

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

50-446-OL2

LOCATION: FORT WORTH, TEXAS

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In the Matter of  
TEXAS UTILITIES GENERATING  
COMPANY, et al.  
  
(Comanche Peak Steam Electric  
Station, Units 1 and 2)

X  
X  
X Docket No. 50-445-OL2  
X 50-446-OL2  
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Crystal Ballroom  
Hyatt Regency Hotel  
815 Main Street  
Fort Worth, Texas

Thursday, September 13, 1984

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

BEFORE:

JUDGE PETER BLOCH  
Chairman, Atomic Safety and Licensing Board

JUDGE HERBERT GROSSMAN  
Member, Atomic Safety and Licensing Board

JUDGE WALTER JORDAN  
Member, Atomic Safety and Licensing Board

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P R O C E E D I N G S

1  
2 JUDGE BLOCH: Good morning.

3 MR. DOWNEY: Judge Bloch, yesterday  
4 afternoon after the hearing broke up Mr. Brandt was  
5 informed by some people at the site that they had  
6 concluded the task he assigned them about a week ago,  
7 which was to copy all twelve hundred of the travelers  
8 for that liner pool that we were talking about  
9 yesterday and they are there on the table.

10 Mr. Brandt went through them last night.  
11 I can't say he went through all twelve hundred of them,  
12 but he went through a substantial number. So far as  
13 he could determine all of the travelers had inspections  
14 on both inside and outside welds, except those noted  
15 on the NCR that he testified about yesterday.

16 I think in some respects his testimony  
17 may have some minor inaccuracies, because, as you  
18 recall, he speculated in part how those inside  
19 inspections might be documented.

20 JUDGE BLOCH: Okay. So you will start  
21 out by having him state what he discovered.

22 MR. DOWNEY: I think that would be use-  
23 ful. We also have the procedures, which are being  
24 copied for all the parties.

25 JUDGE BLOCH: I appreciate the great

L/2

1 effort that you went to last night, and it's very  
2 helpful.

3 MR. ROISMAN: May we see the travelers?

4 MR. DOWNEY: Help yourself.

5 MR. ROISMAN: Thank you.

6 MR. TREBY: Do you have a package in  
7 there for us, too?

8 MR. DOWNEY: No. That's just one complete  
9 set of the twelve hundred travelers. We did not try and  
10 make copies for all the parties.

11 MR. ROISMAN: Are they in any order?

12 MR. DOWNEY: Some of them are sequentially  
13 by weld number. Some of them are out of order.

14 MR. GROSSMAN: Do you have to keep them  
15 in order for the testimony?

16 MR. DOWNEY: No, not particularly, but  
17 try to keep them in some order.

18 JUDGE BLOCH: Off the record.

19 (Discussion off the record.)

20 JUDGE BLOCH: On the record.

21 Mr. Downey, would you proceed to  
22 clarify what the documents are and what the new  
23 conclusions of the witness may be with respect to those  
24 documents?

25 MR. DOWNEY: Yes, Your Honor, I will.

1 Whereupon,

2 THOMAS BRANDT

3 the witness on the stand at the time of adjournment,  
4 having been previously duly sworn, resumed the stand  
5 and testified further as follows:

6 DIRECT EXAMINATION

7 BY MR. DOWNEY:

8 Q Mr. Brandt, could you describe the  
9 contents of the two boxes of documents that you brought  
10 with you this morning?

11 A Yes. Although I have not checked them  
12 against the drawing, it's supposed to be all of the  
13 Unit 2 refueling cavity travelers.

14 Q And approximately how many travelers were  
15 represented?

16 A I said yesterday between a thousand and  
17 twelve hundred. It certainly looks like that's a close  
18 guess.

19 Q Mr. Brandt, did you review some of those  
20 travelers last evening?

21 A I would guesstimate I reviewed a couple  
22 hundred travelers yesterday evening.

23 Q Mr. Brandt, did some of the travelers  
24 contain signatures for verifying inspections for both  
25 the water side and concrete side, the welds and plates



1/4  
1 in the liner.

2 A Are you talking about signatures on the  
3 traveler itself, Mr. Downey?

4 Q Yes.

5 A Yes, they did.

6 JUDGE BLOCH: I'm sorry. When you say  
7 that does that mean there was a signature on Line 1 or  
8 that someone added a seconded line?

9 THE WITNESS: Yes.

10 JUDGE BLOCH: You mean there were examples  
11 of both.

12 THE WITNESS: There was examples of both.  
13 On some occasions they wrote the word "reverified" and  
14 signed. On some occasions they wrote an asterisk and  
15 put "inside weld."

16 If the chit was available in the  
17 package for the outside weld, I saw some occasions to  
18 where a line was drawn above Step 1 marked "inside  
19 weld" signed and dated.

20 BY MR. DOWNEY:

21 Q Did some of the traveler packages contain  
22 chits for both the inside and outside weld?

23 A Yes, sir.

24 Q And did some of the travelers have the  
25 signature verifying the second inspection, and a chit

/5

1 verifying the first inspection?

2 A Are you talking about a signature  
3 verifying the inside weld and a chit for the outside?

4 Q Yes, Mr. Brandt.

5 A Yes.

6 Q And had some of the inside welds still  
7 not been met?

8 A Yes. That's a correct statement.

9 Q With respect to that sub-set of those  
10 travelers were the outside inspections verified by  
11 signature or chit?

12 A Yes, sir. In fact, some welds are not  
13 made at all.

14 Q Now with respect to those welds that  
15 haven't been made are they for purposes other than the  
16 fabrication of the membrane?

17 A Yes, sir. I don't want to say they are  
18 attachments, but they are like angles that are welded  
19 to the top liner plate, things that can be accomplished  
20 after the prefabricated liner is set in place and  
21 concrete poured.

22 JUDGE BLOCH: How did you ascertain that  
23 that was what those were?

24 THE WITNESS: It's marked on the traveler  
25 like "top angle" to a piece number.

/6  
1 MR. DOWNEY: Your Honor, that concludes  
2 the short examination I had on the travelers. Perhaps  
3 it would be useful if Mr. Brandt took five minutes to  
4 find some examples of the various types of verifications  
5 of the inspections he's just testified about and we  
6 can use those in further examination if the parties  
7 have questions of Mr. Brandt.

8 JUDGE BLOCH: Possibly. It could be as  
9 intervenors ask questions they might request examples,  
10 or you might want to specify the types of documents  
11 you'd like Mr. Brandt to pull now and then we could  
12 take a recess.

13 MR. ROISMAN: Well, I think separate from  
14 that we'd like to take a recess and look at the  
15 documents.

16 JUDGE BLOCH: Okay.

17 MR. ROISMAN: They have represented there  
18 are twelve hundred travelers. We had previously seen  
19 a hundred and twelve.

20 JUDGE BLOCH: Okay. The request for a  
21 recess is granted. We hope you will do it efficiently.

22 MR. ROISMAN: Yes. We'll ask him some  
23 questions now anyway --

24 MR. DOWNEY: Your Honor, we are also  
25 copying the procedures for all the parties, which

/7

1 should be here at the end of the recess.

2 JUDGE BLOCH: Well, you want to start now  
3 and then look? It seems it might be inefficient.

4 MR. ROISMAN: Yes. Let's take a recess  
5 now.

6 JUDGE BLOCH: All right.

7 JUDGE JORDAN: One question first. Where  
8 did you find all of these travelers?

9 THE WITNESS: I think in order to answer  
10 that, Dr. Jordan, I need to explain the events as I  
11 referred to yesterday that have occurred since these  
12 depositions started in Glen Rose.

13 After Ms. Neumeyer's deposition,  
14 counsel for the Applicant, Mr. Watkins, asked me to  
15 produce, to get him examples of travelers that Neumeyer  
16 had signed during the first week of March. I provided  
17 those to Mr. Watkins, not directly but I obtained them  
18 through the Custodian of the Documents.

19 The next request I got from  
20 Mr. Watkins was to produce all the travelers that had  
21 Neumeyer's signature on them.

22 Several days after that I was asked  
23 for some examples of travelers which were signed by  
24 Fred Evans. Several days after that I was asked for  
25 all the Fred Evans travelers. And at that time

1/8 1 Mr. Watkins and I decided to copy all travelers.

2 When I left the stand yesterday  
3 there was a telephone message that the site had called  
4 stating that these travelers were available that I  
5 wanted.

6 We called back to the site, talked  
7 to Security. Security broke into my office and  
8 delivered the travelers here last night at 8:30 or  
9 9:00 o'clock.

10 JUDGE JORDAN: So these are copies. They  
11 are not the originals.

12 THE WITNESS: They are not the originals,  
13 no, sir.

14 JUDGE BLOCH: Let us aim for 9:00 o'clock  
15 or earlier, if possible. We'll talk to you about that  
16 time, if there is still a problem.

17 (Whereupon, a recess was taken.)

18 ///

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1 JUDGE BLOCH: On the record.

2 Let the record reflect that the Chairman  
3 is now sitting alone for this discussion.

4 MR. ROISMAN: Ms. Garde and I have just  
5 spent 15 minutes since the break started looking  
6 for the document, and now we also receive the  
7 instructions.

8 There's no physically possible way  
9 that we can in a reasonable period of time digest  
10 the variety of differences that we have found in  
11 there and ask the witness intelligent questions about  
12 it.

13 We would like the witness to be passed  
14 and start with Mr. Purdy. We would like to bring the  
15 witness back tomorrow.

16 I don't even think the lunch break is  
17 sufficient, but it may be. I am willing to try to  
18 accommodate it, but I don't think there's any  
19 question.

20 After we heard Applicants' statements  
21 yesterday, it's not reasonable to ask us to take 10  
22 or 15 minutes.

23 These documents are not consistent.  
24 They don't match up. We can't find one pattern.

25 Like with Dr. Gillespie, there are

-2  
1 themes that are yet to come through, and I would like  
2 an opportunity to examine what we have just seen.

3 MR. DOWNEY: I would like to just  
4 clarify this.

5 I would prefer to continue with  
6 Mr. Brandt. In fact, I am not sure that Mr. Purdy has  
7 arrived from the site yet this morning.

8 Ask him whatever questions we can to  
9 clarify this issue and any other issues about which  
10 they want to examine him.

11 If necessary, we can bring him back.

12 JUDGE BLOCH: Let the record reflect  
13 Judge Grossman has returned.

14 MR. ROISMAN: Mr. Chairman, there are  
15 no clarifying questions that we can ask that would  
16 be intelligent or wise for us to ask at this point  
17 until we ourselves understand what is in these 1200  
18 travelers.

19 JUDGE BLOCH: Did you say Mr. Purdy is  
20 not here right now?

21 MR. DOWNEY: I don't know if he has  
22 arrived from the site yet. He had to stop by there  
23 on his way here this morning.

24 JUDGE BLOCH: Mr. Treby, your advice?

25 MR. TREBY: Well, if there's another

1 subject that Mr. Brandt is going to testify on, maybe  
2 we could move to that.

3 JUDGE BLOCH: We can do that while we  
4 are awaiting Mr. Purdy's return.

5 MR. TREBY: Maybe we can complete with  
6 Mr. Brandt on everything except these travelers.

7 JUDGE BLOCH: How would that be?

8 MR. ROISMAN: I don't have any problem  
9 with that, but I really think I would like to have  
10 over the evening, and I would like to have those  
11 documents available.

12 The Applicant does not want us to  
13 take them out of their possession. If they will  
14 provide us with a room here where we could examine  
15 them, we will do that.

16 JUDGE GROSSMAN: Do you think,  
17 Mr. Roisman, that you want to look at the originals,  
18 also; not take custody of them, but just take a look  
19 at the originals, or would that suffice?

20 MR. ROISMAN: Well, Ms. Garde.

21 MS. GARDE: I think I would like to  
22 look at the originals, but I think it would be most  
23 expeditious if we choose both examples that we need  
24 and put it into a much smaller number than the  
25 originals, and then those could be produced.



1 JUDGE GROSSMAN: Okay.

2 MR. TREBY: I don't understand why we  
3 would need to look at the originals. Is there a  
4 representation this is an inaccurate copy?

5 JUDGE BLOCH: There are some documents  
6 that we have looked at that appear to be prepared with  
7 a different pen the signature of the inspector and  
8 the sat. mark, and it's possible that they are even  
9 in different colors.

10 So it would be helpful to see the  
11 original of those. It would also help to see the  
12 originals to see if a different pen was used for  
13 the signature.

14 JUDGE GROSSMAN: Okay. I'll leave that  
15 up to Intervenors to look at, but that's obvious  
16 from the copies that we have.

17 Let me just point out for the record,  
18 if you look at the Weld Nos. 1192 to 1198, it's  
19 obvious that Mr. Cole signed all of these, but  
20 that the dating and the sat. results were done by  
21 someone else in a different pen, and that's uniform.

22 JUDGE BLOCH: A different pen, but we  
23 can't tell if it's someone else.

24 MS. GARDE: Another thing, I can't find  
25 any Fred Fvans travelers in here.

1 JUDGE BLOCH: Mr. Brandt --

2 MR. TREBY: I don't know if the  
3 reporter is getting all of this.

4 JUDGE GROSSMAN: Mr. Brandt can sit  
5 over there. He has a mike over there and if he  
6 wants to say something....

7 JUDGE BLOCH: Let's return to our  
8 original places.

9 Some questions could be asked just  
10 to clarify what the situation is and then we will  
11 pass the rest of this issue?

12 JUDGE GROSSMAN: We don't want to pass  
13 the entire issue now because we have one or two  
14 questions, including the question as to whether  
15 he knows of any reason why the dating -- Mr. Brandt,  
16 are you feeling okay?

17 THE WITNESS: I just hit my knee. I'm  
18 sorry.

19 JUDGE GROSSMAN: I'm sorry. I knew my  
20 questions weren't that hard.

21 (Laughter.)

22 BOARD EXAMINATION

23 BY JUDGE GROSSMAN:

24 Q Do you know of any reason why the dating  
25 and the results would be done in one pen and the

1 signatures done in another pen?

2 As I pointed out to you, if you take a  
3 look at the batch from 1192 to 1198, Mr. Cole seems  
4 to have signed all those on the first line, but the  
5 dating apparently was done in some other pen; also,  
6 the results.

7 A Judge Grossman, I did not look at them  
8 to that particular point. As was stated earlier, I  
9 was trying to review as many of them as possible last  
10 night to get a good idea on how many different ways  
11 Step 1 was signed off.

12 As far as paying particular attention  
13 to how they were signed or how wide the ink mark was  
14 to indicate whether or not it was a different pen or  
15 not, I quite honestly didn't even address the issue.

16 Q Well, can you think of any reason right  
17 now, and, of course, we are catching you by surprise,  
18 but if you can think of some reason now we would  
19 certainly appreciate it.

20 A I would probably need some time to think  
21 about it. If you are asking me at this second can I  
22 think of a reason, no.

23 Q Let me ask you another question. What  
24 does the signature on the last line mean, the one  
25 that represents the inspector's final approval? That's

2-7 1 on Line No. 8.

2 MR. ROISMAN: Mr. Grossman, could there  
3 just be a clarification there. There are two kinds of  
4 inspection forms.

5 One is the kind that we have been looking  
6 at as the ones on which Ms. Neumeyer has signed, and  
7 then on some of those old travelers and many of these  
8 new travelers there is an eight-number as opposed to  
9 a five-number form with signatures on it.

10 I think you are asking about the eight-  
11 number form.

12 JUDGE GROSSMAN: What I am asking about  
13 is the eight-number form which says, "Completion of  
14 weld inspection."

15 BY JUDGE GROSSMAN:

16 Q Could you tell me what the inspector's  
17 signature on that line means?

18 MR. DOWNEY: Excuse me, Judge Grossman.  
19 Could you identify the form you are looking at by  
20 the weld number so the record will reflect which  
21 traveler we are referring to.

22 JUDGE BLOCH: Actually, I think he is  
23 referring in general to the eight-line form that  
24 Mr. Brandt developed.

25 JUDGE GROSSMAN: Yes. Okay. We have

-8 1 Weld No. 52 here, as an example, and there's room for  
2 a signature on Line 8 and it says, "Completion of  
3 weld inspection."

4 THE WITNESS: Yes, Mr. Grossman. That  
5 indicates that not only is the visual inspection done  
6 on the inside well, but the liquid penetrant and the  
7 vacuum box testing are complete as well.

8 BY JUDGE GROSSMAN:

9 Q And what does the inspector who signs  
10 that represent that he has signed? Is it merely a  
11 document review?

12 A Exactly. He is verifying that the  
13 visual inspection has been completed, and verifying  
14 that the vacuum box and liquid penetrant test has  
15 been completed; not necessarily that he has conducted  
16 any of those tests himself.

17 Q So that would be purely document review?

18 A Yes, sir.

19 JUDGE BLOCH: As I also understand, it's  
20 possible that the vacuum box and hydrostatic test  
21 could be done but there could have been no inspection  
22 on the cleanliness of the inner weld and he could still  
23 sign off on Line 8 under the NCR. Providing the  
24 testing was done, there's no need for an inspection  
25 of cleanliness on the inside weld under the NCR; is

1 that right?

2 THE WITNESS: Yes, sir.

3 Let me attempt to clarify that, Judge  
4 Bloch. I am assuming you are saying there is no  
5 reason for the traveler to remain open in the event  
6 that the inside weld did not have the cleanliness  
7 inspection performed.

8 The answer to that question is yes.

9 BY JUDGE GROSSMAN:

10 Q Would it be improper in any case or in  
11 every case for the person who signed on any of these  
12 lines to sign it at one time and have the date  
13 entered at some other time, or have a date entered  
14 that did not correspond to the date of the signature?

15 A If you are attempting to ask the -- the  
16 only instance to where I know that would be  
17 acceptable, Judge Grossman (if I can add an  
18 explanation) is the type of situation we were talking  
19 about yesterday where Ms. Neumeyer had signed an  
20 inspection off four to five years after the fact that  
21 it happened, but indicated on the traveler itself  
22 it was based on the existence of the NDE chit.

23 To me that makes it fairly obvious  
24 that she's not actually performing the inspection.  
25 She is just verifying that the inspection was

2-10 1 performed.

2 Q Well, I have a question on Traveler  
3 No. 51, and I'm not sure it hasn't already been  
4 answered possibly ad nauseum in the prior testimony.  
5 But it's one in which Ms. Neumeyer crossed out a date  
6 or someone crossed out a date in 1981, and then  
7 Ms. Neumeyer had her signature there and there was a  
8 date sometime in 1983.

9 Are you familiar with that particular  
10 traveler?

11 A Well, I put it back in the box.

12 JUDGE BLOCH: Let the record reflect  
13 that the Traveler 51 has been handed to the witness.

14 THE WITNESS: I have in front of me  
15 Traveler No. 51. It appears to me that the date  
16 December 28, 1981, was entered on Line 1 without an  
17 inspection results indication and without Sue Ann  
18 Neumeyer's signature and dated 3-1-83.

19 Who entered the date 12-28-81, I have  
20 no idea. It serves no purpose because it's not  
21 signed by an inspector and no inspection results  
22 were indicated.

23 JUDGE BLOCH: Is that violation of  
24 procedure to just stick a date on a form?

25 THE WITNESS: Judge Bloch, could I have

-11 1 a second to review this traveler and maybe I can  
2 think of a reason for it being there.

3 JUDGE BLOCH: Sure.

4 (Pause in proceedings.)

5 THE WITNESS: If you will look through  
6 the traveler, on Page -- and I don't know why I am  
7 even saying this because you don't have it in front  
8 of you.

9 MR. ROISMAN: Wait a second. I have  
10 a copy of it which I will let the Board look at.

11 (Document present to the Board by

12 Mr. Roisman.)

13 THE WITNESS: The fifth sheet in this  
14 particular traveler is an NDE chit or an NDE request  
15 signed by Larry Wilkerson, dated 9-26-78.

16 JUDGE BLOCH: I'm sorry. We don't have  
17 five sheets.

18 MR. ROISMAN: That's the copy we got in  
19 discovery.

20 JUDGE BLOCH: So you got four sheets  
21 and there are five sheets?

22 MR. ROISMAN: We got what you were  
23 just looking at.

24 THE WITNESS: It looks like two  
25 additional sheets have been added this month,



1 Judge Bloch.

2 JUDGE BLOCH: Okay.

3 THE WITNESS: If you will note, the  
4 new traveler is dated 9-6-84, and this is the traveler  
5 out of the most recent revision of the inspection  
6 procedure.

7 JUDGE BLOCH: Okay. What does it have  
8 to do with Page 1?

9 THE WITNESS: This new traveler or the  
10 chit I am referring to.

11 JUDGE BLOCH: We are trying to understand  
12 why the date was placed on Page 1.

13 THE WITNESS: Okay. If you will stay  
14 here for a second, I think I can explain it to you.

15 JUDGE BLOCH: Okay.

16 THE WITNESS: Or at least hypothetically;  
17 I am not attempting to say that this is what happened.

18 The chit that I am referring to is  
19 dated 9-26, 1978, although this is a poor copy.

20 Over on the left side it indicates it  
21 is for the first fit-up, which is the back side fit-up.

22 There's an additional chit dated 12-28-81  
23 for cleanliness and fit-up, which is for the inside  
24 weld, signed by Billy Snellgrove, marked satisfactory,  
25 and as I said, dated December 28, 1981.

-13 1 I would surmise from this information  
2 that the 12-28-81 marking was made by Snellgrove and  
3 he neglected to sign the line on the traveler.

4 As the final fit-up inspection of the  
5 back side and inside, considering those two different  
6 inspections, was conducted on the 20th of December,  
7 1981, it looks like he neglected to sign the line.

8 JUDGE BLOCH: I guess all he should  
9 have done, when he crossed out the "12-28-81," he  
10 should have initialed it to say in error, or something  
11 like that?

12 THE WITNESS: What he should have done,  
13 Judge Bloch, is sign the line and dated it 12-28-81.  
14 BY JUDGE GROSSMAN:

15 Q Mr. Brandt, just to clarify that, he  
16 couldn't have signed on the front in error, because  
17 he wasn't signing anything as of a later date.

18 He was the one who was there in 1981 and  
19 just did not sign Line 1 for some reason, which we  
20 don't know.

21 A Yes, Your Honor. If we can return in  
22 time to the 28th of December, the first fit-up, or the  
23 back side fit-up had been performed. The chit exists  
24 for that fit-up. The line would not have been signed  
25 at that time.

-14 1 When Mr. Snellgrove performed his  
2 inspection on the inside or the water-side weld, he  
3 should have properly signed Line 1 and dated it  
4 December 28, 1981.

5 He did not do so. If Mr. Snellgrove  
6 entered the date, 12-28-81, I do not know.

7 That is my speculation from looking at  
8 the documents in front of me, as that was the date  
9 of the final fit-up and cleanliness inspection.

10 Q One thing you most certainly do not know  
11 is what his reasons were for not signing Line 1 on the  
12 traveler. All we know is that he didn't sign it; isn't  
13 that correct, Mr. Brandt?

14 A From the documents in front of me, that's  
15 all I can say, Judge Grossman, is he neglected to  
16 properly sign Line 1.

17 Q Well, the only problem I have is with  
18 giving any connotation now to the reasons why he  
19 didn't sign, such as neglect or for error.

20 It may well be -- I'm not suggesting that  
21 this was the case, but there could have been a reason  
22 why he didn't sign, other than neglect or error.

23 A That's certainly a possibility, but  
24 there's nothing in the package to me that indicates  
25 that it was anything other than neglect on his part to

1 sign the line.

2 The inspection chit he did sign on  
3 12-28 indicating it was satisfactory, and it is in the  
4 package.

5 Q Now, let me ask you, if someone else  
6 reviewed that document and determined that it should  
7 have been signed in 1981 -- that is, Line 1 should  
8 have been signed then, but they reviewed that  
9 document in 1983, it would nevertheless be incorrect  
10 for them to put their signature next to a 1981 date.  
11 Isn't that so?

12 A Yes, sir.

13 Q I will say one problem that I have right  
14 now, Mr. Brandt, is that if Ms. Neumeyer had merely  
15 signed Line 1 in that form for Weld 51, that would  
16 look very much like those forms that Mr. Cole signed  
17 that I referred to, which has the signature in one  
18 pen and the dates in the other pen.

19 That thought is just something that I  
20 think ought to be responded to when you have a chance  
21 to review those documents.

22 MR. ROISMAN: Mr. Chairman, I would just  
23 like to indicate that the copy of Weld No. 51 material  
24 that we received, in addition to not having the document  
25 that I believe Mr. Brandt mentioned has a date on it,

1 perhaps even this month -- I thought Mr. Brandt -- is  
2 that right? Fairly recent.

3 THE WITNESS: If you are talking about  
4 the traveler, Mr. Roisman, the only signature on the  
5 traveler is dated 9-6-84, and signed by Terry Webb.

6 MR. ROISMAN: Okay, but he also had in  
7 his possession in that copy a chit dated in 1981,  
8 which was not included in our copy.

9 We didn't have that chit. That's  
10 somewhat relevant because if both of the inspections  
11 had been per a chit, then presumably some different  
12 form of signature by Ms. Neumeyer would have occurred  
13 than what occurred here.

14 This form of signature is what she used  
15 when she was signing off when the inside cleanliness  
16 had not been tested at all, and when she was  
17 indicating that and made her little note, and she  
18 says at the bottom "Reference NVT chit attached to  
19 documentation."

20 So her signature on this, with the  
21 exception of crossing out the 12-28-81 and the crossing  
22 off of the sat. on final VT of inside weld through  
23 which is also a line and what appears to be her  
24 initials and the date "1-3-83" suggest that she, too,  
25 may not have had that chit, as well as us not having

1 it in discovery.

2 MR. DOWNEY: That's speculation by  
3 Mr. Roisman, Your Honor.

4 JUDGE GROSSMAN: Yes. I think Mr. Roisman  
5 is presenting that to Mr. Brandt to consider for the  
6 further line of questioning tomorrow.

7 THE WITNESS: Am I to respond to that  
8 at this point?

9 JUDGE BLOCH: If you would like to, sure.

10 THE WITNESS: I agree that it is  
11 speculation.

12 JUDGE BLOCH: Do you know that it is  
13 wrong?

14 THE WITNESS: I know there's other cases  
15 to where both chits exist where Ms. Neumeyer signed off  
16 Step 1 for both inside and outside weld, to where  
17 she makes -- She makes the same annotation where it  
18 says "Late entry, per CPQCI 211.11, Page 5, see note  
19 reference NDE chit attached documentation," whether  
20 she is signing off Step 1 with only one chit available  
21 or whether she's signing off Step 1 with both chits  
22 available or whether she's signing off Step 5, which  
23 she has done in several cases.

24 I noticed that in my review last night.

25 JUDGE BLOCH: So that her reviews were

-18 1 ambiguous as to what she was signing off on?

2 THE WITNESS: I'm not sure I understand  
3 what you mean by the term "ambiguous," Judge Bloch.

4 JUDGE BLOCH: You can't tell what she  
5 meant when she signed, because she could be signing  
6 off on one weld or two welds?

7 THE WITNESS: No, I'm not saying that.

8 If you are saying by "one weld or two  
9 welds," you are talking about the front side and  
10 back side, yes, sir.

11 JUDGE BLOCH: I stand corrected. It's  
12 all one weld. I understand.

13 MR. DOWNEY: Your Honor, if I may, I  
14 have identified three examples to illustrate  
15 Mr. Brandt's prior testimony.

16 I would like to have those identified  
17 and marked and bound into the transcript.

18 JUDGE BLOCH: Mr. Roisman, do you have  
19 any objection with that? He would like to identify  
20 three examples to illustrate the prior testimony and  
21 have them marked and admitted as evidence.

22 MR. ROISMAN: No. I don't have any  
23 problem with any other party or the Board proceeding  
24 with whatever they want to proceed with.

25 I am just saying that we are not ready --

19  
1 JUDGE BLOCH: I just need an answer to  
2 that question.

3 Mr. Downey, please proceed with that.

4 REDIRECT EXAMINATION

5 BY MR. DOWNEY:

6 Q Mr. Brandt, you have before you the  
7 traveler package for Weld No. 82?

8 A Yes, I do, Mr. Downey.

9 Q Does that traveler indicate that an  
10 inspector reverified the cleanliness and fit-up of  
11 the weld for the water side and signed that on the  
12 front page of the traveler package above Line 1 which  
13 had been signed at the time of the concrete side  
14 having been performed?

15 A Step 1 on this traveler is signed  
16 "sat." on the line by James W. Cole on April 10th,  
17 1980.

18 Above that line it reads, "Reverified  
19 sat., D. G. Stinson, 2-8-82."

20 ///

21 ///

22  
23  
24  
25



3-1  
he  
1 BY MR. DOWNEY:

2 Q Does that indicate to you that Mr. Cole  
3 verified the -- conducted the inspection on the concrete  
4 side at the time in 1980 that Mr. Stinson performed the  
5 water side inspection sometime after that?

6 A Yes, Mr. Downey. In fact, the chits are  
7 attached. Mr. Cole's chit is dated 1980. Mr. Stinson's  
8 chit is dated 2-8-82.

9 JUDGE BLOCH: We note that in this  
10 instance it appears, to the Chairman at least, that the  
11 results line and the inspector's signature are made in  
12 the same pen. It's a little harder to know whether the  
13 date is or is not, we assume perhaps that it wasn't.

14 BY MR. DOWNEY:

15 Q Mr. Brandt, do you have before you the  
16 travel package for Weld No. 87?

17 A Yes, I do, Mr. Downey.

18 Q How is Line 1 verifying the cleanliness  
19 and fit-up inspections signed on that traveler package?

20 A Line 1 is marked SAT, signed James W. Cole,  
21 3-1980. There's a chit attached which states first fit-up  
22 and cleanliness of plate to plate, signed by S. M. McCoy,  
23 dated August 18th, 1978 -- August 17th.

24 JUDGE BLOCH: Okay. And in this instance  
25 there is no asterisk indicating that the outside weld was

1 based on the chit?

2 THE WITNESS: No, sir. Or yes, sir, that's  
3 a correct statement.

4 JUDGE GROSSMAN: And I'd also like to point  
5 out that I agree with the Chairman as to what appeared  
6 from the Weld No. 82 traveler, that is, that the signature  
7 and dating were in the same pen.

8 But on this one it appears, that is, Weld  
9 No. 87, that Mr. Cole's signature and the dating and  
10 results were in different pen.

11 And also, as is apparent from the testimony,  
12 the date that's put on there does not correspond to the  
13 chit that apparently backs it up.

14 Oh, am I incorrect, Mr. Brandt?

15 THE WITNESS: Yes, you are, Judge Grossman.  
16 This chit is for the outside weld. It states first fit-up.  
17 It's 1978.

18 JUDGE BLOCH: So the problem really is that  
19 there's no explicit site at all on the outside weld, you  
20 have to assume that the signature on the Line 1 stands for  
21 both welds.

22 BY MR. DOWNEY:

23 Q Mr. Brandt, could you clarify that? I  
24 don't believe that's a fair or an accurate --

25 JUDGE BLOCH: Well, I think he understands

3-3

1 that we're asking --

2 THE WITNESS: I understand your hypothesis,  
3 Judge Bloch. It was the same, I believe, although in  
4 different words, as my speculation yesterday, that Step 1  
5 was left blank until the inside weld was verified for  
6 cleanliness, in which case, if it was signed, the inspector  
7 signing that step was signing only for the inside weld and  
8 verified that a chit existed for the back side weld.

9 JUDGE BLOCH: And if I understand correctly,  
10 the procedure we now have just doesn't speak to this point;  
11 is that correct?

12 THE WITNESS: If now is the time to explain  
13 that is shown, I'll go into that if you'd like.

14 JUDGE BLOCH: Unless Intervenors object.

15 MR. ROISMAN: I don't object to anything we  
16 can get from the witness.

17 THE WITNESS: I noted last night --

18 JUDGE BLOCH: And to be clear, we're  
19 talking about --

20 THE WITNESS: I don't have the procedure,  
21 Judge Bloch, or it's been shifted in this maze of papers  
22 somewhere.

23 MR. DOWNEY: I have another copy for the  
24 witness.

25 JUDGE BLOCH: We're talking about

3-4

1 QIQP 11.14-6, Revision Zero, dated March 26th, 1982?

2 THE WITNESS: No, sir.

3 JUDGE BLOCH: No?

4 THE WITNESS: That's one of the two  
5 procedures we can talk about.

6 JUDGE BLOCH: Let's talk about the one  
7 that's applicable.

8 THE WITNESS: Okay. You should have a  
9 procedure dated CPQCI 2.11-1, Revision 2, and a procedure  
10 numbered QIQP 11.14-6, Revision Zero, dated March 26th,  
11 1982.

12 JUDGE BLOCH: Okay.

13 THE WITNESS: Do you have both of those?

14 JUDGE BLOCH: Yes. We will provide that  
15 these be bound into the record at this point, so let's  
16 have our discussion while I hold onto this.

17 (Procedures follow.)

18 - - - -

19

20

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22

23

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25

Report

# QUALITY INSTRUCTION

WELDING INSPECTION AND FIT-UP OF STAINLESS STEEL LINERS

CP-QCI-2.11-1

FOR INFORMATION ONLY **VOID**

COMANCHE PEAK STEAM ELECTRIC STATION

TEXAS UTILITIES SERVICES INC.

PREPARED BY <i>K. M. ...</i> K. M. SINGH			REVIEWED BY <i>R. E. ...</i>				APPROVED BY <i>[Signature]</i>				
REV.	0	1	2								
DATE	1/2/77	2-1-77	1-9-78								
APP'D.	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>								



## WELDING INSPECTION AND FIT-UP OF STAINLESS STEEL LINERS

Instruction No.  
CP-QCI-2.11-1Revision No.  
2Page No.  
11.0 REFERENCES

- 1-A G&H Specification 2323-SS-18, "Stainless Steel Liner"
- 1-B B&R Construction Procedure CCP-38, "Stainless Steel Refueling Cavity Liner Erection"
- 1-C CP-QCP-2.11, "Inspection of Stainless Steel Pool Liner Systems"
- 1-D ASME Code Section IX, latest addenda
- 1-E CP-NDEP Manual
- 1-F AWS D1.1, "Structural Welding Code"
- 1-G Construction Procedure WES-14, "Stud Welding"
- 1-H Construction Procedure WES-16, "Schedule of Standard Tests, Welder Qualification Matrix and Welder Performance Qualification Log"
- 1-I Construction Procedure WCP-6 (to be issued)
- 1-J G&H Specification 2323-SS-7, "Refueling Gates"

2.0 GENERAL

This instruction has been prepared to establish inspection and documentation requirements associated with fabrication and erection of stainless steel fuel pool liners and refueling gates to meet the requirements of References 1-A, 1-B, 1-C and 1-J.

3.0 INSTRUCTION

The QC Inspector shall perform surveillance, NDE and inspections during fabrication and erection of the S/S fuel pool liners/ refueling gates and document the results according to instructions contained herein.

3.1 QC HOLD POINTS INSPECTION AND DOCUMENTATION REQUIREMENTS3.1.1 Welding Operations

The QC Inspector shall inspect the following items during fit-up and welding of liner materials upon receipt of NDE request chits and document the results on attachment number 4-A. A minimum of five (5) NDE request chits are to be issued by the Millwright Department in order to complete these hold points. All welding except stud welding is to be performed by welders and weld procedures qualified to Reference 1-D as verified in Reference 1-H.

## 1. Fitup and Cleanliness Inspection

- a. Verify that the fit-up gap between plates of plates to angle or plates to inserts, etc. is within a minimum of three-sixteenths inch (3/16") and a maximum of three-eighths inch (3/8") or as otherwise specified on fabrication drawings.

## WELDING INSPECTION AND FIT-UP OF STAINLESS STEEL LINERS

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b. Verify that the plates, angles and/or inserts to be welded have been mechanically cleaned a minimum of one inch (1") back from the weld prep and that a minimum of three inches (3") has been degreased.

c. Verify that the piece being fitted into place is the correct piece and that it conforms to applicable drawings.

## 2. Visual and Cleanliness Inspection

a. Perform a visual examination of tack welds between the backing strip and liner material in accordance with Reference 1-E.

b. Verify that the backing strip, channel, and liner material to be welded has been mechanically cleaned a minimum of one inch (1") back from the weld prep and that a minimum of three inches (3") has been degreased.

## 3. Visual Inspection of Channel Welds

Perform a Visual Examination of Channel Butt and/or Fillet Welds to the requirements of Reference 1-E.

## 4. Fit-Up and Cleanliness Verification After Concrete Placement

a. Verify that the fit-up gap between liner material has been maintained within a minimum of three-sixteenths inch (3/16") and a maximum of three-eighths inch (3/8").

b. Verify that the linear material to be seam welded has been mechanically cleaned a minimum of one inch (1") and degreased a minimum of three inches from the weld prep.

## 5. NDE on Seam Welds

a. Perform a final visual examination of seam weld to the requirements of NDEP 200 (Reference 1-E).

b. Perform a final liquid penetrant examination of seam weld to the requirements of NDEP 300 (Reference 1-E).

c. Perform a final vacuum box test of seam weld to the requirements of NDEP 600 (Reference 1-E).

d. Perform radiographic examination of seam welds (as required per drawings) to the requirements of NDEP 101 (Reference 1-E).

FOR INFORMATION ONLY

## WELDING INSPECTION AND FIT-UP OF STAINLESS STEEL LINERS

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NOTE: Attachment 4-A is a traveler and NDE Report combination and shall remain at the work area or Millwright Office until it has been completed. Upon completion it shall be forwarded to the QA Vault. The QC Inspector shall use information on the NDE Report chits to up-date Attachment 4-A daily and subsequently forward the NDE request chits to the QA Vault daily as a status indicator.

3.1.2 Stud Welding

The QC Inspector shall inspect and/or verify the following items prior to and/or during stud welding and document the results on Attachment 4-B. Stud welding is to be performed in accordance with Reference 1-F and 1-G.

## 1. Qualification

Verify that two (2) studs are welded to a separate piece of material of similar thickness as the member to be welded prior to production stud welding on each shift.

- a. Verify that the two (2) studs are bent to an angle of thirty (30) degrees from their original axis by striking with a hammer.
- b. If a failure occurs in the weld zone of either of the two test studs, the stud welding gun shall be adjusted to within the parameters of the welding procedure and two (2) additional studs shall be welded, bent tested and found acceptable prior to production stud welding.

## 2. After Weld Length

The QC Inspector shall randomly verify that the after weld length of studs are within  $+1/16''$  or  $-1/8''$  of the specified length after deducting the normal length of reduction.

Stud Diameter	Normal Length of Reduction
3/16" to 1/2"	1/8"
5/8" to 7/8"	3/16"
1" and over	3/16" to 1/4"

## 3. Production Bend Test

Production studs shall be tested by bending them to an angle of fifteen (15) degrees from their original axis by striking each with a hammer. The QC Inspector shall ensure that at least one (1) stud is tested for each one hundred (100) production studs shot and shall document the number of production studs tested.

FOR INFORMATION ONLY



## WELDING INSPECTION AND FIT-UP OF STAINLESS STEEL LINERS

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## 4. Threaded Studs

Threaded studs shall be torque tested in accordance with Reference 1-E at the same frequency as the bend test for production studs.

## 5. Visual Inspection of Stud Welds

Each stud shall be visually inspected for lack of 360 degree fillet, undercut and non-fusion.

- a. Studs on which a full three hundred sixty (360) degree fillet weld is not obtained or studs having undercut shall be repaired by welding with the shielded metal arc welding (smaw) process adding a five-sixteenths inch (5/16") minimum fillet to the rejected area. A five-thirty seconds inch (5/32") or three-sixteenths inch (3/16") low hydrogen electrode shall be used by certified welders in accordance with Reference 1-H.
- b. The repair shall extend at least three-eighths inch (3/8") beyond each end of the discontinuity being repaired.
- c. Studs rejected for non-fusion in the stud base area shall be removed and replaced with a new stud. The area from which the stud was removed shall be ground smooth and flush. If base metal has been removed during removal of rejected studs, it shall be replaced by the smaw process with low hydrogen electrodes and performed by certified welders in accordance with Reference 1-H.

Each weld repaired stud shall be struck with a hammer to an angle of fifteen (15) degrees from its original axis and reinspected. Direction of bending shall be opposite to the weld repair.

NOTE: Attachment 4-B is a traveler and shall remain at the work area or in the M/W Office until stud welding is complete on the item(s) identified. Attachment 4-B may be used to document one (1) or more items being stud welded.

3.1.3 Pre-Pour Operations

The QC Inspector shall perform the following inspections and/or verifications as applicable prior to concrete placement against the

## WELDING INSPECTION AND FIT-UP OF STAINLESS STEEL LINERS

Instruction No.  
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S/S liner and document the results on Attachment 4-D by pour numbers.

1. Verify that all leak chase channels on the liner are complete within the pour boundary.
2. Verify that all welds to be concealed by the pour have been visually inspected to the requirements of Reference 1-E.
3. Verify that all stud welding is complete and acceptable in accordance with Paragraph 3.1.2.
4. Verify that a fit-up gap has been maintained during erection between a minimum of three-sixteenths inch (3/16") and a maximum of three eights inch (3/8").
5. Verify that all required base metal repairs on the surface to be concealed have been made and examined by VT and PT in accordance with Reference 1-E.

#### 3.1.4 Final Inspection

The QC Inspector shall inspect all interior surfaces of the S/S liner as follows and document the results on Attachment 4-D. (Attachment 4-D may be used to document an entire wall or section of a wall or floor as laid out on the drawing.)

1. Verify that all seam welds are complete and have been inspected by VT, PT and VB in accordance with Reference 1-E.
2. Verify that all temporary attachments/tack welds have been removed and that the area of removal has been VT and PT inspected in accordance with Reference 1-E.
3. Verify that all required base metal repairs have been made and inspected by VT and PT in accordance with Reference 1-E.

#### 3.1.5 Welder Surveillance

Surveillance shall be performed in accordance with Reference 1-G for manual welding processes and in accordance with Reference 1-I for automatic welding processes.

#### 3.1.6 Base Metal Repairs

Base metal defects such as mishandling marks, gouges, undercut, etc., shall be blended uniformly into the surrounding area and VT and PT inspected in accordance with Reference 1-E to assure complete defect removal. Excavations that exceed a depth of

**FOR INFORMATION ONLY**

## WELDING INSPECTION AND FIT-UP OF STAINLESS STEEL LINERS

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1/32" shall be weld repaired by the use of WPS 88020. The repair weld shall be ground flush with the base metal and VT and PT inspected in accordance with Reference 1-E. Base metal repairs shall be mapped and documented on Attachment 4-D.

3.1.7 Weld Repairs (Excluding Stud Welds)

All weld defects shall be removed by grinding and weld repaired when necessary to meet the requirements of Reference 1-E.

4.0 ATTACHMENTS

- 4-A S/S Liner Inspection Traveler/NDE Report
- 4-B S/S Liner Stud Welding Inspection Record
- 4-C S/S Liner Pre-Pour Checklist
- 4-D S/S Liner NDE Report

FOR INFORMATION ONLY

PROJECT: COMANCHE PEAK

JOB NO. 35-1195

UNIT \_\_\_\_\_ PAGE \_\_\_\_\_ OF \_\_\_\_\_

DRAWING	POOL	MIL TYPE	MIL. THICKNESS
WELD/ITEM NO.	PC. TO PC.		<input type="checkbox"/> Plate to Plate <input type="checkbox"/> Insert to Plate <input type="checkbox"/> Angle to Plate
W/MK NO.			
WELDING PROCEDURE			
WELDER SYMBOL			
STATE OF MANUFACTURE			

DESCRIPTION(s) and INSPECTION REMARK(s)	RESULTS	INSPECTOR SIGNATURE	DATE
1. Fit up of Liner Plate to plate, angle, insert Cleanliness of liner and backing	_____	_____	_____
2. V. T. of backing strip tack/fillet welds cleanliness of channel, liner and backing strip	_____	_____	_____
3. Final V. T. on Channel Welds	_____	_____	_____
4. Liner Fit-up Verification Cleanliness Verification	_____	_____	_____
5. Final V. T.	_____	_____	_____

FOR INFORMATION ONLY

Acceptance Std.  
Gibbs & Hill 2323-SS-18

Penetrant Mfg. Magnaflux	Spotcheck	Batch	Dwell Time
Cleaner Mfg. Magnaflux	Spotcheck	Batch	
Developer Mfg. Magnaflux	Spotcheck	Batch	Developing Time
NDE Procedure 300-NE-5250 Attach. 6B	Surface	As Welded	Ground Other
Final P. T.	_____	_____	_____

Vacuum Box by _____	Gasket Type	Solution Type
Pretest Cleaning	Pressure	Temperature
Solution Application Method	Post Test Cleaning	NDE Procedure 603
Gauge Serial Number	Pressure Differential Maintained for _____	Sec. _____ Min.
Final V. B.	_____	_____

N/A - Not Applicable



QUALITY ASSURANCE DEPARTMENT  
S/S Liner Stud Welding Inspection Record

COMANCHE PEAK STEAM ELECTRIC STATION UNIT(S): 35-1195 PAGE OF

NAME (LAST, FIRST & MIDDLE INITIAL):						DATE:
CLOCK NO.:			WELD SYMBOL:			SHIFT:
Pc. No(s)						WPS NO.:
No. Req'd						

SHIFT QUALIFICATION

STUD SIZE	POSITION	TIME	GUN NO.	POWER SUPPLY NO.	TYPE OF TEST (BAND TORQUE)	TEST RESULTS	INSP.

FOR INFORMATION ONLY

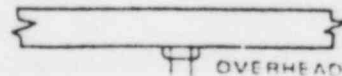
PRODUCTION TESTS

Pc #	Dwg. No.	Position	Qty. Welded	Qty. Bend Tested	After Weld Length Rslt.	STUD SIZE	TYPE TEST	TEST RESULTS	Insp. Date

POSITIONS



VERTICAL



OVERHEAD

BROWN & ROOT, INC.  
QUALITY ASSURANCE DEPARTMENT  
S/S LINER PPE-POUR CHECKLIST

Pour Number(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Drawing(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Operation

Results

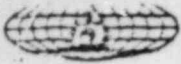
- 1. Leak chase channel complete. \_\_\_\_\_
- 2. All welds to be concealed have been inspected and accepted to the requirements of NDEP 200. \_\_\_\_\_
- 3. Stud welding is complete and acceptable in accordance with paragraph 3.1.2. \_\_\_\_\_
- 4. Fit-up gap of liner conforms to the requirements. \_\_\_\_\_
- 5. All required base metal and weld metal repairs on the concrete side have been completed and found acceptable by VT and PT examination. \_\_\_\_\_

FOR INFORMATION ONLY

- = Satisfactory
- = Unsatisfactory
- = Not Applicable

Acceptance STD(s) \_\_\_\_\_

Inspector \_\_\_\_\_ Accept    Reject    Date \_\_\_\_\_



**BROWN & ROOT, INC.**  
QUALITY ASSURANCE DEPARTMENT  
S/S Liner NDE Report

Attachment 4-D  
**16017**

PROJECT: COMANCHE PEAK      JOB NO. 35-1195      UNIT \_\_\_\_\_ PAGE \_\_\_\_\_ OF \_\_\_\_\_

DRAWING	SYSTEM	CLASS
ITEM		<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3    OTHER

SKETCH AND REMARK (S)

**FOR INFORMATION ONLY**

ACCEPTANCE STD

ACCEPT

REJECT

DATE

/ /

INSPECTOR

NDE PROCEDURE

LABORATORY USE

Report

TEXAS UTILITIES GENERATING CO. CPSES	INSTRUCTION NUMBER	REVISION	ISSUE DATE	PAGE
	QI-QP-11.14-6	0	MAR 26 1982	1 of 4
INSPECTION OF SITE FABRICATION AND INSTALLATION OF STAINLESS STEEL LINERS	PREPARED BY: <u>Mark Welsh</u>			<u>3/26/82</u> DATE
	APPROVED BY: <u>William Hartman</u>			<u>3-26-82</u> DATE
	APPROVED BY: <u>B.C. Scott</u>			<u>3/26/82</u> DATE

1.0 REFERENCES

- 1-A G&H Specification SS-18, "Stainless Steel Liners"
- 1-B QI-QP-11.14-2, "Inspection of Stud Welding"
- 1-C 35-1195-CCP-38, "Stainless Steel Liner Erection"
- 1-D CP-QP-16.0, "Nonconformances and Deficiencies"

2.0 GENERAL

2:1 PURPOSE AND SCOPE

The purpose of this instruction is to delineate the QC inspection program for fabrication and erection of stainless steel fuel pool liners and refueling gates.

3.0 INSTRUCTION

3.1 ASSEMBLY VERIFICATION

The QC inspector shall verify parts and assemblies by size, configuration, and location to applicable drawings and Inspection Travelers (Attachment 1).

3.2 WELD INSPECTIONS

3.2.1 Fitup and Cleanliness Inspections

Fitup inspections shall be performed for all full penetration welds. Gap between members shall be at least 3/16" and no more than 3/8".

The QC inspector shall verify that 4 inches on either side of the weld is cleaned and degreased.

**HISTORICAL FILE**

**FOR INFORMATION ONLY**



TEXAS UTILITIES GENERATING CO. CPSES	INSTRUCTION NUMBER	REVISION	ISSUE DATE	PAGE
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### 3.2.2 NDE on Seam Welds

- a. Visually exam welds to determine surface preparation acceptability in accordance with QI-QAP-10.02-01 prior to liquid penetrant examination.
- b. Perform a final liquid penetrant examination of seam weld in accordance with QI-QAP-10.02-01.
- c. Perform or witness a final vacuum box test of seam welds (as required per drawings) in accordance with QI-QAP-10.02-06.

### 3.3 STUD WELDING

Stud welding shall be inspected in accordance with Reference 1-B.

### 3.4 ATTACHMENTS

Welds attaching Non-Q items to liner components will be inspected in accordance with paragraph 3.2.2.

Q items attached to liner components will be inspected in accordance with the applicable Quality Procedure. Additionally attaching welds shall be inspected in accordance with paragraph 3.2.2.

### 3.5 DOCUMENTATION

QC Inspections shall be documented on the inspection travelers (Attachment 1) by the Inspector's signatures.

NDE performed shall be documented on NDE sheet (Attachment 2).

Issuance and distribution of the Inspection Traveler and the NDE sheet shall be as per Reference 1-C.

### 3.6 NONCONFORMANCES

Nonconforming items which cannot be reworked per normal construction practices shall be reported in accordance with Reference 1-D.

TEXAS UTILITIES GENERATING CO. CPSES	INSTRUCTION NUMBER	REVISION	ISSUE DATE	PAGE
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ATTACHMENT 1

WELD NO. \_\_\_\_\_

8&R Stainless Steel Liner Inspection Traveler

PROJECT: CPSES JOB NO: 35-1155 UNIT \_\_\_\_\_ PAGE \_\_\_\_\_ OF \_\_\_\_\_

---

Drawing No. \_\_\_\_\_ Pool \_\_\_\_\_ metal type \_\_\_\_\_ Mtl. Thk. \_\_\_\_\_ PC. to PC.

Plate to Plate  Insert to Plate  Angle to Plate  Other \_\_\_\_\_

Welder Symbol	WFL No.	Weld Proc.	Hold Point

1. Fit up and Cleanliness of Above:
 

Results	Inspector Signature	Date
---------	---------------------	------
2. V.T. of Backing Strip and Fillet Welds:
 

Results	Inspector Signature	Date
---------	---------------------	------
3. Cleanliness of Channel, Liner, and B. Strip:
 

Results	Inspector Signature	Date
---------	---------------------	------
4. Final V.T. of Channel Fillet Weld:
 

Results	Inspector Signature	Date
---------	---------------------	------
5. Inside Fit Up and Cleanliness:
 

Results	Inspector Signature	Date
---------	---------------------	------
6. V.T. of Fillet Prior to Grinding:
 

Results	Inspector Signature	Date
---------	---------------------	------
7. Final V.T. of Inside Weld:
 

Results	Inspector Signature	Date
---------	---------------------	------
8. Completion of Weld Inspection: (NDE P200)
 

Results	Inspector Signature	Date
---------	---------------------	------

TECHNICAL INFORMATION ONLY

TEXAS UTILITIES GENERATING CO. CPSES	INSTRUCTION NUMBER	REVISION	ISSUE DATE	PAGE
	QI-QP-11.14-6	0	MAR 26 1982	4 of 4

ATTACHMENT 2

Weld No. \_\_\_\_\_

5b. Penetrant Mfg. MagnaFlux-Spotcheck \_\_\_\_\_  
 Cleaner Mfg. MagnaFlux-Spotcheck \_\_\_\_\_  
 Developer Mfg. MagnaFlux-Spotcheck \_\_\_\_\_

NDE Procedure  
 300-NB-5350 Attach. 6B

Final P.T. Level II \_\_\_\_\_  
 RESULTS INSPECTOR SIGN. \_\_\_\_\_

5c. Vacuum Box \_\_\_\_\_  
 GASKET TYPE \_\_\_\_\_ SOLUTION \_\_\_\_\_  
 by \_\_\_\_\_

Pretest Cleaning \_\_\_\_\_ Pre ssure \_\_\_\_\_ Temperature \_\_\_\_\_ NDE Procedure  
 Solution Application Method \_\_\_\_\_ Post Test Cleaning \_\_\_\_\_ 600

Gauge Serial Number \_\_\_\_\_ Pressure Differential \_\_\_\_\_  
 Maintained for \_\_\_\_\_ Sec. \_\_\_\_\_ Min.

