

SWORN STATEMENT

OF



November 6, 1986

THE HILTON INN

Lake Jackson, Texas

7:15 p.m., C.D.T.

TAKEN BY: Donald Driskill

REPORTED BY: R. Patrick Tate

Q4-86-014

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EXHIBIT 2
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7/11/86

PROCEEDINGS

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MR.DRISKILL: For the record, this is an interview of [REDACTED] who's employed by the Bechtel Energy Corporation at South Texas Project. The location of this interview is Lake Jackson, Texas. The date is November the 6th, 1986, and the time is 7:15 p.m.

. 7C

Present at this interview are Dan Carpenter and Terrence Reis of the NRC staff at South Texas Project, and myself, Don Driskill. The interview is being transcribed by a court reporter, Pat Tate. [REDACTED] would you please stand and raise your right hand.

7C

Do you swear that the information you're about to give is the truth, the whole truth and nothing but the truth, so help you God.

[REDACTED] I do.

Thereupon,

[REDACTED]

7C

having been duly sworn, testified upon his oath as follows:

EXAMINATION

By Mr. Driskell:

Q [REDACTED] what is your current job title?

A My job title is superintendent.

Q In what area of construction or quality are you a

[Handwritten signature]

1 superintendent?

2 A I'm now in surplus marketing.

3 Q Would you give us a brief explanation of what
4 that is, please.

5 A Surplus marketing is the -- a part of the Bechtel
6 Procurement that has begun to collect that which is deemed
7 as surplus on the project and is to be sold off in bid lots
8 to the highest bidder. My job is to -- at this time is to
9 price those different and varied items and they are very
10 varied items, anything from clipboards to components.

11 Q Okay. How long have you been doing that?

12 A Been doing that approximately a month.

13 Q How long have you been working for Bechtel, at
14 South Texas Project?

15 A Five years and a few days.

16 Q Have you been a superintendent all during this
17 period of time?


18 A My job title is -- I'm a superintendent.

19 Q Okay.

20 A On the job, I was initially lead mechanical
21 superintendent for Unit One. And then I was assigned to
22 the materials control/procurement group and was a part of
23 the permanent plant maintenance group for about three
24 years.

25 Q Okay.

1 A And then I went over into the materials laydown
 2 where they assign different materials to the site and I
 3 handled pipe supports and pipe spools for issuance. And I
 4 also worked in what they call the sort yard which separated
 5 materials that came from the site which were to be
 6 identified back into the plant, back into the warehouse for
 7 plant usage, or to go to the scrap yard.

8 Q Okay.  you 7c
 9 wrote a letter to Mr. Lando Zech, chairman of the Nuclear
 10 Regulatory Commission. Is that correct?

11 A That's correct.

12 Q And I'll show you this copy of a letter that's
 13 got a lot of penciled notes but that is the letter that you
 14 wrote --

15 A Yes, sir.

16 Q -- or that's a telefax copy of a letter that you
 17 wrote that I received.

18 The first paragraph of this letter reads,
 19 "Several unsafe operational and maintenance installations
 20 (by design) exist at Houston Power & Light Company's South
 21 Texas Nuclear Power Plant. I have identified a few of
 22 these deficiencies to my employer Bechtel Energy
 23 Corporation but the company now refuses to allow me to
 24 identify anymore deficiencies that I have knowledge of."

25 Would you elaborate on that for me, please?

1 A One of the assignments under the procurement,
2 after an immediate task of issuing pipe supports, I was
3 subsequently asked to go over to the electrical group and
4 issue electrical material. That lasted about four days and
5 I was reassigned again to Unit 1 to one of the many laydown
6 areas for issuance of material out of there.

7 And that didn't materialize in the immediate day
8 or two, so I was assigned to Unit 2 to rearrange some
9 piping on the outside of the Unit 2 for construction by
10 Ebasco to help realign the piping for better control.

11 Q This was in a laydown yard?

12 A Yes, it was around the unit, itself.

13 Q I see. Okay.

14 A And that didn't work out.

15 Then within about a week because the Ebasco
16 supervision didn't like the Ebasco supervisor I had, so
17 they shuffled again and I was assigned to Unit 1 and 2 for
18 material surplus monitoring, which means that
19 procurement -- Bechtel was identifying that there was too
20 much material, stock material, in the buildings and it
21 needed to get back to the warehouse so they could have a
22 credibility, accountability and for more control.

23 That wasn't working out because the Ebasco
24 management or supervision in the craft supervision or
25 managers didn't think that was a good idea for Bechtel to

1 have people over there. And my chore was to list, identify
2 and make communication to the Bechtel supervision as well
3 as the Bechtel management of those units, which we did.
4 And that program, as I said, wasn't too well liked. And I
5 was awaiting decision whether I was going to commence --
6 continue the surveillance and what level I would report
7 these findings, et cetera, et cetera.

8 Q What time frame roughly was this?

9 A What time frame?

10 Q Yeah, roughly when was this.

11 A That's about two and-a-half months ago, maybe.

12 About two and-a-half months ago. And while the decision or
13 controversy was going on between Ebasco management and
14 Bechtel procurement supervision management, being assigned
15 in those buildings, I began to just notice what was in
16 there.

17 I was, as you know, going all over the buildings
18 writing up what I found as being surplus. And I couldn't
19 help but notice other configurations. And I've been
20 involved in Bechtel piping, instrumentation, equipment,
21 extensively throughout my career. So it was just normal for
22 me to look.

23 MR. DRISKILL: Let's go off the record here.

24 (Discussion off the record.)

25 MR. DRISKILL: The time is 7:25, we have taken a

1 few brief minutes here. We have been joined by [REDACTED]
 2 [REDACTED] who is a [REDACTED] TC
 3 friend and former associate of [REDACTED] says
 4 that he has no objection to [REDACTED] being present during
 5 the course of the remainder of our interview, and that
 6 subsequent to that, [REDACTED] would like to provide us with
 7 some additional information relative to South Texas
 8 Project. If [REDACTED] has no objection to [REDACTED] TC
 9 presence, I welcome him to join us and we will continue
 10 with the interview. Mr. Tate, would you please reread the
 11 last statement we had.

12 (The requested material was read back by the
 13 court reporter.)

14 Q (By Mr. Diskill) [REDACTED] prior to or just TC
 15 prior to [REDACTED] joining us, you were -- we were
 16 discussing what led to your discovery of these deficient
 17 conditions, if you'll allow me to use that term,
 18 approximately two and-a-half months ago. You were
 19 inventorying surplus property at the South Texas Project,
 20 and stated that you had identified some of these
 21 deficiencies. Would you continue, please.

22 A Yes. As I looked around in the areas that I was,
 23 I found that there were instrument panels and instruments
 24 themselves mounted on the wall that one could not get to in
 25 an operational mode or in a maintenance mode. The

1 instrument panels were behind a tank in a room that's going
2 to be sealed off. And in the same room, there are some
3 pumps, and the pumps are nested around the bottom of the
4 tank supports and one can't get to the packing glands or to
5 the pump connections readily at all.

6 I have a concern that you could even maintain
7 them.

8 There are instruments on the tank, itself, that
9 could not be read and there are valves in that room that
10 are difficult, if not almost impossible, to get in a
11 service need.

12 In the same adjoining cell, there was another
13 pump and some piping in there, and one of the bypass valves
14 was on the back side and down under, which would be
15 difficult to operate.

16 Q Okay. Now, essentially, your concern with
17 respect to these valves and this instrumentation, if I
18 understand you correctly, is that it was inaccessible as
19 far as maintenance was concerned; is that not correct?

20 A If you was going to cut off a valve, say you were
21 in an operational mode, you would have a difficult time to
22 turn the valves off, and you would have, in one case, in
23 one of the instruments, you couldn't even read it so you
24 was not able to read it operationally and you was not able
25 to operate the instrument manifold.

1 Q Do you know what -- could you give us the
2 location of those, of this particular room?

3 A The room number was 053-C.

4 Q And this was in which unit?

5 A Unit 1, mechanical auxiliary building.

6 Q Do you know what system this instrumentation and
7 valves were associated with?

8 A I have some instrument numbers here, which is
9 flow indicator 4035 A and B. We have a pipe -- I mean a
10 pressure indicator -- I have it marked as ZEA. This is a
11 hot rad waste type room.

12 And we had some tripping hazards in the room due
13 to some piping configuration over the drain.

14 I noticed that the room threshold was designed
15 up about 15 inches or so, which meant I pointed out to the
16 design lead engineer, Mr. Hurley, that in the case of a
17 stopped up drain, your pumps would be under water.

