mr. Bennetzen in that meeting suggest  
3 that he might want to be transferred?

4 A. No, sir.

5 JUDGE BLOCH: We'll take a five-minute  
6 recess.

7 (A short recess was taken.)

8 JUDGE BLOCH: The hearing will come to  
9 order.

10 BY JUDGE GROSSMAN:

11 Q. Mr. Tolson, could you refresh my recol-  
12 lection, do you recall now where this particular junction  
13 box was that you -- in which you noticed that there was a  
14 loose lead?

15 A. It's in the lower portion of the safeguard  
16 building, but that's as close as I can get you.

17 BY JUDGE BLOCH:

18 Q. Is there any landmark near to which it  
19 was located, any part of the building, things next to it  
20 you could remember?

21 A. No, sir.

22 BY JUDGE GROSSMAN:

23 Q. And could you tell me what kind of  
24 junction boxes or what purpose the junction boxes served  
25 in this particular area that are located six or seven feet



1 overhead?

2 A. It could cover a multitude of things,  
3 virtually all the conduit, at least in that area, is  
4 overhead so, you know, it could be virtually anything.

5 JUDGE BLOCH: Usually -- well, would leads  
6 come out of a conduit and then go to a junction box and  
7 go back up into a conduit?

8 A. They -- yeah, what I was looking at was  
9 a box between two runs of conduit.

10 BY JUDGE GROSSMAN:

11 Q. And you saw some -- you wouldn't have to  
12 know why they joined two leads of conduit in a junction  
13 box rather than just run that lead with those cables  
14 complete without joining them in a box, would you?

15 A. Well, I'm confused, Your Honor, because  
16 you're referring to leads and conduit, and I'm not sure  
17 what the question is.

18 Q. Well, let me -- I'm asking you whether you  
19 know why there would be a junction box joining conduit and  
20 cable at that point.

21 A. Not in any precision.

22 Q. And do you recall what kind of item the  
23 lugs were on to which the cable -- to which the lead was --  
24 should have been connected that was loose or disconnected?

25 A. By "item," you mean what, sir? By what



1 kind of item, it was connected to what --

2 Q Well, what contained this lug that the  
3 cable should have been connected to, and either was  
4 connected and loose or was disconnected? Do you recall  
5 what that lug was on?

6 A I could probably visualize it but I'm not  
7 sure I can describe it.

8 Q Okay. Now, when you're talking about  
9 a lug, now, you're talking about a terminal, basically,  
10 a screw in which the wire is wound around, is that it?

11 A Yes, sir. Not wound around, but connected  
12 to it.

13 Q Well, you make that distinction. How  
14 would it be connected if it wasn't wound around the lug?

15 A From a civil engineer's analysis of what  
16 I saw, you've got a wire that is inserted into a lug  
17 that's connected to something.

18 Q I'm not sure I understand what you mean  
19 by lug, and so I did ask you earlier if you were familiar  
20 with back wired and side wired outlets and I believe you  
21 indicated you weren't. Is that correct?

22 A That's correct.

23 Q And I assume that if you saw this terminal  
24 it would be in the form of a screw, either copper or  
25 brass -- or silver-looking or brass-looking screw.

1           A.        I wasn't -- I can't recall those kinds of  
2 details.

3                   MR. DOWNEY: Perhaps if I could request  
4 the Board to ask Mr. Tolson to describe the lug, that  
5 might be useful.

6 BY JUDGE GROSSMAN:

7           Q        Well, okay, Mr. Tolson, could you describe  
8 the lug?

9           A        As I recall, it was a little round thing  
10 that stuck in and you'd tighten the screw against the lug.

11          Q        I think I got the picture.

12                  JUDGE JORDAN: Was the lug connected to  
13 the -- presumably the lug is permanently connected to the  
14 wire --

15                  THE WITNESS: That's correct.

16                  JUDGE JORDAN: -- by solder or some other  
17 means; is that correct?

18                  THE WITNESS: That's correct.

19 BY JUDGE GROSSMAN:

20          Q        And so this was a side connection that  
21 you're talking?

22          A        I wouldn't state one way or the other.  
23 I did not look that close.

24          Q        Well, I thought you had indicated that you  
25 saw that it was loose or disconnected.

5-7

1           A.        I saw the wire hanging loose, but I didn't  
2 pursue the details on the connection of the lug to the  
3 wire.

4           Q.        Was this a bare wire or was it a shielded  
5 wire, insulated wire?

6           A.        Installation up to a point and then the  
7 part that stuck into the lug was bare.

8           Q.        Well, the part that you think should have  
9 stuck into the lug was bare?

10          A.        That's correct.

11          Q.        Do you remember whether the end was curled  
12 on that wire or was it a straight little wire?

13          A.        As I recall, it was straight.

14                   MR. DOWNEY: May I --

15                   JUDGE BLOCH: Yes.

16                   MR. DOWNEY: May I ask the Board to ask  
17 Mr. Tolson about crimping of wires at lugs, if he knows.

18                   JUDGE BLOCH: Okay. Do you know about the  
19 crimping of wires to lugs?

20                   THE WITNESS: I hesitate to answer because  
21 we're going to get beyond my knowledge real quick, but I  
22 understand that some lugs do in fact mechanically connect  
23 to the wires.

24                   JUDGE JORDAN: But as you're saying, it  
25 was probably crimped onto the wire rather than soldered?

1 THE WITNESS: If I had to make a guess  
2 and got credit for being right on the guess, I'd guess  
3 that it was crimped on.

4 BY JUDGE BLOCH:

5 Q On the Monday of the week of the T-shirt  
6 incident, do you recall where you were assigned or where  
7 you were working?

8 A I don't remember off the top of my head.  
9 As I -- I very likely was in Dallas over the weekend and  
10 may have come down Monday morning, or I may have been in  
11 Dallas at a meeting and come down Monday afternoon, I  
12 just don't recall. I'm not even certain I was there  
13 Monday.

14 Q Can you think about it, whether you can  
15 recall whether there were any events that happened on  
16 the site that day that would have required you to be  
17 there?

18 A No, sir. I can't recall.

19 Q You answered very quickly when I asked  
20 you if you could recall. I thought maybe you were going  
21 to spend some effort trying to recall.

22 A Judge Bloch, one experience I learned from  
23 the hearings is to anticipate some of your questions, and  
24 I anticipated you'd ask me that question and I've been  
25 trying to remember and I can't.

5-9

1 Q And you've thought about that time period?

2 A Considerable period of time.

3 MR. ROISMAN: Mr. Chairman, I assume the  
4 time records of the company would clearly show one way or  
5 the other, if the answer is important.

6 MR. DOWNEY: You might ask Mr. Tolson if  
7 the time records indicate -- would indicate. I don't  
8 know.

9 BY JUDGE BLOCH:

10 Q Would the time records indicate whether  
11 you were on site or not?

12 A Possibly, but there's a real good chance  
13 that they wouldn't because I, in seven years, don't recall  
14 filling out a time sheet.

15 Q Sounds like they wouldn't.

16 Do you recall when the first time was, on  
17 the week of the T-shirt incident, that you learned that  
18 some people on site had worn T-shirts similar to the ones  
19 that were worn on Thursday?

20 A Is the time frame the week of -- that week?

21 Q Yes.

22 A The only thing that I'd heard was the  
23 existence of the T-shirts. I had never been informed  
24 that they had in fact been worn.

25 Q And who did you hear about the existence of

5-10

1 the T-shirts from?

2 A. As I recall, it was my assistant, Mr. Dan  
3 Hicks.

4 Q. And can you recall what day of the week  
5 that discussion with Mr. Hicks took place?

6 A. Early, early in the week. Monday or  
7 Tuesday.

8 Q. And can you recall the nature of your  
9 discussion?

10 A. He just informed me that, you know, the  
11 T-shirts existed and I think we talked about bracing  
12 ourselves for the wearing of them if that in fact occurred.

13 Q. Was Mr. Hicks on site on Monday, do you  
14 know?

15 A. If I was there, Mr. Hicks was there. If  
16 I wasn't there, I couldn't say one way or the other whether  
17 Mr. Hicks was there.

18 Q. Now, if Mr. Hicks was there --

19 A. No, sir.

20 Q. -- on Monday -- if he was there on Monday,  
21 your statement that you discussed bracing yourselves for  
22 T-shirts but didn't discuss that they'd ben work already  
23 wouldn't be very credible?

24 A. I'm sorry.

25 Q. If Mr. Hicks was on the site on Monday and



5-11

1 learned that the T-shirts had been worn, your statement to  
2 me now that you discussed bracing yourselves for the  
3 T-shirts, but that you did not discuss they had been worn  
4 on Monday, would just not seem very credible; do you  
5 understand that?

6 A. I --

7 Q. I wouldn't believe it?

8 A. I beg your pardon.

9 Q. I would have trouble believing that  
10 Mr. Hicks was on site Monday, if he was, and that during  
11 your discussion with him about bracing yourselves for  
12 T-shirts, no mention had been made of the T-shirts having  
13 been worn on Monday?

14 MR. DOWNEY: Objection, Your Honor.

15 You're assuming that Mr. Hicks knew that the T-shirts  
16 were worn.

17 JUDGE BLOCH: I said if, that's right;  
18 we may find out what Mr. Hicks knows.

19 BY JUDGE BLOCH:

20 Q. Now, are you sure that in that discussion  
21 with Mr. Hicks he did not mention that the shirts were  
22 worn on Monday?

23 A. I do not recall him stating to me that the  
24 shirts had in fact been worn.

25 Q. Well, you know, if he told you they had

5-12

1           been worn, you would recall that, wouldn't you?

2                   A.           I think I would, yes, sir.

3                   Q.           That wouldn't have been a minor event  
4           in your life, would it have been?

5                   A.           As things have turned out, I'd say no.

6                   Q.           Well, judging from your reaction on  
7           Thursday, I would say it wouldn't have been a minor  
8           reaction in your life.

9                   A.           That's basically where I'm coming from.

10                  Q.           Do you keep a schedule or a calendar in  
11           your office to keep track of appointments or things that  
12           you've got to do?

13                  A.           No, sir.

14                                JUDGE JORDAN: Do you have a secretary  
15           that keeps track of your appointments?

16                                THE WITNESS: The only thing that would  
17           come close, Dr. Jordan, would be meetings that are  
18           scheduled in the immediate future that I need her to  
19           remind me of.

20                                JUDGE JORDAN: It's who -- that the  
21           secretary reminds you of?

22                                THE WITNESS: I have a terrible recall  
23           when it comes to times and places of meetings, and I  
24           utilized her knowledge or memory to remind me today at  
25           10:00 o'clock you're to meet with so and so. I find that

5-13

1 out at 7:30 in the morning.

2 JUDGE BLOCH: We'd like to see Mr. Tolson's  
3 calendar that may be kept by his secretary, if there are  
4 notes of what his appointments may have been on Monday  
5 of that week to determine whether he was at the site.

6 MR. DOWNEY: We'll undertake whatever  
7 inquiry is necessary to determine that, if we can  
8 determine whether he was on site.

9 JUDGE BLOCH: Thank you.

10 BY JUDGE BLOCH:

11 Q What did you say to Mr. Hicks about  
12 bracing for the wearing of the T-shirts?

13 A I again don't recall much of the details  
14 but it could have gone one of two ways, and I'm going to  
15 give you the way I think it happened first, but I want to  
16 be totally honest. I think Mr. Hicks --

17 Q Before you do that, I asked you what you  
18 told him.

19 A Well, that's where I'm having trouble.

20 Q Do you remember what he told you?

21 A I think it was more of him telling me what  
22 he planned to do as opposed to me telling him what I  
23 planned to do.

24 I think he planned to -- you know, in the  
25 event that they were worn on site, to simply send the

1 people home to change them. And I said fine. Or the  
2 other way around, I don't remember which way it went.

3 Q And did you have any discussion about why  
4 that should be done?

5 A I don't recall any discussion of it.

6 Q On that day -- well, do you recall whether  
7 that discussion was before or after you learned about  
8 destructive evaluation?

9 A No, sir, I don't.

10 Q Do you know whether Mr. Hicks knew what  
11 the message was on the T-shirts?

12 A I don't recall a discussion other than  
13 the word T-shirts.

14 Q He must have said something more than that  
15 or you wouldn't have braced for it.

16 A I'm at a disadvantage, Your Honor, because  
17 I flat don't remember much more than T-shirt. Now, it's  
18 possible that phraseology might have been mentioned, but  
19 I was under the impression that Mr. Hicks hadn't seen them,  
20 so I don't know.

21 Q Did he tell you how he learned about the  
22 T-shirts?

23 A No, sir.

24 Q So you didn't know what was on them, you  
25 didn't know how Mr. Hicks had gotten his information, but

5-15

1 you made a plan to send people home with them on?

2 A. We had experienced a similar situation  
3 before and it was just kind of common practice that if a  
4 derogatory T-shirt was worn on Comanche Peak we'd ask  
5 the people to go home and change it.

6 Q. Okay. Could you tell us about the similar  
7 prior incident, what happened there?

8 A. There was an inspector on the -- as I  
9 recall, in protective coatings, that we had transferred  
10 from nights to day. His first day on the job on day shift  
11 he wore a T-shirt that the craft superintendent was  
12 personally offended by.

13 Q. And what did that T-shirt say?

14 A. "J R Who?"

15 Q. And that was some kind of a play on the  
16 supervisor's name?

17 A. It was coincidence that the superintendent's  
18 first name was Junior.

19 Q. On the morning, Thursday morning, what was  
20 the first time that you learned about the T-shirts being  
21 worn on site, do you recall the time period?

22 A. Yes, sir.

23 Q. About when was that?

24 A. About 7:45.

25 Q. And who was the person who told you?

5-16

- 1                   A.       Mr. Mark Welch.
- 2                   Q.       And was there anyone else present at the
- 3 time Mark Welch informed you?
- 4                   A.       His was a phone call.
- 5                   Q.       Was there anyone in your office when he
- 6 called you?
- 7                   A.       I don't remember. Mr. Hicks may have
- 8 been there, because we normally got together in the
- 9 morning, but I don't recall off the top of my head.
- 10                  Q.       Had Mr. Hicks mentioned the T-shirts
- 11 before Mr. Welch did?
- 12                  A.       No, sir, not Thursday.
- 13                  Q.       And your plan was to send these people
- 14 home, is that correct?
- 15                  A.       Yes, sir.
- 16                               - - - -
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1 Q That wasn't what you did, though, was  
2 it?

3 A No, sir.

4 Q Why did you change the plan?

5 A I had had some second thoughts after  
6 Mr. Welch called me and I called him back and with  
7 the intention of suggesting that they go ahead and  
8 bring the people on up where I could talk with them  
9 myself.

10 Mr. Welch was not at the extension  
11 number that I had, so I left word for him to call me.

12 Very shortly thereafter Mr. Welch called  
13 me and stated that the people wanted to talk to me,  
14 at which time I said, "Fine. Come on up."

15 Q I'm having difficulty with the  
16 chronology here.

17 When Mr. Welch spoke to you the first  
18 time, did he tell you anything that you had not  
19 expected about the T-shirt wearing?

20 A I think that he mentioned something  
21 about nitpickers but I wouldn't want to be quoted on  
22 the details of the conversation.

23 Q But that wasn't unexpected; was it?

24 A Again, I don't recall many details of  
25 the conversation that I mentioned Mr. Hicks and I had

1 earlier, so -- at that time, I don't recall -- and  
2 right now I don't recall what the message was other  
3 than nitpickers and T-shirts.

4 Q Now, you're on the phone with Mr.  
5 Welch, what did you tell him to do?

6 A The first time I told him to send them  
7 home and ask them to change it.

8 Q So if Mr. Welch told the people that  
9 they either should go home or they should talk to Mr.  
10 Tolson, that must have been his idea; is that right?

11 A Yes, sir, it would have been.

12 Q Did you have any concern for why these  
13 workers might be wearing the T-shirts?

14 A I can't relate to the word concern.

15 Q Interest?

16 A Yeah, I had some interest.

17 Q Curiosity?

18 A Curiosity. Yes, sir.

19 Q Did you do anything at that point to  
20 satisfy that interest or curiosity?

21 A That may have been a reason I called Mr.  
22 Welch back and it very likely was. To go ahead and  
23 sit down and discuss with the people what their  
24 rationale was for the T-shirts.

25 Q So you called him back and what did you

1 say at that point?

2 A Well, as I stated earlier, Mr. Welch  
3 was not at the extension. A minute or so later he  
4 called me.

5 Q Now, he called you.

6 A Yes, sir.

7 Q Tell me about that conversation.

8 A He mentioned something to the effect  
9 that the people did not want to go home. They wanted  
10 to talk to me and I said, "Fine. Bring them up."

11 Q Okay. And when they came up, who was  
12 with you at that time.?

13 A By then, Mr. Hicks was there.

14 Q Not Mr. Purdy?

15 A I don't recall Mr. Purdy being there  
16 and I don't think he was.

17 Q Was anyone else there?

18 A I don't recall anyone other than Mr.  
19 Hicks and the group of the people, at that time.

20 Q And how long did it take them to get  
21 to your office after you asked them to come?

22 A Five or ten minutes at the most.

23 Q In that time period, did you talk to  
24 anyone?

25 A Mr. Hicks, I think, was there a few

1 minutes before the people showed up.

2 Q And before they showed up, what did you  
3 and Mr. Hicks say to each other?

4 A I don't remember. It could have been  
5 about going fishing over the weekend because --

6 Q Mr. Tolson, you just learned about the  
7 people wearing the T-shirts and with Dan Hicks you  
8 discussed fishing?

9 A Wha' I'm really saying, Your Honor, I  
10 flat don't remember details of the conversation between  
11 me and Mr. Hicks while I was waiting for the T-shirt  
12 people.

13 Q How about the level of feeling in the  
14 room? Was the feeling in the room at a high pitch?

15 A No. I can relate to what was going  
16 through my mind and Mr. Hicks may have been drinking  
17 a cup of coffee.

18 You know, I don't have the foggiest  
19 idea at that point of what I'm going to say or how  
20 I'm going to say it and I'm trying to collect my  
21 thoughts while I'm waiting for some people to show  
22 up.

23 Q And when the workers arrived in your  
24 office, how many of them were there?

25 A There was 8 inspectors, Mr. Vore and

1 Mr. Welch.

2 Q Can you remember anything happening  
3 as they entered the room and began to become  
4 assembled at the table, or didn't it happen that way?

5 How did it happen when they first  
6 entered the room? What was the situation?

7 A Well, I was sitting at my desk. There  
8 is no table, other than my desk. There's 8 to 10  
9 chairs in the office.

10 They all entered in and lined up in  
11 kind of a horse (sic) shaped --

12 Q Was it noisy? Quiet? How would you  
13 characterize that?

14 A It was, for Comanche Peak, calm.

15 Q People kind of joking with each other  
16 or did it seem more serious than that?

17 A There was mixed -- you know, mixed looks  
18 on the faces of the people. Some were smiling or  
19 smirking, whatever word suits you, but it was mainly  
20 just like any meeting.

21 People coming in to discuss a subject.  
22 In this case, I doubt if either myself or the people  
23 knew what was going to be talked about.

24 Q I'm sorry. You didn't know what was  
25 going to be talked about either?

1           A.           This was not a comfortable position,  
2 Your Honor, for me to be in, addressing 8 people,  
3 most of whom are somewhat larger than I am and, you  
4 know, I have no idea what I'm going to say.

5                       My initial thought was just, you know,  
6 kind of let it happen like it would, and then go  
7 from there.

8           Q           Do you feel it difficult generally to  
9 talk to people who are larger than you are?

10          A.           I do under these circumstances.

11          Q           What circumstances were those?

12          A.           The message on the T-shirts I find  
13 personally offensive.

14          Q           I want to put something else of the  
15 day in context with this meeting.

16                       Were you the person who ordered that  
17 belongings of these individuals be -- excuse me,  
18 the documents and work papers of these people be  
19 searched?

20          A.           Yes. Some time later.

21          Q           It was after this?

22          A.           Yes, sir.

23          Q           Did you have any idea when they first  
24 walked into the office that you might subsequently  
25 order the searching of their papers?



1 A. No, sir.

2 Q. Prior to th is time, were there any  
3 individuals in this group whom you had reason to feel  
4 was not a loyal employee of Comanche Peak?

5 A. No, sir.

6 Q. It's a new o-ganization we haven't had  
7 in this case before but I think we understand each  
8 other.

9 Who spoke first at the meeting?

10 A. One of the inspectors.

11 Q. Do you remember which one?

12 A. Yes, sir.

13 Q. Who was that?

14 A. Eddie Snyder.

15 Q. Now, you didn't invite him to speak?  
16 He just started speaking?

17 A. Yes.

18 Q. And what did he say?

19 A. Stuck out a brown paper bag and asked  
20 me if I'd mind if he tape recorded this session.

21 Q. Is it unusual for you to attend tape  
22 recorded sessions?

23 A. Very rarely. Except for here.

24 Q. How about at Comanche Peak? Very rare?

25 A. Very rare.

1 Q Could you describe for me why it would  
2 be that you might attend a tape recorded session at  
3 Comanche Peak, that the management would decide to  
4 tape?

5 A Sooner or later, I presume, we're going  
6 to talk about the Lipinsky meeting .

7 Q Well, we're talking about that now;  
8 aren't we?

9 A Okay. We knew that the internal memo  
10 had leaked and we didn't want, in the case of the  
11 Lipinsky situation, any accusation of trying to cover  
12 anything up and I think that's the primary reason that  
13 meeting was taped.

14 Q In other words, the reason that you  
15 might be at a taped meeting is to make sure that  
16 whatever happened was faithfully remembered and  
17 recorded?

18 A That's correct.

19 Q Was there any reason why you didn't want  
20 was going to happen next with the T-shirt inspectors  
21 to be faithfully recorded?

22 A The thing that went through my mind  
23 when Mr. Snyder requested what he did, was a rumor  
24 that I had gotten from the grapevine that unbeknownst  
25 to me the prior session with a selected group of

1 protective coating inspectors had been taped and  
2 transmitted to the NRC.

3 Q So that's pretty dishonest to tape  
4 someone's conversation when they don't know about  
5 it; isn't it?

6 A If I was vindictive, I very likely  
7 might pursue that from a legal standpoint. I have  
8 not felt it was --

9 Q Between people, it's not very nice to  
10 tape them when they don't know about it; isn't that  
11 right?

12 A I didn't think so.

13 Q Does the same thing apply when someone  
14 walks up and says, "You know, I know we're going to  
15 have an important conversation. I want to record  
16 it faithfully."?

17 A Judge Bloch, I think at that point I  
18 had a mental association of the request for the tape  
19 to the unknown taping of the previous session and  
20 had an instantaneous reaction to not want to say  
21 anything at that point in time until I gathered my  
22 thoughts.

23 So I got up and left the office.

24 Q Didn't you wonder how it happened that  
25 -- who was the gentleman who had the tape recorder?

1 A Eddie Snyder.

2 Q -- Eddie Snyder had the tape recorder?

3 A No, sir.

4 Q Do inspectors at the site usually have  
5 tape recorders with them?

6 A I'm only aware of one other situation  
7 where there was an issue of a tape recorder and that's  
8 the one I mentioned previous.

9 Q Do you know if he had tape recorder  
10 with him?

11 A He said -- he handed a paper bag.  
12 I assume that it contained a tape recorder.

13 Q Could it have been a joke?

14 A If so, it was about as funny as Mr.  
15 Roisman's joke about me Monday.

16 Q That was a joke I didn't hear but that  
17 became a cause celebre in the courtroom.

18 I understand you left the meeting and  
19 you spoke to Mr. Brandt briefly. Mr. Brandt has told  
20 us about what happened.

21 I take it that's correct. You spoke  
22 to Mr. Brandt as you left the meeting?

23 A That's a polite way to put it; yes, sir.

24 Q You spoke at a somewhat elevated  
25 emotional level?

1           A           It was not elevated but it was  
2 definitely emotional.

3           Q           And after you left Mr. Brandt, where  
4 did you go?

5           A           I think I went across the -- not  
6 directly across the hall from my office but my office  
7 is off -- was off of a T, if you will, to a long  
8 corridor and I was looking for a sufficient space  
9 to temporarily house the personnel, because I was  
10 anticipating at 10:00 o'clock that morning a visit  
11 from Dr. David Boltz and Darlene Steiner from CASE.