Final V.S. \_\_\_\_\_

N/A - Not Applicable

Satisfactory \_\_\_\_\_ Unsatisfactory \_\_\_\_\_ Level II  
 Inspector \_\_\_\_\_ Date \_\_\_\_\_

FOR INFORMATION ONLY

3-5

1 BY MR. DOWNEY:

2 Q Mr. Brandt, would you please describe the  
3 two procedures and compare them if you can?

4 A Yes, Mr. Downey. The procedure marked  
5 CPQCI 2.11-1, Rev. 2, dated January 9th, 1978, was the  
6 procedure in effect for the portion of these travelers  
7 at least that we were discussing yesterday, the '78 vintage  
8 procedure.

9 I had previously looked at this procedure  
10 to the extent to determine what inspections were required  
11 at that time and to explain the note that's entered by  
12 Miss Neumeyer on many of her travelers.

13 I have in front of me again -- once again  
14 Weld 51 where she says late entry per CPQCI 2.11-11,  
15 Page 5, yet the Procedure CPQCI 2.11-11 does not and  
16 never did exist.

17 I had a first look at the procedures, looked  
18 through the procedures to determine what she was referring  
19 to, and if you'll note on Page 5 of this procedure there's  
20 a typographical error, instead of being CPQCI 2.11-1 it's  
21 numbered CPQCI 2.11-11.

22 That was the, I guess, second instance  
23 I had to look through this procedure. The thing I did not  
24 note until late last night was the stainless steel liner  
25 inspection traveler and NDE report, which is about four

3-6

1 pages from the end of the traveler. It does not have a  
2 page number on it. It is not the traveler used at this  
3 time.

4 The traveler that we're looking at --

5 JUDGE BLOCH: Wait a second. I have to see  
6 an example of that.

7 You have not yet requested the binding in  
8 of these particular travelers but you're going to; is that  
9 right, Mr. Downey?

10 MR. DOWNEY: I will now do so. With the  
11 Court's permission, I would ask that they be bound in the  
12 transcript.

13 JUDGE BLOCH: We're going to bind in  
14 travelers on which weld numbers?

15 MR. DOWNEY: 82, 87, and I would also ask  
16 that the Board bind into the transcript CPQCI 2.11-1,  
17 Rev. 2, the procedure about which Mr. Brandt is now  
18 testifying, and its successor procedure, CPQP 18.0, Rev. 12.

19 JUDGE BLOCH: I think both of those are  
20 different numbers than Mr. Brandt just gave us.

21 MR. DOWNEY: I'm sorry. The last statement  
22 is in error.

23 JUDGE BLOCH: The first one was, too. As  
24 I understand it, CPQCI 2.11-1 --

25 MR. DOWNEY: Rev. 2.

1  
2  
3  
4  
5  
6  
7  
8  
9  
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11  
12  
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14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

JUDGE BLOCH: -- Rev. 2.

MR. DOWNEY: Dated January 9th, 1978.

JUDGE BLOCH: But you read it as dash two.

MR. DOWNEY: And the second procedure, the successor to the one the Chariman has just identified, QIQP 11.14-6, Rev. Zero, dated March 26th, 1982.

JUDGE BLOCH: Okay. Those shall be bound in, plus the two weld travelers that you mentioned, and now Mr. Brandt is referring to which traveler?

MR. ROISMAN: Can I just get a clarification on the weld travelers that's in this? There's one here on the desk which has both the number 86 and the number 87 on it in the upper right-hand corner. Is it the one that we're binding in, is it 87 or is it 86?

JUDGE BLOCH: Well, it's the one that has 86 crossed out and 87 over it.

MR. DOWNEY: That's the one I'd like bound in.

MR. ROISMAN: But as I understand it, if it's crossed out it would have to be initialed.

JUDGE BLOCH: Well, that's in the record.

THE WITNESS: I might also note,

3-8

1 Mr. Roisman, on what's being bound in there's a  
2 large "for information only" stamp immediately  
3 adjacent to it. I have no idea what's under that.  
4 There could be initials and dates there.

5 It could -- the traveler speaks for  
6 itself. If you went to the drawing, it's for B-20  
7 to D-35, underlying 2401A.

8 (Travelers follow.)  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

- - - -

*Spater*

16026

FIGURE 3

51

WELD NO.

B&R STAINLESS STEEL LINER INSPECTION TRAVELER

PROJECT: CIBBS JOB NO.: 35-1195 UNIT 2 PAGE CP

BC 1018  
 Drawing No. Stainless Steel Liner POOL Stainless Steel METAL TYPE 316 MTL. THK. 1/4 PC. to PC.  
 PLATE TO PLATE  INSERT TO PLATE  ANGLE TO PLATE  OTHER Embed PK 20 to RH20

ROW	WHR NO.	WELD PROCED.	HOLD POINT
1	A017485	88023	FF
2	A017703	88023	2
3	A069104	88023	4
4	B173	88025	1
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
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43			
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46			
47			
48			
49			
50			

1. Fit up and cleanliness of above:

Ⓢ SAT RESULTS AB Nummer INSPECTOR SIGNATURE 3/1/83 DATE 2-28-81 <sup>RAW 113113</sup>

2. V.T. of backing strip tack/fillet welds:

SAT RESULTS [Signature] INSPECTOR SIGNATURE 9-26-78 DATE

3. Cleanliness of channel, liner, and backing strip:

N/A RESULTS N/A INSPECTOR SIGNATURE N/A DATE

4. Final V.T. of <sup>Sealed</sup> channel fillet weld:

SAT RESULTS J. Don R. Voot INSPECTOR SIGNATURE 10-26-78 DATE

5. Final V.T. of inside weld:

Ⓢ SAT RESULTS N/A INSPECTOR SIGNATURE N/A DATE

Completion of weld inspection:

RESULTS [Signature] INSPECTOR SIGNATURE [Signature] DATE

Ⓢ LATE ENTRY PER G.P.P.C.I. 2.11.11 pgs  
 SEE NOTE: RECEIVED NDT CHIT ATTACHED DOCUMENTATION.

COMPLETION ONLY



51

WELD NO.

B&R Stainless Steel Liner Inspection Traveler

Weld Inspection Sheet

Page \_\_\_ of \_\_\_

Acceptance Std.  
Gibbs & Hill 2323-SS-18

- 7a. Penetrant Mfg. Magnaflux-Spotcheck
- Cleaner Mfg. Magnaflux-Spotcheck
- Developer Mfg. Magnaflux-Spotcheck

828035  
84C 097  
82E 098 6-2-84 095

NDE Procedure  
GE-QP 11-18-3 A

Final P.T. Level II

SP [Signature] 9-6-84  
 RESULTS INSPECTOR SIGN. DATE

- 7b. Vacuum Box

Referen. RT MW 9-6-84 PT T 1715  
 GASKET TYPE SOLUTION TYPE

\_\_\_\_\_ by \_\_\_\_\_

Pretest Cleaning \_\_\_\_\_ Pressure \_\_\_\_\_ Temperature \_\_\_\_\_ NDE Procedure \_\_\_\_\_

Solution Application Method \_\_\_\_\_ Post Test Cleaning \_\_\_\_\_

Gauge Serial Number \_\_\_\_\_ Pressure Differential Maintained for \_\_\_\_\_ Sec. \_\_\_\_\_ Min..

Final V.B. \_\_\_\_\_

N/A - Not Applicable

Satisfactory \_\_\_\_\_ Unsatisfactory \_\_\_\_\_ Level II Inspector \_\_\_\_\_ Date \_\_\_\_\_

FOR INFORMATION ONLY

UNIT 7

BB2401-A REACTOR LINER #2 STAINLESS STEEL 1/2 TO 3/16 EMBED TO PLATE  
 Drawing No. Pool Metal Type Mtl. Thck. PC. to PC.

Plate to Plate  Insert to Plate  Angle to Plate Other PK20 TO H20

Welder Symbol	WFML No.	Weld Proced.	Hold Point
NA	NA	NA	NA

Steps 1 thru 5 see Original Procedure

1. Fit up and Cleanliness of Above  
 Reference NDT Chart  
NA  
 Results Inspector Signature Date

2. V.T. of Backing Strip Tack/Fillet Welds:  
NA  
 Results Inspector Signature Date

3. Cleanliness of Channel, Liner, and B. Strip:  
NA  
 Results Inspector Signature Date

4. Final V.T. of Channel Fillet Weld:  
 Results Inspector Signature Date

5. Seam Weld Fit Up and Cleanliness:  
NA  
 Results Inspector Signature Date

6. Final V.T. of Welds for Surface Preps.  
SAT  
 Results Inspector Signature Date

7. Final P.T. and Vacuum Box of Seams  
 (See Weld Inspection Sheet)  
 Results Inspector Signature Date

8. Completion of Weld Inspection: QI-QP-11 14-6  
 Inspector Signature Date

**INSPECTION**

QUALITY ASSURANCE DEPARTMENT  
MT/PT REPORT

No. T 1715

PROJECT: COMANCHE PEAK JOB NO. 35-1195 UNIT PAGE OF

Drawing System

Views/Item # ~~FL 2000~~ 51 Location ~~FLH 2~~ ~~FLH 300~~

Mfg Stage Final NDE Procedure No. ~~32-801191~~ Rev. 3

Equip/Mat'ls Mfg. ~~Magnaflo~~ Acceptance Std. ~~Acceptance~~ 1-3

Penetrant Batch # 828035 Cleaner Batch # 840077 Developer Batch # 82E 095

AC Yoke  DC Prods  NA Model # NA M&TE IRC # NA

Mat'l Type 304 Mat'l Thickness  $\frac{3}{16}$  +  $\frac{1}{2}$ " Diameter Length NA

Sketch & Comments ID  OD

Embed PK 20 to @ H 20

No relevant indications.

FOR INFORMATION ONLY

Inspector Larry M. Wells Certification Level II Date 6-84 Results Accept  Reject

NON DESTRUCTIVE TEST  
INSPECTION REQUEST

FOREMAN \_\_\_\_\_

TIME \_\_\_\_\_

DATE

2-21-12

WELDER: \_\_\_\_\_

*John A. AET*

DRAWING # \_\_\_\_\_

*1001*

*1002*

INSP. REQ.

CLEAN

FIT-UP

FIELD WELD JT. # *51*

VISUAL

L.P.

V.B. \_\_\_\_\_

FINAL

COMMENTS:

WMR: \_\_\_\_\_

*A. J. AET*

INSPECTOR: \_\_\_\_\_

ACCEPT: \_\_\_\_\_

DATE: \_\_\_\_\_

*FOR INFORMATION ONLY*

FOR INFORMATION

NON DESTRUCTIVE TEST INSPECTION REQU		FOREMAN <u>FOWLES</u>	TIME/DATE <u>12/28/51</u>		
WELDOR: <u>CCG</u>					
DRAWING # <u>BB2401A</u>					
INSP. REQ.	CLEAN	<input checked="" type="checkbox"/>	FIT-UP	<input checked="" type="checkbox"/>	FIELD WELD # <u>51</u>
	VISUAL		L.P.		V.B.
	FINAL				WFML :
COMMENTS:					
INSPECTOR : <u>B. Sullivan</u> ACCEPT: <u>sat</u> DATE: <u>12-28-51</u>					

16031

FOR INFORMATION

NON DESTRUCTIVE TEST  
INSPECTION REQUEST

FOREMAN \_\_\_\_\_

TIME

DATE

7-21-78

WELDER: Fleming AET

DRAWING # BB 2401 A

5/8 LINER 2

INSP. REQ.	CLEAN <input type="checkbox"/>	FIT-UP <input type="checkbox"/>	FIELD WELD JT. # <u>51</u>
	VISUAL <input type="checkbox"/>	L.P. <input type="checkbox"/>	V.B. _____
	FINAL <input type="checkbox"/>		

COMMENTS:

*First fit up + cleanliness  
of Embed to Plate*

WMR: A017485 AET

INSPECTOR: Jay Willson

ACCEPT:

DATE: 9-26-78

16032

FOR INFORMATION ONLY

82

FIGUR.

B&R STAINLESS STEEL LINER INSPECTION TRAVELER

PROJECT: CPSES JOB NO.: 35-1195 UNIT Reactor 2 PAGE 1 OF 2

B02401A Reactor liner # 2 Stainless Steel 3/16 RA20 to RC35  
Drawing No. POOL METAL TYPE MTL. THK. PC. to PC.

PLATE TO PLATE  INSERT TO PLATE  ANGLE TO PLATE  OTHER \_\_\_\_\_

WELDER SYMBOL	WNR NO.	WELD PROCED.	HOLD POINT
AET	A007742	88023	First Fit
ARY	A007769	88023	2,3
AET	A007793	88023	4
ATR	A007915	88023	4
Awt	D-4092	99020	1
Awt	D-4107	99020	1,5
CG	B532	88025	5
CG	B549	88025	5
BEN	B568	88025	5

1. Fit up and cleanliness (off above): *SEE Chit, Attached 3-8-82*  
*Revised by: Sat. 4.10.80*  
 RESULTS: \_\_\_\_\_ INSPECTOR SIGNATURE: James W. Cole DATE: \_\_\_\_\_

2. V.T. of backing strip tack/fillet welds:  
 RESULTS: SAT INSPECTOR SIGNATURE: Don R. Vost DATE: 8-21-78

3. Cleanliness of channel, liner, and backing strip:  
 RESULTS: SAT INSPECTOR SIGNATURE: Don R. Vost DATE: 8-21-78

4. Final V.T. of channel fillet weld:  
 RESULTS: SAT INSPECTOR SIGNATURE: James W. Cole DATE: 8-25-78

5. Final V.T. of inside weld:  
 RESULTS: SAT INSPECTOR SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

Completion of weld inspection:  
 RESULTS: \_\_\_\_\_ INSPECTOR SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

FOR INFORMATION ONLY

DL

WELD NO. \_\_\_\_\_

B&R Stainless Steel Liner Inspection Traveler

Weld Inspection Sheet

Page \_\_\_\_ of \_\_\_\_

Acceptance Std.  
Gibbs & Hill 2323-SS-18

- 7a. Penetrant Mfg. Magnaflux-Spotcheck \_\_\_\_\_
- Cleaner Mfg. Magnaflux-Spotcheck \_\_\_\_\_
- Developer Mfg. Magnaflux-Spotcheck \_\_\_\_\_

NDE Procedure  
\_\_\_\_\_

Final P.T.      Level II      RESULTS      INSPECTOR SIGN.      DATE

- 7b. Vacuum Box      GASKET TYPE      SOLUTION TYPE
- \_\_\_\_\_ by \_\_\_\_\_
- Pretest Cleaning \_\_\_\_\_ Pressure \_\_\_\_\_ Temperature \_\_\_\_\_ NDE Procedure \_\_\_\_\_
- Solution Application Method \_\_\_\_\_ Post Test Cleaning \_\_\_\_\_
- Gauge Serial Number \_\_\_\_\_ Pressure Differential \_\_\_\_\_
- Maintained for \_\_\_\_\_ Sec. \_\_\_\_\_ Min.
- Final V.B. \_\_\_\_\_
- N/A - Not Applicable

Satisfactory \_\_\_\_\_ Unsatisfactory \_\_\_\_\_ Level II  
Inspector \_\_\_\_\_ Date \_\_\_\_\_



**FOR INFORMATION ONLY**

B&K Stainless Steel Liner Inspection Traveler

QI-QP-11.14-6 REV.

PROJECT: CPSES JOB NO: 35-1195 UNIT 2 PAGE      OF     

BB-2401-A Drawing No. Reactor Liner#2 Pool STAINLESS STEEL Metal Type 3/16" MtI. Thck. PLA20 to PC35 PC. to PC.

Plate to Plate     Insert to Plate     Angle to Plate    Other     

Welder Symbol	WFML No.	Weld Proced.	Hold Point

1. Fit up and Cleanliness of Above  
Results    Inspector Signature    Date
2. V.T. of Backing Strip Tack/Fillet Welds:  
Results    Inspector Signature    Date
3. Cleanliness of Channel, Liner, and B. Strip:  
Results    Inspector Signature    Date
4. Final V.T. of Channel Fillet Weld:  
Results    Inspector Signature    Date
5. Seam Weld Fit Up and Cleanliness:  
Results    Inspector Signature    Date
6. Final V.T. of Welds for Surface Preps.  
Results    Inspector Signature    Date
7. Final P.T. and Vacuum Box of Seams (See Weld Inspection Sheet)  
Results    Inspector Signature    Date
8. Completion of Weld Inspection: QI-QP-11.14-6  
Inspector Signature    Date

TIME DATE  
- 3 11 80

FOREMAN

NON DESTRUCTIVE  
INSPECTION REQUEST

*Leban (Awk)*

WELDER: BB2401A

DRAWING # 82

FIELD WELD # 82

INSP. REQ.	CLEAN	<input checked="" type="checkbox"/>	FIT-UP	<input checked="" type="checkbox"/>	V.B.
	VISUAL	<input type="checkbox"/>			
	FINAL	<input type="checkbox"/>			

WFML: D-4092 Awk

D-4107 Awk

COMMENTS:

*Cleaning on 1/2 of beam  
approved for welding*

DATE: 3/11/80

ACCEPT:

INSPECTOR: *James W. Cole*

NON DESTRUCTIVE  
INSPECTION REQUEST

FOREMAN

ME

DATE  
8-18-78

WELDER: Flaming AET

DRAWING # Boston-Beyer 2401A  
5/5 Liner #2

FIELD WELD JT. # 32

INSP. REQ. CLEAN  FIT-UP  L.P.  V.B.  VISUAL  FINAL

WNR: A007742 AET

COMMENTS:

*First hit up  
and clear plate  
of plate*

ACCEPT:

DATE: 8-21-78

INSPECTOR: Don R. Voss

15038

FOR INFORMATION ONLY

NON DESTRUCTIVE TEST  
INSPECTION REQUEST

FOREMAN

*Powles*

TIME/DATE

*2-8-82*

WELDOR:

*NA*

DRAWING #

*B32401A*

INSP.

CLEAN  
VISUAL

FIT-UP  
L.P.

FIELD WELD #  
V.B.

*82*

FINAL

WFML :

COMMENTS:

*QI CAP 11.94-1*

*copy*

INSPECTOR :

*D. P. Stinson*

ACCEPT:

DATE:

*28-82*

16039

FOR INFORMATION ONLY

NON DESTRUCTIVE TEST  
INSPECTION REC ST

FOREMAN  
*Fowler*

TIME/DATE

*2-8-82*

WELDOR:

*NA*

DRAWING #

*BB2401A*

INSP.  
REQ.

CLEAN  
VISUAL  
FINAL

FIT-UP  
L.P.

FIELD WELD #  
V.B.

*82*

COMMENTS:

*QI OAP 11.14-1*

WFML:

INSPECTOR:

*W.D. Slup*

ACCEPT:

DATE:

*2-8-82*

**FOR INFORMATION ONLY**

FIGURE

B&R STAINLESS STEEL LINE

PROJECT: CPSES JOB NO.: 35-1195 UNIT #2 PAGE 1 OF 2

2401A Reactor #2 Stainless Steel 3/16 B20 BAtO D35  
 Drawing No. POOL METAL TYPE MTL. THK. PC. to PC.  
 PLATE TO PLATE  INSERT TO PLATE  ANGLE TO PLATE  OTHER

WELDER SYMBOL	WMR NO.	WELD PROCED.	HOLD POINT
FG	A007714	89023	FIRST FIT UP
FG	A007763	89023	2+3
ET	A007793	89023	4
KEY	D-4022	99020	1
BOH	D-4090	88023	5
WK	D-4092	88023	5
WK	D-4107	88023	5

- Fit up and cleanliness of above:  
 Sat. RESULTS James W. Cole INSPECTOR SIGNATURE 3-19-80 DATE
- V.T. of backing strip tack/fillet welds:  
 Sat. RESULTS S.M. McLoys INSPECTOR SIGNATURE 8-18-78 DATE
- Cleanliness of channel, liner, and backing strip:  
 Sat. RESULTS S.M. McLoys INSPECTOR SIGNATURE 8-11-78 DATE
- Final V.T. of channel fillet weld:  
 Sat. RESULTS S.M. McLoys INSPECTOR SIGNATURE 8-23-78 DATE
- Final V.T. of inside weld:  
 SAT RESULTS INSPECTOR SIGNATURE DATE

Completion of weld inspection:  
 RESULTS INSPECTOR SIGNATURE DATE

FOR INFORMATION ONLY

WELD NO. 01

B&amp;R Stainless Steel Liner Inspection Traveler

Weld Inspection Sheet

Page \_\_\_ of \_\_\_

Acceptance Std.  
Gibbs & Hill 2323-SS-18

7a. Penetrant Mfg. Magnaflux-Spotcheck \_\_\_\_\_  
 Cleaner Mfg. Magnaflux-Spotcheck \_\_\_\_\_  
 Developer Mfg. Magnaflux-Spotcheck \_\_\_\_\_

NDE Procedure  
\_\_\_\_\_

Final P.T. Level II

RESULTS INSPECTOR SIGN. DATE

7b. Vacuum Box GASKET TYPE SOLUTION TYPE

\_\_\_\_\_ by \_\_\_\_\_

Pretest Cleaning \_\_\_ Pressure \_\_\_ Temperature \_\_\_ NDE Procedure \_\_\_\_\_

Solution Application Method \_\_\_ Post Test Cleaning \_\_\_\_\_

Gauge Serial Number \_\_\_\_\_ Pressure Differential  
Maintained for \_\_\_ Sec. \_\_\_ Min.

Final V.B. \_\_\_\_\_

N/A - Not Applicable

Satisfactory \_\_\_ Unsatisfactory \_\_\_ Level II  
Inspector \_\_\_\_\_ Date \_\_\_\_\_

**FOR INFORMATION ONLY**

B&R Stainless Steel Liner Inspection Traveler

QI-QP-11.14-6 REV.

PROJECT: CPSES JOB NO: 35-1195 UNIT 2 PAGE      OF     

BB-2401-A Drawing No. Reactor Liner#2 Pool STAINLESS STEEL Metal Type 3/16" Mtl. Thck. P B200A TO RD35 PC. to PC.

Plate to Plate  Insert to Plate  Angle to Plate Other     

Welder Symbol	WFML No.	Weld Proced.	Hold Point

1. Fit up and Cleanliness of Above  
Results Inspector Signature Date
2. V.T. of Backing Strip Tack/Fillet Welds:  
Results Inspector Signature Date
3. Cleanliness of Channel, Liner, and B. Strip:  
Results Inspector Signature Date
4. Final V.T. of Channel Fillet Weld:  
Results Inspector Signature Date
5. Seam Weld Fit Up and Cleanliness:  
Results Inspector Signature Date
6. Final V.T. of Welds for Surface Preps.  
Results Inspector Signature Date
7. Final P.T. and Vacuum Box of Seams (See Weld Inspection Sheet)  
Results Inspector Signature Date
8. Completion of Weld Inspection: QI-QP-11.14-6  
Inspector Signature Date



NON DESTRUCTIVE  
INSPECTION REQUEST

FOREMAN

TIME DATE  
8/17/78

WELDER: McMasters AFG

DRAWING # 2401A BB  
DHR

INSP. REQ. CLEAN  FIT-UP  FIELD WELD JT. # 87  
VISUAL  L.P.  V.B.  
FINAL

WWR: A007714 AFG

COMMENTS:  
First fit up  
cleaning of  
plate to plate

INSPECTOR: S.M. McCoy ACCEPT:  DATE: 8-18-78

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1 JUDGE BLOCH: Okay. Now, after all  
2 that administrative stuff we're back to the point  
3 you were trying to make, Mr. Brandt.

4 MR. DOWNEY: Your Honor, am I correct,  
5 there's no need to mark these as exhibit numbers,  
6 they're just paginated with the transcript; is that  
7 correct?

8 JUDGE BLOCH: I think we're just going  
9 to paginate with the transcript. Why don't you let  
10 me hold the ones that we're going to put in and then  
11 you can take them one at a time from me as you use it.

12 THE WITNESS: Is this going in to  
13 explain this note?

14 JUDGE BLOCH: 51 is going in. Is that  
15 right?

16 MR. DOWNEY: I had requested -- I had  
17 asked to examine Mr. Brandt only on travelers for  
18 weld Nos. 82 and 87, and for the two procedures.

19 If the Court or anyone else would like  
20 other travelers bound in, we have no objection.

21 JUDGE GROSSMAN: Well, I think 51 ought  
22 to be bound in because we had testimony on it.

23 JUDGE BLOCH: Well, 51 will be bound in  
24 also.

25 MR. DOWNEY: No objection from the

3-10

1 Applicant.

2 JUDGE BLOCH: And you've explained the  
3 numbers, yes, Mr. Brandt, so we now understand that  
4 there has been testimony on Traveler 51. Those were  
5 the questions that Judge Grossman was asking.

6 Now, Mr. Brandt, you were explaining  
7 that from the procedure you noticed that there is  
8 something in a traveler that was not what was  
9 specified at that time and one of the pages of the  
10 traveler is different.

11 Could you take the traveler and explain  
12 that?

13 The witness is looking at the traveler  
14 for Weld 82.

15 THE WITNESS: What I was trying to  
16 indicate, Judge Bloch, and clarify, I guess, my  
17 testimony of yesterday was we got into a discussion  
18 yesterday on whether the procedures were inadequate  
19 due to the fact that they did not allow for a second  
20 line for the inside fit-up.

21 In looking at the traveler that's in  
22 this QC procedure, there is a line for the inside  
23 fit-up.

24 JUDGE BLOCH: Okay. What page of the  
25 QC procedure is that?

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1 THE WITNESS: It's unnumbered. It's the  
2 page after the -- it's the page after No. 6, which  
3 is the end of the script of the procedure itself.  
4 It's the first exhibit, if you will.

5 JUDGE BLOCH: Okay. And it's the one  
6 that says at the top, stainless steel liner inspection  
7 traveler NDE report, which is partly blocked out  
8 because there was a hole through there before it  
9 was Xeroxed, and this one says Job No. 35-1195 in  
10 the middle of the next line.

11 Well, what do you think happened that the  
12 different traveler would be used than was provided  
13 for in the procedure?

14 THE WITNESS: The traveler that we  
15 discussed, or that we've been discussing, I guess,  
16 for two days, an example of which is marked Weld  
17 No. 82, is a five-step traveler.

18 This was a form developed by the mill-  
19 wrights to control their work. As it turned out,  
20 the procedure for the inspection of these liners had  
21 a traveler other than what was actually being used  
22 in the field.

23 JUDGE BLOCH: I'd point out that on the  
24 procedure, Step 1 has only one set of lines next to it  
25 on the right, and yet it also seems to apply to

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1 two steps.

2 THE WITNESS: No, sir. If you'll note  
3 Step 4 is also a liner fit-up of that verification,  
4 that cleanliness verification, which is the inside,  
5 Step 1 is the outside, and that follows from reading  
6 the procedure.

7 JUDGE BLOCH: I see. And so there are  
8 six lines here, whereas on the traveler that was  
9 actually used there are five?

10 THE WITNESS: Right.

11 MR. DOWNEY: I believe I left copies of  
12 these two procedures for all the parties and each  
13 of the members of the Board and Miss Ginsberg during  
14 the recess.

15 JUDGE BLOCH: I don't quite understand  
16 how it is that the form that was being by the QC  
17 inspector was one that was designed by the craft.  
18 How did that happen?

19 THE WITNESS: I honestly don't know,  
20 Judge Bloch. The only reason I'm even -- I won't  
21 say the only reason -- the reason I'm bringing it  
22 to your attention is you and I had a long discussion  
23 yesterday morning trying to -- putting it in my own  
24 words, I'm not trying to quote you -- but assess blame,  
25 if you will, for the, I guess for the reason we're

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1 even sitting here talking about it.

2 At that point there was some discussion  
3 on whether QC inspectors were to blame or the person  
4 that wrote and approved the procedure was to blame.

5 I maintained at that point, I believe,  
6 that I couldn't say definitively on whether the  
7 procedure was inadequate or whether the procedure  
8 was not followed.

9 This morning, after reviewing the material  
10 last night, all I'm trying to do is clarify my  
11 testimony that it's my opinion, sitting here this  
12 morning, that the reason you and I are sitting here  
13 talking about this is that the NDE, or stainless steel  
14 line inspection traveler NDE report which was  
15 provided for in the QC inspection instruction was  
16 not the form used in the field.

17 If we now wish to assess blame, I guess  
18 the blame falls on the QC inspector using the wrong  
19 form. And my opinion and review of the procedure  
20 that's now in front of us, the procedure was adequately  
21 designhd and the mechanics that we discussed yesterday  
22 of allowing a line for each inspection step was  
23 provided for.

24 The inspection force simply didn't use  
25 the correct form.

1 BY MR. DOWNEY:

2 Q Is the crux of the problem, Mr. Brandt,  
3 the work was performed and inspected on a five-line  
4 traveler rather than a six-line traveler?

5 A That's the bottom line, yes, Mr. Downey.

6 Q And in reviewing the documents that you  
7 reviewed last night, did you find evidence that all  
8 six inspections were actually performed?

9 A Other than for the instances I talked  
10 about that were covered by the NCR, which I stated  
11 there was, to my knowledge, more welds than those  
12 listed on, I think it was Brandt Exhibit 18.

13 In all instances that I reviewed last  
14 night, which was at random, and as I said earlier,  
15 covered a couple hundred travelers, there was either  
16 evidence to indicate to me, documented evidence to  
17 indicate to me that inspections were performed on  
18 both sides, including a fit-up and cleanliness  
19 inspection on the back side and a cleanliness  
20 inspection on the front side, or the lack of the  
21 water side inspection was covered by the nonconformance  
22 report.

23 JUDGE BLOCH: Miss Garde, did you have  
24 an objection here?

25 MS. GARDE: No, I do not have an objection,

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1 I have a comment.

2 JUDGE BLOCH: Clarification of the  
3 record?

4 MS. GARDE: I think the record needs to  
5 be clarified regarding Mr. Brandt's point that the  
6 reason that we're sitting here talking about this  
7 is because Miss Neumeyer, out of all of the quality  
8 control inspectors that signed this form, and out of  
9 all of the supervisors that reviewed this form, the  
10 only reason we're sitting here talking about this  
11 is becauas Miss Susan Neumeyer brought this to the  
12 attention of GAP after she left the site.

13 MR. DOWNEY: Objection. That's argument.

14 JUDGE BLOCH: Okay. I think the problem  
15 is that both sides have now gone into the reason  
16 we're sitting here, and that's irrelevant to the  
17 controversy before us.

18 Similarly, I'm not sure the discussion  
19 about what the crux of the problem here is. I'm not  
20 sure I still understand what the crux of the problem  
21 is, but I understand the witness' statement on what  
22 his belief is.

23 MR. DOWNEY: We are simply trying to  
24 clarify what was, in our judgment, an ambiguous  
25 record as of yesterday. That's what prompted us to



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1 bring all these travelers and all the procedures.

2 JUDGE BLOCH: Mr. Brandt, how serious  
3 is it in your mind that the QC inspectors went out  
4 into the field with this traveler and weren't  
5 indicating on a permanent record that they completed  
6 an inspection?

7 THE WITNESS: Well, I also need to  
8 clarify my testimony of yesterday, Judge Bloch, in  
9 reading the procedure.

10 JUDGE BLOCH: Okay. Now, which procedure,  
11 now?

12 THE WITNESS: Let me review it just a  
13 second.

14 BY MR. DOWNEY:

15 Q Mr. Brandt, would you please identify  
16 the procedure by number and date before your testi-  
17 mony so we can all follow along.

18 A As soon as I figure out where I'm reading,  
19 Mr. Downey.

20 If you'll look on the procedure that's  
21 identified as --

22 JUDGE BLOCH: Off the record, please.

23 (Discussion off the record.)

24 JUDGE BLOCH: On the record.

25

3-17

1 MR. ROISMAN: My concern is I think that  
2 at least the travelers are part of the one-copy-only  
3 set that Mr. Brandt brought in this morning.

4 JUDGE BLOCH: Yes. I'll request the  
5 reporter to keep them on the top of her desk so she  
6 can bind them in.

7 MR. DOWNEY: Mr. Chairman --

8 MR. ROISMAN: If there's some way to get  
9 an extra copy --

10 MR. DOWNEY: -- with your permission,  
11 we will undertake to copy those three that are  
12 being bound in because we would like to maintain a  
13 complete set, having assembled them here and --

14 JUDGE BLOCH: Why don't you make the  
15 copies over lunchtime.

16 Now, Mr. Brandt, we have more inter-  
17 ruptions in testimony. I'm sorry about that.

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1 THE WITNESS: I think I was trying to  
2 explain a question posed by someone --

3 JUDGE BLOCH: You were going to explain  
4 permanent records.

5 THE WITNESS: If you will look on Page 3  
6 of the Procedure marked CP-QCA 211.1 Rev. 2. There is  
7 a note on the top of the page which reads:

8 "Attachment 4-A is a traveler, an  
9 ND Report combination and shall remain at the work  
10 area or Millwright Office until it has been completed.  
11 Upon completion it shall be forwarded to the QA vault.  
12 The QC Inspector shall use information on the NDE  
13 Report chits to update Attachment 4-A daily, and  
14 subsequently forwarded the NDE request to the QA vault  
15 daily as a status indicator."

16 JUDGE BLOCH: Where is attachment 4-A?

17 THE WITNESS: Attachment 4-A, although I  
18 don't see the marking anywhere, --

19 JUDGE BLOCH: If we work backwards from  
20 4-D we can assume that 4-A is in fact the stainless  
21 steel liner travelers inspection report.

22 THE WITNESS: Right.

23 JUDGE BLOCH: And it is the one that was  
24 supposed to be updated daily, but it is a duplicate  
25 copy; is that what you are saying now, that you really

4/2 1 THE WITNESS: No, sir.

2 JUDGE BLOCH: I'm sorry. You explain it.

3 THE WITNESS: I guess there's two points  
4 I'm trying to clarify, and having limited success. The  
5 stainless steel liner inspection traveler NDE Report,  
6 which I think we have identified as Attachment 4-A to  
7 this procedure, based on the fact that the last  
8 attachment is Attachment 4-D and working backward, and  
9 the note that I was reading earlier seems to indicate  
10 that the traveler is Attachment 4-A, to my knowledge  
11 was not used.

12 JUDGE BLOCH: That the note is not used.

13 THE WITNESS: No, sir, the traveler is  
14 not used, was not used. I don't know why it wasn't  
15 used. The only reason I brought it to your attention  
16 this morning is because yesterday we were speculating  
17 as far as the, I think the term I used earlier was  
18 trying to place blame either on the procedure or on  
19 the activities of the inspectors, and I think I refused  
20 to speculate on who was to blame.

21 It appears to me at this point if  
22 blame is to be placed it is to be placed on the  
23 inspectors for not following -- Excuse me. They did  
24 follow the procedure in that all required inspections  
25 were performed. The thing they did not do is they did

/3  
1 not document the results of their inspections on this  
2 Attachment 4-A. They used the five-step traveler that  
3 we've been talking about. That's the first point of  
4 clarification I wanted to make.

5 MR. ROISMAN: Mr. Chairman, I just want  
6 to object to a portion of the witness' testimony, which  
7 was his testimony that all inspections were conducted.  
8 I don't believe that he has testified that he has  
9 examined all of these documents, and that he can verify  
10 even from documentation, certainly not from personal  
11 observation, that all of the inspections were done. I  
12 don't want that to be in the record.

13 JUDGE BLOCH: The inspection he's talking  
14 about, I think, is the outside fit-up inspection.

15 THE WITNESS: I think I understand  
16 Mr. Roisman's objection. In stating that all  
17 inspections were done, I did not mean to indicate that  
18 the NCR that we discussed yesterday was invalid. I  
19 stated yesterday in discussions with the Chairman that  
20 the inspections were either done and we cannot locate  
21 the documentation, or the inspections were not done. I  
22 do not know which.

23 JUDGE BLOCH: I think his objection went  
24 a little further.

25 THE WITNESS: If I can continue, the only

1 point I was trying to make is looking at the program as  
2 a whole, based on our review of a couple of hundred of  
3 these travelers last night, the inspections identified  
4 in the script portion, if you will, of this procedure  
5 required that a fit-up inspection be done on the out-  
6 side and on the inside.

7 In my opinion, in the overwhelming  
8 majority of the cases the inside inspection was  
9 performed and there is documented evidence that that  
10 inspection was indeed performed.

11 What I attempted to state earlier  
12 was in all cases there is either documented evidence  
13 of the performance of the inspection for both the back  
14 side and the water side, or there is a non-conformance  
15 report indicating that the results of that inspection  
16 can't be located.

17 JUDGE BLOCH: His objection went to the  
18 all cases he wanted to know about the fairness of your  
19 review and whether you are really competent to state  
20 that that is true.

21 MR. DOWNEY: I believe Mr. Brandt's  
22 testimony indicates that it's based on a review of  
23 approximately two hundred of the approximately one  
24 thousand travelers.

25 JUDGE BLOCH: So the objection is

1/5  
1 sustained.

2 MR. DOWNEY: I think his testimony could  
3 be accepted based on the qualification. Its basis is  
4 his review of two hundred of the twelve hundred.

5 JUDGE BLOCH: Based on a sample.

6 MR. DOWNEY: Right.

7 THE WITNESS: I'd like to add one thing  
8 at that point, Judge Bloch, that I stated yesterday.  
9 That my staff reviewed these to their satisfaction.

10 JUDGE GROSSMAN: Excuse me. Oh, I'm  
11 sorry.

12 THE WITNESS: I stated this morning that  
13 I reviewed a couple hundred of them last night. I'm  
14 even more convinced this morning that my staff  
15 satisfied themselves that all required inspections were  
16 performed or documented on an NCR.

17 And, further, I'm personally  
18 satisfied that in the majority of the cases the inside  
19 inspection that we were talking about yesterday was  
20 performed.

21 JUDGE BLOCH: Okay. But the note on  
22 Page 3 that you read apparently was just ignored.

23 THE WITNESS: No, sir. That's not the  
24 point I'm trying to make.

25 JUDGE BLOCH: No, but isn't it true?

4/6 1 THE WITNESS: No.

2 JUDGE BLOCH: So they didn't update on  
3 a daily basis?

4 THE WITNESS: They didn't update that form,  
5 no, sir.

6 JUDGE BLOCH: So it was ignored.

7 THE WITNESS: The only reason I called  
8 your attention to the note was a question from either  
9 you or Ms. Garde regarding the documenting inspections  
10 on a non-permanent record. I stated yesterday it was  
11 never the intention of the NDE chit to be a permanent  
12 record.

13 This note indicates to me that at  
14 that time frame the NDE chits were to be sent to the  
15 vault. In that instance the NDE chits were to be sent  
16 to the vault. In that instance the NDE chits would  
17 have been a permanent record.

18 JUDGE BLOCH: I know that that's why you  
19 showed it us, but the note also said the QC inspector  
20 shall use information on the NDE Report chits to update  
21 Attachment 4-A daily, and I'm suggesting to you that  
22 they just ignored that direction.

23 MR. GROSSMAN: I have some questions.

24 JUDGE BLOCH: Is that correct?

25 THE WITNESS: I don't, I guess I don't



1 see the -- If your point is they didn't update  
2 Attachment 4-A, I agree with me. I have stated that in  
3 no case that I'm aware of was that attachment even used.

4 JUDGE BLOCH: Yet the procedures in that  
5 note required that they update 4-A, but they could have  
6 tried to do it on the other form. They read the  
7 procedure and they should have said, "We've got to do  
8 something about this form on a daily basis."

9 THE WITNESS: They tried to maintain the  
10 status, in my opinion, of the accuracy of the five-step  
11 traveler that they were using.

12 JUDGE BLOCH: But they --

13 THE WITNESS: They did it by various  
14 ingenious means, in my opinion, and there doesn't  
15 appear to be a consistent way that each inspector did  
16 it even from day to day. In some cases they drew extra  
17 lines. In some cases they wrote "reverified." In some  
18 cases they put an asterisk. In some cases they simply  
19 signed the inspection and based the results of their  
20 satisfactory, when they signed the line they verified  
21 that there was a chit in the package for the back-side  
22 weld.

23 JUDGE BLOCH: But isn't this the case  
24 that in many instances the line was never signed on a  
25 daily basis?

1 THE WITNESS: I don't know what you mean  
2 by "many." My understanding from looking at it even as  
3 recently as last night is that somewhere between fifty  
4 and a hundred chits indicating satisfactory performance  
5 on the inside cleanliness inspection, out of twelve  
6 hundred welds with six inspections on each weld, cannot  
7 be located, either were not performed, or cannot be  
8 located. To use the term "many" when you are talking  
9 about fifty or a hundred out of seventy-two hundred,  
10 I think the use of the word "many" is inaccurate.

11 JUDGE BLOCH: You keep switching the way  
12 you are answering my question. You are not under-  
13 standing the question. The question is a simple one.

14 The outside, the outside weld  
15 inspection fit-up, this note requires that on a daily  
16 basis the information from the chit be transferred to  
17 the form. Was that done, or was that a general practice  
18 made of not doing it?

19 THE WITNESS: I'm sorry, Mr. Chairman. I  
20 now understand the point you are trying to make.

21 In some cases it was.

22 JUDGE BLOCH: In many --

23 THE WITNESS: From my observation, in most  
24 cases it was not. The chit was placed in the traveler  
25 package but no annotation was made on -- no annotation

4/9  
1 was made on Attachment 4-A. I've never seen a traveler  
2 that looks like Attachment 4-A that was actually used.  
3 I'm not saying there wasn't any. I've never seen one.

4 From the indication in here there  
5 was some indications that the outside weld was signed  
6 off on Step 1.

7 JUDGE BLOCH: But even if the form being  
8 used was different and someone was reading this note,  
9 conscientiously was following the procedure, wouldn't  
10 he have to find some way to sign on a daily basis the  
11 form he was using?

12 THE WITNESS: I don't know that I want to  
13 address the issue of whether they were conscientious  
14 or not, Judge Bloch. There is no evidence to me -- I  
15 won't say "no." There is very little evidence that as  
16 the outside inspection was performed and the chit was  
17 issued that the traveler was updated. In the majority  
18 of the cases the outside fit-up and cleanliness  
19 inspection was performed, a chit was written, and no  
20 annotation was made on Line 1 of the traveler.

21 JUDGE BLOCH: And that does represent, does  
22 it not, a lack of conscientiousness in applying the  
23 language from the note that I just read. It's  
24 important to me, because your job is to look at the  
25 practices in the plant and compare them to the procedures,

1/10 1 and judge whether they are adequate.

2 THE WITNESS: Judge Bloch, in all  
3 honesty, I think the more important issue here is they  
4 used the wrong form. I can't defend that. I've stated  
5 that on two or three occasions already this morning.

6 The procedure was changed to state  
7 that the lead, the requirement then that NDE chits be  
8 used.

9 JUDGE BLOCH: I'm not asking you about  
10 that problem. I'm only asking whether they conscientiously  
11 followed the language from this note. Did they?

12 THE WITNESS: No, sir. I think -- I  
13 don't the point you're trying -- I guess I don't  
14 understand, and I'm sorry. They didn't use the  
15 attachment. I've stated that in no cases that I'm  
16 aware of did they use the attachment, and --

17 JUDGE BLOCH: Using the form that they  
18 used --

19 THE WITNESS: -- using the form that they  
20 did use I've stated only in a very few number of cases  
21 did they annotate the results of the outside inspection  
22 on the form.

23 JUDGE BLOCH: So you don't want to  
24 characterize that as a lack of conscientiousness.

25 THE WITNESS: I guess we are having a

1 problem with the term "conscientiousness." I think the  
2 inspectors were conscientious in the fact that they  
3 performed their required inspection.

4 I would rather characterize it as  
5 a lack of attention to detail on how the results of  
6 those inspections were to be documented. Maybe  
7 conscientious means something different to you than it  
8 does to me, and maybe that's the problem we're having.

9 I do believe it was a failure on  
10 the QC Inspector's part to properly document the results  
11 of their inspection. That's the reason, I guess, that  
12 I'm bring it to your attention this morning, because I  
13 refused to speculate yesterday on whether it was the  
14 fault of the procedure or the fault of the QC  
15 Inspector.

16 At this point in time I clearly  
17 believe it was the lack of attention to the requirements,  
18 the documentation requirements on the part of the QC  
19 Inspector during the time frame.

20 JUDGE BLOCH: And the supervisors?

21 THE WITNESS: I think by definition,  
22 Judge Block, that includes their supervisors.

23 MR. ROISMAN: Excuse me. Could I ask just  
24 one clarifying question, just so I understand what this  
25 Attachment 4-A is.

1 JUDGE GROSSMAN: Let me ask a few  
2 questions, and maybe that will --

3 MR. ROISMAN: All right.

4 JUDGE GROSSMAN: Mr. Brandt, were you  
5 involved in this area covered by the procedures and  
6 the travelers before March 26, 1982?

7 THE WITNESS: Yes, sir, by approximately  
8 three or four weeks.

9 JUDGE GROSSMAN: Three or four weeks.

10 THE WITNESS: I assumed the role of  
11 non-ASME QA/QC supervisor sometime during the last week  
12 of February 1982.

13 JUDGE GROSSMAN: Well, it appears to me  
14 as though one assumption that you have made in all the  
15 testimony you have given this morning is that the  
16 procedure CP-QC I-2.11-1, which apparently was adopted  
17 in January 1978, was in effect until March 26, 1982.

18 THE WITNESS: No, sir, I did not attempt  
19 to convey that.

20 JUDGE GROSSMAN: So you don't --

21 THE WITNESS: The reason I selected this  
22 procedure was this procedure was the one that was in  
23 effect during the time frame for most of the travelers,  
24 most of the inspection dates that we were talking  
25 about yesterday.

4/13  
1 JUDGE GROSSMAN: And when were most of  
2 those dates, approximately?

3 THE WITNESS: 1978.

4 JUDGE GROSSMAN: Well, you weren't there  
5 in 1978, or at least working in this area, were you?

6 THE WITNESS: That's true. I understood  
7 the Chairman's request yesterday to see the procedure  
8 that governed the inspections.

9 JUDGE GROSSMAN: Well, my problem is this:  
10 I have no trouble with assuming that the procedure  
11 adopted March 26, 1982, which contains in it a copy of  
12 a traveler that conforms to the procedure, actually was  
13 the required procedure with regard to that form. And to  
14 make that clear, what I'm saying is that we have that  
15 eight-line form as an attachment. But I do have some  
16 concern with assuming that the procedure adopted in  
17 1978, which had a form attached to it, was really in  
18 effect with regard to another form used in the period  
19 between 1978 and 1982. And it appears to me as though  
20 a likely conclusion might be that there was some other  
21 procedure in effect during that period that actually  
22 does correlate with the form that was used by the  
23 inspectors.

24 And what I'd like to know is how  
25 you can make the assumption that there wasn't such other

1 procedure during that time period.

2 THE WITNESS: I'm trying to -- I think  
3 I understand your question. I'm trying to figure out  
4 a way to answer you.

5 The construction procedure when  
6 originally issued did not have any sample form  
7 attached.

8 JUDGE BLOCH: How do we know that from  
9 the records.

10 THE WITNESS: I reviewed Revision 0 of  
11 the procedure.

12 JUDGE BLOCH: Of which procedure?

13 THE WITNESS: The construction procedure.

14 JUDGE BLOCH: Which one. There are two  
15 construction --

16 THE WITNESS: No. Those are both QC  
17 procedures.

18 I stated that this five-line form  
19 was a form developed by the millwrights.

20 JUDGE BLOCH: So the construction  
21 procedure originally had no form on it. We are now  
22 testifying about a document we haven't seen; is that  
23 right, but that's what you're doing now?

24 THE WITNESS: Yes, sir.

25 In response to Judge Grossman's



4/15

1 question, I picked a procedure that was in effect  
2 during the time frame that we were discussing yesterday.  
3 If I erred in doing so, I apologize.

4 JUDGE BLOCH: No, we were asking for that.  
5 His problem is he's not sure in light of what the form  
6 looks like that this really is the procedure that was  
7 used with that form.

8 THE WITNESS: This was the procedure that  
9 was in effect all of 1978.

10 JUDGE BLOCH: That's because --

11 THE WITNESS: Those signatures on the  
12 forms we were looking at yesterday, to the best of my  
13 recollection, were dated September 1978.

14 JUDGE GROSSMAN: Yes, but I see on this  
15 form that this was adopted in January 1978, and we  
16 don't have any indication that it was in effect any  
17 time after that date, and certainly we can't assume  
18 that from any representations you make as to the periods  
19 that you were not involved in this area.

20 JUDGE BLOCH: Is there a Rev. 3 and do  
21 you know the date of Rev. 3?

22 THE WITNESS: Is that a, pardon, Chairman?

23 JUDGE BLOCH: Is there a Rev. 3 of this  
24 procedure and what date --

25 THE WITNESS: No. This procedure was

4/16

1 voided in early 1979 and replaced with a procedure  
2 numbered QI-QAP-10.4-1, which had a revision to it,  
3 which is also not on the record, which was changed to  
4 a QI-QAP-11.4-1 I believe which might have had a  
5 revision or two, which ultimately was changed to the  
6 TUGCO format which we do have in the record, which is  
7 QI-QP-11.14-6 or 0, dated March 26, 1982.

8 At no time, from my review, other  
9 than for a short period of I believe 1979 was this  
10 five-line traveler properly endorsed. In 20/20 hind-  
11 sight it's more of the same of what we've been talking  
12 about this morning. They used the wrong form.

13 JUDGE GROSSMAN: So what you are saying  
14 now is that you reviewed company documents at this  
15 point, and determined that certain procedures were in  
16 effect all during that period between 1978 and 1982;  
17 is that so?

18 THE WITNESS: Yes, sir.

19 (Bench conference.)

20 JUDGE GROSSMAN: Well, one thing that  
21 I've been looking for in these documents was an  
22 indication of the document that they replaced, and I  
23 can't for the life of me find that in either of these  
24 two forms. If we had some indication like that, we  
25 could determine when we had an unbroken chain of

/17 1 procedures. Do you understand what I'm saying now?

2 And I wonder if there isn't some documentation that the  
3 company has which indicates what was in effect at what  
4 time that may have satisfied you as to which procedures  
5 were in effect, but --

6 THE WITNESS: The procedures speak for  
7 themselves, Judge Grossman. The dates on them are  
8 sequential. They've changed numbers at least four  
9 times. They've gone from a CP-QCI to a QI/QAP-10.4,  
10 I believe, dash something, to a QIQ-AP-11.4, to a  
11 QI-QP-11.14-6..

12 If what you are looking for is that  
13 five-step traveler and an inspection procedure, you  
14 won't find it. It doesn't exist.

15 JUDGE GROSSMAN: Mr. Brandt, when did you  
16 review the files of these procedures; was that last  
17 night?

18 THE WITNESS: If you are talking about --  
19 If you are addressing the use of which traveler when,  
20 Judge Grossman, that was last night.

21 If you are talking about reviewing  
22 the content of the procedure, I'm sure I did that to  
23 some degree when I was responsible for changing it from  
24 the QI-QAP format, which is a Brown & Root or ASME/QC  
25 procedure to the QI-QP-11.14-6, which is a TUGCO non-

/18 1 ASME procedure.

2 As far as paying particular attention to  
3 the particular type of inspection traveler that was  
4 used at the time, that did not occur until last night.

5 JUDGE GROSSMAN: Well, it appears to me  
6 as though all of these travelers that we are talking  
7 about were signed sometime after January of 1978, and  
8 I think that we would like to have a complete set of  
9 the procedure that were in effect between 1978 and  
10 1982 so that we can match the procedures with the  
11 particular time period that these travelers were signed,  
12 and that way we won't have to just speculate as to what  
13 was in effect at what time.

14 Is that possible?

15 MR. DOWNEY: I think we are talking about  
16 a rather large volume of paper. Could you restate your  
17 request Judge Grossman. You want all procedures --

18 JUDGE GROSSMAN: No, I didn't mean all  
19 company procedures. I mean all procedures relating to  
20 the installation of stainless steel liners; that is the  
21 QC, the quality instruction on that, and I would assume  
22 that it would be no more than two inches in thickness,  
23 but you would have a better idea than I.

24 MR. DOWNEY: Since all of these were  
25 generated in 1978 can we just provide those for that

4/19

1 year? I mean that might cut down the --

2 JUDGE BLOCH: You've done that already,  
3 according to the testimony.

4 JUDGE GROSSMAN: Well, I think that we  
5 would be much happier having an unbroken chain through  
6 March of 1982.

7 MR. DOWNEY: We'll provide those. It may  
8 take -- I mean we may have a single copy here, but  
9 I'm not sure, but to provide multiple copies will take  
10 some time, you know, a day or two.

11 (Bench conference.)

12 JUDGE BLOCH: Okay. Ms. Garde.

13 MS. GARDE: We are not going to go  
14 forward on this issue, sir.

15 JUDGE BLOCH: Okay. I thought you had a  
16 question before Judge Grossman started. I wanted to  
17 make sure you had a chance to pursue it.

18 MS. GARDE: No. You asked it.

19 RECROSS-EXAMINATION

20 BY MR. ROISMAN:

21 Q I wanted him just to tell us so that we'd  
22 understand this procedure, did the little note that you  
23 and Judge Bloch were discussing at the top of Page 3  
24 it calls Attachment 4-A a traveler NDE Report combination.  
25 Is there an NDE form or Attachment 4-A?

4/20

- 1 A Yes, sir.
- 2 Q Would you just tell me which it is?
- 3 A You see the annotation approximately half  
4 way down on the page it says "Acceptance standard  
5 Gibbs & Hill 2323 SOCT."
- 6 Q Yes. I do.
- 7 A The next one, two, three, four, five  
8 lines are PT report. The last five lines are vacuum  
9 box report.
- 10 Q And are those chits, or not? Is that  
11 what's called a chit?
- 12 A No, sir.
- 13 MR. ROISMAN: All right. Thank you.
- 14 JUDGE BLOCH: Off the record.
- 15 (Discussion off the record.)
- 16 JUDGE BLOCH: On the record.
- 17 Where is the chit referred to in  
18 the procedure in this package?
- 19 THE WITNESS: Paragraph 3.1.1.
- 20 JUDGE BLOCH: Okay. And where is it  
21 attached?
- 22 THE WITNESS: It's not.
- 23 JUDGE BLOCH: It's not? Should it have  
24 been?
- 25 THE WITNESS: (Pause.) If it's not

4/21  
1 attached as an attachment to the construction procedure,  
2 yes, sir.