18 There was a hanger in the room that engineering
19 has not decided if it was to be used. The drain valve
20 against the wall could not be operated. It's a one-inch
21 angle and you couldn't repair it.

22 The instrument I spoke of is a thermometer stuck
23 into the tank for --

24 Q So was that basically --

25 A That's basically the problems in those areas.

1 Q Okay. And as you continued to perform your
2 inventory, you identified other areas where there were
3 similar deficiencies?

4 A Yes. I noticed that room in particular. And at
5 that point in time, I began to notice as I went about the
6 different elevations and parts of the plant, and not
7 listing them. The listing subsequently came from the trip
8 later on that I'll explain with engineering. But finding
9 those items, I took the prerogative from company policy
10 prerogative to write Mr. Alden Yates, the president of
11 Bechtel group of companies in San Francisco.

12 Q Mr. Alden Yates?

13 A Alden Yates. A-l-d-e-n.

14 Q Okay. Prior to writing him a letter, did you
15 notify anyone on site --

16 A No, sir.

17 Q -- regarding your findings?

18 A It took me a few days to decide what to do. It
19 was very difficult for me to decide which way to go. And I
20 had had some problems with the department and conduct of my
21 manager, and I was -- had this problem that I had to work
22 out in my mind and make a decision which way to go. I felt
23 the hostility.

24 Q Who's this manager?

25 A Dave Surber.

1 Q How is that spelled?

2 A S-u-r-b-e-r.

3 Q And he is your supervisor?

4 A He is the materials control manager.

5 Q Okay. And this was in July, August, of this
6 year --

7 A Yes, August.

8 Q That you --

9 A About August.

10 Q And you decided that rather than go to him
11 because of apparently a poor relationship with him, or
12 perhaps it was your feelings that he was not receptive to
13 hearing about these deficiencies --


14 A Correct.

15 Q Would you say that would be the reason?

16 A That's correct.

17 Q -- you wrote the vice-president of Bechtel a
18 letter explaining these problems to him?

19 A No, sir, I wrote the president of Bechtel Group
20 of companies.

21 Q And would that have been in 

22 A  That I wrote the
23 letter.

24 Q Okay. Did he respond to your letter?

25 A Mr. Yates responded with a letter dated October

1 the 8th. I received the letter on the 21st. I was given
2 written notice of termination on the 15th.

3 Q October the 15th?

4 A Yes, sir. And the letter that I received from
5 him had already been opened.

6 Q Did he send it to you at work?

7 A Sent it to me at work with a U.S. postal stamp on
8 it.

9 Q Do you know who opened it?

10 A No, sir. I subsequently have written to the Post
11 Master General of the United States asking him to inquire
12 about it.

13 Q And basicly what was the information that you
14 provided to Mr. Yates?

15 A Information basically was the same as I elected
16 to identify to Mr. Zech in those terms.

17 Q That you were being allowed to identify
18 deficiencies?

19 A I didn't specify that I wasn't being allowed at
20 that time. At a later date I did. I had heard that
21 Mr. Yates was coming to the plant, which prompted me to
22 help make the decision in which way to discuss it with him,
23 who I've known Mr. Yates all those years, since 1962. So I
24 felt like I could discuss it with him frankly.

25 And he's, upon receipt of my letter, he elected

1 to contact through the vice-presidents and presidents for
2 them to contact me and for me to identify on the site to
3 Leo Davis, the project superintendent, manager, and which I
4 cooperated in doing. And --

5 Q Would this have been in October?

6 A That was on the 6th, 9-6-86.

7 Q Okay. Let me -- allow me to go back. I'll ask
8 you again the name of the manager that you were working for
9 was?

10 A Ed Surber.

11 Q Surber?

12 A I'm sorry, I say Ed, because I knew his dad, Ed,
13 and I worked with him overseas. But it's Dave, I'm very
14 sorry. Just have a mental block on those names.

15 Q That's all right. He's materials manager?

16 A Yes, sir.

17 Q And based on what you've said, I don't know for
18 sure that I understood what the problem was between you and
19 Mr. Surber, and how far back that went. But could you
20 briefly tell me about that so that I understand what
21 prompted you to write to Mr. Yates, rather than go to your
22 immediate supervisor about these problems?

23 A Mr. Surber came on the job, replacing the
24 previous materials supervisor. And when he came there, he
25 came there to take control of the procurement inadequacies

1 that was identified to him by others. I was not of
2 specifically in any knowledge of what that scope was. But
3 the crux of it is he came on extremely hard, demeaning,
4 demanding and most emphatically vulgar.

5 Q Roughly what time was this? Was this this year
6 or --

7 A It was about the first of -- week or second week
8 in August that these revelations began to come to a point,
9 with the group in general and in specific terms with he
10 and I.

11 Q So you had some problems with him, yourself?

12 A We had a misunderstanding -- I went to him to try
13 to approach him on some of the ideas of the previous
14 assignment that I was leaving, and he wasn't interested in
15 that. He just wanted me to get on down in the third new
16 assignment that he'd given me. And so at that time, he
17 began to identify my age and told me that if Leo Davis was
18 over there, not to talk to him. And Leo Davis is his
19 supervisor, he's the project site superintendent.

20 Q For Bechtel?

21 A Yes. So the prerequisite of my not feeling like
22 that I could talk to him was due to the emphaticness of his
23 hostility toward us, in general, and to me being a senior
24 employee, didn't feel like that it was worth personal
25 confrontation and I didn't think it would get the job done,

1 Mr. Surber being in materials and me talking about a
2 technical, down-in-the-hole problem, without having to
3 confront that relationship.

4 Q So okay. So now I understand why you went to
5 Mr. Yates to begin with. Based on what you've said,
6 Mr. Yates instructed some of the people at the site to get
7 with you and find out what your problems were.

8 A Yes.

9 Q I assume that was sometime early October? Is
10 that --

11 A Yes.

12 Q Okay. Tell me what you did with those people
13 when they -- and who you talked to and what their efforts
14 were relative to either identifying these things,
15 correcting these things, or whatever?

16 A It was somewhere near the 29th of the month that
17 I believe that Leo Davis called me over.

18 First of all, I better mention that my immediate
19 supervisor, Steve Patterson, asked me to go with him up to
20 Mr. Dave Surber's office, he wanted to speak to me. And at
21 that time, Mr. Surber became very expressionist, wanting to
22 know why, why, why did I write to Mr. Yates.

23 And I says -- well, I was somewhat reluctant to
24 get into it with him. And so I told him it was about the
25 plant, itself. And then he was somewhat relieved that I

1 had not particularly named him in any action, which in
2 these proceedings I haven't, except in the reason why I
3 went to Mr. Yates.

4 And I told him that it was technical, that it was
5 about the plant safety and I was very concerned and I felt
6 like that I had to take that action due to our
7 relationship. He was very upset that I had went to
8 Mr. Yates.

9 And I then asked him if he would go with me or he
10 could go with me, invited him to go with me over to see
11 Mr. Leo Davis. And he accepted and went.

12 And we went over to Mr. Davis' office and he was
13 why did I write Mr. Yates. He said this from the top.
14 Nobody knew nothing, you know. Why didn't you go to
15 through the channels, et cetera, et cetera.

16 And I pointed out that Mr. Surber and I had a
17 problem with communication, and I would like to do that and
18 Mr. Yates -- and Mr. Davis asked me where we stood about
19 our relationship and I told him it was a Mexican standoff.

20 And so then Mr. Yates -- Mr. Davis said he was
21 going to set up a meeting with Jim Hurley to go with me and
22 go into the plant and look at these things, and I was to
23 point them out to him.

24 Q Who is Jim Hurley?

25 A Jim Hurley was the site design lead. His -- that

1 is possibly not his correct title, but he is assistant to
2 the project design engineer, engineering manager.

3 Q So you and Mr. Hurley went around and you showed
4 him these things?

5 A I met with Mr. Hurley and he had a Mr. Jim O'Hare
6 go with us.

7 Q Who's Jim O'Hare?

8 A Jim O'Hare is one of the principal lead
9 mechanical piping design supervisors. There was another
10 who went along as one who would assist them and also took
11 photographs, instant photographs.

12 Q So this was around the end of September or early
13 October?

14 A That was 9-6-86, when Mr. Hurley, and Mr. O'Hare
15 and myself went into the area that I mentioned earlier in
16 the Unit One rad waste room 053-C.