12          Q           This was quite a morning for you.

13          A           It's one I'll remember for a while.

14          Q           When you left the room, did you take  
15 any measures to see that they wouldn't leave the room?

16          A           No, sir. Not -- if you mean, when I  
17 first left my office.

18          Q           Yes.

19          A           No, sir.

20          Q           Did you tell any of the people in the  
21 room that they shouldn't leave before you left?

22          A           No, sir. I don't recall that.

23          Q           Did you tell any of them about the  
24 action that was contemplated? You didn't have a  
25 chance to do that; did you?

1 A No.

2 Q Okay, now, who did you speak to about  
3 arranging for a different room for these people?

4 A It would -- the room I attempted to  
5 arrange to use was a large room off the long corridor  
6 that is normally occupied by the corporate audit  
7 group.

8 I don't recall who was in there at the  
9 time but I asked them if they would mind moving to  
10 another office and let me utilize that space  
11 temporarily.

12 Q And you were speaking in more calm  
13 terms then?

14 A That's five or ten minutes, so -- yeah.

15 Q And did you go back and ask the people  
16 to go from your office to the other place?

17 A I don't recall speaking directly to  
18 the people. Probably asked Mr. Hicks to escort them  
19 to the room.

20 Q Had Mr. Hicks come out into the  
21 corridor to be with you while you were making these  
22 arrangements?

23 A No, sir. I think he was still in the  
24 office.

25 Q Some time had passed between the time



1 that you got upset about the tape recorder and the  
2 time that you decided to move these people?

3 Had you regained your composure by then?

4 A. I was down several decibels.

5 Q. Were you able to realize the difference  
6 between a surreptitious or secret taping of a meeting  
7 and a request to tape a meeting?

8 A. I don't recall thinking about that at  
9 the time.

10 Q. So you still had fixed in your mind  
11 that these people were trying to do something that  
12 you didn't want to happen, in terms of recording  
13 that meeting?

14 A. Judge Bloch, to go back -- I wasn't  
15 certain at that point what, if anything, would be  
16 discussed.

17 Again, the mental association with the  
18 request to tape with the secret taping sort of  
19 launched me off in a different path; so to speak.

20 Q. I understand that was a reflex.

21 A. Yeah.

22 Q. But what it is now, 15 or 10 minutes  
23 later, after you calmed down, it's still with you,  
24 even though it doesn't seem very reasonable to me.

25 Does it seem reasonable to you?

1           A.       Well, we've left out one portion of  
2 the discussion here that's in the deposition, as  
3 set out.

4                    I decided at that time not to test my  
5 emotional situation and requested, through Mr.  
6 Merritt's office to Dallas, some input relative to  
7 what to do next.

8           Q        Okay, but like how many hours had you  
9 worked during the previous week?

10          A.       The previous week?

11          Q        The week ending on that Thursday.

12                    In other words, if you looked at the  
13 previous seven days, about how many hours had you  
14 worked; do you remember?

15          A.       I don't recall.

16          Q        Did you feel extremely tired that morning?

17          A.       I was basically tired and not  
18 specifically that morning.

19        ///

-1 1 Q You remember tiredness as being a  
2 characteristic of that job?

3 A Yes, sir, from about late '83 until  
4 this time.

5 Q And did irritation often go along with  
6 that tiredness? Were you often rather short-  
7 tempered?

8 A Well, I have been known to have a  
9 short temper. I think since I can evaluate myself  
10 better than anyone else, I can recall inner  
11 conversations with myself that things that ordinarily  
12 would be taken in stride were becoming irritating.

13 Q When you work very hard, that's  
14 something that's not so surprising, is it?

15 A No, sir.

16 Q All right. So you made the room  
17 arrangements and then you walked down the corridor  
18 to Mr. Merritt's office; is that what happened  
19 next or --

20 A No.

21 Q -- or did something happen in between?

22 A There's a gap we have left out of the  
23 discussion.

24 I proceeded toward Mr. Merritt's end  
25 of the hall because there's almost all the time a

1 spare telephone down there; and, you know, my  
2 thought was to call Dallas and get some guidance.

3 The spare phone that I normally would  
4 have used had a lock on it. So I went to Mr. Merritt's  
5 office, and since he was sitting at his desk next  
6 to his phone, I asked him to call Dallas and brief  
7 them on the situation and request some advice.

8 Q Before we talk about what happened in  
9 that conversation, what you said to Mr. Merritt,  
10 were there no other telephones in that corridor that  
11 you could have used?

12 A Not in the corridor.

13 Q In any of the offices? I mean, the  
14 people knew you well enough that if you asked for  
15 the phone, you could get it, didn't they?

16 You could have walked into any of  
17 those offices, couldn't you, and said, "Please, may  
18 I borrow your phone"?

19 A Yes, sir.

20 Q And they would have left just the same  
21 way as the people left from the conference room,  
22 wouldn't they have? There was no one there that you  
23 would expect would refuse you the privilege of using  
24 their phone?

25 A No, sir.

-3 1 Q As you walked into Mr. Merritt's office,  
2 do you remember who was first to speak?

3 A Probably me.

4 Q Do you recall what you said?

5 A I don't recall the words, and if I  
6 did, I would prefer not to repeat them publicly,  
7 but....

8 Q You were still feeling pretty upset  
9 and you used language that you use at the plant but  
10 not in a hearing?

11 A That's correct.

12 Q What was the subject of your anger?  
13 What was the thing you were most upset about as you  
14 walked into that room? Was it the tape recording or  
15 the shirts or what was it?

16 A I think it was a combination of the two.

17 Q Do you remember which one you  
18 mentioned first?

19 A I don't recall mentioning either one.  
20 I probably discussed the shirts first, but I wouldn't  
21 swear to it because I don't remember.

22 Q And what other information did you  
23 communicate to Mr. Merritt about what had happened?

24 A I don't recall. First of all, the  
25 discussion wasn't very long. It was very brief.



-4

1 And I'm not sure it was at this time, but I think  
2 maybe it was at about the time that I hit Mr. Merritt's  
3 office, Mr. Frankum also was there. F-r-a-n-k-u-m.

4 Q Can you refresh my recollection on his  
5 position at the plant?

6 A He is the Brown & Root resident  
7 construction manager.

8 Q Was there any request for Mr. Frankum  
9 to leave the room?

10 A Not that I recall.

11 Q What was it that had happened that made  
12 you want to communicate with Dallas?

13 A I had grown -- particularly in the last  
14 year -- sensitive to what we have talked about here  
15 relative to labor relations and the connection or  
16 non-connection of those relations with the construction  
17 at Comanche Peak.

18 Q And part of that increased awareness  
19 was that your power to take action against employees  
20 had been limited?

21 A Yes, sir.

22 Q I take it it was limited to sending  
23 people home with pay; is that the most you could  
24 do by yourself?

25 A That is correct.



-5

1 Q Why did you think something more was  
2 required than you just sending these people home with  
3 pay?

4 A I'm not sure this went through my mind  
5 at the time, but I can recall conveying the policy to  
6 a group of supervisors and lead inspectors and  
7 concern on their part -- in fact, as I remember, one  
8 of them asked where did he line up for the vacation.

9 Q If you are talking about a specific  
10 discussion you had previously had, could you tell us  
11 when it was and who was present?

12 A It would have been shortly after the  
13 September - October time frame, and I can't recall  
14 by names, but it would have been -- and it may have  
15 been done in more than one session, but it would  
16 have included people like Mr. Brandt, Mr. Purdy, and  
17 their respective discipline supervisors and lead  
18 inspectors.

19 Q What did you tell them at that time  
20 that was relevant at the time of the T-shirt  
21 incident?

22 A Now, you -- I'm still trying to answer  
23 the question. This meeting didn't have anything to  
24 do with T-shirts.

25 This was just conveying to the people

-6  
1 the policy that had been adopted relative to  
2 personnel actions.

3 Q I see. I thought you raised it in  
4 the context of why you thought something more was  
5 required than just sending the people home with pay.

6 MR. DOWNEY: Objection. I think that's  
7 not something that the witness has testified about.

8 He said he sought guidance from Dallas.  
9 I don't believe there's any indication that he  
10 testified that he thought something more was required.

11 In fact, I think Mr. Clements' testimony  
12 is to the contrary.

13 BY JUDGE BLOCH:

14 Q Did you at that time think anything more  
15 was required --

16 JUDGE BLOCH: You really should not  
17 put words in the mouth of the witness like that.

18 MR. DOWNEY: I wasn't trying to,  
19 Your Honor. I was trying to make --

20 JUDGE BLOCH: The last comment you  
21 made did, though, didn't it? Aren't you actually  
22 informing the witness about other testimony in this  
23 case?

24 MR. DOWNEY: He heard Mr. Clements'  
25 testimony.

1 BY JUDGE BLOCH:

2 Q Did you at the time you called Dallas  
3 have a notion that you wanted to do something more  
4 than dismiss them from the site with pay?

5 A I think so, yes, sir.

6 Q So why was that?

7 A That is what I was trying to relate.  
8 The impression that that group gave me was that,  
9 you know, "the vacation," and that was their term  
10 in response to a disciplinary action was, in my  
11 words, soft.

12 Q Disciplinary action for what? What at  
13 this point had they done?

14 It was too soft to just send them home  
15 with pay. What was the seriousness of what they had  
16 done in your mind?

17 A Well, again, as I have stated in the  
18 deposition and at least touched on briefly here, I  
19 took the wearing of the T-shirts personally. I  
20 associated the request for taping with an incident  
21 that I thought was inappropriate at best.

22 The nitpicker thing, we had in  
23 February just gone through a Labor Department  
24 hearing and had received the usual media coverage  
25 that's associated with that type of event.

1 I made a double association with both  
2 of those issues. I think the best way to try to  
3 explain it is that on the spur of the moment, I didn't  
4 feel like a vacation was necessarily the thing that I  
5 would do, and my authority is limited to that move.  
6 So I sought guidance from Dallas.

7 Q I infer from what you just said that  
8 you may now think that under the circumstances you  
9 overreacted; is that the case?

10 A Of course, I'm at an advantage now that  
11 I didn't have then.

12 Q That's what I'm saying. In retrospect,  
13 thinking about what you knew, what the facts were  
14 that you had, do you think that maybe you overreacted  
15 at that point, excluding the new information that  
16 Mr. Vega gathered about the fact that maybe these  
17 people were joking? Just knowing what you knew at  
18 the time, do you think you overreacted?

19 A It's hard for me to address "overreaction,"  
20 because other than getting up and leaving my office  
21 and calling Dallas, that was the end of my action  
22 that day, as far as the T-shirts and the people were  
23 concerned.

24 Q Well, not quite, but we will get  
25 back --

-9 1 A. We will get back to the other issue  
2 in a minute, but --

3 Q. You spoke to -- I'm sorry. Do you  
4 have something more to say?

5 A. Well, again, I anticipated last night  
6 that you would ask this question.

7 I would like to forget overreaction. I  
8 am not proud of the fact that I lost my temper, but  
9 I can't undo that. That happened.

10 I'm not going to sit here and try to  
11 defend the actions.

12 Q. It's not an unusual event in human  
13 history that people lose their temper.

14 A. When you are dealing with 350 or 400  
15 people, you wish that you never would, but I  
16 agree it's not unusual.

17 Short of that, as to whether or not it  
18 was an overreaction or not -- I think we had better  
19 get into the next one before we make that conclusion.

20 Q. Okay, so you had just rather not judge  
21 that. I'm not sure that it's all that important,  
22 but I thought you were indicating that possibly you  
23 thought you had overreacted.

24 We were discussing before the discussion  
25 you had with John Merritt, and I guess basically you



1 told him about the fact they were wearing T-shirts.

2 I don't know whether you told him about  
3 the fact of the tape recorder?

4 A. I may have, but I do not distinctly  
5 recall that.

6 Q. Did you tell him anything about  
7 destructive evaluation?

8 A. No, sir. I don't think we got into  
9 that at that time.

10 Q. Was that relevant in your mind at that  
11 time?

12 A. Quite frankly, Your Honor, then and now  
13 the destructive examination issue was not that big  
14 of an issue in my mind.

15 Q. Were you listening when Mr. Merritt  
16 called Dallas?

17 A. Probably not.

18 Q. You left the room?

19 A. I may have. I was still trying to  
20 come down several decibels and I have found in  
21 dealing with myself for 47-some-odd years that  
22 walking around does a lot.

23 As to whether I stayed or left, I don't  
24 recall.

25 Q. But the consequence of doing that and



1 not really listening or whatever was to turn over a  
2 very important QC matter to craft, wasn't it?

3 A. No, I wouldn't look at it that way.

4 Q. Well, you don't even know whether he  
5 described properly the incident that occurred to  
6 Dallas?

7 A. My problem is, Judge Bloch, not being  
8 able to recall whether I sat there when he made  
9 connections with Mr. Clements or may have left and  
10 come back, but I can't recall.

11 It's very possible that when he first  
12 called Mr. Clements that Mr. Clements was not in his  
13 office. I just don't remember.

14 Q. Did he ever report to you later about  
15 his conversation with Mr. Clements?

16 A. Yes, he did.

17 Q. How much later was that?

18 A. I would say less than 10 or 15  
19 minutes.

20 Q. And at that time what do you recall  
21 that he told you about his conversation with  
22 Mr. Clements?

23 A. We were to arrange a conference room,  
24 which I had already accomplished, which was the  
25 audit room; arrange for the people to interview with

-12  
1 Mr. Grier and await further notice from Dallas --  
2 excuse me -- also to provide escorts in the event  
3 that they chose to leave the immediate area for  
4 whatever reason, and then await further instructions  
5 from Dallas.

6 Q Do you recall whether or not you ever  
7 gave any names to Mr. Merritt?

8 A I don't recall giving any names at all  
9 to Mr. Merritt.

10 JUDGE BLOCH: Could we show the witness  
11 the names that appear in the Check memorandum?

12 THE WITNESS: Your Honor, while we  
13 are doing that, could we take just a two or three-  
14 minute break?

15 JUDGE BLOCH: Yes, we'll take a five-  
16 minute break.

17 (A short recess was taken.)

18 ///

19 ///

20

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8-1  
he

1 JUDGE BLOCH: The hearing will come to  
2 order.

3 Miss Garde, you've, at the Chairman's  
4 request, handed to Mr. Tolson a document that you then  
5 took away from him. What is that document?

6 MS. GARDE: Yes. I'm showing him  
7 Clements Exhibit 38-4.

8 BY JUDGE BLOCH:

9 Q Mr. Tolson, would you examine the list  
10 of names here on, I believe, the second page of that  
11 document.

12 A Yes, sir.

13 Q Do you know whether the people on that  
14 list all had T-shirts on on that day?

15 A Yes, I do.

16 Q Did they or didn't they?

17 A Without the benefit of the list of personnel  
18 that wore T-shirts, and giving due credit for a margin of  
19 error from memory, I think three of the -- three of the six  
20 were involved with the T-shirt incident.

21 Q If Mr. Clements gave that information to  
22 the NRC, do you have any idea where he might have gotten  
23 it from?

24 A Yes, sir.

25 Q Where?

8-2

1 A. From me.

2 Q. And when did that occur?

3 A. 7:30 in the morning.

4 Q. Okay. And what was the occasion on which  
5 you gave those names to him?

6 A. It was a result of some discussions that  
7 had occurred the day previous relative to a solution to a  
8 perceived problem, or set of problems in the safeguards  
9 building that we wanted some time to analyze and work out.

10 Q. Tell me about that discussion with  
11 Mr. Clements the previous day before we get to the morning,  
12 what happened in that discussion?

13 A. Unfortunately, my discussions the previous  
14 day did not happen with Mr. Clements -- or I shouldn't say  
15 unfortunately, but it was not directly with Mr. Clements  
16 the day previously.

17 Q. With whom was that discussion?

18 A. Part with Mr. Chapman and part with counsel.

19 MR. ROISMAN: I'm sorry, I didn't hear his  
20 answer.

21 JUDGE BLOCH: Part with counsel and part  
22 with Mr. Chapman.

23 MR. ROISMAN: Thank you.

24 BY JUDGE BLOCH:

25 Q. Were they present at the same time?

8-3

1 A. It was by telephone. And it was not --

2 Q. And were they all --

3 A. No, sir, it was not at the same time.

4 Q. So I just want right now to talk with you  
5 about your discussion with Mr. Chapman. Could you recall  
6 in detail what you said to Mr. Chapman?

7 A. The discussion with Mr. Chapman was late  
8 in the -- Wednesday evening, memory tells me plus or minus  
9 an hour of 5:00 o'clock and I can't recall which. It was  
10 fairly late and I seem to remember it being somewhat  
11 after 5:00.

12 I had not been able to get ahold of  
13 Mr. Chapman prior to that time. And at that time I asked  
14 him to check with Mr. Clements to arrange a time when I  
15 could provide him the list of people that Mr. Bennetzen  
16 and Mr. Vore and myself had decided to temporarily  
17 transfer to another assignment.

18 Q. Was that all that you said to Mr. Chapman,  
19 that you were going to provide a list of people you wanted  
20 to have transferred?

21 A. I think we discovered -- excuse me, not  
22 discovered, but discussed the allegation of destructive  
23 examination at that time, and I feel reasonably certain  
24 that I conveyed the recommendation of Mr. Bennetzen and  
25 Mr. Vore to accommodate a temporary transfer.

8-4

1 MR. ROISMAN: The what of Mr. Bennetzen  
2 and Mr. Gore? I didn't hear the word.

3 THE WITNESS: Vore.

4 MR. ROISMAN: Mr. Vore. No, you said --

5 THE WITNESS: To accomplish --

6 MR. DOWNEY: Recommendation.

7 THE WITNESS: I said accommodate, but  
8 accomplish a temporary transfer.

9 BY JUDGE BLOCH:

10 Q Of Mr. Bennetzen and Mr. Vore also?

11 A No, just the six people that are on this  
12 list.

13 Q Why did you bother to talk to Mr. Chapman  
14 about the transfer?

15 A Tying in with what we talked about just  
16 before the break, I have become sensitive to any personnel  
17 action, short of a vacation, and I wanted to be sure that  
18 what I was doing was consistent with Mr. Chapman's belief  
19 of what I was authorized to do.

20 Q So that suggests that when you spoke to  
21 Mr. Chapman you gave a full explanation of the reasons for  
22 the transfer.

23 A I believe that that accomplished, yes, sir,  
24 or that was accomplished.

25 Q And what was the full explanation of the



8-5

1 reasons that you gave to Mr. Chapman?

2 A. I need to digress just briefly, Your Honor,  
3 because I started to explain a missing link some time ago  
4 and we got off on other discussions.

5 Let me back up to the meeting with  
6 Mr. Vore and Mr. Bennetzen.

7 Q. Okay.

8 A. And Mr. Whitehead, or either that meeting  
9 or another meeting just between Mr. Bennetzen and Mr. Vore  
10 or maybe just Mr. Bennetzen and myself.

11 Q. Well, now, I think we may -- it's a little  
12 hard to discuss three meetings.

13 A. I'm trying to be totally honest, sir, I --  
14 you know, I've got a lot of activity going on simul-  
15 taneously, a lot of meetings, and it's very difficult at  
16 this stage to recall precisely what happened six months  
17 ago.

18 Q. But I infer that it was between Tuesday  
19 and Thursday, is that correct, because it was after the  
20 destructive evaluation incident?

21 A. Keeping in mind that I'm not certain where  
22 I was at on Monday, it would most likely have been  
23 Tuesday.

24 Q. It could have been --

25 A. It could have been.

8-6

1 Q -- one day earlier.

2 A It could have been a day earlier.

3 Q It was between the evaluation incident,

4 you think, that is the destructive evaluation problem

5 and the T-shirt incident, the day before that, it

6 couldn't have been outside that time frame, could it?

7 A I'm sorry.

8 Q Well, you're getting confused about some-

9 thing.

10 A I just lost -- I lost --

11 Q Can you fix it in time between the

12 observation you made of the loose wire, the destructive

13 evaluation incident and the day of the T-shirt incident,

14 was it somewhere between those two?

15 A I wish I had a calendar. Does anybody --

16 Q Well, I have a calendar, if your eyes are

17 very good.

18 A No, they're terrible

19 MR. DOWNEY: We have two, if you'd like to

20 keep it.

21 JUDGE BLOCH: Good.

22 (Calendar handed to witness.)

23 JUDGE BLOCH: Sorry, Mr. Tolson, we do now

24 have a full scale symphony.

25 (Music playing in the background.)

8-7

1 THE WITNESS: Well, at least we know where  
2 I'm at.

3 (Laughter.)

4 THE WITNESS: I couldn't resist that,  
5 Mr. Chairman.

6 BY JUDGE BLOCH:

7 Q. Okay. Now you've looked at the calendar,  
8 and what's the time period?

9 A. As I recall your question, can I fix the  
10 session I'm trying to describe between the incident of  
11 destructive examination and the T-shirt incident. I'm  
12 going to have to say no.

13 I've got a hunch that the session I'd like  
14 to describe, okay, is easier than what I described earlier  
15 that resulted in my memorandum to Mr. Bennetzen and others  
16 on the 28th of February, or a meeting shortly thereafter,  
17 and I'm not sure just what, but memory tells me it was  
18 prior to the field trip on -- looking at destructive  
19 examination.

20 Typically, what I do, when I'm trying to  
21 examine or evaluate a matter like what was brought to my  
22 attention in the safeguards relative to completion progress  
23 is to ask basically two questions.

24 What, if anything, do we as a group need  
25 to do to improve the adequacy or efficiency of our QC

1 efforts, and what, if anything, does the construction  
2 personnel need to do to improve their efficiency.

3 I seem to recall very distinctly that  
4 Mr. Bennetzen stated that the craft needed to get  
5 organized, and I perceived that his statement meant that  
6 the package, or work package preparation group needed to  
7 do more research and more effort before releasing those  
8 packages in order for his people to accomplish their jobs  
9 the way that he felt like he wanted to and should do.

10 The memo that I sent to that group was  
11 designed to give some guidance to Mr. Bennetzen and the  
12 QC people. I took the information from Mr. Bennetzen  
13 relative to the craft organization to Mr. Merritt's level,  
14 because that's his problem as opposed to being mine.

15 Q. Could we stop for just one moment. I would  
16 like to examine that memorandum at this point.

17 JUDGE BLOCH: Do we have it in the record?

18 MR. ROISMAN: I don't believe so, and the  
19 only copy we have is sitting at the witness table.

20 JUDGE BLOCH: Okay. I'd like to have the  
21 memorandum bound in. I also would like to use it now  
22 if there's no objection.

23 MR. ROISMAN: It's not been marked or  
24 anything, Mr. Chairman.

25 (Memorandum 2-28-1984 follows.)

## OFFICE MEMORANDUM

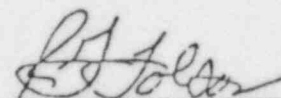
Distribution \_\_\_\_\_ Glen Rose, Texas February 28, 1984

Subject \_\_\_\_\_ Post Construction Inspection of  
Electrical Equipment and Raceways  
QI-QP-11.3-40

Some questions have recently been raised on Unit 1 relative to the intent and scope of the subject inspection instruction. This is to answer those questions.

1. Reinspection of Lighting Terminations (i.e., crimping) - The QC Program was originally established to include random inspection of crimping of lighting terminations and no changes in this approach are currently anticipated. Deficiencies which have been documented on lighting to date are currently being analyzed for the need for generic corrective action and will be handled as a special task if the analysis indicates that additional inspection efforts are required. Minor word changes will be made in Rev. 16 of the subject instruction to attempt to make it clear that disassembly of light fixtures and total reinspection of crimping of lighting terminations is not a requirement. These efforts may be discontinued at this time at the option of the Building Managers.
2. Reinspection of Equipment - Paragraph 3.1.2 is quite clear relative to the scope of the inspection required. Accordingly, the instruction will remain as is. The provisions of paragraph 3.4 were included to provide a vehicle for recording discrepancies noted during the post construction inspection that appear to be inconsistent with project requirements and this concept works. Inspection personnel should not feel the need to completely redo what has already been accomplished nor to attempt to shoulder the entire QA Program.
3. Maintenance of Post Construction Inspection - QI-QP-19.5-1 was instituted to maintain the integrity of all previously completed inspections. It is the responsibility of each building group to implement this concept. No additional QC instructions or changes appear warranted at this time. However, by copy of this memo, the QE group is requested to further evaluate this matter.

Please advise if you or any of your personnel have any additional questions or concerns.



