

ORIGINAL

UNITED STATES  
NUCLEAR REGULATORY COMMISSION

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IN THE MATTER OF:

DOCKET NO: 50-445-OL2  
50-446-OL2

COMANCHE PEAK STEAM ELECTRIC STATION,  
Units 1 and 2

LOCATION: FORT WORTH, TEXAS

PAGES: 16648 - 17008

DATE: TUESDAY, SEPTEMBER 18, 1984

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1 UNITED STATES OF AMERICA  
2 NUCLEAR REGULATORY COMMISSION  
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4 In the Matter of X  
X  
5 TEXAS UTILITIES GENERATING X  
COMPANY, et al. X Docket Nos. 50-445-OL2  
6 X 50-446-OL2  
7 (Comanche Peak Steam Electric X  
Station, Units 1 and 2 X

8  
9 Goodnight Room  
Ramada Inn  
10 I-30 and Beach Street  
Fort Worth, Texas

11 Tuesday, September 18, 1984  
12

13 The hearing in the above-entitled matter  
14 was reconvened, pursuant to adjournment, at 8:30 a.m.  
15

16 BEFORE:

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

19 JUDGE HERBERT GROSSMAN  
Member, Atomic Safety and Licensing Board

20 JUDGE WALTER JORDAN  
Member, Atomic Safety and Licensing Board  
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25

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P R O C E E D I N G S

JUDGE BLOCH: Good morning.

This represents a continuation of the hearings on the Comanche Peak Electric Station, Docket Nos. 50-445 and -446-OL2.

The first order of business is a continuation of the re-examination of Mr. Ronald Tolson. Whereupon,

RONALD TOLSON

a witness called in the above-entitled matter, resumed the stand, and having been previously duly sworn, testified further as follows:

## BOARD EXAMINATION

BY JUDGE BLOCH:

Q Mr. Tolson, welcome back. I am sure that you remember that you continue to be sworn.

A Yes, sir.

Q Mr. Tolson, do you recall the interview that you had with Mr. Vega about the T-shirt incident?

A Judge Bloch, I recall a casual conversation with Mr. Vega, but nothing that I would classify as an interview.

Q And do you recall about how long it lasted?

A Mr. Vega and I were on a business trip

-2  
1 the Monday after the T-shirt incident, and I'm sure we  
2 discussed it, but I don't recall the substance.

3 Q Do you recall if he ever asked you what  
4 got you upset about the T-shirt incident?

5 A No, sir.

6 Q I take it that you -- Do you remember  
7 whether or not you mentioned to him anything about  
8 destructive evaluation?

9 A I don't think so, Your Honor, but I  
10 really don't recall.

11 Q Do you recall an individual whom you  
12 personally acknowledged for conscientious performance  
13 of QC functions, either because he regularly was very  
14 conscientious, or he did something outstanding that you  
15 were pleased about?

16 A I would have been more inclined to  
17 approach that on a group basis as opposed to an  
18 individual basis.

19 Q Okay. Does that mean that you don't  
20 recall any instance of singling out an individual?

21 A Not off the top of my head, no, sir.

22 Q Do you have an opinion about Harry  
23 Williams' capability as a supervisor?

24 A Mr. Williams is probably one of the  
25 nicest people I've met in my career. It's very

1-3 1 difficult for me to discuss his capabilities because  
2 I knew him as a person. I think I'm biased in favor  
3 of stating that I considered him competent. I knew him  
4 and I knew his wife. It's hard for me to accept at this  
5 stage the things that have been alleged about  
6 Mr. Williams.

7 The side of Harry Williams that I knew,  
8 he was not capable of what he's been accused of. When  
9 you say that, in your mind what is the nexus of that  
10 he was accused of?

11 A As I read the findings and the NRC  
12 investigations of what other people have said, in my  
13 simple way of thinking he's been accused of intimidation  
14 of QC personnel.

15 What I am trying to say is that the  
16 Harry Williams that I knew wasn't capable of that. If  
17 anything, it would have been the other way around.

18 If I might relate an incident?

19 Q Please.

20 A We discussed Friday the taping of the  
21 session that I held with paint QC inspectors in an  
22 attempt on my part to explain the rationale and  
23 philosophy behind the use of an IR paint as opposed to  
24 an NCR.

25 I had two purposes for that meeting. I



1-4  
1 had two purposes for that meeting. I was aware of some  
2 unrest, some friction. I wasn't sure of the cause. I  
3 asked Mr. Williams to attend the session, an attempt on  
4 my part to clear the air, if you will.

5 At the close of the session I addressed  
6 point blank the friction in my words something to the  
7 effect that I was growing tired of hearing about it.  
8 That I would support Mr. Williams, and he started  
9 crying. Now that, in my judgment, is not a man who is  
10 capable of intimidating QC inspectors, not in my  
11 experience.

12 Q Did there come a time when Mr. Brandt  
13 came to you and said, "I have concluded that Harry  
14 Williams must be transferred?"

15 A Yes, sir.

16 Q And can you recall about what the time  
17 frame was there?

18 A Somewhere between July and September of  
19 '82, as I recall.

20 Q Did he mention what put him on to that  
21 investigation?

22 A No, sir. He may have, but I don't recall  
23 the details.

24 Q And did he state to you his reasons for  
25 believing the transfer was necessary?



1 Q Did you form an opinion from the work  
2 you did on management training as to what your own  
3 management style is?

4 A Yes, sir.

5 Q And how would you characterize that?

6 A I peg out on what the psychologists like  
7 to call achievement. The need to develop, and I can  
8 think in terms of clocks, achievement, as I recall, is  
9 in the 11:00 o'clock position. I needed to move more  
10 toward the 12:00 or 1:00 o'clock positions, or maybe  
11 even a 2:00 o'clock position, which is try to balance  
12 concern with task and achievement with the needs of the  
13 people.

14 Q On this clock is 9:00 o'clock what is  
15 completely achievement oriented and --

16 A No.

17 Q 2:00 o'clock --

18 A 11:00 o'clock is the achievement  
19 orientation.

20 Q And 2:00 o'clock is people orientation?

21 A Total people. 11:00 total task.

22 Q How do you think that this affected the  
23 way people perceived your leadership?

24 A That's about as tough as the first four  
25 hours of Friday, Your Honor.

(Laughter.)

-7

1 Q The only thing that I can think of  
2 that's tougher is that we have to make judgments about  
3 this record, and I really would like your help in  
4 figuring that out.

5 A I'd had to conclude that the people who  
6 come close to sharing what motivates me, or are  
7 motivated by the same thing, would tend to see my  
8 leadership as a positive force. Those people that  
9 believe that pure human relationships are the most  
10 important would tend perhaps to not understand what  
11 motivates me. I'm motivated by accomplishment. I  
12 learned that as a kid, and I think I've gotten too old  
13 to make drastic changes in motivation style.

14 Q Do you have any direct knowledge of the  
15 way in which the documentation problems were handled on  
16 the fuel transfer down?

17 A No, sir.

18 JUDGE BLOCH: Thank you, Mr. Tolson, the  
19 Board has no further questions.

20 I'm sorry, the Chairman has no  
21 further questions.

22 BY JUDGE JORDAN:

23 Q I notice that Mr. Whitehead has testified  
24 that there were four other inspectors who wore the  
25 T-shirts on, I guess it was, the Thursday morning in the

-8  
1 T-shirt incident. Were you aware of that?

2 A No, sir, nor was I aware of the state-  
3 ments I have heard here that they were worn, as I  
4 understand it, the Monday or Tuesday of that same week.

5 Q Do you think that, well, do you think  
6 Mr. Welch was aware of it?

7 A May I offer an explanation in terms of  
8 what I think probably happened?

9 Q That would be fine.

10 A I can easily visualize four people  
11 wearing the T-shirts as an undershirt as opposed to  
12 an exposed shirt, and in that case I don't think Mr.  
13 Welch would have been aware of it. That's the only  
14 logical explanation I can make in my mind is for that  
15 same statement.

16 Q Do you think Mr. Whitehead failed to  
17 reveal that in his statement?

18 A I couldn't address what Mr. Whitehead  
19 did or didn't do.

20 Q All right. Then so far as you are  
21 concerned there were only eight people wearing T-shirts  
22 with the message on them that was visible?