17 Q So you showed him everything that you had
18 previously or that you had previously identified or most of
19 the things that you had identified or --

20 A No, sir.

21 Q Just that one area?

22 A We took that room and I have -- what Mr. Hurley
23 suggested is that he and his team take notes and I would
24 take notes and we exchanged notes, and we did that.

25 So pressing on out of the room and going down the

1 corridor, we began to look left and right. And we began to
2 pick up and write deficiencies.

3 And we continued to do that until we said -- I've
4 got named here about 14 items, you know, specific named
5 items. Other items we probably pointed out and kind of
6 mutually says, "Well, we will toss that one, you know, we
7 can buy that one."

8 So we went through those items. In one of the
9 significant findings that presented to them which I had
10 knowledge of previously, I wanted to show them that, is
11 that we have in room 058-B, there is a large bore valve in
12 the entryway to that one cell. It is a solenoid operated
13 valve, it has two solenoids which are, upon command,
14 turning the valve.

15 One could go into the room and put his hand on it
16 and if the valve was actuated, you would have a crushed
17 hand. Upon maintenance or crawling in, you could put
18 something there, leave it there, and the valve would
19 malfunction.

20 Q Would what?

21 A Malfunction. That example of malfunction was
22 physically present when we went into a tank room and there
23 was all thread bolt nuts in the throat of that assembly and
24 they took a picture of that, because you have a -- you have
25 a platformed area where the solenoids are positioned and

1 the actuator is located.

2 Q What was the problem with the solenoids?

3 A It was a problem with the exposed configuration,
4 where one could become injured or something could be laid
5 there or fall there and prevent the valve from operating.
6 And I suggested they make a metal cover to --

7 Q Okay, it was a safety problem with respect to
8 personnel safety?

9 A Yes.

10 Q And not technical problems; is that correct?

11 A We continued around the corner.

12 Q He was waiting for you to answer that question.
13 I asked: It was a safety, a personnel safety problem and
14 not a technical problem that you had identified with
15 respect to that particular valve. Is that correct?

16 A It's a problem where, it is a real problem, where
17 something could be put there, left there, and then the
18 valve not operate.

19 Q I see. If somebody left a wrench there or
20 something, it would --

21 A Yes.

22 Q -- it could cause the valve to hang up --

23 A Right.

24 Q -- or not close properly or open properly?

25 A Right. Not fully going and making a specific

1 count, but there are approximately 50 of those valves like
2 that.

3 Q Solenoid actuated valves?

4 A Yes, same pattern throughout the plant.

5 Q In some large bore piping?

6 A Yes.

7 Q System or systems?

8 A Many systems.

9 Q Okay.

10 A One -- well, more than one I found over in the
11 rad waste -- excuse me, over in the reactor containment
12 building.

13 Q I'm sorry, more than one?

14 A Yes.

15 A To generally continue the survey, we went and
16 found this problem with accessibility, there was a fire
17 main isolation valve that had a large bore hanger support
18 in a way that the valve could not be turned off so it was
19 an obstruction from an operational standpoint.

20 Q This was a manually operated valve?

21 A Yes. A lot of the valves were totally
22 inaccessible for operation.

23 There was a monorail where the electrical tray
24 support intercepted the path of the monorail. When one was
25 going to lift up a pump, you would hit the electrical

1 conduit supports.

2 MR. CARPENTER: Excuse me, may I ask a question?
3 Were these -- was construction completed on these systems;
4 they were being turned over to start up, or where they
5 still in the construction phase?

6 THE WITNESS: All that we looked at had been
7 completed. Whether they were turned over or not, I was not
8 aware of their final status.

9 MR. CARPENTER: I was asking this because the
10 requirements are for a walk down of the system by both
11 Bechtel, Ebasco and HL&P, and I would expect some of these
12 instances that you talk about to be picked up during that
13 phase.

14 I'm not saying, you know, that you shouldn't
15 correct them when you find them. But I have a significant
16 technical problem if these things are turned over with --
17 if HL&P accepts custody of them and they're in this
18 condition. Whereas if it still belongs to Bechtel, then,
19 you know, Bechtel has an opportunity to fix these things
20 any time up until turn over. And I'm trying to get in my
21 mind straight, the condition of the system is at this time.

22 THE WITNESS: I can't answer that.

23 MR. CARPENTER: I have enough information to, you
24 know, I will check on these myself to see what we're
25 looking at.

1 Q (By Mr. Driskell) Allow me to say something with
2 respect to what Dan is asking you about and that is you
3 said that yesterday, you told -- was it Mr. Davis? -- that
4 you were going to be interviewed tonight by NRC?

5 A No, sir, I told the vice-president, Chuck
6 Halligan.

7 Q Chuck Halligan. Is he located at STP?

8 A He is based in the Houston office.

9 Q So I'll ask you a question, would you have any
10 objection to showing Mr. Carpenter any of these things that
11 we talk about tonight?

12 A I'd be happy to.

13 Q In the next few days or weeks, at your mutual
14 convenience, of course?

15 A Yes. I could go with him separately with the
16 approval of the site management, before Mr. Halligan, who
17 is he pointed it out to me, he will now go with me as of
18 last night after me asking him to.

19 And I don't know when that will be. He's to tell
20 me. I would be happy to go with Mr. Carpenter and Mr.
21 Reis. The amount of work that it would take to reconfigure
22 valve locations for operability and serviceability is
23 extensive. One thing that I notice that there are several
24 valves, it's a "Y" pattern valve, and the handle is pointed
25 toward the opposite direction of approach and/or in some

1 cases, near the wall. I'm concerned that one can't back
2 hand turn off or on and/or, upon need, repair, clean.

3 Q The reason I asked about your showing some of
4 these things to Mr. Carpenter was so that perhaps we could
5 save some time here at least with respect to identifying
6 the locations and a lot of that sort of thing.

7 A I would give the courtesy of my company to get
8 their permission.

9 Q I understand. I appreciate that. I don't think
10 there will be any problem.

11 MR. CARPENTER: There will be no problem. You
12 have access to me, you know, unfettered. Your company
13 cannot in any way inhibit or restrict you from coming to
14 talk to the NRC at the site.

15 THE WITNESS: I appreciate your interest.

16 Q (By Mr. Driskill) And on October the 6th during
17 your survey with Mr. Hurley and Mr. O'Hare, you showed them
18 these various things?

19 A Yes, sir. We left out of the rad waste building
20 after the noon whistle had blown. So we went back to
21 Mr. Hurley's office and he excused his self and told us
22 earlier that he had to go to Houston on another commitment.

23 And at that time, he assigned, told Mr. O'Hare
24 and the other engineer to go on back to what they was
25 doing.

1 So they left. And I went back down into the
2 plant, taking the -- picking up on the agenda or what I was
3 supposed as how we was going to do it in the future, began
4 to look around further. And commenced to take some notes.

5 I made some observations in some areas that I was
6 going to go back and get later. But I continued to make
7 notes.

8 I want to go back up. I believe Mr. Hurley
9 didn't show up the next day. And I was there to go with
10 Mr. Hurley and he didn't show. So I went back out into the
11 plant and continued to write up other things which I'll be
12 happy to show Mr. Carpenter and Mr. Reis.

13 And on the third day, I believe, I got word from
14 the secretary from Mr. Davis that Mr. Zacharia wanted to
15 meet with me.

16 Q Who is Mr. Zacharia?

17 A Mr. Zacharia is the Bechtel project manager over
18 all the project.

19 Q At the South Texas Project?

20 A He has an office there. I believe he's basically
21 in Houston. He's the overall manager; Mr. Davis is the
22 site manager.

23 Q I see. Okay. And you said Mr. Zacharia -- what
24 was it you said about Mr. Zacharia?

25 A He asked to see me.

1 Q Okay. And this would would have been somewhere
2 in the neighborhood of October the 10th or 12th, somewhere
3 in there?

4 A On the 9th -- 10th and 9th, '86 I met with
5 Mr. Zacharia at 3:00 p.m. At that time, he saw me briefly
6 alone, asking why didn't I go through him.

7 Q Rather than go to Mr. Yates?

8 A Yes. And so I explained to him why I did it. He
9 understood, he heard it, he heard why. We discussed, after
10 we got passed the the why I did what I did, he asked me to
11 briefly generally, much like I did in the letters, what I
12 found.

13 Then he elected to have Mr. Hurley come in. He
14 had told me Mr. Hurley was on tap, Mr. Hurley came in. He
15 brought with him 30 photographs that we had taken in our
16 trip. Approximately 30, it could be up or down.