R. G. Tolson  
TUGCO Site QA Supervisor

RGT/b11

cc: J. D. Hicks  
M. A. Welch  
K. D. Pendergrass

## DISTRIBUTION:

M. G. Krisher  
J. B. Leutwyler  
~~G. Bennett~~  
D. Snow



1 BY JUDGE BLOCH:

2 Q Mr. Tolson, I'm going to show you a  
3 memorandum on Texas Utilities Generating Company Office  
4 Memorandum stationery, dated February 28th, 1984, and  
5 signed by you. Is this a copy of your memorandum?

6 A Yes, sir.

7 Q Thank you.

8 JUDGE BLOCH: Could counsel refresh my  
9 recollection as to whether we -- we did validate these  
10 procedures for insertion in the record, is that correct?

11 MR. DOWNEY: I'm not certain we have,  
12 Your Honor.

13 MR. ROISMAN: I don't believe so. I asked  
14 the witness -- I just handed them and described them.

15 JUDGE BLOCH: I thought that we earlier  
16 asked that these procedures be inserted into the record  
17 also.

18 (Procedures QI-QP-11.3-40 follow.)

19 - - -  
20  
21  
22  
23  
24  
25



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POST CONSTRUCTION INSPECTION OF ELECTRICAL EQUIPMENT AND RACEWAYS	PREPARED BY: <u><i>Jack O'Neil</i></u>		<u><i>2/10/84</i></u> DATE	
	APPROVED BY: <u><i>R. J. P. Anderson</i></u>		<u><i>2-10-84</i></u> DATE	
	APPROVED BY: <u><i>A. J. Eldon</i></u>		<u><i>2/13/84</i></u> DATE	

1.0 REFERENCES

- 1-A CP-QP-11.3, "Electrical Inspection Activities"
- 1-B CP-SAP-13, "Temporary System Modifications"
- 1-C QI-QP-11.3-26, "Electrical Cable Installation Inspections"
- 1-D CP-QP-18.0, "Inspection Report"
- 1-E CP-QP-16.0, "Nonconformances"

2.0 GENERAL2.1 PURPOSE AND SCOPE

The purpose of this Instruction is to supplement Reference 1-A and to provide the inspection criteria and documentation requirements for performing post construction inspections on all Class 1E and Non-Class 1E electrical equipment and raceways.

3.0 INSTRUCTION

Post construction inspection shall be performed upon notification from the Building Management Organizations or the TUGCO Site QA Supervisor or his designee.

A craft accompanied post construction inspection walkdown shall be performed by the Electrical QC Inspectors to verify the integrity of Class 1E and Non-Class 1E equipment installation.

The QC Inspector shall perform post construction inspections to the latest revision of all documents (i.e., instructions, procedures, drawings utilized in conjunction with these inspections.

FOR INFORMATION ONLY

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Equipment containing temporary system modifications is identified in accordance with Reference 1-B, and documented in accordance with Paragraph 3.1.2 (Item i) of this Instruction.

Where cable tray, cable or other equipment is covered or coated, the documentation initiated by the original inspections shall be sufficient.

Repairs to damaged prime painted or coated surfaces shall be done according to the supply specification requirements and manufacturer's recommendations.

### 3.1 POST CONSTRUCTION INSPECTION

The QC Inspector shall perform a visual inspection to the maximum extent possible without removal of previously inspected and accepted cable tray covers, firewrap and thermolag.

#### 3.1.1 Raceway Inspections

The QC Inspector's inspections shall include but not be limited to the following:

- a. Cable trays shall be free of burrs, rough edges, and foreign material.
- b. Conduit shall be free from damage.
- c. Cable tray and conduit galvanized surfaces free of damage.
- d. All cable pulling aids (i.e., rollers, fish tape, tape rope) have been removed from cable tray and conduit.
- e. Cable tray free of surface damage, warpage, bent side rails.

NOTE: It shall be necessary to remove covers (i.e., junction box, pull box and termination box) to perform a portion of the inspections required. The removal of these covers shall be in accordance with project procedures. Boxes that have a fire deterrent installed are not within the scope of this note.

- f. Cables shall be free from damage and debris and properly identified.

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- g. Cables are trained and properly secured with cable ties.
- h. Cable bend radii has not been violated.
- i. Cables installed in trays are below side rails.
- j. Power cable spacing has been maintained in accordance with Reference 1-C.
- k. Cable slack of two (2) inch minimum is provided at transition points between cable tray sections at different elevations and at conduit entries to cable trays and between Category 1 structures.

### 3.1.2 Equipment Inspections

The QC Inspector shall perform an inspection of Class 1E equipment installations. These inspections shall include but not be limited to the following:

- a. Equipment has sustained no visible physical damage.
- b. Equipment is clean and free of debris and other detrimental materials.

NOTE: The following attributes are not within the scope of a and b above:

1. Scratches, chips, mars or other cosmetic finish/paint damage.
2. Dust and other similar conditions common to a construction environment that are not detrimental to the equipment, wiring, and internal components

The above conditions will be corrected during the Owner's Management Walk-Down following completion of start-up testing.

- c. Equipment filters installed in vent openings where required by drawing.
- d. Equipment has been grounded.

NOTE: Step "d" is for personnel safety. Reference to drawings or specifications is not necessary or required.

- e. Internal cables are properly trained, bundled and tied with ty-raps in a neat and orderly manner.
- f. Conductor insulation free from damage.

NOTE: It shall be necessary to open equipment (i.e., doors, panels) to perform inspections. This shall be in accordance with project requirements and co-ordinated with Startup personnel.

- g. Cable identification installed.
- h. Termination lugs not damaged.

NOTE: The QC Inspectors are cautioned not to move terminal conductors or wire bundles during inspection, since equipment may be energized.

If the inspector determines moving of the conductor(s) or wire bundle(s) would afford a better view for inspection purposes, the inspector shall contact the area STE or Electrical Engineer for assistance.

- i. Temporary modification tag numbers legible and recorded in Block 14 of Attachment 2 and on Attachment 4.
- j. Damaged paint documented.
- k. Doors, panels are installed and conditions of gasket materials have not deteriorated or sustained damage.

### 3.2 INTERNAL WIRING SEPARATION

Separation between field run redundant Class 1E cables and Class 1E/Non-Class 1E cables within equipment shall be maintained in accordance with the equipment specification. If the specification gives no separation requirements, the minimum separation distance between redundant Class 1E and Class 1E/Non-Class 1E cables shall be greater than or equal to 6 inches. In cases where the above separation criteria cannot be maintained, barriers shall be installed between the cables.

Barriers used for separation will be as follows (See Attachment 1 for typical examples):

1. Metallic conduit; including Servicair Company FC 33 flexible conduit.
2. Two sheets of fire retardant material separated by a minimum of 1/4" of air space or thermal insulating material.
3. A single barrier with a 1" maintained air space or thermal insulating material between the components or devices and the barrier.

Redundant Class 1E circuits shall enter in separate apertures and terminate on separate terminal blocks or connectors as shown on G&H design drawings.

Power supply feeds to instrument and control room distribution panels shall be installed in solid enclosed raceways as shown on G&H design drawings. (Example: conduit)

The following cabinets have been analyzed and are exempt from the separation requirements; however, equipment that provides for channel or train separation shall be utilized when available.

Note: TBX for Unit 1 and TCX for Unit 2.

NIS Cabinets	T-X-NIELCA-01	(4 Cabinets)
Solid State Protection System	T-X-ESELSP-01	(Logic & Output Cabinets only)
Solid State Protection System	T-X-ESELTC-01	(Test Cabinets)
Upgrade Protection & Surveillance	T-X-XIELSS-50	
Process Racks	T-X-XIELRK-01 T-X-XIELRK-02 T-X-XIELRK-03 T-X-XIELRK-04	

Protection channel wiring, safety-train wiring, and Non-safety train wiring within panels 1PC1, 1PC2, 1PC3, PC4 will be in different wire bundles. These bundles will be separated to the maximum extent practicable.



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### 3.3 DOCUMENTATION

When unsatisfactory conditions are identified, the respective inspection attribute on the IR, Attachment 2, shall be checked "Unsat" and the unsatisfactory condition shall be clearly and concisely recorded on the Post Construction Deficiency List, Attachment 3, for raceway and the Electrical Equipment Punchlist, Attachment 4, for equipment.

Inspection Reports shall be processed in accordance with Reference 1-D.

Post Construction Deficiency Reports that were prepared and issued in accordance with previous revisions to this instruction shall be processed and closed out according to the following:

- a. Status logs shall be manually maintained under the direction of the cognizant QC Supervisor to status and control the open Deficiency Reports.
- b. The Deficiency Reports shall be routed to the cognizant Construction Supervisor for correct/resolution of the reported deficiencies.
- c. Following correction/resolution of the deficiencies, the affected items shall be re-inspected and documented on the applicable Inspection Reports. The responsible QC Inspector shall attach the applicable Deficiency Report to each Inspection Report.

### 3.4 NONCONFORMANCES

Nonconformances shall be reported and identified in accordance with Reference 1-E.



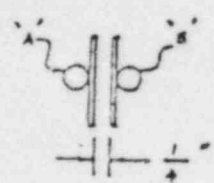
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ATTACHMENT 1  
Internal Separations

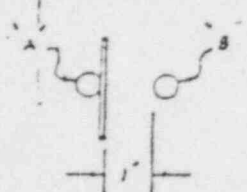
1. CABLE-CABLE  
A) FREE AIR  
B) WITHIN APPROVED FIRE STOP MATERIAL



2. CABLE-BARRIER (DOUBLE BARRIER SEPARATED BY 1/4" AIR SPACE OR APPROVED THERMAL INSULATING MATERIAL)

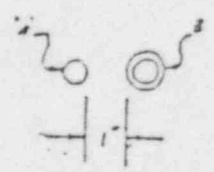


3. CABLE-BARRIER (SINGLE BARRIER)

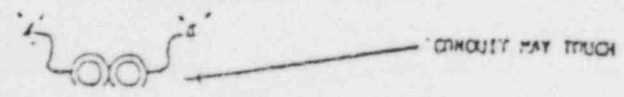


1" MINIMUM AIR SPACE OR THERMAL INSULATING MATERIAL ON ONE SIDE. CABLE COMPONENT, ETC., MAY TOUCH ON OPPOSITE SIDE.

4. CABLE-METALLIC CONDUIT



5. METALLIC CONDUIT-METALLIC CONDUIT (including Serviceair flex conduit)



ATTACHMENT 2

COMANCHE PEAK STEAM ELECTRIC STATION  
INSPECTION REPORT

SHEET 1 OF 2

ITEM DESCRIPTION	CLASS	INSPECTION	CERTIFICATION NO.	SYSTEM/STRUCTURE DESIGNATION
Construction	Post	Inspection		
REV. NO.	REV.	REF. QC DOC. & REV. & CHANGE NO.		MEASURE OR TEST EQUIP. IDENT. NO.
	1	QI-QP-11.3-40 Rev.		
<input type="checkbox"/> IN PROCESS INSPECTION	<input type="checkbox"/> PRE-INSTALLATION VERIFICATION	<input type="checkbox"/> INSTALLATION INSPECTION	<input type="checkbox"/> FINAL INSPECTION	<input type="checkbox"/> PRE-TEST INSPECTION
INSPECTION RESULTS				
<input type="checkbox"/> INSPECTION COMPLETED, ALL APPLICABLE ITEMS SATISFACTORY				
<input type="checkbox"/> INSPECTION COMPLETED, UNSATISFACTORY ITEMS LISTED BELOW				
			QC INSPECTOR	DATE
ITEM NO.	INSPECTION ATTRIBUTES			QC SIGNATURE
	POST CONSTRUCTION INSPECTION Para. 3.1			
	RACEWAY INSPECTIONS Para. 3.1.1			
1.	Cable trays free of burrs, rough edges, foreign material. Para. 3.1.1.A			
2.	Conduit free of damage. Para. 3.1.1.B			
3.	Cable tray and conduit galvanized surfaces free of damage. Para. 3.1.1.C			
4.	Cable pulling aids removed. Para. 3.1.1.D			
5.	Cable tray free of surface damage, warpage, bent side rails. Para. 3.1.1.E			
6.	Cables free of damage and debris and identified. Para. 3.1.1.F			
7.	Cables trained and secure. Para. 3.1.1.G			
8.	Cable bend radii not violated. Para. 3.1.1.H			
9.	Cables below side rails. Para. 3.1.1.I			
10.	Power cable spacing maintained. Para. 3.1.1.J			
11.	Cable slack minimum provided. Para. 3.1.1.K			
	EQUIPMENT INSPECTIONS Para. 3.1.2			
12.	Equipment not damaged. Para. 3.1.2A			
13.	Equipment is clean. Para. 3.1.2B			
14.	Equipment filters installed. Para. 3.1.2C			
15.	Equipment grounded. Para. 3.1.2D			
16.	Internal cables trained/secure. Para. 3.1.2E			
17.	Conductor insulation free of damage. Para. 3.1.2F			
18.	Cable identification installed. Para. 3.1.2G			
19.	Termination lugs not damaged. Para. 3.1.2H			
20.	Temporary tag numbered legible and recorded in block			
	14. Para. 3.1.2I			
21.	Damage paint documented. Para. 3.1.2J			





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POST CONSTRUCTION INSPECTION OF ELECTRICAL EQUIPMENT AND RACEWAYS	PREPARED BY: <u>Charlie Townsend</u>		3/12/84 DATE	
	APPROVED BY: <u>M. Kueker</u>		3/12/84 DATE	
	APPROVED BY: <u>M. Kueker</u> <u>FOR C.T. BRANDT</u>		3/12/84 DATE	

## 1.0 REFERENCES

- 1-A CP-QP-11.3, "Electrical Inspection Activities"
- 1-B CP-SAP-13, "Temporary System Modifications"
- 1-C QI-QP-11.3-26, "Electrical Cable Installation Inspections"
- 1-D CP-QP-18.0, "Inspection Report"
- 1-E CP-QP-16.0, "Nonconformances"

**FOR INFORMATION ONLY**

## 2.0 GENERAL

## 2.1 PURPOSE AND SCOPE

The purpose of this Instruction is to supplement Reference 1-A and to provide the inspection criteria and documentation requirements for performing post construction inspections on Class 1E and Non-Class 1E electrical equipment and raceways within the scope of Reference 1-A.

## 3.0 INSTRUCTION

Post construction inspection shall be performed upon notification from the Building Management Organizations or the TUGCO Site QA Supervisor or his designee.

A craft accompanied post construction inspection walkdown shall be performed by the Electrical QC Inspectors to provide added assurance of the integrity of Class 1E and Non-Class 1E equipment and raceway installation.

Equipment containing temporary system modifications is identified in accordance with Reference 1-B, and documented in accordance with Paragraph 3.1.2 (Item i) of this Instruction.



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Where cable tray, cable or other equipment is covered or coated, the documentation initiated by the original inspections shall be sufficient.

3.1 POST CONSTRUCTION INSPECTION

The QC Inspector shall perform a visual inspection to the maximum extent possible without removal of cable tray covers, firewrap and thermolag. A visual inspection shall also be performed inside cabinets, motor termination boxes and M.O.V. operators.

NOTE: The QC Inspectors are cautioned not to move terminal conductors or wire bundles during inspection, since equipment may be energized.

If the inspector determines it necessary to move conductor(s) or wire bundle(s) for inspection purposes, the inspector shall contact his/her supervisor who will coordinate with cognizant personnel to obtain access to the equipment.

3.1.1 Raceway Inspections

3.1.1.1 Lighting raceway inspections shall be performed in accordance with Paragraph 3.3.1.

3.1.1.2 For all other raceways the QC Inspector's inspections shall include the following:

- a. Conduit and cable trays shall be free from damage.
- b. Conduit fittings (LBD's, etc.) shall have all covers installed after internal inspection has been completed.
- c. Pulling aids (i.e., rollers, fish tape, tag rope) have been removed from raceway.
- d. Cables are free from damage or debris and are properly identified.
- e. Cables are trained, secured and bend radius has not been violated.



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f. Power cable spacing has been maintained in accordance with Reference 1-C.

g. Cable slack of two (2) inch minimum is provided at transition points between cable tray sections at different elevations and at conduit entries to cable trays and between Category 1 structures.

NOTE: 1 Covers shall be removed from junction boxes, pull boxes and termination boxes to perform required inspections. The removal of these covers shall be in accordance with project procedures.

### 3.1.2 Motor and Cabinet Inspections

The QC Inspector shall perform an inspection of Class 1E equipment installations. These inspections shall include the following:

- a. Equipment has sustained no visible physical damage.
- b. Equipment is clean and free of debris and other detrimental materials.

NOTE: The following attributes are not within the scope of a and b above:

- 1. Scratches, chips, mars or other cosmetic finish/paint damage.
- 2. Dust and other similar conditions common to a construction environment that are not detrimental to the equipment, wiring, and internal components

The above conditions will be corrected during the Owner's Management Walk-Down following completion of start-up testing.

- c. Equipment filters installed in vent openings where required by drawing.
- d. Equipment has been grounded.

NOTE: Step "d" is for personnel safety. Reference to drawings or specifications is not necessary or required.

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e. Internal cables are properly trained, bundled and tied with ty-raps in a neat and orderly manner.

f. Conductor insulation free from damage.

NOTE: It shall be necessary to open equipment (i.e., doors, panels) to perform inspections. This shall be in accordance with project requirements and the inspector shall contact his/her supervisor who will coordinate with cognizant personnel to obtain access to the equipment.

g. Cable identification installed.

h. Termination lugs not damaged.

i. Temporary modification tag numbers legible and recorded in Block 14 of Attachment 2 and on Attachment 4.

j. Doors, panels are installed and conditions of gasket materials have not deteriorated or sustained damage.

### 3.2 INTERNAL WIRING SEPARATION

Separation between field run redundant Class 1E cables and Class 1E/Non-Class 1E cables within a cabinet shall be maintained in accordance with the equipment specification. If the specification gives no separation requirements, the minimum separation distance between redundant Class 1E and Class 1E/Non-Class 1E cables shall be greater than or equal to 6 inches. In cases where the above separation criteria cannot be maintained, barriers shall be installed between the cables.

Barriers used for separation will be as follows (See Attachment 1 for typical examples):

1. Metallic conduit; including Servicair Company FC 33 flexible conduit.
2. Two sheets of fire retardant material separated by a minimum of  $\frac{1}{4}$ " of air space or thermal insulating material.

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3. A single barrier with a 1" maintained air space or thermal insulating material between the components or devices and the barrier.

Redundant Class 1E circuits shall enter in separate apertures and terminate on separate terminal blocks or connectors as shown on G&H design drawings.

Power supply feeds to instrument and control room distribution panels shall be installed in solid enclosed raceways as shown on G&H design drawings. (Example: conduit)

The following cabinets have been analyzed and are exempt from the separation requirements; however, equipment that provides for channel or train separation shall be utilized when available.

Note: TBX for Unit 1 and TCX for Unit 2.

NIS Cabinets	T-X-NIELCA-01	(4 Cabinets)
Solid State Protection System	T-X-ESELS-01	(Logic & Output Cabinets only)
Solid State Protection System	T-X-ESELTC-01	(Test Cabinets)
Upgrade Protection & Surveillance	T-X-XIELSS-50	
Process Racks	T-X-XIELRK-01 T-X-XIELRK-02 T-X-XIELRK-03 T-X-XIELRK-04	

Protection channel wiring, safety-train wiring, and Non-safety train wiring within panels 1PC1, 1PC2, 1PC3, 1PC4 will be in different wire bundles. These bundles will be separated to the maximum extent practicable.

### 3.3 MISCELLANEOUS INSPECTIONS

#### 3.3.1 Lighting Raceway Inspections

The QC Inspector's inspections shall include the following:

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- a. Conduit shall be free of damage.
- b. Lighting restraints shall be free of damage.
- c. Distribution panels have sustained no visible damage.

NOTE: Covers shall be removed from distribution panels to perform required inspections.

- d. Cables in distribution panels shall be properly trained, secured and bend radius has not been violated.

NOTE: It is not necessary to remove lighting fixtures, or covers from termination boxes, or covers from conduit fittings, internal inspections are not required at this time.

#### 3.4 DOCUMENTATION

When unsatisfactory conditions are identified, the respective inspection attribute on the IR, Attachment 2, shall be checked "Unsat" and the unsatisfactory condition shall be clearly and concisely recorded on the Post Construction Deficiency List, Attachment 3, for raceway and the Electrical Equipment Punchlist, Attachment 4, for equipment.

In large rooms or areas, where it will require more than one day to complete the inspection, the inspector shall number the sequential deficiency items beginning with the next sequential number from the previous day's inspection.

NOTE: In no cases shall the sequential numbers be duplicated on deficiency lists in one room or area.

The Building Paper Flow Group shall be responsible for status maintenance and tracking of IR's and respective deficiency reports.

Inspection Reports shall be processed in accordance with Reference 1-D.

Post Construction Deficiency Reports that were prepared and issued in accordance with previous revisions to this instruction shall be processed and closed out according to the following:

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- a. Status logs shall be manually maintained under the direction of the cognizant QC Supervisor to status and control the open Deficiency Reports.
- b. The Deficiency Reports shall be routed to the cognizant Construction Supervisor for correction/resolution of the reported deficiencies.
- c. Following correction/resolution of the deficiencies, the affected items shall be re-inspected and documented on the applicable Inspection Reports. The responsible QC Inspector shall attach the applicable Deficiency Report to each Inspection Report.

### 3.5 NONCONFORMANCES

Nonconformances shall be reported and identified in accordance with Reference 1-E.

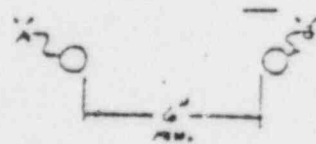


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ATTACHMENT 1

Internal Separations

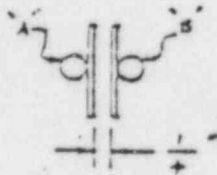
1. CABLE-CABLE  
A) FREE AIR



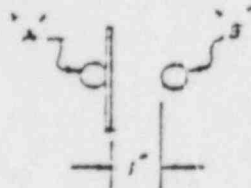
- B) WITHIN APPROVED FIRE STOP MATERIAL



2. CABLE-BARRIER (DOUBLE BARRIER SEPARATED BY 1/4" AIR SPACE OR APPROVED THERMAL INSULATING MATERIAL)

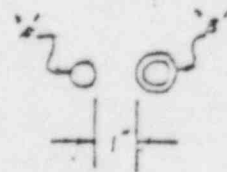


3. CABLE-BARRIER (SINGLE BARRIER)



1" MINIMUM AIR SPACE OR THERMAL INSULATING MATERIAL ON ONE SIDE. CABLE COMPONENT, ETC., MAY TOUCH ON OPPOSITE SIDE.

4. CABLE-METALLIC CONDUIT



5. METALLIC CONDUIT-METALLIC CONDUIT (including Serviceair flex conduit)





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ATTACHMENT 2

COMANCHE PEAK STEAM ELECTRIC STATION  
INSPECTION REPORT

SHEET 1 of 2

ITEM DESCRIPTION	Class 1E Post	CERTIFICATION NO.	SYSTEM / STRUCTURE DESIGNATION
Construction Inspection			
SPEC. NO.	REV.	REP. TO SPEC'S REV. & CHANGE NO.	MEASURE OR TEST EQUIP. DEVT. NO.
	6	QI-QP-11.3-40 Rev.	
<input type="checkbox"/> IN PROCESS INSPECTION	<input type="checkbox"/> PRE-INSTALLATION VERIFICATION	<input type="checkbox"/> INSTALLATION INSPECTION	<input type="checkbox"/> FINAL INSPECTION
<input type="checkbox"/> PRE-TEST INSPECTION			
INSPECTION RESULTS			
<input type="checkbox"/> INSPECTION COMPLETED, ALL APPLICABLE ITEMS SATISFACTORY			
<input type="checkbox"/> INSPECTION COMPLETED, UNSATISFACTORY ITEMS LISTED BELOW			
		QC INSPECTOR	DATE
ITEM NO.	INSPECTION ATTRIBUTES		QC SIGNATURE
	POST CONSTRUCTION INSPECTION Para. 3.1		
	RACEWAY INSPECTIONS Para. 3.1.1		
1.	Conduit free of damage. Para. 3.1.2.A		
2.	Cable pulling aids removed Para. 3.1.1.2.C		
3.	Cable tray free of damage. Para. 3.1.1.2.A		
4.	Cables free of damage and debris and identified. Para. 3.1.2.D		
5.	Cables trained and secure. Para. 3.1.2.E		
6.	Cable bend radii not violated. Para. 3.1.2.E		
7.	Power cable spacing maintained. Para. 3.1.2.F		
8.	Cable slack minimum provided. Para. 3.1.2.G		
	CABINET INSPECTIONS Para. 3.1.2		
9.	Equipment not damaged. Para. 3.1.2A		
10.	Equipment is clean. Para. 3.1.2B		
11.	Equipment filters installed. Para. 3.1.2C		
12.	Equipment grounded. Para. 3.1.2D		
13.	Internal cables trained/secure. Para. 3.1.2E		
14.	Conductor insulation free of damage. Para. 3.1.2F		
15.	Cable identification installed. Para. 3.1.2G		
16.	Termination lugs not damaged. Para. 3.1.2H		
17.	Temporary tag numbered legible and recorded in block 14. Para. 3.1.2I		
18.	Doors panels installed, gaskets not damaged. Para. 3.1.2J		
	INTERNAL WIRING SEPARATION		
19.	Internal wiring separation in accordance with Para. 3.2.		