3 JUDGE BLOCH: I think that's probably  
4 wrong. I think if it's the procedure that's being  
5 relied on by QC and it was going to be part of the  
6 QC record, it should have been attached to the QC  
7 document.

8 THE WITNESS: I disagree with you.

9 JUDGE BLOCH: Why is that?

10 THE WITNESS: On not only this site, but  
11 many sites, the processed documentation that is  
12 controlled by the craft is in the craft's procedure.

13 For example, the Weld Four Material  
14 Log that we have discussed briefly in this proceeding  
15 and at great length in the other proceeding is in a  
16 Construction Procedure, is now, always has been.

17 JUDGE BLOCH: This was a very special  
18 construction procedure; it was also QC procedure. It  
19 was going to be used as a QC document.

20 THE WITNESS: I don't see -- Maybe that  
21 was a bad example, Judge Bloch, but the weld data card  
22 that's used for inspection of piping is attached to a  
23 construction procedure.

24 JUDGE BLOCH: Okay. Is Mr. Purdy  
25 available? Is it possible to pass to other subjects

1 for this witness and complete the witness? Let's do  
2 that.

3 THE WITNESS: Is it possible to take a  
4 short recess, Your Honor?

5 JUDGE BLOCH: Yes. - We will break for  
6 just five minutes. The break is granted.

7 (A short recess was taken.)

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

3 Ms. Garde.

4 RECROSS-EXAMINATION

5 BY MS. GARDE:

6 Q Mr. Brandt, your Exhibit 14 to your  
7 previled testimony --

8 JUDGE BLOCH: Ms. Garde, your mike may  
9 not be on.

10 MS. GARDE: Is that better?

11 BY MS. GARDE:

12 Q Mr. Brandt, your Exhibit 14, "Testimony  
13 of C. Thomas Brandt Regarding Inspection and Testing  
14 of Non-ASME Component Systems" --

15 JUDGE BLOCH: Ms. Garde, when you are  
16 reading from documents, there is a tendency to read  
17 very rapidly and it makes it very hard for the  
18 reporter, I know.

19 MS. GARDE: Thank you, Your Honor. I  
20 will slow down.

21 JUDGE BLOCH: And in addition, that was  
22 so fast I couldn't catch it.

23 JUDGE GROSSMAN: And a little louder,  
24 please.  
25

1 BY MS. GARDE:

2 Q Exhibit 14?

3 A Yes, ma'am.

4 Q Mr. Brandt, what in the description of  
5 these various levels of programs, inspection programs,  
6 would excuse your company from meeting 10 CFR Appendix  
7 B requirements?

8 MR. DOWNEY: Objection. That's  
9 argumentative.

10 MS. GARDE: Why is it argumentative?

11 JUDGE BLOCH: What in the what?

12 MS. GARDE: What in this testimony,  
13 which describes multiple systems of inspections, would  
14 excuse this company from meeting certain Appendix B  
15 requirements.

16 JUDGE BLOCH: I think what you've got  
17 to do is to establish what bothers you about his  
18 meeting Appendix B requirements.

19 It's obvious that there's nothing that  
20 excuses the company from Appendix B requirements.

21 I think you are asking a legal question.

22 Why don't you ask him whether there is  
23 some violation of Appendix B requirements there.

24 MS. GARDE: Okay. Let me rephrase the  
25 question.

1 BY MS. GARDE:

2 Q If you completed all of the inspections  
3 that you describe in this testimony, would it excuse  
4 you from any Appendix B requirements?

5 A No.

6 Q Question 4 regarding multiple inspections  
7 and tests, would you please explain how discrepancies  
8 and deficiencies identified during these inspections  
9 are processed in accordance with site procedures?

10 A Ms. Garde, either I don't understand  
11 your question or you answered your own question.

12 Q Your Question 4 discussed multiple  
13 inspections and tests; is that correct?

14 A Yes, ma'am.

15 Q I believe the statement is, "These  
16 cumulative inspections and tests provide a high level  
17 of assurance that such conditions will be identified  
18 and corrected prior to operation of Comanche Peak,  
19 even if they had not been detected in the initial QC  
20 inspection."

21 Is that correct?

22 A That's the way I read it, yes, ma'am.

23 Q How are the discrepant conditions  
24 identified in these multiple-level inspections  
25 recorded or reported in accordance with site procedures?

-4  
1           A           The answer to your question is they are  
2 recorded and reported in accordance with site  
3 procedures.

4           Q           So in multiple-level inspections a  
5 nonconforming condition would also be written up on  
6 an NCR?

7           A           It would be written up on a document,  
8 yes, ma'am.

9                        To say that it would be written up  
10 on an NCR in all cases is not the case, and I don't  
11 think that has ever been my testimony.

12          Q           There is some testimony in your Exhibit  
13 14 regarding monthly partial inspections, monthly  
14 inspections on some pieces of equipment. Do you  
15 recall that?

16          A           Where are you referring?

17          Q           Why don't you look it over. I've got  
18 the questions down, but I don't have that question  
19 delineated, regarding monthly inspections.

20          A           You want me to read my entire testimony.

21          Q           Let me ask it this way, Mr. Brandt.  
22 Are some pieces of equipment inspected  
23 on a monthly basis?

24          A           For maintenance, yes, ma'am.

25          Q           And maintenance inspections are not

5-5  
1 regular inspections?

2 MR. DOWNEY: Objection. They are  
3 maintenance inspections.

4 JUDGE BLOCH: Sustained. If they are  
5 monthly, they are somewhat regular.

6 BY MS. GARDE:

7 Q Are they inspections which also require  
8 the reporting of discrepancies, if they are found?

9 A Yes, ma'am.

10 Q What documentation is developed by  
11 quality control during in-process inspections, if  
12 problems are identified?

13 A During what time frame are you speaking?

14 Q In-process inspections are those  
15 inspections conducted prior to quality control  
16 inspection; is that correct?

17 A No, ma'am.

18 Q Could you please explain an in-process  
19 inspection?

20 A An in-process inspection is an  
21 inspection which occurs after the inception of a  
22 work activity and prior to the final QC acceptance.

23 Q Who conducts the in-process inspections?

24 A QC.

25 Q Are weld techs QC personnel?

5-6 1 A No, but if I could clarify my last  
2 response, there are some in-process inspections  
3 performed by weld technicians, yes, ma'am.

4 Q Are there any other in-process  
5 inspections that are performed by technicians that  
6 are not quality control inspectors?

7 A Not that I can think of off the top of  
8 my head, Ms. Garde, no.

9 Q So in welding areas some in-process  
10 inspections are done by weld techs, not quality  
11 control inspectors?

12 A Yes, ma'am, that's a true statement.

13 Q And are deficiencies identified in  
14 those in-process inspections by weld technicians  
15 written up on quality control documentation, whether  
16 it be IR's or NCR's?

17 A In some cases, yes, ma'am.

18 Q In what cases are they not?

19 A In some cases they -- I guess in order  
20 to answer your question, I would need to know what  
21 type of deficiencies you are talking about.

22 Q Let's take a hypothetical example of a  
23 weld that has flunked an RT inspection and it is  
24 in-process.

25 Would a failed RT inspection require a

5-7

1 quality control documentation to be written up?

2 MR. DOWNEY: Objection. I don't  
3 think Ms. Garde's hypothetical specifies enough  
4 information for a response.

5 It doesn't specify whether it's an  
6 ASME or non-ASME weld.

7 It doesn't specify at what point in the  
8 inspection procedure the RT was made.

9 JUDGE BLOCH: Okay. You can clarify  
10 your answer, if it requires that.

11 THE WITNESS: If I could ask a  
12 clarifying question, I think it might serve the same  
13 purpose, Judge Bloch.

14 I would need to know whether it's  
15 ASME or non-ASME and --

16 MS. GARDE: ASME --

17 THE WITNESS: I need to know what  
18 class of weld it is.

19 BY MS. GARDE:

20 Q ASME Class I.

21 A The answer to your question, Ms. Garde,  
22 is the RT report is a piece of quality control  
23 documentation.

24 Q That wasn't my question.

25 If an RT report indicates that there is

-8 1 a rejected, failed RT test.

2 Does that general an inspection report  
3 or a nonconformance report?

4 A I believe the original question,  
5 Ms. Garde, was does that generate any kind of quality  
6 control documentation.

7 I answered that question by saying the  
8 RT report itself is a piece of quality control  
9 documentation.

10 If you are now asking if there is an  
11 inspection report or nonconformance report issued  
12 because a weld fails radiographic testing, the answer  
13 is no.

14 Q So what indication -- excuse me -- what  
15 type of indication do you have for the in-process  
16 inspections on welds, whether or not a large number  
17 of those welds are failing RT tests?

18 MR. DOWNEY: Objection. Is Counsel  
19 still asking about ASME welds?

20 MS. GARDE: Yes.

21 MR. DOWNEY: If the answer is yes, then  
22 this examination is beyond the scope of Mr. Brandt's  
23 prefiled testimony about which he is now testifying.

24 His prefiled testimony is a description  
25 of the re-inspection and cumulative inspection program



5-9 1 of the non-ASME area, and Mr. Purdy's prefiled  
2 testimony addresses ASME area.

3 My objection was the questions to  
4 Mr. Brandt about the ASME side of the project are  
5 beyond the scope of his direct examination.

6 JUDGE GROSSMAN: Are you saying then  
7 that if the witness has information which is relative  
8 to what Mr. Purdy is going to testify to, that we  
9 are going to have to bring him back and we can't have  
10 those questions asked right now?

11 MR. DOWNEY: Judge Grossman, I believe  
12 the scope of Ms. Garde's examination is beyond the  
13 scope of Mr. Brandt's prefiled testimony for the  
14 reasons I have stated.

15 JUDGE BLOCH: I guess Judge Grossman's  
16 point is they want -- if he has information, they  
17 could call him back as a rebuttal witness.

18 Do we need these questions of this  
19 witness, though?

20 MR. DOWNEY: I will withdraw my  
21 objection. If it continues, I'll re-assert it.

22 JUDGE BLOCH: Well, you made a point.  
23 It's possible they don't really need the answers from  
24 this witness, but I would like their response on that.

25 MS. GARDE: Well, this witness has

-10  
1 testified about numerous levels or multiple-level  
2 inspections which are to give added assurance that  
3 the plant is safe.

4 I believe that mine is a fair question.  
5 His testimony does address in-process inspections.

6 I can modify the question, if the Board  
7 wants me to, to non-ASME welds on safety-related  
8 pieces of equipment.

9 JUDGE BLOCH: We only want you to if it  
10 won't hurt your case in some way we don't understand.

11 MS. GARDE: I would prefer not to  
12 modify the question.

13 JUDGE BLOCH: Okay. The witness may  
14 proceed.

15 It is beyond the scope of direct, but  
16 it's related to the proceeding.

17 THE WITNESS: Could I have the question  
18 repeated, Ms. Garde?

19 JUDGE BLOCH: If you want, we could try  
20 to get it read back.

21 MS. GARDE: I would prefer that it be  
22 read back.

23 (Record read.)

24 BY MS. GARDE:

25 Q Mr. Brandt, isn't it true that RT

-11 1 reports are not trended documents?

2 A No, I don't believe so, Ms. Garde.

3 Q On in-process inspections on an ASME  
4 weld, is there any documentation generated, quality  
5 control documentation, meaning inspection reports or  
6 nonconformance reports, generated by the in-process  
7 inspection process?

8 Do you understand my question?

9 A (No response.)

10 Q Do weld techs generate inspection reports  
11 or nonconformance reports?

12 A Yes, they do.

13 Q Do weld techs generate nonconformance  
14 reports or inspection reports on in-process inspections?

15 A Ms. Garde, I can answer your question,  
16 but I would like to make a clarifying point.

17 I believe two questions ago after we had  
18 the break and play-back I answered a question, "No,  
19 they don't."

20 I just want to make it clear that, in  
21 effect, RT reports are trended as welding engineering  
22 maintains a weld reject rate.

23 JUDGE GROSSMAN: As what?

24 THE WITNESS: As welding engineering  
25 maintains a weld reject rate. In that essence, they

1 could tell you what percent were radiography  
2 failed.

3 BY MS. GARDE:

4 Q That isn't my question, Mr. Brandt.

5 A I understand what your question is now,  
6 Ms. Garde. I am just trying to make that clarifying  
7 point.

8 If we are still talking about an ASME  
9 Class I hypothetical weld, which I was not discussing  
10 in my direct testimony anyway, ASME Class I welds. I  
11 was discussing the non-ASME program. Rejections are  
12 indicated.

13 If a nonconforming condition is  
14 noticed, a nonconformance report is written by the  
15 weld tech.

16 A rejected RT report is not a  
17 nonconforming condition.

18 Q So a weld that fails an RT test is not  
19 a nonconforming condition? A failed RT does not  
20 indicate that the weld has a flaw, has a discrepancy?

21 A I did not say that, Ms. Garde.

22 Q What did you say, Mr. Brandt, because I  
23 didn't understand your explanation?

24 A I said an unacceptable radiography  
25 report by definition is not a nonconforming condition.

1                   It's a process document to indicate the  
2                   unsatisfactory completion of a required test or  
3                   examination.

4                   JUDGE BLOCH:   Is it a discrepancy?

5                   THE WITNESS:   Could you define what you  
6                   are talking about?  It's an indication that the weld  
7                   has not yet met the required acceptance criteria.

8                   JUDGE BLOCH:   If it had been inspected  
9                   and there was a discrepancy before the completion of  
10                  construction by a QC inspector, wouldn't it be on an  
11                  IR checklist as unsat.?

12                  THE WITNESS:   For field radiography?

13                  JUDGE BLOCH:   For a deficiency in a  
14                  weld found by visual inspection, as opposed to  
15                  radiography?

16                  THE WITNESS:   It would be on an IR if  
17                  found by QC, during in-process inspection, yes, sir.

18                  JUDGE BLOCH:   And that IR, I am told,  
19                  is fully trended the same as NCR's?

20                  THE WITNESS:   Yes, sir.

21                  JUDGE BLOCH:   But there's some difference  
22                  in the way the RT reports are trended?

23                  THE WITNESS:   Judge Bloch, I think --  
24                  maybe not necessarily you, but I think this discussion  
25                  is leading toward an assumption that every failed

-14 1 NDE report is a nonconforming condition.

2 I don't believe that's the case, either  
3 at Comanche Peak or in this industry.

4 I have never seen a failed NDE report  
5 or an unsatisfactory NDE report ever been considered  
6 a nonconforming condition, except in the event that  
7 the technique used for the non-destructive examination,  
8 if that was an unacceptable technique, that's sometimes  
9 identified as a nonconforming condition.

10 But if the technique was proper and the  
11 interpretation of the results indicated an unsatis-  
12 factory condition in the hardware itself, I have never  
13 seen that considered as a nonconforming condition.

14 The NDE report is marked unsatisfactory  
15 and process documentation is generated to repair the  
16 defect noted by the non-destructive examination.

17 JUDGE BLOCH: Okay, but I take it that  
18 the purpose of the procedures is to assure sound  
19 welds which will pass the non-destructive examination,  
20 the RT report, and why is it that the failure of the  
21 RT report is not a deficiency that should be tracked?

22 THE WITNESS: Once again, Judge Bloch,  
23 I think you have -- You are asking me to assume your  
24 hypothesis, and I'm not sure I am willing to do that.

25 There are different levels of examination

1 required for different applications.

2 I could stand and watch a welder  
3 through the same type of welding helmet he had on  
4 and as the term is often used, look in the weld as  
5 far as watching him put the root pass in, and stand  
6 there over his shoulder or with a remote observation  
7 device and watch every single millimeter of the weld  
8 deposited; have a high degree of personal assurance  
9 whether or not the weld would pass radiography; and  
10 yet not be able to tell whether the weld would  
11 ultimately be able to pass radiography or ultrasonic  
12 testing.

13 So if your question is implying that the  
14 program is designed to have QC coverage to assure that  
15 you are going to get an acceptable RT report, to a  
16 certain extent that's true; but to say that you can  
17 have 100 percent confidence, that even if you have a  
18 QC inspector that's a welding expert overlooking the  
19 weld every second he's working on the joint to say  
20 with absolute assurity that you are going to have an  
21 acceptable RT report, I think that is a ridiculous  
22 assumption to make.

23 JUDGE BLOCH: Okay, but now in some  
24 instances wouldn't a defective RT report or failed  
25 RT report indicate that there either was bad technique

1 in making the weld or bad technique in inspecting the  
2 weld or both?

3 THE WITNESS: We are out in the land of  
4 hypothetical, and I assume in your hypothetical  
5 example that the program has worked. The required  
6 inspections mandated by procedures have occurred prior  
7 to the performance of the radiographic examination.

8 If that's occurred, a failed  
9 radiography report is going to indicate a flaw in the  
10 weld.

11 If there's a flaw in the weld, it's only  
12 logical to assume -- and once again, assuming that  
13 the welder and the welding procedure were qualified,  
14 that the cause of that defect was improper technique  
15 by the welder.

16 JUDGE BLOCH: Not necessarily. You told  
17 me that he could do it all perfectly, and that some-  
18 times it just happens it's defective.

19 THE WITNESS: If there's a defect there,  
20 it was caused by the welding process. It's either  
21 an inadequate process, which I think we can rule out  
22 by the fact that both the procedure and the welder are  
23 qualified; that there was base material failure, which  
24 I don't think is the issue; or the weld defect, if you  
25 will, noted by radiography was introduced by the



5-17 1 welding process itself.

2 If that is the case, the welder put  
3 it there.

4 JUDGE BLOCH: Is there any procedure  
5 for determining when the indications from an RT are  
6 so bad that an inquiry should be made into the way  
7 the weld was made or the inspection was made?

8 THE WITNESS: By "procedures," are you  
9 saying written procedures? Is that what you are  
10 referring to?

11 JUDGE BLOCH: Well, let's start with  
12 written procedures.

13 THE WITNESS: I believe the answer to  
14 that question is yes. I'm not sure you will agree  
15 with the subtleness of the nature of the indications.

16 If you would like, I will explain why  
17 I indicated yes.

18 JUDGE BLOCH: We are still talking about  
19 ASME welds?

20 THE WITNESS: We are still talking about  
21 this hypothetical weld that required radiography in  
22 the first place because it's a Class I weld, an  
23 ASME piping weld.

24 My whole testimony on this subject of  
25 radiography is premised on that situation.

18 1 In the event that you have a -- Using  
2 your example, that you have a weld that's so bad that  
3 it failed -- that's bad enough to indicate radio-  
4 graphically that weld was -- once again, I'm not  
5 trying to quote you, but I think extremely poorly  
6 made or something like that; but a number of  
7 rejectable indications in the radiograph that indicate  
8 that the weld was poorly made.

9 There are several opportunities for  
10 that to be evaluated.

11 Number one, the way welds are  
12 repaired after radiography is an object typically  
13 called in this business a skin, which is a  
14 transparent overlay noting the radiographic station  
15 markers and with either a wax pencil or a magic marker  
16 noting the location and the length of the defects.

17 This skin is taken to the weld. The  
18 station markers which are physically stamped on the  
19 weld are overlaid with this transparent overlay to  
20 locate the defects in the weld.

21 Welding engineering does this process,  
22 makes this skin or overlay.

23 If a weld is, as you hypothesized, so  
24 poorly made it is going to require extensive repair,  
25 welding engineering is responsible for assessing that

1 situation as they are preparing the skin. If they  
2 see a weld that's got maybe 14 linear inches of weld,  
3 and, once again in a hypothetical example, say it's  
4 got ten inches of rejectable weld, if I'm the welding  
5 engineer preparing the skin, the question I'm going to  
6 have to ask myself is, "How did this happen?"

7 At that point there's an opportunity  
8 to evaluate the performance of that particular welder.

9 In addition, QC has an opportunity as  
10 QC is there. QC actually -- The QC NDE technician at  
11 the weld interprets the film in the first place and  
12 has the opportunity to ask, you know, "How did this  
13 happen?"

14 Finally, the A&I reviews all radiographic  
15 film for Class I welds, and I am quite confident that  
16 if an A&I saw a radiograph of a weld -- once again  
17 using my example of 20 inches of weld that had 10  
18 unacceptable inches of weld, that the A&I is going  
19 to have some questions.

20 There is a formal written procedure for  
21 A&I requesting requalification of welders.

22 BY MS. GARDE:

23 Q But isn't it true, Mr. Brandt, that  
24 since there is no trending done of the in-process  
25 inspection, that you don't know the cause of the

-20 1 problem?

2 A Ms. Garde, I don't believe at all that  
3 that was my testimony.

4 Q How do you know the cause --

5 JUDGE BLOCH: He said there was trending.

6 MS. GARDE: There was trending of the  
7 RT reports.

8 THE WITNESS: There is trending on all  
9 inspection reports and all nonconformance reports.

10 BY MS. GARDE:

11 Q I am asking about the RT report in the  
12 in-process inspection.

13 MR. DOWNEY: Objection. I will re-assert  
14 my objection.

15 If Ms. Garde is talking about ASME  
16 welds, it is outside the scope of Mr. Brandt's  
17 direct examination and she should put these questions  
18 to Mr. Purdy who will be the next witness.

19 This seems to be -- I think it has  
20 gone not only beyond the scope of direct examination,  
21 but now is going into the area that's irrelevant to  
22 this proceeding.

23 MR. MIZUNO: The Staff would agree. It  
24 had held back from objecting earlier simply because we  
25 thought Ms. Garde might have been setting up some

1 preliminary questions.

2 JUDGE BLOCH: Ms. Garde, it seems to me  
3 to be irrelevant at this point. Are you going to tie  
4 it in somehow? Do you know why it's relevant?

5 MS. GARDE: My concern is that the  
6 in-process inspections referenced in his testimony  
7 on non-ASME doesn't meet the requirements of 10 CFR.

8 JUDGE BLOCH: Then why were you asking  
9 about ASME? Let's ask about non-ASME.

10 MS. GARDE: I'll change it to non-ASME.  
11 I don't have very many more questions.

12 JUDGE BLOCH: If you had asked  
13 relevance before, it would have been more straight-  
14 forward.

15 Please continue.

16 BY MS. GARDE:

17 Q The non-ASME in-progress quality  
18 control inspections that you testified to, are any  
19 of those non-ASME inspections on safety-related areas  
20 in the plant?

21 A Yes, ma'am.

22 Q During those in-process inspections,  
23 when discrepancies are identified by technicians or  
24 quality control inspectors -- are the problems  
25 identified in process by quality control inspectors or

1 technicians?

2 A If your question, Ms. Garde -- and I'm  
3 not trying to be evasive. I'm not sure what you are  
4 asking.

5 If your question is are in-process  
6 inspections performed by QC inspectors documented,  
7 yes, ma'am.

8 Q All in-process non-ASME inspections are  
9 conducted by quality control inspectors?

10 A I didn't say that.

11 Q Would you please tell me which in-process  
12 inspections are not conducted by quality control  
13 inspectors?

14 A On safety-related systems?

15 Q Yes, sir.

16 A On safety-related non-ASME systems?

17 Q Yes, sir.

18 A To the best of my recollection, sitting  
19 here right now, all are.

20 Q And so all discrepancies identified  
21 in-process inspections on non-ASME safety-related  
22 systems, to the best of your knowledge, generate  
23 either inspection reports or nonconformance reports if  
24 a discrepancy is found?

25 A Yes, ma'am.

1 JUDGE BLOCH: Were you responding only  
2 to the visuals, or also to the radiographic testing?

3 THE WITNESS: Judge Bloch, I've got a  
4 real problem with even considering radiographic  
5 testing and in-process inspection.

6 JUDGE BLOCH: Okay. I just want to  
7 clarify what you --

8 THE WITNESS: We were talking before out  
9 in a hypothetical.

10 I'm talking about visual inspections, in  
11 answer to your question.

12 BY MS. GARDE:

13 Q Mr. Brandt, were post-construction  
14 verification inspections conducted on non-ASME  
15 safety-related areas of the plant?

16 A Yes, ma'am.

17 Q What were the deficiencies identified  
18 during post-construction verification inspections  
19 identified on, what type of form?

20 A They were identified either on an  
21 inspection report; a nonconformance report; what we  
22 originally called separation punchlist, which I now  
23 believe we call the separation deficiency report; or  
24 a post-construction verification punchlist, which I  
25 now think is called a post-construction verification

5-24 1 deficiency report.

2 JUDGE BLOCH: I would like to compliment  
3 the witness on his memory for these documents. I  
4 think it's fantastic.

5 THE WITNESS: I don't find it amazing,  
6 Judge Bloch, as many times as I've had to tell this  
7 story.

8 (Laughter.)

9 JUDGE BLOCH: It wasn't just this  
10 one answer I'm talking about. You do have a good  
11 knowledge of the documents at the plant.

12 BY MS. GARDE:

13 Q Are all discrepant conditions identified  
14 on any of the lists or punchlists or forms that you  
15 just named, do all of those go through engineering  
16 review prior to disposition?

17 A No.

18 Q Who makes the determination of which  
19 discrepancies identified on the post-construction  
20 deficiency list or variations thereof get engineering  
21 review?

22 A I think I attempted to explain  
23 yesterday, I think it was, or maybe the day before,  
24 Ms. Garde, that -- and I used the example at that  
25 time, an inspection report stating that as an inspection



-25  
1 report was prepared, it was presented to the craft  
2 to rework the condition.

3 At that time they could either rework  
4 the condition or approach engineering to perform an  
5 engineering evaluation.

6 If engineering acted on the item, they  
7 acted either through issuance of a design change  
8 authorization or on a modification card, commonly  
9 called CMC.

10 The same is true for deficiency reports  
11 or punchlists as is true for the IR.

12 Nonconformance reports are sent to  
13 engineering for evaluation.

14 JUDGE BLOCH: Is it the case that a  
15 "used as is" disposition can only be made by the  
16 engineers?

17 THE WITNESS: Yes, sir.

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1 BY MS. GARDE:

2 Q Isn't it true, Mr. Brandt, that those  
3 items identified on post-construction deficiency  
4 lists and fixed immediately by craft are not trended?

5 A Items identified as deficient on the post-  
6 construction deficiency report, points list or  
7 verification report, I'm not sure what terminology  
8 we're talking about, the electrical area now, what-  
9 ever that deficiency listing is called that's  
10 generated in the post-construction phase, if they're  
11 indicated on that report as unsatisfactory they are  
12 trended.

13 Q Even if they're immediately fixed?

14 A Yes, ma'am, to the best of my recollection.

15 JUDGE BLOCH: I'm sorry. What is the  
16 difficulty in this area as to whether they're trended?  
17 I thought I had had several flat answers that all  
18 IR's at the plant are always trended.

19 THE WITNESS: I don't -- it's my under-  
20 standing, Judge Bloch, and I don't have -- it's been,  
21 I think, as I stated the other day, the last time we  
22 discussed this was in, I think, June '83 during the  
23 CAP discussion in the other proceeding.

24 To the best of my recollection, all items  
25 currently being used to report discrepant, deficient

6-2

1 or nonconforming conditions in a non-ASME arena are  
2 trended.

3 JUDGE BLOCH: Then I infer from the  
4 answer that there was a time when that was not true?

5 THE WITNESS: I believe you'll recall  
6 from that proceeding that separation violations in  
7 the electrical arena were originally identified on  
8 RFIC's and sent to the craft for resolution.

9 I also believe the record will show in  
10 that particular proceeding that we stated at the  
11 time those RFIC's were not trended.

12 The use of the RFIC to report that type  
13 of deficiency was discontinued, I believe, in 1982.

14 JUDGE BLOCH: And do you know the period  
15 of time in which the document was used and not  
16 trended, roughly?

17 If you don't, don't tell us.

18 THE WITNESS: I don't know, Judge Bloch,  
19 I don't remember.

20 JUDGE BLOCH: Is that the only exception  
21 to the principle that all deficiencies, whether on  
22 IR's or NCR's or other documents are trended? That's  
23 either now or in the past, to your knowledge.

24 THE WITNESS: To the best of my recol-  
25 lection, yes, sir.

6-3  
1 BY MS. GARDE:

2 Q And that answer applies to the lists  
3 that are attached to IR's and generated in the post-  
4 construction verification program?

5 A I'm not sure what you're talking about,  
6 Miss Garde.

7 Q There's a form attached to an IR in the  
8 post-construction verification program. I think you  
9 described the list by several names, punch list, post-  
10 construction deficiency list.

11 MR. DOWNEY: Objection. I don't believe  
12 that is his testimony.

13 JUDGE BLOCH: I thought it was.

14 THE WITNESS: No, sir, it wasn't. She's --  
15 I believe what she's trying to infer is that these  
16 punch lists are attached to IR's.

17 What I was attempting to define before  
18 were the different names of the pices of paper that  
19 contained the description of these deficiencies.

20 JUDGE BLOCH: Okay. There are, however,  
21 punch lists attached to IR's, and I under -- there  
22 are, and do they say whether they're sound or unsound,  
23 aren't there?

24 THE WITNESS: The way separation is  
25 handled --

6-4

1 JUDGE BLOCH: No, no, that was RFIC.

2 She was talking about -- no?

3 THE WITNESS: No. Okay. The way  
4 separation is handled is the -- there's one IR, a  
5 final IR for each room, and I'm speaking now from  
6 personal experience, whether this is the way Mr. Vega  
7 is currently doing it, I don't know, speaking from  
8 my own personal experience, which is true through  
9 the end of last calendar year, IR's are issued for  
10 a room indicating the raceway numbers of all the  
11 raceways, be it conduit or cable track, in that  
12 particular room, by raceway number.

13 That's listed on an inspection report  
14 which indicates no separation violations exist in  
15 that room.

16 Now, attached to that are the separation  
17 deficiency reports which might be from one page to  
18 who knows how many pages, but as such, that document  
19 becomes an inspection report because the cover sheet  
20 is an IR, it's a numbered IR, and that document is  
21 trended, yes, sir.

22 BY MS. GARDE:

23 Q Mr. Brandt, what I'm attempting to ask  
24 you is that attached to that IR, as you said, there's  
25 numerous pages in some cases of deficiency lists of

6-5

1 things identified in the post-construction inspection,  
2 is that true?

3 A Yes, ma'am.

4 Q Okay. Are each of the items listed on  
5 the post-construction deficiency list trended  
6 independently, not just by the cover sheet?

7 A I'm not sure I understand what you're  
8 asking, Miss Garde, but let me take a stab at it.

9 All these attachments essentially become  
10 one document once attached to the inspection report.  
11 If you're saying is the trending done by number of  
12 inspection reports, the answer is clearly no. The  
13 trending is done by number of noted violations in  
14 that an inspection which had one separation violation  
15 would be treated differently than an inspection  
16 report that noted fifty separation violations.

17 Q And how would it be treated differently?

18 A One counts as one and one counts as fifty.

19 MR. DOWNEY: I don't see the relevance  
20 of this line of questions, Your Honor, and I'd object  
21 on grounds of relevance.

22 JUDGE BLOCH: What's the relevance?

23 MS. GARDE: Well, I think it is relevant  
24 because the in-process inspections which are used  
25 extensively at this plant are being testified to by

6-6 1 this witness as being part of the program of  
2 inspections that the public should depend on to  
3 assure that the plant is safe.

4 If the in-process inspection program  
5 in fact doesn't give an added level of assurance,  
6 then I think that this Board needs to be aware of  
7 that.

8 JUDGE BLOCH: I guess I'm not sure why  
9 I'm ruling. Is there any more to this line of  
10 questioning?

11 MS. GARDE: Two more questions.

12 JUDGE BLOCH: Let's ask the two more  
13 questions.

14 BY MS. GARDE:

15 Q Who writes and/or revises procedures for  
16 the post-construction program?

17 A Miss Garde, I'd like to clarify something  
18 before I answer that question.

19 We seem to be suffering from your mixing  
20 of metaphors in the fact that you're on the one hand  
21 talking about in-process inspections and then on the  
22 other hand talking about post-construction inspections.

23 One is clearly the final inspection and  
24 not an in-process inspection.

25 Q I understand that, Mr. Brandt.

6-7 1 A All right. As long as that's under-  
2 stood from the discussion, the answer to your  
3 question is quality engineering.

4 MS. GARDE: We have no further questions  
5 except to reserve our right to recall this witness  
6 on the liners, liner plate documents.

7 JUDGE BLOCH: Staff?

8 MR. MIZUNO: Just a moment, please.

9 JUDGE BLOCH: Do you need a recess?

10 MR. MIZUNO: Five minutes.

11 JUDGE BLOCH: Five-minute recess.

12 (A short recess was taken.)

13 JUDGE BLOCH: The hearing will come to  
14 order.

15 Staff counsel?

16 MR. TREBY: Can we go off the record for  
17 a second?

18 JUDGE BLOCH: Off the record.

19 (Discussion off the record.)

20 JUDGE BLOCH: Back on the record.

21 MR. MIZUNO: The Applicants have agreed  
22 to provide Revision 1 of CPQCI 2.11-1, and on that  
23 basis we have no questions of Mr. Brandt at this time.

24 JUDGE BLOCH: Thank you.

25 JUDGE GROSSMAN: They agreed to provide it.



1 or they have provided it?

2 MR. MIZUNO: They agreed to provide it.

3 MR. ROISMAN: And I assume it will be  
4 provided to everybody.

5 MR. DOWNEY: Yes.

6 BOARD EXAMINATION

7 BY JUDGE BLOCH:

8 Q Mr. Brandt, do you have any direct  
9 knowledge of the events on the day of the T-shirt  
10 incident?

11 A Yes, I do.

12 Q Could you tell us the first time on that  
13 day that you had knowledge of what happened in the  
14 T-shirt incident? We're talking about the Thursday  
15 that the inspectors wore the shirts for the second  
16 time.

17 A The first time that I became aware of  
18 anything surrounding the T-shirt incident, if that's  
19 your question, was --

20 Q No, no, the day of the incident itself.  
21 We'll get to --

22 A I understand. -- was sometime early  
23 morning, and maybe I should say -- guesstimate at the  
24 time, because early might mean something different  
25 to you and I, I'd say around 9:00 c'clock.

6-9

1 My administrative assistant came and  
2 found me. I was somewhere else in the building,  
3 said Ron Tolson was looking for me.

4 As I re-approached my office, which was  
5 immediately across the hall from Mr. Tolson's, I  
6 ran into Mr. Tolson. He was in a -- he had just  
7 walked out of the room, or walked out of his office  
8 with -- or at least I got that impression, because  
9 all eight inspectors either were in -- still in his  
10 office or had just been moved down the hall adjacent  
11 to Mr. Grier's office.

12 He was extremely agitated. I mean I  
13 could tell he was upset. And he said, Brandt,  
14 you've got a problem. You need to talk to Jack Pitts.

15 Q Now, wait; those were his words, "Brandt,  
16 we've got a problem"?

17 A Excuse me. I don't mean to quote  
18 Mr. Tolson. He indicated to me that he was upset  
19 with --

20 Q Can you remember his words?

21 A No, I can't remember his exact words,  
22 Judge Bloch. I asked him what's wrong. As I stated  
23 yesterday, I know Ron Tolson, and I could tell he  
24 was upset. And to the best of my recollection, he  
25 barely told me anything. In fact, he wouldn't tell me

6-10

1 what the T-shirts said. He told me that some  
2 inspectors had a T-shirt on that he thought was  
3 personally harrassing to him.

4 He understood that one of them was an  
5 EBASCO employee and that I needed to talk to him.

6 I distinctly remember asking Mr. Tolson  
7 what the T-shirts said and he was so agitated he  
8 wouldn't even tell me. He said you'll see when  
9 Pitts gets here.

10 I said okay. That was the end of my  
11 discussion with Ron Tolson at that time and I --  
12 this discussion took place in the hall roughly  
13 between his office and mine, and which are, like I  
14 said, right across the hall from one another.

15 I walked into my office and within a  
16 very short period of time Pitts arrived.

17 Q Okay. And the discussion with Pitts is  
18 already in our record, so we don't have to go into  
19 that.

20 A Yes, sir.

21 Q Was there another time that day when you  
22 had any direct information about management discussions  
23 or management actions about the T-shirt incident?

24 A I was told, and this may or may not be  
25 part of my deposition, I don't remember -- what I

6-11 1 told Pitts is a matter of record.

2 Pitts asked me what was going to happen  
3 and I told before I made a decision representing  
4 EBASCO I was going to wait and discuss the matter  
5 with Texas Utilities.

6 At this time I had not seen Ron Tolson  
7 again. I understand both from talking to him later  
8 and through sitting through this proceeding he went  
9 to Merritt's office.

10 Sometime later that morning, maybe early  
11 afternoon, I don't remember, it was either immediately  
12 before lunch or after lunch, I was told that TU's  
13 position was they were to be sent home with pay --

14 Q Who was it told you this?

15 A Tolson. It happened in, to the best of  
16 my recollection, in an office right side John  
17 Merritt's. He was discussing the matter with --  
18 jointly with Glen Purdy and myself, Purdy repre-  
19 senting the Brown & Root administration and myself  
20 representing EBASCO.

21 Q Can you tell me, where is Merritt's  
22 office with respect to Tolson's office?

23 A There is a -- well, you've been in the  
24 large administration building, I know. I assume you  
25 remember where Ron Tolson's office is. It's

6-12 1 adjacent to --

2 Q I was only there once.

3 A You were there in the vault. Ron Tolson's  
4 office is in a hallway probably within 30 or 40 feet  
5 of the vault.

6 John Merritt's office is down the hall  
7 toward the east end of that same building, probably  
8 60 or 70 feet away -- I shouldn't guess. It's  
9 probably closer to a hundred feet.

10 Q Okay. Do you remember how the meeting  
11 got convened between you, Purdy and Tolson?

12 A To the best of my recollection, Ron came  
13 and got me and sent for Purdy. The discussion took  
14 place in Bob Guthridge's office, which is in very  
15 close proximity to Mr. Merritt's office. It's out-  
16 side kind of a reception area, it's a small office  
17 outside.

18 The discussion took place in there, in  
19 which we were told it was Texas Utilities' position  
20 that the inspectors that wore the T-shirts were to  
21 be sent home with pay, and if they wished to return  
22 the next day without the T-shirts that they were  
23 certainly welcome to return.

24 My memo to Pitts reflects that, which I  
25 believe is in the record.

6-13

1 Q Did Ron Tolson discuss his reasons in  
2 the course of that meeting?

3 A No, he did not.

4 Q During that -- is that the only other  
5 time you had discussions with management officials  
6 about the incident that day?

7 Let's, for completeness, include the  
8 possibility you met with Ron Hicks as a management  
9 official also.

10 A Dan Hicks?

11 Q Dan Hicks, excuse me.

12 A No, I did not talk to Dan Hicks at all.  
13 Chairman Bloch, even at that time, and  
14 probably -- well, consistently throughout my  
15 employment at Comanche Peak, Ron Tolson and I were  
16 very -- had a very close relationship. To say I  
17 didn't talk to Tolson the rest of the day would be  
18 a falsehood. I'm sure I did.

19 I don't remember having any other dis-  
20 cussions with Tolson regarding the T-shirt incident.  
21 If I did, they were of such minor significance that  
22 I don't remember them at this date.

23 Other than Tolson and Purdy, I don't  
24 recall speaking with anyone which you would consider  
25 a management official regarding the T-shirt incident

6-14 1 on that day.

2 Q I had formed the impression, perhaps  
3 incorrect, that when something of the magnitude of  
4 that problem arose that Mr. Tolson would come and  
5 consult with you.

6 Did he usually consult with you on  
7 important issues?

8 A I think that's probably a fairly correct  
9 assessment, Chairman Bloch. I'm not sure even to this  
10 day which of the decisions that were made by -- using  
11 your term -- management officials on that day were  
12 Ron Tolson's and which were not.

13 As I stated earlier, Ron was in a --  
14 I guess aggravated state, I don't remember the term  
15 I used. He personally felt harassed about it and  
16 was quite upset. He had made that perfectly clear  
17 to me.

18 In that state -- and Tolson was offering  
19 no information as far as who was making the decisions,  
20 he made it quite clear to me that that was TU's  
21 position and that both personally and in light of a  
22 contract or client relationship I didn't feel that I  
23 needed to ask any more questions.

24 I had absolutely no problem with the  
25 decision to send them home with pay and let them

6-15

1 return without the T-shirt because I personally felt  
2 the T-shirt was unprofessional and so stated to  
3 Mr. Pitts, that as administratively representing  
4 EBASCO on the site I was personally and as his  
5 employer embarrassed that they wore such an un-  
6 professional shirt.

7 Q I take it that there was not any mention  
8 of destructive evaluation to you that day by Mr.  
9 Tolson?

10 A No, there was not.

11 Q Was there a time earlier in the week in  
12 which you became knowledgeable of possible destructive  
13 evaluation of electrical terminations or electrical  
14 equipment?

15 A Judge Bloch, I'm aware of the issue now.  
16 It didn't happen recently.

17 Q Earlier in the week --

18 A No, I'm trying to answer your question.  
19 I mean my awareness of the situation didn't just  
20 happen in the last couple days or in this proceeding  
21 or from reading any testimony from this proceeding,  
22 but to state whether I was aware of it at that time  
23 or shortly after that time, I can't -- I can't  
24 remember.

25 Q Do you recall ever going to see someplace



6-16

1 where there was destructive evaluation?

2 A No, I definitely did not do that.

3 Q Do you recall ever seeing any deficiency  
4 paper that had been generated about destructive  
5 evaluation?

6 A No, I definitely have not seen any  
7 deficiency paper.

8 Q Did you have any relationship to the  
9 construction task force that was dealing with the  
10 electrical equipment?

11 A No, I did not.

12 Q I could have asked that first, I'm sorry.  
13 Could you define for me what there was  
14 about those particular T-shirts that you considered  
15 nonprofessional?

16 A I think it's a matter of record, Judge  
17 Bloch, what the T-shirts said, so I won't even go  
18 back over that slogan.

19 The thing I think that's deficient in  
20 the record, and I tried to bring out in my deposition  
21 in Glen Rose, is by no means is the term nit-picker  
22 anything other than a derogatory term.

23 I worked with QC inspectors. I've been  
24 a QC inspector myself. I would not personally  
25 appreciate being called a nit-picker. I don't think

6-17 1 most inspection people would. It's a derogatory  
2 terms. It implies lack of reasonableness. It  
3 implies, to me and to most inspection personnel,  
4 that you're going beyond the required inspections  
5 looking for something, not only performing the  
6 required inspection but looking -- rather than being  
7 objective about the inspection, trying to pick it  
8 to death, as the term is often used.

9 Q The shirts said "We're in the business  
10 of picking nits."

11 Was that, as Mr. Roisman suggested,  
12 really self-derogatory rather than some slap at the  
13 craft? Is self-deprecatory better?

14 A No, I believe the incident was more  
15 aimed at the craft. The act of wearing a T-shirt  
16 that said, hey, we're proud of being -- we're proud  
17 of the fact that we're nit-pickers, was, in my  
18 estimation then and now, a message to the craft --  
19 excuse me, not necessarily craft but the task force  
20 which included both craft and production and  
21 scheduling people, those type of people.

22 For a craft -- for a craftsman or, for  
23 that matter, a member of that task force to call a  
24 QC inspector a nit-picker in no way is even a neutral  
25 term. It's a derogatory term in refence to the

1 inspector's judgment, if nothing else.

2 Q Did you ask Mr. Pitts what he meant by  
3 the term?

4 A I didn't ask him what he meant by the  
5 term. I think Mr. Pitts understands nit-picking  
6 in much the same manner that I do. At least I got  
7 that impression from talking to him.

8 What I did discuss with Mr. Pitts was  
9 why he wore it. Mr. Pitts was the only EBASCO  
10 employee working in that group, in a group of, I  
11 don't know how many, Brown & Root employees, and it  
12 seems like maybe a silly issue for you and I to  
13 discuss, but Mr. Pitts felt a lot amount -- or a great  
14 deal of peer pressure, if you will, to conform to  
15 the group.

16 He explained to me in the discussion I  
17 had with him earlier that morning that he was just  
18 trying to fit in with the group. He didn't really  
19 even know what they meant by the shirts, but the  
20 group had decided to wear them as a group and Pitts  
21 wore the shirt to fit in.

22 He offered his explanation in a very  
23 sincere manner, such that I believed him even on  
24 face value after I thought about the situation of  
25 how the peer pressure could develop.

6-19

1                   Standing in my office he offered to turn  
2 the T-shirt inside out and go back to work, so that  
3 you couldn't read the phrase.

4                   I told him as far as I was concerned  
5 that was unacceptable.

6           Q           Unacceptable?

7           A           Yes, because it was still the -- to my  
8 recollection, they were silver silk-screened shirts  
9 on black, even with the thing turned inside out,  
10 because he actually did pull it about halfway up his  
11 chest where he could -- I guess to offer, you know,  
12 what it would look like to me, and you could clearly  
13 read the shirt even from the back side, and it had  
14 become a focal point.

15                   By this time it might be 10:00 o'clock  
16 and it was still quite evident that it was one of  
17 the T-shirts that the part of the group of eight  
18 had on that day.

19           Q           At that time don't you imagine Mr. Pitts  
20 was feeling both peer pressure and management  
21 pressure?

22           A           I don't think so, Judge Bloch. I didn't --  
23 I in no way threatened Mr. Pitts. Matter of fact,  
24 he asked me what -- you know, we had finished the  
25 discussion, he said, what's the bottom line, Tom, is

6-20

1 this my job; I said no, in no way. I wasn't --

2 Q So that means he felt some management  
3 pressure.

4 A Maybe it -- maybe due to the fact --  
5 let me try and answer your question with an analogy.

6 If either my immediate supervisor on  
7 the site, Mr. Tolson, or, for that matter, any of  
8 my supervisors in New York, called me into their  
9 office and told me they thought what I had done,  
10 regardless of whether it was a clothing issue or  
11 an action, what -- they thought that what I had done  
12 was unprofessional, I guess I'd feel some management  
13 pressure because I know how the chain of command  
14 works and I know that you don't have to -- at least  
15 in any job I've ever had -- reduce your standards  
16 to satisfy your supervisor or your employer if you  
17 will, but you do have to try to conform to what they  
18 think is a standard code of conduct, and what they  
19 think is unprofessional, generally at least you have  
20 to sit down and discuss it with them.

21 Q So I think you're saying he may have  
22 felt --

23 A From that standpoint he might have felt  
24 management pressure, but I think in any situation,  
25 even if the situation were reversed, I think I'd have

6-21

1 felt the same pressure.

2 Q You're saying it's legitimate management  
3 pressure but --

4 A Yes. Yes, sir. I think that's exactly  
5 the case.

6 Q Did he at any time tell you that a large  
7 group of inspectors had worn the same shirts on  
8 Monday?

9 A No, he did discuss other types of T-shirts  
10 that had been worn in the past.

11 Q What was the point of that discussion?

12 A He asked me why it was -- why I thought  
13 this T-shirt was different than others. We had a  
14 discussion on the issue, and I don't think it was --  
15 it wasn't a lengthy discussion but it was a discussion  
16 if Mr. Pitts understood why I thought it was  
17 different. I thought it was --

18 Q Before you tell me what you thought,  
19 what were some of these other T-shirts that he  
20 raised as examples?

21 A I honestly don't remember, Judge Bloch,  
22 but I do remember he said, Tom, people -- you know,  
23 the -- I think the example he used was, Tom, the  
24 craft has worn shirts that say this and say that,  
25 but in no way, whatever they say, which I don't

6-22 1 remember, did they either convey a nonprofessional  
2 tone to him, acting only as myself as an individual  
3 did they convey a nonprofessional tone to me or a  
4 tone that could be either derogatory, aimed at  
5 either the craft or engineering or -- excuse me,  
6 in this case, if they were worn by the craft either  
7 derogatory toward engineering or QC inspectors.

8 I explained to him that, you know, in  
9 addition to -- I think Mr. Pitts brought up the  
10 issue of -- essentially when we were discussing  
11 other T-shirts we were discussing dress code.

12 I told him I didn't think that was the  
13 issue as -- you know, we -- Mr. Pitts understood and  
14 had experienced the efforts we went through to  
15 require the craft to behave in a certain, what we  
16 considered professional manner and then I discussed  
17 that just because you're a QC inspector doesn't  
18 alleviate you from that responsibility.

19 By doing such, you raise the possibility  
20 of antagonizing either the craft or the task force  
21 group to -- which would degrade, which was otherwise  
22 a fairly good working relationship into potentially  
23 a non-working relationship entirely. And I think  
24 Mr. Pitts understood the explanation.

25 Q So Mr. Pitts' first reaction was, it

6-23

1 really wasn't so bad, Tom, and later he said, well,  
2 I shouldn't have done it after you made it clear  
3 you thought he shouldn't have done it?

4 A Mr. Pitts understood probably within the  
5 first 30 seconds of our discussion that it was quite  
6 clear in my mind that he shouldn't have done it. I  
7 think within the first 30 seconds it was clear in  
8 his mind that I thought that he shouldn't have done it.

9 Q Was it what you said --

10 A But I think the change in his attitude  
11 was more based on the discussion we had of what it  
12 could potentially -- whether it meant anything or  
13 not, what it could be received by others as saying,  
14 and the possible conflict it could cause in the  
15 everyday working relationship.

16 Q In the first 30 seconds was there some-  
17 thing in your demeanor that communicated to him  
18 that he shouldn't have done this?

19 A Absolutely not. And by 30 seconds, it  
20 might have been as much of an exaggeration as  
21 Dr. Goldstein's million and a half example yesterday.  
22 It was very early in the conversation is all I'm  
23 trying to indicate, Judge Bloch, but it was -- I was  
24 upset that he had worn it because, as I said, both  
25 from a personal standpoint I thought it was



6-24 1 unprofessional and from a contractor-client relation-  
2 ship I didn't think it was a good idea.

3 Q Particularly, I take it, because you had  
4 just come from seeing Ron Tolson very upset.

5 A Right.

6 Q And that probably made you think this was  
7 a pretty important thing?

8 A I understood Tolson was upset. I  
9 understood that Ron Tolson took it very personally.

10 Q Do you have any insight into how he could  
11 have taken it personally?

12 A I think that's probably a better question  
13 for Mr. Tolson, Judge Bloch. I don't know.

14 Q Actually, I --

15 A My immediate -- my recollection of the  
16 situation, as I stated, was -- and I think as you  
17 probably understand, Tolson and I had had a very  
18 close working relationship over the years, we know  
19 each other pretty well.

20 When he was -- when I noted that he was  
21 so upset he wouldn't even tell me what the T-shirts  
22 said, it was pretty clear to me that he was awfully  
23 upset. He had also made it clear that he took it  
24 personally, that he thought it was a form of  
25 harassment directed at him by his eight inspectors.

6-25

1 That was essentially the sum of our discussion  
2 before he left and I went into my office.

3 Q Okay. We're back to Mr. Pitts, and my  
4 next question is whether you wanted to find out why  
5 Mr. Pitts was engaged in such an unprofessional act  
6 other than perhaps that the peer wanted him to do it.

7 A Yes, I asked him about it, Judge Bloch,  
8 and he said he had nothing to say about the T-shirt.

9 I asked him, I said, what are you trying  
10 to say, Jack, and with this type of phrase, and  
11 boasting about the fact that you're a nit-picker,  
12 I said, are you trying to say something?

13 He said absolutely not, it's just --  
14 you know, everybody else was doing it and I did it  
15 to fit in.

16 Q Did you at that point remind him that if  
17 he had something to say he could do it through the  
18 eight-point program?

19 A I reminded him if he had something to say  
20 that there were certainly other ways to do it. I  
21 don't recall discussing the eight-point program  
22 with him. I told him he could come talk to me, he  
23 could talk to his supervisor. I do distinctly  
24 remember telling him that.

25

- - -

7-1  
he

1 Q Do you know anything about the craft-QC  
2 relationship within the building task force?

3 A At that time frame?

4 Q Yes.

5 A If we're limiting this craft-QC relation-  
6 ship to the safeguards building at that time, no, sir,  
7 which I think is what your question was.

8 Q Yes. Do you know whether there was any  
9 change in Ron Tolson's responsibilities or authority prior  
10 to the T-shirt incident?

11 A I don't understand -- I guess I don't  
12 understand your question, Judge Bloch. Are you asking  
13 did he occupy a different position or was his position  
14 more elevated or less elevated before the T-shirt incident?

15 Q Any of those, yes.

16 A No, as far as the -- the structure changed,  
17 which I think you're aware of, as we discussed in the other  
18 proceeding from a --

19 Q No, I'm not talking about that. For  
20 example, did he lose any authority, like the authority  
21 to fire people?

22 A As a result of the T-shirt incident or  
23 before?

24 Q Previous to the T-shirt incident.

25 A We had a meeting in October or November 1983

7-2

1 with counsel and management and Gordon Purdy and myself  
2 and Ron Tolson in which the issue of discipline was  
3 discussed.

4 It was decided at that meeting that the  
5 most severe, if you will, disciplinary action to be taken  
6 by anyone on site, unilaterally, without management  
7 concurrence, was to send a person home with pay.

8 Q And in that meeting what was discussed  
9 as the background for that change in site policy?

10 A The discussion centered around absolute  
11 compliance with all labor and regulatory matters and to  
12 assure that before anyone was terminated from Comanche  
13 Peak that management had an opportunity to evaluate the  
14 situation.

15 Q Was there anything said, directly or  
16 indirectly, about Ron Tolson's problems in communicating  
17 with people?