17 Mr. Zacharia was shown the photographs by
18 Mr. Hurley and Mr. Hurley was pointing out this deficiency
19 and that deficiency. And occasionally I would add, "While
20 we're on it, let's talk about that one." And we went
21 through many of the photographs. And Mr. Zacharia asked
22 them if they were deficiencies. And he said yes.

23 And Mr. Zacharia said "We're going to have to
24 report this somehow, you know, maybe SAFETEAM or some other
25 way."

1 And so we went through some discussion, basically
2 with the photographic tour of our findings. And at that
3 point, it was getting time for me to leave. And I think we
4 just, if you ever ask Mr. Zacharia whether we went through
5 it or not, I think we kind of concluded it anyway.

6 And Mr. Zacharia said he would get back to me,
7 that he had to go -- Mr. Yates was approaching that next
8 day or very soon after, so he had to go somewhere. And so
9 the next day, waiting for more instructions, I went back
10 into the units and continued to make lists. And I made
11 lists until I got a call from our -- Mr. Steve Patterson
12 told me that I was supposed to report to Mr. Davis. And I
13 went to Mr. Barlow first, John Barlow, and Barlow who is
14 one of our supervisors over Mr. Patterson, went with me,
15 with Mr. Davis.

16 Q What basically did you meet with Mr. Davis about?

17 A I'm looking for the date. Mr. Davis told me that
18 I had -- had -- asked me if I had an assignment and I says
19 yes.

20 I'm looking in my notes here to see if that was
21 the time when Mr. Davis addressed me and said that he knew
22 of Mr. Hurley's findings and that he's going to -- he in
23 turn -- had turned that over to HL&P management. And
24 Mr. Jordan of the HL&P project QA manager was present.

25 Q Tom Jordan?

1 A But in essence, he told me to go back down into
2 the surplus marketing and price clipboards and whatever I
3 was doing. And that --

4 Q And discontinue identifying deficiencies.

5 A Yes. I want to recall back, if I may, please,
6 when I was talking to Mr. Zacharia, if he would go with me
7 down in the field and look at those items. And he said --
8 this was the time when he said, "Well, I've got to go, you
9 know, I can't do it."

10 I also recall back, at that meeting, that I
11 mentioned to Mr. Zacharia, that in the interim time that
12 I'd be waiting and making my notes, I went over to Unit 2
13 and they were installing the same deficiencies that were in
14 one. I says, "They're putting it in now. We need to do
15 something about it."

16 And he told me he was aware of that; emphatically
17 that he was aware of that.

18 But I'm still concerned that while we're -- in
19 point, the main fire valve that had the obstruction, the
20 obstruction is already in; Unit 2, the valve isn't in but,
21 by design, it will be. The instrumentation panels in the
22 room that we mentioned firstly, they're there. The tank is
23 there.

24 Q They just mirror the same room in -- or the
25 configuration of the same room in Unit 1?

1 A It's plan A, Unit 1 and Unit 2.

2 Q Mirror image?

3 A Yeah. So I wanted to make that point, that
4 I'm -- I wasn't only concerned then, I'm concerned now, and
5 feeling like I was dismissed from participating by
6 Mr. Davis turning it over to the client directly, relieving
7 me of the responsibility. I worked as directed, I went
8 back to my surplus marketing chores.

9 And that's where I've been. Subsequent to that,
10 Mr. Stevenson's supervisor got a hold of him.

11 Q Who is Mr. Stevenson?

12 A That's -- Patterson, pardon me. Mr. Steve
13 Patterson.

14 Q We never did find out what Steve Patterson. Who
15 he is and what his job is?

16 A He is my immediate supervisor, and the supervisor
17 of the surplus marketing function.

18 Q He's your immediate supervisor?

19 A Yes.

20 Q And his immediate supervisor is Surber?

21 A Is John Barlow.

22 Q Okay.

23 A The fellow that I went to Mr. Davis with to get
24 the word return and I was no longer to be in the field.
25 And at this point I want to mention that in the presence of

1 Mr. Jordan, that Mr. Davis stated he didn't want me
2 wandering around in the plant. And I says to him I was not
3 wandering and he says, "Well, for you I'll rephrase the
4 statement." He didn't want me in there.

5 MR. REIS: What date was that?

6 THE WITNESS: 10-13-86.

7 Q (By Mr. Driskill) And the impression you got was
8 that Mr. Davis was not interested in your identifying any
9 further deficiencies and was turning the matter, at least
10 the deficiencies you had identified, over to HL&P for their
11 own disposition?

12 A My notes identify that Tom Jordan was there, the
13 QA manager; my job was not to review the job.

14 Q Not to review --

15 A Yes.

16 Q -- what had been done or what construction had
17 been done?

18 A That's not my job, Mr. Davis indicated to me.

19 At this point of, before I lose that point, when
20 I was talking to Mr. Chuck Halligan, the vice-president of
21 Bechtel in the Houston office, he told me over the phone
22 that my job was not to inspect the job. I'm not the
23 inspector. I did not get to complete the walk, and
24 Mr. Davis turned the findings over to HL&P, and Mr. Hurley
25 is issuing some DCARs.

1 Mr. Leo Davis says that I was not going to be a
2 part of an ad hoc committee. And then the wandering
3 statement. He mentioned that two other groups were already
4 doing what I'm doing and it should be done.

5 MR. REIS: [REDACTED] may I interrupt. Did I
6 miss something when I got up before? Did we define DCAR,
7 that's design change requests? 7C

8 MR. DRISKILL: It's some sort of corrective
9 action report?

10 THE WITNESS: It's an official Bechtel
11 engineering document; I might have that terminology.

12 [REDACTED] DCAR stands for design change
13 authorization request. 7C

14 THE WITNESS: Thank you.

15 MR. DRISKILL: Thank you.

16 [REDACTED] You're welcome. 7C

17 Q (By Mr. Driskill) So you were told that Hurley
18 was preparing these DCARs with -- for the items you had
19 identified to him or you and he had identified during your
20 walk down?

21 A Mr. Hurley and O'Hare is issuing DCARs, period.
22 And then the wandering statement. Ad hoc statement. And
23 that the decision and the opinion was the engineering
24 prerogative to identify areas, and Leo identified about
25 plant enhancement and licensing, change the valves and the

1 flow elements, you know, as engineering's design.

2 I want to go back to a statement that while we
3 were in the room that we started with, I was talking to
4 Mr. O'Hare asking, "Why do we have this?"

5 And he says, "Well, we asked the client, HL&P, if
6 they wanted a configuration check or a study made for
7 operability, maintenanceability, et cetera, et cetera," and
8 his answer was that they says, "Well, just put it
9 together," they didn't want to pay for that type of
10 involvement. And I heard no more out of Mr. O'Hare in that
11 matter.

12 Q But basically what he was telling you was that
13 HL&P had declined a Bechtel offer to perform a survey or an
14 inventory of these various valves and instrumentation and
15 whatever else may be associated with that with regard to
16 its maintenance capabilities and that sort of thing; they
17 declined to have that done? That's what he was saying?

18 A Yes. I want to go back to a time when Jim Hurley
19 and I were together, and I was asking him how did we get
20 the plant like that. And he told me it was bad
21 supervision. I want to correct that. He said it was poor
22 engineering and poor supervision. Mr. Hurley explained to
23 me that they would possibly begin after operations an
24 enhancement program which would catch most of those things
25 that I said were important. But in the engineering

1 judgment and/or how they were going to use the plant, do it
2 much later.

3 Q In other words, they wanted to get the plant in
4 operation before they start going back and fixing these
5 things?

6 A An ongoing enhancement program could be began
7 after the plant is running.

8 Q That's what he said?

9 A That's what he said.

10 Q Hurley?

11 A I want to say that Jim Hurley told me personally
12 that he told O'Hare to shut up. When he was telling me
13 about these, what HL&P had said, that they were not
14 interested in a maintenance of plant and how O'Hare had
15 tried to produce reviewed and redesigned drawings versus
16 just rolling over the Brown & Root drawings over.

17 Q Was O'Hare involved in the acceptance of drawings
18 formerly prepared by Brown & Root and those --

19 A Yes.

20 Q -- and those being accepted by Bechtel?

21 A My knowledge of Mr. O'Hare's responsibility when
22 I was in Unit 1 and responsible to go to Houston,
23 Mr. O'Hare had significant responsibility in plant design
24 in the configuration and reconfiguration of the plant
25 piping equipment. I was with him when he explained some of

1 that criteria at the model in Houston, when I first met
2 him.