23 A Yes, sir.

24 JUDGE JORDAN: All right. That's all.

25 JUDGE BLOCH: Mr. Roisman?

## REXCROSS-EXAMINATION

9  
1  
2 BY MR. ROISMAN:

3 Q Mr. Tolson, can you just refresh my  
4 memory, when did you take on the position of site QA  
5 Manager?

6 A I've never held the position of site QA  
7 Manager, and I've continued to be promoted in this  
8 hearing.

9 A proper title was site QA Supervisor.  
10 I assumed that responsibility February 15th, 1977.

11 Q Is there a position site QA Manager, or  
12 have I just added in a position that doesn't exist?

13 A It's my understanding Mr. Vega has the  
14 title of site QA Manager.

15 MR. ROISMAN: I have no further questions.

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## CROSS EXAMINATION

1  
2 BY MR. TREBY:3 Q Mr. Tolson, we've heard the term of  
4 destructive testing used a number of times during your  
5 testimony.6 Is the term destructive testing a term  
7 of art used during a QC inspection?

8 A I beg your pardon, sir?

9 Q The term destructive testing.

10 I heard that. I didn't hear the other --

11 Q Does it have any special meaning to a QA  
12 or a QC inspector, normally, when they're doing an  
13 inspection?14 A There's basically two forms of inspection,  
15 destructive and nondestructive.16 Q All right. And can you tell us what  
17 destructive testing is?18 A Yeah, that's where the product is damaged  
19 and would require repair of some kind.20 Q Have you ever heard of testing where an  
21 item is tested until it fails, to see what the margin is  
22 between -- well, at what point it does fail?23 A Certainly, but I'm having a difficult time  
24 understanding the point of your question, sir.

25 Q Well, my point is that it was my under-

2-2  
1 standing that the term destructive testing had a special  
2 meaning in the language of a AC/QA inspector, and the  
3 point of my question is that I noticed that there was  
4 some confusion in some of the positions that were taken  
5 and it seemed to me that some of that confusion may have  
6 been due to the failure to define terms.

7 And so what I was just trying to determine  
8 here was whether the term destructive testing had any  
9 special meaning to a QA/QC person.

10 A Well, if I understand your question,  
11 Mr. Treby, perhaps we coined the wrong term. I think as  
12 far as what I saw in the field, could have perhaps been  
13 better characterized as willful damage as opposed to  
14 destructive testing.

15 Q And that is because destructive testing  
16 does have a special meaning?

17 A Yes, sir.

18 Q With regard to Mr. Welch, was this the  
19 first day that he was the supervisor of the electrical  
20 QC inspectors in the safeguard building?

21 A Well, it was his first day as the building  
22 QC supervisor for the safeguard building, which included  
23 the electrical personnel.

24 Q Had you had any discussions with him before  
25 he started work that Thursday?



2-3 1 A. Primarily in the form of a pep talk, but  
2 details are vague at best at this point in time.

3 Q. Well, when did you have this pep talk?

4 A. Probably the morning or the afternoon of  
5 the day before.

6 Q. And when was Mr. Welch assigned this  
7 position?

8 A. Either on late Tuesday or Wednesday, and  
9 I don't recall exactly when.

10 Q. Was that unusual for someone to be  
11 assigned a position and take that position the next day  
12 or so, or was there a period of time when there was a  
13 transition between someone taking over a position from  
14 the time he was appointed that position?

15 A. In my years of experience, it's not at all  
16 unusual. I can relate what happened to me. I seem to  
17 recall Mr. Chapman approaching me on the 13th or 14th  
18 of February of 1977 and I left the relatively painless  
19 and easy life of a QA auditor to assume responsibility  
20 for QA construction.

21 Q. Do you know whether Mr. Bennetzen had any  
22 conversations with Mr. Welch before he -- Mr. Welch  
23 assumed his position?

24 A. Bennetzen?

25 Q. Mr. Bennetzen.

2-4 1 JUDGE BLOCK: Mr. Welch. I think there's  
2 also a Mr. Welch in this case.

3 BY MR. TREBY:

4 Q I'm sorry. Mr. Welch.

5 A I have no direct knowledge through personal  
6 observations. I would have expected that some discourse  
7 to have occurred, yes, sir.

8 Q But it didn't occur in your presence?

9 A No, sir.

10 Q I believe earlier in your testimony you  
11 indicated that you had become aware and observed two  
12 instances of what we've now defined as willful destruction  
13 on the day before the T-shirt incident. Is that correct?

14 A It was either on a Monday or Tuesday, and  
15 I don't want to leave the impression that I have concluded  
16 that that was willful destruction.

17 The only thing I concluded was that there  
18 was a potential for that to have occurred, but I think I  
19 made it very clear, at least through several different  
20 means Friday, that there's no way that I could conclude  
21 that it did in fact happen.

22 JUDGE BLOCH: Mr. Tolson, could you recall,  
23 as closely as possible, what Mr. Merritt told you that he  
24 thought happened there?

25 THE WITNESS: I don't recall discussing

2-5 1 with Mr. Merritt this particular issue. I do recall  
2 discussing it in the field with the building manager and  
3 some of his personnel, or not discussing it but observing it  
4 first-hand.

5 JUDGE BLOCH: And as closely as you can  
6 remember, what did they tell you had happened?

7 THE WITNESS: Let's talk about the two  
8 issues that I in fact see one as an accusation that the  
9 inspector jerked wire out of the lug, and secondly that  
10 they twisted on the flex conduit until it became loose,  
11 and in both cases wrote those up as craft deficiencies.

12 JUDGE BLOCH: And they saw these people  
13 doing it?

14 THE WITNESS: I don't recall them making  
15 a statement like that.

16 JUDGE BLOCH: How could they have concluded  
17 that it happened, without having seen them?

18 THE WITNESS: Well, that's part of my  
19 dilemma for taking at face value what I was told.

20 BY MR. TREBY:

21 Q Did you have any discussions with NRC  
22 personnel about this matter prior to the Thursday of the  
23 T-shirt incident?

24 A It's possible, but the strongest recol-  
25 lection I have is being approached by a Region IV inspector

2-6  
1 after the T-shirt incident as opposed to something before-  
2 hand.

3 Q Do you recall having any conversations  
4 with the resident inspector for construction on Wednesday  
5 about destructive testing?

6 A I don't recall it, Mr. Treby, but it's  
7 possible that it may have occurred. I just -- I can't  
8 distinctly remember discussing the issue with the resident.

9 MR. TREBY: All right. I have no further  
10 questions.

11 JUDGE BLOCH: Is there something the Staff  
12 is going to try to clarify for the record about the  
13 resident inspector for construction?

14  
15 MR. TREBY: I believe that during his  
16 deposition he indicated that he had had a conversation  
17 with Mr. Tolson on Wednesday, and there will be another  
18 Staff witness and it's my understanding that he also  
19 recalls that such a conversation occurred on Wednesday.

20 JUDGE GROSSMAN: We had some discussion  
21 last week on the one instance of your observation, maybe  
22 too much testimony on that -- now, with regard to the  
23 other one concerning the flex conduit, could you tell me  
24 what your recollection is of what flex conduit is that  
25 you saw?

2-7  
1 THE WITNESS: Well, as I attempted to  
2 explain Friday, not being a technical expert on electricity,  
3 which I think I did establish that, it reminds me of a  
4 hydraulic hose, which I'm more familiar with, and  
5 relatively, I use the word strong, but flexible, the way  
6 I would visualize a hydraulic hose.

7 JUDGE GROSSMAN: Is this the kind of metal  
8 covering with ridges that winds around, is that what  
9 you're referring to?

10 THE WITNESS: Well, I'm familiar with that,  
11 the description you're using in terms of flex conduit, but  
12 what I saw reminded me more of a hydraulic hose than the  
13 thing with ridges. And I'm not sure I've paid enough  
14 attention to describe in intricate detail, Your Honor,  
15 what I did see.

16 I think I zeroed in on the coupling closer  
17 than I did on the characteristics of the flex conduit.

18 JUDGE GROSSMAN: It seems to me as though  
19 you may be describing armored cable. Is that what you  
20 believe you -- are you familiar with what armored cable is,  
21 also referred to as BX cable?

22 THE WITNESS: I want to get out of this one,  
23 no, sir.

24 JUDGE GROSSMAN: No further questions.

25 JUDGE BLOCH: Mr. Downey.

## REDIRECT EXAMINATION

1  
2 BY MR. DOWNEY:

3 Q Mr. Tolson, how long did you work as an  
4 auditor?

5 A From October of '74 until February 13th or  
6 14th of 1977.

7 MR. DOWNEY: I have no further questions.

8 JUDGE BLOCH: Mr. Tolson, thank you very  
9 much. I appreciate your help, and we know it has not been  
10 an easy time for you. We apologize for that, but we needed  
11 your assistance. Thank you.

12 THE WITNESS: Thank you, sir.

13 JUDGE BLOCK: Mr. Brandt.

14 MR. DOWNEY: I'll see if Mr. Brandt is  
15 here, Your Honor. Candidly, we thought this would last  
16 a little longer than it did this morning.