18 A Absolutely not.

19 Q Were there any recent incidents or events  
20 that led to the calling of that meeting?

21 A Your Honor, I'm not sure that I'm in a  
22 position to answer that question. I didn't call the  
23 meeting. I was asked to attend. I honestly don't  
24 remember whether there was anything in the minds -- to be  
25 quite frank, I don't even know who called the meeting. I

7-3

1 remember roughly who was there, but at what level of  
2 management the meeting was called, I don't know.

3 Q Do you recall who started off the  
4 meeting?

5 A I think Bob Gary.

6 Q And after he got done with whatever brief  
7 introductory statement he made about calling the meeting  
8 together or starting the meeting, do you remember if he  
9 mentioned any substance at that point?

10 A What do you mean substance, Judge Bloch?

11 Q What was the first thing of any importance  
12 that he said, if you can recall?

13 MR. DOWNEY: Objection. May I have a  
14 moment to consult with the witness? We may have an  
15 attorney-client privilege question that the Board is  
16 approaching here and I'd like to clarify in my own mind  
17 whether it would be appropriate -- I don't want to waive  
18 any attorney-client privilege objection that we may have  
19 out of ignorance, and I'd like to have a moment to consult  
20 with the witness about --

21 JUDGE BLOCH: I don't understand, under  
22 the current version of the testimony, how that could  
23 possibly be the case.

24 If the witness knew that there was some-  
25 thing having to do with legal counsel's role, he's just

7-4

1 told a falsehood, because he said he doesn't know why the  
2 meeting was called.

3 All I'm asking -- do you think the first  
4 thing that was said may have to do with the attorney-client  
5 privilege?

6 MR. DOWNEY: I think the next thing that  
7 may have been said may have to do with an attorney-client  
8 privilege.

9 JUDGE BLOCH: Okay. If the matter had to  
10 do with something that counsel told you that just  
11 mentioned -- or counsel told the company to don't mention  
12 the matter, just say you think it had to do with counsel.

13 THE WITNESS: Judge Bloch, I'd like to  
14 clarify something that maybe you and I are misunderstanding  
15 each other.

16 I believe you just stated that I didn't --  
17 that I just stated a falsehood because I said I didn't  
18 know why the meeting was called. That was not my testimony.

19 I stated the meeting was called to discuss  
20 discipline actions by site personnel.

21 BY JUDGE BLOCH:

22 Q Okay. But what you said --

23 A The question you asked was any specific  
24 incident that led to this meeting, and I told you I  
25 honestly didn't remember. I didn't call the meeting, nor

7-5

1 do I know at what level of management this meeting was  
2 even convened, I believe --

3 Q Well, let me make it clear, I didn't  
4 really think you told a falsehood. I was not accusing you  
5 of that.

6 A No, but I think what you indicated, Judge  
7 Bloch, was I said I didn't know why the meeting was  
8 called. I knew what the purpose or what the subject  
9 matter was going to be discussed in the meeting. Maybe  
10 we're misunderstanding each other on that point. I don't  
11 know what specific incident keyed a management official  
12 within Texas Utilities at some level to call this meeting.  
13 That was the question I told you I didn't know.

14 Q Okay. Now, subject to the possibility  
15 that what's being disclosed came from counsel, can you  
16 tell me how Mr. Gary started the meeting?

17 A Mr. Gary started the meeting explaining  
18 essentially what I've told you were the purposes. At  
19 that point it quickly got into a discussion between  
20 Applicants and Applicants' counsel and from my under-  
21 standing of the dissertation that just took place between  
22 you and Mr. Downey, I guess that is attorney-client  
23 privilege.

24 Q Mr. Brandt, we're just not sure, among  
25 ourselves, whether you specified what the substance of

7-6  
1 the meeting was. You specified what the outcome was.  
2 What was it did you understand to be the subject of the  
3 meeting when you came to it?

4 A I understood --

5 MR. DOWNEY: Objection. I want to make  
6 certain that the record reflects the response to the  
7 Chairman's question does not in any way waive our  
8 attorney-client privilege should we choose to invoke it.

9 JUDGE BLOCH: Yes.

10 MR. DOWNEY: But I realize there's always  
11 the question of, if you cross a certain threshold you can  
12 be construed to have waived the privilege and --

13 JUDGE GROSSMAN: My understanding of  
14 Judge Bloch's question is, what was the witness' under-  
15 standing of what the substance of that meeting would be,  
16 and you are asserting the attorney-client privilege with  
17 regard to the answer to that question?

18 MR. DOWNEY: Maybe it's the question of  
19 the substance of the meeting opposed to the subject of  
20 the meeting.

21 JUDGE BLOCH: Subject.

22 MR. DOWNEY: If it's the subject of the  
23 meeting, I don't have -- what was the agenda, or what was  
24 the subject, why was the meeting called, that's one  
25 question. The substance of what occurred is a separate



1 question.

2 JUDGE BLOCH: Actually, it sounds to me  
3 like a representation of counsel could tell us what the  
4 purpose of the meeting is.

5 MR. DOWNEY: I was not counsel at that  
6 meeting.

7 MR. REYNOLDS: Mr. Chairman, that meeting  
8 was convened as a part of the eight-point program, as I  
9 recall, so that counsel could brief the Applicants'  
10 management from the site and from Dallas on the require-  
11 ments of federal labor and atomic energy law.

12 JUDGE BLOCH: Okay. That's what I under-  
13 stood the witness had indicated, and I didn't know why  
14 we were pussyfooting around

15 MR. ROISMAN: Mr. Chairman, I just want  
16 to make sure that our silence does not indicate that we  
17 believe that the attorney-client privilege can extend to  
18 a meeting with people at the level of Mr. Brandt in the  
19 company and thus encompass what is an instruction on how  
20 to do their job and turn it into an attorney-client  
21 privilege.

22 So far it appears the witness can answer  
23 the questions. If we think there are more questions,  
24 though, I don't want it to appear that by not speaking up  
25 I'm acquiescing in any characterization of the meaning of

7-8

1 attorney-client privilege. It may well be that they  
2 waived by having the meeting.

3 JUDGE BLOCH: We're aware that the law  
4 is not crystal clear on exactly where the line is between  
5 policy and advice, and if we have to get into that, we'll  
6 get into it, but we don't see any reason, as a Board, to  
7 do that right now.

8 (Bench conference.)

9 BY JUDGE BLOCH:

10 Q Mr. Brandt, can you tell me whether at any  
11 time in the course of that meeting there was a discussion  
12 of firing individuals at the plant?

13 MR. DOWNEY: A specific individual?

14 BY JUDGE BLOCH:

15 Q Specific individuals.

16 A No.

17 Q Or disciplining individuals at the plant,  
18 specific individuals?

19 A To my recollection, Judge Bloch, no  
20 specific individuals, discipline, firing, or other action  
21 on any specific individuals were discussed at that  
22 meeting.

23 Q Do you have any direct knowledge about the  
24 plans for transferring some of the people who wore the  
25 T-shirts to other buildings?

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A. No, sir.

Q. Do you have any knowledge from discussions with Mr. Tolson or other officials of their reasons for making the transfers?

A. Transfers of people involved in the T-shirt incident?

Q. Yes.

A. I heard --

Q. Well, first just answer the question whether you have knowledge.

A. I have knowledge of the fact that I transferred Jack Pitts personally.

Q. Okay, other than Jack Pitts. I really didn't mean Jack Pitts.

A. From discussions with Tolson, no.

Q. From discussions with anyone else?

A. No, sir. The only point I was trying to make, as I said in here the other day when I believe Mr. Vega discussed the transfers to the other buildings I heard what he said there.

Q. Okay. So not until the hearing, or discussions before the hearing?

A. Discussions in preparation or in reading depositions, I might have read something, yes, sir.

Q. Mr. Brandt, can you remember the name of

7-10

1 a person whom you -- an inspector, QC inspector whom you  
2 recently had the occasion to compliment for conscientious  
3 work in front of others?

4 A. Judge Bloch, I haven't been involved in  
5 supervising QC personnel in the last year.

6 Q. I mean -- oh, you haven't for the whole  
7 last year?

8 A. Since November 1983.

9 Q. Okay. That seems like a year but it's  
10 less than a year. In that period --

11 A. Ten months versus a year. I'm sorry.

12 Q. In that period --

13 MR. DOWNEY: Perhaps we can ask the witness  
14 how long it feels to him.

15 (Laughter.)

16 BY JUDGE BLOCH:

17 Q. In the period prior to November of '83  
18 can you recall an individual whom you had an occasion to  
19 compliment for conscientious QC work in front of other  
20 individuals?

21 A. I recall complimenting groups of QC  
22 inspectors for doing what I thought was a heck of a job.

23 Q. No, I mean --

24 A. To recall -- I'm not saying it didn't  
25 happen, but I think what you're asking for is the name of

7-11

1 a person that I singled out. I might be able to, if I  
2 thought about it for a while, but right off the top of my  
3 head I can't think of anyone's name.

4 Q Okay. And that could include either  
5 general conscientious work or some defect that they found,  
6 where they did extra work in order to find it and you were  
7 really pleased that they found the defect in the plant?

8 A I think the same answer applies, Judge  
9 Bloch.

10 Q I know you were here when I was talking  
11 to Mr. Spence about the pow-wow note. Could you explain  
12 to me what there was about the pow-wow note that you  
13 interpreted as blackmail?

14 A You're right, Judge Bloch, I was here.  
15 I think I'm being misquoted when you use the term blackmail.  
16 I think the term I have used was leverage. I think even  
17 in the DOL hearings I used the term leverage or promotion.

18 Q Okay. I think possibly I got the word --

19 A Or what he was after, I believe I had also  
20 used that term.

21 Q I think the word may have come from one of  
22 the decisions in the case, so I was misled by the decision --

23 A Well --

24 Q You think you said leverage?

25 A I believe, to the best of my recollection,

7-12

1 it was leverage. Blackmail, to me, implies something  
2 else. I think the single biggest thing -- actually, two  
3 things combined. Number one, I know Chuck Atchison. I  
4 knew Chuck Atchison at that time.

5 I feel even to this day Atchison felt, in  
6 his devious mind, or in a devious way in his own mind is  
7 what I meant to say, that he really thought he had some-  
8 thing when he wrote that NCR.

9 Even on that morning I could care less.  
10 Atchison was, I think, quite aware of the fact that the  
11 two individuals that he claims used his PT kit to perform  
12 NDE had never performed penetrant tests which he was  
13 referring to, for a final acceptance.

14 They might have been on training with it,  
15 they might have borrowed it for their own purposes, but  
16 as far as completing a liquid penetrant test -- I mean  
17 these guys shared the same office, I think Atchison was  
18 aware what they were doing.

19 The most important issue on Chuck Atchison's  
20 mind at that time was his getting that raise. He had been  
21 chasing it actively for a couple weeks. In my mind, then  
22 and now, as I think I testified even in the DOL proceeding,  
23 Atchison was already being compensated above his education  
24 and experience level.

25 Essentially what he was asking for was a

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1 promotion to an A inspector, which is the highest paid  
2 rate for a --

3 Q If you want to continue, it's okay, but  
4 the question I asked --

5 A I'm getting there, Judge Bloch. All I'm  
6 trying to do is say it wasn't a single act that I thought  
7 that led to his leverage.

8 It took me maybe 15 seconds to void that  
9 NCR. I voided it as soon as it was handed to me, both on  
10 the handwritten copy, I had it typed and I sent it to  
11 Atchison to have him sign it to make sure that was his  
12 concern.

13 He signed it and sent it back to me and  
14 I voided the typed copy. So the issue contained -- I  
15 remember the NCR number to this day, it's NCRM 82361 --  
16 was not, is not, never will be a concern of mine. And  
17 I think Atchison knew that.

18 Probably in retrospect may not have known  
19 it at that time. Atchison really thought he had a crank,  
20 something -- not a crank, or a lever that he was going to --  
21 he was going to talk about this issue with us.

22 You'll note that the note does not say  
23 willing to pow-wow this NCR. He wants to pow-wow the  
24 subject.

25 In my mind, then, whether it's right or

7-14

1 wrong, I tied that to his quest at that time for the  
2 promotion that he thought he so righteously deserved,  
3 and the last fact that was in my mind was the fact he  
4 had taken the number off the night NCR log, after the  
5 NCR coordinator had gone home, when he had discussed it  
6 with peers, lead inspectors and quality engineers on  
7 the Thursday before Good Friday, which was April 8th,  
8 I believe, yet he waited till everyone went home and took  
9 the number off the night --

10 For night shift there's a number with the  
11 next consecutive -- there's a sheet that hangs on the NCR  
12 coordinator's door that has the next available NCR number,  
13 and rather than calling the NCR coordinator, you just  
14 take the number, write your name and the description of  
15 the defect you're identifying.

16 Atchison took the number off the door,  
17 signed his name, and the only description of the defect  
18 that he provided was program.

19 Q It just said program?

20 A To the best of my recollection, it was a  
21 one-word description that said program.

22 Q Didn't say anything about --

23 A It did not say anything about NDE procedures.  
24 It did not say anything about certification. It said  
25 program. The nebulous fashion that he had identified his



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1 concern, combined with the fact that even after talking  
2 about it all day long and the fact that he waited till  
3 everybody went home to even get the number for it,  
4 combined with the fact that he wanted to pow-wow on the  
5 subject the next morning -- not the next morning, the  
6 next work morning, which was April the 12th, a Monday,  
7 add to that my personal perception of Chuck Atchison,  
8 and I drew a conclusion in my mind at that time, which  
9 I believe till this day, and I'll believe it the day  
10 they put me in the ground, that Atchison was trying to  
11 leverage something.

12 Q And the leverage was 15 seconds worth of  
13 your time?

14 A No, sir. The leverage was his raise.

15 Q No, that was what he wanted.

16 A He thought he had identified such a  
17 significant problem that he's be willing to negotiate.  
18 I have no way of proving that, because I can't prove  
19 intent on Atchison's part, which I believe was my testimony  
20 to Judge O'Shea in the DOL proceeding.

21 I was asked why I didn't give that reason  
22 for wanting -- for no longer needing Atchison's services.  
23 To me, and maybe it was ignorance on my part then and now,  
24 for me to judge intent of a person is probably wrong, at  
25 least in my own mind. All I can state, then or now, is

7-16

1 what I perceived Atchison was after. I have no way of  
2 even speculating why else he would have conducted himself  
3 on the day prior to the issuance of this NCR, other than  
4 if it were for something, why would he discuss the issue  
5 all day long, talk to three or four people that I can  
6 remember even testifying that he'd talked to them, and  
7 then wait till everybody leaves, take a number off the  
8 night door for the NCR number and just leave as nebulous  
9 description as program.

10 Q When did you find out that he talked to  
11 everyone all day long?

12 A Mr. Foote told me that the next morning,  
13 that he had been talking to Michael Young and Bill Hartshorn  
14 the Thursday before.

15 Q Before or after you voided the NCR?

16 A In the same discussion.

17 Q Do you have an open-door policy?

18 A Yes, sir, I do.

19 Q How do you square that with someone  
20 requesting to have a meeting and your telling him that  
21 there was no meeting?

22 A Atchison did not request a meeting with me.

23 Q What did the note mean? I thought he was  
24 wanting a meeting.

25 A No, it was with Randy Smit. If Atchison

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had requested a meeting, I'd have talked to Chuck Atchison.

Q Did he get the meeting with Randy Smit?

A I don't know. I will state that I don't know that I've acted any differently, I can't say at this point, even if I'd held the meeting with Atchison, because it was clear in my mind at that time what Atchison was after.

Q When the note said program and said he wanted to talk about it, how did you even know what it was about?

A No, sir. The note clipped to the NCR says open to pow-wow on subject.

Q But the only thing the NCR said was program?

A No, sir. Apparently we're mis-communicating. There's a piece of paper, a blank piece of paper with lines on it, that hangs on the window of the door of the NCR coordinator.

Q And he got that number?

A He got the number at night, and for description, one of the columns that you fill out when you take the number so the NCR coordinator can fill out her log the next day, is description, and it's a blank that's about four or five inches long.

Atchison's only description in that blank

7-18

1 was program.

2 Q How did you know what he had in mind for  
3 the NCR?

4 A Judge Bloch, I think I've answered that  
5 question, what was in the -- what I considered at that  
6 time to be in his mind, I don't think even at this point  
7 you and I can argue whether I was right or wrong. You  
8 have -- I'm sure you have your opinion and I have mine.

9 Q Well, what was --

10 A I know what was in my mind at the time I  
11 decided that Chuck Atchison was no longer going to work  
12 for me in the non-ASME QA program.

13 Q I'm not worried about Chuck Atchison not  
14 working for you. We've got a case on that.

15 What I'm worried about is why you voided  
16 the NCR. What was your reason for voiding the NCR?

17 A The NCR is clearly not valid.

18 Q But the man said he had a number and he  
19 wanted to talk about it. How did you know he didn't have  
20 a serious problem in mind?

21 A I saw the NCR.

22 Q He had already written it up?

23 A The NCR was written. The note said, and  
24 I'm speaking from memory, but I'll quote it as closely as  
25 I can remember, it says, Randy, and there was a dash,

7-19

1 number taken, not issued yet, willing to pow-wow on  
2 subject, black or white, no gray areas, and it was signed  
3 Chuck.

4           When I received the NCR, although the  
5 note said number taken, not issued yet, I don't remember  
6 that the NCR number was in the -- you've got a piece of  
7 paper that's roughly note pad size of say four by six  
8 inches clipped to an NCR, although the note said clearly  
9 that the number was taken, I don't remember that it was  
10 written in the upper right-hand corner on the NCR form.  
11 I might have done that myself. But the description of  
12 what Chuck thought the problem was was described, and  
13 it was clear to me that it isn't -- wasn't then and isn't  
14 now a problem.

15           Q           How complete was the description? What  
16 did he say? Remember if it was complete?

17           A           Pardon me?

18           Q           Do you remember if what he said on the NCR  
19 was a complete description of a problem or was it some-  
20 thing he wanted to talk about because he didn't write it  
21 up completely?

22           A           To me it was complete. It was so complete,  
23 Your Honor, that when I had the NCR typed and sent it out  
24 to him for him to sign, which Chuck knew was an unusual  
25 practice, that he signed it saying, yeah, that's my problem.

7-20 1 And I voided that copy as well as the handwritten copy.

2 Other than grammatical corrections made  
3 by either myself and/or the secretary, and spelling errors,  
4 the typed version said the same thing as the handwritten  
5 version that I saw says.

6 Q Do you remember -- I didn't ask you to  
7 bring the document, but do you clearly remember what the  
8 reason was you wrote for voiding it?

9 A I remember the reason. As I stated, the  
10 reason is that no one had been certified. I'll paraphrase  
11 the problem and the resolution, if that's what you'd like  
12 for me to do. It might be easier if I had the document  
13 in front of me, but I'll do it the best of memory.

14 This is another issue I've talked about  
15 once or twice.

16 Q Okay. And if there is an error because  
17 he doesn't remember the document, I'm sure counsel will  
18 straighten it out.

19 A The NCR stated that there was no provision  
20 in TUGCO's training program to certify NDE inspectors.  
21 Thus, all NDE inspections performed by TUGCO personnel  
22 were invalid.

23 In fact, at the time two facts were  
24 evident; number one, Brown & Root's QA manual allowed  
25 certification of other personnels -- other companies'

7-21

1 personnel, provided they met the requirements of Brown &  
2 Root's program and were probably evaluated and certified  
3 by Brown & Root's Level 3.

4 Secondly, the only personnel working in QA  
5 on site at that time were some personnel employed by  
6 EBASCO working in a non-ASME area, and I believe four  
7 United Engineers & Constructors personnel working in QA.

8 None of those people had been certified  
9 to do NDE. Consequently, the only personnel that had  
10 ever performed NDE in the non-ASME arena at Comanche Peak  
11 were Brown & Root personnel, which were clearly certified  
12 by Brown & Root's procedures and in accordance with  
13 Brown & Root's QA manual.

14 Q Didn't the NCR suggest to you that  
15 Mr. Atchison thought that there must have been some  
16 Brown & Root people who did liquid penetrant testing?

17 MR. DOWNEY: You mean non-Brown & Root  
18 people, Your Honor?

19 BY JUDGE BLOCH:

20 Q Non-certified people, non-Brown & Root and  
21 non-certified.

22 A Yes, sir, that -- no, that's not the case.  
23 What he indicated, even in his testimony, was he had seen  
24 I believe Dave Brown and C. C. Randall --

25 Q Let's not talk about the testimony. I want

7-22

1 to know what you knew at the time you voided it.

2 A. My understanding, he was questioning only  
3 the program, only the procedure or the lack thereof, for  
4 certification of a non-Brown & Root employed QC person  
5 for performing nondestructive examination.

6 Q. Now, you questioned Chuck Atchison's  
7 motives, but he's not stupid, is he?

8 A. Chuck Atchison, in my opinion, is not a  
9 very bright person. That's a personal opinion. I don't  
10 want to represent that as anything other than personal.  
11 Quite frankly, I wouldn't have even made the statement  
12 other than in answer to your question.

13 Q. Okay. But here's my problem. He's made  
14 a complaint about non-certified people and inspections  
15 and do you really think he was doing that without thinking  
16 that the people he was worried about had done inspections?

17 You concluded in looking at the document  
18 that he had no basis for believing that the people without  
19 certification had done inspections?

20 A. Mr. Chairman, the two people that he was --  
21 the only two people --

22 Q. No. I want to know the knowledge you had  
23 at that time, not the evidence in the case.

24 A. Please repeat your question.

25 Q. Wasn't it logical to assume that if Chuck



7-23

1 Atchison was worried about inspections by people who  
2 weren't certified that he had some basis for believing  
3 that such people had done such inspections?

4 A. Am I to answer this as if I'm presupposing  
5 what was in Atchison's mind?

6 Q. No. I want -- yes, I want to know what  
7 you knew about that subject at the time you voided the NCR.

8 A. The NCR states that -- and once again  
9 I'm paraphrasing, I'm not attempting to quote -- that all  
10 inspections, all nondestructive examinations performed  
11 by non-ASME personnel are invalid.

12 As I thought I attempted to answer  
13 previously, that Brown & Root's people that were per-  
14 forming, to me -- if I can stop that train of thought and  
15 back up just a second.

16 There's two possibilities that Atchison  
17 could have been talking about. He could have been talking  
18 about Brown & Root employees working in the non-ASME arena  
19 which were certified but were, since they were working in  
20 the non-ASME arena, Atchison felt that they were under  
21 TUGCO's supervision and weren't really to supervise  
22 TUGCO's program -- excuse me, certified in TUGCO's program.

23 TUGCO at that time did not have a non-  
24 destructive examination program. Their subcontractor,  
25 Brown & Root, did. Any nondestructive examination done at

7-24

1 that time were done in accordance with Brown & Root  
2 procedures by people certified to Brown & Root's  
3 certification program, and in fact were Brown & Root  
4 employees.

5 The other possibility is that he could  
6 have been talking about contract personnel working in  
7 TUGCO's non-ASME program which were performing examinations.

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3/1  
1 A (Continuing) And yet weren't certified  
2 to TUGCO's program. Once again, in fact TUGCO did not  
3 have a program. At that time there were no contract  
4 employe which had performed liquid penetrant  
5 examination as a required inspection, and by performing  
6 liquid penetrant examination I'm talking about oiled X,  
7 for example, requires a PT and someone goes and does  
8 it.

9 I'm not talking about someone  
10 taking a can of penetrant and spraying it on something  
11 just for training.

12 Procedurally our specification  
13 required non-destructive examination had not been done  
14 by anyone other than a properly certified NDE examiners,  
15 if you will, certified in accordance with the Brown &  
16 Root procedure at that time, and in accordance with  
17 Brown & Root's QA Manual.

18 JUDGE BLOCH: And I take it if it had been  
19 done it would have been of concern to you?

20 THE WITNESS: Yes. It would have been a  
21 concern if uncertified personnel had been performing  
22 specification or procedure required non-destructive  
23 examinations. It would not have been a concern if,  
24 for example, one of the Ebasco employees had been  
25 certified by Brown & Root upon evaluation by their

/2  
1 Level 3 to Brown & Root's program, because that was  
2 clearly allowed for in Brown & Root's QA Manual.

3 JUDGE BLOCH: I understand that. I think  
4 that's the third time you've said that.

5 But you were so sure that these  
6 inspections were never done by uncertified people that  
7 you felt it was unnecessary to talk to Chuck Atchison  
8 to see if he had seen such inspections being done?

9 THE WITNESS: Yes, sir, I was. There is  
10 very little procedurally required non-destructive  
11 examination, and by NDE I'm referring in this particular  
12 case to PT, which is what he was talking about, done in  
13 the non-ASME arena.

14 JUDGE BLOCH: And what's the basis for  
15 your conclusion that it was always done by certified  
16 people; what was your knowledge about that?

17 THE WITNESS: In order to take credit  
18 for an inspection which had been done you'd have to  
19 have the NDE Report. It was evident, even in retro-  
20 spect today, that all NDE performed has been done by  
21 certified inspectors.

22 JUDGE BLOCH: Because the records have --

23 THE WITNESS: The records have the  
24 signature of the person who performed the examination.  
25 If there is a procedurally required NDE, for example,

3/3  
1 using the same example I did just a minute ago, weld X,  
2 before you can close out the inspection package for  
3 that weld you've got to be able to show an ND Report  
4 for weld X, a PT Report in this case for weld X.

5 JUDGE BLOCH: And your competence in the  
6 integrity of the record system was so high that you  
7 didn't bother to see what Chuch Atchison had on his  
8 mind?

9 THE WITNESS: I knew then, and I think  
10 it's been subsequently confirmed by testimony, Your  
11 Honor, what Atchison had on his mind.

12 JUDGE BLOCH: You knew --

13 THE WITNESS: You know, if your question  
14 is was I as sure then as I am now what Atchison had on  
15 his mind, probably not. I felt quite confident in  
16 signing the NCRs as voided, because I understood what  
17 the program was.

18 JUDGE BLOCH: Different subject. Do you  
19 have any knowledge about the relationship of Texas  
20 Utilities or TUGCO with O. B. Carnon & Company?

21 THE WITNESS: Are you talking about  
22 contractual relationship, Your Honor.

23 JUDGE BLOCH: It says "another relationship."  
24 Maybe I ought to know about that, too.

25 (Laughter.)

B/4  
1 THE WITNESS: I'm sorry. I just didn't  
2 understand your question.

3 Cannon was brought in to evaluate  
4 the, I believe at Mr. Merritt's request, to evaluate  
5 the --

6 JUDGE BLOCH: I want to know of your  
7 personal knowledge. I don't want a story about what  
8 happened. I want to know just what you know of your  
9 own knowledge by having seen it or participated, or  
10 heard the people who were doing it tell you about it.

11 THE WITNESS: Personal knowledge is  
12 limited to a discussion with Joe Lipinsky that lasted  
13 maybe five minutes where he told me that John Merritt  
14 had sent him to my office for me to give him a site  
15 tour, which I arranged for him to conduct. No  
16 conversation of substance.

17 A conversation which took place  
18 the next day in Ron Tolson, with Rolson, Lipinsky, and  
19 myself, that might have lasted also five minutes.

20 JUDGE BLOCH: Well, let's stop there.  
21 You were there?

22 THE WITNESS: (Witness nods head.)

23 JUDGE BLOCH: What was said?

24 MR. DOWNEY: Which meeting?

25 JUDGE BLOCH: This is a meeting between

3/5

1 Tolson, and Lipinsky and Brandt.

2 THE WITNESS: Lipinsky stated that he  
3 had had a brief chance to look at some things, )pause)  
4 expressed some like forty thousand foot, if you will,  
5 concerns.

6 JUDGE BLOCH: That means very large  
7 concerns.

8 THE WITNESS: No, it does not mean ver-  
9 large concerns.

10 JUDGE BLOCH: What's the forty thousand  
11 foot concern?

12 THE WITNESS: An observation made at a  
13 level way above the working level, just a --

14 JUDGE BLOCH: Philosophical, as you used  
15 to say.

16 THE WITNESS: You're not going to let me  
17 forget that, are you?

18 (Laughter.)

19 THE WITNESS: Although I did avoid it  
20 all day yesterday.

21 (Laughter.)

22 Very, very broad overview, and by  
23 "broad" I don't mean thorough. I mean brief, at a  
24 very distant level, if you will. As far as specific  
25 problems discussed, the only thing I remember coming

3/6  
1 out of that meeting was a real brief discussion about  
2 Tom Miller, and I remember a real brief discussion about  
3 storage of paint that doesn't meet ANSI N-45-2.

4 Other than those two issues, I  
5 don't remember any specifics with regard to that  
6 meeting, and as I've stated it lasted at most five  
7 minutes.

8 The only other time that I've  
9 talked to anyone from O.B. Cannon regarding Comanche  
10 Peak is in preparation for a summary disposition, I  
11 met with Applicant's counsel and Lipinsky for one  
12 afternoon and I believe in March or April of this year.  
13 Other than that, I have had no conversations with  
14 Cannon.

15 JUDGE BLOCH: Getting back to the earlier  
16 meeting, were Mr. Lipinsky's remarks complimentary  
17 about the quality of the coatings work at the plant?

18 THE WITNESS: I don't recall specifically  
19 what Mr. Lipinsky's remarks were. I can tell you what  
20 my impression was at that time. I knew how long  
21 Lipinsky had been there. I knew how much of a chance  
22 he'd had to look at the program.

23 JUDGE BLOCH: Is it true he was there for  
24 about two and a half days?

25 THE WITNESS: At this time?



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1 JUDGE BLOCH: At the time of that  
2 meeting.

3 THE WITNESS: At the time of this meeting  
4 he had been there maybe three or four hours. Excuse  
5 me. From the time I was aware Lipinsky arrived it was  
6 late one morning. He had yet to be badged or brassed  
7 in. He had yet to receive a site tour, which I m sure  
8 took a certain amount of time. This meeting with  
9 Tolson, Lipinsky, and myself, was the next morning  
10 sometime in the morning. So I'm guessing he had been  
11 actually there in a productive role, other than an  
12 administrative nature of getting on and off the site  
13 and the site tour, maybe a couple or three hours, and  
14 my general impression of his concerns at that time were  
15 so, such an overview that I really didn't get the  
16 impression Mr. Lipinsky had any definite concern. It  
17 was just kind of a "Hey, I think this," and "I think  
18 that." Unoriginal perception of Mr. Lipinsky.

19 JUDGE BLOCH: It sounds to me like this  
20 was mostly a meeting to set up the conditions for the  
21 fu\_ther work he was doing at the plant.

22 THE WITNESS: That's the impression I got  
23 of it at the time, yes, Your Honor.

24 JUDGE BLOCH: And during this meeting  
25 what was Mr. Tolson doing; do you remember?

8/8 1 THE WITNESS: I don't understand what you  
2 mean by what he was doing. Mr. Tolson was sitting at  
3 his desk and Mr. Lipinsky were sitting in chairs in  
4 front of Mr. Tolson's desk.

5 JUDGE BLOCH: Was he impatient to get on  
6 to something else?

7 THE WITNESS: I believe he was headed to  
8 a meeting somewhere.

9 JUDGE BLOCH: Was he supportive of the  
10 work that was being undertaken?

11 THE WITNESS: I think Mr. Tolson was as  
12 confused as I was. Mr. Tolson, I don't believe, and  
13 I won't attempt to speak for him, but it's my under-  
14 standing was unaware of Cannon's purpose at the site  
15 at that time, as I was.

16 As a matter of fact, in my original  
17 discussion with Lipinsky in my office the day before  
18 when he came to ask or to explain that Merritt had  
19 described to him that I should arrange for a site tour,  
20 Lipinsky was even unaware of exactly what his purpose  
21 was at Comanche Peak.

22 JUDGE BLOCH: Do you have any knowledge  
23 of why craft arranged for or consulted on coatings?

24 THE WITNESS: No, sir, that brings one  
25 other thing to light. I think I misspoke myself as I

/9  
1 just remembered. I have sat in another meeting, or  
2 maybe possibly two, where representatives from Cannon  
3 were present. These meetings took place after  
4 Lipinsky's original visit. I believe they were in  
5 August 1983, in which representatives from Texas  
6 Utilities, Gibbs & Hill, Cannon, and Ebasco were  
7 present.

8 JUDGE BLOCH: Is this the one that was  
9 recorded, that we have here?

10 THE WITNESS: No, sir. I was not in that  
11 meeting.

12 JUDGE BLOCH: Do you know whether this  
13 August meeting was before or after the other meeting?

14 THE WITNESS: The meeting that was  
15 recorded?

16 JUDGE BLOCH: Yes.

17 THE WITNESS: The meeting that was  
18 recorded I believe took place in November.

19 JUDGE BLOCH: In the first meeting did  
20 either you or Mr. Tolson have any questions that you  
21 raised with one another subsequently about why craft  
22 was hiring a consultant on coatings?

23 THE WITNESS: Just to make sure I under-  
24 stand your question, Judge Bloch, by "first meeting"  
25 you are talking about the meeting that I testified that

8/10

1 lasted five minutes between Lipinsky, Tolson, and  
2 myself?

3 JUDGE BLOCH: Correct. Thank you for  
4 clarifying that.

5 THE WITNESS: To state with absolute  
6 certainty at this point that I asked him a question,  
7 I don't know. I remember what my attitude was, you  
8 know, what are these guys here for?

9 In retrospect, in light of the  
10 type relationship that Tolson and I had, I'm sure  
11 that I asked him, thinking maybe he'd know. Also in  
12 retrospect, I guess if I was to guess at his response  
13 was that he didn't know either, because I know his  
14 feeling and mine at the time were, we were unaware of  
15 what Cannon's purpose was.

16 JUDGE BLOCH: I guess in organizations  
17 I've been in people get worried about their turf when  
18 someone else seems to be hiring something.

19 THE WITNESS: No.

20 JUDGE BLOCH: No? That was no concern?

21 THE WITNESS: That was no concern of  
22 mine, certainly not with Lipinsky, or Cannon, for that  
23 matter. You know, if Cannon was there on a contractual  
24 basis it didn't affect me. Lipinsky certainly didn't  
25 affect me.

8/11

1 JUDGE BLOCH: Were they actually applying  
2 coatings at the plant?

3 THE WITNESS: Cannon, no.

4 JUDGE BLOCH: Were they performing a QC-  
5 type function?

6 THE WITNESS: No.

7 JUDGE BLOCH: An audit function?

8 THE WITNESS: No.

9 JUDGE BLOCH: Well, what's your under-  
10 standing as to their function, then?

11 THE WITNESS: In retrospect at that time,  
12 in retrospect they were there as a consultant.

13 JUDGE BLOCH: For what purpose, in your  
14 understanding, if you know. If you don't know, don't  
15 say.

16 THE WITNESS: I have no first-hand  
17 information.

18 (Bench conference.)

19 JUDGE BLOCH: Can you tell me the occasion  
20 for the convening of the August 1983 meeting?

21 THE WITNESS: We were in process of  
22 revising the coating application program to try to  
23 create for production of more efficient, I guess,  
24 operation. There were representatives, as I stated,  
25 from Gibbs & Hill, Ebasco, Cannon, and the utility

/12 1 involved. It was kind of a task, team effort, which  
2 ultimately ended with the revisions of the coatings  
3 procedures in several areas.

4 JUDGE BLOCH: Was Mr. Lipinsky there?

5 THE WITNESS: This meeting that took place  
6 in August?

7 JUDGE BLOCH: If you can recall. If you  
8 can't, --

9 THE WITNESS: I don't remember Lipinsky  
10 being there. He might have been. Two other represen-  
11 tatives from Cannon were there.

12 JUDGE BLOCH: Was Jack Norris there?

13 THE WITNESS: Yes, he was.

14 JUDGE BLOCH: And could you describe what  
15 if any views were presented at that meeting by the  
16 Cannon representatives?

17 THE WITNESS: Judge Bloch, I remember  
18 generally what issues were discussed. I also remember  
19 some of the work assignments, if you will, that came  
20 out of that meeting. I don't know that I'm prepared  
21 to testify accurately as far as who discussed what,  
22 because I'm not sure I remember.

23 JUDGE BLOCH: Well, if you have a  
24 recollection of what Cannon said, what is your best  
25 recollection?

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1 THE WITNESS: The only issue that I  
2 remember Cannon discussing, or Cannon's representatives  
3 was we were discussing the development of a touch-up  
4 procedure for Carbolene 191 primer, which is a non-  
5 inorganic zinc primer. It's an epoxy primer.

6 We discussed the use of such a  
7 primer. And by "we" I mean the group as a whole. And  
8 one of the work assignments that Cannon came out at the  
9 meeting with was to develop this touch-up procedure  
10 using Carbolene 191 primer. As I distinctly remember,  
11 that was one of their work assignments. I'm sure they  
12 were involved in discussion on 191.

13 Other than that particular issue,  
14 I can't specifically attribute anything else to  
15 Cannon. I'm not saying it didn't happen, I just don't  
16 remember.

17 JUDGE BLOCH: Do you recall in the  
18 meeting whether there was any discussion about the  
19 state of the QC program on coatings?

20 THE WITNESS: The QC program or QA program  
21 wasn't discussed. It was a technical meeting.

22 JUDGE BLOCH: As of the August 1983  
23 meeting, had the Lipinsky memorandum been leaked at all?

24 THE WITNESS: No, it hadn't.

25 MR. DOWNEY: Judge Bloch, I think there

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1 is some confusion in the time when it was leaked to  
2 people other than Texas Utilities and people at the  
3 site, and when it was finally in the hands of manage-  
4 ment at the site; there's a distinction in time there  
5 that perhaps confused the witness.

6 JUDGE BLOCH: Okay. Can you differentiate  
7 that, Mr. Brandt?

8 THE WITNESS: Let me clarify that, and  
9 I appreciate that, because that is a definite  
10 distinction.

11 All I can testify to is when  
12 Texas Utilities management became aware of the  
13 existence of the Lipinsky memorandum. That was after  
14 the August meeting.

15 As far as when it leaked, when it  
16 was even written, for that matter, or brought to  
17 Comanche Peak, I do not know.

18 (Bench conference.)

19 THE WITNESS: Judge Bloch, if there's  
20 going to be many more questions, I need a break.

21 JUDGE BLOCH: Just a couple.

22 THE WITNESS: Okay.

23 JUDGE BLOCH: We all want to get to  
24 lunch.

25 When management first became aware



8/15

1 of the Lipinsky memorandum were you in on any meetings  
2 at that time?

3 THE WITNESS: Do you mean in meetings to  
4 discuss the Lipinsky memorandum?

5 JUDGE BLOCH: And the fact that it had  
6 been leaked, and what management action might be taken?

7 THE WITNESS: The only discussion I had  
8 with anyone at that time was with Tolson, and that  
9 meeting consisted essentially of Tolson showing me  
10 the memo; Tolson became aware of the memo's existence  
11 prior to me. I read the memo. From my very, very  
12 limited discussions with anyone in Cannon, particularly  
13 Lipinsky, I felt that both Tolson and I had been  
14 misquoted in the memo and I was a little bit agitated  
15 by that. I probably discussed that with Tolson, but  
16 other than that, as far as management action, or even  
17 management attitude toward the memo, no, sir, I was  
18 not involved in any of the discussions.

19 JUDGE BLOCH: Did Mr. Tolson indicate  
20 any action he planned to take?

21 THE WITNESS: No, sir.

22 JUDGE BLOCH: And was he agitated?

23 THE WITNESS: Tolson was aggrevated for  
24 about the same reason I was. He felt that he had been  
25 misquoted, that things were -- Ron and I have even

/16

1 subsequently discussed the memo, and there were things  
2 Lipinsky claimed that he discussed that I certainly  
3 don't remember being discussed, and from that stand-  
4 point things that were tied particularly to Tolson, and  
5 to a lesser degree myself, Ron and I were both upset  
6 about this. I think I have an excellent memory, and I  
7 just frankly didn't even remember discussing the issue  
8 with Lipinsky.

9 JUDGE BLOCH: Was there any discussion  
10 about possibly getting in touch with Mr. Lipinsky to  
11 see if he really knew about the problems at the plant?

12 THE WITNESS: Not by me, no, sir. It was  
13 my impression, and I am speaking only for myself, not  
14 Texas Utilities at this point, the only -- I wasn't  
15 responsible for bringing Lipinsky to Comanche Peak. I  
16 wasn't responsible for removing Lipinsky from Comanche  
17 Peak. I wasn't responsible for the memo. The memo  
18 wasn't addressed to me. The only thoughts on my mind  
19 at that time, as far as contacting Lipinsky to find out  
20 what he meant, are on a personal level between Lipinsky  
21 and myself, which I ultimately decided not to do. I  
22 was pretty aggravated about the subject personally,  
23 not as Texas Utilities or Comanche Peak.

24 JUDGE BLOCH: And did M r. Tolson indicate  
25 that he had any plans to call Mr. Lipinsky?

3/17 1 THE WITNESS: No, he did not.

2 JUDGE BLOCH: Weren't you and Mr. Tolson  
3 also responsible for the quality of the coatings  
4 inspection program?

5 THE WITNESS: Yes, sir, we were, and I  
6 think even at that time, as well as today, Judge Bloch,  
7 Mr. Tolson and myself are quite confident with the  
8 adequacy of the inspection program at Comanche Peak in  
9 the protective coatings area.

10 JUDGE BLOCH: I understand that you  
11 assessment of the memo was that some things were mis-  
12 stated. Were you concerned that maybe something in the  
13 memo might be right and you'd like to get it and fix  
14 it up?

15 THE WITNESS: Yes, I was, but to the  
16 extent of calling Lipinsky and asking him. Lipinsky  
17 was there -- I mean in retrospect I guess I thought  
18 even at that time, Judge Block -- to make the state-  
19 ments that Lipinsky made, representing them as fact  
20 based on the very, very little time Lipinsky spent at  
21 Comanche Peak, quite frankly I thought were ridiculous.  
22 I don't think any professional person could even base  
23 an opinion such as Lipinsky based, based on that limited  
24 an overview.

25 JUDGE BLOCH: Did you know what his

/18

1 background was?

2 THE WITNESS: He introduced himself to  
3 me as the Director of Quality Assurance for O.B. Cannon  
4 & Company.

5 JUDGE BLOCH: Is that a reputable company,  
6 or do you know whether it's a reputable company?

7 THE WITNESS: I don't think it's my part  
8 to assess reputability. They are a large coatings  
9 company, yes, sir.

10 JUDGE BLOCH: Let's adjourn for lunch.  
11 Get back in one hour, which will be 1:50.

12 MR. DOWNEY: Your Honor, do you have much  
13 more for Mr. Brandt?

14 JUDGE BLOCH: I have some more for  
15 Mr. Brandt, not much more.

16 Let's be back at 1:50.

17 (Whereupon, at 12:50 p.m., a recess  
18 was taken, to reconvene at 1:50 p.m.)

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AFTERNOON SESSION

1:50 p.m.

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

5 The Chairman is pleased to announce  
6 that over lunch I have decided that I have no more  
7 questions for the witness.

8 There are a few questions that  
9 Judge Grossman has, but perhaps this would be an  
10 opportune time to have Mr. Treby's representations  
11 concerning the telephone memorandum in the T-shirt  
12 matter.

13 MR. TREBY: Yes, Mr. Chairman.

14 I have discussed with Mr. Roisman and  
15 Mr. Downey that I inquired of Mr. Paul Check, Deputy  
16 Regional Administrator for Region IV, about the  
17 source of the information for the handwritten note  
18 of March 8, 1984, which is bound into the record at  
19 Transcript Pages 15488 and 15489.

20 Mr. Roisman, Mr. Downey and myself  
21 have agreed to the following stipulation.

22 If called as a witness in this proceeding,  
23 Mr. Check would testify that Mr. Clements was the  
24 source of the list of names of inspectors found on  
25 Transcript Page 15489, which corresponds to the

IMAGE EVALUATION  
TEST TARGET (MT-3)

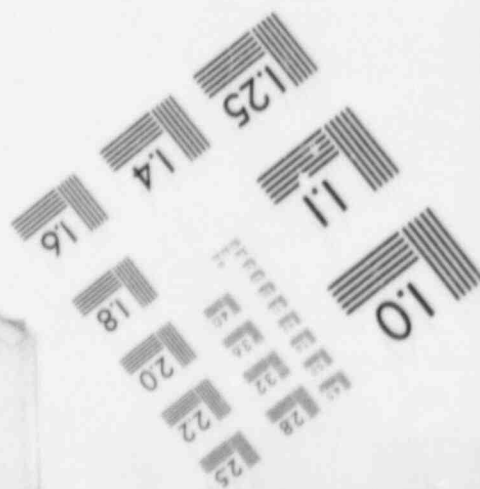
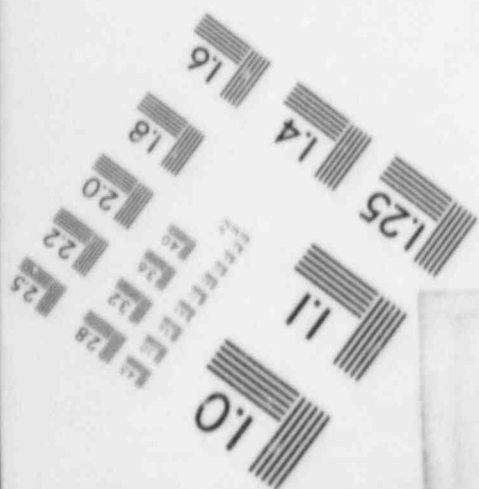
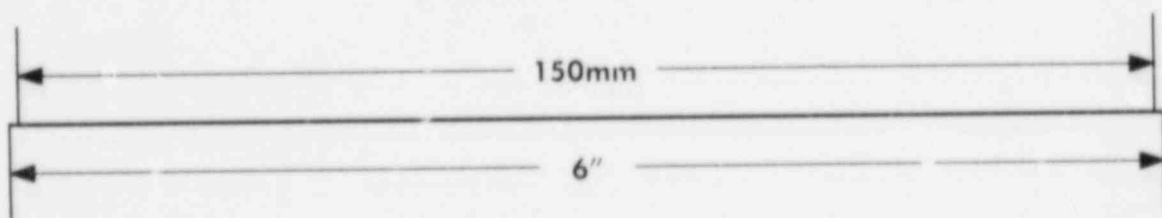
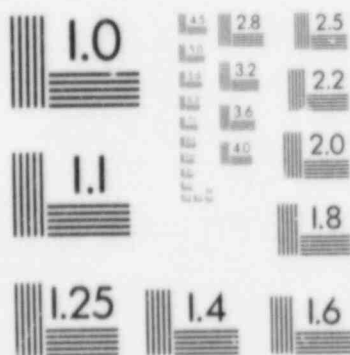
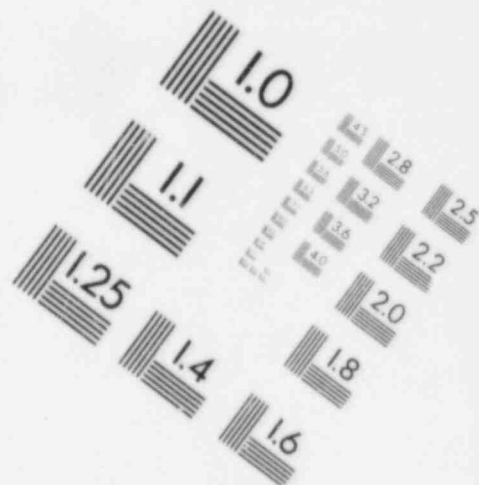
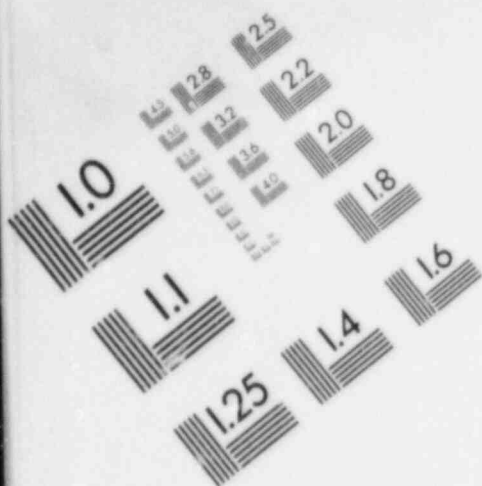
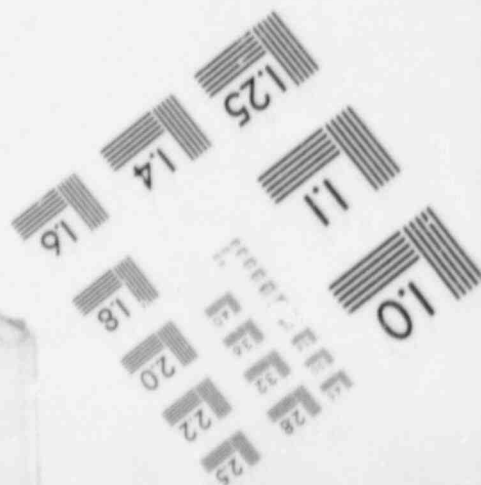
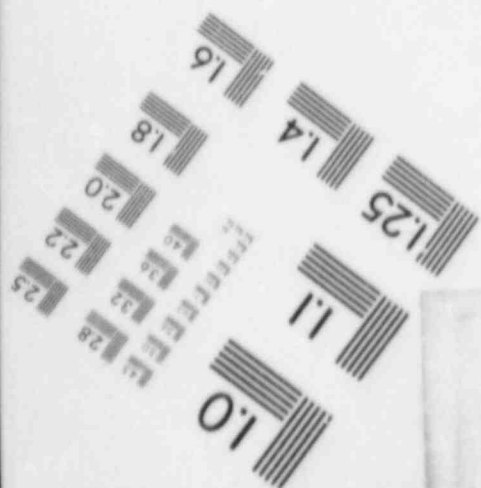
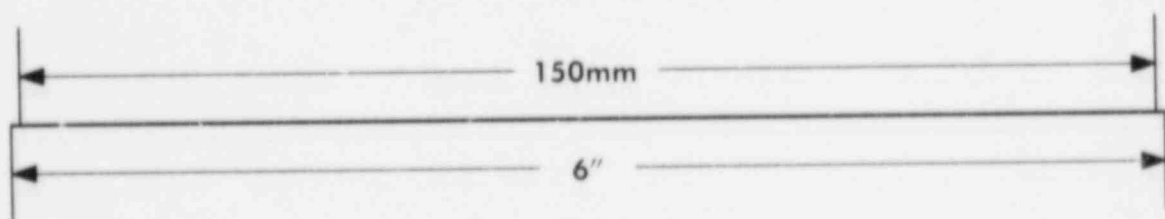
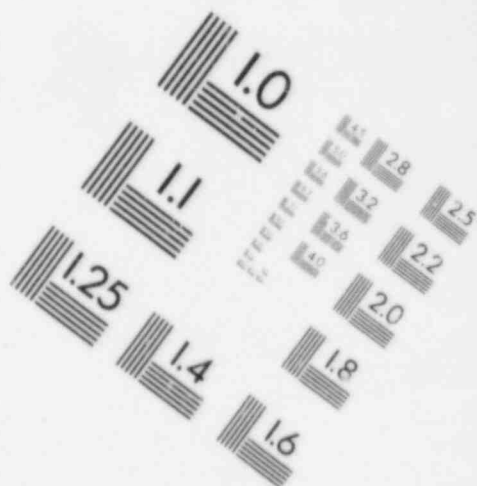
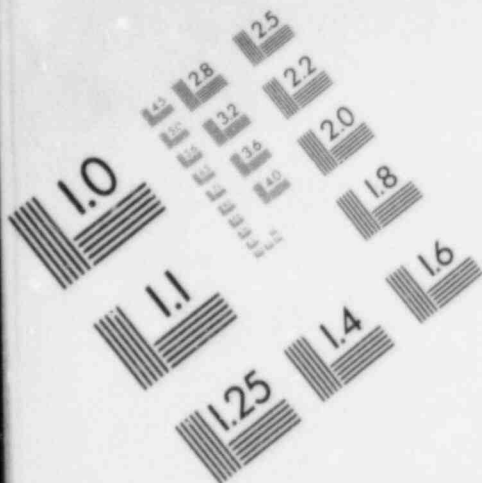


IMAGE EVALUATION  
TEST TARGET (MT-3)



2  
1 second page of the handwritten notes; and that this  
2 information was provided during a telephone call  
3 between Mr. Check and Mr. Clements on the morning  
4 of March 8, 1984.

5 Further, if called as a witness in  
6 this proceeding, Mr. Check would testify that  
7 Mr. Clements was the source of the information set  
8 out below the line on Transcript Page 15489, which  
9 corresponds to the second page of his handwritten  
10 notes; and that this information was provided in  
11 a second telephone call on March 8, 1984, which  
12 Mr. Check denoted as "update."

13 JUDGE BLOCH: Does the stipulation  
14 cover whether the second call was with Mr. Clements?

15 MR. TREBY: Yes.

16 JUDGE BLOCH: There being no objection,  
17 we can proceed.

18 JUDGE GROSSMAN: Would you clarify  
19 something for me.

20 You seem to be excluding, perhaps not  
21 intentionally, material above the line other than the  
22 names, including everything on the front page.

23 MR. TREBY: Well, I wasn't asked to  
24 inquire about that material and did not discuss that  
25 with other Counsel for the stipulation amongst the



9-3  
1 parties, but Mr. Check did advise me that all of  
2 that information on those two pages was gotten  
3 from Mr. Clements during the two telephone calls.

4 JUDGE GROSSMAN: Well, the reason  
5 obviously that we didn't ask about it was that  
6 Mr. Clements appeared to adopt all that information  
7 as having come from him; but is the stipulation  
8 that Mr. Check would also testify that all the  
9 information came from Mr. Clements?

10 MR. DOWNEY: Yes, we will stipulate  
11 that would be his testimony if called.

12 JUDGE BLOCH: Are Applicants reserving  
13 an objection to the admissibility of that testimony?

14 MR. DOWNEY: No, it is that we are not  
15 necessarily agreeing that this testimony would be  
16 correct.

17 JUDGE BLOCH: That's fair enough, but  
18 we wondered if there was something else being  
19 reserved that we didn't understand.