3 Q Okay. Mr. Hurley told him to shut up; was that
4 what he said?

5 A Mr. Hurley told me he told O'Hare to shut up.
6 But Mr. O'Hare, as I am now reiterating, that he was
7 telling me this and he abruptly quit and I didn't see that.
8 I did not hear Mr. Hurley say that.

9 Q Okay. We go -- I think we had progressed to
10 somewhere in the neighborhood of October the 13th, your
11 meeting with Leo Davis, Tom Jordan and those people. And
12 it was your impression that Mr. Davis was turning these
13 deficiencies you had identified over to HL&P for
14 resolution.

15 A He told me that in the presence of Mr. Jordan,
16 yes.

17 Q And then he told you he wanted you to go back to
18 this --

19 A Surplus market.

20 Q -- surplus property marketing project that you
21 had -- and discontinue your identification of deficiencies,
22 or problem areas. What occurred next in the chain of
23 events? I guess you -- I believe you said that on October
24 the 15th, you received a notification from Bechtel that you
25 would be terminated in 30 days?


1 A Yes.

2 Q How was that delivered to you?

3 A Mr. Steve Patterson, my immediate supervisor,
4 told me that I was to go with him up to see Mr. Surber.
5 And when I got to Mr. Surber's office, Mr. John Barlow was
6 there.

7 MR. DRISKILL: Off the record.

8 (Discussion off the record.)

9 MR. DRISKILL: Okay, we're back on the the
10 record. We have just taken just a few brief minutes here
11 for refreshment and to allow  to find some notes RC
12 that he wanted to use to answer the last question, which
13 was -- or related to the October the 15th, 1986 meeting
14 with Mr. Surber, where he was notified that he would be
15 terminated.

16 A (Continued) At 12:33 p.m., when Mr. Patterson
17 and I got to Mr. Surber's office, Mr. Patterson excused
18 himself and Mr. Barlow was sitting in front and Mr. Surber
19 was at the head of his table complex. And he began to hand
20 me a piece of paper.

21 And simultaneously or before or after, he stated
22 that I needed to go to the SAFETEAM, you know, whether I
23 had the paper in hand or not. And I read the notice of
24 termination. And I read it and read it it two or three
25 times and didn't say anything; they asked me if I wanted to

1 say anything. And I don't recall saying anything.

2 And so I just got up and I went over to see
3 Mr. Davis, and asked him, you know, "Why are you laying off
4 me, you know? I've been with the company a long time, you
5 know." Zipped through my history, and that I had no
6 previous warning in any way that I was being terminated.

7 And Bechtel policy, if one is deficient through
8 performance evaluations, of which all of mine are exceeds
9 or overwhelmingly meets requirements, I have not been
10 called in on deficiencies on department, absenteeism; I had
11 no previous clue. I was in a position and I was
12 functioning. One can check my supervisors. And
13 Mr. Davis asked Mr. Surber and Mr. Barlow to come over,
14 because we were in a little word game of when he handed me
15 the paper and when he said to go to the SAFETEAM. And so
16 it kind of went into a nebulous where I then began to
17 dissertate, say for myself, I'm a good employee.

18 Q May I ask you interrupt just a moment. Were they
19 telling you that you were terminated that day?

20 A Yes, sir. I got the notice.

21 Q They weren't telling you that --

22 MR. REIS: You didn't have 30 days notice?

23 Q (By Mr. Driskill) They weren't telling you you
24 had 30 day's notices?

25 A It's in the letter.

1 Q Oh, okay, the letter says you would be terminated
2 in 30 days?

3 A Yes. That's Bechtel policy.

4 Q Okay. You went to Mr. Davis' office and asked
5 him why you were being terminated, explained to him --

6 A Yes.

7 Q -- that your past evaluations had always, for the
8 past 25 years or 26 years or whatever, had exceeded the
9 requirements or standards, that you had not been had any
10 problems with the company. What was his response to that?

11 A He said it's time to lay off, that I had been
12 force ranked low.

13 Q What does that mean, you'd been given a bad
14 evaluation?

15 A In a group, I was determined [REDACTED] 7C
16 [REDACTED] for the overall need. Even though I'd been
17 there for some time.

18 Q Okay. To your knowledge, has Bechtel been laying
19 off superintendents?

20 A No. I have no knowledge of anyone being laid off
21 in my area at all.

22 Q Do you know most of the Bechtel employees there
23 that were of equal status with yourself --

24 A I'm grade [REDACTED] which is probably one of the 7C
25 highest up in the top lead guys. Grade [REDACTED] is pretty well

1 up in the company.

2 Q Are you aware of anyone grade [redacted] or grade [redacted] or [redacted] 7C
3 that's been laid off besides yourself?

4 A I have no knowledge of it.

5 Q Or anybody having the title of superintendent or
6 a similar title who may have been laid off?

7 A A couple of years ago, you know. I had no
8 knowledge of anybody that was being laid off.

9 Q Okay.

10 A As far as I know, I'm the only guy at Bechtel
11 that's been laid off at that time. They now subsequently
12 said there's going to be more, you know.

13 Q So at this time, it's a reduction of force of
14 one?

15 A Right.

16 MR. REIS: Anybody else in your new position of
17 surplus marketing?

18 THE WITNESS: I asked Mr. Davis if I was going to
19 be replaced and he said no, my position was not to be
20 replaced with another. And all the work that I have done
21 has been an asset; my supervisor has asked for my -- he
22 needs my position, he told me. But he is not able, because
23 of this layoff, to get anymore.

24 Q (By Mr. Driskill) Your immediate supervisor, is
25 that Mr. Surber?

1 A Mr. Patterson.

2 Q Mr. Patterson indicated to you that he needed,
3 someone to do the job that you were doing; however, due to
4 the fact that you were being laid off, he would not be
5 allowed to replace you?

6 A He had asked for a replacement and denied
7 replacement.

8 MR. CARPENTER: Could I back up to a statement
9 that you made? Did you go to the SAFETEAM with your
10 concerns, or to HL&P with your concerns? They told you
11 were being laid off and you could tell everything you
12 wanted to to the SAFETEAM. Did you avail yourself of that
13 opportunity prior to this or at this time?

14 THE WITNESS: I got a telephone call from the
15 manager of the SAFETEAM. Mr. Norge Guthrie at 10-17, at
16 9:00 a.m., and he called me again at 1:06 on 10-20-86. He
17 inquired if I had anything I needed to identify or talk to
18 them about.

19 I told him that I was in a meeting with Mr. Davis
20 and he told me that Bechtel had turned the problems over to
21 HL&P for their action, to their management. And that I
22 worked for Bechtel and I felt like that I would have to go,
23 still be with Bechtel.

24 Q (By Mr. Driskell) Or notify Bechtel of any
25 problems that you identified rather than the SAFETEAM?

1 A Yes. I asked him if -- this is on the 20th, if
2 Bechtel had registered anything with the SAFETEAM or had
3 HL&P. He said no.

4 Q Here, you're welcome to this table.

5 MR. CARPENTER: So you did not carry your
6 concerns to the SAFETEAM because you wanted to work within
7 the Bechtel system first?

8 THE WITNESS: Yes, sir.

9 MR. CARPENTER: I don't want to put words in your
10 mouth, but --

11 THE WITNESS: I've been with the company over 27
12 years; I follow work as directed. I felt like that the
13 prerogative was of my management. They identified what I
14 was to do, and I was down at that location doing it.

15 I got a call today from SAFETEAM. Mr. Jim
16 Galagher called me today, which is the 6th. And he called
17 on me to report if I had any findings to report and he's
18 looking for some information.


19 I asked him if Bechtel had reported anything and
20 he said no, they had not; that he had got from his boss,
21 Mr. Gillespie, to look into it. And he had gotten word
22 from HL&P. We could go into this later but to answer your
23 questions, I only responded to Mr. Gillespie's information
24 or question to me and I responded today to Mr. Galagher and
25 he asked me if I would help him. I says if he got

1 permission from the project management, I would help him.

2 MR. CARPENTER: As a word of explanation,
3 ordinarily if you would contact your management about a
4 problem, they would not contact SAFETEAM.


5 The SAFETEAM is designed for employees to go to
6 and then SAFETEAM goes and finds the answer. So I wouldn't
7 expect when you told your problems to Bechtel, I would not
8 have expected Bechtel to tell SAFETEAM, because SAFETEAM is
9 really an audit and enforcement group, if you will, or
10 investigation group.