1 BY JUDGE BLOCH:

2 Q Mr. Tolson, could you identify these for  
3 us. The first one is marked QI-QP-11.3-40, Revision 16,  
4 dated March 12, 1984, and it's stamped on the first page  
5 "for information only."

6 Do you recognize this as a copy of a  
7 site procedure?

8 A Yes, sir, I do.

9 Q And another procedure dated QI-QP-11.3-40,  
10 Revision 15, dated February 13, 1984, do you recognize  
11 this as a copy of a site procedure?

12 A Yes, sir, I do.

13 Q It's also marked "for information only."

14 JUDGE BLOCH: This memorandum and the  
15 two procedures shall be inserted into the record. I think  
16 the procedures were marked to be inserted earlier.

17 BY JUDGE BLOCH:

18 Q Mr. Tolson, which is the procedure that  
19 you're referring to in the memorandum?

20 A There's a heading right below the company  
21 on the memorandum that refers to the number, and by date  
22 sequence you can refer to Revision 15 of the instruction,  
23 or quality instruction.

24 Q Thank you.

25 - - - -

1 BY JUDGE BLOCH:

2 Q Mr. Tolson, in the memorandum, you  
3 state that, "Paragraph 3.1.2 is quite clear relative  
4 to the scope of the inspection required."

5 Q Could you tell me which part of 3.1.2  
6 was in controversy and what you mean when you say  
7 that it was "quite clear as to the scope"?

8 A The inspection personnel -- not the  
9 inspection personnel, but Mr. Bennetzen, Mr. Vore,  
10 and I believe Mr. Whitehead had raised the question:  
11 Do we or do we not have to remove the conduit  
12 connections at motors as part of this post-verification  
13 inspection.

14 Q My question of them is, "Have you been  
15 doing it?" Their answer was, "Yes."

16 Q I said, "Have you uncovered any  
17 discrepancies?" As I recall, their answer was, "No,  
18 not any."

19 Q I very likely said that, "I need to  
20 pursue it with quality engineering some, but it's  
21 my opinion that the answer to the question is no."

22 Q That they don't have to remove conduit  
23 covers or terminal covers?

24 A No, sir. This is -- I'm trying to stay  
25 away from the formal name. I'll be happy to use



1 it if the Judge chooses, but I prefer to try to  
2 describe it.

3 Q I think there may be a member of the  
4 Panel who understands, so why not use the formal  
5 name?

6 A Okay. It's referred to in the  
7 construction game as a peckerhead, okay.

8 JUDGE JORDAN: It's the connection of  
9 the conduit to the motor.

10 THE WITNESS: Yes, sir. It's where the  
11 conduit comes in and goes down into the motor  
12 housing.

13 As I understand these devices, they  
14 are bolted to the motor housing themselves.

15 The rationale behind my quick answer  
16 to the people in the field is the purpose of post-  
17 construction inspection is to assure that no activity  
18 subsequent to the original installation and  
19 inspection has caused the original inspection to be  
20 invalidated.

21 If they are not experiencing any  
22 problems of things that they inspected, then logic  
23 would tell me that the protection provided by the  
24 boltage connection of the attachment to the motor  
25 provides the assurance to maintain the integrity of

1 BY JUDGE BLOCH:

2 Q I thought the last time we discussed  
3 this memorandum and this procedure, you said that  
4 your discussion had something to do with the theory  
5 of making sure that the light was on.

6 A This is a separate issue, Your Honor.  
7 Okay? We are talking now about the connection of the  
8 power circuit to the motor.

9 Q Is there anything in the memorandum  
10 that deals with the light switch theory?

11 A Yes, Paragraph 1.

12 Q And what is there in the procedure that  
13 tells you that the QC program was established to  
14 include random inspection of crimping of lighting  
15 terminations? Any language in the procedure that  
16 says that?

17 A You have to go back, as I mentioned  
18 much earlier this morning to the in-process instruction  
19 for inspection of lighting installation.

20 In that instruction is where the  
21 requirement for random checks of the terminations at  
22 the lighting fixtures is included.

23 Q Is that applicable to the post-  
24 construction verification?

25 A Therein lies part of the dilemma.

-4

1 Logic tells me if all I am concerned about from  
2 a termination standpoint is a random surveillance  
3 during in-process, then I most definitely want to  
4 convert to a hundred percent re-inspection of  
5 lighting fixtures during post-construction  
6 verification.

7 Q When you talk to me that way, aren't  
8 you talking in the capacity of wanting to re-write  
9 the procedure, not what the procedure says?

10 A I have started down a course I think  
11 will explain it.

12 Q Well, I would like to talk right now  
13 about whether the procedure says that, because your  
14 job as QC supervisor or QA construction supervisor is  
15 to make sure that the procedure as written is  
16 implemented conscientiously in the field; is that  
17 right?

18 A That's correct, and let's --

19 Q Now, what in the procedure says  
20 "random"?

21 A Nothing in this procedure discusses  
22 random.

23 Q Is there anything in the procedure  
24 that could be interpreted to mean "random," specific  
25 words in the procedure?

-5

1           A.       There's no discussion in here about  
2 inspection of lighting, Your Honor, but I need to  
3 add that if we will look at Section 3, the first  
4 paragraph -- no -- Section 3, first page, first  
5 paragraph, all I am saying in the memo is, "I am going  
6 to schedule inspections of lighting fixtures after I  
7 analyze the results of your inspections today."

8           Q.       So this in a way is a modification of  
9 work, anticipating a change about to be made in the  
10 procedure; am I correct?

11          A.       I am not sure I understand your question.  
12 If what you are saying is if after I -- not I, but  
13 after engineering, my quality engineering group  
14 complete their evaluation, the results will generally  
15 be one of two things, either acceptable as is -- and  
16 I'm talking about evaluation of existing nonconformance  
17 reports. They are either going to be shown to be  
18 acceptable as is or we are going to rework the  
19 lighting fixtures.

20                   All I want is some time to make that  
21 decision.

22          Q.       Rescheduling of work.

23          A.       That's all we are talking about.

24          Q.       The memo says that there was an  
25 analysis being done on the need for generic corrective

1 action of deficiencies on lighting; is that correct?

2 A. That's correct.

3 Q. Had you assigned some people to do that?

4 A. What typically happens automatically  
5 with the initiation of nonconformance reports is  
6 they get thrown to engineering for technical  
7 evaluation.

8 That was in the process.

9 Q. Were the engineers informed that you were  
10 considering revising the procedure with respect to  
11 lighting?

12 A. I'm having a little trouble answering  
13 your question because I'm not sure that I have made  
14 the point I need to make.

15 Q. Make that point first.

16 A. The post-construction verification  
17 instruction, as originally conceived, did not  
18 specifically address re-inspection of lighting  
19 fixtures.

20 The people got into that due to a general  
21 statement in the scope that says all Class 1-E and  
22 non Class 1-E -- excuse me.

23 Q. I think actually the word "all" isn't  
24 in there, as I read it.

25 A. It is in this version.

1 Q Okay.

2 A They pointed to me and said, "This is  
3 why I'm confused."

4 It says, "All Class 1-E and non-Class  
5 1-E electrical equipment and raceways." In the  
6 Safeguards Building the lighting does in fact carry  
7 a Class 1-E designation.

8 So they and the craft started  
9 disassembling the lighting fixtures. They  
10 discovered some discrepancies.

11 They issued very appropriately the  
12 nonconformance reports and those were in the process  
13 of being analyzed.

14 Again, all I wanted to do at this time,  
15 bearing in mind that I was involved with the  
16 establishment of the in-process program for lighting  
17 to start with, and the only thing that we considered  
18 necessary was a random check of terminations, then  
19 logic tells me it doesn't make sense at this point  
20 to be totally disassembling the pictures and doing  
21 something you didn't do to start with.

22 So it was time to regroup and rethink  
23 and come out with a different -- or take a hard look  
24 and come out with a program that was necessary from  
25 the safety of the plant and not just semantic



1 difficulties that we were having with the scope of a  
2 procedure.

3 Q Okay. I diverted you but you were  
4 telling the story where the six names came from. If  
5 you can, could you try to get back into that?

6 A Yeah, I think so. We had established  
7 the -- I think the point I wanted to make, which was  
8 Bennetzen and/or his people recommending that the  
9 craft needed to spend some time getting better  
10 organized.

11 I stated that I conveyed that to  
12 Mr. Merritt's level. If I can read Mr. Downey's  
13 calendar correct....

14 Obviously, from our discussion  
15 previously, the memo was issued February 28th.

16 Q I assume there's nothing on the  
17 calendar relevant to this case?

18 MR. DOWNEY: So far as I know.

19 JUDGE BLOCH: Okay.

20 BY JUDGE BLOCH:

21 Q Just continue.

22 MR. ROISMAN: We waive the right to  
23 examine it.

24 THE WITNESS: There's a phone number  
25 here. Does that mean anything, Bruce?

1 (Laughter.)

2 THE WITNESS: The memo was issued on the  
3 28th; pursued our discussion, keeping in mind that  
4 the problem we are attempting to evaluate is progress  
5 and relationships within the Safeguards Building.

6 The discussion that I had with  
7 Mr. Merritt very likely took place -- the 28th is  
8 a Tuesday. I would say Wednesday, Thursday or  
9 Friday of that week. I can't recall which.

10 I do recall that the allegation of  
11 destructive examination occurred relative to some  
12 activities that were accomplished over the weekend.

13 Either myself or the building manager  
14 had made Mr. Merritt aware of that issue, and  
15 maybe jointly; I don't recall.

16 But on the 7th of March, which is the  
17 day before the T-shirt, and very likely as a result  
18 of a discussion that occurred late in the afternoon  
19 of the 6th, which memory tells me is what happened,  
20 Mr. Merritt issued a stop work on craft activities  
21 in the Safeguards Building until we had some time to  
22 further evaluate our needs in that particular  
23 building.

24 As part of my effort, I got with  
25 Mr. Bennetzen and Mr. Vore, and in view of the fact

1 that there would be no activities occurring in the  
2 building later in the week -- and again, I'm  
3 dovetailing in on the 6th, because I think this is  
4 when most of this discussion occurred -- but did they  
5 have any recommendations relative to QC, which in  
6 their judgment would improve their ability to  
7 accomplish their jobs.

8 After some thought, which could have  
9 been a matter of a couple of hours, Mr. Bennetzen  
10 and/or Mr. Vore presented me this list of names of  
11 people that they would like to transfer to some other  
12 activity at the project.

13 Q Did you --

14 A Keeping in mind that -- I'm not sure  
15 Bennetzen and Vore knew it, but I knew that we  
16 had decided at Merritt's and myself level that we  
17 needed to stop work temporarily, regroup and then go  
18 back to completing the activities.

19 It is this list of names that were  
20 given to me by Mr. Bennetzen and Mr. Vore; and,  
21 again, in my mind their desire to transfer these  
22 people is a bigger sub-issue to my actions than the  
23 destructive examination, although I feel the need to  
24 want to pursue that, but not myself or my people.

25 It's a very time-consuming type

1 investigation that would involve discussions and  
2 interviews with a large number of people to come to  
3 grips with the truth or non-truth of an allegation  
4 like that.

5 Q The allegation of destructive  
6 evaluation was related to the six names?

7 A No, there was no connection at all.  
8 There was no accusation about --

9 Q Allegation like what? You just said  
10 "an allegation like that." What were you referring  
11 to?

12 A Like the destructive evaluation, but  
13 there was no tie between the allegation and these  
14 names that I recall.

15 Q Did you inquire of the reason why those  
16 particular six people were selected?

17 A You would have to know Mr. Vore to  
18 appreciate my answer. Mr. Vore is, I would guess,  
19 in his late fifties, early sixties, very dedicated,  
20 very competent person; but he either stated or I  
21 was left with the impression that his job as the  
22 supervisor would perhaps be easier without the  
23 services of these six people; and that, you know, is  
24 about all I can recall on that.

25 Q Who initiated this meeting between you,

1 Bennetzen and Vore?

2 A. I think I did.

3 Q. Had they ever come to you before to  
4 suggest that they might have a need for transferring  
5 people?

6 A. I can't recall specifically. It's a  
7 subject that is often discussed. This particular  
8 building at this stage in time is getting to the point  
9 where the subject of transferring personnel is a  
10 normal topic. So it may or may not have occurred;  
11 I don't recall.

12 Q. Do you remember exactly the words you  
13 used when you asked them to identify people who  
14 might be transferred?

15 A. I won't remember the exact words, but  
16 I can speak typically. My job, as I perceive it, is  
17 to support Mr. Bennetzen in whatever way that he  
18 perceives he needs help to accomplish his job.

19 Most supervisors in my experience are  
20 reluctant to initiate a discussion of transfers, and  
21 I don't think that's too hard to understand. That's  
22 kind of human nature, as far as I'm concerned; but my  
23 perception of visiting in the site was that that may  
24 be an option that we should consider.

25 So I very likely asked Mr. Bennetzen

1 what I could do to help him, and probably included  
2 a phrase "up to and including personnel --" excuse  
3 me -- "transfer of personnel."

4 Q Did he perceive that he needed help?

5 A Well, if I can make a subjective tie  
6 with his request to Mr. Purdy for transfer, then I  
7 would say yes, he perceived he needed some help.

8 Q But you didn't know about that at  
9 that time, did you? Or did you?

10 A Yes, I think by then I did.

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1 Q And you think it was their idea to  
2 pick people who were supervisory problems for them?  
3 Is that the idea?

4 A That was the thrust of their coming  
5 back to me with these names.

6 Q You didn't suggest to them that you  
7 wanted to make sure that the people who were doing  
8 the most detailed inspections of the group, who were  
9 holding the craft up the most, should be the ones  
10 on the list?

11 A No. I left it totally arbitrary (sic)  
12 to them in terms of, you know, "What can I do to  
13 support you to accomplish your task?"

14 Q But did you perhaps let them know that  
15 their task was to make sure the inspections went  
16 faster?

17 A No. I never talked to the QC people  
18 on that thing.

19 To back up just a minute -- they are  
20 all aware in each of these buildings, of what the  
21 goals of the buildings are but in terms of me saying,  
22 "Hey, we got to get this done today.", that's something  
23 I never done.

24 Q But weren't you telling them about this  
25 time that their interpretation of the procedures would

1 make things go too slow?

2 A. I don't recall that way. I think the  
3 memo speaks for itself in terms of what I tried to  
4 convey back to them.

5 Again, it's something that I perceived  
6 that I could do to help Mr. Bennetzen do his job.  
7 And I don't recall the discussion that included Mr.  
8 Whitehead, any his strong feelings one way or the  
9 other except for the obvious feeling, that if you've  
10 got a number of deficiencies on lighting fixtures,  
11 that needs to be addressed, and I don't disagree with  
12 that.

13 Q. What did Mr. Whitehead have to do with  
14 whether there were a number of deficiencies on  
15 lighting fixtures?

16 A. Apparently he was the one in the group  
17 that was most knowledgeable of the details on the  
18 lighting fixture inspections that had occurred, and,  
19 I presume, that's the reason Mr. Bennetzen asked him  
20 to attend the session.

21 Q. Did you do anything to see that the  
22 reasons for the transfers were explained to the group?

23 A. Well, I --

24 Q. YOU didn't make the transfers yet. I  
25 take that back.

1 A. That's my problem.

2 Q. You didn't make the transfers?

3 A. We're still talking about how Mr.  
4 Clements got the dreams.

5 Q. So now you're on the phone with Mr.  
6 Chapman.

7 A. Mr. Chapman.

8 Q. And what did you tell him about the  
9 reasons the transfers were considered?

10 A. Again, I discussed the allegation of  
11 destructive examinations and although I wouldn't  
12 swear to it, very likely discussed the feedback that  
13 I've gotten from Mr. Bennetzen relative to the  
14 personnel that he had recommended for the transfer.

15 Q. At what point in the phone call was it  
16 that the decision was made you ought to call the  
17 lawyers?

18 A. I made one of my non-supported moves ,  
19 in the eyes of Mr. Chapman, early in the morning. I  
20 initiated the call myself early that morning with the  
21 lawyers.

22 Q. And then got him on the phone after-  
23 wards?

24 A. Unfortunately; yes, sir.

25 Q. Had you been encouraged to call the

1 lawyers when you had a personnel problem?

2 A. Typically, what had occurred and giving  
3 due consideration to what we've already discussed  
4 on the corporate involvement in policy, it was not  
5 unusual for discussions of this type to be three-way.

6 One with me, one with Mr. Chapman, one  
7 with the lawyers.

8 Q So you were never criticized for  
9 calling the lawyers first; were you?

10 A I'd have to honest. In this case, I  
11 think I was criticized for doing it.

12 Q Did you think when you called the  
13 lawyers that you would need more of an explanation  
14 of why the transfers were required, than just that  
15 your supervisors thought they were the people to  
16 transfer?

17 A I think subjectively in my mind that  
18 that might have occurred.

19 Q Were you aware of that at the time  
20 you were speaking to the supervisors about who they  
21 wanted to transfer?

22 A I don't recall that; no, sir.

23 Q And how was the decision made that you  
24 provide a list of six people the following morning  
25 to Mr. Clements?

1           A           The basic plan, right, wrong or  
2 indifferent, was to -- for me to give the names of  
3 the people to Mr. Clements. That was Step 1.

4                       Step 2 was to have Mr. Grier interview  
5 the people and Step 3 was to accomplish the  
6 temporary transfer.

7           Q           Can you recall whose idea it was to  
8 have Mr. Grier interview the people?

9           A           Mine.

10          Q           Were you concerned that using the  
11 ombudsman to interview people prior to transfer might  
12 help to defeat the function of the ombudsman on site?

13          A           I'm not sure that I gave that  
14 particular issue any thought.

15                       My concern was to get fresh information  
16 out of the minds of the people relative to any  
17 concerns they may have relative to what was  
18 happening in the building.

19          Q           So you and Mr. Chapman agreed that the  
20 six names would be provided the next morning; is  
21 that correct?

22          A           As I recall, I was instructed to call  
23 Mr. Clements at precisely 7:30 and provide the six  
24 names.

25          Q           And did Mr. Chapman ascertain the

1 criteria used to select those six people?

2 A. No, sir, I think that was left up to  
3 myself and Mr. Bennetzen.

4 Q. Now, it's 7:30 a.m. on Thursday and  
5 you're calling Mr. Clements?

6 A. Yes, sir.

7 Q. I take it you already testified you  
8 gave him the six names?

9 A. I don't know if I did or not but  
10 that's what happened.

11 Q. You did give him the six names?

12 A. Yes, sir.

13 Q. And can you remember about how long  
14 that conversation was?

15 A. M-m-m. Probably one or two minutes to  
16 convey the names and possibly a little more talk,  
17 just general shop talk.

18 Q. Did any of the --

19 A. Relatively short discussion.

20 Q. Did any of the general shop talk  
21 cover destructive evaluations?

22 A. I don't recall whether we discussed  
23 that issue or not.

24 Q. Did any of the other conversation  
25 discuss the reasons for the six names being on the



1 list?

2 A I don't think so with Mr. Clements.  
3 I think the majority of my conversation in detail  
4 with Mr. Chapman was as I have described earlier and  
5 I presumed that Mr. Chapman had already briefed Mr.  
6 Clements because when he -- when I called at 7:30,  
7 he said, "Hello, Ron.", which was an indication to  
8 me that he was aware of the fact that I was going  
9 to call him.

10 Q But my understanding of your testimony  
11 is that neither Chapman, Mr. Chapman nor Mr.  
12 Clements knew the way that the names got on the list?

13 A I'm confused now, Your Honor.

14 Q You told me that Mr. Chapman never  
15 found out the reason the names were on the list; is  
16 that correct?

17 The rationale for selecting them.

18 A I don't think that's what I said.

19 Q You said that the only thing they found  
20 out was that your supervisors had selected them; is  
21 that correct?

22 A No. I think with Mr. Chapman I very  
23 likely discussed the issue of destructive examination  
24 or destructive testing and, typically, when Mr.  
25 Chapman and I talk, I know that we talked about that

1 issue.

2 Q Destructive testing. Did that have to  
3 do with the six names?

4 A It tied in with it but not directly by  
5 name.

6 Q How did it tie in with the six names  
7 at all?

8 A Again, you know who's working and we  
9 can, you know -- it's very subjective. I can't tell  
10 the names in my mind. Possibly Mr. Bennetzen did;  
11 I don't know.

12 Q Could the building manager tie those  
13 six names in?

14 A Never.

15 Q Well, you told me that you don't even  
16 know there was destructive evaluation. YOU never  
17 investigated that. All you knew was there was a loose  
18 wire.

19 A Well, I misunderstood a question that  
20 you asked me earlier. I thought you asked about  
21 another wire and I only saw one wire.

22 I did see some loose flex conduit, which  
23 was alleged to me that the inspectors were grabbing  
24 the conduit with enough force to loosen it and then  
25 write it up as loose flex conduit.

1 Q Who alleged that to you?

2 A Again, the same session down there in  
3 the small area of the safeguards, where I was in  
4 there on a wire.

5 Q What did the conduit look like to you?

6 A Like a hydraulic hose that hooks on  
7 to a hydraulic motor.

8 Q I mean, what did the damage on the  
9 conduit look like?

10 A I didn't say it was damaged. I said  
11 it was loose. It's a screw connection and you could  
12 just put your hand on it and it was loose.

13 Q And how long would it take to tighten  
14 up that?

15 A Not very long.

16 Q And did you find out if there was  
17 nonconformance paper on that?

18 A Again, I had asked the question were  
19 the items identified on the deficiency reports and  
20 I was assured that they had been.

21 Q And did you believe that your QC  
22 inspectors were conscientious generally so that you  
23 wouldn't expect them to do something like  
24 purposely loosening up a conduit?

25 A I did not know this particular group,

1 with the exception of a brief meeting with Mr.  
2 Whitehead, so I had no basis to make that decision  
3 one way or the other.

4 Q How about your supervisors whom you  
5 said -- I think you said you trusted. Do you trust  
6 Mr. Bennetzen and Mr. Vore?

7 A Yes, sir.

8 Q Did they tell you that there were  
9 members of their group that they thought might have  
10 done something like that?

11 A I don't remember them stating that  
12 one way or the other.

13 Q Do you have any idea who did it?

14 A No.

15 Q Do you have any idea that it was not  
16 done by craft?

17 A No, I don't. That's one reason I didn't  
18 make any conclusion one way or the other.

19 Q But you made enough to link six names  
20 in a conversation to Mr. Chapman to destructive  
21 evaluation?

22 A The potential for destructive  
23 examination was there.

24 Q Sure. When you build a plant --

25 A Yes.

1 Q -- isn't there a potential for  
2 destructive evaluation?

3 A Right. Now, the bigger issue in my  
4 mind is Mr. Bennetzen's need, or perceived need to  
5 transfer the people; as to whether or not that time  
6 with the destructive testing allegation is less  
7 important to me than Mr. Bennetzen's needs, as he  
8 perceives them.

9 Where I am having great difficulty,  
10 Your Honor, is recalling in intricate detail  
11 all of the discussions that occurred six months ago.  
12 I just don't remember.

13 There's a little wave in the back that  
14 says I discussed the destructive examination issue  
15 with Mr. Chapman. I am not as clear as to how much  
16 more we talked.

17 Part of my problem is, Mr. Chapman and  
18 I talked two or three times a day on many different  
19 subjects and as long as half an hour to an hour  
20 apiece and it's just difficult to sort out all these  
21 conversations and provide the precision that I'm  
22 being asked to provide.

23 Q Let's not tie it down to a particular  
24 conversation now. Let's try to think if you can  
25 remember telling Mr. Chapman any other reasons for

1 these six names other than, one, destructive  
2 evaluation and two, that the supervisors wanted these  
3 people transferred?