20 MR. DOWNEY: No.

21 BOARD EXAMINATION

22 BY JUDGE GROSSMAN:

23 Q Mr. Brandt, you testified to three  
24 meetings with Mr. Lipinsky, an August meeting, a  
25 November meeting and --

MR. DOWNEY: Objection.

JUDGE BLOCH: Off the record.

10-1 1 JUDGE GROSSMAN: I am not suggesting  
2 that Mr. Brandt testified he was at the November  
3 meeting, if that's your objection.

4 I just am summarizing the fact that  
5 he referred to three meetings.

6 Does that resolve the problem?

7 MR. DOWNEY: No, Your Honor. I believe  
8 Mr. Brandt testified about two meetings in July,  
9 one meeting in August and one meeting after the first  
10 of the year.

11 Maybe we could just ask the witness  
12 which --

13 JUDGE GROSSMAN: That's why I am  
14 asking the witness the question.

15 MR. DOWNEY: I'm confident there were  
16 different meetings than you referred to.

17 JUDGE GROSSMAN: Okay.

18 BY JUDGE GROSSMAN:

19 Q Okay. My question is what were the  
20 meetings before August of that year with Mr. Lipinsky?

21 A Judge Grossman, if I could clarify the  
22 issue. I'm not sure I understand. I will just  
23 clarify what I stated earlier.

24 I met with Lipinsky the first day he  
25 was on the site, which was in July in my office,

0-2  
1 and which I arranged a site tour for him.

2 I met with him the next morning in  
3 Ron Tolson's office for about five minutes.

4 I met with O. B. Cannon representatives  
5 in a meeting sometime in August, but in response to  
6 the Chairman's question this morning, I don't  
7 remember if Lipinsky was there or not.

8 There was another meeting held in  
9 November which was transcribed and at which I was not  
10 in attendance.

11 Q My question, then, deals with that  
12 five-minute meeting that you had in July, and the  
13 question is whether that was the exit meeting of  
14 Mr. Lipinsky at that time?

15 In other words, after he had already  
16 performed all the work that he was supposed to  
17 perform, whether it was in the nature of observation  
18 or anything else, and this was the conclusion to  
19 his visit at that time?

20 A No, sir, it was not. I was not at the  
21 exit meeting with Cannon that was held in July.

22 JUDGE BLOCH: Mr. Brandt, my recollection  
23 of this morning's testimony is that we only talked  
24 about one meeting in July; is that correct?

25 THE WITNESS: No, I believe I testified

0-3 1 that the first time I met Lipinsky was when he  
2 walked into my office, said Merritt had sent him and  
3 said I was to arrange a site tour for him; but  
4 neither I nor Lipinsky knew why he was there.

5 I met with him briefly with Tolson the  
6 next day.

7 JUDGE BLOCH: Okay. I didn't think of  
8 the first one as a meeting. That's my confusion.

9 THE WITNESS: Oh, okay. It's a  
10 matter of counting it as a meeting or not.

11 JUDGE BLOCH: I like your usage better  
12 than mine.

13 BY JUDGE GROSSMAN:

14 Q So that when you testified that  
15 Mr. Lipinsky had only had a few hours on site to  
16 review that area at your meeting, you didn't intend  
17 to indicate that that's all the time he spent  
18 reviewing the subject area on that particular visit;  
19 is that so?

20 A It was the intention of my testimony  
21 this morning, Judge Grossman, that at the time that I  
22 held this five-minute meeting with him that Tolson,  
23 Lipinsky and Brandt were in attendance, he had only  
24 been in a functional role -- if you take a certain  
25 amount of time for the site visit, a certain amount of

0-4

1 time to get a badge, at that time we held that  
2 five-minute meeting he had only had two or three hours  
3 to look at the program.

4 I in no way intended to state that  
5 that's all he was on the site.

6 I don't remember when the exit meeting  
7 took place, but I was not in attendance.

8 Q And if the other evidence indicates  
9 that he spent two-and-a-half days total on the site  
10 reviewing that subject area, there's nothing that you  
11 are saying now that would contradict that?

12 A Yes, sir, that's a correct statement.

13 Q Were you at all involved in the  
14 decision to tape the November meeting with the  
15 representatives of O. B. Cannon?

16 A No, sir, I was not.

17 Q Were you informed by anyone at that  
18 time that there was the decision made to tape that  
19 meeting?

20 A I wasn't even aware the meeting was  
21 going to take place.

22 Q Returning now to the Atchison affair,  
23 could you indicate to me, again probably, because  
24 I may have missed your reference, to whom that note  
25 referred to as a pow wow note was addressed.

0-5

1 A Randy Smit.

2 Q Now, you indicated that you voided that  
3 NCR in approximately 15 minutes, was it, or in a  
4 very short time?

5 A I believe I might have said 15 or 30  
6 second, but I think I clarified that it was just a  
7 short period. I know it wasn't much time.

8 Q It was defined in seconds rather than  
9 minutes.

10 A Okay.

11 Q Did you fear at that time that  
12 Mr. Atchison intended to have a pow wow with Mr. Smit  
13 or anyone else after the NCR had already been voided?

14 A I don't understand the question.

15 Q Well, there had been some testimony  
16 about your open-door policy and I understood that  
17 in answer to the Chairman's question you indicated  
18 that your open-door policy hadn't been violated with  
19 respect to Mr. Atchison's request for a pow wow.

20 It was my impression that you were  
21 indicating that he didn't intend to pow wow with you.

22 My question was really directed towards  
23 whether your open-door policy would in any event  
24 have been not conformed to if no pow wow had been  
25 given to them before the voiding of the NCR; but I'm

0-6 1 not going to get into a belated discussion of that.

2 I think the record will stand the way it is.

3 JUDGE BLOCH: Do you want to comment?

4 THE WITNESS: I think he made some  
5 assumptions I'm not sure I'm ready to agree with it;  
6 but if he doesn't want to pursue it, I'm willing to  
7 reserve comment.

8 BY JUDGE GROSSMAN:

9 Q Mr. Brandt, I recall your beginning to  
10 respond to the Chairman's question -- one of the  
11 Chairman's questions this morning with regard to  
12 the message that you thought the T-shirts conveyed;  
13 but I don't recall whether you actually defined that  
14 message, that is, what you understood the T-shirt  
15 message to mean.

16 . Could you tell me that, sir?

17 JUDGE BLOCH: You might preface it by  
18 giving us the message so that we will know what you  
19 are interpreting.

20 THE WITNESS: Judge Grossman, all I can  
21 testify to at this point is looking at it as an  
22 outsider because I wasn't involved in the incident  
23 anyway, other than as an administrative spokesman for  
24 the company that was employing one of the individuals  
25 involved, Mr. Pitts.

0-7 1 It was a message to the building  
2 management organization, essentially slapping --  
3 and I am going to use a colloquialism, I guess, a  
4 slap in the face to them because I think they were  
5 trying to say, "If you think we are being unreasonable,  
6 we are proud of the fact we are unreasonable and  
7 we will see how miserable we can make your life."

8 BY JUDGE GROSSMAN:

9 Q I'm not sure I --

10 A And that's my impression, Judge Grossman.  
11 I'm not speaking -- I don't mean to speak for any of  
12 the eight people that wore the T-shirt.

13 That's how I took it as an outsider.

14 Q What you are saying is you thought it  
15 said something to the effect that, "If you think we  
16 are being unreasonable, we are proud of the fact that  
17 we are unreasonable"?

18 I'm not sure I heard it all. Was that  
19 basically --

20 A That's essentially what I was trying to  
21 say, yes, sir.

22 Q Would you explain to me what the  
23 context of this was so that you would lead into that  
24 statement, the first part of that message you just  
25 gave, which is, "If you think we are being



0-8 1 unreasonable."

2 Was there any context that you knew  
3 of then that would imply that?

4 A It was shortly after the -- to the  
5 best of my recollection, and this is seven months  
6 later -- a newspaper article that appeared in reference  
7 to a January 1983 incident in which the term  
8 "nitpicking" was used.

9 As I stated this morning, nitpicking  
10 is a derogatory term. It's not something a QC  
11 inspector would normally be proud of.

12 To me it was an effort just to portray  
13 a message to that building management organization  
14 that they were going to go beyond procedural  
15 requirements and seek an unreasonable position.

16 Q So then you read that message on the  
17 T-shirts in the context of what had occurred from  
18 the newspaper article?

19 A I am not sure that's what I meant to  
20 say, Judge Grossman. That's to the best of my  
21 recollection, that the newspaper article about the  
22 January '83 incident had appeared, I would guess in  
23 retrospect, maybe a couple or several weeks prior to  
24 this incident.

25 A lot of inspection personnel at the

10-9 1 site had seen the newspaper article, and I think they  
2 thought it would be a clever way to convey a message  
3 to that building management organization.

4 Once again, you are asking what my  
5 impression was when I saw the T-shirts. I am not  
6 attempting to say why they wore them.

7 The only one of the eight that I talked  
8 to was Pitts, and I told you what he said as far as  
9 reason.

10 Q Do you believe that the impressions of  
11 your fellow management officials was basically the  
12 same as yours in their reaction to the wearing of the  
13 T-shirts?

14 MR. DOWNEY: Objection. I'm not  
15 sure there is any evidence that would show managers  
16 had one view.

17 I would ask that you identify the  
18 individual that you asked him to comment about.

19 JUDGE GROSSMAN: Well, I am referring to  
20 those individuals that you testified to this morning  
21 as to your basic agreement with their reaction to  
22 the wearing of the T-shirts, Mr. Tolson being one.

23 THE WITNESS: If we are thinking of the  
24 same subgroup of people, Judge Grossman, as far as  
25 management people in, say, from my level up, I've

0-10 1 never discussed the matter with anyone other than  
2 Mr. Vega and Mr. Tolson.

3 The discussion with Mr. Vega took place  
4 last Friday and I told him I didn't agree with the  
5 conclusion he drew.

6 We talked about it and we agreed to  
7 continue to disagree.

8 Tony conducted an investigation. He  
9 stated what he thought at the end of that  
10 investigation. I can't argue with that.

11 I also stated I knew what Ron Tolson  
12 thought, and that Ron Tolson thought it was pointed  
13 at him.

14 The only other person I can testify  
15 to as to what they thought is myself, and I told you  
16 what I thought.

17 JUDGE BLOCH: Why did you think that  
18 the construction task force people, who were different  
19 people, identified with the coatings inspectors in  
20 the previous incident?

21 THE WITNESS: I don't think I -- If I  
22 said that, Judge Bloch, I misspoke.

23 I think possibly we are having a  
24 communication problem between you and I.

25 What I was attempting to say, the term

0-11 1 "nitpicking" had been highly publicized in a newspaper  
2 article, which to the best of my recollection appeared  
3 either on the front page of the newspaper or the front  
4 page of the local section of the newspaper in Fort  
5 Worth.

6 This had occurred several weeks prior to  
7 that, and I think that's where the term "nitpicking"  
8 came from.

9 JUDGE BLOCH: But in the definition you  
10 gave, you said in the first clause, "If you think we  
11 were being unreasonable."

12 Did you have any reason to believe  
13 that these people had been unreasonable in their  
14 inspections?

15 THE WITNESS: These particular eight,  
16 no, sir. Even that group, I'm not sure at that time  
17 I could testify even now that there was an allegation  
18 or a charge of unreasonableness on the part of the  
19 building management organization.

20 JUDGE BLOCH: So basically, these were  
21 employees of the QC Department in good standing at  
22 that time, before they had worn the shirts?

23 THE WITNESS: I don't know why they  
24 would be considered in substandard --

25 JUDGE BLOCH: No. I said in good

0-12 1 standing.

2 THE WITNESS: That's what I say, I  
3 have no reason to believe that they weren't in good  
4 standing, if that's an answer.

5 I really have no opinion, I guess is  
6 what I'm trying to say, Judge Bloch. I was out of  
7 the QC at the time. I was working for Tolson, but I  
8 had nothing to do with the building management  
9 organization.

10 So what they thought at the time, I'm  
11 not sure I even had an opinion on.

12 JUDGE BLOCH: But you have already  
13 testified what you thought the message was that they  
14 were giving, and the message that you said you  
15 believed occurred doesn't seem to make sense in  
16 light of their being in good standing at the time.

17 THE WITNESS: The term -- and I  
18 don't mean to repeat myself. I'm just trying to  
19 explain the reason for the way I feel, then and now.

20 The term "nitpicking" is not something  
21 any QC inspector would be proud of; and most QC  
22 people, if not all, know that that's a -- I won't  
23 say common complaint but they know what it means.

24 They know if construction says, "Hey,  
25 these guys are picking us to death," or, "They are

0-13

1 nitpicking us to death," they know what that implies.

2 I think that's a universally understood  
3 phrase at the level of the QC inspector.

4 For individuals such as our Counsel or  
5 even yourself that don't deal on a day-to-day basis  
6 with QC inspectors, I'm not sure that you would have  
7 the same understanding of the phrase that I would or  
8 that they would, for that example.

9 JUDGE BLOCH: You think, though, that  
10 these people were boasting that they had been  
11 violating procedures by reporting things that were not  
12 violations? That's what you say nitpicking is?

13 THE WITNESS: I think that they were  
14 attempting to convey that possibility to the building  
15 management organization.

16 I guess that as much as anything else,  
17 Judge Bloch, was the reason I thought it was unpro-  
18 fessional.

19 I don't see why any reasonable  
20 individual would wear a T-shirt on a job site that  
21 has constant daily interactions between construction  
22 and QC, between engineering and QC and between  
23 construction and engineering.

24 A shirt, a pair of pants, a hat, a  
25 headband, or anything else that would tend to

0-14

1 detract from their own positive working relationship;  
2 and as a QC person I can see that that's all that  
3 that shirt was going to accomplish.

4 JUDGE BLOCH: Was there some reason  
5 why they wanted to send a message to building  
6 management?

7 THE WITNESS: I don't know. I'm saying  
8 building management because that's their only  
9 interface.

10 They had no reason to tell engineering  
11 they were nitpicking.

12 JUDGE BLOCH: Limited cross by  
13 Intervenors.

14 RECROSS-EXAMINATION

15 BY MS. GARDE:

16 Q Isn't it true, Mr. Brandt, that when  
17 you ran into Tolson in the hallway, that he didn't  
18 say anything about the T-shirts being unprofessional  
19 or insulting to craft, that they were only insulting  
20 and intimidating to Tolson?

21 A Ms. Garde, I believe my testimony was  
22 that Tolson was extremely brief in our discussion in  
23 the hallway.

24 As a matter of fact, he would not even  
25 tell me what was on the T-shirt. He told me I would

0-15

1 see that when I saw Pitts.

2 Q When did he tell you that he took the  
3 T-shirts as personally intimidating or reverse  
4 harassment?

5 A It was during that initial, maybe 15  
6 or 30-second confrontation in the hall -- I won't  
7 say "confrontation," because that implies an  
8 adversarial type role.

9 We ran into each other in the hall. He  
10 mentioned the fact that eight inspectors had T-shirts  
11 on that he considered to be personally harassing,  
12 or reverse harassment directed at him; that one of them  
13 was an Ebasco employee and that I needed to talk to  
14 him.

15 Q So the answer to my question is yes,  
16 he said nothing about the T-shirts being unprofessional  
17 or insulting to craft?

18 A In that initial confrontation, that's  
19 a correct statement, yes, ma'am.

20 Q Is it your testimony that you have  
21 absolutely no knowledge of any confrontation or any  
22 disagreements between the electrical safeguards task  
23 force and the electrical safeguards building  
24 management -- safeguards building management?

25 A I believe my testimony was that I had



0-16

1 no personal knowledge.

2 Q Do you have knowledge from Mr. Tolson?

3 A No, I do.

4 Q Did you prior to the T-shirt incident?

5 A Not that I recall, Ms. Garde.

6 Q Were you working closely with Mr. Tolson

7 at that time period, Mr. Brandt?

8 A I worked for Mr. Tolson. To be honest,  
9 I don't even remember what I -- yes, I do. I take  
10 that back.

11 I was working on writing an ASME Section  
12 11 repair and replacement program for Texas Utilities.

13 My activities were essentially separated  
14 from the daily construction activities.

15 Q Was Mr. Tolson's activity separated  
16 from the daily construction activities?

17 A No, ma'am. Mr. Tolson was in a  
18 direct, in-line function of the daily construction  
19 activities.

20 Q Is it your testimony that Mr. Tolson  
21 never told you about the destructive examination  
22 allegations prior to the T-shirt incident?

23 MR. DOWNEY: Objection. Asked and  
24 answered.

25

0-17 1 BY MS. GARDE:

2 Q Did Mr. Tolson ever tell you that he  
3 called the Nuclear Regulatory Commission about taking  
4 personnel action against six quality control  
5 inspectors in the Safeguards Building?

6 A I assume your question is before the  
7 T-shirt incident, Ms. Garde?

8 Q Yes.

9 A No, he did not tell me that.

10 Q Mr. Brandt, the Board asked you this  
11 morning if you remember complimenting any specific-  
12 named QC inspector after he or she had identified a  
13 particularly unique or unusual problem.

14 Let me fresh your recollection about that,  
15 or do you recall that question and answer?

16 A I believe that the question was after  
17 they had performed in an exceptional manner or had  
18 gone out of their way to identify a discrepancy.

19 I do remember that discussion, yes,  
20 ma'am.

21 Q Do you remember any named QC inspector  
22 at this time?

23 A I have not thought about it, quite  
24 honestly, since the discussion this morning.

25 Q After Susie Neumeyer went through the

0-18 1 mass of documents that we have all been passing  
2 around this morning --

3 MR. DOWNEY: Objection. There's no --

4 MS. GARDE: Let me finish my question,  
5 please, Mr. Downey.

6 MR. DOWNEY: -- mass of documents.

7 JUDGE BLOCH: Let's hear the question.

8 It was admittedly a mass of documents.

9 BY MS. GARDE:

10 Q After Ms. Neumeyer went through the  
11 documents and had correctly identified by asterisk  
12 and a note on the bottom of the page of the traveler  
13 what her signature in fact meant on that one, did you  
14 compliment her?

15 A At the time, Ms. Neumeyer was not  
16 working for me.

17 Q Do you know if she was complimented?

18 A No, I do not know.

19 MS. GARDE: No further questions.

20 JUDGE BLOCH: Staff?

21 MR. TREBY: May we have one moment?

22 (Pause in proceedings.)

23 RE-CROSS-EXAMINATION

24 BY MR. MIZUNO:

25 Q Mr. Brandt, prior to the day of the

0-19

1 T-shirt incident, did you personally see any craft  
2 people or QC inspectors wearing the nitpicking  
3 T-shirts?

4 A No, I did not.

5 Q If you saw a craft person wearing a  
6 T-shirt, would you consider that to be an act that  
7 would incite or otherwise arouse the emotions of  
8 QC inspectors?

9 A Any T-shirt, Mr. Mizuno?

10 Q No, a nitpicking T-shirt.

11 A If the craft were wearing a nitpicking  
12 T-shirt?

13 Q Yes.

14 A I don't think it would have near the  
15 same conveyed message, or even mean the same thing  
16 if a crafts person were wearing the T-shirt as if a  
17 QC person were wearing the T-shirt.

18 Q And why is that?

19 A I have never heard a crafts person  
20 accused of nitpicking anything.

21 Q When you were speaking with Mr. Pitts on  
22 the day of the T-shirt incident, I believe you  
23 testified that he told you that other QCI's or  
24 QC inspectors had been wearing the T-shirt in the  
25 past?

0-20 1 A He informed me that the T-shirts had  
2 been worn previously.

3 Q He did not indicate whether it was  
4 craft or whether it was QCI's who were wearing them?

5 A He indicated -- I'm not attempting to  
6 quote him, Mr. Mizuno, but it was the message that  
7 they had been worn by QC inspectors that was  
8 conveyed.

9 Whether or not he said, "Hey,  
10 inspectors have worn them before, Tom," I don't  
11 remember the discussion exactly.

12 But the exchange in information was  
13 that QC inspectors had worn them previously.

14 Q Okay. I believe that you were not  
15 responsible for actually supervising QC inspectors,  
16 Ebasco QC inspectors on the day of the T-shirt  
17 incident; is that correct?

18 A I was not functionally responsible for  
19 supervising their activities, Mr. Mizuno. I am  
20 administratively responsible for all the Ebasco  
21 personnel on the site.

22 Q After your discussions with Mr. Pitts,  
23 did you take any further actions to somehow convey  
24 to the remaining QC inspectors employed by Ebasco  
25 that wearing of T-shirts with either nitpicking or

0-21

1 something like that would not be professional and  
2 would not be tolerated?

3 A The answer to your question, Mr. Mizuno,  
4 is a no, but I think it requires a bit of explanation.

5 Q Would you please expand upon that?

6 A All Ebasco people, I think, understand  
7 what my attitude is on professionalism. I talk to  
8 every one of them as they arrive on the site. I  
9 have continuing conversations with them on  
10 administrative matters; and in fact, I hired many of  
11 them personally.

12 I believe that most of them, and I  
13 am actually disappointed in retrospect that Mr. Pitts  
14 did not recognize it prior to his wearing of the  
15 T-shirt that it was unprofessional behavior.

16 I believe Mr. Pitts understands after  
17 our discussion then and now why I felt it was  
18 unprofessional behavior.

19 Q That's fine --

20 A As far as sending out an official  
21 document or calling a meeting and informing the  
22 other Ebasco inspectors on the site, "If you wear  
23 a T-shirt with an inflammatory message on it, I  
24 consider that unprofessional behavior," no, sir, I  
25 did not do that.

0-22

1 Q Well, if Mr. Pitts didn't receive your  
2 message or apparently did not understand the message  
3 that you felt -- that you would have felt to wear  
4 the T-shirts would be unprofessional, and did in  
5 fact wear the T-shirts, don't you think that perhaps  
6 other QC inspectors might also have not received the  
7 message or might not have understood your message  
8 about professionalism?

9 A I don't think that's the issue,  
10 Mr. Mizuno. I think the issue is whether or not  
11 Mr. Pitts thought what he was doing would be perceived  
12 as unprofessional.

13 I think you are trying to imply that  
14 the Ebasco inspectors don't understand that they are  
15 to behave in a professional manner throughout their  
16 employment.

17 Q No. I think what I am really trying to  
18 get at is to determine what actions you took to tell  
19 other Ebasco QC inspectors that if there was any  
20 doubt in their mind, that you considered wearing the  
21 nitpicking T-shirts to be unprofessional.

22 In other words, you did it with  
23 Mr. Pitts. Now that you knew that he possibly did  
24 not understand that you thought it was unprofessional,  
25 that perhaps you might also have a need to re-emphasize

0-23  
1 or to make known your attitude to the remaining  
2 Ebasco inspectors?

3 A Other than informal discussions that I  
4 had with the Ebasco people, and I'm sure immediately  
5 after that meeting and that incident I got questions  
6 on it as far as what happened because they knew that  
7 I was involved in it.

8 If your question is what formal  
9 action did I take, I did not take any.

10 Q Well, I didn't mean formal in terms of  
11 sending out a memo. It could have been a talk or  
12 it could have been --

13 A I don't mean to say by formal that it  
14 was a letter. I'm saying that if you are asking if  
15 I called a group meeting and said, "Hey, I consider  
16 this unprofessional," or if I wrote a memo that  
17 says, "Hey, I consider this type of behavior  
18 unprofessional," I did not do either.

19 JUDGE BLOCH: Well, isn't it the case  
20 that you didn't have to send a memo because everyone  
21 knew what had happened to the people who came --

22 THE WITNESS: I think it was quite  
23 widely known on the site, Judge Bloch.

24 ///

25 ///



1/1 1 BY MR. MIZUNO:

2 Q When you spoke with Mr. Pitts, again on  
3 the day of the T-shirt incident, did he explain to you  
4 why the other non-Ebasco, i.e. the Brown & Root QC  
5 inspectors, wore the T-shirt?

6 A Please repeat your question, Mr. Mizuno.

7 Q Okay. During the course of the conversa-  
8 tion that you had with Mr. Pitts on the day of the  
9 T-shirt incident, did Mr. Pitts convey to you the  
10 reason why the other QC inspectors who were wearing  
11 the shirts wore the shirts?

12 MR. DOWNEY: Objection. That calls for  
13 at least double hearsay. And I believe it is  
14 repetitious.

15 (Bench conference.)

16 MR. MIZUNO: We'll withdraw that question.

17 JUDGE BLOCH: Have you subsequently  
18 learned whether any other Ebasco employees had worn  
19 the shirts on Monday?

20 THE WITNESS: I'm aware of one other  
21 Ebasco who has a T-shirt; to my knowledge, he didn't  
22 even intend when he bought it to wear it. He bought  
23 it and sent it to his daughter, who he is not in  
24 custody of his daughter. Other than that, that's the  
25 only other Ebasco employee that I know of that has one.

1 BY MR. MIZUNO:

2 Q On the day of the T-shirt --

3 JUDGE BLOCH: Wait a minute, Mr. Mizuno.  
4 I'm sorry.

5 How did you happen to find that  
6 out?

7 THE WITNESS: He told me.

8 JUDGE BLOCH: Just walked up and chatted  
9 sometime?

10 THE WITNESS: He was one of the employees.  
11 He's not an inspector. He's one of the employees, as  
12 I discussed earlier, that were interested from a  
13 curious nature of the facts surrounding the episode,  
14 and he came up and told me, said, "Hey, I bought one,  
15 too, but I bought it to send to my daughter."

16 BY MR. MIZUNO:

17 Q Mr. Brandt, on the day of the T-shirt  
18 incident were you aware that the desks of the T-shirt  
19 QC inspectors were being searched?

20 A I'm not sure, Mr. Mizuno, if I was aware  
21 of the fact as it was happening. I became aware of it  
22 either that day or the next day.

23 Q And how did you become aware of that?

24 A I saw security walk into either Tolson's  
25 office, or Ron Tolson's secretary's office with this

1 cardboard box full of miscellaneous paper. I asked what  
2 it was.

3 Q Do you recall whether you knew about that  
4 when you were -- at the time that you were talking with  
5 Mr. Pitts?

6 A No, I did not know of it at that time.  
7 It was either later that day or the next day.

8 Q Are you now aware of the reason for the  
9 action, the searching of the QC inspector's desks?

10 A (Pause.) Quite frankly, Mr. Mizuno, in a  
11 general kind of way. I know whose decision it was.

12 Q Well, whose decision was it?

13 A It was Tolson's.

14 Q Do you know whether Mr. Pitts' desk was  
15 searched?

16 A For a fact, Mr. Mizuno, I do not know.  
17 I understand that they were all searched.

18 Q Subsequent to the day of the T-shirt  
19 incident did Mr. Pitts ever come to you and complain  
20 about his desk being searched?

21 A No, he did not.

22 Q In retrospect do you believe that the  
23 management reaction to the T-shirt incident was proper  
24 or not?

25 A Mr. Mizuno, I can't possibly answer that

1 question. The question reminds me of a Monday morning  
2 quarterback. You know, it's just easy to sit and  
3 discuss what happened on third and long in Sunday's  
4 football game, but yet you don't know the circumstances  
5 that happened in the football game.

6 I know in a general sort of way  
7 what happened, and now only even through hearsay and  
8 discussing the incident with the players.

9 Q Let me limit that then just to your own  
10 action on that day.

11 A Do I think I overreacted?

12 Q Yes.

13 A No, not at all.

14 Q Why do you disagree with Mr. Vega's  
15 conclusion in his report regarding the management  
16 reaction to the T-shirt incident?

17 A Mr. Mizuno, I think I tried to explain  
18 that to the best of my ability, and the fact of all  
19 the players involved in the T-shirt incident if you  
20 were to ask each of the players, "Do you think the QC  
21 inspectors were trying to convey something," you're  
22 going to get a different answer from each one of them.

23 My testimony was I've only  
24 discussed this issue with actually, including myself,  
25 four people. I've testified what Pitts thought. I've

11/5

1 testified what Tolson thought. Vega's report  
2 essentially speaks for itself. And I've testified what  
3 I thought.

4 I can't argue what's on the Bega  
5 report, that that's what Tony concludes from the facts  
6 that he has available to him. All I can state is what  
7 I feel or what I felt then. I can't even argue as to  
8 the rightness or wrongness of either position.

9 Q Well, you were a QC inspector supervisor  
10 at one point. Presumably you have the skills to  
11 determine whether a management action is appropriate  
12 given the circumstances. Is that not true?

13 A Maybe I don't understand your question,  
14 Mr. Mizuno. I thought you were asking -- My  
15 testimony earlier was the portion of Vega's report that  
16 I disagree with, was the fact that he said they weren't  
17 trying to convey a message. I've also testified I  
18 don't believe that's the case.

19 Q Okay.

20 A I don't think -- You know, whether I'm  
21 right or wrong, Tony Vega is right or wrong, each of the  
22 eight individual inspectors is right or wrong, whether  
23 Ron Tolson is right or wrong, I can't decide. I know  
24 Tony Vega and I discussed it last Friday. I told him  
25 I didn't agree with him. We discussed it briefly and

1/6 1 we left it at that.

2 Q Well, let me ask you this specifically  
3 then. What was it about Mr. Vega's Report that you  
4 disagree with then?

5 A Vega --

6 MR. DOWNEY: That's been asked and  
7 answered twice.

8 JUDGE BLOCH: Yes. My understanding is  
9 that the only thing he disagreed with was what the  
10 inspectors meant about the meaning of the shirts.

11 MR. MIZUNO: Okay.

12 JUDGE BLOCH: Or meant by wearing the  
13 shirts.

14 THE WITNESS: I'm not sure I said that's  
15 the only thing I disagree with, Judge Bloch. I think  
16 my testimony is I'm not ready to make a decision on  
17 whether management overreacted or not, because I don't  
18 know what information management had when they made  
19 that decision.

20 I made the statement that at least  
21 one portion of Tony Vega's report I don't personally  
22 agree with.

23 JUDGE BLOCH: Is there any other portion  
24 that you don't personally agree with?

25 THE WITNESS: I believe the conclusions

1/7

1 drawn by Tony in his report, I don't have enough  
2 information to even base judgment on. I wasn't  
3 involved in the decisions that took place on that  
4 morning.

5 It's my own personal feeling,  
6 however, that it wasn't simply meant as a joke. And,  
7 as I said, that's my personal feeling.

8 BY MR. MIZUNO:

9 Q Doing back to the motivations of the QC  
10 inspectors who wore the T-shirt you indicated that the  
11 slogan on the T-shirt was a derogatory one, and that --  
12 Do you think that -- and, furthermore, that the T-shirt  
13 would indicate that the wearer of the T-shirt was  
14 insulting himself, do you think that there might have  
15 been a reason for doing that, other than trying to, for  
16 want of a better word, insult the craft?

17 MR. DOWNEY: Objection. He's testified  
18 why he believes they wore the shirts. He testified  
19 what he thought Mr. Pitts told him about why he wore  
20 the shirt. Beyond that this witness really doesn't  
21 know anything, and I believe he's indicated that. At  
22 the very best you are asking for speculation.

23 JUDGE BLOCH: He stated earlier that he  
24 thought they were sending a message to management, not  
25 to craft.

11/8

1 MR. MIZUNO: Okay. Then if he came to  
2 that conclusion then I would like to have Mr. Brandt  
3 testify what Mr. Pitts told him about what were the  
4 motivations of the QC inspectors in wearing the shirts,  
5 because if Mr. Pitts did tell him that then I presume  
6 that that is an additional piece of information that  
7 Mr. Brandt may have used in coming to a conclusion that  
8 it was not just a joking action.

9 THE WITNESS: I think I answered that  
10 question, Mr. Mizuno, earlier in the fact that I don't  
11 remember even discussing it, and if I did discuss it  
12 with Mr. Pitts I don't remember what his answer was.  
13 As far as what their motivation was, Mr. Pitts indicated  
14 clearly to me that the only reason he had the shirt on  
15 his back at that given time was that he was trying to  
16 fit into the group.

17 Now, if we are asking what the  
18 motives of the other eight or seven people were, I  
19 can't answer that. I haven't talked to them.

20 MR. MIZUNO: Thank you very much. The  
21 Staff has no further cross at this time.

22 MR. GROSSMAN: Just one question for Mr.  
23 Brandt.

24 BOARD EXAMINATION

25 BY MR. GROSSMAN:



1           Q           Could you try and recall the exact words  
2 that Mr. Tolson used when he informed you that the  
3 T-shirt wearers were in the office? Because, frankly,  
4 I have a little problem visualizing your description  
5 with actual words, because comes out something like  
6 Mr. Tolson running out in a highly agitated state  
7 saying, "Tom, there are QC inspectors wearing T-shirts  
8 which I consider reverse harassment and personally  
9 intimidating." And I would like to get your  
10 recollection of the exact words.

11           A           Judge Grossman, by no means do I intend  
12 to indicate that it was a casual, "Hey, Tom, there's  
13 some inspectors in here, and I'd kind of like you to  
14 talk to them."

15                       I don't remember the exact quote, but  
16 I'll guarantee you I understood that Ron Tolson was  
17 upset. I'm sure the language was more colorful than  
18 "Mr. Brandt, there's some inspectors in here and I  
19 consider them this reverse harassment and I'd like  
20 you to talk to one of them," but exactly what his  
21 language was I don't remember.

22                       I do remember distinctly, and will always  
23 remember that Ron Tolson was mighty mad. He was upset.  
24 He didn't even want to talk to me.

25                       MR. GROSSMAN: Thank you.

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JUDGE BLOCH: Redirect, Mr. Downey?

Do you want them to go again?

MR. DOWNEY: No, I don't.

MR. ROISMAN: We are not asking to go again, subject to our reservation on the Document II report.

MR. DOWNEY: I always like to bat cleanup, I guess, Judge Bloch.

Just two questions or just two areas that I'd like to examine Mr. Brandt about. One is simply to identify yet another procedure unrelated to the ones you produced this morning that the Board had questioned, and this is the procedure that provides instructions on how to fill out inspection reports, and as I recall both Judge Grossman and the Chairman asked Mr. Brandt about that.

JUDGE BLOCH: Off the record.

(Discussion off the record.)

JUDGE BLOCH: On the record.

MR. DOWNEY: I believe this morning I served on each member of the Board and the parties a copy of Procedure No. CP-QP-18.0, Revision 9, July 9, 1983.

REDIRECT EXAMINATION

BY MR. DOWNEY:

1/11

1 Q I ask the witness if he has a copy of  
2 that procedure in front of him.

3 A The procedure I have I think reflects  
4 your representation, Mr. Downey, except that it's  
5 marked Revision 12.

6 Q I'm sorry. Yes, it is Revision 12.

7 MR. MIZUNO: And it's also dated July  
8 19th, 1983, on my copy.

9 THE WITNESS: I thought that's what he  
10 said.

11 MR. MIZUNO: I thought I heard July 9th.

12 BY MR. DOWNEY:

13 Q Mr. Brandt, is this procedure the  
14 procedure that provides direction to inspectors and  
15 the way to fill out inspection reports?

16 A Yes, sir.

17 Q And was this procedure in use in the non-  
18 ASME area at Comanche Peak?

19 A Yes, it was.

20 Q Mr. Brandt, I'd like to direct your  
21 attention to Page 3 of the procedure, and particularly  
22 to two-thirds of the way down the page the instructions  
23 for filling out Blocks 2 and 3.

24 A Yes, sir.

25 Q Is that the language of the procedure

11/12

1 that instructs an inspector on how to identify the  
2 location of the item to be inspected?

3 A Yes, Mr. Downey, combined with the  
4 instructions for Block 4 it clearly indicates that  
5 you should record sufficient information to uniquely  
6 identify the item or activity observed, and record the  
7 system and/or structure designation, including room  
8 number, area code, to specifically locate the item.

9 JUDGE BLOCH: Excuse me, Mr. Downey.  
10 Could we get the witness, if he has a copy that's  
11 better than mine, to read the handwritten information  
12 that appears on the example for Blocks 3 and 4?

13 MR. DOWNEY: Yes, I believe it's legible  
14 on my copy.

15 JUDGE BLOCH: If he could do it slowly,  
16 I'll try to trace along.

17 BY MR. DOWNEY:

18 Q Mr. Brandt, is your copy of -- Is the  
19 handwritten portion of the blocks of your copy of  
20 CP-QP-18.0 on Page 3 legible?

21 A I wouldn't say it's legible, Mr. Downey.  
22 I know what the item description is under Blocks 2 and  
23 3. It says, "Safety injection pump." The identification  
24 number is TCX SIAPSI, a one I believe.

25 JUDGE BLOCH: Do we know -- Was that --

1 MR. ROISMAN: Mr. Chairman, excuse me.  
2 I'm afraid that the witness' testimony is going to be  
3 confusing for the record. My interest is in knowing  
4 what the document says, and I'm not sure that he says  
5 he knows what it says. He says he knows what's being  
6 identified. I want to make sure that he's telling me  
7 what's on the form, not what he knows it's intended to  
8 refer to.

9 JUDGE BLOCH: No. He's reading from the  
10 form. But do we know if this is in the procedure, the  
11 inspection procedure as it was issued, or is this just  
12 something somebody added on on top?

13 THE WITNESS: This was an example provided.  
14 Shall I continue or wait for the question?

15 JUDGE BLOCH: I did ask a question. Is  
16 this in the procedure, or something --

17 THE WITNESS: Yes, it's in the procedure,  
18 Chairman Bloch. It's in the procedure to provide an  
19 example as the procedure is issued.

20 JUDGE BLOCH: I would like to note that  
21 in Section 3.1 of this procedure there is a direction  
22 that the attributes listed on the IR shall be pre-  
23 determined, although additional conditions may be  
24 noted, which indicates to me that there's a general  
25 instruction that when there's something, there's an

11/14

1 inability to note necessary conditions on an IR that  
2 the QC inspector in this time period at least was told  
3 that they should note it, even if there's no line for  
4 it.

5 THE WITNESS: Yes, sir.

6 BY MR. DOWNEY:

7 Q Mr. Brandt, has a similar instruction in  
8 the way to identify the -- Strike that.

9 Since you have been associated with the --  
10 Strike that.

11 When did a similar type of instruction  
12 first appear in the procedure governing the issuance  
13 of inspection reports at Comanche Peak?

14 JUDGE BLOCH: Similar to what?

15 MR. DOWNEY: Similar to the example he's  
16 just reviewed, Page 3 of CP-QP-18.

17 THE WITNESS: Mr. Downey, I honestly  
18 don't remember. It's been that way as long as I can  
19 remember. The reason this particular revision was  
20 chosen to provide for the Board was, I guess, a totally  
21 arbitrary decision made by myself when I called to get  
22 a copy of it. I was asked what revision should be  
23 provided. And I said, "Send the revision that was in  
24 effect sometime in the summer of 1983." Consequently,  
25 we got this revision.

11/15

1 Q Were similar instructions provided in the  
2 procedures at the time you provided the training  
3 programs for coatings inspectors in the fall of 1981?

4 A To the best of my recollection, yes.

5 Q Mr. Brandt, you were asked some questions  
6 about your knowledge, involvement, and in some cases  
7 speculation about the T-shirt incident. Part of your  
8 examination from Mr. Mizuno he asked you if a similar  
9 T-shirt worn by the craft would be inappropriate. Do  
10 you recall that question?

11 A The question was if the nitpicking  
12 T-shirt had been worn by the craft would it be  
13 considered inappropriate.

14 Q And you said it would have a different  
15 meaning than if it was worn by an inspector.

16 A Yes, sir. That was my answer.

17 Q Mr. Brandt, in your judgment would it  
18 be inappropriate for the craft to wear a T-shirt that  
19 said, "If I build it, you'll buy it off"?

20 A Yes, it would be equally unacceptable.

21 MR. DOWNEY: I have no further questions.

22 (Bench conference.)

23 JUDGE BLOCH: Mr. Downey, the only  
24 discussion we are having here is why you brought the  
25 wrong procedure in. I mean the procedure in question

1 was the procedure at the time that the changover was  
2 made in the inspection report, use of the inspection  
3 report so that you weren't going to use NCRs as much.  
4 That's my understanding, where there was a complaint  
5 by the coatings people. Is this the time period?

6 MR. DOWNEY: That's not my recollection  
7 of the request.

8 THE WITNESS: Judge Bloch, the issue  
9 being discussed at the time was in a question by --  
10 and if I'm wrong, forgive me, but this is my memory---  
11 we were discussing the Joe Krolak NCR, which was I  
12 Brandt Exhibit B-20. I could find it if we wanted to  
13 take time to look at it. Mr. Roisman posed the  
14 question why the NCR, which was Brandt Exhibit 20 at  
15 the top said "Location and Elevation," and the IR says  
16 "Identification number and system structure designation."  
17 And we were talking about the atypical nature of the  
18 IR and that the purpose of that IR was only to document  
19 removal of the hold tags.

20 JUDGE BLOCH: Okay, but the controversy  
21 over the change in forms and whether they are adequate  
22 to describe location actually dates back before that,  
23 doesn't it?

24 THE WITNESS: Not to my knowledge. The  
25 controversy from Tuesday afternoon, I think is when it



1/17

1 came up, the first day I was off, I think it was  
2 Tuesday afternoon.

3 JUDGE BLOCH: I wasn't asking about  
4 recent -- I mean in the plant weren't there concerns  
5 by the coatings inspectors at the time you were  
6 switching forms?

7 THE WITNESS: No, sir. I believe -- and  
8 I tried to state that the other day -- Mr. Krolak's  
9 testimony is that the form that was eventually issued  
10 on the coatings procedures he was perfectly happy with.  
11 I believe quoting Mr. Krolak, "It had a place for us to  
12 put location and ASME elevation, and everything," I  
13 believe was the way he described it.

14 Mr. Krolak's contention was that  
15 during the developmental stages of these new  
16 procedures in the fall of '81 time frame that Hamilton  
17 had gone to Harry Williams and come up with this new  
18 form -- Excuse me. That Harry Williams had come up  
19 independently with this new form that didn't even allow  
20 for listing of location and elevation.

21 My testimony is the IR form that  
22 is currently in those procedures was a pre-printed form  
23 that's been in use as long as I've been at Comanche  
24 Peak.

25 MR. DOWNEY: In his pre-filed testimony

11/18

1 Mr. Brandt discusses the adoption of that pre-printed  
2 form to be used in the coatings department.

3 JUDGE GROSSMAN: And what is the time  
4 frame, again, that you referred to as when you met with  
5 Mr. Krolak and he seemed satisfied with what you told  
6 him?

7 THE WITNESS: If you are referring, Judge  
8 Grossman, to when the training or the indoctrination on  
9 the new procedures took place it was during the  
10 November/December '81, January '82 time frame. If you  
11 are talking about when Mr. Krolak made this allegation,  
12 it's in a recent deposition, I believe.

13 JUDGE GROSSMAN: I believe the Chariman's  
14 questions were why if we are concerned about the 1981  
15 time frame do you bring in a procedure that's dated  
16 in 1983, and then testify that the procedure in  
17 existence at that time was basically the same, rather  
18 than just bring in the procedure for 1981?

19 THE WITNESS: I believe I said, Judge  
20 Grossman, and possibly it's a misunderstanding on my  
21 part, because it was done by me, not even by own  
22 counsel, I called and got the procedure because it was  
23 my understanding that it was -- As a matter of fact, I  
24 even made the statement when Mr. Roisman asked me why  
25 the two blocks on the IR said one thing and the block

1/19 1 on the NCR said location and elevation. I said it  
2 would be easier for me to answer that question if I  
3 had the procedure in front of me.

4 At that time it was decided that  
5 we'd bring in a copy of the procedure for filling out  
6 inspection reports, which I did. There is at least  
7 twelve revisions to this procedure. When I called the  
8 site to get a copy of it I was asked, well, which  
9 revision I wanted. I said, "Give me one from the summer  
10 of 1983 time frame."

11 JUDGE BLOCH: Actually even more  
12 interesting is that next to Block 4 there is a verticle  
13 line in the margin that suggests there was a change  
14 in that instruction in this revision.

15 THE WITNESS: I noticed that, Judge  
16 Bloch, and this is off the top of my head, I haven't  
17 looked at previous revisions. I think what was added  
18 to that revision was room number, because during the  
19 summer of '83 we were correlating I believe if you will  
20 recall from testimony to the other proceeding we were  
21 computerizing all open IRs by room number.

22 JUDGE BLOCH: Well, I think we are no  
23 better off with the testimony before. We are just  
24 testifying to what was in effect at the earlier time,  
25 rather than using a procedure.

1/20

1 MR. DOWNEY: My recollection is consistent  
2 with Mr. Brandt, that the specific request put to us  
3 was something that would explain, that would -- In  
4 Mr. Brandt's testimony he was asked by Mr. Roisman  
5 how location is identified on NCRs. And Mr. Brandt  
6 explained that.

7 In subsequent questions Mr.  
8 Roisman asked, "How was it done on an IR?" Mr. Brandt  
9 testified it was done in Box 2, 3 and 4 of the IR. And  
10 then there was a request for the procedure that  
11 instructed inspectors how to fill those out so that it  
12 would be clear that these boxes contained the same  
13 information as the NCR.

14 I don't believe there was ever a  
15 request put to us for the procedures in effect in 1981.  
16 Now, if that's an independent request, then --

17 JUDGE BLOCH: Well, let me ask. Mr.  
18 Roisman, are you satisfied at this point?

19 MR. ROISMAN: I was looking to see if it  
20 was clear. I think the witness is correct that if you  
21 look at the transcript pages about 15530 through about  
22 15535 that it's ambiguous. What my intent was when we  
23 were discussing the Krolak event, and whether or not  
24 at the time that he had the dispute with Mr. Hamilton  
25 the procedures provided for the kind of information

1/21

1 that the witness had been testifying was always  
2 provided for in those appropriate boxes. It started,  
3 actually, with Mr. Brandt saying on 15533, "The  
4 identification number might be more useful and certainly  
5 help me to have the procedure in front of me."

6 JUDGE BLOCH: Why don't we leave it that  
7 sometime next week we'll get the other one. If they  
8 are the same, everyone will stipulate they are the  
9 same, and if they are different we will correct them.

10 MR. DOWNEY: I get to add one and cross  
11 one off at the same time.

12 MR. ROISMAN: What I think is part of the  
13 problem is that in this, and what I got just immediately  
14 here in front of me, what we don't have is the time  
15 frame of the alleged Krolak/Williams disagreement, and  
16 it's that time frame that makes it relevant.

17 JUDGE BLOCH: Could you stipulate to that  
18 then with Applicants?

19 MR. DOWNEY: I know the answer to that,  
20 and Mr. Krolak said I believe a couple of months prior  
21 to his termination, which was March 9, 1982.

22 MR. MIZUNO: That is true. I believe he  
23 testified to four months before his termination.

24 MR. ROISMAN: I'm sorry. I didn't hear  
25 you, Mr. Mizuno.

11/22

1 MR. MIZUNO: Yes. I believe Mr. Krolak  
2 testified it was approximately four months before his  
3 termination.

4 MR. ROISMAN: I assume then that there  
5 are several revisions over that time period. It  
6 appears that this is a much revised procedure, and we  
7 should have them all.

8 JUDGE GROSSMAN: Mr. Downey, in the  
9 future you know what the best evidence rule indicates.  
10 We are talking about a procedure, the best evidence of  
11 the procedure is the procedure itself, and whether or  
12 not opposing counsel or other counsel object, I think  
13 you, you know, could help the Board by bringing what's  
14 appropriate rather than having testimony fill in the  
15 gaps that really isn't appropriate in the case.

16 JUDGE BLOCH: It sounds like Judge Grossman  
17 uses the same principal I use when I hear testimony.  
18 But that's all right, next week we'll see it.

19 Mr. Brandt, I want to thank you  
20 for helping. We have ended in a procedural dispute,  
21 which is sort of typical of what you've had to face,  
22 but thank you so far, and we'll have you back for the  
23 remainder of the transfer canal discussion. Thank  
24 you.

25 (The witness was excused.)

11/23

1 JUDGE BLOCH: Shall we take a five-minute  
2 before Mr. Purdy?

3 MR. MIZUNO: One additional thing. When  
4 we conducted -- Mr. Brandt can leave, but when we  
5 conducted the deposition of Mr. Brandt the Staff  
6 started to do some cross-examination on the Lipinsky  
7 memo, and we ended that cross examination on the basis  
8 that Applicants would be providing some, an affidavit  
9 or some other filing on the entire matter. And at that  
10 time the Staff reserved its right to continue the  
11 cross-examination of Mr. Brandt on that point.

12 JUDGE BLOCH: Mr. Brandt, wait a second.

13 MR. MIZUNO: We don't want to do that  
14 now.

15 JUDGE BLOCH: Mr. Brandt, it's okay, you  
16 may go.

17 MR. MIZUNO: We just want to reserve our  
18 right to recall Mr. Brandt solely limited to that  
19 point.

20 MR. DOWNEY: Your Honor, I wish to express  
21 a general desire to finish some agendae.

22 JUDGE BLOCH: Okay, so you are still  
23 reserving the right to recall him, pending the  
24 memorandum, is that the idea?

25 MR. MIZUNO: Some filing from the

1 Applicants unless it ultimately turns out to be an  
2 issue not in the case.

3 MR. DOWNEY: That filing is being made  
4 in the other docket.

5 JUDGE BLOCH: When will that be?

6 MR. REYNOLDS: What are we talking about?

7 JUDGE BLOCH: The Staff said that it  
8 reserved the right to recall Mr. Brandt concerning  
9 Lipinsky matters, pending filing on coatings. He  
10 says they are reserving --

11 MR. MIZUNO: No.

12 JUDGE BLOCH: That's not right?

13 MR. MIZUNO: Not quite right. We under-  
14 stood that the Applicants were going to be filing  
15 something regarding the Lipinsky memo with regards to  
16 the intimidation portion of the proceeding, and if the  
17 Board so determines that those issues, the things  
18 surrounding the Lipinsky memo and its relationship to  
19 issues involving intimidation and harassment of QC  
20 inspectors, to that extent we are reserving our right  
21 to recall Mr. Brandt if the Applicants do file something.

22 MR. DOWNEY: I want it to be clear, Your  
23 Honor, that that filing is in the other docket.

24 MR. REYNOLDS: It relates to quality  
25 assurance in general, while we think not to harassment



11/25

1 and intimidation.

2 JUDGE BLOCH: I think if Staff has  
3 questions on the Lipinsky matter they should be asked  
4 of Mr. Brandt when he is recalled.

5 MR. MIZUNO: Well, the problem is that  
6 Applicants and the Staff may have a slightly different  
7 position regarding the relevance of the Lipinsky memo  
8 to the intimidation portion of the proceeding, and I  
9 think that we had that possible difference in position  
10 started to become clearer in the colloquy between  
11 counsel during Mr. Brandt's deposition, and we haven't  
12 reached a position yet, but I just wanted to reserve  
13 that opportunity to recall Mr. Brandt.

14 MR. MR. ROISMAN: Mr. Chairman, I would  
15 just like to state for the record that I do not believe  
16 that the Staff is entitled to special consideration in  
17 reaching positions, and I think that if they've got a  
18 position they should state it. If they don't have a  
19 position they shouldn't. And that they should not be  
20 allowed to sort of sit back and play Monday morning  
21 quarterback on what positions they are going to take.

22 JUDGE BLOCH: Mr. Reynolds wants to  
23 comment, too, but first I'd just like to clarify, is  
24 this just a problem of reaching a legal position, or  
25 is there an ongoing investigation?

1/26

1 MR. MIZUNO: I believe there's -- Hold  
2 on just a moment.

3 JUDGE BLOCH: Off the record.

4 (Discussion off the record.)

5 JUDGE BLOCH: We will take a five-minute  
6 recess first, and then we'll have the Staff's answer  
7 after, and the Applicants' comment.

8 (A short recess was taken.)

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1 MR. MIZUNO: The Staff will not cross-  
2 examine Mr. Brandt any further.

3 However, we disagree with the Intervenors  
4 that the Staff should be forced to take a position  
5 right here and now on the issues.

6 JUDGE BLOCH: However, you have not been  
7 intimidated.

8 MR. MIZUNO: Not by Mr. Roisman.

9 JUDGE BLOCH: And not by the Hearing  
10 Board.

11 MR. DOWNEY: Your Honor, the Applicants now  
12 present for cross-examination Gordon Purdy.

13 Seated with me at counsel table is  
14 Carl Jordan, who has an office in Houston. With us  
15 also is Ferguson McNeil of that firm. They represent  
16 Mr. Purdy individually.

17 JUDGE BLOCH: Thank you.  
18 Whereupon,

19 GORDON PURDY  
20 was recalled as a witness and, having been previously  
21 duly sworn, was examined and testified as follows:

22 JUDGE BLOCH: Mr. Purdy, welcome to the  
23 hearing. I know you've been sworn several times in  
24 this proceeding. I am correct, aren't I?

25 THE WITNESS: Yes, sir.

12-2 1 JUDGE BLOCH: You continue to be sworn.  
2 You know your obligations, I'm sure.

3 MR. ROISMAN: Mr. Chairman, can we just  
4 have a clarification. Which attorney will be repre-  
5 senting the Applicant in raising objection and doing  
6 redirect?

7 MR. DOWNEY: I will.

8 MR. ROISMAN: Will Mr. Jordan be also  
9 allowed to raise independent objections and do  
10 independent redirect?

11 MR. DOWNEY: Not --

12 JUDGE BLOCH: What is Mr. Jordan's  
13 position?

14 MR. JORDAN: Your Honor, if we may address  
15 that, since Mr. Purdy is not a party formally to these  
16 proceedings, we do not view it as our role to raise  
17 evidentiary-type objections.

18 We would like to reserve the right to  
19 argue nonevidentiary objections, which might arise  
20 during the course of this testimony.