11 So if you go to SAFETEAM, then they will take
12 your concerns and go find work with Bechtel to find the
13 answers to them. And also, for your information and
14 protection, Bechtel will not interfere with you going to
15 SAFETEAM to express a concern and to appropriately
16 investigate and resolve your concerns, that is what it's
17 there for. And if they do not allow you to go to the
18 SAFETEAM with your concerns, and express them, then they
19 are violating their agreement with the licensee. So I
20 would be interested in --

21  Could I say something at this point? 7C

22 MR. DRISKILL: Yes.

23 MR. CARPENTER: If they do not allow to you talk
24 to SAFETEAM, I would be interested in that.

25 MR. DRISKILL: Yes,  7C

1 [REDACTED] May I ask something at this point,
2 what Mr. Carpenter is talking about? 7C

3 MR. CARPENTER: Yes.

4 MR. DRISKILL: Yes.

5 [REDACTED] When -- there have been several cases
6 where I personally know several people in the last three
7 and-a-half years that I have also on the project that
8 people who have reported significant deficiencies to the
9 SAFETEAM. They were either terminated, fired, were moved
10 from their assignments, ignored, demoted, and all of those
11 or one of those things, in almost a wide variety of cases.
12 That's all I wanted to say.

13 MR. DRISKILL: Off the record.

14 (Discussion off the record.)

15 MR. DRISKILL: Back on the record. Thank you,

16 [REDACTED] we'll discuss that later --

17 [REDACTED] Sure. 7C

18 MR. DRISKILL: -- this evening, okay?

19 [REDACTED] All right.

20 Q (By Mr. Driskill) Going back to [REDACTED]
21 situation, [REDACTED] you then sat down and wrote
22 a letter to Chairman Zech of the NRC, which I showed you a
23 little while ago. Is that --

24 A It was the following day.

25 Q Yes. Is that correct?

1 A Correct.

2 Q And I understand you also sent or I noticed that
3 you also sent copies of that to the Public Utility
4 Commission and to Congressman or Senator Bentsen?

5 A Yes, sir.

6 Q Have you had any response from PUC or
7 Mr. Bentsen?

8 A Not as yet. As I just explained to you we just
9 had an election here in Texas and I'm sure those guys are
10 still counting their votes or wounds, one.

11 Q Has your status changed? Are you still scheduled
12 for termination I guess, about the 15th of this month?

13 A I've got four days left of my employment.

14 Q Has anyone discussed any options you may have for
15 continued employment subsequent to that notification?

16 A I met with Mr. Zacharia on 10-22-86, at -- I
17 believe it was 1:30 in the afternoon. At which time, he
18 had there Mr. Hess, who is the No. 2 guy or the engineering
19 or assistant manager for the project. And Mr. Zacharia at
20 that time went through the DCAR system that they used to go
21 and check the plant out for changes.

22 Q Relative to the deficiencies you had identified?

23 A Relative to how they do it.

24 Q Okay.

25 A That is their method.

1 Q Their procedure for that?

2 A Their procedure. He showed me a few several
3 DCARS and I read through them. I didn't notice any DCARS
4 prepared from that which I had found and I asked him did
5 they -- had they found that which I had found previously
6 and he said no. So my findings were new to them at that
7 time.

8 Mr. Zacharia was trying to explain to me or get
9 me to understand that everything is going to be taken care
10 of, before the plant hydro and/or after the plant was
11 running, he assured me that everything would be all right.
12 I told him I wasn't satisfied with that.

13 I want to go back in time to the first meeting
14 with Mr. Davis. I also told him I was so concerned about
15 the overall, the nature of our meeting here, that I wanted
16 to know for sure that the plant would be safe, that these
17 things that I know would be taken care of.

18 Now, we'll go back to the Zacharia, the meeting
19 of 10-22. He told me that they would be taken care of. I
20 said at that time, I want to know if they are or not.

21 In answer to the question, he said that there are
22 possibilities that he could get me some work. He knows
23 that I know Mr. Bill Ponds and Bill Ponds down there that
24 has a job that's in trouble down there.

25 Q Where is that? ?

1 A In Florida. He knows that John Stahl in June
2 called me to the Eastern Bechtel Power Company where I ,
3 presented, designed and implemented the sequential material
4 control program with the bar code for the future of the
5 company.

6 So Mr. Stahl had me go there at which time I met
7 with Mr. Hardwall, the president of that company and just
8 greeted him because of our acquaintance together and told
9 him I was there to assist that manager in developing the
10 bar code for the corporation.

11 Q What's a bar code?

12 A Bar code is in essence a wand similar to the one
13 that you go over with a loaf of bread over your counter.

14 Q Okay.

15 A In my experience of the company, I've been very
16 innovative in that field in material tracking,
17 installation, sequencing, et cetera. And he knew that I
18 knew John Stahl, he told me that he talked to the president
19 of the Bechtel group of companies, Mr. Alden Yates and he
20 thought very highly of me. And Mr. Stahl does too. That
21 maybe that would be a possibility of work.

22 Q But nothing was confirmed at that meeting?

23 A Nothing. Possibility. Maybe we could get you
24 some work there. I want to see that that plant is done
25 right.

1 Q South Texas Project?

2 A I want to see that the South Texas Project, those
3 things that I find -- what I hear is that in these meetings
4 with these managers, and engineers, is, "It will be done
5 later."

6 It's called enhancement, it's called DKR changes,
7 but when I go with those representatives that will go with
8 me, I want them to realize the magnitude of my concern and
9 the volume of work to be done.

10 If we get that plant on the line, we're going to
11 have to do a lot of shut down. It's going to take more
12 time, it's going to cost people money to do it later. The
13 time to install and design is up front. I'm appalled and
14 I've told each one of these individuals; and I give you a
15 statement from Mr. Hurley of what he said was wrong with
16 it, poor supervision and poor engineering. I saw that.
17 That's now what I want done.

18 I feel I have a right to know that those valves,
19 that those instruments, that those pieces of equipment, we
20 talked about tonight and others that I have listed, is
21 assuredly taken care of; that I am not convinced that an
22 enhancement is the way to go. That is the top of my
23 concern.

24 Q Okay.

25 A And it grieves me.

1 Q Let me ask you another couple of questions with
2 respect to -- with respect to this termination business.
3 You were notified on October the 15th that you would be
4 terminated. Is that the first time you were ever notified
5 that you would be terminated?

6 A That's the first time ever I even had a clue.

7 Q Had there been any layoffs in the past where you
8 were scheduled for termination and they may have
9 reconsidered and removed your name from the list, that
10 you're aware of?

11 A They didn't tell me at those times.

12 Q Okay. So this came as a total and complete
13 surprise to you that you would be terminated.

14 A Yes.

15 Q And why do you believe that you were selected for
16 termination on October the 15th?

17 A I only heard what they told me. I don't think
18 that it's fair to terminate a man that wants to do
19 something so badly or because I did do what I did, be so
20 abrupt. If I wasn't performing, I should have been
21 notified. Through the Bechtel policy you're supposed to be
22 worked with, coached, reprimanded in your record. I have
23 none of that. I was down doing a job; I come across this
24 and I did it. And that's my story.

25 MR. DRISKILL: Do you have any questions, Dan?

1 MR. CARPENTER: I just want to be sure, there's
2 nothing in your file, no notifications or contacts of
3 improper work, you know, prior to whatever they've done
4 here, is that what you said?

5 THE WITNESS: I went to personnel and contacted
6 Mrs. Odel this afternoon about 2:30, and she handed me my
7 total file at the site on my personal records. She sat
8 there with me. I read through the whole file which is a
9 duplicate of my corporate history, every evaluation in my
10 life is here except one which was in the Anarbor division
11 office and they're calling that up. There is not anything
12 in that file anywhere that says I wasn't exceptional or
13 outstandingly meets requirements; there's not a note, an
14 indication in writing, anywhere in that file, and that's of
15 today, this afternoon.

16 Q (By Mr. Driskill) Do you have any indication
17 whatsoever that you're being terminated for identifying
18 these deficiencies? I mean aside from perhaps your own
19 personal feelings, do you have any evidence?

20 A I have only done what I've told you I've done. I
21 have, I have no opportunity to have evidence.

22 Q Okay. Well, I'm just saying -- I'm asking you:
23 Did anybody come to you on the side and tell you that,
24 "Hey, you're being terminated because you brought up all
25 these problem areas," and/or something like that?