4 A. Those would be the only two issues  
5 that I would recall discussing with Mr. Chapman.

6 Q. And when you talked to Mr. Clements  
7 the next morning at 7:30 and my understanding is you  
8 believed he knew the reasons and so you didn't tell  
9 him any reasons?

10 A. The longer we talked --

11 Q. Well, if you remember something else,  
12 tell me about it.

13 A. He may have asked what about the  
14 destructive testing or give me some details on the  
15 destructive testing, at which time, assuming that  
16 that did occur -- and I'm not that clear -- then I  
17 would have conveyed the same message that I'm  
18 attempting to convey here. It's possible.

19 I have no way of knowing whether it's  
20 occurred without more investigation, and an  
21 investigation that I personally don't have the  
22 resources to pursue.

23 Q. Is one other aspect of this day that  
24 we haven't covered and I'd like you to try to place  
25 it in context with the other things we know about --



1 well, first of all, before I say there's one other  
2 thing, is there any other important event in your  
3 mind that happened that day, that you know about that  
4 is not in our record?

5 A I'm not even sure I know what's in the  
6 record right now, Your Honor, but --

7 Q Well, you knew that the 7:30 discussion  
8 with Mr. Clements wasn't in our record.

9 A Well, I knew that the other day.

10 Q In reviewing things with your lawyers,  
11 is it possible that they tried to ascertain if you  
12 knew things that weren't in the record? Do you  
13 remember whether they came up with anything important  
14 that you would like to tell the Board, to make sure  
15 we have the full picture of what happened that  
16 day?

17 A We have talked about the stop-work on  
18 the 7th.

19 Q You mentioned that, so that's now  
20 covered.

21 A Okay.

22 Off the top of my head, I can't think  
23 of anything else at this point.

24 Q There wasn't anything that you thought  
25 of that they said, "Well, try not to mention anything  
about that?"

1           A.       I'm sure they did, but I don't recall  
2 it either.

3           Q.       The one matter we haven't covered is  
4 the time that you told -- directed employees to do  
5 a search of the belongings --

6           A.       Yes, sir.

7           Q.       When was that?

8           A.       Approximately 10 or 15 minutes before  
9 my meeting with Dr. Boltz and Ms. Steiner.

10          Q.       Prior to 10:00 o'clock. Well, at  
11 least, it was a 10:30 o'clock appointment. They may  
12 have arrived late.

13          A.       No, they were prompt, as I recall.

14                    The two people from the vault, of  
15 course, there was a beehive of discussion in the  
16 vault, it's very close to my office -- came to me  
17 and reported to me that two people on the list of  
18 personnel that were wearing the T-shirts had been  
19 requesting earlier that week or the tail end of the  
20 following week what they perceived to be an  
21 inordinate amount of copies of records from the QA  
22 vault.

23          Q.       Who reported that to you?

24          A.       Two personnel from the vault.

25          Q.       I don't understand how they got into

1 the loop at all.

2 How did they have knowledge -- do you  
3 have any idea how they knew that there were people  
4 in your office?

5 A That's what I was trying to convey with  
6 the beehive of activity. The vault is very close  
7 to my office. You've been there, and as you recall,  
8 going back to the vault, my office was the second  
9 door on the right and the vault is less than 20-30  
10 foot away.

11 Q Do you recall whether someone from the  
12 vaults might have observed your agitation earlier  
13 and maybe figured out what you were agitated about?

14 A I expect that entire area had observed  
15 my agitation by that time.

16 Q So now two people from the QC vault  
17 came up to mention that an inordinate amount of  
18 documentation had been requested by some-- someone  
19 from there had said that two people had requested --

20 A As I recall, it was two.

21 Q And who were the people from the QC  
22 vault; do you remember that?

23 A Yes, sir. It would have been the  
24 supervisor, Mr. Charles Osborne and one of his  
25 assistants by the name of Marty Cumbie.

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Q And who were allegedly the people who took out too much documentation?

A That I don't recall.

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1 JUDGE BLOCH: Mr. Roisman, you raised  
2 your hand.

3 MR. ROISMAN: We have a memorandum dated  
4 the 8th to Mr. Tolson from Mr. Cumbie and Mr. Osborne  
5 about the matter, and I thought if the witness had a  
6 hard time remembering, and since the Board is doing the  
7 examination, if you wish, I can show it to -- I don't  
8 know --

9 JUDGE GROSSMAN: Could you speak into the  
10 microphone, please.

11 MR. ROISMAN: I'm sorry. I said I don't  
12 know but we could -- the Board may want the witness to  
13 look at it and see if he can refresh his memory.

14 I'm not trying to interfere with what  
15 you're doing, but if I've got something that's relevant I --  
16 BY JUDGE BLOCH:

17 Q I'd like to show you a speed letter  
18 addressed to you from two individuals. Can you read the  
19 names of those two individuals?

20 A Yes, sir.

21 Q And those names are?

22 A Marty Cumbie and Charles Osborne.

23 Q And the date on that is March 8, 1984,  
24 is that correct?

25 A That s correct.

11-2

1 Q Do you recognize the memorandum?

2 A I have seen it subsequent to this time.  
3 I had asked them to document what they told me in in a  
4 three part.

5 Q Okay. So that actually wasn't the way  
6 you learned it, this was a subsequent verification of  
7 their recollection of what they told you?

8 A That's correct.

9 Q And does their recollection of what they  
10 told you coincide with your recollection of what they  
11 told you?

12 A Would you repeat that, sir?

13 Q Do you remember the same exchange of  
14 information that they remembered? Do you agree with what  
15 they say in that memorandum?

16 A I don't recall the portion of the memo-  
17 randum that discusses the IEEE standard. I do recall the  
18 assembling of documentation for personal use.

19 JUDGE BLOCH: Let's bind this into the  
20 transcript just as an exhibit. It is not in evidence  
21 because it is not direct testimony.

22 MR. ROISMAN: All right. Now, Mr. Chairman,  
23 that is our only copy, as was true with the other documents  
24 which you asked the reporter to bind in. Since we don't  
25 order the transcript, we just need to get our originals



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back.

MR. DOWNEY: We'll undertake to copy  
the exhibits.

JUDGE BLOCH: Thank you, Mr. Downey.

(Speed Letter follows.)

- - - - -



1 BY JUDGE BLOCH:

2 Q Mr. Tolson, I can't tell from the  
3 memorandum whether the IEEE request was the only request  
4 for extra documents. Are you sure they said there was  
5 something in addition to the IEEE that they requested?

6 A I don't recall any discussion on IEEE.  
7 I do recall them mentioning inspection records and things  
8 of that nature, which are in the vault.

9 Q Did you inquire any further from them  
10 about what was going on?

11 A No, sir, because I'm getting ready to  
12 meet with Dr. Boltz -- not at that time.

13 Q But it was ten minutes before you were due  
14 to meet with Dr. Boltz.

15 A I needed a few minutes to just relax and,  
16 as I'm sure Dr. Boltz would, I'm sure, testify, I was  
17 very composed and collected by the time the 10:00 o'clock  
18 meeting came about.

19 Q Okay. So some inspectors -- how did you  
20 know who the inspectors were who were making these  
21 requests? Does the memorandum say that?

22 A Yes, it does.

23 Q Okay.

24 A It looks, though, that I was in error about  
25 one person on -- well, not really. What I testified to

11-5

1 earlier is correct.

2 Q Are there two names or three names?

3 A There's three names, but only two of  
4 those names, as I recall, were on the list of personnel  
5 wearing T-shirts.

6 Q Okay. So two of the people in your office  
7 were allegedly taking too much documentation and one of  
8 the people who was not in your office at the time -- when  
9 they came into your office with the taping incident, was  
10 also accused of taking too much documentation?

11 A I remember two -- I'm trying to recall the  
12 list of personnel that were involved in the T-shirt, it's  
13 possible all three are on the list, and I think if I had  
14 that list I could answer that question. I can't do so  
15 without it.

16 JUDGE BLOCH: Is there a document  
17 intervenors have that could be used to refresh the witness'  
18 recollection?

19 MS. GARDE: On which ones were in the  
20 T-shirt incident?

21 MR. ROISMAN: Yes, we have the Vega report.

22 All right. Now, we're going to show the  
23 witness an office memorandum marked March 8th, 1984, to  
24 file, from Mr. Tolson, and it says this memo is to document  
25 that the individuals listed on the attached listing,

11-6

1 Stan Vore was not wearing the subject T-shirt, also the  
2 individuals listed refused to be photographed either  
3 singly or as a group and there's a -- what appears to be  
4 signatures on the second page of the memorandum.

5 JUDGE BLOCH: We won't need to use the  
6 document if you think that's something that can be used  
7 to refresh the witness' mind.

8 BY JUDGE BLOCH:

9 Q Counsel has agreed that this list  
10 represents a fair presentation of who was involved with  
11 the T-shirts.

12 Does this refresh your recollection?

13 MR. DOWNEY: Excuse me, Your Honor, except  
14 for the name Stan Vore.

15 JUDGE BLOCH: Except for the name Stan Vore.

16 MR. DOWNEY: There are nine names on the  
17 list and we'll stipulate that that's a true and correct  
18 list except for the name of Stan Vore.

19 MR. ROISMAN: And the memorandum says that.

20 BY JUDGE BLOCH:

21 Q Now, comparing this information to the  
22 names of the people who were alleged to take documents,  
23 were any of the people alleged to have taken too many  
24 documents not on the T-shirt list?

25 A I'd like to phrase that in my words. When

11-7

1 I said there is two people, I was in error. Based on  
2 this documentation, there were three.

3 Q Was one of those three not wearing T-shirts  
4 that day?

5 A No. That's the reason I -- all three of  
6 the people on Mr. Cumbie's and Mr. Osborne's letter are  
7 also on the list of personnel who were wearing T-shirts.

8 Q Okay. Now, the next thing you did was  
9 to ask that the papers be searched; is that correct?

10 A I asked Mr. Welch to proceed to the field  
11 and see if could locate the documentation.

12 Q What do you mean, the documentation?

13 A What Mr. Osborne and Mr. Cumbie were  
14 referring to.

15 Q What were they referring to?

16 A (No response.)

17 Q You mean they were supposed to look  
18 through the documents these people had and determine if  
19 any of the documents were not ones they needed, is that  
20 what the security people were to do?

21 A I wanted to locate, if possible, what  
22 Mr. Osborne and Mr. Cumbie reported to me, assembly of  
23 documentation for personal use.

24 Q So what was the direction that you gave  
25 in terms of what kind of search was to be made?



11-8

1 A. I don't remember the specific details;  
2 conceptionally, just, you know, go take a look and see if  
3 you can locate the documentation.

4 Q. Who was going to take the look?

5 A. Well, Mr. Welch was the one I was talking to.

6 Q. Did you think he was going to do it himself?

7 A. I don't recall wrestling with that  
8 particular issue at this time. I may have.

9 Q. Were QC inspectors permitted to have  
10 personal belongings on site?

11 A. Certainly.

12 Q. Were they permitted to have personal note-  
13 books or even personal letters, unsigned?

14 A. Certainly.

15 Q. Did you think it would be helpful if the  
16 directions on the search at least excluded personal effects?

17 A. Well, that was -- I'm not sure we discussed  
18 that. As I understand from Mr. Welch, to the extent that  
19 he could recognize or distinguish between personal and non-  
20 personal documentation, that he excluded the stuff that he  
21 clearly identified as personal, such as letters.

22 Q. You didn't clarify in any way what docu-  
23 ments were requested that the document center was able to  
24 know were different?

25 A. I don't understand your reference to

1 document center.

2 Q The people in t' vault somehow knew  
3 from the request that it was -- the documents were not  
4 needed by the people in the field, is that correct?

5 A At this particular point in the con-  
6 struction of Comanche Peak, all documentation required  
7 to implement either construction or QC activities are  
8 contained in what we call work packages.

9 Q So any request to the vault was wrong?

10 A Any request to the vault is wrong unless  
11 it's a specific assignment by the building organization  
12 to research for documentation.

13 Q And when did these requests allegedly  
14 occur?

15 A I'm not saying that they did occur. I  
16 didn't know why anyone would be going to the vault  
17 requesting -- any of the QC people coming to the vault  
18 requesting documentation. It didn't make sense to me.

19 Q Did you in fact, as a result of the search,  
20 discover any papers that these individuals requested from  
21 the vault when they shouldn't have?

22 A We were not able to locate any documentation  
23 in the field that I could trace to Mr. Osborne and  
24 Mr. Cumbie's remarks relative to assembly of documentation  
25 for personal use. It's my understanding from Mr. Welch

11-10

1 that when he showed up in the QC offices, one of the  
2 inspectors in the area said you're too late, it's already  
3 off site.

4 Q Which inspector?

5 A I don't recall the gentleman's name.

6 Q Did you have an investigation of how  
7 documents might have been taken off site?

8 A No, sir.

9 Q Why not?

10 A I'm not sure how I'd approach it. I did  
11 tighten security.

12 Q You start talking to people to find out  
13 if they saw documents taken off site. Can't you do that?

14 A Well, I would have had the resources to  
15 do it.

16 Q How about just talking to a few people  
17 in the area yourself, do you ever talk to people?

18 A Yes, sir.

19 Q Mr. Welch talks to people, could he have  
20 just asked a few people -- who did it, who took the stuff?

21 A I don't know. The direct answer to your  
22 question is I did not pursue it.

23 Q Do you believe it happened?

24 A Yes, sir.

25 Q I noticed that the memorandum we saw was

1           apparently back-dated; is that correct?

2           A.       No, sir, it's not back-dated.

3           Q.       Was it created on that very day?

4           A.       Yes, sir.

5           Q.       When did you ask them to create the  
6 memorandum?

7           A.       The same -- the same conversation that  
8 they reported it to me.

9           Q.       In addition to the failure to find  
10 documentation from the vault when the search was made,  
11 did you find any other improper documents?

12          A.       I found, and I personally reviewed the  
13 documents that we're discussing. I found some documentation  
14 that was indicative of bad practice on the part of the  
15 QC people, specifically an inspection report, and Miss Boria  
16 is very familiar with the inspection report and the  
17 attributes that are included on the preprinted form.

18          Q.       I'm sorry, whose belonging was this in?

19          A.       I don't recall which of the inspectors it  
20 was in.

21          Q.       When they brought back the documents, was  
22 there any direction to keep straight which documents came  
23 from which person?

24          A.       They had done that on their own. I didn't  
25 particularly direct that, as I recall.

11-12

1 Q. What was wrong about this inspection report  
2 being there?

3 A. May I finish, Your Honor?

4 The inspection report contains preprinted  
5 attributes and a spot on the form to --

6 Q. I'm sorry, three what attributes?

7 A. Preprinted --

8 Q. Preprinted.

9 A. -- attributes for inspection, a spot on  
10 the form for -- or a location in their column on the form  
11 for inserting checkmarks in a SAT box if the inspection  
12 has shown acceptable results, and an UNSAT box if -- for  
13 checkmarks if it's unacceptable.

14 The form I reviewed contained checkmarks  
15 at each of the inspection attributes in the SAT column  
16 but was not signed or dated. Since there was insufficient  
17 time from the notification to me of the T-shirts to have  
18 accomplished any inspections that morning, I must conclude  
19 that that inspection had been accomplished the day previous,  
20 and it's totally unacceptable to me for an inspector to  
21 back-date an inspection at this point in time.

22 Q. That wasn't back-dated, was it?

23 A. It wasn't signed or dated. What I'm saying  
24 is it's sitting there in his desk. It's a completed  
25 inspection, and I would expect that package to have been

11-13

1 turned back in to the building management organization  
2 for further processing the previous day and for it to  
3 have been signed and dated the day the inspection was  
4 completed.

5 Q But it was completed already?

6 A I have to assume that, Your Honor. There's  
7 no logical way for me to perceive finding out about the  
8 T-shirts at a quarter to eight and knowing the normal  
9 crank-up time that occurs on a job of this magnitude  
10 for any detailed inspection to have occurred that morning,  
11 so I must conclude that it was done previous to that  
12 morning.

13 Q Did you do anything to follow up on that  
14 document?

15 A No, sir.

16 Q Did any of your actions -- did you take  
17 any actions that might have affected the transfer of  
18 individuals as a result of knowing about that document?

19 A No. That had already occurred before I  
20 saw the documentation -- or excuse me, that's not even  
21 correct. I anticipated -- I thought you were talking about  
22 the plant transfer. I wasn't involved in -- you know, the  
23 plant transfer didn't occur -- I wasn't involved in any-  
24 thing that happened downstream.

25 Q Did you notify anyone who might be involved



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in the plant transfer about that document?

A. I'm certain that I pointed it out to Mr. Welch and I seem to recall discussing it with Mr. Chapman.

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2-1

1 BY JUDGE BLOCH:

2 Q Were there any other irregularities  
3 that you discovered that you also conveyed to  
4 Mr. Welch or Mr. Chapman?

5 A In some cases there were copies of  
6 documents in the package that were -- I guess the  
7 proper way to phrase it, that I would prefer the  
8 inspection personnel not to have had.

9 These would be excerpts of design  
10 specifications or old copies of construction  
11 procedures which I prefer that they not have in  
12 their possession.

13 There is an image -- not a reality,  
14 but an image that is created by possessing those  
15 kind of documents that bothers me from an Appendix B  
16 standpoint on document control.

17 Q An image about document control that's  
18 improper?

19 A Yes, sir.

20 Q These are not -- excerpts from  
21 specifications, as an example for discussion, cannot  
22 be classified as controlled documents, because  
23 specifications are issued as a package.

24 So if an individual contains copies of  
25 a controlled document, I would prefer that he not

1 have them. I do not want him to have the opportunity  
2 to work with documents that are not current.

3 I would add that there is no reason for  
4 me to believe in view of our work package concept that  
5 I've discussed that he would in fact use those  
6 documents, but I just don't like the image of him  
7 having documents that aren't truly controlled from  
8 a document control center in his possession.

9 Q Were there any personal effects that  
10 needed to be returned?

11 A Yes, there was, and I did so  
12 immediately.

13 Q Did you think to make an apology to  
14 people whose personal effects were taken?

15 A I should have, but I did not have any  
16 discussions with any of the people that were  
17 involved.

18 Q You had information about three people  
19 taking too many documents. Why did you search  
20 everybody's belongings?

21 A Again, I guess the sensitivity that I've  
22 gotten into on the labor relations side of the nuclear  
23 power plant have more or less forced me to think in  
24 terms of not singling out anybody, regardless of what  
25 the reasons may be, to proceed with an investigation

2-3

1 of this nature.

2 Q You thought good labor relations  
3 required that everyone be searched, rather than just  
4 a few people?

5 A I'll be honest with you, Judge Bloch.  
6 In this case, I don't know that it's worthwhile, but  
7 it's the way I felt, that my plan at the time was to  
8 not just stop in terms of checking possessions with  
9 the eight T-shirt personnel, but to go across the  
10 board throughout the QC organization to see if what  
11 I had seen in this package was widespread, and if it  
12 was, take appropriate corrective action.

13 Q Were you concerned that some of those  
14 documents might have been assembled by people for  
15 the purpose of deciding whether or not to come to  
16 the NRC?

17 A In my mind that's not really the issue,  
18 and hindsight pretty good, I'm not sure I would  
19 do the same thing again, but I believe in our system  
20 of justice in this country. I have seen now for many  
21 years in this process how the discovery rights  
22 operate and I have yet to see the Chairman, either  
23 this one or the previous one, to be bashful about  
24 providing documentation to the Intervenor that they  
25 need to conduct their case.

2-4 1 My personal feelings are that there are  
2 ways for -- NRC, of course, as Mr. Brandt testified  
3 yesterday, has direct access to any documentation  
4 that they may need.

5 This Board gets sooner or later whatever  
6 documentation that the Intervenor feels that they  
7 need to conduct their case.

8 Q What about the possibility that the  
9 documentation was because the people were thinking  
10 of going to Mr. Grier or the hotline?

11 A I don't recall going through that  
12 discussion, but, again, if Mr. Grier needs documenta-  
13 tion to conduct an investigation, then he has really  
14 an open access to that, also.

15 Q I imagine that if you can't keep  
16 documents it would be very hard to walk into  
17 Mr. Grier's office and show why you are worried,  
18 that you may really need certain excerpts of  
19 documents to show that you are really worried about  
20 the safety of the plant and there's some practice  
21 that bothers you?

22 A I'll have to admit that that thought  
23 hadn't occurred to me.

24 Q Do you think it's a good idea to allow  
25 inspectors to have loose pages that cannot be confused

2-5

1 with construction packages in their possession? Do  
2 you really think you should restrict individuals from  
3 having single pages that could not be confused with  
4 construction documents?

5 A On the basis of my experience at  
6 Comanche Peak, that had an NRC investigator seen the  
7 same situation that I did, that his report would  
8 have required some form of corrective action on my  
9 part.

10 Q Because they were not controlled  
11 documents?

12 A That's correct.

13 Q The NRC investigators general'y went  
14 through areas of the plant that were in the  
15 exclusive control of individual inspectors?

16 A It's not at all uncommon for an NRC  
17 inspector -- and I should use that term as opposed  
18 to an investigator, or an auditor, to walk up in a  
19 very calm way and ask an inspector to show him your  
20 copy of XYZ.

21 If he pulls out an uncontrolled copy  
22 to show the inspector, I am in trouble.

23 Q That has been the basis for some  
24 violations in the past, single pages, not packages?

25 A Well, it could even be a package if



1 it wasn't current, okay.

2 I used the term "excerpt" because that's  
3 what I recall seeing, but the issue is work with  
4 current documents.

5 Q But have you ever had a violation which  
6 was related to single pages of specifications being  
7 found in inspectors' possession?

8 A I can't recall in the last eight years  
9 a specific incidence that would address single-page  
10 or excerpt situation.

11 Q Do you have any idea whether when the  
12 search was conducted there were other QC inspectors  
13 in the area that saw the search conducted?

14 A Based on what Mr. Welch told me, I  
15 would say yes, sir, there was at least one or  
16 possibly more inspectors in the area at the time.

17 Q Do you know whether Mr. Welch attempted  
18 to make any explanation which would set the other  
19 QC inspectors at ease about what was happening?

20 A No, sir.

21 Q You don't know or he didn't do it?

22 A I don't know.

23 BY JUDGE GROSSMAN:

24 Q Sir, did you say that he talked to  
25 security about those persons taking unauthorized

1 documents?

2 A. As I recall, Judge Grossman, I said I  
3 did not talk to anybody about that.

4 Q. Why didn't you talk to security about  
5 it?

6 A. I'm not sure that the record is  
7 complete but I requested a transfer to another  
8 occupation at that same time.

9 BY JUDGE BLOCH:

10 Q. Exactly when did the request for  
11 transfer take place with respect to this incident?

12 A. About a quarter to 11:00 that morning.

13 Q. That's the Thursday; is that right?

14 A. Yes, sir.

15 BY JUDGE GROSSMAN:

16 Q. And what date was that, sir?

17 A. March 8th.

18 Q. You already had that memorandum, didn't  
19 you, dated March 8th, regarding the unauthorized  
20 documents?

21 A. I don't recall seeing the memo that  
22 day. I'm sure I did in a day or two following, but  
23 not that day.

24 Q. Well, whether you were in that  
25 position or some other position, if you had knowledge

2-8

1 of a security violation, shouldn't you have reported  
2 it to security?

3 A. I'm not sure I necessarily would have  
4 done that. I may have advised the manager that's  
5 responsible for security to tighten our lunchbox  
6 checks or something of that nature.

7 Q. But you didn't formally report it  
8 to security?

9 A. That's correct.

10 Q. Even though you had a formal  
11 document, or at least some document, that memorialized  
12 the event, that March 8th memorandum?

13 A. That's correct.

14 Q. What kind of document was this IEEE  
15 Standard that apparently was taken from the vault?

16 A. I'm not familiar with it, this specific  
17 standard, but typically they are not much different,  
18 much smaller than the ASME Code that we discussed  
19 at great length in the other portion of the hearing.

20 JUDGE JORDAN: Was it 279; do you  
21 remember?

22 THE WITNESS: 498.

23 (Bench conference.)

24 BY JUDGE GROSSMAN:

25 Q. Do you know what that document refers

1 to, sir?