21 JUDGE BLOCH: I take it those objections  
22 would relate to his personal reputation; is that the  
23 idea?

24 MR. JORDAN: His personal reputation, the  
25 attorney-client privilege, things of that nature.

1 JUDGE BLOCH: Okay. It's his personal  
2 rights, though? Solely?

3 MR. JORDAN: We are here representing Mr.  
4 Purdy individually. However, as I think the Board has  
5 perhaps guessed, Mr. McNeil and I are with the law  
6 firm that has a client relationship with Brown &  
7 Root, Mr. Purdy's employer.

8 Mr. Purdy, from time to time, has consulted  
9 with lawyers in our firm in his role as a Brown & Root  
10 manager.

11 And while we do not expect the issue to  
12 arise in his testimony today, it's conceivable that  
13 there might be an issue of attorney-client privilege  
14 come up, with respect to Mr. Purdy's role as a  
15 Brown & Root manager.

16 In that one limited instance, we reserve  
17 the right for that as well.

18 JUDGE BLOCH: Okay. On that understanding  
19 we won't rule in advance on what's going to happen.

20 MR. ROISMAN: Mr. Chairman, I feel  
21 obligated to state as a member of the bar that I  
22 believe there is a conflict of interest in this  
23 representation by counsel.

24 I state that under my obligation as a  
25 member of the bar to bring those matters out. I don't

12-4 1 intend to take any action based on it, but I believe  
2 that there is a conflict.

3 MR. JORDAN: Your Honor, we have assured  
4 ourselves that there is no conflict of interest.  
5 However, if it would put the Board's mind at ease,  
6 we have also advised Mr. Purdy and every other  
7 Brown & Root witness that we will represent in this  
8 proceeding that if at any time in the future it comes  
9 to our attention that there may be a conceivable  
10 conflict of interest between themselves and Brown &  
11 Root, we will ask for a recess and bring that to their  
12 attention immediately.

13 JUDGE BLOCH: Thank you.

14 Please proceed, Mr. Roisman.

15 JUDGE GROSSMAN: Have you also advised  
16 them that they're not obligated to have you as their  
17 representative?

18 MR. JORDAN: Yes, sir, Judge Grossman.  
19 It's at their election that we're here.

20 CROSS-EXAMINATION

21 BY MR. ROISMAN:

22 Q Mr. Purdy, I'd like to direct your  
23 attention to page 41,283 of your testimony, if you'll  
24 get a copy of that in front of you from counsel --  
25 I'm sorry. I didn't see you didn't have it.

12-5  
1 JUDGE BLOCH: Mr. Downey, I regret that  
2 our numbering on this document is a little better  
3 than one of the others, but not very good.

4 41,283 is not numbered. About how far  
5 in is that? Five or six pages?

6 MR. ROISMAN: It's very early, maybe the  
7 first 25 pages.

8 MR. DOWNEY: Probably about the eighth or  
9 ninth page.

10 The first line commences with "The  
11 design."

12 JUDGE BLOCH: The first line of the  
13 answer?

14 MR. DOWNEY: The first words of the first  
15 line on the page.

16 JUDGE BLOCH: Thank you.

17 BY MR. ROISMAN:

18 Q Mr. Purdy, with reference particularly  
19 to your answer to the question that begins on line 6,  
20 isn't it true that although there are many different  
21 documents that the Applicants used to identify  
22 nonconforming conditions, there are, in fact, different  
23 procedures used for dispositioning items that are  
24 identified on those different documents?

25 A Not within the ASME organization, sir.

12-6 1 Q In the ASME organization every single  
2 type of document used for identifying the nonconform-  
3 ing condition is dispositioned in exactly the same  
4 way?

5 A I'm not sure I understand "dispositioned  
6 the same way."

7 Q Let me -- For instance, are they all  
8 trended in exactly the same way?

9 A Yes, sir.

10 Q Are they all dispositioned by having the  
11 same level of technical review conducted on them?

12 A No, sir, they are not.

13 MR. DOWNEY: Excuse me. I don't believe  
14 the witness' microphone is on.

15 BY MR. ROISMAN:

16 Q All right, Mr. Purdy, I'd now like to have  
17 you turn to page 41,286. You have made a statement  
18 there that -- in essence, at the bottom of -286 and  
19 the top of -287 -- that the QE organization insures  
20 that information provided to field inspection  
21 personnel is clear and concise and does not require  
22 subjective evaluation.

23 Is it your testimony that with respect  
24 to all of the inspections done by the persons under  
25 your supervision that there are no subjective



12-7  
1 evaluations required?

2 A Are you saying that the QA procedures or  
3 instructions that dictate the methodology and the  
4 acceptance of ASME-related activities are either  
5 very quantitative in nature, so that it is a pure  
6 objective evaluation by the inspector, or it is  
7 qualitative to the point that the methodology of  
8 which -- or by which that evaluation is to be made,  
9 can be made by the inspector.

10 Q Let's talk about the second one. Can you  
11 give me an example of that type of a qualitative  
12 evaluation?

13 A May I give you a comparison which may  
14 help?

15 Q Yes.

16 A If part of the acceptance criteria  
17 of an ASME procedure is relative to undercut on a  
18 weld, that would very specifically define the permitted  
19 latitudes of undercut on any given weld, if -- as  
20 in our procedures are prefaced general workmanship,  
21 and it is the opinion of the inspector that it just  
22 represents shoddy workmanship, that is an evaluative  
23 mechanism that we would address.

24 Q Is it your testimony that there are some  
25 of that second type of items that the inspectors must

1 inspect, too, that are nonobjective?

2 A Relative to acceptance criteria, whether  
3 it be nondestructive examination or whether it be by  
4 visual inspection or configuration of a particular  
5 item, the criteria is established where we are  
6 concerned with things like general handling require-  
7 ments, cleanliness -- general cleanliness, not  
8 cleanliness of the weld area, where we are concerned  
9 with housekeeping, where we are concerned with  
10 general workmanship.

11 Those, to the best of my recollection, are  
12 the only type of subjective evaluations that we address  
13 in the procedures.

14 Q Well, is --

15 JUDGE BLOCH: Excuse me, Mr. Roisman.

16 But even on the objective ones, like  
17 porosity, for example -- I mean that's objective in  
18 the same sense that an umpire's call in a game would  
19 be. isn't it?

20 You know whether there's interference or  
21 not. But aren't there a lot of close calls, too?

22 THE WITNESS: The close calls would be  
23 in the methodology that was used to determine the  
24 degree or size of porosity or the area in which the  
25 porosity was actually involved.

1 Yes, there may be a close call, but the  
2 close call is relative to how that inspector does his  
3 measurements and evaluates what is defined as maximum  
4 porosity.

5 BY MR. ROISMAN:

6 Q All right. But, in other words, there is  
7 the possibility in these even objective criteria for  
8 reasonable minds to differ as to whether the criteria  
9 has or has not been met; is that true?

10 A If you're asking, is the criteria plus  
11 or minus a sixty-fourth of an inch, and it turns out  
12 to be one and a half hundred and twenty-eighths, yes.

13 Q Well, no, I don't only mean that, but  
14 that's a good example to look at.

15 If the criteria calls for a particular  
16 measurement and it says that there's supposed to be  
17 this much distance between two things, I take it in  
18 that instance -- assuming that everybody has got a  
19 properly calibrated ruler -- that reasonable minds  
20 should not be able to differ about whether it's half an  
21 inch between two things or more or less; is that  
22 correct?

23 A That's correct.

24 Q But that there are lots of other evaluations  
25 like the one that Judge Bloch referred to, like the

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1 extent of porosity in a weld or whether the weld  
2 problem is an undercut or is, in fact, a disassocia-  
3 tion between the weld and the pipe that requires some  
4 element of subjectivity where two people could look  
5 at it and come to different conclusions, and neither  
6 one would be inherently unreasonable; isn't that  
7 true?

8 A That's correct.

9 Q And what is it that you feel is the  
10 value of having the maximum number of these objective  
11 like our half-inch difference type criteria for  
12 inspection, as opposed to the more subjective type  
13 items in inspection?

14 A The advantage of having objective  
15 procedures and programs is that in defining  
16 specifically the latitudes of acceptability or  
17 rejectability, not only the inspector but the person-  
18 nel that they interface with are aware of what the  
19 inspector will be looking for -- what he will be  
20 inspecting that particular activity to.

21 The other distinct advantage is that it  
22 provides sufficient guidance to the inspector that  
23 if there is a difference of opinion relative to the  
24 acceptability of the item, the inspector himself  
25 is merely implementing procedures and programs that

1 we have approved; and, therefore, is not faced with  
2 the accusation of being subjective in his evaluations.

3 Q The accusation by whom?

4 A By anybody that would like to make it.

5 Q Are you thinking about --

6 A Whose work he's looking at or the  
7 supervisor -- the individual whose work he's looking  
8 at or the engineering organization or any organization  
9 that would choose to take exception to the inspector's  
10 decision.

11 Q Is it your opinion that as you reduce  
12 the number of those opportunities for disagreement  
13 because of the subjectivity and increase the number  
14 of objective tests, that you are reducing the  
15 opportunity for friction between the craft and the  
16 QC inspector?

17 A Yes, definitely.

18 Q Is it the policy of your organization that  
19 if the craft disagrees with the QC inspector they are  
20 not to raise that dispute with the QC inspector in  
21 any event?

22 A Let me make sure I understand your  
23 question, Mr. Roisman.

24 You're asking whether or not the craft --  
25 if an inspector is looking at an activity that he

12-12  
1 performed, disagrees with the inspector, that he  
2 is not permitted to raise the question?

3 Q That's my question to you. Is he  
4 supposed to say anything to the QC inspector if he  
5 believes that the inspector is finding a problem  
6 that the craft doesn't believe is there?

7 A We haven't placed a gag order on  
8 interpersonal relationships, no, sir.

9 Q When the inspector is told by the craft  
10 person, "I think there's a problem; you've measured  
11 it incorrectly," if the inspector believes that he  
12 is right, what is your understanding that the  
13 inspector is supposed to do vis-a-vis the interper-  
14 sonal relation with the craft person?

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1           A           It is our practice and policy, both on  
2 the construction side and the quality assurance side,  
3 that if an inspector and a craftsman do not agree  
4 on the results of an inspection, that it is to be  
5 immediately elevated to the next higher level of  
6 management to remove what is obviously a very  
7 differing personal opinion between the two individuals,  
8 or they would not have raised the question of  
9 acceptability anyway.

10           Q           But I'm trying to understand when that  
11 obligation comes into play. You've said that it  
12 doesn't come into play in a way that keeps the  
13 craft from saying in an appropriate manner to the  
14 inspector, "I think you're wrong."

15                       Does it come into play before the  
16 inspector is allowed to say that to the craft, "I  
17 think I'm right"?

18           A           No, sir.

19           Q           Can the craft respond to the inspector?

20           A           There is no predefined point at how many  
21 times the inspector and the craftsman can communicate,  
22 because one of the most valuable assets on a project  
23 is for the craftsman and the inspector to communicate  
24 as long as it's in an arena -- or in an environment  
25 of satisfactorily completing the job and getting an

1 acceptable inspection.

12-14  
2 If it gets to the point that the  
3 inspector feels that he is not going to be able to  
4 resolve that question, then he goes to his lead -- or  
5 the next higher level of supervision.

6 Q What about the craftsman? Is that  
7 equally true, if the craftsman thinks he's not going  
8 to be able to resolve it; he, too, is supposed to go  
9 to his lead?

10 A That has been my experience, and that's  
11 the information that is transmitted to them, yes,  
12 sir.

13 Q So the instructions are the same to both  
14 sides: craft and QC, that when you reach the point  
15 where you think further discussion is not going to  
16 be fruitful, you're supposed to elevate it to your  
17 supervisory level?

18 A That's correct.

19 Q Is that what you would call an inherently  
20 subjective judgment on the part of the QC inspector  
21 and the craftsman as to when they should elevate the  
22 matter to their supervisor and when they should  
23 continue to discuss it between themselves?

24 A Would I call it subjective?

25 Q Is it a subjective judgment that they



12-15  
1 have to make to elevate, as opposed to continue to  
2 discuss it between themselves?

3 A. No. I think it's maturity and  
4 professionalism.

5 Q. Doesn't it involve a subjective judgment  
6 as to when you think you have reached that point?

7 A. Yes. If we're going to classify  
8 subjective versus objective, yes, it would.

9 Q. And if I understand your prior testimony  
10 then on the matter of inspections, the very determina-  
11 tion of whether or not the conversation has become  
12 fruitless has that potential for the subjectivity  
13 built into it that you've made an effort to  
14 eliminate from the inspection itself; isn't that  
15 true?

16 A. We have made an effort to eliminate  
17 from the procedures acceptance or rejection criteria  
18 which is left solely to the discretion of the  
19 inspection.

20 You can't proceduralize common sense.

21 Q. But you could, for instance, indicate to  
22 both sides that they have one chance to state their  
23 position and then elevate it and turn it into a  
24 more objective standard; correct?

25 Craft can once say what they think. An

12-16 1 inspector can once say what he thinks or she thinks,  
2 and then if the two sides are not in agreement, they  
3 go up. You could have done that, couldn't you?

4 A I could have; I didn't find it necessary.

5 Q I understand.

6 JUDGE BLOCH: Mr. Purdy, something you  
7 said struck me as new. I wondered if you meant it,  
8 or you said it because you were just getting  
9 started in the hearing.

10 Does the QC inspector who's doing an  
11 inspection report have the option that when the craft  
12 person says, "That's not unsatisfactory," and he  
13 thinks it's satisfactory -- excuse me, the other  
14 way.

15 The craft person says that it is  
16 satisfactory, and the QC inspector thinks it's  
17 unsat. Can he just check it off on his form; he  
18 doesn't have to go to the supervisor, does he?

19 THE WITNESS: I'm sorry, Judge Bloch;  
20 I'm not sure I understood.

21 JUDGE BLOCH: I thought you said that  
22 whenever the craft person disagreed about a call that  
23 the inspector was making -- or wanted to make, that  
24 they'd have to elevate to their supervisor, which  
25 suggested to me that he couldn't just check off

12-17 1 unsat and forget about it.

2 THE WITNESS: No, sir, that's not  
3 correct. He can't definitely indicate unsat on his  
4 inspection report.

5 No, he doesn't have to elevate his unsat  
6 evaluation to the supervisor.

7 JUDGE BLOCH: I think you said that, and  
8 I didn't think you meant to say that.

9 What he elevates, I take it -- is if  
10 there's an argument, he can elevate that. They don't  
11 keep yelling at each other.

12 THE WITNESS: That's correct. He elevates  
13 a dispute, not a finding.

14 JUDGE BLOCH: Okay. But he has the right  
15 to make his finding without his supervisor backing  
16 him up?

17 THE WITNESS: Most unequivocally, yes,  
18 sir.

19 BY MR. ROISMAN:

20 Q Well, to follow up on that, Mr. Purdy,  
21 if the inspector believes he's right, and the QC  
22 says, "I think you're wrong," the inspector can not  
23 only check off unsat, but can never go to his  
24 supervisor with it?

25 There's no obligation on him to go to his

1 supervisor because the craft person believes he's  
2 right, and the QC inspector believes that craft is  
3 wrong; is that correct?

4 A. There is no obligation for him to have  
5 that elevated. He can do that, yes.

6 Q. Now, looking at page 41,297, you have  
7 indicated in lines 8 to 12 that you did not find  
8 certain disputes that you've testified before  
9 created an environment of harassment and intima-  
10 tion.

11 Would you indicate what you meant by the  
12 phrase, "environment of harassment and intimidation"?

13 MR. DOWNEY: If Mr. Purdy would like, I  
14 would like to remind him that he has an opportunity  
15 to go back and look at the testimony about which he  
16 was testifying on page 41,297.

17 JUDGE BLOCH: Sure. Please familiarize  
18 yourself with the area of the transcript so you know  
19 what you were saying.

20 (Pause.)

21 THE WITNESS: Thank you. I'm a slow  
22 reader.

23 What I meant when I said that it -- I  
24 did not find an environment of harassment or  
25 intimidation was that it didn't appear to me that

12-19  
1 there was open hostilities or open interactions  
2 between construction and the QC personnel when I was  
3 trying to investigate that particular status or  
4 condition of the project, that I don't find the  
5 disputes to be abnormal.

6 Whenever you have two people trying to  
7 come to a common decision, you're liable to have a  
8 dispute. But that I did not see a situation where  
9 there was less than an acceptable working relationship  
10 between construction and the QC personnel on the  
11 site, or that anything that had occurred would have  
12 deterred QC from performing their function.

13 BY MR. ROISMAN:

14 Q You're speaking of the time frame when  
15 you first came to the site and began to evaluate --  
16 in effect -- your personnel and the site situation?

17 A Yes, sir, that's correct.

18 Q And when was that?

19 A I first came to the site in November of  
20 1981.

21 Q Now, if at that time -- hypothetically now,  
22 but if at that time, the QC inspectors had already  
23 been subjected to an environment of harassment and  
24 intimidation that had worked its unfortunate results  
25 and they now were quiescent out of fear, the absence

1 of disputes -- open hostility I think is what you  
2 used -- would not necessarily be evidence that you did  
3 not have a harassed and intimidated QC work force,  
4 would it?

5 A The personnel that were assigned to  
6 Comanche Peak when I first assumed the position in  
7 many circumstances were personnel that I had known  
8 in the past and who had worked for me -- for example,  
9 in Houston, were people that I was personally  
10 familiar with.

11 And if they had felt that they had been  
12 subjected to continuing points of harassment  
13 internally or externally, there is no doubt in my  
14 mind that many of those people would have made that  
15 known to me.

16 Q I believe your testimony was that there  
17 was some 350 to 400 people in the department that you  
18 became the head of when you came to the site.  
19 Approximately how many of those were known to you  
20 personally before you got there, of course?

21 A I'm not sure I can come up with a number,  
22 Mr. Roisman. The QC manager at the time had worked  
23 for him in Houston. I had been associated with most  
24 of the people in the nondestructive examination  
25 area before. I was assigned to the site for routine

12-21 1 interfaces, which I was required to do as part of  
2 my responsibility as corporate quality engineering  
3 manager.

4 I would say that of the personnel on site,  
5 maybe five percent of the personnel -- predominantly  
6 associated within the ASME arena that I would have  
7 been familiar with.

8 Q All right. I'm talking about the 350 to  
9 400. So what you're talking about is perhaps five  
10 percent, roughly, of those might have been people who  
11 you had prior contact with?

12 A Probably five percent of maybe 250.

13 Q Okay. Were most of those at the time that  
14 you reached the site in 1981 in supervisory levels  
15 or at the -- I don't know what you call it -- line  
16 inspector level? Is that a good term to use?

17 A Most of the personnel would have been in  
18 supervisor lead quality engineering positions with  
19 the exception of the first line inspection in the  
20 NDE program that I interface with.

21 Q In your experience as a manager in all of  
22 your jobs, have you ever observed an environment  
23 which you would have called an environment of harass-  
24 ment and intimidation?

25 A Probably the only example I can give is

21-22

1 when I was in the Navy on a tender, and the master  
2 of the arms force had a tendency to very definitely  
3 harass the sailors, but I'm afraid I can't come up  
4 with anything in the civilian arena, sir.

5 Q I was in the military, too. I understand  
6 that graphic.

7 But for the record, would you describe  
8 what was it about that conduct, as you remember it,  
9 that would make you now think that that was a  
10 harassing and intimidating environment?

11 MR. DOWNEY: May I ask the witness? It  
12 was when you were on a tender, was that right? I  
13 didn't hear that.

14 THE WITNESS: Yes.

15 MR. DOWNEY: I didn't hear the description  
16 of the environment which Mr. Purdy found offensive.

17 THE WITNESS: Tender.

18 It was a situation in which management  
19 and supervision would rule by dictum and precedent  
20 and not necessarily through knowledge or conveying to  
21 the people why the rules were necessary.

22 BY MR. ROISMAN:

23 Q And I think you mentioned a master. Was  
24 it basically a single person on the tender?

25 A No, no. The master at arms force -- that's



12-23

1 an organization. It's a police organization.

2 Q And you were part of that organization, or  
3 they had you under their supervision?

4 A No, they didn't have me under their  
5 supervision. I was the senior man down in the  
6 enlisted division of the tender.

7 JUDGE BLOCH: Off the record.

8 (Discussion off the record.)

9 JUDGE BLOCH: Back on the record.

10 MR. DOWNEY: May I ask -- assuming we  
11 can all understand the story, was this a police  
12 organization and the sailors; is that right?

13 THE WITNESS: Maybe I can amplify a  
14 little.

15 JUDGE BLOCH: Start over. I'm sure that  
16 Mr. Purdy is very good at this story.

17 THE WITNESS: A submarine-repair  
18 tender, which I was on, has probably the same  
19 population as the average nuclear construction site.

20 There are rules and criteria by which  
21 individuals are expected to perform and by which to  
22 behave themselves. And to insure that they do that,  
23 the large surface vessel will have its own master at  
24 arms force, the purpose of which is to make sure  
25 everybody stays in a straight line when they're in the

12-24

1 chow line and wears the proper uniform.

2 It was the tendency of that type of an  
3 organization to tell a young man or a young woman at  
4 the time to provide them with the direction to do  
5 something with the basic assumption that they didn't  
6 have to explain why.

7 That creates in many people an aura of  
8 resentment, rebellion, because the average individual  
9 is certainly not stupid, but would like to understand  
10 why they are being told to do something.

11 That creates natural conflict between  
12 personnel on a vessel and the master at arms force.

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13-1

1 BY MR. ROISMAN:

2 Q As I remember from my time in the Navy,  
3 if you were given an order by someone who had some  
4 authority over you, should you ask for an explanation,  
5 that in itself might get you into trouble.

6 Was that the situation that you found on  
7 the tender?

8 A In some instances it very well could have  
9 been, yes, sir.

10 Q So that it was not only that there might  
11 be a verbal dispute over what the reason was, why should I  
12 do that, but you might even get in trouble for asking the  
13 question; is that what you're saying?

14 A That is distinctly possible, yes.

15 Q And was there any element of physical  
16 violence associated with the harassment-intimidation  
17 environment that you observed there?

18 A Not that I recall.

19 Q Mr. Purdy, I'd like to have you turn now  
20 to Page 41316 of your testimony, and look at the first  
21 line of the answer, the situation was discussed -- I'm  
22 sorry, the first line -- Line 15, the situation was  
23 discussed with the personnel who were involved.

24 Could you tell me with whom was it  
25 discussed? Who did you mean to include by that statement?

13-2 1 MR. DOWNEY: Again I'd ask that Mr. Furdy  
2 take as much time as he needs to read the context of his  
3 testimony.

4 THE WITNESS: There was discussion with  
5 Mr. Greg Bennetzen and Mr. Bill Darby.

6 BY MR. ROISMAN:

7 Q Now, when you say the situation was  
8 discussed with the personnel who were involved, when was  
9 it discussed?

10 A I have a horrible memory on dates.

11 Q I'm not asking for a date.

12 A It was discussed after I became aware that  
13 there was a concern or an allegation of impropriety of  
14 events, sir.

15 Q So was it after Miss Gregory's concern  
16 came to your attention?

17 A Yes, that's the first time I was aware  
18 of it.

19 Q And did you discuss it only one time with  
20 the personnel involved?

21 A That's correct.

22 Q And could you tell us about that dis-  
23 cussion, please?

24 A I asked Mr. Bennetzen if he could recall  
25 the situation, and as I recall, he recalled the situation,

13-3

1 and indicated that the package had come back from the  
2 authorized vehicular inspection agency with the QES  
3 review sheet and that he had asked Bill Darby to fill  
4 out a QES review sheet.

5 I asked Mr. Darby subsequently if in  
6 asking -- or Mr. Bennetzen asking him to do that, if he  
7 felt that it was unacceptable to do that or if he felt  
8 that he had no choice in doing that, and Mr. Darby  
9 indicated to me that he did not feel pressured into doing  
10 that at all.

11 Q Did you talk to Mr. Bennetzen and Mr. Darby  
12 at the same time or two different times?

13 A No, two different times.

14 Q Before you talked to any of them, if you  
15 can -- it's always difficult when these things are ongoing  
16 knowledge, but if you can remember, what did you think was  
17 the allegation that had been made before you talked to  
18 either of them, just on the basis of what you had that  
19 made you decide to talk to one of them?

20 A It appeared that there was a concern that  
21 the documentation package had gone over to the authorized  
22 inspection agency without proper review by the quality  
23 engineering systems group or by the documentation review  
24 personnel, and that it had been received back without the  
25 document that indicated that review had been made.

13-4

1 Q Now, when you learned that, I take it  
2 you already knew what you have testified to in the  
3 subsequent pages regarding the nature of the review  
4 process from the time a document leaves the QES review  
5 group to go to ANI, is that correct?

6 A That's correct.

7 Q So then you knew that ANI, according to  
8 procedures, would not have received it if the QES review  
9 sheet had not been on there, is that correct?

10 A That's correct.

11 Q And that if it had not been on there, they  
12 would have not done the inspection and sent it back with  
13 their signature on it, isn't that correct?

14 A They would have sent it back without their  
15 signature.

16 Q Yes. That's right.

17 A Yes.

18 Q Knowing that, why did you feel it was  
19 necessary to talk to anybody about it?

20 A The concern that was expressed by Miss  
21 Gregory, or knowing Miss Gregory, I wanted to investigate  
22 whether there was something other than the normal  
23 processing of the documentation involved and to see whether  
24 or not there was a necessity of amplifying or verifying  
25 the actual processing of that documentation.

13-5

1 Q Did you understand at the time that --  
2 before you had met with either Mr. Bennetzen or Mr. Darby  
3 that Miss Gregory was claiming that Mr. Bennetzen had  
4 pressured Mr. Darby to do something that Mr. Darby,  
5 according to procedures, should not have done? Did you  
6 have that understanding?

7 A No, not really.

8 Q I'm sorry. I didn't hear you.

9 A No, sir, I did not.

10 Q Do you have that understanding at this  
11 time that you believe that is what Miss Gregory was saying?

12 A I believed that Miss Gregory, in all  
13 sincerity, made her concern known because she was afraid  
14 Mr. Darby was being asked to do something that she didn't  
15 feel that he should have, or that Mr. Bennetzen was making  
16 Mr. Darby do, yes.

17 Q When did you learn that that was her  
18 concern?

19 A When did I learn it was her concern?

20 Q Yes. Did you learn that after you had  
21 the conversation -- did you learn that during the conver-  
22 sation with Mr. Bennetzen?

23 A No.

24 Q Did you learn that during the conversation  
25 with Mr. Darby?

13-6

1           A           No. I learned that by becoming familiar  
2 with the allegation and understanding, or what I felt  
3 understanding of Miss Gregory's comments and concerns  
4 would have been.

5           Q           I just want to make sure that we don't  
6 have confusion. It's my understanding, then, that you  
7 testified that before you met with Mr. Bennetzen or  
8 Mr. Darby your understanding of the event did not include  
9 that there was an allegation that Mr. Darby had been  
10 forced to do something that he did not wish to do and  
11 that Mr. Bennetzen was the one who forced him to do it.  
12 Am I remembering correctly what you testified?

13          A           What I'm saying is that the allegation of  
14 signing the particular document, or filling out the  
15 document after it was returned from the ANI, first came  
16 to my knowledge when I became aware of Miss Gregory's  
17 concern, and that when I became aware of Miss Gregory's  
18 concern, knowing that it was not a documentation problem,  
19 I perceived it had to be a concern of something other than  
20 the documentation.

21                       So I discussed it, did Mr. Darby feel in  
22 fact that he had to fill it out.

23          Q           But at that time you asked that of  
24 Mr. Darby, what did you know that would make you have  
25 reason to believe that anybody was claiming Mr. Darby was



13-7

1 being forced to sign something?

2 A I approached that particular discussion  
3 with Mr. Darby and Mr. Bennetzen much like I have had to  
4 approach many investigations relative to concerns. I  
5 wasn't sure of what was being implied by it.

6 Q Well, did Mr. Bennetzen think that anybody  
7 was saying that he had pressured Mr. Darby to do some-  
8 thing?

9 A I'm not sure what Mr. Bennetzen thought.

10 Q Well, based upon what he told you. I'm  
11 sorry. Based upon the conversation you had with him,  
12 did he tell you anything that made you believe that he  
13 thought someone was claiming that he was pressuring  
14 Mr. Darby to do something?

15 A What he told me was he told Mr. Darby to  
16 fill out the AES review sheet, and when I discussed it  
17 with Mr. Darby I asked him, in Mr. Bennetzen asking you  
18 to fill out the QES review sheet did you feel you had no  
19 option.

20 Q And what did Mr. Darby tell you?

21 A He said no, he did not feel that he was  
22 doing anything improper at all or that Mr. Bennetzen was  
23 giving him no option.

24 Q But in fact, if I understand your testimony,  
25 Mr. Darby didn't have any options, did he?

13-8

1 A Sure he did.

2 Q He could refuse to fill out a QES review  
3 sheet where there was absolutely no reason why he  
4 shouldn't have filled it out?

5 A People can refuse to do anything.

6 Q And that would have had no consequence  
7 to him in his job?

8 A No.

9 Q I'm sorry.

10 A No, certainly not. Why would it?

11 Q Well, if I were testifying I'd give you  
12 an answer, but the Board would object and I'm not going to,  
13 but let me ask you, if people who work for you refuse to  
14 do the things that they are asked to do, isn't that a  
15 factor that you take into account in deciding whether to  
16 keep them in your employment or to discharge them?

17 A People refusing to do their assigned tasks,  
18 if they understand those assigned tasks, is definitely a  
19 consideration. If you don't understand what you're being  
20 asked to do, refusing to do that certainly isn't grounds  
21 for termination or disciplinary actions, it's grounds for  
22 trying to make sure that they understand what they're  
23 doing.

24 Q But we're here discussing whether or not  
25 Mr. Darby had any option but to fill out this QES review

13-9 1 sheet, isn't that correct?

2 A If Mr. Darby felt uncomfortable about  
3 filling out the QES review sheet or felt that he was  
4 doing something improper, yes, he did have an option,  
5 he did not have to fill it out.

6 Mr. Bennetzen doesn't terminate personnel  
7 nor discipline them. I do.

8 Q I understand that, but Mr. Bennetzen comes  
9 to you and tells you that he thinks someone ought to be  
10 terminated, I take it that carries a little bit of weight  
11 with you, doesn't it?

12 A Supervisory input is always necessary,  
13 yes, sir.

14 Q All right. So let's go back to our event.  
15 Isn't it your testimony here that very clearly if the ANI  
16 had already reviewed the documentation, then there was no  
17 reasonable basis to question the propriety of filling out  
18 the QES review sheet subsequent to the ANI review, isn't  
19 that your testimony today just on the merits of this  
20 concern?

21 A Yes, sir, on the merits of the concern  
22 the documentation was acceptable.

23 Q All right. And if Mr. Darby had not  
24 understood that, then wouldn't that at least have raised  
25 the question about Mr. Darby's competence to do his work,

13-10

1 since he should have known that as a QES reviewer?

2 MR. DOWNEY: Objection. There's no  
3 indication that Mr. Darby didn't know that. In fact,  
4 his testimony is to the contrary. It's argumentative.

5 JUDGE BLOCH: The question is permitted.

6 THE WITNESS: What Mr. Darby knew was that  
7 there was nothing wrong with the documentation and the QES  
8 review sheet was made out for the permanent plant records  
9 vault acceptance.

10 BY MR. ROISMAN:

11 Q I want to go back to my question. It seems  
12 to me that what you're saying, although you're not willing  
13 to adopt the words that I would like you to adopt in saying  
14 it, is that Mr. Darby either didn't know procedure or had  
15 to fill out the QES review sheet when asked by Mr. Bennetzen,  
16 that the only excuse he could have for not filling it out  
17 was if he were to have said to Mr. Bennetzen, I don't  
18 understand why this is proper to do, and that your testimony  
19 is that that wouldn't have been an appropriate thing for him  
20 to say because that would have showed he wasn't well  
21 trained, isn't that correct?

22 MR. DOWNEY: Objection. I don't think  
23 that's a --

24 JUDGE BLOCH: It's permissible cross.

25 THE WITNESS: Mr. Darby, in making out the

13-11

1 document review form, indicated to me that he understood  
2 that the documentation was acceptable.

3 If he had refused to fill out the document  
4 review form because he thought it was unacceptable, then  
5 yes, he probably would not have understood the process.

6 BY MR. ROISMAN:

7 Q And if he didn't understand the process,  
8 that would reflect badly on his performance in his job,  
9 isn't that true?

10 A I think it would probably reflect more  
11 poorly on our ability to train and explain processes to  
12 our personnel.

13 Q Did you believe at that time that the  
14 personnel in the QES review function had been properly  
15 trained?

16 A Yes, sir, I did.

17 Q And wasn't Mr. Bill Darby one of those who  
18 conducted the training session to bring in the N-5 review  
19 statusers into the QES review function?

20 A Yes, sir, it was.

21 Q So then it would have reflected on Mr. Darby  
22 rather poorly at that point if he had not known the answer  
23 to -- strike that -- would have reflected poorly on  
24 Mr. Darby if he had not known the procedure and realized  
25 that it was perfectly appropriate to fill out that QES

13-12

1 review sheet under the circumstances?

2 MR. DOWNEY: I don't believe -- I think  
3 Mr. Roisman missed a negative in his question. I think  
4 it's inconsistent.

5 JUDGE BLOCH: I didn't hear the miss. I  
6 think if the witness has trouble understanding it, just  
7 clarify your answer.

8 THE WITNESS: Good heavens. Let me  
9 recollect here just a minute.

10 I believe I said that if Mr. Darby had  
11 refused to fill out the QES review sheet, then it would  
12 be possible for two things to have been involved, either  
13 he did not understand the process that he was trained or  
14 that he was involved in, including providing some of the  
15 training on that process, and this may have reflected  
16 poorly on his knowledge, or he had questions about the  
17 original review of the documentation by the documentation  
18 personnel.

19 BY MR. ROISMAN:

20 Q But those are questions which you've  
21 testified to here couldn't reasonably exist, given the  
22 procedures in place at that time, isn't that true?

23 A I believe that's correct.

24 Q Did you have any further discussions with  
25 either Mr. Darby or Mr. Bennetzen about this particular

13-13

1 event before you made up your mind as to whether the  
2 allegations that had been were proper or not, other than  
3 the two that you've testified about here?

4 A No, sir, I don't think so. Not that I  
5 recall.

6 Q Turning to Page 41317 of your testimony,  
7 down at Line 20, you indicate that the conversations that  
8 you had with Bill Darby did not indicate that Mr. Darby  
9 felt in any way harassed or intimidated by Mr. Bennetzen,  
10 is that correct?

11 A Yes, sir.

12 Q How did you go about finding out whether  
13 he did or did not feel harassed and intimidated by  
14 Mr. Bennetzen?

15 A I asked him.

16 Q And were you confident if he had felt  
17 harassed and intimidated by his supervisor that he would  
18 have frankly told you that?

19 A Yes, sir.

20 Q Even if he felt that Mr. Bennetzen would  
21 categorically deny it?

22 A I believe that if Mr. Darby had any  
23 concerns of that nature he would have related them to me,  
24 yes, sir.

25 Q Do you think that Mr. Darby would have

13-14

1       communicated to you if he felt that he had no option but to  
2       fill it out, whether it was because of, quote, harassment  
3       and intimidation or something else?

4               A.       Yes, sir.

5               Q.       And what questions did you ask him that  
6       were designed to elicit that answer, namely, did you feel  
7       that you had no option?

8               A.       I asked him very candidly if he felt that  
9       he was being pressured into signing off the QES review  
10       sheet.

11              Q.       And what did he tell you?

12              A.       No.

13              Q.       And did you try to explore with him, say,  
14       well, did you feel that if you refused it that it would  
15       reflect badly on your knowledge of QES review procedures  
16       or anything like that?

17              A.       No, sir.

18              Q.       Did you ask him whether he even contemplated  
19       what might happen if he wouldn't sign it off?

20              A.       No. I asked him exactly what I said.

21              Q.       And nothing else?

22              A.       And nothing else.

23              Q.       On Page 41318 at Lines 11 and 12, and again  
24       on Page 41321 -- excuse me -- at Lines 11 and 12, you make  
25       the statement to the effect that obviously --



13-15

1 JUDGE BLOCH: Well, you've got two half  
2 sentences there, is that --

3 MR. ROISMAN: Yes. What I'm referring to  
4 is the portion of the sentence in which he said that the  
5 QES review sheet had obviously been there, and then later  
6 on 41321 it was obviously reviewed by QA before it went  
7 over to ANI.

8 BY MR. ROISMAN:

9 Q Do you see those two statements?

10 A Yes, sir.

11 Q Now, I take it that that is not based upon  
12 a conversation with the ANI reviewer, is that correct?

13 A The fact --

14 Q That obviously --

15 A -- that they would not accept it back?

16 Q No, the fact that it had obviously been  
17 reviewed by QA on the one hand and that the QES review  
18 sheet obviously had been in there when it went to ANI,  
19 that was not based upon some conversation that you had  
20 with the ANI person who had reviewed this package, was it?

21 A No, sir. It was based on the fact that the  
22 ANI had signed a process control document.

23 Q And if the ANI person who had signed the  
24 process control document had felt that when he reviewed it  
25 the absence of the QES review sheet should not be raised,

13-16

1 for whatever the reason, then it wouldn't obviously be  
2 the case that the QES review sheet was on there when the  
3 ANI reviewer got it, would it?

4 A. If you're asking me if the ANI did not do  
5 his job, it would not be obvious. Is that what you're  
6 asking me?

7 Q. Yes.

8 A. Yes, it would not have been obvious.

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e  
1 Q On Page 41321 between Lines 18 and 20  
2 you were asked a leading question (I'll note for  
3 the record), and you answer it --

4 MR. DOWNEY: I'll stipulate that's  
5 a leading question.

6 MR. ROISMAN: Thank you.

7 BY MR. ROISMAN:

8 Q You answer and indicate that Mr. Darby  
9 had performed a review; do you see that reference?

10 A Yes, sir.

11 Q Okay. Now, what did he perform?

12 A What he performed was a tabulation of  
13 the documentation that was in that process control  
14 document.

15 He did not review each individual  
16 document.

17 Q If this had been the first instance,  
18 assuming that this was being reviewed by the QES  
19 reviewer for the first time -- it's not been sent to  
20 ANI -- what would the difference have been in the kind  
21 of review that he would have done?

22 A He would have reviewed the documentation  
23 in accordance with our QA procedure to be sure that  
24 it was complete, legible and contained the necessary  
25 entries.

8-2  
1 Q Can you give me any idea roughly how  
2 long you think that would have taken for this  
3 particular document to have done it from scratch?

4 A Based on familiarity with that type of  
5 document and knowledge of the procedure, probably 15  
6 to 20 minutes.

7 Q And if he had --

8 JUDGE BLOCH: I assume that you make  
9 that statement because you believe that it was a  
10 complete package.

11 If there were problems, it could take  
12 much longer, couldn't it?

13 THE WITNESS: Yes, sir.

14 BY MR. ROISMAN:

15 Q What do you understand the ANI reviewer  
16 does with that package after it reaches the ANI  
17 reviewer, contrasting it to the two types of  
18 reviews here that we just discussed Mr. Darby doing?

19 A The question was what does the ANI  
20 do with it relative to the review?

21 Q Uh-huh. Just contrast it, if it's  
22 relevant to contrast it, to the two things that  
23 Mr. Darby might have done.

24 A The ANI will provide what is almost  
25 a redundant review of the documentation that goes to

1 the ANI.

2 Q Would the ANI have done the 15 to 20  
3 minute review? Is that what you are saying?

4 A The ANI will review the documentation  
5 package to the extent that he feels it is necessary  
6 to insure the acceptability of the installation.

7 A very simple traveler or travel  
8 package sent over by someone that they have a high  
9 degree of confidence in, based on their previous  
10 review processes, maybe it would take the ANI two  
11 minutes, maybe five minutes to review the package  
12 to make sure that it was acceptable to ASME.

13 I have seen packages with the ANI  
14 take a very long time because they will delve into  
15 it in much greater detail than our personnel will  
16 because they will go back to the beginning where we  
17 have used in many instances a sequential certification  
18 or verification process.

19 Q I guess what I would like to know is  
20 what items in a normal ANI review -- strike that.  
21 Let me get a predicate question.

22 Did you ever find a particular document  
23 that was the subject of this discussion between  
24 Mr. Bennetzen and Mr. Darby?

25 A Did I ever find it personally?

8-4

1 Q Yes.

2 A No, I never looked for it, not that I  
3 recall.

4 Q So you have never actually seen it?

5 A No, sir.

6 Q And did Mr. Bennetzen and Mr. Darby  
7 have a sufficient recollection of the event that they  
8 could describe it to you in general terms? Did they  
9 remember anything about it?

10 A They described to me the sequence,  
11 but as I recall, it was a flange traveler package;  
12 but that was the extent to which the description  
13 went.

14 Q You will have to help me here. Is  
15 there some reasonable bound that you can put on your  
16 normal flange traveler package so that we can  
17 decide whether we are talking about a 400-page document  
18 or a 10-page document?

19 A A flange traveler package will normally  
20 consist of the operations traveler that installs the  
21 document; may --

22 JUDGE BLOCH: I'm sorry. You said the  
23 operations traveler that installs the documents?

24 THE WITNESS: The direction for the  
25 installation of it.

1 JUDGE BLOCH: Of the document?

2 THE WITNESS: I'm sorry. The installa-  
3 tion of the flange. I'm sorry.

4 This will be a traveler that maybe is  
5 typically eleven processes. As far as the receipt of  
6 the material, obtaining proper bolting material,  
7 torquing of the unit, making sure it is clean  
8 before it goes together, proper gasket goes into it.

9 It may very well contain the material  
10 requisitioned and supplied to the warehouse; if  
11 additional bolting material is requisitioned, to  
12 insure that it's proper material.

13 It may provide in the package a --  
14 probably the simplest traveler -- I'm trying to come  
15 up with the most number of pages. You probably are  
16 only talking about two or three pages in the traveler  
17 package.

18 BY MR. ROISMAN:

19 Q Tell me now so that -- it is a fairly  
20 standardized document, if it was a flange traveler,  
21 and we could talk about it and be relatively  
22 confident that what you are saying about flange  
23 travelers in general was probably true about this  
24 flange traveler.

25 Tell me then, talking about flange

8-6 1 travelers in general, what is one of the things that  
2 a full and proper QES review would look at that the  
3 ANI would not look at.

4 A I can't tell you that because I don't  
5 dictate what the ANI looks at.

6 The ANI, for example -- we may look  
7 to insure that the material requisitioned for  
8 bolting material provides acceptable traceability  
9 and documentation of the material.

10 The ANI may go back and pull the  
11 material certification to look at the material  
12 verification by the vendor of that particular  
13 material. We have already done that.

14 So my five-minute review of a flange  
15 traveler may be with the ANI 20 minutes if he wants  
16 to go back and look at who we purchased it from and  
17 whether or not we verified material acceptability.

18 Q Is there a minimum amount of review  
19 that the ANI does?

20 A The ANI minimum review is that  
21 review which he considers necessary to assure the  
22 acceptable fabrication and installation of the item.

23 Q That gives me a description of its  
24 function, but it doesn't tell me how much review  
25 they have to undertake to convince themselves that



0-7 1 the function has occurred.

2 Do you have any knowledge of that?

3 A There is no doubt in my mind that the  
4 ANI goes back to insure that the fabrication and  
5 installation is satisfactory.

6 JUDGE BLOCH: I'm not sure, but I  
7 thought you said before that sometimes he would make  
8 a rather fast review and sometimes he would make a  
9 very thorough review, that it wasn't the same  
10 every time.

11 THE WITNESS: Yes, sir. There is  
12 nothing, to the best of my knowledge, written down  
13 relative to what the Authorized Nuclear Inspection  
14 Agency looks at on any particular document.

15 JUDGE BLOCH: He's an oversight  
16 person and he does sort of a sampling job. He tries  
17 to make sure that everyone is living up to their  
18 obligations. Is that right?

19 THE WITNESS: In some instances, yes,  
20 sir. In the area of documentation review, the ANI  
21 has, and I am sure will continue, to look at every  
22 piece of documentation that we have initiated for  
23 ASME fabrication and installation.

24 JUDGE BLOCH: But you said if he knows  
25 the reviewer and he's confident, he may look very

1 quickly?

2 THE WITNESS: Yes, it's merely the time  
3 that he spends looking at that piece of paper.

4 BY MR. ROISMAN:

5 Q I want to be clear on this because I  
6 want to make sure that the record is clear.

7 You are testifying that while you  
8 have an opinion and a belief about what the ANI does,  
9 in fact, you don't actually know whether they do  
10 what the Chairman has just said, which is they see,  
11 "Well, here is another Bill Darby and he has never  
12 made a mistake yet," and turn it over and put it on  
13 the process pile after signing it.

14 And here comes one from X. "I've never  
15 seen X before. I'm going to take four hours to go  
16 over this one."

17 You don't know how that functions at  
18 all, do you?

19 A I do not know the criteria they  
20 establish, no, sir.

21 Q So it is certainly possible that as to  
22 this traveler that the ANI, for whatever the reasons,  
23 might have done nothing more than count its pages  
24 and put their signature on it; isn't that true?

25 A That is possible.

8-9 1 Q They don't have any requirement that  
2 they must do some minimum amount before they sign  
3 it off.

4 MR. DOWNEY: Objection. I think he has  
5 testified that he didn't know the answer to that.

6 MR. ROISMAN: I'll accept that.

7 JUDGE BLOCH: Do you know whether they  
8 have any minimum requirements?

9 THE WITNESS: I know that their  
10 minimum requirements are looking at those entries  
11 and those pieces of documentation which they feel  
12 must support ASME Code requirements in fabrication and  
13 installation to get them to a position that they feel  
14 confident signing the certification document for the  
15 installation of that system.

16 JUDGE BLOCH: But that's the over-all  
17 system they are worried about.

18 THE WITNESS: It's the over-all system  
19 and the only way to do that is by looking at each  
20 fabrication and installation and testing process  
21 and keeping a record, their own record, that they  
22 have in fact reviewed and accepted that process,  
23 so that when the entire system is provided to them,  
24 they are assured that to the best of their knowledge  
25 it has been installed in the requirements of the Code.

1 BY MR. ROISMAN:

2 Q But I take it, using our earlier  
3 terminology, that that standard that you just  
4 described is inherently very subjective, is it not,  
5 and that what they actually do to convince  
6 themselves of it can vary greatly from flange  
7 traveler to flange traveler?

8 A Yes, I would have to agree with that;  
9 whatever they feel is necessary.

10 Q I would like you to look now at  
11 Page 41324, please, and Lines 16 through 22.

12 You indicated there at Line 20 that  
13 you established a goal. Do you see that?

14 A Yes, sir.

15 Q Can you tell me in your mind what is  
16 the difference, if any, between a goal and a  
17 production quota?

18 A A goal is an objective that's  
19 established that people try to achieve, either  
20 through their efforts or the supporting efforts of  
21 others, which in this particular instance was used  
22 for myself and my staff to evaluate what we could  
23 do to improve that particular output or to achieve  
24 that goal.

25 If I established a production quota, the

8-11

1 production quota would be without latitude and if  
2 someone were not able to achieve that production goal,  
3 I would probably find somebody who could.

4 Q The production quota would then be an  
5 objective measure of performance, and the goal would  
6 be a more subjective measure of performance; is that  
7 right?

8 A If by subjective evaluation of per-  
9 formance you mean a goal or a performance level that  
10 was subject to change and/or subject to improvement,  
11 yes.

12 Q Well, what I mean is, for instance,  
13 as the discussion here is obviously dealing with,  
14 if as the supervisor Mr. Bennetzen advises his  
15 people that there is a goal of 40 isos a week, it's  
16 subjective in the sense that if only 38 are achieved,  
17 no one knows exactly what the consequences are;  
18 whereas, if they are told there's a production quota  
19 and that you've got to get 40, there are, according  
20 to what you just said, some very well known conse-  
21 quences that would flow from that.

22 A Yes, that's probably true.

23 JUDGE BLOCH: I hope, Mr. Roisman, in  
24 findings -- it sounds to me like you are talking  
25 about flexible and inflexible, and I don't really

8-12 1 understand the analogy to subjective and objective  
2 here.

3 MR. ROISMAN: Well, I guess what I  
4 was thinking about, just to clarify it is, is that  
5 this goal was communicated to their employees  
6 through their supervisor, Mr. Bennetzen.

7 Mr. Purdy was Mr. Bennetzen's  
8 supervisor.

9 Nos, in conducting his -- to complete  
10 the analogy -- his inspection of Mr. Bennetzen's  
11 performance and the performance of Mr. Bennetzen's  
12 staff, if he has an objective production 40 criteria,  
13 everybody knows that's it. If you don't hit 40,  
14 something is going to happen, and he has testified  
15 what he would do.

16 If they say, "We've got a goal," then  
17 it's like saying, "The weld has got to be clean  
18 enough," as opposed to, "It has to have --" well....

19 JUDGE BLOCH: I think your language is  
20 clear. It's just not the language I prefer to use in  
21 that situation.

22 MR. DOWNEY: I would observe that  
23 Mr. Purdy has also testified in his direct examination  
24 that he communicated the goal to the people.

25 MR. ROISMAN: Yes. I didn't mean to

8-13 1 exclude his involvement in that.

2 BY MR. ROISMAN:

3 Q Now, also still looking at the same  
4 portion of your testimony, you have the phrase that,  
5 "It was something to weigh our internal QA productivity  
6 against."

7 What did you have in mind when you  
8 said that? What did you mean by the phrase, "weigh  
9 our internal QA productivity against"?

10 A Just that. I wanted to see how long  
11 it would take us to be able to go through the  
12 documentation, to status, and to get deficiencies  
13 that were identified clear in order to certify a  
14 given isometric a piping drawing.

15 Q But you weren't doing a time and motion  
16 study here, were you?

17 You weren't just trying to get raw  
18 data. You were actually trying to get all the isos  
19 processed, weren't you?

20 A Certainly.

21 Q So how were you going to -- Let's  
22 assume after two weeks at 40, you discovered that  
23 they were doing a hundred and forty.

24 Was it your intent to go back and  
25 change the goal to some higher number?

8-14

1 A No.

2 Q And what if after two weeks it had  
3 turned out that they were doing five? Was it your  
4 intent to go back and change the number?

5 A No. In fact on several weeks we did  
6 get five. It was my intent to find out where we  
7 could aid in increasing the productivity to see  
8 what we could accomplish; and it was not my intent  
9 to go back and say, "Okay. My goal is now five."

10 Q How did setting the goal help you  
11 determine ways in which you could speed up the  
12 process?

13 A After several weeks of heavy effort  
14 into the verification and certification process  
15 of the particular isometrics, where we were not able  
16 to achieve that goal, I asked my supervisors why we  
17 were not able to achieve that.

18 They had indicated to me that there  
19 were several areas that were precluding the statusing  
20 of those particular documents and the results of  
21 those discussions were that we made several  
22 improvements to aid and to try and expedite that  
23 particular process.

24 Q But what did setting the goal have to  
25 do with learning that? I assume that after you had





8-16 1 before and came up with figures on how long it  
2 would take me to complete statusing those particular  
3 drawings.

4 Forty is assuming that a given  
5 isometric or a relatively simple isometric can be  
6 statused and reviewed to make sure that it meets  
7 the requirement at the rate of maybe two a week by  
8 each one of the reviewers that were within the  
9 organization at the time.

10 In actuality, I think, as I also  
11 said, that based on some of these statistics that  
12 we have run personally, being in similar positions  
13 on different projects, that it would take us  
14 approximately 15 minutes per lineal foot of line,  
15 as a rough average, to go through and completely  
16 status the final installation of a system.

17 We felt that we could achieve an  
18 isometric a day.

19 We had not, to that point, come close  
20 to turning out a hundred isometrics a day.

21 If I told everybody my goal was a  
22 hundred isometrics a day, I think they would have  
23 tried to achieve that, and it was a very impractical  
24 goal. Two hundred would have been ridiculous.

25 So I don't think it would achieve the

8-17  
1 same end.

2                   What it would have achieved is a  
3 normal rate of completion by any given individual at  
4 a rate that we felt they could probably do without  
5 trying to create an environment or an attitude of  
6 panic or crisis by trying to complete the whole  
7 process in a week.

8 ///

9                   ///

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1 BY MR. ROISMAN:

15-1  
bm  
2 Q Mr. Purdy, isn't the real reason you set  
3 the goal that you wanted to measure the productivity  
4 of individual employees for possible action to take  
5 against them; isn't that the real reason that you  
6 put the goal in?

7 A Absolutely not. I don't even know what  
8 individual employees are statused in a given  
9 isometric.

10 Q Then I do not understand what the purpose  
11 of the goal was. Why didn't you keep the goal to  
12 yourself? Why didn't you just talk to your  
13 managers and find out what you thought was the right  
14 productivity rate and say, "Let's see how well we're  
15 doing," check on the productivity and decide then  
16 whether you had to take measures to correct things  
17 that were getting in the way of your staff getting  
18 out as many as 40 isos a week? Why didn't you do  
19 that? Why did you ever tell the employees?

20 MR. DOWNEY: Objection. That's at least  
21 four questions.

22 MR. ROISMAN: No, it's two questions.  
23 It's why didn't you do that, and why did you decide  
24 to tell the employees.

25 I think it's closely enough linked --

1 MR. DOWNEY: Each is predicated on two  
2 different assumptions. And beyond that, Mr. Purdy  
3 has testified both in his direct exam and cross-  
4 examination why he did what he did.

5 Asked and answered.

6 MR. ROISMAN: It's not asked and  
7 answered when the witness is being cross-examined, and  
8 the purpose is to test the credibility of the answers  
9 given.