17 MR. ROISMAN: Mr. Chairman, I think  
18 Mr. Chapman is here, if that's a better fill-in. I mean  
19 I don't want to tell the Applicant how to bring the  
20 witnesses, but I see him.

21 JUDGE BLOCH: Do you want to do that?

22 MR. DOWNEY: No, Your Honor, I was only  
23 able to tell Mr. Chapman that he had been called as a  
24 witness late yesterday afternoon. I had asked him to come  
25 by and get his deposition so he could review his prior

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testimony, and I think it's only fair that he have that opportunity to do that.

JUDGE BLOCH: Shall we take a five-minute break? Okay.

(A short recess was taken.)

- - -

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

3 MR. DOWNEY: The Applicant will call  
4 Mr. Vega to explain some of the open questions on the  
5 Rad Waste Management System.

6 JUDGE BLOCH: Welcome back, Mr. Vega.

7 MR. VEGA: Thank you.

8 Whereupon,

9 ANTONIO VEGA

10 was recalled as a witness and, having been previously  
11 duly sworn to testify the truth, the whole truth and  
12 nothing but the truth, testified on his oath as  
13 follows:

14 JUDGE BLOCH: I hope you realize that  
15 you did not walk through a gauntlet.

16 (Laughter.)

17 MR. ROISMAN: Mr. Chairman, I am unclear  
18 about Mr. Vega's attendance at this point. I thought  
19 he was an excused witness.

20 JUDGE BLOCH: No. He had some materials  
21 dealing with the weld filler material log to finish  
22 with.

23 MR. DOWNEY: As I recall, the Board had  
24 asked that Mr. Vega return to explain how the weld  
25 filler material log provided traceability to the actual



3-2 1 welder on the Rad Waste Management System.

2 DIRECT EXAMINATION

3 BY MR. DOWNEY:

4 Q Mr. Vega, have you had an opportunity  
5 to review the weld filler material logs with respect  
6 to the Rad Waste Management System since your last  
7 testimony?

8 A Yes, I have.

9 Q And Mr. Vega, was it your finding, that --

10 JUDGE BLOCH: Wait a second. Ask him  
11 what his finding was.

12 MR. DOWNEY: There are actually two  
13 different ways depending on the bore size of pipe.  
14 If I may ask a background question, and then let him --

15 JUDGE BLOCH: Okay, just so you don't  
16 give him the answer.

17 MR. DOWNEY: No.

18 BY MR. DOWNEY:

19 Q Mr. Vega, did you discover that there  
20 were two different mechanisms for tracing to the  
21 welder on the Rad Waste Management System that depends  
22 on the size of bore on the pipe on which the weld was  
23 made?

24 A Yes, that is correct.

25 Q Mr. Vega, with respect to the large bore

3-3 1 pipe in the Rad Waste Management System, would you  
2 please explain to the Board how traceability to the  
3 welder is retained?

4 If you would like, please make  
5 reference to the documents that you brought with you  
6 today.

7 A Okay. Certainly.

8 Q One other preliminary question,  
9 Mr. Vega. How large is the large bore pipe and how  
10 small is a small bore pipe?

11 A Small bore is less than two inches --  
12 I'm sorry, two inches and smaller. This is usually  
13 referred to as field run piping.

14 The engineer has given guidelines as  
15 to how that is to be done, and the craftsman then  
16 runs the piping at his discretion within guidelines  
17 as the conditions in the field permit him to do it.

18 The large bore is above two inches,  
19 and that is what we refer to -- engineered from the  
20 standpoint that it is already on a drawing.

21 In those particular cases, the welds  
22 have a unique identification, thereby permitting a  
23 different approach, and that is really what I would  
24 like to go into.

25 The large bore piping, as I said, is

3-4 1 shown on an iso. The iso has weld numbers identified.

2 Prior to work starting on a particular  
3 day, the foreman will take a weld filler material  
4 log, and he will draw, and he will enter the informa-  
5 tion into the weld filler material log.

6 He will enter drawing number. He  
7 will enter the weld number that the welder is being  
8 assigned to weld that day.

9 The particular date is entered. Size  
10 of rod is entered. The kind of rod is entered.

11 The welder that is being assigned to  
12 do the work, his symbol is entered on the weld filler  
13 material log.

14 The weld procedure number is entered.  
15 Any interim change notices applicable to the welding  
16 procedure is entered, and it is signed by the  
17 foreman.

18 This particular weld filler material  
19 log then is hand-carried by the welder to the material  
20 distribution station, where the attendant will take  
21 the particular rods that are being called for and  
22 are issued to the welder.

23 At that particular point, the material  
24 distribution station attendant will enter on the  
25 weld filler material log the heat number and the number

3-5 1 of rods issued.

2 At that particular time, the welder  
3 leaves the material distribution station and goes  
4 out in the field to do his weld.

5 He takes the weld filler material log  
6 with him, as well as a copy of the procedure that he  
7 is to do his weld.

8 Before the material is issued by the  
9 material distribution station, the attendant verifies  
10 that the welder in question is certified to the  
11 particular weld procedure such that only qualified  
12 welders will be issued rod to weld on a particular  
13 weld, and only after having verified that the welder  
14 in question is qualified to do that particular weld.

15 There is another check that is done, and  
16 that is to make sure that the filler material is  
17 consistent with the weld procedure requirements.

18 The welder then takes the rod, along  
19 with the weld filler material log, and he welds.  
20 At the end of the shift, he will bring back the weld  
21 filler material log.

22 At that time the material distribution  
23 station attendant will record the number of rods that  
24 are returned at the end of the day, and he records  
25 it on the weld filler material log.

3-6

1           The weld filler material log then is  
2 kept at the material distribution station, and is  
3 forwarded to welding engineering, who reviews it and  
4 sends it to the vault.

5           This is -- excuse me.

6           JUDGE BLOCH: I just have a couple of  
7 clarifying questions.

8           THE WITNESS: Yes, Mr. Chairman.

9           JUDGE BLOCH: Do the welders sometimes  
10 take out more welds than they finish in that day?

11           That is, they could take a WFML which  
12 lists welds -- I notice on the one you have there  
13 it is Weld 6 through 8.

14           Is it possible that at the end of the  
15 day they will only have finished Weld 6 and half of  
16 Weld 7, for example.

17           THE WITNESS: Mr. Chairman, there are  
18 times when a welder does not finish what he was  
19 assigned to do, and in that particular case you will  
20 see the following day another assignment for the same  
21 weld.

22           You can see the progress as this weld  
23 is finished out.

24           JUDGE BLOCH: Okay, so basically at  
25 that time for certain welds, you wouldn't be certain

3-7 1 which of two welders had done the weld; is that  
2 possible?

3 THE WITNESS: That is correct,  
4 Mr. Chairman, and there are instances where more  
5 than one welder will weld on a particular weld.

6 That is acceptable from the standpoint  
7 that the entire intent of this regulation -- not  
8 regulation, but, rather, ANSI Standard, is to  
9 provide the owner with a high level of confidence that  
10 the person who welded on a weld was qualified to do  
11 so.

12 Because of the weld filler material  
13 control program at Comanche Peak, that is assured,  
14 and the NCR that was issued and identified in the  
15 audit report, in essence, states exactly what I've  
16 said.

17 JUDGE BLOCH: When you do etching of  
18 the welder's symbol on the pipe rather than in the  
19 WFML on other systems, would it be permissible for  
20 there to be two symbols for one weld?

21 THE WITNESS: Yes, it would be  
22 permissible, Mr. Chairman.

23 Again, the objective is to make sure  
24 that a welder that welds on a particular weld is  
25 qualified to do so.

3-8 1 JUDGE BLOCH: And I guess there is one  
2 other purpose, isn't there, which is to allow you to  
3 go back, if you have a problem with a particular  
4 welder and examine all the welds that that welder has  
5 done?

6 THE WITNESS: Well, Mr. Chairman, there  
7 are both in-process and final inspections that are  
8 done on these welds.

9 So these are inspected as we go. It  
10 is not a situation where a welder welds several welds  
11 without inspection.

12 It is to verify the quality of the weld  
13 as you go. Any problem that would be identified on  
14 a particular welder, there would be a rejection done.

15 I believe that this was pretty much  
16 what Mr. Purdy testified to when he testified on  
17 this subject.

18 BY MR. DOWNEY:

19 Q Mr. Vega, how is the weld filler  
20 material log used to trace the weld to the welder for  
21 small bore pipe?

22 MR. DOWNEY: Would the Board like  
23 Mr. Vega's documents bound into the transcript that  
24 he has used in his explanation?