1 A I have been told by Steve Patterson that after I
2 came back from the meeting with Mr. Leo Davis who says, "Go
3 back down to surplus marketing," that he is to know where I
4 am at all times, and he was told by Mr. Barlow, "That goes
5 for the the whole group, of course." And I've been
6 virtually under surveillance ever since. I either have to
7 take a beeper with me or one of the guys go with me.

8 And I've promised Mr. Steve Patterson that I
9 thought too much of him and of my company to ever breach
10 his trust or the assignment by Mr. Leo to stay where I was
11 supposed to be. I thought it was uncalled for. And after
12 I got that, I got my letter from Mr. Yates which had been
13 opened.

14 Today I got my paycheck and that envelope was
15 opened. Some others were, too. But I fell like these are
16 impositions not according to my history, to my grade, to my
17 performance, or to the deep feeling that I had to come to
18 this point. I don't think it's a measure of confidence in
19 me, I don't feel like the company site management took me
20 into a posture of cooperation like I expected.

21 Q Let me ask you another question. Prior to your
22 preparing and sending the letter to Chairman Zech, did you
23 tell anybody, the day before, or at any time prior to that
24 that you were going to contact the NRC relative to these
25 deficiencies you had identified?

1 A No, sir. That letter was typed at home.

2 Q No, but what I'm asking you is did you tell
3 anybody prior to writing the letter that you were going to
4 do that?

5 A No. After I wrote the letter, when I wrote the
6 second letter, Mr. Yates, I told him, that I had written
7 the NRC, who is the president of the Bechtel group of
8 companies.

9 Q And you wrote him after you had been --

10 A Yes.

11 Q After you had been notified of your termination?

12 A And I also told my immediate supervisor after the
13 fact, not prior to.

14 Q Okay.

15 A It was a decision that I had to make that I did
16 make.

17 Q Oh, you told your supervisor?

18 A After the fact.

19 Q Several weeks ago that you had notified the NRC?

20 A No, just after I had written it, yes, many days
21 afterwards.

22 Q So they were aware that you had written us?

23 A Yes.

24 Q Or at least written the chairman?

25 A Right.

1 Q Okay.

2 A I have not tried to hide anything. You know, I
3 am up front with my company.

4 MR. DRISKILL: Do you have anything?

5 MR. CARPENTER: No.

6 MR. REIS: No, I've got everything I need. Just
7 one particular date. When was your -- what was the date of
8 the original letter to Mr. Yates?

9 THE WITNESS:  7C

10 MR. REIS: Thank you.

11 Q (By Mr. Driskill) One of the things I was
12 concerned about and I'll tell you this, was that perhaps
13 your termination may have resulted from your contacting the
14 NRC. Based on what you've told us, apparently you were
15 notified of your termination at least initially prior to
16 writing a letter to the NRC. So as I understand 10 CFR 50.
17 7, I believe, which codifies Section 210 of the Energy
18 Reorganization Act, relative to the discrimination of an
19 employee for notifying the NRC of safety concerns, I don't
20 think that you have a grievance that you could file with
21 the Department of Labor based on the circumstances, first
22 of all.

23 Secondly, I intend, between those of us here, I
24 intend to take a look at this situation and see if there
25 appears to be any sort of discrimination based on the fact

1 that you notified your company of what you considered to be
2 significant problems, safety problems, either personal
3 safety or safety with respect to the operation of the
4 plant, and make an effort -- I will make an effort to
5 determine if your termination resulted from that. As you
6 asked, I will provide you with a copy of the transcript and
7 I will also, at your request, provide you with a copy of my
8 final report subsequent to its completion and release. I
9 can make no promises.

10 A I beg your pardon?

11 Q I say I can make no promises with respect to what
12 I will find, because obviously there's a great many
13 unknowns and I have to rely probably on a great deal of
14 testimonial evidence.

15 A You know, when you're with a company so long,
16 your loyalty is there. I mean a long time.

17 Q Sure.

18 A And when you're confronted with your management
19 and you're upset because you're not being responded to,
20 then I know you can go to the NRC. And our policy says
21 that.

22 Q Well, the NRC says that too. So you have every
23 right to contact us, either without going to your company
24 or after you go to your company. So you're well within
25 your rights to come to the NRC and to expect not to be

1 discriminated against as a result of contacting the NRC.
2 They may not like it, but that's the way the ballgame's
3 played.

4 MR. DRISKILL: Anybody have any other questions?

5 MR. CARPENTER: No. If you have this punch list
6 of specific items, you know, that you notify them on and if
7 you can get with me, I'll look at these and see what there
8 is out there. I can only deal with nuclear safety issues.
9 If there's nothing wrong with it from a nuclear safety
10 standpoint, you know, that's between Bechtel and HL&P. So
11 if it's like a nonsafety system, you know, I can't get
12 inserted in that.

13 If HL&P is content with accepting what Bechtel
14 gives them in some of those nonsafety areas, you understand
15 I can't force them to do anything about that. But if it's
16 on you know, a safety system, to support the reactor and
17 you know I can look at those and that's the kind of
18 information that I need to look at.

19 And another thing that you should know, as this
20 progresses, and you are terminated, the 15th, that does not
21 cut you off from contact with the NRC. You know, our phone
22 number's in the book. And you know, we can meet with you,
23 that's your prerogative to keep in contact with us on these
24 issues.

25 THE WITNESS: Will I be able to personally know

1 that, see that those items are corrected?

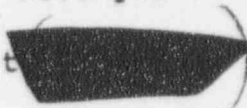
2 MR. CARPENTER: I can look at your items and
3 those that I have the ability to get a resolution to, we
4 can get that information to you.

5 THE WITNESS: I won't be able to see it, though.
6 I'll just have to still take somebody's word for it.

7 MR. CARPENTER: I am there all the time. If they
8 tell me they've corrected a problem, I can go look at it.

9 THE WITNESS: But I won't know it.

10 MR. CARPENTER: You'll get the word from me. I
11 really don't know what --

12 MR. DRISKILL: Let me just ask a question. I'll
13 reiterate a little bit of what Dan was saying. He's saying
14 that certain things that the NRC can look at and basically
15 has the jurisdiction to inspect, other things we don't.
16 Essentially nonsafety related items are outside the -- I'll
17 use the word "jurisdiction" for lack of a better term of
18 the NRC. Dan, will you include your findings relative to
19 the things that  points out to you in some sort
20 of a report? PC

21 MR. CARPENTER: Yes, I can do that. The other
22 thing I would encourage you to do is to give the entire
23 list both, safety-related and nonsafety-related to the
24 SAFETEAM because they are obligated give you a written
25 response to each of your points. That's their charter.

1 And they will do that. If they don't do that, then that
2 information needs to come to me that they are not doing
3 that, because they have committed to the NRC to respond to
4 the concerns that people make about the safety of the
5 plant. So there's, you know, two avenues.


6 THE SAFETEAM, as well as the things that you can
7 get to me. I can go look at them. I can't guarantee that
8 the licensee will bring you back on site at some later date
9 so that you can physically see them. You know, I can't
10 speak for the licensee from that standpoint.

11 THE WITNESS: I may never know if that's all
12 taken care of. It goes into a report somewhere I get a
13 word back, I don't know.

14 MR. CARPENTER: If it's a safety system that I
15 have quote, "jurisdiction" over --

16 THE WITNESS: I understand that part. But those
17 items even that are not, out of your jurisdiction, I turn
18 those over, you get a report, I get a report, and with the
19 present condition of the plant, how we got there, makes me
20 suspicious of that we'll change it and that the direction
21 of those that make that determination could be quite a bit
22 later. My concern is to get it done now. So that the
23 public safety and the public cost won't be extended all
24 that time.

25

 If I may say something at this point. *TC*

1 MR. DRISKILL: Yes, sir, you may.

2 [REDACTED] What you were just saying, I don't
3 know exactly the words that you used, but basically that
4 this is the main reason I'm here today, only one primary
5 reason. And I think I can summarize it for the benefit of
6 everyone of us. [REDACTED] has only pointed out tip of the
7 iceberg of the problem. 7C

8 The major problem which is -- I will call that as
9 a symptom what [REDACTED] is talking about and this is just a
10 symptom you're looking at, gentlemen; the problem is
11 anybody who identifies or attempts to identify any
12 significant deficient problems, be it in documentation -- I
13 was in the quality control in the quality assurance of
14 Ebasco, when I started identifying problems to my
15 superiors, my supervisors, bang, here I go back out of QA
16 organization. That is the generic problem. 1C

17 What I think [REDACTED] and I are here for is we're
18 seeking your help; we're seeking the help of NRC
19 administration or whoever, to come in and see how these
20 management people have buried the problems, not only that,
21 they have done a very good job of that by slowly and slowly
22 eliminating anybody who even understands if there is a
23 problem. 7C

24 That is the only thing I'm here for today, to
25 identify; and that is not just -- I think [REDACTED] is the one

1 person who -- I can say [REDACTED] and I have known each other
2 for a long time; even during the last three and-a-half
3 years, we will occasionally meet, I'll say, [REDACTED] these
4 are the problems which I identified to my boss, this is
5 what happened last week, this is what happened."