10 The form of the question was different.

11 JUDGE BLOCH: I don't think Mr. Purdy was  
12 confused by the question. I think he probably can't  
13 remember it at this point.

14 THE WITNESS: Yes, sir, that's true.

15 BY MR. ROISMAN:

16 Q All right, Mr. Purdy, you've had your  
17 counsel's interruption. Let's try it again.

18 If what you were attempting to learn was  
19 what things were getting in the way of getting the  
20 level of productivity that you thought could be  
21 achieved on isos, and if having employees evaluated  
22 was not part of the purpose, why did you have to  
23 ever tell the employees what the production goal was?

24 A There's a rather simple explanation.  
25 In order to support our responsibilities relative to

15-3  
1 Unit 1 completion, there were X number of isos that  
2 have to be statused and that have to be certified.

3 That is a time consuming -- can be a  
4 time consuming activity.

5 In order to support what had been  
6 established as a caseload estimate of fuel load, I  
7 had X number of isometrics remaining to do. In order  
8 to complete that responsibility to support that  
9 estimate, there had to be something on the order of  
10 45 or 50 isometrics done per week.

11 I wanted to know why I was not able to at  
12 least hit 40, and I found out.

13 Q But why telling the workers that the  
14 number was 40 -- why did you need to do that in order  
15 to get the answer to the question, "What's the  
16 problem?"

17 A Perhaps I didn't, but it was the way that  
18 I chose to try and communicate what I would like to  
19 achieve during any given time frame.

20 Q Did you feel that other management at  
21 TUGCO who were interested in scheduling and fuel load  
22 rates had essentially given you a production goal?

23 A I think most of the people in scheduling  
24 on Comanche Peak would uniformly agree that I am the  
25 greatest anchor in their scheduling goals.

1 We will finish the job; it will be finished  
2 right. I did not feel any pressures from project  
3 management.

4 Q You didn't feel any pressures to get this  
5 number of isos done within the scheduling of the  
6 fuel load?

7 A Externally?

8 Q Any pressures. Did you feel any pressure  
9 to do that?

10 A I did not feel pressure to do the job,  
11 regardless of the cost or the manner or the cost of  
12 personnel, if it were not acceptable.

13 When I --

14 Q I didn't ask that.

15 A Let me continue. Okay?

16 I believe that QA's responsibility to  
17 cost and schedule is as it affects safety. I believe  
18 that any management organization must take into  
19 consideration the anticipated cost and schedule of  
20 a plant.

21 As it affected safety, I feel no pressure  
22 at all. Nor do I feel anyone could place myself or  
23 my organization in a situation that would do anything  
24 less than totally above reproach or acceptable.

25 From a personal management standpoint, if

15-5  
1 our activities did not affect safety, I felt compelled,  
2 as I believe any good manager should feel compelled,  
3 to try and support the overall objectives of the  
4 project.

5 Q Is that why you felt like getting the 40  
6 isos a week was important in order to help meet the  
7 production goal, if you could do it without compromis-  
8 ing safety?

9 A I felt that it was important to be able  
10 to accomplish at least 40 isos a week, yes.

11 Q To help meet that production goal?

12 A To help meet the project milestones.

13 Q And wasn't it your intent in communicating  
14 that same number to your employees to imbue them with  
15 that same sense that they should get those 40 done a  
16 week in order to help meet that production goal  
17 consistent with safety requirements?

18 A I think that's probably a fair assessment.

19 Q And did you have any sense then or --  
20 Well, let's start with then.

21 Did you have any sense as to how the  
22 employees would view their supervisor -- their  
23 supervisor's supervisor, indicating that in his  
24 judgment 40 a week was a reasonable goal to set?

25 A Perhaps I'm naive, but I felt that



15-6  
1 translating that to my employees because of the  
2 working relationship and the organizational relation-  
3 ship that we've had would not be taken negatively;  
4 it would be taken positively.

5 If the employee -- the individual  
6 employee had felt that they were getting that kind  
7 of goal established to meet the end of the project  
8 and, by gosh, we're going to try and do it, but it's  
9 going to be done correctly, which was also one of my  
10 qualifiers, then I think I satisfied my purpose.

11 Q Mr. Purdy, do you feel that given the  
12 nature of your relationship with this particular  
13 part of your staff, that if they had felt improperly  
14 pressured by being told the goal was 40 a week, that  
15 you would have heard about it; is that right?

16 A I would hope so.

17 Q Since the time that you made the judgment  
18 and set the 40 a week, a woman with whom you have  
19 testified you had enjoyed a close personal friend-  
20 ship and of whom you said she was a great lady made  
21 that allegation, does that change your opinion as  
22 to whether or not what you did in the first instance  
23 may have been based upon a faulty assumption about  
24 whether your employees would speak up to you or  
25 not?

1 A. I may have.

2 Q. Could you explain that answer, please?

3 A. Well, I was not aware of the fact that  
4 that was a concern by the employees until after the  
5 fact, obviously.

6 Since this has come to light after the  
7 fact, then I would not only be naive, I would be  
8 foolish, if I didn't sit back and assess that maybe  
9 that could have been achieved by a different  
10 method.

11 I did not feel it was poor at the time,  
12 and the concern has only been expressed to me just  
13 one time that I'm aware of. But in that one instance,  
14 it may have been taken differently than what I  
15 anticipated.

16 Maybe I would not do the same thing  
17 again.

18 Q. To what extent have you reevaluated any  
19 assumptions that you have made in your own work  
20 situation about whether there may be unwittingly an  
21 atmosphere in which the people who worked for you are  
22 in fact inhibited from coming forward and telling  
23 you if they think you're doing something that you  
24 shouldn't do?

25 A. Well, I still believe that in the vast

1 majority of instances that they would do that.

15-8  
2 JUDGE BLOCH: Don't you think in reflect-  
3 ing on that situation that when you're going to change  
4 someone's work situation, that it would be good to  
5 explain very completely and thoroughly everything that  
6 you intend by it so that a misunderstanding is less  
7 likely to occur?

8 THE WITNESS: Yes, I do, Judge Bloch. I  
9 attempted to do that by paraphrasing -- not by  
10 paraphrasing, but by following up my statement to them  
11 that I would like to try and achieve 40 isometrics  
12 a week, by saying, "But no matter how many it is,  
13 they've got to be right."

14 I felt I had done that. Maybe not  
15 clearly enough.

16 JUDGE BLOCH: I guess the part you didn't  
17 communicate was that you only mean this was a goal;  
18 and no one is going to suffer from it?

19 You assumed that they'd feel that, but  
20 there was no assurance that in their mind from what  
21 you said that that was what you meant?

22 THE WITNESS: At least in this one  
23 individual's mind. I am not sure that that is a  
24 pervasive feeling.

25 JUDGE BLOCH: In fact, you didn't say

5-9  
1 that it was only a target or a goal, that no one  
2 would be hurt by it, that there wouldn't be individual  
3 repercussions?

4 You thought that they would infer that.

5 THE WITNESS: I either felt that it would  
6 be inferred -- although I don't remember saying  
7 it.

8 BY MR. ROISMAN:

9 Q Did you make any attempt subsequent to  
10 the time that this particular allegation by Ms.  
11 Gregory became known to you, to inquire of other  
12 members of that QES review group to see if perhaps  
13 they shared her feeling about that iso -- 40-iso  
14 a week goal?

15 A Mr. Roisman, I only recall -- after having  
16 looked at my records relative to the completion --  
17 I only recall two weeks in which we were able to  
18 reach or exceed that goal, out of probably the last  
19 eight to ten weeks.

20 Certainly, after the first week when we  
21 didn't achieve that goal, then there was absolutely  
22 nothing done relative to the people -- if they had  
23 not inferred my statement then, they certainly had  
24 by now.

25 Q Those who were still employed at the

15-10  
1 site?

2 A That's correct.

3 Q In fact, is it not true that on Friday,  
4 the 13th of July, a substantial number of the people  
5 who worked in that department were ROF'd, including  
6 Ms. Gregory?

7 A That's correct. But we had also not  
8 achieved the goal long before the July 13th date.

9 Q But you don't know that either among that  
10 group of people who were discharged or a broader group  
11 who may have heard of the ROFing that people did not  
12 assume that the reason for the ROFing of those  
13 people was because they didn't make their proper  
14 contribution to the 40 iso a week, do you?

15 A The morning of the 13th, just prior to  
16 having the ROF, I chose to get all of the people into  
17 a room and explain the ROF with supervision, why it  
18 was occurring and the reasons for that ROF.

19 At no time did I ever mention 40 isos.  
20 I had not established an inspection goal for  
21 inspectors, and inspectors were ROF'd also.

22 That was not a point of the ROF. I don't  
23 believe that anybody assumed that failure to meet 40  
24 isos was a reason for the ROF.

25 Q Did you become aware subsequent to the

15-11 1 time of that meeting that a substantial number of  
2 the people who were ROF'd that day who were under  
3 your supervision expressed a dissatisfaction with the  
4 ROFing process and felt that they had not been  
5 treated fairly?

6 Did that ever come to your attention?

7 A Individuals did not call me to personally  
8 express dissatisfaction with the ROF, or that they had  
9 not been treated fairly.

10 But it certainly doesn't surprise me. I  
11 don't think anybody takes an ROF positively.

12 I am certainly not satisfied with the  
13 reason the current policy that we have is there.  
14 Let me correct myself, because the ROF is a very  
15 emotional type -- a very sensitive issue with me.

16 I have never had to disassemble an  
17 organization before. And the ROF policy that we have  
18 had to implement at Comanche Peak is an instrument  
19 that deals strictly with objective statistics.

20 I draft a team off the computer, regardless  
21 of the individuals or regardless of the feelings of  
22 supervision.

23 That ROF policy was adopted because the  
24 subjective evaluation by management really is not  
25 adequate enough in today's environment to be able

1 to go to the Department of Labor and say, "I kept this  
2 person because they are a good team member, and  
3 because they're all qualified."

4 It is to the point where it must be very  
5 black and white, total numbers, regardless of whether  
6 a person -- for example -- was absent because of  
7 valid illness or family illness -- is no longer a  
8 consideration in it.

9 It is pure numbers that we have to make  
10 an evaluation from. So it doesn't surprise me that  
11 the people were upset and felt they may have been  
12 treated unfairly in the reduction of force.

13 I didn't enjoy it, and I don't think any  
14 of my staff enjoyed it.

15 But it does not surprise me that they  
16 would have expressed dissatisfaction.

17 Q Well, as you might expect, we're going to  
18 get to the ROF eventually. I don't want to break  
19 away to it now except just to clarify one point.

20 The ROF criteria, as you've described  
21 them in your testimony, does not include all  
22 objective criteria. Isn't it true that on ties on  
23 the first three criteria, you then go to five  
24 additional criteria, three of which you in your own  
25 testimony describe as subjective, and only two of

15-12

1 which are objective? Isn't that correct?

2 A That's correct.

3 JUDGE BLOCH: Mr. Purdy, I haven't had a  
4 chance to tell you. I'm willing to proceed further,  
5 but you should know that if you ever need a break,  
6 you may request one.

7 THE WITNESS: Thank you.

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1 BY MR. ROISMAN:

2 Q All right, Mr. Purdy, I'd like to direct  
3 your attention now to the testimony that appears  
4 beginning at line 24 on page 41,328 and going over  
5 to line 5 on page 41,329.

6 A Pardon me, sir, what was the first line  
7 on -328?

8 Q Line 24. And going through line 5 on the  
9 next page.

10 The testimony there that you are giving  
11 refers to a significant decrease over a four- or  
12 five-month period of questions and concerns coming  
13 from the ANI.

14 I wanted to find out, if we can -- if you  
15 can tell me whether the bulk of that reduction  
16 occurred at the beginning of that four- to five-  
17 month period or the end of that four- to five-month  
18 period; or was it spread evenly in between?

19 Did you understand my question?

20 A Yes, I do; and I'm trying to think. I  
21 really can't answer that. I'm not sure whether it  
22 occurred in the front, in the end or in the middle.

23 Q Do you have any idea of what the actual  
24 record is of ANI rejections of QESO approvals? Is  
25 that a recorded number?

15-14 1 A Not to the best of my knowledge. If it's  
2 recorded, it's not recorded in our organization.

3 One of the reasons that the ANI wanted  
4 the QES review sheet and who reviewed them was so that  
5 they could evaluate the thoroughness with which  
6 individual personnel were implementing requirements  
7 of the QA program, which they have obviously a right  
8 to do.

9 What I meant by that was that in the  
10 preceding time frame, there was a great deal of  
11 communications and what we would call problem  
12 sheets that were being returned from the A&I that  
13 would cause us to either go explain what our process  
14 was or to explain the situation, or to provide an  
15 additional piece of documentation for his review.

16 There was a number of problems reduced  
17 significantly, but I don't know -- I can't give you  
18 an overall number. I just know that the number was  
19 reduced.

20 Q But those problems you're talking about  
21 sound like problems in which the relationship between  
22 your group and ANI was not such that you each  
23 understood what each other was doing? Am I summariz-  
24 ing correctly what you were just describing?

25 A The problems that were returned from the

1 ANI were in large part questions on material trace-  
2 ability or where did we record the heat number of  
3 this particular item, or you don't show a code break  
4 where it ends, or you have the wrong number where you  
5 go from ASME piping to non-ASME instrumentation.

6 Some of those may have been oversights  
7 by the QES reviewer in reviewing documentation. That's  
8 really what that type of a problem sheet was.

9 Q All right. And your testimony is that you  
10 did not attempt to trend those or to have some record  
11 by which you could identify -- after a month or two  
12 months of operating this unit -- whether the unit was  
13 falling down in some particular area; is that  
14 correct?

15 A I did not trend the problems. The ANI, if  
16 he saw a problem, would trend them and bring them to  
17 my attention.

18 Q How do you know that?

19 A Because he has come to my office and told  
20 me he thought we ought to pay a little more attention  
21 to getting in a vendor-code data report that we  
22 missed out of a document package, or we're not  
23 always looking for a clear definition of code viola-  
24 tion or something of this nature.

25 I have talked on several occasions with the

15-16  
1 lead ANI about ways that we would improve the  
2 processing of the documentation and minimize the  
3 return of those document packages from the ANI on  
4 problem sheets.

5 Q But do you know from those conversations  
6 that ANI in fact did a formal trending?

7 A No. I didn't mean to imply that they did  
8 a formal trending. I don't know whether they did or  
9 not.

10 Q I take it it would be very important not  
11 only to improve the quality of your work, but also  
12 to make a judgment about whether the work that you  
13 were reviewing itself revealed some sort of major  
14 documentation flaw, to have a very good record of  
15 what it was that had passed through your hands with  
16 approval, reached the ANI and been rejected; isn't  
17 that true?

18 A Mr. Roisman, if we identify documentation  
19 deficiencies during the process of QES review,  
20 especially under the N-5 process, we would initiate  
21 deficiency documentation -- NCR.

22 That would be trended, and we would see  
23 whether or not we were missing some particular facet  
24 of it.

25 From the ANI standpoint, the problems that

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1 they would send back may not have been a problem  
2 that we had, but in order to satisfy the ANI that the  
3 system had been installed and verified in accordance  
4 with the code, we would take action on it.

5 JUDGE BLOCH: I'd just like to note  
6 that I think that there are ANI trending reports;  
7 and if there are, I hope Applicants will provide them  
8 later.

9 I think I've seen them. But I may be  
10 wrong about that.

11 MR. DOWNEY: We'll make an inquiry into  
12 that, Your Honor.

13 JUDGE BLOCH: A five-minute recess --

14 MR. DOWNEY: May I make a quick statement  
15 on the record?

16 JUDGE BLOCH: Couldn't you do it after we  
17 get back?

18 MR. DOWNEY: Well, I want to deliver  
19 these to Ms. Hatley. I represented this morning as  
20 to Mr. Brandt that we had all 1200 isos in those two  
21 boxes -- or all 1200 Travelers in those two boxes.

22 It turns out that we have left a stack of  
23 them on the work table in our conference room where  
24 we were reviewing them last night. I'll now add what  
25 I think is the last of the package.

15-18

1 MR. ROISMAN: Can I ask for the record,  
2 if Mr. Downey knows, is that stack -- is it a parti-  
3 cular stack? Has it been sorted in some particular  
4 way?

5 MR. DOWNEY: No, it has not.

6 Mr. Brandt and I were sitting in the room  
7 drinking beer at the time we left these on the  
8 conference table, looking through them; and he was  
9 trying to explain what he had found.

10 MR. ROISMAN: Another of the evils of  
11 alcohol illustrated.

12 (Laughter.)

13 JUDGE BLOCH: We'll take a five-minute  
14 break.

15 (A short recess was taken.)

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JUDGE BLOCH: Please proceed.

BY MR. ROISMAN:

Q All right. Mr. Purdy, subsequent to the time that you had set the goal of 40 isos a week, I take it that the number of isos that you still had to review began to go down, is that correct?

A Yes, sir.

Q Okay. And would you say that it's a fair statement that the ones that remained to be done were probably the most difficult ones and that the easier ones had probably been cleared out in the first phase of the program?

A That's just about what we found.

Q And was one of the ways in which an iso could be processed by your staff was to find that there was some problem with it and then return it to the appropriate organization to correct the problem?

A One of the things that we found, Mr. Roisman, was that the people were finding the problems and then trying to correct them themselves, and obviously one of the benefits of the goal is seeing whether I have the proper number of people in the right location, and as a result of that we set up a program and in fact put some inspectors directly in there so that when the review personnel found problems that they were handed to the

16-2

1 inspectors to go resolve the problems.

2 Q But my question really was not how you  
3 did it but rather that in fact it happened, that is, the  
4 document would leave the QES review area and go out to  
5 some place where someone else had to take care of solving  
6 that problem.

7 A That's true.

8 Q And when those isos were returned from  
9 the field, did your staff go back and re-review the  
10 entire package or just look at the item that had been  
11 the source of the referral out to the field?

12 A The personnel in the review group verified  
13 that the problem had been resolved.

14 Q Did you make sure that the person who had  
15 been the individual who had identified the problem in the  
16 first instance was also the one who determined that the  
17 problem had been properly dispositioned?

18 A Mr. Roisman, I'm not sure how my supervisors  
19 passed out those responsibilities. It's my understanding  
20 that in the majority of instances individuals were  
21 assigned isometrics and/or particular drawings and they  
22 would follow those through to conclusion. So I assumed  
23 that the -- you know, I would say in the vast majority of  
24 instances, I'm not going to say in every instance because  
25 I don't know, but in the vast majority of instances the



16-3

1 problems were identified, were cleared by the people that  
2 identified the problem.

3 Q All right. Looking now at the date of  
4 March the -- excuse me, of July the 13th, do you have any  
5 knowledge as to how many unreviewed -- strike that -- how  
6 many isos you still had that had not been sent to ANI,  
7 whether they had been preliminarily reviewed and sent to  
8 the field or had not yet even been reviewed?

9 A Mr. Roisman, I'm not sure I can give you  
10 a number.

11 Q Can you give me a ballpark --

12 A The question that I asked of my managers  
13 and supervisors was that if this was now a time for the  
14 reduction of force, were we sufficiently in and complete  
15 with the project to be able to do that without finding  
16 ourselves with insufficient personnel to complete the tasks.

17 Let's see if I can estimate. I would say  
18 that we had probably somewhere in the neighborhood of a  
19 hundred isometrics that had not completed or in the ANI  
20 certification out of 1,490 of them.

21 Q That you had started with?

22 A Yes, sir.

23 Q All right. And do you have any sense of  
24 how many of those hundred were problems isos that had  
25 already been sent out into the field to have some kind of

16-4

1 a disposition made of the identified problem and how many  
2 were waiting for review within your organization?

3 A No, I'm aware that some of them had been  
4 preliminarily reviewed and problems found and were waiting  
5 for the resolution, I'm not sure how many.

6 Q And at that time, on July the 13th, what  
7 was your understanding of what your goal was in terms of  
8 the completion of the iso review, that is, what date did  
9 you understand was your goal for the completion of that  
10 iso review?

11 A Let me make sure I understand the question.  
12 On July the 13th --

13 Q Yes.

14 A -- what was my understanding of how that  
15 goal had --

16 JUDGE BLOCH: When did you want to finish?

17 THE WITNESS: I guess I'm not sure.

18 MR. ROISMAN: Yes, I understand.

19 BY MR. ROISMAN:

20 Q You testified earlier that you had a sense  
21 that there was a time by which if you could do it and stay  
22 within the safety requirements that you should get the isos  
23 reviewed and done, and now I'm asking you as of July the 13th  
24 what did you understand that date was, was it August 1 or  
25 October or what?

16-5

1           A           I'm trying to recaall, you know, what the  
2 case load forecast was.

3                       We were at the point where not all personnel  
4 were always productively employed. We were low enough,  
5 that I recall, for that. I think that my original  
6 estimate of 40 isos a week we had missed by about eight  
7 weeks, something in that order, based on my original  
8 estimate of when we can complete.

9           Q           And that original goal was set approximately  
10 when?

11           A           I believe it was April, May, somewhere in  
12 that vicinity, Mr. Roisman, I don't really recall for sure  
13 when I was discussing 40 isos a week with the personnel  
14 and I believe, as I recall, that the time frame we were  
15 looking at was late June or July completion at the time.

16           Q           I'm sorry, I didn't hear the last part of  
17 your answer.

18                       JUDGE BLOCH: Late June or July completion  
19 at the time.

20 BY MR. ROISMAN:

21           Q           All right. So that by July the 13th had  
22 you set a new or had -- however that original eight-week  
23 schedule got set, had you set a new schedule?

24           A           I don't recall me setting a new schedule  
25 or establishing a new goal.

16-6

1 Q Right. Now, I don't mean a goal for your  
2 staff. I'm talking about the goal for you as to when you  
3 wanted to have all the isos processed. That's the goal  
4 I'm talking about.

5 A No, I think I was subsequently asked when  
6 I felt that I could get them completed by, and that was  
7 the earliest during this month.

8 Q The earliest was during --

9 A This month.

10 Q -- this month? September?

11 A Yes.

12 Q If you had retained more people among your  
13 original force, could you have made that an earlier date?

14 A No, I don't think so. We were to the  
15 point where we were actually statusing and at a point of  
16 completion that preceded engineering and construction  
17 completion. We were actually waiting for them to finish.

18 Q Explain that to me. You were waiting for  
19 whom to finish and what were you waiting for them to finish?

20 A Construction to clear deficiencies that we  
21 had identified, construction to complete certain instal-  
22 lation activities, completion of certain hydrostatic tests  
23 that remained to be done but were scheduled sometime into  
24 the future that were not being accomplished at the time,  
25 some engineering redesign work on some supports that were

16-7

1 coming out, so we were -- we had really been in sort of a,  
2 if you would, a hand-to-mouth basis for quite some period  
3 of time.

4 Q So your testimony is that by the 13th of  
5 July, although there were perhaps as many as a hundred  
6 isos that had not yet been processed through your depart-  
7 ment and passed on to A&I, that in fact there weren't  
8 enough isos that were waiting on work for your people to  
9 do to retain a full force, is that correct?

10 A Yes, sir.

11 Q And that you made a determination at that  
12 time that you would not be able to fully complete all the  
13 reviews until maybe September?

14 A There were certain items that were not  
15 scheduled by either start-up or construction or engineering  
16 to be completed until a later stage that would put me into  
17 the September time frame.

18 Q Now, looking at Page 41331 of your testi-  
19 mony, this is your discussion about the issue of job  
20 shoppers. Do you remember your testimony in general about  
21 that?

22 A Yes, sir.

23 Q At the time that the whold discussion of  
24 job shoppers was mentioned, as I understand your testimony,  
25 it is that it was raised first in your office or at your

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level and not at the employee's level, not the QES reviewer level, is that correct?

A. Yes, sir, that's correct.

Q And that at that time you made quite clear that you did not want any job shoppers and that that was in in no way an acceptable matter or acceptable, quote, resolution, unquote, of any perceived problem in QES review, is that correct?

A. Yes, sir, that's correct.

- - -

1 Q You made that determination and, of  
2 course, being the ultimate supervisor in this chain,  
3 why was it necessary even to mention job-shoppers to  
4 your QES reviewers?

5 A I didn't.

6 Q But somebody did.

7 A Apparently.

8 Q Well, you've testified Mr. Bennetzen  
agreed with my judgment, Mr. Seaver agreed with my  
10 judgement, a statement was made to the personnel in  
11 the organization.

12 You're saying that statement was made  
13 without any consultation with you?

14 A The question of job-shoppers was  
15 brought when I obviously was not reaching the goal  
16 of 40 isometrics per week. The question was, do you  
17 need more people? We'll go get you job shoppers.

18 Q And who raised that?

19 A That was project management.

20 Q All right. Go ahead.

21 A I said -- my response to them was, no.  
22 Job shoppers are definitely not necessary, that, as  
23 I have stated in my testimony, that to factoring them  
24 in and get them used to the program would be  
25 counterproductive and at that particular point I

1 discussed with Mr. Seaver and Mr. Bennetzen the  
2 fact I had been offered job shoppers, was personnel a  
3 problem and Mr. Bennetzen, the fact that I had been  
4 offered job-shoppers, was personnel a problem,  
5 because I did not perceive it as a problem.

6 At that particular point, Mr. Bennetzen  
7 and Mr. Seaver said, no. Outside personnel are not  
8 going to aid in the process.

9 We had already made or were in the  
10 process of making the move to bring in the inspectors  
11 to clear up deficiencies that had been identified  
12 by the document reviewers and -- I'm sorry, but I'm  
13 not sure why Mr. Bennetzen discussed job shoppers.

14 Q I take it that the prospect of job  
15 shoppers to regular full-time employees of the  
16 organization is a particularly sensitive point; am I  
17 correct in that?

18 A I believe it could be; yes, sir.

19 Q And I take it -- in fact, I believe  
20 that some -- I can't tell now if it's in your testimony  
21 or someone else's, but I take it job shoppers  
22 routinely make more money than the full-time employees  
23 do or that a larger hourly rate is paid out for  
24 their services.

25 I don't know whether they take it home



1 or not.

2 A That's generally the case; yes, sir.

3 Q Didn't it occur to you after you  
4 learned that your organization had been talked to  
5 about -- that is, the individual personnel had had  
6 the job shopper thing mentioned to them, that they  
7 would take it as a veiled threat that job shoppers  
8 would be brought in?

9 A I could perceive where that could be  
10 their impression.

11 Again, the translating of the potential  
12 of job shoppers to personnel was not a decision which  
13 was made by management that it should stated to the  
14 personnel.

15 JUDGE BLOCH: I did not get the last  
16 remark.

17 THE WITNESS: The notifying of our  
18 employees in the group that we had been offered job  
19 shoppers was not a management decision that that was  
20 to be done.

21 BY MR. ROISMAN:

22 Q And is it your testimony here today  
23 that was a mistake?

24 A I believe both Mr. Bennetzen and I agreed  
25 that it may not have been the right thing to say.

1 Q And that the reason it may not have  
2 been the right thing to say is that particularly at  
3 the time the employees were involved with the 40  
4 isos a week goal, that it might be interpreted as a  
5 threat to their job security?

6 MR. DOWNEY: Objection. That is  
7 certainly not his testimony, if that was intended  
8 to be a characterization.

9 MR. ROISMAN: It was intended to be  
10 what it was.

11 JUDGE BLOCH: The interruption occurred.  
12 Just answer the questions.

13 THE WITNESS: Mr. Roisman, I didn't hear  
14 what was said, I don't know how it was said. I'm not  
15 sure what was said.

16 I've not asked Mr. Bennetzen about it.  
17 I was not aware of the fact it was discussed until  
18 reviewing documentation associated with these  
19 particular hearings.

20 I did not ask him what he felt about  
21 it subsequent to that, because it was after the fact.

22 BY MR. BOISMAN:

23 Q As a manager, Mr. Purdy, wouldn't you  
24 say that it is probably creating an impression that is  
25 negative in the minds of employees if their managers

1 got out of their way to mention certain things that  
2 the employees wouldn't like to have happen? They  
3 sort of just voluntarily say: "Oh, by the way. We  
4 aren't going to have any job shoppers in here."

5 Or, "We aren't going to start firing  
6 people starting at 5:00 o'clock tomorrow afternoon."

7 Do you think that creates a negative  
8 impression in their mind of why would they feel the  
9 need to raise that issue with us?

10 A If that's the way it's communicated,  
11 then I would say, yes, it's probably an unnecessary  
12 way to communicate.

13 Q Mr. Purdy, I'd like to direct your  
14 attention now to Page 41,342 and I see that it  
15 appears that while you --

16 JUDGE BLOCH: Is this a new subject, Mr.  
17 Roisman?

18 MR. ROISMAN: Yes.

19 JUDGE BLOCH: I'd like to state that if  
20 it's all right with the parties and if the Reporter  
21 can arrange it, the Chairman will sit alone tonight  
22 to continue taking testimony from Mr. Purdy? Is that  
23 acceptable to the parties?

24 MR. MIZUNO: You mean after 6:00?

25 JUDGE BLOCH: We will take a break

1 at 6:00 until 7:15.

2 MR. DOWNEY: It's all right with  
3 Applicants, Your Honor.

4 MR. MIZUNO: The Staff has made  
5 previous arrangements to meet with Mr. Hunnicutt and  
6 has also arranged to have some time to pack the boxes  
7 and things.

8 MR. ROISMAN: Mr. Chairman, let me offer  
9 something.

10 Our discussion now of the ROF policy,  
11 I will know in about 10 minutes, whether I've got a  
12 lot or a fairly quick examination of the witness on  
13 that question. It is the last major issue -- it's not  
14 the last issue but the last major issue of any size  
15 that we intend to talk to Mr. Purdy about.

16 I don't know about the other parties  
17 but when Mr. Downey spoke just at the last break, he  
18 asked me, "Do you think you'll finish tonight?"

19 And I said I thought we went 'til 6:30  
20 we had a chance. If we stopped at 6:00, I thought  
21 that was a little tight.

22 Could we sort of reserve on what you're  
23 going to do with that, with the possibility we might  
24 run a little past 6:00 then maybe, at least my part  
25 of Mr. Purdy will be finished.

1 Now, I don't know about the rest of the  
2 parties.

3 JUDGE BLOCH: I'm not really concerned  
4 about whether we finished Mr. Purdy tonight or not.  
5 I'm concerned about whether we have a third week of  
6 hearings.

7 MR. DOWNEY: I would make a suggestion,  
8 YOur Honor, if the other members of the Board would  
9 like to leave at 6:00, maybe we could just work  
10 through until at least Mr. Purdy finishes, which --

11 JUDGE BLOCH: Is that acceptable?  
12 We wouldn't break for dinner and would just keep going  
13 for a little while longer until Staff thinks they  
14 can't take it anymore?

15 MR. MIZUNO: It's not so much we can't  
16 take it any more. We would be agreeable to going past  
17 6:00 without stopped and perhaps breaking at 6:30 or  
18 7:00 but at this point --

19 JUDGE BLOCH: Madame Reporter, is this  
20 a problem to you?

21 THE REPORTER: Not at all.

22 MR. DOWNEY: We don't really have another  
23 witness available tonight. I assumed Mr. Purdy would  
24 take all the rest of the day.

25 MR. MIZUNO: The Staff does not anticipate

1 any cross-examination at this time.

2 JUDGE BLOCH: The Board does have some  
3 questions.

4 MR. MIZUNO: Unless I heard some things  
5 I need to inquire about.

6 JUDGE BLOCH: Mr. Roisman.

7 BY MR. ROISMAN:

8 Q Mr. Purdy, although I've directed you  
9 to Page 41,342, I think I'm not going to deal with  
10 pages as such, the first thing I want to do, though,  
11 is get some pages from you about the criteria and as  
12 I understand it, there are three criteria that are the  
13 first in objective criteria.

14 The security clearance, the number of  
15 certifications and the attendance record below or  
16 above the 80 hours of absences in the course of a year.

17 Is that correct those are the first  
18 three criteria/

19 A Yes, sir. The attendance is 80 hours  
20 below or more than, exclusive of vacations.

21 Q As I understand it, --

22 JUDGE BLOCH: I'm sorry. Is that an all  
23 or nothing variable?

24 THE WITNESS: It's strictly a GO, NO GO  
25 situations.

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7-9 1 MR. ROISMAN: It's an A or a B on the  
2 form.

3 BY MR. ROISMAN:

4 Q Now, Mr. Purdy, I just wasn't clear in  
5 looking these over how the ROF category rank number  
6 is calculated.

7 What does an -- well, let's just take  
8 a look at it.

9 The only option in Item 1, you can have  
10 an A or B. How many points do you get for an A?

11 MR. DOWNEY: Can I ask that the witness  
12 be shown a copy of the document?

13 MR. ROISMAN: Yes. I hope Counsel has  
14 them.

15 MR. DOWNEY: I don't mind if Mr. Purdy  
16 and Mr. Roisman look on one together.

17 MR. ROISMAN: I have a little difficulty  
18 to understand why they Applicant, who produced all  
19 this material in the first place, depends upon us  
20 to produce it at the hearing but --

21 BY MR. ROISMAN:

22 Q Mr. Purdy, look at category 1 and tell  
23 me, what's the numerical value for an A and what's  
24 the numerical value for a B?

25 A There are no numerical values associated

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1 specifically with the A's or the B's sir.

2 Q Well, how do you get the number that  
3 appears in the forms under the label ROF Category  
4 Rank?

5 A The way that is done is, the screening  
6 process takes into consideration these three objective  
7 items. One has to do with "has not been denied  
8 unescorted access" --

9 Q Excuse me, Mr. Purdy. The hour is late  
10 and I know what all those categories are. You've  
11 testified to it.

12 I just want to understand how you get  
13 the number that appears on the ROF category rank.

14 A Okay. I'm sorry, sir.

15 Q I don't want to cut you off. I don't  
16 want to be rude. I just want us to move along.

17 A I appreciate that, any time.

18 The ROF category rank is provided in  
19 a matrix that is in the ROF policy and what that  
20 diagram does, is divides all the possible combinations  
21 of these evaluations to place personnel in ROF  
22 category ranking.

23 Number one, for example, an ROF category  
24 ranking would be those individuals least likely to  
25 be ROFed. That ROF category rank 1 would mean an



1 individual who has not been denied unescorted  
2 access, is fully qualified and has missed less than  
3 80 the preceding year, 12 months, exclusive of  
4 vacations.

5 That ranking would be 1.

6 There is a ranking of 14, as I recall  
7 -- I'd have to look to be sure -- an ROF category  
8 rank of 14 is an individual who has been denied  
9 unescorted access, is in training status and has missed  
10 more than 80 hours during the preceding year.

11 In certain combinations of these are  
12 pooled and by pooling this number up here could consist  
13 of, for example, an individual who has not been denied  
14 unescorted access, who is fully qualified but has  
15 missed more than 80 hours during the year.

16 Within that pool an individual who has  
17 not been denied unescorted access is almost fully  
18 qualified, maybe for example, has one less  
19 certification than the other individual, but has missed  
20 less than 80 hours during the previous year.

21 Q Now, I take it your testimony did not  
22 include as an exhibit the matrix system; is that  
23 correct?

24 A I don't recall for sure, Mr. Roisman.  
25 I think that the ROF policy was included as a Vega

1 exhibit, so the policy itself is in Mr. Vega's  
2 exhibit.

3 Q I understand that but the matrix itself  
4 is a different thing, do I understand?

5 A No, sir, that is part of the policy.

6 Q It is?

7 A Yes, sir.

8 Q I don't remember seeing that.

9 Let me ask you some questions and see  
10 if we can get somewhere without having to have it in  
11 front of us.

12 If I understand the way the system works,  
13 you can move to a different square on the matrix  
14 differently for B in the security clearance area than  
15 for a B in the certifications area; is that correct?

16 In other words, the B in the  
17 certification area will knock you down further into  
18 -- will give you a higher number in the ROF category  
19 rank than would a B in the certifications area; isn't  
20 that true?

21 A A B in the area of unescorted access  
22 -- yes, it would slide you down further than a B in  
23 the certification rank, yes.

24 Q And isn't it true, also, that a B in  
25 the area of what's called dependability would slide

1 you down further than would a B in the area of  
2 certifications?

3 A No, sir, not necessarily.

4 Q Okay. Do you want to explain that?

5 Let's assume a situation in which  
6 Category 1 is an A.

7 A If you were to assume a situation that  
8 Category 1 is an A, then a B in the certification  
9 column 2, instead of an A, would put you obviously  
10 one step below A.

11 (JUDGE BLOCH handing document to Mr.  
12 Roisman.)

13 MR. ROISMAN: I think I'm worse off  
14 now than I was before.

15 The Chairman has given me the matrix.  
16 I'm afraid that I saw it and knew I didn't know what  
17 it was.

18 JUDGE BLOCH: I don't think you could  
19 elicit that very easily through verbal testimony.

20 MR. ROISMAN: Maybe he can explain the  
21 chart.

22 BY MR. ROISMAN:

23 Q I guess, Mr. Purdy, what I really want  
24 to know is this: Isn't the case, putting aside for a  
25 moment security clearance, which if I understand

1 correctly from what the Chairman has just given me ,  
2 is attached Mr. Vega's prefiled testimony, it appears  
3 to be Vega Exhibit 9 and an unnumbered page of that  
4 exhibit shows a matrix on it and the category one area  
5 knocks you down to a minimum of a ROF category rank  
6 of rank of 9 right away, if you got a B under  
7 category one; isn't that true?

8 A Yes, sir, that's correct.

9 Q So that's a huge jump between a number  
10 one, which is our best and the number 9 and probably,  
11 as a practical matter means, if you didn't have the  
12 security clearance, you could be among those that  
13 get ROFed; isn't that true?

14 A If you were denied that clearance.

15 Q Yes; that's correct. I understand it  
16 has to be a denial and not a failure to process.

17 A Yes.

18 Q My question to you is, is it also the  
19 case that with respect now just to categories 2 and 3,  
20 and putting five different categories for the  
21 certification number and only two categories for the  
22 dependability, isn't it the case that the three  
23 objective criteria tend to tilt a little bit more  
24 towards dependability than certifications? In that  
25 you can be slightly lower on the certification level

1 and just move up a little bit on your ROF category  
2 rank, then you get another gradation and you  
3 move up a little bit more on the category rank but  
4 that in the other area of dependability, you immediately  
5 go to the other end.

6 You either get the top score or the  
7 bottom score, depending on which side of the 80  
8 hours you're on.

9 A The category 2 area, which is  
10 certifications, is obviously predicated on the number  
11 of certifications. A being the most, E being a  
12 trainee.

13 Q Right.

14 JUDGE BLOCH: May I interrupt?

15 Mr. Purdy, I notice you're not looking  
16 at the diagram and he is. Would it help you to see  
17 the diagram?

18 THE WITNESS: I can't hear worth a darn  
19 but my eyesight is excellent.

20 MR. ROISMAN: Actually, the record should  
21 show that I think he is looking at it and I am not.

22 (Laughter.)

23 MR. ROISMAN: And that's why I'm holding  
24 it this way.

25 JUDGE BLOCH: He is looking at it from

1 about 6 or 7 feet, maybe 10.

2 MR. ROISMAN: That is correct and I am  
3 not looking at it from about 8 inches.

4 THE WITNESS: If you will go then below  
5 any of the individual A,B,C,D's or E's, you'll find  
6 that each one of those has addressed an A or a B,  
7 which is the 80 hours.

8 So, it's not an individual item that  
9 throws in the category 2 and 3, that throws you  
10 heavier one way or the other.

11 The largest differentiation is between  
12 unescorted access but the dependability factor, Item  
13 3, is addressed in both the more-than and less-than  
14 under each certification, so I'm not sure that that  
15 answers your question but it doesn't throw you any  
16 further down the court.

17 BY MR. ROISMAN:

18 Q Okay. I think I understand it.

19 ///

20

21

22

23

24

25

18-1

1 Q (Continuing) Now, when there's a tie,  
2 using these three categories, you then move to the five  
3 additional categories, is that correct?

4 A Yes, sir. Maybe I can define the tie-  
5 breaker.

6 Q I thought you did very well in the  
7 testimony. I was only asking that as a predicate to  
8 moving on to the five.

9 A Okay. If the ROF number is such that --  
10 the number of personnel to be ROF'd is such that that  
11 number is more than those groups which strictly are in  
12 the screening process and the members within that ROF  
13 category all have to be evaluated, that's correct. Did I  
14 make myself perfectly unclear?

15 Q No, no, no. I understand what you're  
16 saying.

17 If you'll turn on the form that you have  
18 in front of you --

19 MR. ROISMAN: Again, Mr. Chairman, like we  
20 were doing with the liner plate forms, we're looking at  
21 this for the non-individualized information and just using  
22 it as though it were a form.

23 JUDGE BLOCH: Should we be placing it in  
24 the record as an exhibit?

25 MR. ROISMAN: Yes, I'll give one to the

18-2

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reporter and she can put it in.

JUDGE BLOCH: It may be bound in at this point.

MR. DOWNEY: Your Honor, all of these are, I believe, exhibits from Mr. Purdy's direct examination.

JUDGE BLOCH: I still think it would be helpful in reading the transcript to have them right in front of you.

(Documents follow.)

- - - - -



QA/QC INSPECTOR ROP RATING FORM

NAME: DARBY R.  
Badge No.: HQ 270  
Discipline: \_\_\_\_\_

ROP Category Rank: BA

Categories: I A  
II D  
III BA

Rating Score: 12

[Signature]  
Supervisor Completing This Form

Date: 7/9/84

[Signature]  
Reviewing Supervisor

Date: 7/9/84

INSTRUCTIONS

This form is comprised of two parts. In the first part, the employee is to be categorized according to security clearance, level of certification, and dependability factors. In the second part, the employee is to be evaluated on knowledge and application of appropriate inspection acceptance criteria, quality of documentation, cooperation, CPSES seniority and attendance, assigning the appropriate number of points to the employee for each rating factor. All Rating and Reviewing Supervisors should note that this form presumes that the employee being rated shares the strong commitment to quality that is critical to the QA/QC program at Comanche Peak. Any employee whose commitment in this regard is subject to doubt should be brought immediately to the attention of senior management so that an assessment of the need for immediate termination can be made.

LETTER

DEF 7/15/84

COMANCHE PEAK

16322

IDENTIFICATION OF EMPLOYEE CATEGORIES

Please identify the category most clearly applicable to the employee by checking the most accurate response for I, II and III below. It is essential that category identifications be done accurately for each employee. After this part of the rating form is complete, therefore, all information should be verified by checking the employee's current personnel file. Once the appropriate categories have been identified and verified, the number of the response checked for I, II and III below should be recorded in the appropriate space in the upper right corner of the first page of this form.

- I. Security Clearance:
- A. Employee has not been denied clearance for unescorted access to Unit 1. X
- B. Employee has been denied clearance for unescorted access to Unit 1. —

- II. Certification:
- A. Has sufficient certifications to be classed as a grade/level A inspector in the discipline to which the employee is presently assigned. —
- B. Has sufficient certifications to be classed as a grade/level B inspector in the discipline to which the employee is presently assigned. —
- C. Has sufficient certifications to be classed as a grade/level C inspector in the discipline to which the employee is presently assigned. —
- D. Has sufficient certifications to be classed as a grade/level D inspector in the discipline to which the employee is presently assigned. X
- E. Trainee. —

III. Dependability:

- A. Was not available for work for 80 or fewer hours of scheduled work for any reason (exclusive of vacations) in the past twelve months.
- B. Was not available for work for more than 80 hours of scheduled work for any reason (exclusive of vacations) in the past twelve months.

\_\_\_\_\_  
X

~~CONFIDENTIAL~~

To rate the employee, circle the numerical score at the right-hand margin that corresponds to the response that most accurately describes the employee's approach to his job. Ratings should be done on the most objective basis possible, and supervisors should under no circumstances allow personality or other facts not related to the employee's actual job performance to play any role in these ratings. Ratings on CPSES seniority and attendance (nos. 4 and 5) should be verified by checking the employee's current personnel file. When the employee has been rated in each of the following aspects of job performance the employee's total rating score should be recorded in the space provided at the end of the rating section and in the appropriate space in the upper right-hand corner of the first page of this form.

1. Application of Appropriate Inspection Acceptance Criteria

- a. Demonstrates extraordinary knowledge of and proficiency in applying appropriate inspection acceptance criteria. 3
- b. Demonstrates acceptable level of knowledge of and proficiency in applying appropriate inspection acceptance criteria. 2
- c. Occasionally indicates lack of sufficient knowledge of and/or proficiency in application of appropriate inspection acceptance criteria. 1
- d. Frequently indicates a lack of acceptable knowledge of and/or proficiency in application of appropriate inspection acceptance criteria such as to necessitate retraining. 0

2. Quality of Documentation

- a. Consistently produces written reports that are highly accurate, neat, and thorough. 3
- b. Majority of written reports are accurate, neat, and thorough. 2
- c. Accuracy, neatness, and/or thoroughness of written reports is sometimes lacking. 1
- d. Written reports are usually inaccurate, incomplete, and/or untidy. 0

3. Cooperation

- a. Enthusiastically accepts new assignments and cooperates with supervision and coworkers. 3
- b. Generally willing to accept new assignments and to cooperate with supervision and coworkers. 2
- c. Occasionally resists new assignments and/or occasionally does not cooperate with supervision or coworkers. 1
- d. Frequently resists new assignments and/or generally refuses to cooperate with supervision and/or coworkers. 0

4. CPSES Seniority

- a. Five years or more
- b. Three years or more but less than five years
- c. One year or more but less than three years
- d. Less than one year

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05. Attendance

- a. Missed 40 hours of scheduled work or less for any reason (except vacations) during the past 12 months.
- b. Missed more than 40, but not more than 80, hours of scheduled work for any reason (except vacations) during the past 12 months.
- c. Missed more than 80, but not more than 120 hours of scheduled work for any reason (except vacations) during the past 12 months.
- d. Missed more than 120 hours of scheduled work for any reason (except vacations) in the past 12 months.

6

4

1

0

TOTAL RATING SCORE:

12

QA/QC INSPECTOR ROP RATING FORM

ROP Category Rank: 5

NAME: GREGORY M  
Badge No.: 40 239  
Discipline: RCI WIF.

Categories: I A  
II B  
III B

Rating Score: NA

[Signature] Date: 7/9/84  
Supervisor Completing This Form

[Signature] Date: 7/9/84  
Reviewing Supervisor

A. Vega 7/11/84 RAC/12/84  
INSTRUCTIONS

This form is comprised of two parts. In the first part, the employee is to be categorized according to security clearance, level of certification, and dependability factors. In the second part, the employee is to be evaluated on knowledge and application of appropriate inspection acceptance criteria, quality of documentation, cooperation, CPSIS seniority and attendance, assigning the appropriate number of points to the employee for each rating factor. All Rating and Reviewing Supervisors should note that this form presumes that the employee being rated shares the strong commitment to quality that is critical to the QA/QC program at Comanche Peak. Any employee whose commitment in this regard is subject to doubt should be brought immediately to the attention of senior management so that an assessment of the need for immediate termination can be made.

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Please identify the category most clearly applicable to the employee by checking the most accurate response for I, II and III below. It is essential that category identifications be done accurately for each employee. After this part of the rating form is completed, therefore, all information should be verified by checking the employee's current personnel file. Once the appropriate categories have been identified and verified, the letter of the response checked for I, II and III below should be recorded in the appropriate space in the upper right corner of the first page of this form.

- I. Security Clearance:
- A. Employee has not been denied clearance for unescorted access to Unit 1. X
- B. Employee has been denied clearance for unescorted access to Unit 1. —

II. Certifications:

- A. Has sufficient certifications to be classed as a grade/level A inspector in the discipline to which the employee is presently assigned. —
- B. Has sufficient certifications to be classed as a grade/level B inspector in the discipline to which the employee is presently assigned. —
- C. Has sufficient certifications to be classed as a grade/level C inspector in the discipline to which the employee is presently assigned. —
- D. Has sufficient certifications to be classed as a grade/level D inspector in the discipline to which the employee is presently assigned. X
- E. Trainee. —

III. Dependability:

- A. Was not available for work for 80 or fewer hours of scheduled work for any reason (exclusive of vacations) in the past twelve months. —
- B. Was not available for work for more than 80 hours of scheduled work for any reason (exclusive of vacations) in the past twelve months. X



EMPLOYEE RATING

To rate the employee, circle the numerical score at the right-hand margin that corresponds to the response that most accurately describes the employee's approach to his job. Ratings should be done on the most objective basis possible, and supervisors should under no circumstances allow personality or other facts not related to the employee's actual job performance to play any role in these ratings. Ratings on CPSES seniority and attendance (nos. 4 and 5) should be verified by checking the employee's current personnel file. When the employee has been rated in each of the following aspects of job performance the employee's total rating score should be recorded in the space provided at the end of the rating section and in the appropriate space in the upper right-hand corner of the first page of this form.

1. Application of Appropriate Inspection Acceptance Criteria
  - a. Demonstrates extraordinary knowledge of and proficiency in applying appropriate inspection acceptance criteria. 3
  - b. Demonstrates acceptable level of knowledge of and proficiency in applying appropriate inspection acceptance criteria. 2
  - c. Occasionally indicates lack of sufficient knowledge of and/or proficiency in application of appropriate inspection acceptance criteria. 1
  - d. Frequently indicates a lack of acceptable knowledge of and/or proficiency in application of appropriate inspection acceptance criteria such as to necessitate retraining. 0
2. Quality of Documentation
  - a. Consistently produces written reports that are highly accurate, neat, and thorough. 3
  - b. Majority of written reports are accurate, neat, and thorough. 2
  - c. Accuracy, neatness, and/or thoroughness of written reports is sometimes lacking. 1
  - d. Written reports are usually inaccurate, incomplete, and/or untidy. 0
3. Cooperation
  - a. Enthusiastically accepts new assignments and cooperates with supervision and coworkers. 3
  - b. Generally willing to accept new assignments and to cooperate with supervision and coworkers. 2
  - c. Occasionally resists new assignments and/or occasionally does not cooperate with supervision or coworkers. 1
  - d. Frequently resists new assignments and/or generally refuses to cooperate with supervision and/or coworkers. 0

4. CPSIS Seniority
- |                                                 |   |
|-------------------------------------------------|---|
| a. Five years or more                           | 3 |
| b. Three years or more but less than five years | 2 |
| c. One year or more but less than three years   | 1 |
| d. Less than one year                           | 0 |
5. Attendance
- |                                                                                                                                    |   |
|------------------------------------------------------------------------------------------------------------------------------------|---|
| a. Missed 40 hours of scheduled work or less for any reason (except vacations) during the past 12 months.                          | 6 |
| b. Missed more than 40, but not more than 80, hours of scheduled work for any reason (except vacations) during the past 12 months. | 4 |
| c. Missed more than 80, but not more than 120 hours of scheduled work for any reason (except vacations) during the past 12 months. | 1 |
| d. Missed more than 120 hours of scheduled work for any reason (except vacations) in the past 12 months.                           | 0 |

TOTAL RATING SCORE: \_\_\_\_\_

1 BY MR. ROISMAN:

2 Q Now, Mr. Purdy, looking at these documents,  
3 is it true that, again as I understand it, the -- in this  
4 case there is actually a numerical number.

5 JUDGE BLOCH: A number.

6 THE WITNESS: Yes, sir.

7 MR. ROISMAN: Numerical number redundancy.

8 BY MR. ROISMAN:

9 Q And that unlike the first category, here  
10 the higher your number the better you are?

11 A That's correct.

12 Q Okay. And that for the first three  
13 categories the application of appropriate inspection  
14 acceptance criteria, quality documentation cooperation  
15 and CPSES seniority, the highest number you can get is  
16 a three.

17 A Yes, sir, that's correct.

18 Q But that with respect to attendance you  
19 could get as high as a six?

20 A Yes, sir.

21 Q Is the natural effect of that to give you  
22 greater weight at least in the second rating category to  
23 the person who has a better attendance record than others?

24 A The reason that that particular numerical  
25 assignment was made was in fact to reward those who were

1 always available, while not penalizing with negative  
2 scores those who had larger hours of absences.

3 JUDGE BLOCH: Mr. Roisman, the last question  
4 puzzles me because obviously you can argue that without  
5 the testimony.

6 MR. ROISMAN: Yes, but I couldn't get the  
7 predicate in for asking him the next question.

8 JUDGE BLOCH: Okay.

9 BY MR. ROISMAN:

10 Q Now, Mr. Purdy, in your description of the  
11 first three categories which begins around Page 41338 of  
12 your testimony you explain the justification for each of  
13 those criteria, and I think that on Page 41340 in answer  
14 to a question you describe the value of retaining the  
15 qualified personnel.

16 Now, it would appear, when you compare  
17 that to what you say at Lines 17 through 20 on Page 41341,  
18 that it's your opinion that it is a more valuable  
19 consideration as to the person's qualifications to perform  
20 their job than is their reliability and dependability.

21 Was that your intent, to indicate that  
22 you thought that as between those two you'd put more  
23 weight on the person's qualifications for the job than  
24 you would on their attendance record?

25 A That's not really what I think I said.

18-5 1 Maybe that's the way it comes across in this particular  
2 scenario.

3 The three categories that were asked of me  
4 in the ROF screening process was why each one of those  
5 weren't important --

6 Q Correct.

7 A -- not to decide which one was the most  
8 important, because that was done by the matrix.

9 - - - -

10 EVENING SESSION

11 6:00 p.m.

12 BY MR. ROISMAN:

13 Q I understand that, but my question to you  
14 is your judgment now, as I read your sworn answers to  
15 the questions put to by your counsel, my reading of that,  
16 and I'm asking you whether I'm reading you wrong, is that  
17 you put, you think that that qualification factor is more  
18 important -- I didn't say necessarily first because I  
19 left out, as you know, the first one altogether, it says  
20 security clearance -- more important than the reliability  
21 and dependability factor. Is that correct that that's  
22 what you're saying or that's what you believe?