25 JUDGE BLOCH: I think it probably would

3-9

1 be helpful to understand the record, sure.

2 MR. ROISMAN: We have never seen a copy  
3 of them.

4 JUDGE BLOCH: Would you like to look  
5 over his shoulder?

6 MR. ROISMAN: Well, I guess what I  
7 would like to do is after he finishes testifying, I  
8 would like to look at the documents so I know whether  
9 I want to ask him any questions about them.

10 JUDGE BLOCH: Okay.

11 MR. ROISMAN: I don't want to try  
12 to read them while he's testifying about the next  
13 group.

14 JUDGE BLOCH: Fine.

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B O P APPLICATION ONLY

751942

WOC Serial No. \_\_\_\_\_

Drawing No. SB-X-AB-22-3

WELD FILLER MATERIAL LOG

Weld No. 6-8

WPS #	
<u>88011</u>	<u>88021</u>
	<u>88025</u>

WELD NO.	DATE	SIZE/CLASS	WELDER SYMCL	WPS/ICH #	HEAT/LOT # or CODE #	AMT. ISS.	AMT. RT'D.	ISSUANCE APPROVAL
6-8	$\frac{1}{8}$ /83	$\frac{3}{32}$ ER-308	ARK	88011 5-2	463516	10	3	<i>[Signature]</i> R 372
6-8	$\frac{1}{8}$ /83	$\frac{3}{32}$ ER308L-16	ARK	88011 5-2	761264 57881	50	29	<i>[Signature]</i> P150
6-8	$\frac{1}{8}$ /83	$\frac{3}{32}$ ER-308L-16	ARK	88011 5-2	761264 57881	25	13	<i>[Signature]</i> P284

FOR INFORMATION ONLY

BOP  
 WELD DATA CARD

NO REPAIRS

WPS # 88025 88031 88011	REV#/ICN# 5/2 7/2 5/2	FABRICATION CODE & CLASS/ACC. STD. ANSI - B31.1 5
2		
3"-SB-X-11-151R-5		
QC 1/28/83		

BASE MATERIAL	POSTWELD HEAT TREATMENT
HT # N/A to HT # N/A	TIME N/A Hrs., TEMP. N/A °F
PC # 11 to PC # 19	HEATING RATE N/A °/Hr. N/A
P # 8 to P # 8	

I-QAP/REV	VT/10.2-7	PT/10.2-1	MT/10.2-2	RT/10.2-3	UT/10.2-4A
-----------	-----------	-----------	-----------	-----------	------------

MR#(S) N/A	M.&T.E.	CALIB. DUE DATE	QC/CIT	WELD FILLER MATERIAL REQUIRED
	N/A	N/A	N/A	ROOT CLASS ER308
QC VERIF. N/A				FILL CLASS ER308
DATE: N/A				QC 8/27/83 CLASS E308 L16
				CLASS

NOTES: (1) Applicable CIT/QC hold points shall be indicated by checkmark ✓.  
 (2) Denote Satisfactory inspections by an "S"; Unsatisfactory inspections by a "U".

Prepared by: *[Signature]* PRODUCTION RELEASE

OP. NO.	OPERATION	HOLD POINTS			CON	SAT. or UNSAT.	INSPECTION RESULTS (SIGN AND DATE)	
		CIT	QC	WT			CIT/QC/WT	NOE CERT. LEVEL
1	Cleanliness	✓	n/a	n/a		SAT	JK 1-22-73	
2	Fit-up	✓	n/a	n/a		SAT	JK 1-22-73	
3	Purge	✓	n/a	n/a		SAT	JK 1-22-73	
4	Final V.T	✓	n/a	n/a		SAT	JK 1-24-73	

REVIEWED *[Signature]* 1-27-83

FOR INFORMATION ONLY

WE *[Signature]* 1-18-83

Approval signatures shall be affixed on the line immediately below the last step in each sequence.

NTE #1741 CMC 872063  
 DUE 17 March 83

16682

NON-DESTRUCTIVE TEST  
INSPECTION REQUEST

FOREMAN MURPHY Time \_\_\_\_\_ Date 1/29/87

WELDER: Melvie STAMP ARK LOC. AVX ELV. 790  
PIPE DIA. 1" DWG. NO/LINE NO. SB-X-11-151R-5 JT. NO. 6-8

INSP. REQ.  CLEAN  FIT-UP  ROOT  INTER  STRESS REL.  FINAL  
 VISUAL  L.P.  R.T.  M.P.  U.T.  HYDRO TEST

COMMENTS: 88011 CMC# 87206 R4  
SWA# 7723

FOR INFORMATION ONLY

INSPECTOR: [Signature] ACCEPT: [Signature] DATE: \_\_\_\_\_

COMANCHE PEAK STEAM ELECTRIC STATION

INSPECTION REPORT

SHEET 1 OF 2  
NO. MP 1200

ITEM DESCRIPTION FIELD WELD		IDENTIFICATION NO. CMC-87206-A		SYSTEM / STRUCTURE DESIGNATION RWM-5 70 4401	
SPEC. NO. MS-100	REV. 6	REF. Q.C. DOC. & REV. & CHANGE NO. CP-OP-11.12, Rev. 11		MEASURE OR TEST EQUIP. IDENT. NO. NA	
<input type="checkbox"/> IN PROCESS INSPECTION		<input type="checkbox"/> PRE INSTALLATION VERIFICATION		<input type="checkbox"/> INSTALLATION INSPECTION	
<input type="checkbox"/> PRE TEST INSPECTION		<input checked="" type="checkbox"/> FINAL INSPECTION		<input type="checkbox"/> PRE TEST INSPECTION	

INSPECTION RESULTS

INSPECTION COMPLETED, ALL APPLICABLE ITEMS SATISFACTORY

INSPECTION COMPLETED, UNSATISFACTORY ITEMS LISTED BELOW

QC INSPECTOR J. Tallibon DATE 2/8/83

ITEM NO.	INSPECTION ATTRIBUTES	SAT	UNSAT	DATE	QC SIGNATURE
1.	Welder Symbol Stamped Adjacent to Weld Welder's Symbol:	✓			
2.	Weld Free of Paint and Rust	✓			
3.	Final Visual Inspection in Accordance with Para. 3.1.1	✓			
	W-5-1 CHI	✓			
	W-6-1A AUK ARK	✓			
	W 6-8 ARK	✓			
	W 10 ARK	✓			
	W 12 ARK	✓			
	W 11 ARK	✓			
	W 6-3R AUK ARK	✓			
	W 6-4 ATX CFS	✓			
	W 6-5 ATX CFS	✓			
	W 6-6A CHI BPH	✓			
	W 6-7R AUK ARK	✓			
	W 14-1 CFS	✓			
	W 14-2 CFS	✓			
	W 14-3 CHI	✓			
	W 14-4 BPH	✓			

REMARKS (DWGS, SPECS, ETC.)

This CMC affects BRP-SB-X-AB-022

\*No Welder's Symbol found acceptable per disposition of NCR-M-81-01680.

RWM-SB-X-AB-030

RWM-SB-X-AB-040

RELATED NCR NO. NA I.R. CLOSED  DATE NA SIGNATURE NA QC INSPECTOR

COMANCHE PEAK STEAM ELECTRIC STATION

INSPECTION REPORT  
 CMC #7206 4

Sheet 2 of 2

(SUPPLEMENTAL)

FOR FULL HEADINGS, SEE SHEET 1

NO.

ITEM NO.	INSPECTION ATTRIBUTES	SAT.	UNSAT.	DATE	G. C. SIGNATURE
		<input checked="checked" type="checkbox"/>	<input type="checkbox"/>		
W	W1 25 A RPH	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>		
	W 26 RIM	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>		
	W 27 ALIR	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>		

REMARKS: (DWGS, SPECS, ETC.)

See Page 1

RELATED NCR NO.

NA

LR. CLOSED

DATE

NA

SIGNATURE

*NA*

QC INSPECTOR



1 THE WITNESS: I am through with the  
2 large bore. That's what we have discussed.

3 JUDGE BLOCH: Before you go to the  
4 small bore, are we talking just about the piping  
5 welds themselves, or are these support welds?

6 THE WITNESS: No, Mr. Chairman. The  
7 whole subject here is piping welds, yes, sir.

8 JUDGE BLOCH: Okay, and this problem  
9 did not extend to supports in any way; is that  
10 correct?

11 THE WITNESS: No, sir.

12 BY MR. DOWNEY:

13 Q Mr. Vega, would you please explain  
14 how the weld filler material log is used to trace  
15 weld to welder for small bore pipe in the Rad Waste  
16 Management System?