2 A. No, sir, I'm not familiar with that  
3 document.

4 Q. Do you have any idea why someone would  
5 want a document like that for his personal use?

6 A. No, sir, unless he wanted to research  
7 something; but that's speculation.

8 Q. Do you know whether it's a large  
9 document?

10 A. No, sir.

11 Q. No, you don't know, or no, it isn't?

12 A. Typically, they are small, but I don't  
13 know in this case what size of a document the IEEE  
14 498 is.

15 Q. I thought there was some allegation  
16 included in that memorandum of a large number of  
17 documents.

18 Let me just check that wording again.

19 MR. DOWNEY: Your Honor, may I inquire  
20 about the Board's plans for lunch. Mr. Tolson is  
21 signaling he would like to take a short break.

22 JUDGE BLOCH: Why don't we let  
23 Judge Grossman finish this one line?

24 JUDGE GROSSMAN: That's fine. I think  
25 the witness wants to go right now, and that's fine.

2-10

1 I will continue later if I have any  
2 more questions.

3 JUDGE BLOCH: The hearing will recess.  
4 We will reconvene at 1:30.

5 MR. DOWNEY: I would like to make one  
6 quick announcement about the produced yesterday.

7 At the conclusion of yesterday's  
8 session Ms. Garde represented that there are only  
9 two Evans travelers in the materials we presented;  
10 in fact, our review this morning shows at least  
11 thirteen such travelers.

12 MS. GARDE: Thank you for identifying  
13 them for us.

14 MR. ROISMAN: Would you tell us the  
15 numbers?

16 MR. DOWNEY: I would be happy to.

17 JUDGE BLOCH: You want it on the  
18 record? Okay.

19 MR. DOWNEY: I can't represent that  
20 we've done a complete search of all that very large  
21 number of travelers.

22 What search we were able to do this  
23 morning during the course of the hearing, Traveler  
24 Nos. 331, 333, 334, 335, 341, 338, 349, 351, 709,  
25 661, 662, 663 and 664 all are travelers on which

1 Mr. Evans' signature appears.

2 MS. GARDE: But it isn't your  
3 representation that that's all the travelers on  
4 which Mr. Evans signed off on the night of March  
5 3rd, is it, Mr. Downey?

6 MR. DOWNEY: I'm not representing he  
7 signed off on March 3rd. All I'm saying is you said  
8 there were only two Evans travelers.

9 My understanding is these are 13  
10 travelers. We have not reviewed every single paper  
11 in there, Ms. Garde.

12 MR. ROISMAN: Just to be clear, what we  
13 intended to convey was that there were only two  
14 Evans travelers indicating where Mr. Evans had signed  
15 on the night that Susan Neumeyer signed the  
16 travelers.

17 There may be some confusion between  
18 what Mr. Downey's list is and --

19 MR. DOWNEY: The point that we were  
20 making -- but we will look at those. The dates  
21 are the dates. I don't know.

22 MR. ROISMAN: We appreciate Mr. Downey  
23 doing that for us.

24 (Whereupon, at 12:30 p.m., the hearing  
25 was recessed, to reconvene at 1:30 p.m.)



13-1

ie

AFTERNOON SESSION

1:30 p.m.

1  
2  
3 JUDGE BLOCH: The hearing will please  
4 come to order.

5 We have told the parties who were here  
6 at the time that at the end of Mr. Tolson's testimony  
7 we will seek advice from the parties concerning whether  
8 or not additional witnesses concerning parts of the T-shirt  
9 incident might be necessary.

10 Judge Grossman.

## BOARD EXAMINATION

11  
12 BY JUDGE GROSSMAN:

13 Q Could you tell me again, if you've already  
14 said it, Mr. Tolson, why you asked those vault people to  
15 write the memo to you on March 8th?

16 A Just as a matter of routine, sir, when I'm  
17 reported something along that line that it's good practice  
18 to document that type of a thing, you know, but other than  
19 that, I don't know how to address your question.

20 Q Well, why would you document something  
21 unless you were planning on taking some further action?

22 A Well, I had decided at that same time,  
23 when we were talking, to pursue, to investigate. Had I  
24 found items in there, I would have subsequently pursued  
25 it with the individuals involved in an attempt to find

13-2

1 out why. As it turned out, we didn't find what we were  
2 looking, so I guess I could have thrown the memo away and  
3 been just as well off. We just kept everything in one  
4 file.

5 Q I'm not sure I -- I didn't hear all your  
6 answer, but was it to the effect that you were looking for  
7 that IEEE standard, is that it?

8 A Perhaps part of the confusion, Judge  
9 Grossman, is the word "documentation" appears in your mind  
10 to mean the same thing in that memo as the IEEE 323  
11 standard and that's incorrect.

12 Wher people in the QA vault talk to me  
13 about documentation, they're talking about inspection  
14 documents and permanent plant records. IEEE 498 is a  
15 standard that is not maintained in the QA vault as a  
16 permanent plant record.

17 Q So in other words, some people in the  
18 vault told you about other documents that were taken,  
19 is that it?

20 A Separate the memo into two things, the  
21 IEEE 498 standard is one, that's not in the vault, and  
22 the first sentence talks about documentation from the vault  
23 and in that definition they're talking inspection records  
24 and things of that nature which are permanent plant  
25 records.

13-3

1 Q And this all happened the day before,  
2 on March 7th?

3 A No, sir, it happened the morning of  
4 March 8th about a quarter to ten.

5 Q No, I meant their telling about -- oh,  
6 they told you about it on March 8th?

7 A About a quarter to ten, yes, sir.

8 Q Well, were these requests that were made  
9 to them for those documents made on March 7th? I thought  
10 that was your prior testimony.

11 A No.

12 Q Or was that part of the memo which we --

13 A Well, I think -- and I won't be precise  
14 in what I said earlier, but from my conversation with them,  
15 they led me to believe that the documents had been  
16 requested prior to that morning, but I didn't really care  
17 when. It was just the fact that there was an inordinate  
18 amount of copying being requested by a few individuals  
19 for personal use and, you know, I didn't understand why.

20 Q So why did they mention the IEEE standard  
21 that had been requested, or didn't they mention that?

22 A I don't know.

23 Q Well, how come they didn't mention any  
24 other documents, if there had been requests for other  
25 documents?

13-4

1 A Well, I'm not aware that there was.

2 Q I'm sorry. Let's go over it again. I may  
3 be taking unnecessary time, but my understanding is that  
4 a number of documents were requested, including those  
5 relating to inspection reports, and these were the people  
6 of whom the request was made, isn't that so, or did I  
7 misunderstand?

8 A I think what I said is that Mr. Osborne  
9 and Mr. Cumbie told me verbally that two, and we agreed  
10 now three people on the T-shirt list had been requesting  
11 an inordinate amount of copying from the permanent plant  
12 records vault.

13 The records that are in there are things  
14 like inspection records and things of that nature. The  
15 IEEE 498 standard is not maintained in there, which is  
16 what they say in that memo.

17 Q So you asked them then to write the memo  
18 to memorialize what they had told you?

19 A That's correct.

20 Q Well, why didn't they mention any of the  
21 other documents?

22 A That's the point I tried to make just a  
23 minute ago. I'm not aware that there's anything other than  
24 what they told me in the memo that had been requested be  
25 copied.

13-5

1 Q So then all you're aware of is the IEEE  
2 standard?

3 A No, sir. What you're saying, why didn't  
4 they list for me the records out of the vault?

5 Q Yes.

6 A I have no way of knowing.

7 Q But you asked them to put down in writing  
8 what they had told you, didn't you?

9 A When people in the vault -- of course, I  
10 perhaps am at a disadvantage because I have some idea  
11 what's in the vault, okay, that might be copied by someone.  
12 It's -- invariably, 90 percent of it is inspection records  
13 of some kind.

14 Q Wouldn't you think that a request for an  
15 IEEE standard would be somewhat more innocuous than a  
16 request for specific records dealing with inspections that  
17 had been done?

18 In other words, the request for the IEEE  
19 standard would not be as important a request, in your mind,  
20 isn't that so, than a request for a particular inspection  
21 report?

22 A Well, without knowing what the standard is,  
23 it's difficult for me to answer that type question.  
24 Ordinarily, I'd say, you're correct, but in this case I  
25 don't know.

13-6

1           Q           Well, if you didn't know what the standard  
2 was you couldn't think that it was significant document,  
3 could you?

4           A           Judge Grossman, I'm not sure that they  
5 mentioned the standard to me when we were talking. I  
6 thought we had covered that earlier.

7           Q           Well, you're not sure they mentioned the  
8 standard to you, but you asked them to put in writing what  
9 they had mentioned to you and that's all they put in  
10 writing.

11          A           You'd have to ask --

12          Q           And the other stuff is all you're telling  
13 us they didn't put in writing, is that right?

14                   MR. DOWNEY: Objection, Judge Grossman.  
15 The document says quite clearly, plant documentation, and  
16 that is, as Mr. Tolson -- it has a very particular meaning  
17 on the site.

18                   (Bench conference.)

19                   JUDGE BLOCH: Is there any chance that  
20 there is a record now available that would tell us whether  
21 or not these individuals did in fact request to copy plant  
22 documents that they shouldn't have?

23                   THE WITNESS: I don't think there would  
24 have been anything available at that time. One of the --  
25 you know, I believe it was Judge Grossman asked a while ago



13-7

1 about security. One of the things I did do was start  
2 keeping track of who was requesting copies of which,  
3 just --

4 BY JUDGE BLOCH:

5 Q As of when?

6 A Probably shortly after this episode.

7 Q You requested a transfer at 11:00 o'clock  
8 that morning but sometime --

9 A I still had three or four days left,  
10 Your Honor.

11 Q But you'd had this problem of people  
12 copying things that you didn't want them to copy before,  
13 hadn't you?

14 A Your Honor, it's not so much that, in my  
15 mind, as general security of permanent plant documentation.

16 A hypothetical, if you will, if an  
17 individual wants to create an issue, it's very easy to do  
18 so if we don't have terribly tight security over the  
19 permanent plant documentation.

20 Q You didn't say they were requesting the  
21 permanent documents, did you? You said they were  
22 requesting copies.

23 A In this case it was copies. The hypo-  
24 thetical I'm dealing with is a concern I'd had for some  
25 time about just, you know, what people could do if the

13-8

1 security was tight enough.

2 BY JUDGE GROSSMAN:

3 Q Okay, I have now received from the  
4 reporter the missing document and I would like to set the  
5 record straight on that.

6 The first sentence here says, it has come  
7 to our attention, and we have been advised that several  
8 inspectors in the safeguard task force were assembling  
9 documentation for personal use.

10 Now, if I understand this sentence  
11 correctly, it indicates that these people weren't telling  
12 you about any of the inspectors having requested docu-  
13 mentation but were reporting to you with regard to these  
14 people because they had been advised to look and see if  
15 those people were taking documentation. Isn't that  
16 basically what happened?

17 MR. DOWNEY: Objection. I don't think  
18 that's a fair characterization of the sentence. I think  
19 it calls for speculation.

20 JUDGE BLOCH. But these people were asked,  
21 as Judge Grossman said, these people were stating not that  
22 they had personal knowledge but that they were advised,  
23 that it had come to their attention and they had been  
24 advised that people had taken and assembled documents for  
25 personal use. What do you think of that language, that it

13-9

1           camt to their attention and they were advised?

2                           THE WITNESS: I have no way of answering  
3 that question. It would be pure speculation on my part.

4 BY JUDGE GROSSMAN:

5           Q           Well, sir, you mentioned that this was a  
6 memorailization of what they had told you, so do you have  
7 any recollection now of what they told you?

8           A           I will repeat what I said earlier, is  
9 they indicated to me that the -- some inspectors had  
10 requested and received an inordinate number of copies of  
11 inspection records or documentation from the vault, one  
12 of those two phrases, okay, and that was the sum total  
13 of the conversation as I recall.

14          Q           I see. Did they tell you then, as they  
15 later informed you in this memorandum, that they were not  
16 speaking from personal knowledge, but that it had only  
17 come to their attention and they had been advised of  
18 that matter, did they tell you that?

19          A           I don't remember them telling me that.

20          Q           But you don't remember them not telling  
21 you that, either?

22          A           I don't remember them not telling.

23          Q           And you would hope that they gave you an  
24 accurate account of what they did tell you, as you had  
25 requested?

13-10

1 A. That's what I requested, yes, sir.

2 BY JUDGE BLOCH:

3 Q. But Mr. Tolson, the language is consistent  
4 with the possibility that you advised them and that they  
5 would put writing on a memorandum of something you  
6 advised them of. Are you sure that it wasn't something  
7 that you advised them of that they were putting a memorial  
8 down of?

9 A. Now I'm totally confused.

10 Q. Okay. The language says -- I'm sorry -- it  
11 says, it has come to our attention and we have been advised  
12 that several inspectors in the safeguard task force were  
13 assembling documentation for personal use.

14 If you had told them you thought that  
15 there were safeguard inspectors that were assembling  
16 documents for personal use, they could have written down,  
17 it has come to our attention and we have been advised that  
18 several inspectors in the safeguard task force were  
19 assembling documents for personal use, isn't that correct?

20 A. Well, I understand your point. I'm not --  
21 you know, I'm a total blank as to whether or not there was  
22 sufficient discourse between me and them for them to make  
23 the assumption that you're trying to make.

24 Q. Do you remember who initiated the  
25 suggestion that the documentation might be a problem? Was

13-11

1 it you or them?

2 A All I recall is what I said, Your Honor,  
3 in terms of them reporting to me that several inspectors  
4 had requested and received documentation from the  
5 permanent plant records vault.

6 BY JUDGE JORDAN:

7 Q Do you know what the basis of their saying  
8 that it was for personal use, how they knew that?

9 A I'm not sure that that was even discussed  
10 one way or the other.

11 Q So that was an assumption on their part,  
12 perhaps?

13 A That would be speculation on my part.

14 Q Do the inspectors have a right to ask for  
15 copies of plant records that are pertinent to the  
16 inspections that they're involved in?

17 A Yes, Dr. Jordan, but as I explained earlier,  
18 with the matrix organization that we have, it's very  
19 difficult, if not impossible, for me to visualize the  
20 situation where an inspector would need to do that.

21 There's other people that that is their job,  
22 is to assemble the documentation that's required for a  
23 specific work activity.

24 Q So it's quite unusual for any QE inspector  
25 to go to the document room and request copies?

13-12 1 A At this point in time, yes, sir.

2 MR. DOWNEY: Could the record reflect that  
3 I believe Dr. Jordan meant QC inspector, rather than QE  
4 inspector.

5 JUDGE JORDAN: Yes. Thank you.

6 BY JUDGE GROSSMAN:

7 Q So at this point, then, Mr. Tolson, you  
8 don't recall whether it was you or someone else who  
9 advised them of these inspectors requesting documentation,  
10 is that basically correct?

11 A All I know, Judge Grossman, is the two  
12 individuals and what they told me, and in terms of where  
13 they got their information, I have no direct knowledge of  
14 that.

15 BY JUDGE JORDAN:

16 Q And I gather that plant records does not  
17 keep copies -- I mean keep a log of people who request  
18 documents.

19 A At that time, no, sir.

20 BY JUDGE GROSSMAN:

21 Q Getting back to those instances of  
22 destructive inspection, my recollectin is that first you  
23 testified as to one item that you observed of your own  
24 and that was a junction box in which there was that wire  
25 disconnected from the lug, and then later you recalled a



1 second instance in which there was conduit that was loose,  
2 is that correct, those are the two instances, sir?

3 A. It was flex conduit, but with that  
4 modification it's essentially correct.

5 Q. Okay. Now, the flex conduit was connected  
6 to a motor housing, I believe you mentioned?

7 A. No, sir.

8 Q. What was it attached to?

9 A. I don't recall, but I think we've gotten  
10 another conversation mixed up.

11 Q. Okay. Do you recall what the flex conduit  
12 was connected to?

13 A. As I just stated, sir, no, I --

14 Q. You don't.

15 A. -- I do not recall.

16 Q. Did the person who pointed that out to you  
17 indicate why an inspection would have loosened conduit?

18 A. I don't recall being pointed out, but  
19 from what I had described to me, it would have been  
20 unnecessary because it's just rotation of the flex.

21 Q. Well, the problem I have is I don't even  
22 know why anyone would loosen conduit to inspect the wiring  
23 anywhere. Do you have any information on that?

24 A. I can see where you're confused. The  
25 issue -- let's just come back to requirements. Requirements

13-14

1 call for the flex conduit to be tight. I'm not talking  
2 about undoing the flex conduit to inspect wires, I'm just  
3 talking about a final check to be sure that the flex  
4 conduit is tight. Okay?

5 Q Yes, fine. Now, how would an inspection  
6 of that loosen the conduit?

7 A If the inspector rotated it and loosened it,  
8 that ties with what I was told from the craft.

9 Q And that's what you were told?

10 A Yes, sir.

11 Q And back again to the junction box that was  
12 overhead, do you recall how far the separation was between  
13 the wire and the lug from which it had been either dis-  
14 connected or loosened?

15 A I didn't measure it, but just based on  
16 eyeball, somewhere between a half to an inch.

17 Q And do you recall what that lug was  
18 connected to?

19 A No, I do not.

20 - - -

21

22

23

24

25

-1  
1 Q Did you think in any way was connected  
2 to the change in procedure whereby the inspectors  
3 did not have to inspect the lighting fixtures to  
4 determine whether the lugs were properly connected?

5 MR. DOWNEY: Objection. Two points.

6 First, it's not a change in procedure.  
7 I think the testimony is clear on that point and,  
8 second, I believe, Judge Grossman, you are confusing  
9 the lugs at the junction box with the termination  
10 connections at the lighting fixtures.

11 JUDGE GROSSMAN: Well, thank you for  
12 explaining to the witness that there is some  
13 confusion but my problem is with not having yet gotten  
14 an explanation of why we have lugs in a junction box,  
15 which I don't believe to be the case, and I'm having  
16 trouble visualizing this entire observation that the  
17 witness had and if you can explain that to me, I'd  
18 be very thankful, Mr. Tolson.

19 THE WITNESS: I'll try.

20 And again, I'll preface what I say.  
21 I probably exceeded the limits of my technical  
22 expertise when I first began talking about the issue.

23 It was a box-like structure between  
24 what appeared to me to be conduit coming in on either  
25 side and for some reason that I can't explain, it

1 appeared to be something terminated in there for  
2 some reason I don't know.

3 I'm not sure that using the term  
4 junction box in this case is correct.

5 BY JUDGE BLOCH:

6 Q But you're sure there was a lug?

7 A A lug and a wire and a box but what you  
8 call that box and what the function of it, I don't  
9 know.

10 Q Mr. Tolson, on that junction box  
11 incident, the destructive evaluation, in either of  
12 those instances, was there an immediate complaint  
13 made to the QC supervisor when that situation was  
14 discovered?

15 A I'm not sure.

16 Q Was Mr. Bennetzen aware of those  
17 incidents when he went with you?

18 A Again, I'm not sure, sir.

19 Q Did he say anything to you indicating  
20 whether or not he was previously aware of those  
21 incidents?

22 A I don't recall a conversation by him.

23 Q Can you think of any reason why he would  
24 have been so silent in such an important event as  
25 the craft presenting complaints against his men, to you?

1           A.       Other than a practice that I have and  
2 I think I would be reasonable for Greg to have, to  
3 not get into those type of discussions in a meeting  
4 where craft is present.

5           Q.       That works well if you give the guy a  
6 chance to talk to you later but you didn't do that  
7 either, did you?

8           A.       Judge Block, my mind started to go  
9 blank on details at this point.

10          Q.       Okay. Now, on the -- at the time you  
11 called Chapman, which I understand was Wednesday  
12 afternoon before the T-shirt incident; is that  
13 correct?

14          A.       That's correct, sir.

15          Q.       When you called the lawyers, were you  
16 aware that just transfers probably wouldn't be a labor  
17 problem if that was all that was going to happen was  
18 a transfer?

19          A.       I'm not sure that in the environment  
20 that we work in in nuclear power today, what the  
21 downstream consequences might be on any personnel  
22 action.

23          Q.       That's fair enough. There are findings  
24 on transfers in this proceeding.

25                   Were you thinking of something more than

1 a transfer?

2 A I was thinking of something a little  
3 stronger than an on-site transfer; yes, sir.

4 Q What might that have been?

5 A I would have recommended, had I been  
6 asked, to send the particular individuals home with  
7 pay pending completion of the detail look-see of the  
8 alleged destructive inspection.

9 The rationale for that is that the  
10 option which is available to me to transfer to Unit 2  
11 is not particularly palatable because at that point  
12 in time, in the electrical arena, we were not doing  
13 much if any work at all in electrical.

14 Q In answering, you said "pending the  
15 detail look-see"?

16 A Yes, sir.

17 Q What was that?

18 A I would have asked the security  
19 department to begin an investigation.

20 Q But only if they were going to have  
21 some more severe consequence than transfer?

22 A No, sir, not necessarily.

23 Q But you didn't do it when the  
24 consequence didn't come through that way.

25 Why did you not do it even then?

A Well, --



1 MR. DOWNEY: Objection. That's been  
2 asked and answered, Judge Bloch.

3 JUDGE BLOCH: He never gave it before  
4 as a reason here for his considering action against  
5 these people. He can think about it.

6 If he can't remember, he'll tell us he  
7 can't remember.

8 THE WITNESS: Would you repeat the  
9 question for me, please?

10 BY JUDGE BLOCH:

11 Q Can you think of why it was that you  
12 would have done a detailed look-see if there was  
13 going to be more severe action taken against the six  
14 individuals involved but you weren't going to do it  
15 if the only result was a transfer?

16 A The more we talk, the more confused I  
17 become.

18 Q What was it that made you decide that  
19 the detailed look-see you were contemplating should  
20 not be done?

21 A I don't know that I decided that.

22 Q Well, you said you were going to do  
23 a detailed look-see if more serious personnel action  
24 were taken against those people.

25 A I didn't mean to say that.

1           Q           You said if they were to be suspended  
2 with pay, then you would do a detailed look-see.  
3 Is that incorrect?

4                   MR. DOWNEY: Objection. I don't believe  
5 that is a correct characterization.

6 BY JUDGE BLOCH:

7           Q           Did you say that? Do you recall  
8 saying that?

9           A           I don't recall saying that, sir.

10 BY JUDGE JORDAN:

11           Q           It seems to me that you said you had  
12 something more in the way of disciplinary action in  
13 mind than just sending nome with pay, and in fact,  
14 -- well, you were going to send them home with pay  
15 for a period of time during which you would have  
16 security look into the matter of destructive  
17 examination.

18                   Is that what you said?

19           A           Yeah, that's what I said but I didn't  
20 mean to imply, in saying that, that had I simply  
21 made a transfer to Unit 2 that I also wouldn't do the  
22 investigation.

23           Q           Yes, but now the Chairman has asked you  
24 what came up that caused you to change your mind  
25 about calling security and having security look into

1 it?

2 A About a quarter to 11:00 that morning,  
3 I requested of Mr. Chapman a transfer.

4 BY JUDGE BLOCH:

5 Q On the morning of the T-shirt incident,  
6 about how long did the meeting with Dr. Boltz last?  
7 Do you know?

8 A I would estimate on the order of three  
9 hours. However, I was not present during the  
10 entire period.

11 Q How did it come to pass that at 10:45  
12 you were not in the meeting?

13 A I was called out for a telephone call.

14 Q Who had called?

15 A Mr. Chapman.

16 Q And before you said anything about what  
17 you wanted, what did he say to you?

18 A He gave me the company position on what  
19 to do with the issue of the T-shirts and I really  
20 didn't say anything. I just listened.

21 Q What was the position that he presented  
22 to you?

23 A Complete the interview process with  
24 Mr. Grier and send people home with pay. They could  
25 return to work the next day, assuming that a job would

1 still be available and without the T-shirts.

2 Q Did that induce any reaction in you?

3 A Yes, sir, I think it did.

4 Q Would you describe the way you reacted  
5 to that information?

6 A I told Mr. Chapman I'd call him back.

7 Q And that was the end of that first  
8 conversation?

9 A Yes, sir.

10 Q How long did it take before you called  
11 him back?

12 A A couple of minutes. Not more than  
13 five.

14 Q And between the time of the first  
15 conversation and the second, what happened with you?  
16 What were you doing?

17 A Dialing the telephone.

18 Q Okay. Just to call Mr. Chapman or  
19 someone else?

20 A Mr. Chapman.

21 Q So immediately after you hung up, you  
22 were dialing the telephone for about two minutes  
23 before you could get him again ?