23 A If you're asking me for my belief --

24 Q Yes.

25 A Okay. I believe that a person's

18-6

1 qualifications are very important and more important,  
2 or equally as important is the 80-hour factor, providing  
3 they're not gone 200 or 300 hours so that they're never  
4 available to do the work.

5 Obviously, qualified personnel must be  
6 retained on the project.

7 JUDGE BLOCH: But you also stated before  
8 that one of your problems with the attendance criteria was  
9 that in some cases it's just legitimate illness and there's  
10 really no indication that it reflects adversely on the  
11 employee.

12 THE WITNESS: In most cases the attendance  
13 was probably legitimate. In most cases it would be  
14 approved excused absence or it would be approved  
15 compensation for an illness, you can't approve an illness  
16 but we would compensate for illnesses, or if the employee  
17 at the time was in a category that would have been  
18 compensated for those absences would have been called in  
19 and would not have been considered an absence which was  
20 totally unaccounted for and falling under the disciplinary  
21 consideration of failure to report.

22 Okay. The absence consideration was taken  
23 as a pure objective determination of how often the  
24 individual was available to perform the functions that they  
25 were assigned, regardless of the reasons, except for

18-7

1 vacations.

2 JUDGE BLOCH: And for that reason you  
3 don't really think as a criteria that it's all that  
4 important, is that right?

5 MR. DOWNEY: Are you asking for Mr. Purdy's  
6 personal judgment?

7 JUDGE BLOCH: Yes.

8 THE WITNESS: As an individual criteria  
9 all by itself it's only as important as to the degree  
10 beyond which it exceeded 80 hours.

11 JUDGE BLOCH: Well, I know that's the way  
12 it works, I guess, I'm saying do you wish the world were  
13 otherwise, that you didn't have to use it strictly  
14 mathematically? That's the way I understood your testimony.

15 THE WITNESS: Well, see, I wish my world  
16 were such that I could sit down and select a team that I  
17 felt was qualified and that I felt their interface and  
18 interpersonal relationships of the organization were such,  
19 that that's who I wanted to finish the job.

20 Obviously, that's not the way the ROF  
21 policy necessarily reads, by design.

22 BY MR. ROISMAN:

23 Q Well, I want to try to get the record clear  
24 here, so I'm going to ask you, is it your testimony that  
25 to you the employees' absences, if they're 90 hours, under

18--8

1 this ROF policy, would be a less detrimental factor,  
2 should be a less detrimental factor than if they are  
3 substantially less qualified to do their job than someone  
4 with a better attendance record?

5 A In my opinion?

6 Q In your opinion.

7 A Yes, that's the way I'd prefer to have my  
8 team.

9 JUDGE BLOCH: I take it that's in the  
10 absence of DOL regulations.

11 THE WITNESS: That's in the absence of  
12 DOL regulations, yes, sir.

13 BY MR. ROISMAN:

14 Q Well, are you testifying that it's your  
15 opinion that the only reason why the policy uses the  
16 criteria, wieghted as it is, in the last five categories  
17 to greater weight to the attendance record is in order to  
18 meet or to defend DOL litigation?

19 A No, that's not what I said at all.

20 Q Okay.

21 A I said that the reason that the screening  
22 process is truly objective based on those three very  
23 tangible items is obviously -- and if not obviously, I  
24 will tell you it is developed because of DOL.

25 The reason that there is a employee rating



18-9

1 program which contains at least three subjective  
2 evaluations by supervision relative to that employee's  
3 rating score was because we in supervision and management  
4 felt that when it got to that point where I had to  
5 evaluate peer groups within an ROF ranking, we wanted to  
6 be able to provide some input relative to that employee's  
7 over-all qualifications, the way they perform their job  
8 and basically the willingness and the attitude and the  
9 interpersonal relationships, how they fit into the  
10 organization.

11 The last two items in CPSES seniority in  
12 attendance were placed there as again purely objective  
13 evaluations. They were things that were documented. The  
14 total weight of those two items, assuming the maximum  
15 rating, is equal to the total number that can be  
16 obtained on the first three items, and as a result of that,  
17 the first three items become significant only if a person  
18 has very, very poor attendance.

19 If he has excellent attendance and has  
20 been with the project for a long period of time, those  
21 three items really become the tie-breaker because the  
22 CPSES seniority in attendance predominantly are the over-  
23 weighing factors in that evaluation and rating.

24 Q Well, but even as between CPSES seniority  
25 on the one hand, and attendance on the other, attendance

1 can get you twice as many points as CPSES seniority, right?  
2 Your maximum potential is twice as high.

3 A. That's correct, sir. But the only time  
4 that this is used is in an area in which all personnel  
5 have the same ROF category ranking.

6 Q. Correct.

7 A. Okay. That puts them in equivalent or  
8 almost equivalent qualifications, by definition of the  
9 program. Therefore, if a person is equivalently qualified  
10 and one of those individuals misses an hour, other than  
11 vacation, vacation excluded, during the previous year  
12 and I actually have examples of that, the other person  
13 who is similarly qualified missed 120 hours, which I have  
14 examples of, or 90 hours or 80 hours, the person who is  
15 similarly qualified but is always at the job to perform  
16 that function is the one that is most valuable to the  
17 organization.

18 Q. Let's look at it in the context of the  
19 people who were working in the QES review group.

20 JUDGE BLOCH: Mr. Roisman, we're have a  
21 patience problem and I think it's because we just don't  
22 understand what's happening here or why, because we think  
23 we understand the witness' views and that he's testified  
24 very fully, and if you're going to go on to new things --

25 MR. ROISMAN: I am.

18-11

1 JUDGE BLOCH: Okay,

2 BY MR. ROISMAN:

3 Q In your organization, the QES review  
4 organization, when you did the ROF category rank, isn't  
5 it the case that with the exception of one person all the  
6 people who you kept had the same ROF category rank and  
7 all of those who were discharged had a category rank one  
8 lower?

9 MR. DOWNEY: If he recalls. That's a  
10 very large number of people.

11 THE WITNESS: I don't recall the actual  
12 ranking of the personnel.

13 Q Well, do you remember whether Ralph Darby,  
14 for instance, had a category rank that was higher or lower  
15 than Mattie Gregory's?

16 A (No response.)

17 Q Would it refresh your memory if I tell you  
18 that Mattie Gregory had a category rank of five, with an A,  
19 a D and a B, and Ralph Darby had a category rank of four,  
20 with an A, a D and an A?

21 A Then I'd believe you.

22 Q No, I don't want you to believe -- I mean,  
23 I'm delighted to know that you would feel that way, but I  
24 don't want you to do that, I want you to tell me if that  
25 refreshes your memory. I don't want you to accept my word

18-12

1 for it.

2 MR. DOWNEY: The documents have been moved  
3 into evidence by the Applicants. They're attached to  
4 Mr. Purdy's direct examination.

5 JUDGE BLOCH: Well, then, let us turn to  
6 this. What exhibit is it?

7 MR. ROISMAN: It's Exhibit 10, I believe.

8 MR. DOWNEY: It's part of Exhibit 10.  
9 They say what they say.

10 MR. ROISMAN: Again it's necessary to get  
11 a predicate here to ask the question. If you'll just bear  
12 with me a second here --

13 BY MR. ROISMAN:

14 Q Miss Garde is going to give you  
15 Miss Gregory's ROF, or the one that we were given and  
16 represented wqs hers, and here is Ralph Darby's.

17 JUDGE BLOCH: Mr. Purdy, could you help us  
18 to read the chart? If you look at Mattie Gregory and  
19 Ralph Darby, where is the category rank on this chart?

20 THE WITNESS: It's in the upper right-hand  
21 corner, sir.

22 JUDGE BLOCH: Well, then, I'm not looking  
23 at the right exhibit.

24 THE WITNESS: Oh, I'm sorry. On the chart  
25 itself?

18-13

1 JUDGE BLOCH: Yes. Well, that's okay,  
2 you can describe it.

3 THE WITNESS: Oh, okay.

4 JUDGE BLOCH: Or you can show me over here  
5 and I will describe it.

6 THE WITNESS: This ROF category rank --

7 JUDGE BLOCH: Oh, are those already  
8 exhibits?

9 MR. ROISMAN: Yes. These are physically  
10 attached, as I understand it, to Mr. Purdy's testimony.

11 THE WITNESS: A whole stack of them, yes,  
12 sir.

13 BY MR. DOWNEY:

14 Q All right. Now, Mr. Purdy, now that you've  
15 looked at this, is it a correct statement that Mr. Darby  
16 is in the ROF category ranked number four and Miss Gregory  
17 is in the ROF category ranked number five?

18 A Yes, sir, that's correct.

19 Q All right. Now, on our copy of the form  
20 that was done for Mr. Darby, there is very faintly written  
21 something letter and then it looks like off time maybe,  
22 and something maybe 77 or 75 hours, do you see that?

23 A Yes, sir.

24 Q Do you know what that is?

25 A Yes, sir.

18-14

1 Q What is it?

2 A For performing the evaluation or establish-  
3 ing the data for the ROF ranking category we had had a lot  
4 of people -- I say a lot, several people on the project  
5 who had been hospitalized for surgical majors or for  
6 various problems.

7 My managers approached me and asked me if  
8 it was necessary that we include hospitalization where  
9 they were undergoing physically in the hospital and  
10 compare it like a day off of illness or an excused absence,  
11 and I made the decision at that time that if personnel  
12 had been hospitalized that we were to go back and for all  
13 personnel that had been hospitalized to take that time  
14 off their total absenteeism.

15 Q Did you make that because that's part of  
16 the ROF policy?

17 A I made that because it's a management  
18 prerogative that's provided to me within the ROF policy.

19 Q Were you aware when you did that, that  
20 that would keep Mr. Darby at the jobsite?

21 A I wasn't aware of who it would keep or  
22 who it would not keep at the jobsite.

23 - - -  
24  
25

1 BY MR. ROISMAN:

2 Q Did you inquire of all the employees  
3 to provide you with information on times that they  
4 were absent from the job site due to hospitalization?

5 A We had records of that in the personnel  
6 office.

7 Q And you made no attempt to advise employees  
8 that you were making that modification in the ROF  
9 policy before you actually made the ROF decision?

10 A Are you saying did I make any attempt to  
11 notify the employees?

12 Q That's correct.

13 A No.

14 Q And why would it be pertinent if the  
15 employees spent six consecutive days in the hospital,  
16 or if they spent six consecutive days at home with a  
17 disabling illness, in deciding whether they should  
18 or should not have six hours removed from their  
19 attendance record?

20 JUDGE BLOCH: Six days.

21 MR. ROISMAN: Yes. I'm sorry. Six  
22 days. Forty-eight hours.

23 MR. DOWNEY: Can we ask Mr. Roisman not  
24 to pace behind the witness.

25 THE WITNESS: The decision was made to

1 differentiate hospitalization from six days of crippling  
2 illness at home because a person that was ill,  
3 it would appear that he would go to the hospital.

4 If a person had an illness or had an  
5 accident or had a problem which predicated that he or  
6 she or whoever go to the hospital to have it surgically  
7 corrected, was in the hospital for that reason, was  
8 significantly different or sufficiently enough different  
9 to me than sporadic or periodic days off because of  
10 other illnesses.

11 BY MR. ROISMAN:

12 Q When this was brought to your attention,  
13 the question of whether or not hospitalization should  
14 be used as a mitigating factor in deciding the hours  
15 of absence, who brought it to your attention?

16 A I don't recall, Mr. Roisman.

17 Q Did they make you aware that you might  
18 lose some key employees or people who you thought of  
19 as key employees if you did not put in this exception?

20 A Mr. Roisman, I don't recall that either.  
21 I'm not sure that wasn't my idea.

22 Q I'm sorry?

23 A I'm not sure that it wasn't my idea when  
24 the administrative assistant asked me if I wanted to  
25 include hospitalization.



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Q Why would they have asked you that?

A I asked the administrative assistant to come up with an attendance record for the total days and hours that persons had been off of the job during the previous year. My administrative assistant knew that J was collecting data for the ROF.

I believe I was asked by the administrative assistant if that was to include hospitalization for surgical.

Q Who was the person who did that?

A My administrative assistant.

Q What was the person's name?

A Her name is Paula Wilson.

Q And you made no effort to determine whether or not the hospitalization -- what consequences that differentiation might have?

A I didn't bother to find out who it did or didn't -- I have subsequently -- obviously -- when we went through this testimony, but to find out at that time who it would or would not help -- because the decision was made to do it to everybody that was applicable -- I do recall that when I was asked if it was to include that, I recall a gentleman named Glen Grossnickel, who had a large number of hours in the hospital. Glen is an inspector.

1 I remember an individual named Cliff  
2 Brown who had been in an automobile accident. If  
3 you're asking me specifically did I remember Mr.  
4 Darby, no, I don't think I did.

5 But I do recall talking to -- or  
6 considering the fact that Grossnickel and Cliff  
7 Brown had been in the hospital a great period of  
8 time.

9 Q Do you realize now that if you had not  
10 implemented that policy, Mr. Darby would have been  
11 ROF'd; is that correct?

12 A Yes, I do, sir.

13 Q Mr. Ralph Darby now.

14 A Yes, sir.

15 MR. DOWNEY: For the Board's edification,  
16 he's part of the Darby Brothers team that works for  
17 Mr. Purdy. There are two.

18 BY MR. ROISMAN:

19 Q Have you ever attempted to figure out  
20 whether as a result of the application of the ROF  
21 policy to your QES review group, you ended up with your  
22 most qualified or least qualified employees as a  
23 group?

24 A The degree within a given qualification --  
25 and what I mean by that is people are evaluated within

19-5  
1 their peer group -- the degree of qualification is  
2 that which exceeds an acceptable level of qualifica-  
3 tion, or they would not be qualified and certified to  
4 perform the function.

5 I have not tried to figure out if I kept  
6 the most highly qualified D or I ROF'd the most  
7 highly qualified D, because that was not one of the  
8 criteria.

9 I do know that well-qualified people were  
10 ROF'd, predominantly because of the policy that we  
11 have had to implement.

12 Q Isn't it the case that you also -- not  
13 only well-qualified people in terms of the test --  
14 the ROF testing factors, but that what you were  
15 left with in the retained employees was a very high  
16 percentage of those who joined the QES review group  
17 only in the last several months before the ROF  
18 occurred? Were you aware of that?

19 A The personnel currently in the QES review  
20 group -- in the group -- are not necessarily the ones  
21 that have been here for a few months.

22 Q Well, is Shane Hines in the QES review  
23 group?

24 A Shane Hines is in the QES review group.  
25 He has been here longer than the last two or three

19-6  
1 months.

2 Q I'm talking as of the time of the ROF.  
3 Didn't he join the group in May of '84, roughly?

4 A Mr. Roisman, I don't have the slightest  
5 idea when he joined the group.

6 Q What about Don Whalen? Didn't he join the  
7 group in May of '84? And isn't he still in the  
8 group?

9 A Don Whalen is performing a document  
10 review group function for significantly longer than  
11 that.

12 Q I'm talking about a member of the QES  
13 review N-5 statusing group, the group that did the  
14 work on these isos that we talked about before.

15 Didn't Mr. Whalen join that group in  
16 approximately May of 1984?

17 A Mr. Roisman, I'm not sure when Mr. Whalen  
18 joined that group, but Mr. Whalen had been performing  
19 documentation functions for many, many months, and was,  
20 in fact, one of the individuals involved in verifying  
21 documentation for the cold hydrostatic test.

22 Q My interest is when they got to the QES  
23 review N-5 statusing group.

24 JUDGE BLOCH: He told you that, then he  
25 told you something else. So you've got what you wanted.

19-7

1 MR. ROISMAN: All right.

2 BY MR. ROISMAN:

3 Q Mr. Purdy, what about Lisa Holland? Didn't  
4 she remain after the ROFing and didn't she join the  
5 group in May of '84?

6 A Mr. Roisman, if you're referring strictly  
7 to the N-5 group -- the N-5 group -- and you're not  
8 talking about the total document review QES group,  
9 then that's probably true.

10 Q I'm talking about the QES -- the combined  
11 QES review, N-5 statusing group.

12 A If you're talking about the combined  
13 QES N-5 statusing group, those individuals responsible  
14 for documentation, which is what that total group  
15 now consists of -- okay, all phases of documentation --  
16 then Lisa Holland probably went into the N-5 group  
17 in that time frame that you just indicated, but she  
18 had been in a documentation arena for many months  
19 preceding that.

20 Q All right. Looking at the other side, in  
21 QES review, isn't Agnes Arnold who was discharged,  
22 a person who had been in QES review for approximately  
23 two years before the discharge?

24 A Yes, sir, that's correct.

25 Q And isn't it true that Minnie Gregory had

1 been performing her functions in that group for  
2 approximately ten months to a year before she was  
3 discharged?

4 A Yes, sir, that's correct.

5 Q And isn't it true that Darlene Swain had  
6 been performing her functions in that group for  
7 approximately a year before she was discharged?

8 A That's correct, as I recall.

9 Q And isn't it true that Terry Randall,  
10 who was discharged, had been performing his function  
11 for about a year and a half in that group before he  
12 was discharged?

13 A Yes, she was.

14 Q I'm sorry. Thank you for correcting me.  
15 Now, as I understand the way the ROF  
16 policy worked, the policy involved, if you will, the  
17 evaluation of the people, vis-a-vis the peers within  
18 the group defined as the peer group; isn't that  
19 correct?

20 A Yes, sir.

21 Q So that if a substantial number of  
22 people were transferred into a group that was going  
23 to have an ROF occur in it, then that could alter  
24 substantially the equation as to who would be  
25 retained and who would be discharged as to how it

19-9 1 would have existed before the transfer incurred; isn't  
2 that right?

3 A No, because even though they were in the  
4 N-5 group when the ROF occurred, they would have still  
5 been in the documentation area, which would have  
6 been reviewed as a peer group ever since the policy  
7 was implemented.

8 Q Well, my understanding is -- now you  
9 correct me if I'm wrong -- but my understanding is  
10 that in performing this ROF there was a sub-group  
11 of all the groups that were evaluated made up of the  
12 following individuals: Ms. Barnard, Mr. Trussell,  
13 Ms. Wiseman, Mr. Hines -- or Mr. and Mrs. Hines,  
14 Wayland White, both Darbys, Gavin, Holland, Harlan,  
15 Henline, Gregory, Swain, Randolph, McGuire; and that  
16 that was a group that was evaluated among themselves  
17 in determining who would be ROF'd and who would not  
18 be ROF'd on the 13th of July 1984; isn't that  
19 correct?

20 A As I recall, that's correct.

21 Q And isn't that group made up of five or  
22 six people that you testified about who had been  
23 transferred into that particular sub-group of all the  
24 document reviewers only a few months before the ROF was  
25 initiated?

19-10

1           A.       There are only two peer groups with which  
2 we performed evaluations. One of them was the peer  
3 group of document verification. The other one was  
4 field QC inspection.

5                   That evaluation would have included those  
6 people, whether they were physically in the room,  
7 with the N-5 reviewers, or they were physically out  
8 in the field, or they were in the next office doing  
9 isometric takeoffs for hydrostatic tests.

10                   The group nucleus would have been the  
11 same in the peer group regardless of being transferred  
12 to the N-5 group.

13           Q       You're telling me then that there were  
14 no people involved in document review who didn't work  
15 in the QES review N-5 statusing group as of the 13th  
16 of July 1984?

17           A.       No, I'm not telling you that. I am  
18 telling you there were people that worked in other  
19 document review groups prior to that May 1984 period,  
20 and that those individuals would have been evaluated  
21 with all of the people performing document review.

22                   It didn't make any difference whether  
23 they were reviewing an N-5 isometric, whether they were  
24 reviewing a hanger package, whether they were review-  
25 ing processed documentation for piping, or whether



19-11  
1 they were reviewing takeoffs for hydrostatic testing,  
2 or whether they were providing documentation functions  
3 for inspection reports and checkoffs.

4 They would have all been evaluated in that  
5 group regardless.

6 Q Is your testimony that as of the 13th of  
7 July 1984, there were no people at the plant perform-  
8 ing the document review function that you've just  
9 listed who were not in the names that I just read off  
10 to you as being within the relevant peer review  
11 group? Is that your testimony?

12 MR. DOWNEY: Objection. I think --  
13 only to the point that Mr. Roisman said "at the  
14 plant."

15 At the plant includes a substantially  
16 larger number of people than the ASME group for  
17 which Mr. Purdy is responsible and as to which the  
18 ROF was implemented.

19 BY MR. ROISMAN:

20 Q With that qualification --

21 A There were personnel who were also  
22 performing document review in the N-5 group who were  
23 not evaluated in that peer group.

24 Q And how was that distinction made?

25 A The distinction was made because they were

19-12

1 QCI field inspectors who had been brought up from the  
2 field to aid the document review group in my goal of  
3 40 isometrics a week, who were all qualified in B or  
4 A -- this type of category. It would certainly not  
5 have been fair to evaluate those people with the  
6 document review group.

7 JUDGE BLOCH: Just so I understand it  
8 correctly, all of the document reviewers in ASME  
9 were document reviewers only; they were not  
10 field QCI's -- were included in the group?

11 THE WITNESS: Were evaluated as a peer  
12 group, yes, sir.

13 The QCI field inspectors were evaluated  
14 as a peer group.

15 JUDGE BLOCH: And I also understand that  
16 defining the group that way, there was no large  
17 transfer into that group?

18 THE WITNESS: That's correct, sir.

19 BY MR. ROISMAN:

20 Q You've testified with regard to the  
21 persons who were ROF'd of efforts that you made both  
22 before and after the ROF to get them reassigned or to  
23 find them jobs elsewhere. And one of the things that  
24 I don't remember you testifying about is the policy  
25 on rehiring.

19-13

1 If you determined that you needed more  
2 people in the QES review N-5 statusing organization  
3 or in that broader group of documentation review that  
4 you had identified to me in your testimony a few  
5 moments ago, where did the ROF'd people stand on your  
6 list for rehire?

7 A. On my list?

8 Q. Yes.

9 A. I would certainly hope they were still  
10 around. They would be first.

11 Q. Where did they stand as far as you  
12 understand on the company's policy sheet?

13 A. I'm not sure that I know what the company  
14 policy is. I am the company when it comes to rehiring  
15 personnel for Brown & Root on the Comanche Peak  
16 project.

17 Q. So that, for instance, it would be a  
18 reasonable assumption on my part that if any additional  
19 personnel had been added to the QES review N-5 status-  
20 ing function that you've described here today, plus  
21 all those other document review functions, that if  
22 additional people were needed in that, that I would  
23 assume that you had rehired people out of the ROF'd  
24 group before you brought transfers in from other  
25 places in the plant? Is that a fair assumption on my

1 part?

2 A. Since the ROF?

3 Q. Since the 13th of July 1984.

4 A. Yes, sir.

5 JUDGE BLOCH: I'm sorry. Do you have  
6 anything more specific, Mr. Roisman? I don't know  
7 after that answer whether he has hired anyone after  
8 that date.

9 MR. ROISMAN: I go into that.

10 BY MR. ROISMAN:

11 Q. Have you hired anyone after that date?

12 A. No, sir.

13 Q. That was my understanding.

14 Have you transferred anybody in to work  
15 on these functions since that date?

16 A. No, sir.

17 Q. Have any of these functions been assigned  
18 to other people who you didn't formally transfer  
19 in -- inspectors like you mentioned before who would  
20 carry out these functions?

21 A. Some of the inspectors are still working  
22 in the group until it's completed, but I have not  
23 hired or transferred any of the individuals in.

24 Q. You've not hired or transferred in any  
25 additional inspectors --

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A. No, not to the best of my knowledge.

Q All right.

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e  
1 BY MR. ROISMAN:

2 Q I would like to direct your attention  
3 to Page 41367. You make the statement at Lines 21  
4 and 22 about the wearing of the T-shirts, that, and  
5 I quote: "It obviously created a very volatile  
6 situation."

7 What was the basis for your belief  
8 that it created a volatile situation on the day on  
9 which the T-shirt incident occurred?

10 A The volatile situation that I was  
11 referring to was the situation in which management  
12 and supervision was attempting to reconcile the  
13 problem.

14 I was not referring to any volatile  
15 situation necessarily in the field.

16 Q You mean the volatile situation was  
17 the situation created by management's response to  
18 the wearing of T-shirts?

19 A I meant that the volatile situation  
20 was that -- let me take that back -- that the volatile  
21 situation was trying to decide in management what to  
22 do because of the wearing of the T-shirts.

23 Q Why should it have been a volatile  
24 situation at all? What was it about the wearing of  
25 the T-shirts that presented any kind of situation,

0-2  
1 much less a volatile one?

2 A At least in the minds of some supervisory  
3 and management personnel, they considered the group  
4 action of wearing those T-shirts on that day to be  
5 creating a less-than-satisfactory working environment;  
6 possibly verbal interaction.

7 The fact that -- and I'm not sure what  
8 first brought the T-shirts to anybody's attention.  
9 I'm not sure how that started, but at least when it  
10 was brought to the attention of supervision and  
11 management, they considered it to be an unsatisfactory  
12 thing to do within that task group, called those  
13 individuals in, and were upset enough about it to  
14 basically bring them in into the Administration  
15 Building and try to reach some type of a disposition  
16 on their activity and what they were going to do  
17 about it.

18 Q Would you consider it to have been a  
19 similarly volatile situation if there had been  
20 posted on the bulletin board near where the Safeguards  
21 Building was -- not the official bulletin board, but  
22 the bulletin board on which employees posted  
23 individual notices -- a notice that said, "All QC  
24 electrical inspectors working in the Safeguards  
25 Building who are concerned about building management

20-3 1 pressure being placed on them for reporting  
2 nonconforming conditions should meet at the feedlot  
3 tonight at 7:30"?

4           Would you consider that that would  
5 have been creating a volatile situation?

6           A           I would consider it a situation that  
7 probably could arouse unsatisfactory interaction.

8           I would also consider it a situation  
9 that I had better look into very rapidly because  
10 something is wrong.

11          Q           Would you consider it unprofessional  
12 conduct on the part of the person who put the note  
13 up there?

14          A           I would consider it in poor taste.

15          Q           Because the note was there or because  
16 the meeting was being called?

17          A           Because the note was there.

18          Q           If they put the note up at the feedlot,  
19 would it have been okay?

20          A           Yes.

21          Q           Would you have thought you had to look  
22 into it?

23          A           Certainly.

24          Q           Were you aware --

25           JUDGE BLOCH: I'm sorry. What was that



20-4  
1 answer?

2 THE WITNESS: Yes, sir. Certainly.

3 BY MR. ROISMAN:

4 Q Were you aware of any concern on the  
5 part of the QC electrical inspectors in the Safeguards  
6 Building, and particularly in the post-construction  
7 verification task force of a concern about pressures  
8 from building management on or before the day of the  
9 T-shirt incident?

10 A Bear in mind that I had very peripheral  
11 involvement in those task groups. It was not an  
12 activity that was taking place in my arena.

13 It was not an ASME-related task group.  
14 I was not out in the task group observing what was  
15 going on.

16 Anything that I knew of would be  
17 translated to me, or was generally translated to me  
18 through Greg Bennetzen, who worked for me; and,  
19 therefore, again, it's what I was told.

20 Mr. Bennetzen had indicated that there  
21 were some concerns by the QC personnel in his task  
22 group, and that these are what they were related  
23 to and asked me what he would recommend or what  
24 I would recommend; and at that particular time I  
25 recommended that he get together with Mr. Tolson to

0-5

1 discuss those and see what kind of resolution could  
2 be achieved.

3 I believe Mr. Bennetzen himself only  
4 talked to me on about one or two occasions relative  
5 to the inspectors' attitudes.

6 Q Roughly, when did those conversations  
7 take place?

8 A I believe that one of them was very  
9 early in the task group development.

10 Q Would you say maybe January of this  
11 year, roughly?

12 A Probaby six to eight weeks, two  
13 months, maybe, after the development of the task  
14 group.

15 JUDGE BLOCH: When you speak towards  
16 Mr. Roisman, you need the microphone in front of you.

17 Does the reporter need the last question  
18 and answer again?

19 THE WITNESS: The first time Mr. Bennetzen  
20 came to me was probably not more than six to eight  
21 weeks into the implementation of the task group.

22 BY MR. ROISMAN:

23 Q Can you pin that down? Is that  
24 December - January period; does that sound right,  
25 December, '83 - January '84?

1 A Probably in that time frame, yes, sir.

2 Q When was the second time?

3 A Probably not much more than a couple  
4 of weeks after that.

5 Q And what concerns, specifically, as  
6 you remember it, did he express to you in the first  
7 meeting, and what concern, as you remember it, did he  
8 express to you in the second meeting?

9 A The concerns that he expressed to me  
10 in the first meeting was that he was having a problem  
11 getting across to various task group management  
12 members the kinds of problems that they were finding,  
13 that they were concerned because they appeared to  
14 be finding more problems than other task groups.

15 Q Just stop there a second.

16 What was it that he thought was a  
17 problem with that? What part of it was the problem?

18 A The question he had was that in the  
19 post-construction verification procedure, that the  
20 way he was interpreting or his personnel were  
21 interpreting the post-construction verification  
22 procedure, they were looking at a great deal number  
23 of items than some of the other groups.

24 Q You mean they were nitpicking?

25 A I don't believe that that was the word

0-7  
1 he used.

2 Q What did you perceive? What did you  
3 think he was saying? Did you think that he was  
4 saying that they were being nitpickers?

5 A No.

6 Q All right. Go ahead. What was the  
7 next concern expressed at that first meeting?

8 JUDGE BLOCH: Well, I would like a  
9 little clarification as to what the problems were  
10 that they were identifying?

11 THE WITNESS: I will try to recall.  
12 I was very peripherally involved.

13 JUDGE BLOCH: Take your time.

14 THE WITNESS: I take it it had to  
15 do with terminations, as I recall, terminations in  
16 components for lighting.

17 BY MR. ROISMAN:

18 Q Did it have anything to do with  
19 the procedures that had been written for doing that  
20 evaluation of the terminations of lighting  
21 components?

22 A Not as I recall, to them. They felt  
23 they understood what the procedure said.

24 The problem was that they weren't  
25 sure that the task management that they were involved

2 )-8  
1 with had the same interpretation of what the  
2 procedure said.

3 Q By "task management," you mean the  
4 craft?

5 A No.

6 JUDGE BLOCH: Which people do you mean?

7 THE WITNESS: I mean construction  
8 management. I mean people like foremen, superintendent,  
9 building managers, this type of a thing.

10 BY MR. ROISMAN:

11 Q Like Fred Powers?

12 A Fred Powers wasn't even in the same  
13 task group.

14 Q Go ahead.

15 A (No response.)

16 Q You were going to give me the other  
17 concerns.

18 A I'm trying to remember.

19 JUDGE BLOCH: I'm sorry. Before you  
20 go to the other concerns, what about his QC  
21 management? What was the QC line on this and how  
22 did his QC managers stand on this?

23 Were you in the line of command?

24 THE WITNESS: No, sir, I wasn't in the  
25 line.

0-9 1 JUDGE BLOCH: Did he mention how his  
2 QC supervisors were standing on these matters?

3 THE WITNESS: At that time I don't  
4 recall him mentioning his QC managers.

5 See, Mr. Bennetzen was asked to  
6 supervise in an area which was a management function  
7 and not his normal area of technical expertise.

8 His job was a function of personnel  
9 management, distribution and coordination at the  
10 time.

11 The first couple of get-togethers that  
12 the building management group had where they were  
13 trying to set up the program, I sat with Mr. Bennetzen  
14 so I could try and figure out what was going on  
15 within that area since Mr. Bennetzen, one of my  
16 personnel normally in the ASME activities, was going  
17 to be involved in it.

18 JUDGE BLOCH: Do you know to whom he  
19 reported in the QC line?

20 THE WITNESS: I believe that he  
21 reported through Dan Hicks to Ron Tolson, I believe.  
22 I don't find it abnormal, though, that Greg would  
23 come and ask me, "What does this thing mean?"

24 I also don't think Greg found it  
25 abnormal that I told him that he ought to go discuss

0-10 1 it with Mr. Tolson. I wasn't sure what it meant.

2 BY MR. ROISMAN:

3 Q Then you did not get substantively  
4 involved in it? You said, "Go see Tolson."

5 A I told him to go see whoever he was  
6 reporting to.

7 Q Okay.

8 A I don't recall who.

9 Q And the second meeting, what concerns  
10 came up at that meeting?

11 A I think his question was on go/no-go  
12 gauges at the time. There was a question of go/no-go  
13 gauge calibration, and Greg had said, "I have tried  
14 to see if they would use micrometers that were  
15 calibrated; do you see any problem with that?"

16 I said, "No. It appears to me that  
17 it's more definitive and quantitative than a go/no-go  
18 gauge." And Greg said that there was a problem  
19 because the procedures specifically said a go/no-go  
20 gauge.

21 I said, "Well, if they are following  
22 the procedures and they interpret it that it  
23 precludes the use of the micrometer, I would  
24 recommend either changing the procedure or go get  
25 the go/no-go gauges."

0-11

1 To the best of my knowledge, those  
2 were the concerns that were brought to me by Greg.

3 Q And did he report to you on his  
4 conversations with Tolson at all? Did he come back  
5 to you and tell you how that had worked out?

6 A I don't recall, Mr. Roisman.

7 Q Did you ask him at the second meeting,  
8 "Say, how did things go with that problem you saw  
9 me about a few weeks ago?"

10 A And I don't recall whether I asked him.

11 Q Knowing at the time what you knew about  
12 some problems among the QC electrical inspectors in  
13 the Safeguards Building, did you in your own head  
14 put together that problem with the T-shirt incident  
15 when it arose in March?

16 A I quite obviously felt that the  
17 interface -- I take that back. Greg did talk to me  
18 one more time, and I did have another conversation  
19 with Greg.

20 Greg had indicated that they had had  
21 a meeting with construction management and engineering  
22 and the QC folks, both within their task group and  
23 another task group, and he thought that they were  
24 going to be able to reconcile the concerns of the  
25 task group. I do remember that.



0-12

1 Q When you say "they had had a meeting,"  
2 I wasn't clear. Who from Mr. Bennetzen's group did  
3 you --

4 A Well, I know Mr. Bennetzen was there.  
5 I don't know who else was there, Mr. Roisman. I'm  
6 not sure.

7 Q You don't know whether his inspectors  
8 were there?

9 A No, sir, I don't.

10 Q When did that take place?

11 A I don't even really recall.

12 Q It was around the time of the T-shirt  
13 incident that Mr. Bennetzen returned to your direct  
14 supervision; isn't that true?

15 A Yes, sir, that is correct.

16 Q Was that at your request or his request  
17 or somebody else's request?

18 A That was at my request.

19 Q And why did you request that?

20 A I requested it for basically two  
21 reasons. The first reason was we obviously had a  
22 major effort in the N-5 program during that particular  
23 period of time.

24 Mr. Bennetzen was familiar with it and  
25 I wanted him to coordinate that particular activity.

0-13

1                   The second reason was that Greg was  
2                   having a hard time communicating with project manage-  
3                   ment or with that task group management at the time;  
4                   and I felt that under the circumstances, that if Greg  
5                   would feel more comfortable back in the N-5 group and  
6                   somebody who was more technically proficient into  
7                   the area because the questions that were being raised  
8                   were technically oriented, that it would be to the  
9                   benefit of the task group and to the N-5 group.

10                  Q           Did Mr. Bennetzen tell you what were  
11                  the communications problems that he was having with  
12                  building management or what he meant by that?

13                  A           Mr. Bennetzen related to me that he  
14                  was having a hard time communicating with the building  
15                  manager.

16                  Q           But what exactly did he mean? Was  
17                  one speaking Portuguese and the other speaking German  
18                  or was it that they were disagreeing and not getting  
19                  them resolved or what?

20                  A           I think it was on the interface  
21                  responsibilities of the construction activities versus  
22                  the inspection post-construction verification  
23                  activities.

24                  Q           I guess I would like to get out of the  
25                  interface talk and into the real talk.

0-14  
✓  
1 Were they arguing about whether the  
2 inspectors were doing their job properly or improperly?  
3 Was that what was going on?

4 A. I don't know.

5 Q. He didn't tell you?

6 A. No, I wasn't out there.

7 Q. Well, but it was one of the reasons why  
8 you brought him back. You didn't test him to see  
9 whether or not he was backing away from a tough job  
10 or anything like that?

11 A. No, Greg won't back away from a tough  
12 job.

13 Greg did not tell me that he was  
14 continuing to have problems communicating or  
15 interfacing with the building manager.

16 The assistant building manager told me  
17 that he was having a hard time communicating with  
18 Greg.

19 ///

20 ///

21  
22  
23  
24  
25

1 BY MR. ROISMAN:

2 Q And who was that?

3 A Nelson Smith.

4 Q Nelson Smith?

5 A Yes, sir.

6 Q Did you know whether or not Mr. Bennetzen  
7 had taken this communications problem to his  
8 supervisor, Mr. Tolson or Mr. Hicks?

9 A I don't know for sure.

10 JUDGE BLOCH: Mr. Roisman, what's your  
11 estimate on time at this point?

12 MR. ROISMAN: I'm taking a look at that,  
13 Mr. Chairman. Right at this minute anticipating  
14 that you'd like to know that answer, as would I.

15 (Pause.)

16 JUDGE GROSSMAN: While you're reviewing  
17 your notes, I have one or two questions.

18 Sir, I'm not sure we ever got to an  
19 answer to the question of whether you associated  
20 the T-shirt incident in your mind with the problems  
21 that had been occurring at that time with the post-  
22 inspections.

23 Can you answer that question?

24 THE WITNESS: When I was called into the  
25 situation, it certainly flashed through my mind that

1 there may be some correlation between the two.

2 JUDGE GROSSMAN: And then could you also  
3 tell me what the schedule of work is that was in  
4 this matrix -- I guess -- for determining the ROF's.  
5 Was that scheduled work within that particular  
6 unit, or was that -- I'm talking about the absences  
7 now that was considered as a part of the determination  
8 for laying someone off or ROFing someone, whatever  
9 the terminology is.

10 JUDGE BLOCH: He said it was --

11 JUDGE GROSSMAN: We're talking about the  
12 80 hours missing of scheduled work.

13 THE WITNESS: Yes, sir.

14 JUDGE GROSSMAN: Well, you looked puzzled.

15 THE WITNESS: No, I understand.

16 JUDGE GROSSMAN: Was the scheduled work  
17 that's referred to there scheduled work for that  
18 particular work unit; or was it scheduled work for  
19 the company as a whole?

20 THE WITNESS: It was an overall attendance  
21 schedule, sir. In the QA department.

22 JUDGE GROSSMAN: In the QA department?

23 THE WITNESS: Yes, sir.

24 JUDGE GROSSMAN: Well, if someone had  
25 been in another department and moved over to QA, you

21-3 1 would only have the work records for the QA that you  
2 were interested in; is that correct?

3 THE WITNESS: No. If the situation arose  
4 where a person had been transferred over from outside  
5 of QA into QA, we would obtain their attendance  
6 record from the time office for the period of time  
7 they were not within our organization.

8 JUDGE GROSSMAN: Well, then it's scheduled  
9 work for the company as a whole that you --

10 THE WITNESS: For the project as a  
11 whole. I have a hard time answering the question  
12 because I don't know the situation where they had not  
13 been in the QA organization for the entire period of  
14 time.

15 JUDGE GROSSMAN: Okay. That's fine. I'm  
16 sorry to interrupt.

17 JUDGE BLOCH: Mr. Roisman.

18 MR. ROISMAN: I've got a couple of  
19 questions, but I think Ms. Garde has got more than  
20 that. I'd like to do my couple and then, given the  
21 hour, I suspect we're going to need to break.

22 JUDGE BLOCH: The reporter needs a five-  
23 minute recess, so we have to take a five-minute  
24 recess.

25 (A short recess was taken.)

1 JUDGE BLOCH: Mr. Roisman.

2 BY MR. ROISMAN:

3 Q Mr. Purdy, I have one question, just to  
4 take us back to the ROF for a second, and then I have  
5 a couple of questions for you on your Exhibit 16 to  
6 your testimony.

7 In the ROF policy -- the portion of it  
8 that dealt with the absences caused by medical reasons,  
9 did you exclude in the tabulation of hours absent  
10 not only the hospital time, but time that was  
11 absent with a doctor's statement indicating a  
12 justifiable reason for the employee to be away due  
13 to illness?

14 A No, sir, I did not.

15 Q And in calculating the number of hours  
16 that were absent, what did you use as the base  
17 number for the employee? Did you use just a straight  
18 40-hour week?

19 A The number of hours for excused absence  
20 or absence or sick absence was strictly eight hours  
21 a day for the days that were absent.

22 Q No, I'm sorry, I didn't mean that. What  
23 I meant was in deciding whether a person had been  
24 absent, what were you measuring them against? A  
25 lot of the -- For instance, in the QES N-5 review

wl-5

1 group, as you know, there was a lot of overtime being  
2 worked.

3 How did you deal with that in making  
4 your calculations?

5 A Well, that's what I'm trying to say. From  
6 just a total macroscopic look at attendance, if a  
7 person was absent on a given day, it was eight hours  
8 for that day.

9 Now, that's obviously Monday through  
10 Friday. If it were hours that they were late reporting  
11 in or leaving, it was hours that were recorded on  
12 the gate log and on the time sheets that the individuals  
13 have and that my personal administrative assistant  
14 keeps for the scheduled work days.

15 Q How did you decide whether the person was  
16 absent -- Let's say that you had ordered your staff  
17 to work six 12's, and you had a person who that week  
18 worked every day at least eight hours, but not 12 on  
19 every day.

20 Would the days that they didn't make a  
21 full 12, would the hours missed be counted as absences  
22 in your calculations?

23 A The total hours that were missed of the  
24 scheduled day -- or the scheduled work day would have  
25 been included.



1P-6  
1 Q And by "scheduled," do you mean it might  
2 have been a 12-hour scheduled day as opposed to an  
3 eight-hour scheduled day?

4 A It may have been a 12-hour scheduled day.  
5 Now, those hours were included only as they related  
6 to getting there early or leaving late -- excuse me --  
7 the other way around.

8 Getting to work late or leaving early.  
9 Okay.

10 If the person was scheduled to work 12  
11 hours on Tuesday, and they missed a day of excused  
12 absence on Tuesday, it was eight hours.

13 Q Even though it was a 12-hour schedule?

14 A Even though it was a 12-hour day because  
15 we compensate for eight hours.

16 Q And what did you do with people who  
17 worked voluntary overtime; that is, unscheduled  
18 overtime? Were they given credit against other  
19 absences of any kind?

20 A No, sir.

21 Q Looking at Purdy Exhibit 16, which is  
22 entitled "Testimony of Gordon R. Purdy Regarding  
23 Redundant Inspection and Testing of ASME Components  
24 and Systems."

25 I'll give you a copy.

(Document handed to witness.)

1  
2 Q Mr. Purdy, if all of the inspections  
3 that are identified in there and all of the procedures  
4 that are identified from there and carried out  
5 exactly as required, would it excuse the Applicant  
6 from meeting any other requirements of 10 CFR  
7 Part 50, Appendix B?

8 MR. DOWNEY: Objection. It calls for a  
9 legal conclusion.

10 BY MR. ROISMAN:

11 Q In your judgment would it excuse the  
12 Applicant from meeting any other requirements of 10  
13 CFR Part 50, Appendix B?

14 A I'm not quite sure, Mr. Roisman, what  
15 you mean. If the redundancy of this program were  
16 implemented precisely, and there were something else  
17 that Appendix B required, would it excuse them from  
18 doing that? Is that the question?

19 Q Well, I take it -- That talks about  
20 redundant programs, correct -- and there's also just  
21 the basic program.

22 And my question to you is: If you did  
23 all of the redundant things that your testimony in  
24 there indicates are within the program plans of this  
25 Applicant -- either have been done or will be done,

21-8 1 would the doing of those discharge any other -- in  
2 your judgment discharge the company from any other  
3 responsibilities that it had under 10 CFR Part 50,  
4 Appendix B?

5 A. No, sir, I don't believe it would.

6 MR. ROISMAN: Okay. I have no further  
7 questions for the witness at this time.

8 Ms. Garde has one statement to make for  
9 the record.

10 MS. GARDE: In regard to the Travelers  
11 which were produced this morning, it's apparent that  
12 there is missing in the chronological order of the  
13 Travelers 55 miscellaneous Travelers and a group of 81  
14 Travelers, and anything beyond the last number, which  
15 is 1355.

16 It's also apparent that only two Travelers  
17 have been produced with Mr. Fred Evans' signature on  
18 them.

19 Our understanding is that Mr. Evans also  
20 worked all night with Ms. Neumeyer signing off  
21 documentation.

22 Those Travelers either have not been  
23 produced or are missing. We would request that these  
24 documents be produced.

25 MR. DOWNEY: I don't know -- I don't

21-9  
1 accept Ms. Garde's representation as evidence that  
2 there are somehow missing Travelers.

3 JUDGE BLOCH: I think counsel should have  
4 a discussion after the hearing. If there's a problem  
5 with missing Travelers, every effort should be made  
6 to find them.

7 If there is a necessity to take testimony  
8 to establish that there are missing Travelers, we  
9 may have to do that.

10 MR. ROISMAN: I think, Mr. Chairman, the  
11 thing that's important from CASE's perspective is  
12 to understand and to document on this document, which  
13 is why I asked Ms. Garde to make this statement on  
14 and not off the record -- that ever since Ms. Neumeyer's  
15 deposition was taken back starting in Glen Rose and  
16 ending up in Fort Worth, we have had pending -- at  
17 least since then -- a request for Travelers.

18 First, there was a substantial time  
19 before we got the so-called Neumeyer Travelers. Those  
20 were not complete.

21 Now, we've got this pile. It was  
22 represented by the witness on the witness stand this  
23 morning -- Mr. Brandt -- that this was all of the  
24 Travelers.

25 It goes to one of the issues that's

21-10

1 legitimately here; and that is, is there any adequate  
2 documentation retrieval system --

3 JUDGE BLOCH: But now you're making a  
4 final argument.

5 MR. ROISMAN: No, I want to make sure  
6 that you understand that I'm now going to read what  
7 we believe are the missing Travelers into the record  
8 because I want it to be a part of the record.

9 I want to read off the numbers of the  
10 missing Travelers.

11 JUDGE BLOCH: You may not be aware that  
12 I requested from Mr. Horin an explanation of the  
13 lateness in responding to document requests.  
14 Specifically this one was one of them.

15 MR. ROISMAN: No, I was not aware of  
16 that.

17 MR. DOWNEY: I'm sorry. I missed the  
18 question.

19 JUDGE BLOCH: I asked Mr. Horin to explain  
20 the lateness in responding to document requests. One  
21 of them was in the other branch of the case, and the  
22 other one was in this branch of the case.

23 MR. DOWNEY: The only thing I can say is  
24 that we have put -- we have had piecemeal --

25 JUDGE BLOCH: I asked him to submit

1 evidence on the lateness in responding. I want to  
2 know from evidence whether it is related to a  
3 deficient document system, because one of the issues  
4 in the other case is the document system.

5 MR. ROISMAN: May I for the record read  
6 the numbers?

7 JUDGE BLOCH: Please do.

8 MR. ROISMAN: The numbers are individual  
9 numbers of Travelers that we were unable to locate  
10 in the pile given to us this morning.

11 50 --

12 MR. MIZUNO: Excuse me. Before Mr.  
13 Roisman begins -- I don't have any objection to him  
14 putting these numbers into the record -- but could he  
15 just indicate what his basis is for believing that  
16 these are missing Travelers for the --

17 JUDGE BLOCH: Is it a sequential numbering  
18 system, and there are numbers missing?

19 MR. ROISMAN: That's correct. That's  
20 right.

21 I will state for the record that one of  
22 them is a forward document reviewer -- a certified  
23 document reviewer from Comanche Review, Ms. Hatley  
24 and Ms. Gregory.

25 MR. MIZUNO: I see. Ms. Gregory and perhaps

21-12  
1 another person recollected some numbers, and these  
2 numbers are --

3 JUDGE BLOCH: No, no.

4 MR. ROISMAN: There's a sequential  
5 numbering system of the Travelers, and there's  
6 gaps.

7 MR. DOWNEY: There is an assumption in  
8 Mr. Roisman's statement that I don't think is borne  
9 out by the evidence.

10 That is, there is a wealth of correspondence  
11 with every number from one to the top number in that  
12 list.

13 MR. ROISMAN: That's all right. I mean,  
14 we're satisfied with any full record explanation of  
15 what's going on, that they're missing, that these are  
16 the numbers where the gaps are, that it's a hole in  
17 the wall.

18 I just need to know, and when you get a  
19 group of numbered documents, you get a suspicion  
20 that it's a sequential numbering.

21 JUDGE BLOCH: Let's just read the ones  
22 that are missing.

23 MR. ROISMAN: 50, 55, 58, 64, 76, 79,  
24 82, 83, 87, 106, 123, 149, 161, 204, 226, 238, 246,  
25 255, 256, 272, 274, 285, 304, 311, 326, 343, 344,

21-13

1 345, 346, 347, 348, 350, 358, 367, 460, 536, 608,  
2 628, 629, 630, 631, 649, 718, 763, 764, 771, 772,  
3 1000 through 1081, 1098, 1143, 1174, 1180, 1252, 1253,  
4 1273 through 1354 and anything after 1355, if there  
5 is anything.

6 Thank you.

7 MR. DOWNEY: I believe No. 82 was received  
8 in evidence this morning. I don't know about any  
9 others.

10 JUDGE BLOCH: Okay. Back to the witness.

11 JUDGE GROSSMAN: I just want to pursue  
12 this thing on attendance which may have been satisfied,  
13 but I'm not quite sure.

14 You mentioned there is a referral to time  
15 sheets; is that correct -- in order to determine the  
16 attendance?

17 THE WITNESS: Yes, sir.

18 JUDGE GROSSMAN: How long were the time  
19 sheets kept?

20 THE WITNESS: Time sheets on the project  
21 actually are title documents. They keep time sheet  
22 runs for a long time. I don't know how long  
23 administration keeps them.

24 We keep them --

25 JUDGE JORDAN: From the beginning of a



21-14 1 point?

2 THE WITNESS: Yes, sir.

3 The time sheets that are in the time  
4 office represent personnel reporting to a foreman,  
5 so whenever a person came on -- as long as they were  
6 on the project, regardless of who they reported to,  
7 they would end up -- that particular chronology of  
8 attendance, which is primarily a salary consideration  
9 because the time office -- going through the gate  
10 at the project bases their pay on when they reported  
11 and when they left.

12 Additionally, each of those individuals  
13 will fill out a time sheet. My administrative  
14 assistant would balance their time sheet against  
15 the records in the -- at the gate where they pick  
16 up their brass to come into work, to insure that  
17 there's no difference between the hours reported at  
18 work.

19 JUDGE GROSSMAN: And the time sheet that  
20 was referred to then was one that was kept by someone  
21 in your unit?

22 THE WITNESS: Yes, sir.

23 JUDGE GROSSMAN: Is it your testimony that  
24 when someone transfers out of your unit, that your  
25 foreman then went and took his time sheet out of your

21-15

1 time records and sent them somewhere else -- to the  
2 unit that the person was now reporting to?

3 THE WITNESS: I'm not sure that was  
4 my testimony.

5 If an individual in the QA department was  
6 transferred outside of the QA department, then his  
7 attendance record would be provided to his new  
8 foreman.

9 JUDGE GROSSMAN: When you say attendance  
10 record, do you mean the time sheets that were --

11 THE WITNESS: The records that we would  
12 keep. They would always have those records with the  
13 time office. There's only one time office for the  
14 entire project, and they keep the attendance records  
15 for everybody on the project.

16 The individual records that we would  
17 keep, we would provide.

18 JUDGE GROSSMAN: Well, I understand  
19 you're telling me there are really two sets of  
20 records, one for the company as a whole and one for  
21 each unit; and they duplicate each other.

22 THE WITNESS: Yes, sir.

23 JUDGE GROSSMAN: I just wanted to make  
24 sure that what you're telling me is that the time  
25 sheets that you maintained in your unit would go with

21-16

1 each individual employee, if he transferred out of  
2 your unit. You would no longer keep a time sheet  
3 representing his attendance in your unit for the time  
4 he had been in your unit; is that correct?

5 THE WITNESS: We would transfer our  
6 documentation of that, yes, sir.

7 JUDGE GROSSMAN: And, similarly, when  
8 someone came into your unit, his time sheet in the  
9 other unit would come to your unit?

10 THE WITNESS: Yes, sir.

11 JUDGE GROSSMAN: Okay.

12 JUDGE JORDAN: One quick question.  
13 Was company service a consideration  
14 for ROF -- length of company service?

15 THE WITNESS: Project service was,  
16 service at the project, not totally for the company.

17 JUDGE JORDAN: Service with the  
18 project was considered. Length of service wasn't  
19 one of the criteria.

20 THE WITNESS: Yes, sir.

21 JUDGE JORDAN: All right.

22 MR. ROISMAN: Just so the record is  
23 clear, Dr. Jordan, one of the criteria when you got  
24 past the first three categories. One of those five.

25 JUDGE JORDAN: Okay. Thank you.

1 MR. ROISMAN: I just wanted to correct  
2 that list, since Mr. Downey raised a question about  
3 ones that may have been given to the reporter and  
4 remove from the list 82, 87, 246, 256 and 274.

5 JUDGE BLOCH: Thank you.

6 MR. DOWNEY: I thought we only gave the  
7 court reporter three --

8 JUDGE BLOCH: Good night. The hearing  
9 is recessed.

10 (Whereupon, at 7:20 p.m. the hearing was  
11 recessed, to reconvene at 8:30 a.m., Friday,  
12 September 14, 1984, in the same place.)

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 13, 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

Reporter's Affiliation

Century Reporters, Inc.