17 A Yes. In the case of small bore, there  
18 is no isometric and there was no isometric available  
19 at the time that the welding was done.

20 This is because by definition this  
21 piping was field run, which means that the routing  
22 was not defined ahead of time.

23 However, the welder -- I'm sorry -- the  
24 foreman at that time was welding on a specific line  
25 number.



8-11 1 That line number was designated and  
2 the rod control system was handled in the same way.

3 The foreman would fill out the informa-  
4 tion at the beginning of the shift. He would identify  
5 the line number.

6 He would assign a line number to a  
7 particular welder.

8 He would fill out the rod size, the  
9 rod type. He would again fill out the weld process  
10 sheet that applied to the weld in question, the  
11 interim change notices that applied to the welding  
12 procedure.

13 This form would be hand-carried to  
14 the material distribution station. They would then  
15 identify the heat of the weld rod that was being  
16 issued, as well as the number of rods that were  
17 issued.

18 The welder would, again, take the  
19 weld filler material log sheet with him out to the  
20 field.

21 He would do his welding and at the end  
22 of the shift would return both the well filler  
23 material log, as well as any unused rod.

24 The unused rod was documented on the  
25 weld filler material log.

8-12 1 The weld filler material log was  
2 retained by the material distribution station person  
3 who then transmitted the weld filler material log to  
4 welding engineering the following day.

5 In order to go back and perform the  
6 inspections, a program was established at Comanche  
7 Peak.

8 The first part of the program was to  
9 actually send the people generating the drawings to  
10 walk these lines.

11 They would then regard the as-built  
12 configuration and they would assign weld numbers  
13 on the generated -- we refer to as an RWM drawing.

14 The RWM drawing identifies the welds  
15 by number. The RWM drawing was then taken by QC  
16 personnel, along with an inspection report.

17 They would then identify the weld  
18 numbers on the inspection report and would identify  
19 the welder symbol that was identified -- that was  
20 Vibro-etched on the particular joint, so that when  
21 you take the weld filler material log you know what  
22 welders welded on the particular line.

23 You know that they are qualified. You  
24 know what procedure they welded to.

25 If you then take the inspection report

3-13  
1 and the RWM drawing, you now have an identification  
2 of what welder welded on what joint, and with the  
3 controls in place, you have a high level of confidence  
4 that the welder that welded on any joint was  
5 qualified to do so.

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4-1 1 JUDGE BLOCH: If I understand the  
2 testimony it is that you can identify which weld the  
3 welder did because of the RWM drawing, but you couldn't  
4 possibly do that from the weld filler material log; is  
5 that correct?

6 THE WITNESS: That is correct, Mr.  
7 Chairman, unless the work was done after the RWM was  
8 generated. In that particular case even for a small  
9 bore, and I have an example of this same thing here,  
10 we have the weld filler material log that now shows  
11 the weld numbers on it, as well as who welded on it to  
12 what procedure, and the whole rod information.

13 Again, the basic difference is that  
14 because this was field-run piping, and because the welds  
15 did not have an identification, then obviously the --  
16 it is impossible to do what can be done on a large bore  
17 system.

18 JUDGE BLOCH: Do we have any indication as  
19 to whether you or the auditors who wrote the initial  
20 report knew at the time that the audit report was revised  
21 by you that the RWM drawings were being used in this  
22 way?

23 THE WITNESS: Yes. That was known,  
24 Mr. Chairman, and we reviewed those. The thing that the  
25 audit report identifies were the inconsistencies, and,

-2  
1 of course, that was not changed on the audit report.  
2 The audit report reflects those inconsistencies. The  
3 change on the audit report was one of what is required  
4 by the standard and what is an appropriate means to  
5 implement that standard.

6 JUDGE BLOCH: Well, if I understand the  
7 testimony right, and I don't have the audit report in  
8 front of me, the report turns out to be correct but the  
9 reason that it's correct isn't fully expressed in the  
10 report. Is that a fair statement?

11 THE WITNESS: No, Mr. Chairman, I don't  
12 believe that that is an accurate statement, and I can  
13 read the particular changes that were made that will  
14 address exactly what we are talking about.

15 MR. DOWNEY: May I ask a clarifying  
16 question, Mr. Chairman?

17 BY MR. DOWNEY:

18 Q Mr. Vega, are the RWM drawings generated  
19 at the time Comanche Peak committed to the branch  
20 technical position on Rad Waste Management System?

21 A Would you repeat that question, please.

22 Q Were the RWM drawings generated at the  
23 time that Comanche Peak committed to compliance with the  
24 branch technical position?

25 A They were generated as a result of our

4-3 1 commitment; they are a result of our commitment.

2 Q So the commitment resulted in these RWM  
3 drawings; is that correct?

4 A That is correct.

5 THE WITNESS: Mr. Chairman, in answer to  
6 your question, one of the items that is reflected in  
7 the revised report it states that the lack of welder --  
8 I'm sorry.

9 This is further complicated by the  
10 fact that small bore Rad Waste Management system piping  
11 was field run and did not have joint numbers designated  
12 prior to welding activities. This resulted in welding  
13 materials having been checked out on the WFML against a  
14 specific liner composite.

15 What I did was reflect the situation  
16 as it was done. The audit report did not differentiate  
17 between the way large bore and small bore was handled,  
18 and I believe that I had a responsibility to clarify  
19 that.

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1 JUDGE BLOCH: If I understand correctly,  
2 the report clearly acknowledges the difference on the small  
3 bore piping, and it says that there is a special problem.

4 Does it say why the problem is not  
5 important, that is, that it's on the -- that the numbers  
6 actually were recorded, the Vibro-etched numbers before  
7 they disappeared?

8 THE WITNESS: Yes, Mr. Chairman, it  
9 identifies that and it also identifies the existing --  
10 the existence of the NCR that was issued at the site  
11 identifying this problem.

12 JUDGE BLOCH: Thank you. I have no further  
13 questions.

14 MR. ROISMAN: I need to look at the  
15 documents.

16 MR. DOWNEY: I'm sorry, but we only had  
17 an opportunity to bring one copy of the documents with us.  
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COMANCHE PEAK STEAM ELECTRIC STATION

INSPECTION REPORT

SHEET 1 OF 12  
NO. MP 0209

ITEM DESCRIPTION: FIELD WELD 1-24  
IDENTIFICATION NO.: RWM SB-X-AB-007  
SYSTEM / STRUCTURE DESIGNATION: RADWASTE 832 AUX

SPEC. NO.: MS-100  
REV.: 5  
REF. Q.C. DOC. & REV. & CHANGE NO.: CP-OP-11.12, Rev. 5  
MEASURE OR TEST EQUIP. IDENT. NO.: N/A

- IN PROCESS INSPECTION
- PRE INSTALLATION VERIFICATION
- INSTALLATION INSPECTION
- FINAL INSPECTION
- PRETEST INSPECTION

INSP. RESULTS

INSPECTION COMPLETED, ALL APPLICABLE ITEMS SATISFACTORY

INSPECTION COMPLETED, UNSATISFACTORY ITEMS LISTED BELOW

Lo. Hoodell 2/22/82  
QC INSPECTOR DATE

ITEM NO.	INSPECTION ATTRIBUTES	SAT	UNSAT	DATE	QC SIGNATURE
1.	Welder Symbol Stamped Adjacent to Weld Welder's Symbol:		✓		
2.	Weld Free of Paint and Rust		✓		
3.	Final Visual Inspection in Accordance with Para. 3.1.1		✓		
	W1 BIM		✓		
	W2 BIM		✓		
	W3 ARK		✓		
	W4 ARK		✓		
	W5 ARK		✓		
	W6 ARK		✓		
	W7 ARK		✓		
	W8 ARK		✓		
	W9 ARK		✓		
	W10 ARK		✓		
	W11 ARK		✓		
	W12 ARK		✓		
	W13 BIM		✓		
	W14 BIM		✓		
	W15 BIM		✓		
	W16 BBT		✓		
	W17 BBT		✓		

REMARKS (DWGS, SPECS, ETC.) T0/4401  
M1-0239

1" SB-X-007-151-5

RELATED NCR NO.: N/A  
I.R. CLOSED   
DATE: 2/22/82  
SIGNATURE: Lo. Hoodell  
QC INSPECTOR



COMANCHE PEAK STEAM ELECTRIC STATION  
INSPECTION REPORT

SHEET 12 OF 12  
NO. MP 0218 020

ITEM DESCRIPTION FIELD WELD 1-24		IDENTIFICATION NO. 1" SB-Y-AB-004		SYSTEM / STRUCTURE DESIGNATION RADWASB 832 AUX	
SPEC. NO. MS-100	REV. 5	REF. Q.C. DOC. & REV. & CHANGE NO. CP-OP-11.12, Rev. 5		MEASURE OR TEST EQUIP. IDENT. NO. N/A	