6 And then he will say, "Oh, you are in QA last
7 week, how come you're over here now." Or you know,
8 whatever. I'm not the only one.

9 So management of this project consistently very
10 efficiently and they have done an excellent job of that, of
11 eliminating, burying, hiding, getting away, under the rug,
12 sweeping, whatever words you want to use, in a very
13 efficient manner. They are the boss, they decide where I
14 work, they decide where he works. That's all I have to
15 say.

16 And I think that's the only reason I was here, to
17 kind of say that if you are really seriously interested in
18 finding out what the problems are, you need to find the
19 people who will tell you about it, but they're three major
20 risks you have to take.


21 No. 1, you go talk to your boss, "Ah-hah, we've
22 got to find him force rank him somehow so we can do
23 something with him, or see if we can find some other reason
24 to get him someplace else." That didn't work.

25 Just put him somewhere in a shipyard or surplus


1 marketing. I don't know what that means for a nuclear
2 power plant. So these are some of the symptoms.

3 I'm talking in a generic sense but I think if the
4 interests is there, if the audience here is really
5 interested in finding out what we're really building into
6 our nuclear power plants, they really need to look,
7 probably they need a microscope because obviously nobody is
8 listening. And if you gentlemen are seriously interested
9 in finding out the real safety of the public of the United
10 States, there is a big task ahead of us. We are here to
11 help; we've tried; all we have got is --


12 THE WITNESS: I got terminated, I'm the first guy
13 that seriously has pointed out specific technical points.

14  I any that's where the problem is.

15 MR. CARPENTER: When you say that, you mean
16 Bechtel, Ebasco.

17  And HL&P all three of them combined.

18 MR. CARPENTER: All three them.

19  Combined. Because I personally, I was
20 in QA organization from October of '85 to March or April of
21 '86. I was asked to come into the QA organization from an
22 engineering organization where I worked for all these 16
23 years. I helped them in the code, ASME code requirements.

24 And you know to basically do work in QA because I
25 wanted to and they needed me. And when I got there, I


1 found the kind of problems we had and now we're getting
2 into the area of turning over systems, turning over,
3 preparing quality control quality documents for licensing
4 for this plant. There is the documentation which NRC will
5 use in the evaluations of the licensee application, whether
6 the plant should be licensed. I thought it was a very
7 critical documentation which I was looking at.


8 Based on my knowledge, based on my experience, I
9 identified it, in writing and verbally to my immediate
10 supervisor. Slowly and surely my immediate supervisor was
11 eliminated; in other words he was, he's no longer working
12 there because he, he agreed with me. So they said "Well,
13 first let's do that." So then I was left. And they
14 expected that I would stop identifying those problems
15 anymore because I had nobody, nobody would listen to my
16 problems, that was exactly what happened. They were right.

17 But one day, I had the courage, or I gathered
18 enough courage, knowing fully that I may be terminated just
19 then or next week, or whatever; but I said, well, I really
20 believe, very strongly, that this problem needs to be told
21 to my supervisor, maybe he doesn't know about it. I'm
22 talking about not my immediate supervisor but his
23 supervisors, his supervisor; so I made a special effort to
24 contact them and said, well, you really have these
25 problems. I don't know if you are aware of these problems,


1 but if you are not aware of, I'm here to make you aware and
2 then I'm here to solve the problems and this is what we
3 need to do to solve these problems. Okay, we'll talk about
4 it.

5 Word gets back, you are not following the
6 instructions. You better follow the instructions. Or
7 else. I took another week or so to work it out and I think
8 I even, you know, at times like this, I will talk to John
9 or some other fellow that I have, who have known me for
10 several years, have a lot of experience, respect their
11 integrity, you know, we're -- I don't want to call, we, I
12 said let me speak for myself. I like to work for the
13 company who pays me, I like to do the best job I can, the
14 best job I know how. That's just I can speak that this is
15 what we like to do.

16 MR. DRISKILL: Allow me, this is taking a
17 direction other than, is the way we normally do business.
18 I understand what you're saying, and I understand that your
19 speaking in behalf of  And in behalf of --


20  I think I'm speaking in behalf of -- 7C

21 MR. DRISKILL: His concern and your only concern
22 relative to the manner in which South Texas Project is
23 being perhaps built and --

24  I would like to add only one more
25 thing. I think I'm also speaking on behalf of the public 7C

1 who we tell every day to various media everything is fine.
 2 The people out there do not know, do not have the education
 3 or the background or the experience to know or to
 4 rationalize it one way or the other.



5 MR. DRISKILL: All I'm saying is, do you have to
 6 leave?


7  I mean, I don't have to but I'm just 7C
 8 saying that that was the the reasons I wanted to come out;
 9 you see, let me just, if I can be very blunt.

10 MR. DRISKILL: The problem is I've got a
 11 transcript here --

12 MR. DRISKILL: Off the record.

13 (Discussion off the record.)

14 MR. DRISKILL:  I appreciate the 7C
 15 contribution that you have made to  testimony
 16 and I will appreciate it if you will allow me some time to
 17 discuss it further with you at a later date, or at your
 18 convenience.

19 Q (By Mr. Driskell)  before we close, I 7C
 20 would like to ask you: Have I or any other representatives
 21 of the NRC here threatened you in any manner or offered you
 22 any rewards in return for this statement?

23 A No, but I have some reservations that things are
 24 left hanging. I'm going to get a report. That's all I
 25 know.

1 Q Let me ask you another question. Have you given
2 this statement freely and voluntarily?

3 A I swear to that.

4 Q Is there anything further you would care to add
5 for the record? You feel that all you're going to get is a
6 report. Is that your concern, that you're not going to be
7 able to see that all of these things are corrected?

8 A Yes. And I hope I explained that to you.

9 Q You did.

10 A Anyone that would go to the lengths that I have
11 and to get terminated for it and to live here, born here,
12 right here on this coast, I'm concerned. And I was proud
13 to work for this company when I got here. And I --

14 Q From my standpoint, as an investigator for the
15 NRC, I conduct the investigation; I prepare a report and I
16 provide it to engineering side of the house and to the
17 management portion of NRC for their review and for them to
18 make some determinations with respect to what you've had to
19 say.

20 Obviously and as Mr. Carpenter has stated that he
21 will be more than willing and happy to go and look at the
22 things that you have told him about. Obviously, there are
23 going to be some engineering decisions made with respect to
24 as we spoke about earlier, whether they are in the
25 jurisdiction of the NRC to make some determination relative

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JOHN A. CORDER

THE STATE OF TEXAS *
COUNTY OF HARRIS *

SUBSCRIBED AND SWORN TO before me on this _____
day of _____, 1986.

NOTARY PUBLIC
Harris County, Texas

My Commission expires on

1 THE STATE OF TEXAS:

2 COUNTY OF HARRIS:

3 I, R. Patrick Tate, Certified Shorthand Reporter and
4 Notary Public in and for the State of Texas, do hereby
5 certify that the facts as stated by me in the caption
6 hereto are true; that the above and foregoing answers of
7 the witness to the Interrogatories as indicated were made
8 before me by the said witness after being first duly
9 cautioned and sworn to testify the truth, the whole truth
10 and nothing but the truth, and the same were thereafter
11 reduced to typewriting by me or under my direction and
12 supervision.

13 I further certify that the above and foregoing
14 sworn statement, as set forth in typewriting is a full,
15 true and correct transcript of the proceedings had at the
16 time of taking of said sworn statement, and that I am
17 neither of kin or of counsel to any of the parties herein,
18 or have any interest whatever in the outcome of the case.


19 In testimony whereof, witness my hand, this 7th
20 day of November, 1986.

21

22

23 My Business address is:
24 1616 Esperson Buildings
Houston, Texas 77002

25


R. Patrick Tate, CSR #1730
Notary Public in and for
the State of Texas
My Commission Expires: 06-27-89