24 A I got the wrong number the first time  
25 and the second time I made it.

1 Q So immediately after hanging up, you  
2 started dialing again and you got through in about  
3 two minutes.

4 Q Now what happened?

5 A I told Mr. Chapman that I appreciated  
6 and understood the company position but that I  
7 couldn't support it.

8 Q And?

9 A And requested a transfer.

10 Q Was there anything in the earlier  
11 conversation in which Mr. Chapman made remarks that  
12 you thought reflected on you as a manager?

13 A Not that I recall.

14 Q You would expect to recall that;  
15 wouldn't you?

16 A Yes, sir, I normally remember the  
17 negatives.

18 Q And what was Mr. Chapman's reaction  
19 when you requested a transfer?

20 A I think he said, "Do you mean that you  
21 want to throw in the towel?"

22 Q And I said, "Yes, sir."

23 Q And I think he said, okay, or something  
24 along that line and --

25 Q Nothing to the effect, you know, in the

1 heat of the moment, "Don't do anything. Let's wait  
2 for a while and think about it?"

3 A Well, that's probably included in there.  
4 I don't recall.

5 Q Boy, I would have remembered that.

6 A Sir?

7 Q I would have remembered the difference  
8 between someone just accepting my resignation and  
9 suggesting that I should think about it because I  
10 might want to stay around for a while.

11 A I think you have to understand the  
12 relationship that's developed over a period of  
13 seven and a half to eight years between myself and  
14 Mr. Chapman.

15 Mr. Chapman knows me well and I know  
16 him well.

17 Q Had you thrown in the towel before in  
18 your job?

19 A I think on occasion we had but we  
20 regressed on those occasions.

21 Q We started talking briefly about O.B.  
22 Cannon before. Could you tell me your knowledge of  
23 the way in which construction first decided to reach  
24 an agreement with O.B. Cannon to come to the plant?

25 A We had recognized a project need to



1 examine what was occurring in the area of protective  
2 coatings, particularly within -- well, really across  
3 the board in the plant.

4 Q About what time are we talking about?

5 A Spring to summer of '83. That's just  
6 an approximation because I haven't mentally recorded  
7 the exact time.

8 And some steps in the area of the turbine  
9 building, for example, that was broken out into a  
10 smaller contract and another contractor brought in  
11 to work the turbine building.

12 Q To do the work?

13 A To actually do the work. Of course,  
14 it's a non-Q application.

15 That freed up personnel to assist in  
16 the reactor building and other building in the power  
17 block.

18 During several meetings, you know, in  
19 it's joint meetings at my level, construction, of  
20 course, always believes that their production rates  
21 are as the result of overinspection and quality  
22 control always believes that if craft would organize  
23 and work more efficiently, then they would get the  
24 job done consistent with their goals.

25 Mr. Merritt decided, in view of the

x2x1  
14-12

1 lack of consensus, to call in a painting contractor  
2 who had the experience in the nuclear business to do  
3 an evaluation of the paint program which I understood  
4 at the time to be geared largely towards the  
5 production effort.

6 Q Did you have any discussion with Mr.  
7 Merritt about his contract with O.B. Cannon?

8 A He mentioned to me that he wanted to  
9 bring them in and asked if I had any problem with  
10 it, at which time I said no. Let's get another  
11 opinion about what's happening.

12 Q So this would sort of be management  
13 consulting in a way? What's the source of the problem  
14 here?

15 A Yes, sir, I think that's a fair  
16 assessment.

17 Q And you were not aware before they got  
18 to the plant they were going actually to be doing  
19 some inspections of procedures and inspections of  
20 the QC program?

21 A I suppose I should have assumed, knowing  
22 Mr. Merritt as well as I do, that that might be  
23 included but I was totally unaware of QA overview,  
24 if you will, on the part of Mr. Lipinski.

25 Q When was the first time that you became

1 aware that that was part of what O.B. Cannon thought  
2 his job was?

3 A When he showed up on the job site.

4 Q And you met with Mr. Lipinski the  
5 morning that he showed up?

6 A No. He had called my secretary to see  
7 if I was available and I was not and I set a time  
8 with him the following morning.

9 Q Okay. I thought we had testimony from  
10 Mr. Brandt that after about two and a half to three  
11 hours on site, that they met with you and he; is  
12 that different from your recollection?

13 A No, I think --

14 MR. DOWNEY: Objection. I don't believe  
15 that's a fair characterization of Mr. Brandt's  
16 testimony.

17 MR. TREBY: Mr. Chairman, it's also my  
18 recollection that that was not Mr. Brandt's testimony.  
19 As I recall Mr. Brandt's testimony, Mr. Lipinski came  
20 on day one, had to go through a lot of administrative  
21 stuff about getting in, getting a badge, getting  
22 oriented about the plant and took a tour and every-  
23 thing and it was his estimate that he could have had  
24 no more than two to three hours actually doing  
25 inspection, so when he met with them the next day, it

1 was based on Mr. Brandt's speculation that he could  
2 not have worked more than two or three hours.

3 BY JUDGE BLOCH:

4 Q I take it that is consistent with your  
5 memory?

6 A Yes, sir.

7 JUDGE BLOCH: Thank you for clarifying  
8 that, Counsel.

9 BY JUDGE BLOCH:

10 Q At the time that you first learned  
11 part of what Mr. Lipinski was doing was to look at  
12 the overall QC effort.

13 Did you take any management actions?

14 A No, sir.

15 ///

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25

5-1 1 Q Did you consider that there might be  
2 something unusual about craft contracting for QC  
3 oversight?

4 A You have to understand our procurement  
5 process, Your Honor. The contracts that are issued  
6 at Comanche Peak, regardless of who initiates them,  
7 get administrated in terms of billing and payment  
8 through an organization that works for Mr. Merritt.

9 Q But he actually initiated the idea and  
10 contracted for it, didn't he?

11 A In this case, yes, sir.

12 Q Now, you don't mean to say that when you  
13 want to contract for QC resources, that Mr. Merritt  
14 has control over whether you do that or not, do you?

15 A He doesn't have control, because that's  
16 Mr. Clements' -- ultimately, Mr. Chapman or  
17 Mr. Clements, but rest assured that in the seven  
18 years and a month that I have spent at Comanche  
19 Peak I have had no reason to go to Mr. Chapman or  
20 Mr. Clements to get what I needed in the way of  
21 resources.

22 Q In fact, you can appropriate necessary  
23 resources to do the QC job?

24 A Certainly.

25 (Bench conference.)

1 BY JUDGE BLOCH:

2 Q Are there other instances where  
3 Mr. Merritt contracted for outside people, part of  
4 whose job was to find out if QC was doing its job  
5 right?

6 A Having properly anticipated your  
7 question, yes, sir, there's at least one more that  
8 comes to mind.

9 Q Would you tell me about that one, please?

10 A It was an over-all review of our  
11 documentation scheme at Comanche Peak, which would  
12 have included a look at the manner in which we  
13 were handling and processing quality assurance  
14 records.

15 Q In what time period did that consulting  
16 job take place?

17 A Too many years ago to be precise,  
18 but I will -- just a wild guess for purposes of  
19 what I think your question is, 1980.

20 Q Was that request in any way a perceived  
21 need for a back-fit program for coatings?

22 A Not at all.

23 Q Were there at that time perceived to  
24 be documentation problems in other aspects of  
25 construction which were interfering with compliance



1 with Appendix B requirements?

2 A Not in my judgment. I think Mr. Merritt's  
3 concern was primarily from efficiency of processing  
4 standpoint. Is there anything that we could do from  
5 a flow standpoint that would improve the efficiency  
6 aspects; but in no way would he interfere or what  
7 have you with my task of implementing the QA records  
8 aspects of Appendix B.

9 That wasn't the purpose of the study.

10 Q And it's your memory that the study  
11 did not go into whether QC documentation was adequate?

12 A Not a question of adequacy -- well, wait  
13 a minute. Yes, it did, in some cases.

14 More a question of flow with some  
15 suggestions or recommendations, if you will, relative  
16 to assurance of adequacy, if I might, as opposed to  
17 the adequacy issue itself.

18 Q I understand from your prior testimony  
19 that you are concerned about making sure that the  
20 QC interface with craft works efficiently so that  
21 there are no unnecessary delays in construction;  
22 that's an accurate summary, isn't it?

23 A No, I don't think it is.

24 Q How would you state your concern about  
25 the interface working smoothly between craft and QC?

5-4 1 A My single concern is a generic concern  
2 relative to what I'll call relationships.

3 It's my experience over many years of  
4 working with construction people that there is no  
5 reason for disagreements.

6 You should have relationships. The  
7 goals are the same. Let's work together to get the  
8 job done.

9 It's a performance evaluation  
10 characteristic that is used in evaluating my job.  
11 It's one I expect to use in evaluating the jobs of  
12 those people that are subordinate to me.

13 Q It's a question of avoiding unnecessary  
14 arguments?

15 A That's correct.

16 Q And in order to implement that goal  
17 that you had, about what percentage of your time did  
18 you wind up spending either with Mr. Merritt or the  
19 craft supervisors?

20 A That is an extremely tough question to  
21 answer accurately. Part of what is going through my  
22 mind right now is, to be really honest, since early  
23 '82 the single most significant thing in my mind is  
24 this ASLB hearing in terms of time.

25 Of the time that's left over, I'd say

5-5

1 the involvement with craft supervision is minimal.

2 Q Okay. How about before '82?

3 A Craft supervision, again, would be  
4 minimal. Contact with Mr. Merritt, probably 20 to  
5 30 percent of my time.

6 Q In terms of lunch hours, is that  
7 something you usually spent with other people at  
8 the plant or by yourself?

9 A I don't like to go by myself, but I  
10 do if I have to; but the majority of my lunch breaks  
11 are with Mr. Brandt.

12 Q And also sometimes with craft;  
13 sometimes not with craft? I mean, how did that split  
14 work?

15 A I'd have to give a lot of thought to  
16 develop a handful of situations over a period of  
17 seven years that I went to lunch with --

18 Q Not many? Five times, ten times,  
19 maybe?

20 A At most, and that would be an  
21 extremely high and conservative estimate.

22 I may have been invited, for example,  
23 to a ten-year luncheon for a procurement manager and  
24 since we work closely in the procurement arena in the  
25 QA sense, then Mr. Merritt may have invited me and I

3-6

1 very likely would have attended. But it's not  
2 significant.

3 Q What did you understand to be the scope  
4 of the work that O. B. Cannon was asked to do? Do  
5 you have an understanding of that?

6 A Obviously, I can't forget what has  
7 happened since the initial. My initial thought was  
8 take a long hard look at what was occurring in the  
9 production side of the house.

10 Obviously, there's some interface or  
11 there's going to be some output from that review that  
12 would overlap into the inspection because of what I  
13 said previously about what craft will say about QC  
14 and what QC will say about craft.

15 But I don't recall a discussion of a  
16 deep look of any kind on the part of Mr. Merritt on  
17 the initial discussion.

18 Q My understanding is that at your first  
19 meeting, which was after a day or a few hours --  
20 maybe they had only three hours for a real inspection --  
21 that you learned at that time that one of the things  
22 they were doing was to look at QC?

23 A To the best of my knowledge, that's the  
24 first time that it became clear to me that Cannon  
25 understood part of their scope to include a look-see

5-7

1 at -- and you keep using "QC," but --

2 Q QA/QC.

3 A -- QA/QC, I think, is more appropriate.

4 Q Did you understand what the nature of  
5 the report was going to be that they would complete  
6 at the end of the visit?

7 A I don't recall there being a discussion.  
8 I seem to recall Mr. Merritt stating he didn't want  
9 a report; he was looking for recommendations.

10 So the best answer to your question is  
11 I don't think there was a plan for a report at that  
12 time.

13 Q You know in the exit interview with  
14 Mr. Lipinsky, my understanding from the taped  
15 O. B. Cannon meeting of sometime later is that you  
16 were very busy at the time and you didn't have a lot  
17 of time to spend with Mr. Lipinsky; is that correct?

18 A I think you misinterpreted the tape.

19 Q Well, you tell me what really happened.

20 A I did not have a lot of time the  
21 morning before to discuss in any kind of depth with  
22 Mr. Lipinsky whatever it was he had in the back of  
23 his mind of discussing.

24 Mr. Brandt testified yesterday about  
25 the check-in-check-out time. The discussion as I

5-8

1 perceived it that morning was merely a courtesy on  
2 the part of Mr. Lipinsky to introduce himself and  
3 define for me what he was doing. I recall a meeting  
4 not too long after, him and -- my plan at that time,  
5 having met Mr. Lipinsky was to suggest to him that  
6 any detailed discussion on coatings at Comanche Peak  
7 needed to occur with Mr. Brandt.

8 Q Did you advise him of that?

9 A Yes, sir.

10 Q Before you advised him that detailed  
11 discussion about Comanche Peak should be done with  
12 Mr. Brandt, had he begun any of his findings?

13 A He claims in his trip report that he  
14 did. My mind is an absolute blank on any of the  
15 details that he claims to have told me in that  
16 meeting.

17 I either turned him off, as we said  
18 in the ultimate meeting in November, I either turned  
19 him off mentally or he didn't say it.

20 Q Did Mr. Brandt subsequently report to  
21 you about what Mr. Lipinsky told him?

22 A I'm not sure that Mr. Brandt or  
23 Mr. Lipinsky spent that much time together.

24 Mr. Brandt did mention something, and  
25 as I stated in my deposition, I really prefer not to



5-9

1 repeat it.

2 JUDGE BLOCH: If Counsel would like to  
3 sumamrize it, I am not trying to ask the witness to  
4 repeat it, but I don't have a recollection of it  
5 right now.

6 If Counsel would prefer not to, perhaps  
7 the witness would.

8 MR. DOWNEY: If I understand Mr. Tolson,  
9 he is referring to Mr. Brandt's comments after he  
10 read the Lipinsky report?

11 THE WITNESS: Okay. I'm confused and  
12 I'm sorry. I think it did come out in the deposition --  
13 I correct myself -- that Mr. Brandt did make a  
14 comment later that day relative to Mr. Lipinsky, and  
15 again, I would prefer not to repeat it.

16 BY JUDGE BLOCH:

17 Q Have you testified about what he told  
18 you yet?

19 A (No response.)

20 Q Have you testified at this point as to  
21 what Mr. Brandt told you at that meeting?

22 If you don't remember, let's go ahead  
23 and discuss it.

24 MR. DOWNEY: It was just an expletive.

25 JUDGE BLOCH: Oh, just an expletive?

1 There was no information conveyed?

2 THE WITNESS: No substance at all, Your  
3 Honor. That's the reason I....

4 JUDGE BLOCH: Okay. I wasn't trying  
5 to make you swear in Court.

6 (Laughter.)

7 JUDGE BLOCH: But I do want to know  
8 what was happening here.

9 BY JUDGE BLOCH:

10 Q Prior to the time that Mr. Lipinsky's  
11 internal memorandum at O. B. Cannon became known  
12 at the site, did you do any followup at all on  
13 matters that O. B. Cannon was concerned about?

14 MR. DOWNEY: Your Honor, again I would  
15 like you to distinguish, if you would, please, between  
16 the time it was known at the site and the time it  
17 was known to management.

18 I think the record reflects different  
19 times when that occurred.

20 BY JUDGE BLOCH:

21 Q Well, in either event, prior to the  
22 time that you knew about it is really what I am  
23 concerned about.

24 Prior to the time that you learned about  
25 the Lipinsky memorandum, did you have any occasion to

5-11

1 follow up on Mr. Lipinsky's findings?

2 A. We were working on some problems that  
3 we perceived in the protective coating arena from a  
4 QC standpoint.

5 Q. Because to have followed up on his  
6 findings, you would have had to find out about them  
7 some way.

8 A. Please, Your Honor, let me finish.

9 The presence or absence of the Lipinsky  
10 memorandum did not in any way affect what we had  
11 already planned and were doing in the area of  
12 protective coatings, neither then nor now.

13 Q. Did Mr. Merritt ever talk to you about  
14 what he understood to be O. B. Cannon's findings from  
15 this trip?

16 A. I'm not sure I understand your question.

17 Q. Well, Mr. Merritt contracted for  
18 O. B. Cannon's services.

19 As I understand it, there really was  
20 never much extensive discussion with either you or  
21 Mr. Brandt about what they found.

22 I want to know if you learned from  
23 Mr. Merritt that they talked to him and that he was  
24 interested in what they had to say to him.

25 A. Is your question related to QA/QC matters?

1 Q I want to know if -- well, if any  
2 discussion was held with Mr. Merritt about the  
3 O. B. Cannon findings?

4 A Okay. One thing that keeps coming  
5 to mind is the installation of a dryer in the air  
6 system, which was a recommendation that Jack Norris  
7 with Cannon had and conveyed to Mr. Merritt at our  
8 meeting the day after my brief session with Lipinsky.

9 Q So you were in a second meeting with  
10 O. B. Cannon where some findings were discussed  
11 and that one you were in with Mr. Norris and also  
12 Mr. Merritt; is that right?

13 A Yeah, and also Mr. Lipinsky.

14 Q And Mr. Lipinsky?

15 A Yes, sir.

16 Q Could you tell me what happened at  
17 that meeting, what the findings were that were  
18 presented at that meeting?

19 Was Mr. Brandt there, also?

20 A No, Mr. Brandt was out of town at that  
21 time.

22 I can highlight some of it; I can't  
23 detail it. Mr. Norris made some general comments,  
24 one of which was the dryer situation I have already  
25 mentioned; the need in his judgment to do something

1 to improve relationships between craft and QC; a need  
2 to take a hard look at our repair process, because in  
3 his judgment the craft was spending entirely too much  
4 time preparing surfaces for touch-up or repair; and  
5 at this stage of the job that's basically the thrust  
6 of the work. It's already been painted once. It's  
7 been dinged. We are cleaning it up, trying to make  
8 it look pretty.

9 I can recall those things from  
10 Mr. Merritt -- Mr. Norris.

11 Mr. Lipinsky made some comment relative  
12 to his observations that he indicated that we may not  
13 comply with the ANSI requirements.

14 When he said that, I asked, "Joe, can  
15 you give me specifics," assuming that he had to have  
16 some basis for making the statement, at which time  
17 he responded, "I can't provide specifics without an  
18 in-depth audit"; at which time I concluded I was  
19 listening to a sales pitch as opposed to a bona fide  
20 finding from an expert in the field of quality  
21 assurance.

22 Those are the key things that I recall  
23 coming from that session.

24 Q Were any documents or slides or  
25 viewgraphs or charts used at that meeting?

5-14

1 A Not that I recall.

2 Q At any time in the meeting did anyone,  
3 either Mr. Norris or Mr. Lipinsky, provide any  
4 greater detail about any adverse findings about QC?

5 A Not that I recall, and I honestly don't  
6 believe that there was any more discussion in here  
7 of QA/QC than what I've already stated.

8 Q After the O. B. Cannon people left, did  
9 you have a discussion with Mr. Merritt about what had  
10 just happened?

11 A I've got to be careful, Your Honor,  
12 because I do want to be totally honest, but my  
13 discussions with Mr. Merritt during a day's time may  
14 or may not have included Cannon.

15 We recognized the need to do something  
16 in the area of protective coatings.

17 Mr. Merritt had some things to look at  
18 from his side of the house and I wanted to look at  
19 what was happening from our side of the house.

20 One thing that we did discuss and if  
21 it bears a relationship with the Cannon meeting,  
22 then so be it.

23 We did discuss having a barbecue and  
24 invite down through the craft foreman level all the  
25 QC inspectors as one way that management can help



5-15

1 improve relationships.

2 We also discussed the concept of some  
3 joint sessions where we could set aside an hour or  
4 so just to encourage open communication between craft  
5 and QC where someone from management can listen and  
6 hear -- rather than just making a decision based on a  
7 perception, hear from the people what they perceived  
8 to be the areas that they need help in order to  
9 accomplish their task the way it has to be done.

10 Q I get the feeling at the end of the  
11 meeting concluded that there were some worthwhile  
12 things that were said; is that fair?

13 A I think the dryer situation at the time  
14 I thought was a good idea.

15 The barbecue we had not discussed; that  
16 sounded like a good idea.

17 The relationship issue, we were already  
18 aware of; and irrespective of what was said at  
19 that meeting, we would have done something about that.

20 Q I was thinking that while you were  
21 sitting hearing charges about violations of ANSI  
22 Standards with no backup, that you might have gotten  
23 irritated about that and had to say something about it  
24 when the meeting was open?

25 A Actually, I was relatively calm at that  
session, Your Honor.

1 Q Now, prior to the time that you learned  
2 about the Lipinski memo, was there any other dis-  
3 cussion of O. B. Cannon?

4 A Not that I can remember.

5 Q And how did --

6 A That's not totally correct. There  
7 was a meeting about mid-August that I may or may not  
8 have known about -- I know about it now -- where  
9 Cannon, O.B.Cannon, which included Jack Norris and  
10 Mr. Lipinski, and our tech engineer, which is Gibbs  
11 & Hill and some management personnel from the craft,  
12 sat together to jointly discuss specification issues  
13 that the craft had flagged as things that, in their  
14 mind, were perhaps unnecessary and would aid them  
15 in achieving their production goals.

16 Q On that occasion, I take it that what  
17 the Cannon people were doing was merely craft  
18 related and there was no question that that was a  
19 permissible thing to contract for?

20 You're not admitting anything about  
21 whether the other one wasn't? But there's no problem  
22 about their contracting for help on what the coating  
23 specifications should be; is there?

24 A Well, I don't see a problem with the  
25 first one but maybe we're not communicating on the

1 same point.

2 Q But you certainly don't see a problem  
3 with the second one?

4 A Not at all. And I don't see one with  
5 the first one, either.

6 Q And how did you first learn that the  
7 Lipinski memorandum had been leaked on site?

8 A I recall something that I can't remember.

9 Q That sounds like a contradiction.

10 A No. You've got to understand and I  
11 wish you could come visit Mr. Vega for a week,  
12 although he's not quite as active as I was because  
13 he's smarter than I am from a management standpoint,  
14 but the -- the grapevine indicated to me that something  
15 had gotten out that was negative.

16 Not too much after that, Mr. Merritt  
17 told me that he had received a call, as I recall,  
18 from Region IV about what we now have affectionately  
19 referred to as "The Lipinski Memorandum". Okay?

20 And that's about all I can remember  
21 about how we found out about the Lipinski memo.

22 Q So the first news you got was through  
23 the grapevine but you don't recall the way in which  
24 the grapevine got to you?

25 A No, sir.

1 Q and the second instance was from Mr.  
2 Merritt?

3 A Yes, sir. I remember Mr. Merritt and I  
4 talking about it.

5 Q What was your reaction to the fact that  
6 the memorandum had been leaked?

7 A Having not seen it, I really didn't  
8 have any reaction.

9 Q Well, did he show it to you at the time  
10 that he mentioned it had been leaked?

11 A He, meaning Mr. Merritt?

12 Q Yes.

13 A No. He hadn't seen it either.

14 Q Then what was his knowledge that it had  
15 been leaked?

16 A I'm thinking a question from Region IV.  
17 It's possible a phone call from Jack Norris. I don't  
18 know. All I know is that it was out.

19 Q What was the next step taken by either  
20 you or Mr. Merritt, if you know, after you found that  
21 this had been leaked?

22 A Mr. Merritt called the President of O.  
23 B. Cannon and requested that we be telecopied a copy  
24 of the memo.

25 Q And after you received that -- he

1 received it or you received it or both of you or --

2 A. We both ended up with it. I suspect  
3 it was sent to his attention.

4 Q. And what happened next?

5 A. I reviewed it and gave a copy to Mr.  
6 Brandt to review.

7 Q. And then what?

8 A. Probably talked to Mr. Chapman.  
9 Probably got a copy of the memo to Mr. Chapman.

10 Q. You wrote a copy of the memo to Mr.  
11 Chapman?

12 A. Provided a copy --

13 Q. Of the memo to Mr. Chapman?

14 A. To Mr. Chapman.

15 Q. Do you recall anything about your  
16 discussions, either with Mr. Brandt or Mr. Chapman  
17 about what should be done with respect to the  
18 Lipinski memo?

19 A. Not in any great detail. That's the  
20 part that I mentioned earlier about the expletive  
21 from Mr. Brandt that I'd rather not repeat and Mr.  
22 Chapman's and I's conversation would have been along  
23 the lines of resolution.

24 Q. Was any part of the resolution trying  
25 to find out how the leak occurred?

1           A.       Not that I can recall. I was curious  
2 but I don't recall any discussion on it.

3           Q.       Was any one angry?

4           A.       I perhaps was a little angry because  
5 there was another derogatory statement in there  
6 relative to me, which I took to be totally  
7 inaccurate and false.