IN PROCESS INSPECTION     
  PRE INSTALLATION VERIFICATION     
  INSTALLATION INSPECTION     
  FINAL INSPECTION     
  PRETEST INSPECTION

INSP. RESULTS

INSPECTION COMPLETED, ALL APPLICABLE ITEMS SATISFACTORY  
 INSPECTION COMPLETED, UNSATISFACTORY ITEMS LISTED BELOW

J.A. Hoodill 2/22/82  
 QC INSPECTOR      DATE

ITEM NO.	INSPECTION ATTRIBUTES			DATE	QC SIGNATURE
		SAT	UNSAT		
1.	Welder Symbol Stamped Adjacent to Weld Welder's Symbol:	✓			
2.	Weld Free of Paint and Rust	✓			
3.	Final Visual Inspection in Accordance with Para. 3.1.1	✓			
	W18 BBT	✓			
	W19 RBT	✓			
	W20 ARK	✓			
	W21 ARK	✓			
	W22 ARK	✓			
	W23 ARK	✓			
	W24 ARK	✓			

REMARKS (DWGS, SPECS, ETC.) TO/4401  
711-0239

1" SB-Y-004-151-5

RELATED NCX NO. N/A     
 I.R. CLOSED      
 DATE 2/22/82     
 SIGNATURE J.A. Hoodill  
 QC INSPECTOR

INSPECTION REPORT

NO. MP 0210

ITEM DESCRIPTION PIPING GRADIENT		IDENTIFICATION NO. 2 RUM SB-X-AB-COTR-02		SYSTEM/STRUCTURE DESIGNATION RADWASTE 532 AIX	
SPEC. NO. 15-100	REV. 5	REF. Q.C. DOC. & REV. & CHANGE NO. 6 CP-QP-11.12, Rev. 5	MEASURE OR TEST EQUIP. IDENT. NO. 7 N/A		

IN PROCESS INSPECTION    
  PRE INSTALLATION VERIFICATION    
  INSTALLATION INSPECTION    
  FINAL INSPECTION    
  PRE TEST INSPECTION

INSP. RESULTS

INSPECTION COMPLETED, ALL APPLICABLE ITEMS SATISFACTORY  
 INSPECTION COMPLETED, UNSATISFACTORY ITEMS LISTED BELOW

QC INSPECTOR AG Stodick     DATE 2/22/82

ITEM NO.	INSPECTION ATTRIBUTES			DATE	QC SIGNATURE
		SAT	UNSAT		
1.	Gradient less than 1/16" per foot.	✓	X	2/22/82	AG Stodick
2.	Slope is as designated on drawing.	✓			
3.	Constraints - minimum 1 inch clearance. 2-inch minimum clearance when operating temperature exceeds 200° F.	✓			
4.	Span does not exceed maximum.	✓			
5.	Pipe is free of base metal defects.	✓			
	BETWEEN WELDS 5 & WELD 6 HANGER INCOMPLETE	✓	X	2/16/82	AG Stodick
	BETWEEN WELDS 9 & WELD 10 HANGER INCOMPLETE	✓	X	2/16/82	AG Stodick
	BETWEEN WELDS 11 & WELD 12 HANGER INCOMPLETE	✓	X	2/16/82	AG Stodick
	BETWEEN WELD 19 & WELD 20 (2) TEMPORARY HANGER	✓	X	2/16/82	AG Stodick
	- TAPE ON PIPE	✓	X	2/16/82	AG Stodick
	GRADIENT PROBLEM BETWEEN WELDS 5 & WELD 12. *	✓	X	2/22/82	AG Stodick

REMARKS (DWGS, SPECS, ETC.) TO/4401  
M:1-0239

\* per OCA 13,177 acceptable

RELATED NCR NO. N/A     I.R. CLOSED      DATE 2/22/82     SIGNATURE AG Stodick

QC INSPECTOR

5-29-82

















5-A 2  
10 DAY

COMANCHE PEAK STEAM  
ELECTRIC STATION (CPSES)

COMPONENT MODIFICATION CARD (CMC)

SERIAL NO. 72577

T.O. 4401

1 APPLICATION: PIPE WELD MOD.    NON-Q  DESIGN CHANGE/DEVIATION

7 ORIGINATOR  
JIM EDWARDS EXT 622/G EDWARDS  
NAME  
 CPPE  
 ORIGINAL DESIGNER

2 DWG. NO.  
RWMS-SB-X-AC-017 REV. 2

4 REASON FOR CHANGE: CORR: - NUMEROUS  
GRADIENT DEVIATIONS (REF. I.R. # MP-210)

3 LINE NO./COMPONENT NO.  
11-8513 (-2)

5 INSTRUCTIONS:

REMOVE

WELDS 5 5 12

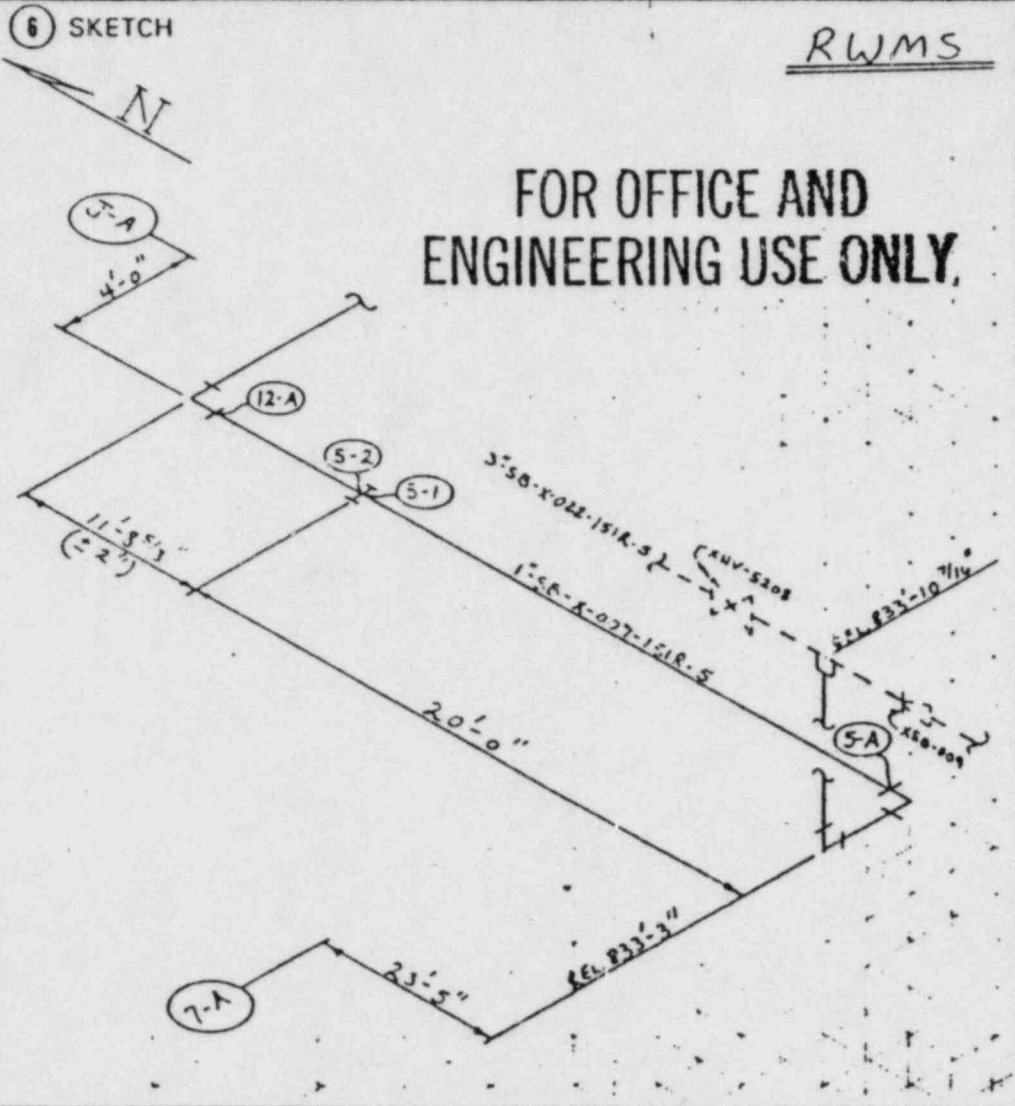
WELDS 6 7 8 9 10 11 (DILUT)

REMOVE PIPE 5 FEET BETWEEN  
WELDS 5 12 - RETAIN PIPE IN ONE  
LINE 3 FEET BETWEEN WELDS 9 & 10 AND  
15 FEET MAINTAIN LENGTH

WELDS 5 2 5 12-A (TYP)

SEE H - ACTIVITY ZONE - SCRAP

SEE H - REMAINING



8 APPROVED BY  
David Smith 5/19/92  
DATE

DATE

DATE

DATE

DATE

DATE

ADD

WELDS 5A 12A, 5-1 5-2  
(FIELD MARK)

VIEW PIPE 5 FEET BETWEEN  
WELDS 5 12 - RETAIN PIPE IN ONE  
LINE 3 FEET BETWEEN WELDS 9 & 10 AND  
15 FEET MAINTAIN LENGTH

9 DISTRIBUTION	DCC CNTL NO.	QTY
GENERAL SERVICES	1110	1
DESIGN GROUP	1110	1
SUPPORT ENGR.	1110	1
STUDY GROUP	1110	1
COORDINATOR (UNITED)	1110	1
CLAIMS (FIELD FILE)	1110	1

16705

COMANCHE PEAK STEAM ELECTRIC STATION

INSPECTION REPORT

SHEET 1 OF 1  
NO. MP-0425

DESCRIPTION FIELD WELD SA 12A		IDENTIFICATION NO. CAL 7577 144-95-X-AB-07R-0		SYSTEM / STRUCTURE DESIGNATION RADWASTE	
SPEC. NO. MS-100	REV. 5 6	REF. Q.C. DOC. & REV. & CHANGE NO. CP-QP-11.12, Rev: 7	MEASURE OR TEST EQUIP. IDENT. NO. NA		
<input checked="" type="checkbox"/> IN PROCESS INSPECTION		<input type="checkbox"/> PRE INSTALLATION VERIFICATION	<input type="checkbox"/> INSTALLATION INSPECTION	<input checked="" type="checkbox"/> FINAL INSPECTION	<input type="checkbox"/> PRE TEST INSPECTION

INSP. RESULTS  
 INSPECTION COMPLETED, ALL APPLICABLE ITEMS SATISFACTORY  
 INSPECTION COMPLETED, UNSATISFACTORY ITEMS LISTED BELOW  
 QC INSPECTOR Bill Kitten DATE 6/9/82

ITEM NO.	INSPECTION ATTRIBUTES.	SAT	UNSAT	DATE	QC SIGNATURE
1.	Welder Symbol Stamped Adjacent to Weld Welder's Symbol:	✓			
2.	Weld Free of Paint and Rust	✓			
3.	Final Visual Inspection in Accordance with Para. 3.1.1	✓			
	W 5A AAD	✓			
	W 5-1 AAD	✓			
	W 5-2 AAD	✓			
	W 12A AAD	✓			

REMARKS (DWGS, SPECS, ETC.) 144-95-X-07-151R-5  
 \*No Welder's Symbol found acceptable per disposition of NCR-M-81-01680.  
 11-239  
 710 4401

RELATED NCR NO. NA	I.R. CLOSED <input type="checkbox"/> NA	DATE NA	SIGNATURE NA	QC INSPECTOR
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INSPECTION REPORT

SHEET 1 OF 1  
NO. MP-0426

ITEM DESCRIPTION PIPING			IDENTIFICATION NO. 0472577	SYSTEM / STRUCTURE DESIGNATION RADWASTE		
C.NO. 100	REV. 6	REF. Q.C. DOC. & REV. & CHANGE NO. CP-QP-11.12, Rev. 2	MEASURE OR TEST EQUIP. IDENT. NO. NA			

IN PROCESS INSPECTION    
  PRE INSTALLATION VERIFICATION    
  INSTALLATION INSPECTION    
  FINAL INSPECTION    
  PRE TEST INSPECTION

INSPECTION COMPLETED, ALL APPLICABLE ITEMS SATISFACTORY  
 INSPECTION COMPLETED, UNSATISFACTORY ITEMS LISTED BELOW

*Bill Johnson* 6/9/82  
 QC INSPECTOR                          DATE

ITEM NO.	INSPECTION ATTRIBUTES	SAT	UNSAT.	DATE	QC SIGNATURE
1.	Gradient: Less than 3/16" per foot in Unit 1 and Common Systems Less than 1/16" per foot in Unit 2 Systems	✓			
2.	Slope is as designated on drawing.	✓			
3.	Constraints - minimum 1 inch clearance. 2-inch minimum clearance when operating temperature exceeds 200° F.	✓			
4.	Span does not exceed maximum.	✓			

REMARKS (DWGS, SPECS, ETC.)     1" SB-X-07-1711A-5  
 M1-239  
 7/0-440)

ATED NCR NO. NA	I.R. CLOSED <input type="checkbox"/> NA	DATE NA	SIGNATURE <i>NA</i>	QC INSPECTOR
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NON-DESTRUCTIVE TEST INSPECTION REQUEST		FOREMAN <u>E. EWART</u>		Time	Date
					<u>6-3-82</u>
WELDER:	<u>LLOYD</u>	STAMP	<u>AAD</u>	LOC.	<u>AUX</u>
PIPE DIA.	<u>1"</u>	DWG. NO/LINE NO.	<u>SB-X-AB-007</u>	JT. NO.	<u>*</u>
<u>1" SB-X-007-151A-5</u>					
INSP. REQ.	<input checked="" type="checkbox"/> CLEAN	<input type="checkbox"/> FIT-UP	<input type="checkbox"/> ROOT	<input type="checkbox"/> INTER	<input type="checkbox"/> STRESS REL.
	<input checked="" type="checkbox"/> VISUAL	<input type="checkbox"/> L.P.	<input type="checkbox"/> R.T.	<input type="checkbox"/> M.P.	<input type="checkbox"/> U.T.
					<input checked="" type="checkbox"/> FINAL
COMMENTS:					

CMC 72577  
88025

\* 121-12A  
W-5A

INSPECTOR: Emil Dyle ACCEPT:  DATE: 6/3/82

BROWN & ROOT

No. 133068

NON-DESTRUCTIVE TEST INSPECTION REQUEST		FOREMAN <u>EWART</u>		Time	Date
					<u>6-2-82</u>
WELDER:		STAMP	<u>AAD</u>	LOC.	<u>AUX</u>
PIPE DIA.	<u>1"</u>	DWG. NO/LINE NO.	<u>AWM SB-X-AB-007 RB *</u>	JT. NO.	<u>*</u>
<u>1" SB-X-007-151A-5</u>					
INSP. REQ.	<input checked="" type="checkbox"/> CLEAN	<input type="checkbox"/> FIT-UP	<input type="checkbox"/> ROOT	<input type="checkbox"/> INTER	<input type="checkbox"/> STRESS REL.
	<input checked="" type="checkbox"/> VISUAL	<input type="checkbox"/> L.P.	<input type="checkbox"/> R.T.	<input type="checkbox"/> M.P.	<input type="checkbox"/> U.T.
					<input checked="" type="checkbox"/> FINAL
COMMENTS:					

REF CMC 72577 KO \* WS-1  
88025 WS-2

INSPECTOR: Benj Fure ACCEPT:  DATE: 6-2-82











## CROSS-EXAMINATION

BY MR. ROISMAN:

Q Mr. Vega, I just have one question for you. I'm just not sure that I understood your explanation as to how you go from looking at only the small bore, how you go from -- when you have a weld filler material log and the weld number just says "field run," and you've got a welder's symbol, how do you know later which weld is the one that that welder did when you go back and do the drawing based upon someone walking through the field run pipes?

A Okay, Mr. Roisman. One of the documents that you have in the file is the weld -- I'm sorry, the inspection report that the inspector takes with him, along with the RWM drawing. I believe that is the first....

Q Yes.

A The inspector then records the information that is Vibro-etched on the particular joint and records it on the inspection report.

JUDGE BLOCH: The truth is that the Vibro-etching was once visible. While it disappeared, they used it while it was still there.

1 BY MR. ROISMAN:

-2  
2 Q But as I understand it, there is a gap  
3 of time. When the inspector goes through, the  
4 inspectors inspecting the particular field run weld,  
5 that inspector records that Welder X did a particular  
6 weld and indicates what was Vibro-etched.

7 How do you know that when you go back  
8 to give a number to the weld, that you have gone back  
9 before the Vibro-etching is gone?

10 Is there some procedure that guarantees  
11 that you will get back to the weld before the  
12 Vibro-etching has gone?