8           Q.       Do you know if anyone got on the phone  
9 to tell O.B. Cannon what they felt about the  
10 incident?

11          A.       I feel reasonably sure that someone  
12 talked to O.B. Cannon. I have no knowledge of any of  
13 the discussions.

14          Q.       Do you have any knowledge of the  
15 circumstances that led up to calling the O.B. Cannon  
16 personnel into a meeting at the Comanche Peak site?

17          A.       Yes, sir.

18          Q.       Could you tell me what that knowledge  
19 is?

20          A.       Again, it's based on what I've been  
21 told but --

22                    Is there a problem?

23          Q.       Well, if it was told by the people who  
24 made the decisions, who asked O.B. Cannon to come to  
25 you, then I would be interested in what they told



1 you.

2 MR. DOWNEY: Your Honor, if I may  
3 interject.

4 It might be useful to distinguish what  
5 Mr. Tolson knows firsthand and what he knows by  
6 hearsay but I think a substantial part of -- having  
7 reviewed some of these facts with him, I think a  
8 substantial part of what he knows is hearsay and I  
9 would like the record to reflect that.

10 JUDGE BLOCH: Okay. But there are now  
11 three categories I'm interested in.

12 BY JUDGE BLOCH:

13 Q One is personal knowledge. The other  
14 is conversations with the people who actually made  
15 the decisions, so that we may have some evidence of  
16 what went on in their minds as to the direct evidence  
17 of their minds as to why they made the decision.

18 I think it's an exception to the hearsay  
19 rule. I don't think it's hearsay if it's evidence  
20 of their opinions about their action. I may be  
21 wrong.

22 MR. DOWNEY: I don't think that is an  
23 exception. I think if relevant conversations in the  
24 statement overhead, that kind would be relevant for  
25 purposes of establishing the comments were made but

1 not for the truthfulness, if relevant, but I think  
2 it's important to distinguish what it is he knows,  
3 what it is he heard and what is it he sort of  
4 suspicions.

5 JUDGE BLOCH: Okay. Let's find out  
6 what he knows and what he heard and who he heard it  
7 from and what his suspicions are, separately.

8 BY JUDGE BLOCH:

9 Q So distinguish those things as you  
10 tell the story.

11 A I'm not sure at this point that I know  
12 anything but --

13 I seem to recall Mr. Chapman telling  
14 me that our management had met with their management  
15 jointly and that the -- Mr. Norris and Mr. Lipinski  
16 would return to Comanche Peak to accomplish one of  
17 two things.

18 Either we would meet and resolve the  
19 negative aspects of the Lipinski memorandum or Mr.  
20 Lipinski would do an in-depth audit.

21 Q Would do an audit?

22 A Yes, sir.

23 Q I'm not certain but did you just say  
24 there was a meeting with O.B. Cannon people in which  
25 it was decided there would be a follow-up meeting?

1 A I have no direct knowledge of that.  
2 It is my understanding that that is true.

3 Q From a conversation with Mr. Chapman?

4 A As I recall, yes, sir.

5 Q And do you have any knowledge of how  
6 the decision was made to tape record or transcribe  
7 that meeting?

8 A Jokingly asked Mr. Merrit last week,  
9 again, in anticipation of the question being asked,  
10 and it's not much different than what I've already  
11 said; that since it was leaked, since it was known  
12 to the NRC and others, then we didn't want to be  
13 accused at that session of anything except up front  
14 discussion of the issues that were raised in the  
15 Lipinski memorandum and that's all I know.

16 Q Do you have any knowledge, either from  
17 a company official or your own knowledge about  
18 whether there was a consultation with the lawyers  
19 prior to that meeting?

20 A I have no direct knowledge of that, sir.

21 JUDGE BLOCH: May I ask if it is necessary to have  
22 the witness identify the transcription or whether  
23 that has been stipulated to by the Applicants as an  
24 accurate -- as the transcription that was made of  
25 that meeting?

16-9

1 MR. DOWNEY: We will stipulate that is  
2 the transcription that was made, Your Honor, without

3 JUDGE BLOCH: Is it now in the record  
4 physically?

5 MR. DOWNEY: It has been offered as  
6 evidence by CASE.

7 JUDGE BLOCH: Okay. And we did accept  
8 it earlier?

9 MR. DOWNEY: Over objection, I'd note.

10 JUDGE BLOCH: Yes.

11 BY JUDGE BLOCH:

12 Q Mr. Tolson, from your knowledge of the  
13 transcript of that meeting, would it be helpful to  
14 the Board to ask for the tape to further understand  
15 deletions that were made?

16 A I'm not sure that the tape still  
17 exists and I really don't think it would be too  
18 helpful.

19 I took charge of the transcript myself.  
20 It was recorded on a rather inexpensive tape recorder  
21 and in combination with a secretary taking shorthand.

22 The first version that I saw, at least  
23 in some cases, did not make any sense to anybody and  
24 so I took the liberty of modifying the language to  
25 fit the intent but was particularly careful, at least

1 in my own case, not to change what was said.

2 Q So that the transcription represents  
3 partly the work of the transcriber with notes and a  
4 tape recorder and partly your memory of what  
5 happened; is that correct?

6 A That's correct.

7 Q Is there anything in the course of that  
8 meeting that happened that you would like to clarify  
9 so the Board can understand it better?

10 A I'm sure there's a few statements in  
11 there that I made that the Board may be confused  
12 about.

13 Q Well, I'm inviting you to try to clarify  
14 what your intent was at that meeting, if that would  
15 be helpful.

16 A One that comes to mind on top, that  
17 was intended as a joke, at the risk of repeating,  
18 one not much different than the one that came out  
19 Monday, relative to the definition of an auditor.

20 I said it. I intended it as a joke.  
21 I have no personal feelings one way or the other,  
22 in a negative sense particularly, about auditors.

23 What I said there in no way suggests  
24 that I don't understand and agree with the requirements  
25 of 10CFR50, Appendix B.

1                   The only reason I said it was it  
2                   appeared to be something that would perhaps increase  
3                   conversation and my desire was to extract as much  
4                   input as possible from Mr. Lipinski so I could fully  
5                   understand what it was that he said in his  
6                   memorandum and take appropriate corrective action  
7                   consistent with the requirements of Appendix B in  
8                   the ANSI standards that we are committed to.

9                   I thought the statement or the  
10                  definition was funny the first time I heard it. I  
11                  distinctly recall Mr. Chapman laughing when I told it  
12                  to him and I believe that Mr. Vega also thought it was  
13                  funny when I told it to him. It was not intended to  
14                  be derogatory. Although I understand that some folks  
15                  have chosen to make it so.

16                 Q           But it was clearly intended to convey  
17                  your strong feeling that Lipinski shouldn't come in  
18                  and do an audit of your work?

19                 A           I think the tape is very clear, if you  
20                  read it totally and in context -- the transcript,  
21                  excuse me, not the tape -- that in view of the more  
22                  than unusual (sic) frequency of audits from our  
23                  corporate staff in Dallas, in view of the virtually  
24                  continuous overview of the coatings program, from  
25                  Region IV and OI and particularly in view of the fact



1 that I had been told that week that another  
2 investigation team headed by an individual who was  
3 not assigned to Region IV, was planning to be with us  
4 for three weeks and, quite frankly, I must consider  
5 justification and I could not justify another audit.

6 Q Was there, in your mind, anything  
7 unusual about the fact that this particular meeting  
8 was convened by Mr. Merritt, even though you were  
9 the person who had most to say and were most concerned  
10 about the subject of the meeting?

11 A You seem to be overly concerned, sir,  
12 with the involvement of Mr. Merritt; if I may say so.

13 Appendix B applies as equally to Mr.  
14 Merritt's operation as it does to mine. I pride  
15 myself on my ability to work very closely with Mr.  
16 Merritt to achieve a common goal and that goal is  
17 compliance with the requirements of Appendix B in the  
18 construction of a safe and reliable power plant.

19 We both have the same objective. We  
20 have worked together for the past seven or eight  
21 years to achieve that objective.

22 JUDGE BLOCH: Mr. Tolson, I'd like to  
23 thank you for what you have told us today. We are  
24 finished, unfortunately. We will have to take time  
25 next week to ask more questions but I think I would

1 like to thank you for your testimony today.

2 (Witness excused.)

3 JUDGE BLOCH: Are there procedural  
4 motions that must be handled before our adjournment?

5 MR. DOWNEY: Yes, Your Honor. I have  
6 both -- I guess I have more in the nature of a  
7 report and an inquiry to make, as well as a short  
8 statement.

9 I would observe that Mr. Tolson has now  
10 been examined by the Intervenor over the course of  
11 two days at Glen Rose and now by the Board for nearly  
12 six hours. I just want to observe that I think Mr.  
13 Tolson is showing great patience in the examination  
14 over lo these many hours and I'd like to particularly  
15 note that the examination of Mr. Tolson on the T-shirt  
16 incident, both in Glen Rose and today, has exceeded  
17 the period of time of the incident itself and I am  
18 constrained to observe -- I think his story on that  
19 issue has been told and we don't believe that further  
20 inquiry from the Board on that subject is appropriate.

21 We have tried not to raise objections  
22 today, as in the past you know we have and we have  
23 a continuing objection to Board examination of  
24 witnesses in this fashion and we think that we've  
25 shown constraint and would like to note for the record

1 that we do continue to object to that kind of  
2 interrogation of the witness.

3 JUDGE BLOCH: I'm not sure why. I mean,  
4 I keep ruling and you keep objecting. I thought there  
5 was something about the rules of the case. You know,  
6 you have preserved that and we're keep acting that  
7 way for the reasons we've stated.

8 MR. DOWNEY: I understand. I just wanted  
9 to make sure that the record is clear on our objection  
10 to that procedure.

11 JUDGE BLOCH: I think Mr.Reynolds can  
12 testify to you that the record is clear on that .

13 MR. DOWNEY: I want to make sure the  
14 record is clear in this docket as well, for which  
15 I am responsible.

16 The second point I'd like to make,  
17 Your Honor, is what I'll call just a status report  
18 on the traveler packages for which there was a very  
19 dramatic announcement last night about what was there  
20 and what's not there. Or what Intervenor thinks  
21 was there or not.

22 We've learned from the site and this is  
23 information I'm giving from the site but I want them  
24 to have as current information as we have.

25 The following numbers of the welds

1 corresponding to the following numbers have not been  
2 commenced, and as a consequence, there are not  
3 traveler packages associated with them.

4 JUDGE BLOCH: Wait. That means the  
5 outside welds haven't been done either?

6 MR. DOWNEY: They are welds for something  
7 other than welds that are inside and outside. Not  
8 every weld in that entire package goes to welds that  
9 bind the stainless steel plates.

10 The following weld numbers are for welds  
11 that will be made but for which no traveler package  
12 exists.

13 JUDGE BLOCH: Okay.

14 MR. DOWNEY: Weld No. 50, 64, 79, 123,  
15 149, 161, 204, 304, 255, 272, 311, 326, 226, 1282  
16 through 1302.

17 JUDGE BLOCH: Through what?

18 MR. DOWNEY: 1282 through 1302.

19 JUDGE BLOCH: Thank you.

20 MR. DOWNEY: The following numbers were  
21 not used in the drawing and, therefore, there will  
22 never be a weld that corresponds to the following  
23 numbers: 106, 460, 350, 238 and Weld Nos. 1000 through  
24 1081.

25 Three weld numbers have missing

1 documentation numbers which were covered by NCR No.  
2 M-84-2037, which was dispositioned, "remove existing  
3 weld and reweld it." and those three -- I'm sorry,  
4 there are four weld numbers which were dispositioned  
5 under this NCR. 628 through 631 and Weld No. 649.

6 The following weld numbers, of which  
7 there are four, were originally signed by the welds  
8 were deleted by design change authorizations, so that  
9 while they were originally on the specification, there  
10 are no traveler packages associated with the welds.  
11 763, 764, 771 and 772.

12 Nine welds were made without the  
13 assignment of weld numbers and, again, they were  
14 dispositioned by an NCR, in this case, NCR M84-0668.  
15 The NCR was dispositioned to "remove the old weld  
16 and replace it with a new weld" and these numbers  
17 are for the new weld. 1273 through 1281.

18 There are a number of welds for which  
19 the traveler packages are available in the big  
20 traveler package at the site but for what reasons  
21 that I can't explain, they are not copies here.  
22 Either in going through them, they were skipped --

23 JUDGE BLOCH: You don't know.

24 MR. DOWNEY: I don't know but they are  
25 there and we can bring traveler packages forward

1 for Weld No. 58, 76, 83, 285, 343 through 348, 367,  
2 536, 608, 718, 1143, 1098, 1252 and 1253.

3 There is one weld that is currently --  
4 that is Weld 1180, covered by NCR M84-00498, Rev .1,  
5 for which the documentation is missing and that's  
6 the reason for the NCR, which has not yet been  
7 dispositioned.

8 And there are three which we believe to  
9 be in the same category as available at the site but  
10 not available here but in the check through by  
11 telephone, there is some confusion in the information  
12 we exchanged. There is a Weld 55, 358 and 1174.

13 That accounts for all the weld numbers  
14 through 1302 and that's the last and highest number  
15 assigned.

16 And the last thing I'd like to check  
17 on, Chairman Bloch, is to identify what I believe  
18 are the outstanding requests on the Applicant posed  
19 by the Board during the course of this week's hearings.  
20 Those have not yet been fulfilled. There are only  
21 seven.

22 JUDGE BLOCH: Let's not do them now.  
23 If you'd like to check at the office, I'd be more  
24 than happy to discuss them on Monday morning. I would  
25 like to see if we can get some business done on two



1 other motions.

2 The Applicants have moved in a  
3 confidential memorandum for action with regard to  
4 two witnesses. Unless either the Staff or CASE plan  
5 to object to the action, we would deny that motion  
6 for reasons we have already stated for calling those  
7 witnesses.

8 Do I hear an objection from either  
9 Staff or CASE?

10 MR. ROISMAN: None from CASE, Mr.  
11 Chairman.

12 MR. TREBY: None from the Staff.

13 JUDGE BLOCH: Then that motion is denied.

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1 JUDGE BLOCH: We have before us a memorandum  
2 and order prepared at our request by Applicants' counsel  
3 working together with our clerk, entitled, "Directing  
4 Release of OI Reports."

5 Are there any objections to the issuance  
6 of that memorandum and order?

7 MR. ROISMAN: Mr. Chairman, the concern  
8 that I have with the proposed memorandum and order is as  
9 follows, number one, I believe that the Board should  
10 include in there an offer that it will review in camera  
11 and ex parte the documents in question for the sole  
12 purpose of determining which documents it would want to  
13 be able to look open, with the understanding that I think  
14 the parties should be able to stipulate to, that the  
15 Board is perfectly capable of excluding from its decision  
16 making process material that it sees that the other  
17 parties haven't seen.

18 But I think the order as written invites  
19 a confrontation with the Commission that may be broader  
20 or wider than necessary.

21 JUDGE BLOCH: All right. Let me address  
22 that. I would do that if there were a stipulation but  
23 my understanding is that there is no stipulation because  
24 the Applicants would object; is that correct?

25 MR. DOWNEY: That's correct, Your Honor.

18-2

1 MR. ROISMAN: Well, then, at a minimum  
2 I'd like the order to note that at least as to the  
3 Intervenor CASE that we would propose that as an  
4 alternative.

5 JUDGE BLOCH: So then you would propose  
6 the following of the Commission's policy guidance in  
7 this instance?

8 MR. ROISMAN: That's right, that at least  
9 that you look at it to decide, it could be that there's  
10 none in there that -- all you have are titles, that  
11 there's none in there that give you any idea that they're  
12 relevant to the hearing and we could be making a fight  
13 for nothing.

14 Secondly, I would --

15 JUDGE BLOCH: May I ask first, does the  
16 order say anything about what CASE's position is?

17 MR. ROISMAN: No, nor do I believe it  
18 says anything about what the Applicants' position is.

19 MR. DOWNEY: It's an order of the Board,  
20 not a position of the parties and I --

21 JUDGE BLOCH: Well, I had hoped that at  
22 one point we might have had concurrence for all the  
23 parties in it and it might have been noted, but I guess  
24 we don't have concurrence of all the parties.

25 MR. ROISMAN: All right. Secondly, I

18-3

1 believe that the Board should indicate that the scope of  
2 the protective order which is being proposed could be  
3 limited as narrowly as to an attorney for each party,  
4 at least ~~at~~ a minimum for the purpose of the parties and  
5 the Board arguing over whether the document is or is not  
6 relevant to the proceeding.

7 I think that some of the OI objections  
8 to to the issue that if they are still an ongoing investi-  
9 gation actions, not the investigation itself, but post-  
10 investigation actions, that disclosing that information  
11 could alert parties to that at a time that's premature,  
12 given their relations with the Justice Department.

13 The way the protective order language  
14 appears here, it's not clear that there would be any limit  
15 on the scope of that except that it would be to the parties  
16 and of course all of the people associated with them.

17 JUDGE BLOCH: I had intended that the  
18 language -- I don't know if it does that, because I  
19 reviewed it very hurriedly. I had intended that the  
20 language invite OI ~~to~~ propose the protective order.

21 Does it do that?

22 MR. ROISMAN: No. I looked at it very  
23 quickly, but I don't believe that it does.

24 And that, I would say that --

25 JUDGE BLOCH: I do want it modified in

18-4

1 that way.

2 MR. ROISMAN: Third, I would like to urge  
3 the Board to urge OI to appear before the Board with  
4 counsel to present its position, instead of automatically  
5 forcing this to the Commission level.

6 It doesn't seem to me that we need to make  
7 a Supreme Court case out of it. If OI has a point to make,  
8 I'm uncomfortable with them calling you on the phone and  
9 telling you privately, here's my point.

10 JUDGE BLOCH: I don't talk to them on the  
11 phone anymore.

12 (Laughter.)

13 MR. ROISMAN: All right. I mean, just as  
14 a matter of procedure, it appears that this necessarily  
15 forces a confrontation over the issue, and I would like  
16 to see us look for other ways to resolve it.

17 JUDGE BLOCH: I think that could be  
18 resolved by having Staff inform OI that we are anxious,  
19 if they want to, to have them appear before us and  
20 address the issue.

21 MR. ROISMAN: Well, Mr. Chairman, my  
22 concern is that on previous occasions when we've used  
23 that vehicle that somehow or another when the word comes  
24 from the Staff -- and this is not in any way to comment  
25 on Mr. Treby, but OI doesn't seem to think it means very

18-5

1 much. I think if you had it in a written order --

2 JUDGE BLOCH: I think that's superstitious.  
3 I think in fact the problem is that OI doesn't have  
4 counsel.

5 MR. TREBY: Well, OI is assigned a member  
6 of the office of General Counsel, to which they go and  
7 get legal advice from time to time and --

8 JUDGE BLOCH: My judgment is that an  
9 invitation from us conveyed by Staff ought to be adequate  
10 on that score and we would like to resolve it at this  
11 level if OI has some way of doing that.

12 JUDGE GROSSMAN: My understanding is that  
13 OI isn't going to change its position, regardless of who  
14 talks to them, and it is going to go to the Commission  
15 whichever way we do it, and it would just be fruitless.

16 JUDGE BLOCH: Okay. Well, I would trust  
17 OI to know that, if there's going to be no way to reconcile  
18 the views then there will be no choice.

19 MR. TREBY: The only comment I would have  
20 is that one of the first things Mr. Roisman said is that  
21 perhaps in order to avoid confrontation what the Board  
22 could have done is said, yes, give us all these documents  
23 ex parte, look over them real quickly and with a half hour  
24 say, yeah, they're all significant, let's now issue this  
25 memorandum.



18-6

1                   If that was what happened, that would  
2 just be putting form over substance, and I'm not sure  
3 that that would really help matters very much.

4                   The more concerning problem would be if  
5 the Board did look at some of these things and for whatever  
6 reason decided that based on its understanding of the  
7 record at that point it didn't think one or two of these --  
8 well, one or more of these things was significant.

9                   If the other parties had not had a chance  
10 to look at it, they may well have some information that  
11 the Board's not aware of at this time that would make them  
12 think it was significant and they would never have had  
13 the opportunity to have known of the existence.

14                   I think that is a problem that the Board  
15 may well have had in mind when it decided that rather  
16 than go through this, the motions of just looking at them  
17 and deciding, it just said just make it all available under  
18 the protective order.

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19                   JUDGE BLOCH: Okay. If Applicants would  
20 submit an order, amended as we suggested, just with  
21 respect to making it clear that OI may propose the  
22 protective order to us, and would be prepared to issue  
23 that Monday morning to me. The crux of the harm from an  
24 ex parte contact has to do with the concept of psycho-  
25 logical set, that once we've seen something, without

18-7  
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1 argument from the parties, that it's a little bit harder  
2 to be objective. It's better for us to have -- see it the  
3 same time that the parties see it and have them have an  
4 opportunity to make an argument.

5 I'd like to thank all counsel here and --

6 MR. ROISMAN: Mr. Chairman --

7 JUDGE BLOCH: Yes.

8 MR. ROISMAN: Mr. Chairman, there is one  
9 other procedural matter, and I'd also like to request,  
10 just as a matter of course, that we tentatively set  
11 9:00 a.m. Monday morning to have a conference call. I'm  
12 sure that all of us have on our dockets, and with the plane  
13 time coming, things that we'd like to try to resolve before  
14 we get back here on Tuesday, but I have one procedural --

15 JUDGE BLOCH: I'd be pleased to, but we  
16 have no reliable way of having a record at that meeting.

17 MR. DOWNEY: I'd like to request that we  
18 set it at 11:00. I have made another appointment for 9:00.

19 MR. TREBY: I also have been advised that  
20 I have a commitment at 9:00 o'clock Monday morning.

21 MR. DOWNEY: I think we're all agreed --

22 MR. ROISMAN: Mr. Chairman, the one thing  
23 that I would like to request formally on the record is  
24 that CASE be allowed to retain possession of the traveler  
25 documents between now and Tuesday. Applicants have

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1 originals. These are the copies. We can usefully review  
2 them between now and then. If Applicants take them back  
3 there is no convenient way for us to do that.

4 Incidentally, we're not planning to take  
5 them back to Washington, they will remain in the Fort Worth  
6 area, because Miss Garde and I are not the ones who are  
7 reviewing them, but rather Miss Hadley and Miss Gregory.

8 MR. DOWNEY: We would prefer -- we would  
9 insist that we maintain possession of those documents but  
10 would permit them access to them over the weekend. We'll  
11 make them available in the Fort Worth area convenient.

12 JUDGE BLOCH: What's the reason you need  
13 to keep the copies under your control?

14 MR. DOWNEY: Because Mr. Brandt also would  
15 like to review them over the weekend, and Mr. Brandt lives  
16 in Fort Worth, not at the site.

17 MR. ROISMAN: Are you now in your home  
18 across the street from Miss Neumeyer?

19 (Laughter.)

20 MR. ROISMAN: Because that will make it  
21 extremely convenient for purposes of the review.

22 MR. BRANDT: I don't live across the street  
23 from Miss Neumeyer.

24 MR. DOWNEY: We will -- our plan -- I will --

25 JUDGE BLOCH: Can an effort be made to

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19-4

1 find a common location so both sides can use the documents?

2 MR. DOWNEY: Yes.

3 MR. ROISMAN: All right, and I'll allow  
4 Miss Hadley to represent CASE for the purpose of simply  
5 getting a mutually convenient place.

6 JUDGE BLOCH: Okay. I hope that will be  
7 done in good faith. When the parties have cooperated,  
8 I've seen that it does work.

9 I'd like to thank all counsel and all of  
10 the witnesses for their participation in the hearing.

11 The hearing session is adjourned until  
12 8:30 a.m., Tuesday, at the Ramada Inn Central.

13 (Whereupon, at 3:10 p.m., the hearing  
14 was adjourned, to reconvene at 8:30 a.m., Tuesday,  
15 September 18, 1984.)

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This is to certify that the attached proceedings before the  
UNITED STATES NUCLEAR REGULATORY COMMISSION in the matter of:

NAME OF PROCEEDING: TEXAS UTILITIES GENERATING COMPANY ET AL

(Comanche Peak Steam Electric  
Station, Units 1 and 2)

DOCKET NO.: 50-445  
50-446

PLACE: Fort Worth, Texas

DATE: September 14, 1984

were held as herein appears, and that this is the original  
transcript thereof for the file of the United States Nuclear  
Regulatory Commission.

(Sigt) Mary L. Bagby  
(TYPED) Mary L. Bagby

Official Reporter

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