13 A Well, Mr. Roisman, this is part of the  
14 complication that occurred on this particular system.

15 Most of the work was done prior to our  
16 commitment to the Branch Technical Position. So in  
17 essence, we had done this work under a system, and  
18 when we needed to go back and address the Branch  
19 Technical Position, then at that time, then, we went  
20 and generated as-built drawings for small bore and  
21 went out and did the inspections and extracted the  
22 information that was on the physical piping itself.

23 However, I believe the important thing  
24 here is that the weld filler material log, there is a  
25 WFML that backs up every one of the welders that was

5-3  
1 noted by the inspector as having welded on a particular  
2 joint.

3           Again, going back, the objective is  
4 to demonstrate that a qualified welder did a weld,  
5 that the welding was done by a qualified welder.

6           When you couple the WFML identifying  
7 the welders, that is what provides the level of  
8 confidence that that indeed happened.

9           Q           All right. Let me see if I understand.

10           Talking about those welds that were done  
11 before the Branch Technical Position took effect.

12           If in going through the weld filler  
13 material log in a subsequent document inspection you  
14 discovered -- let's just take -- I see the one I am  
15 looking at here that the welder symbol appears to be  
16 "BLM" or "BIM," I can't tell which -- that BIM was  
17 not a qualified welder to do the kind of welding that  
18 this weld filler material log indicates was supposed  
19 to have been done.

20           As a practical matter, you might not  
21 have been able to determine which weld it was that  
22 that welder did.

23           Your only -- your -- Is that right,  
24 that you may not be able to find that weld?

25           A           No, Mr. Roisman, in that our procedure

1 requires that the material distribution station  
2 attendant verify on the weld filler material log --  
3 before a welder is allowed to draw rod, the MDS  
4 attendant must verify that that welder is qualified  
5 to do that weld, or he will not get the rod to do it.

6 So --

7 Q That's not my question. I am assuming  
8 there has been a breakdown in that system --

9 A Well, sir --

10 Q -- that the welder is not qualified to  
11 do it, and that you learn that subsequently when you  
12 are going through the weld filler material log, and  
13 now you want to go back and find the particular weld  
14 that the unqualified welder did.

15 My question to you is, am I correct  
16 that there is no guarantee that with the small bore  
17 that you would have been able to find a particular  
18 weld that that particular welder had done?

19 A Mr. Roisman, again, you are asking me  
20 to speculate, and you are at the same time asking me  
21 to ignore a very important part of our program, a  
22 control that is in place.

23 The control is in place to preclude this  
24 very type of thing.

25 JUDGE BLOCH: Okay. Now we understand .

-5 1 that answer, but you have to answer Mr. Roisman's  
2 question, too.

3 THE WITNESS: Okay, Mr. Chairman.

4 JUDGE BLOCH: How would you find the  
5 particular weld or welds that were done by that  
6 individual?

7 THE WITNESS: You would know that the  
8 welder welded on a particular line.

9 JUDGE BLOCH: I thought you had stated  
10 to me that there was a way of recording the Vibro-  
11 etchings on a different document, so you could  
12 actually identify the particular welds?

13 THE WITNESS: That is correct,  
14 Mr. Chairman.

15 JUDGE BLOCH: But my understanding of  
16 your current testimony is that that system doesn't  
17 work very well for the welds that were made prior to  
18 your commitment to the new procedure; is that right?

19 THE WITNESS: No, Mr. Chairman, that's  
20 not my testimony.

21 What we have here is an inspection report  
22 that identifies who welded on what joint.

23 You can go to the inspection report and  
24 identify who welded on what joint.

25 JUDGE BLOCH: Was there any substantial

-6  
1 number of joints that they looked at at that time  
2 where the Vibro-etching was not visible, so they  
3 couldn't put down a particular welder for a particular  
4 joint?

5 THE WITNESS: There were some instances  
6 where that situation was identified, and that is the  
7 very situation that was identified on the NCR back  
8 in 1981, I believe, December the 8th of 1981.

9 JUDGE BLOCH: I'm sorry, Mr. Roisman,  
10 have I confused things for you?

11 MR. ROISMAN: No. I mean, I'm confused,  
12 but I don't think it's your fault.

13 (Laughter.)

14 BY MR. ROISMAN:

15 Q Mr. Vega, I guess what I am having  
16 trouble understanding, and this all goes back, of  
17 course, to the audit report, once you found a  
18 situation in which the inspection report could not  
19 identify which welder had done the particular weld,  
20 because the Vibro-etching was gone, how were you  
21 able to adequately disposition the concern that was  
22 raised by the auditor, which was, "If we don't have  
23 anything etched on this weld, we can't be sure that  
24 this weld was done by somebody who was qualified"?

25 A That is the very situation that was

7 1 identified in the NCR that had been generated in  
2 December of 1981.

3 That is exactly the same situation, and  
4 that had already been dispositioned prior to the  
5 audit two years, two years, three -- two years prior  
6 to the audit.

7 That is the exact situation that was  
8 identified in the NCR.

9 Q Could you just remind us what was the  
10 disposition?

11 A The disposition, in essence, stated  
12 that the weld filler material control in place, first  
13 of all, assures that the welder that welded on that  
14 particular line, who does any welding, is qualified  
15 to do that weld.

16 That is a check that is performed prior  
17 to weld rod being issued.

18 In addition to that, the disposition of  
19 the NCR, I believe, identifies hydrostatic testing  
20 and a visual inspection of the welds to verify the  
21 adequacy of the welds.

22 Q Let me see if I understand.

23 If we are dealing with piping other  
24 than the Rad Waste piping for a moment, we are  
25 dealing with the piping where the welder actually does



-8  
1 put their symbol in a permanent way on the pipe, that  
2 kind of situation, there you have in effect a double  
3 check on whether or not the welder was a qualified  
4 welder to do that particular weld, because he both  
5 had to go through and draw weld rods and, therefore,  
6 go through the weld filler material log checkpoint.

7 Also, by having a permanent symbol on  
8 the weld, he was subject to a second check later on.  
9 Isn't that true?

10 A Yes, that's correct.

11 Q All right, and in the Rad Waste System  
12 situation that we have been discussing here with the  
13 small bore, there's only one of those checks instead  
14 of both; isn't that true?

15 MR. DOWNEY: Objection. I don't believe  
16 that's his testimony.

17 JUDGE BLOCH: You may answer. Your  
18 Counsel has helped you to know what you might answer.

19 THE WITNESS: There are two checks, and  
20 that is the Vibro-etched. The important --

21 BY MR. ROISMAN:

22 Q But if the Vibro-etched is gone, since  
23 it's not by -- I think your earlier testimony last  
24 week was that it is not a permanent marking.

25 If it is missing, then for those welds

-9  
1 that it is missing on, the welds that were the subject  
2 of the NCR, there's only a single rather than a  
3 double check on this particular point. Isn't that  
4 true?

5 A If you cannot read the Vibro-etching on  
6 the weld, that is correct.

7 MR. ROISMAN: No more questions.

8 JUDGE BLOCH: Staff?

9 MR. TREBY: Could we have one moment?

10 (Pause in proceedings.)

11 MR. TREBY: Staff has no questions.

12 MR. DOWNEY: Applicant has no questions.

13 JUDGE BLOCH: Thank you very much,

14 Mr. Vega.

15 (The witness was excused.)

16 JUDGE BLOCH: Mr. Downey.

17 MR. DOWNEY: Yes. Mr. Brandt is over  
18 in our office assembling his papers. If we could have  
19 a short recess, I will go help him bring some things  
20 over.

21 JUDGE BLOCH: Granted.

22 MR. ROISMAN: Maybe it would help if  
23 we got some of the papers, copies here so while he  
24 is assembling, we could be looking.

25 MR. DOWNEY: We will see what -- we will

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1 bring all the paper we have.

2 JUDGE BLOCH: Let's take a five-minute  
3 recess, and it may be extended to ten. We will hear  
4 Counsel's problems.

5 MR. ROISMAN: Are the travelers being  
6 brought back, the one that the Applicant has maintained  
7 in its possession over the weekend?

8 MR. DOWNEY: They are here.

9 MR. ROISMAN: They should be here in  
10 the room. We are going to offer some of them in  
11 evidence.

12 JUDGE BLOCH: We'll take a five-minute  
13 recess, and then we will see if we need more.

14 (Recess taken.)

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he  
1 JUDGE BLOCK: On the record.

2 During the recess counsel had discussions  
3 with the Board about access to various documents, in  
4 particular, Mr. Roisman expressed concern about the fact  
5 that the procedures that Mr. Brandt will be testifying  
6 about were not yet provided to him. They're apparently  
7 in the process of being copied.

8 And so that we could proceed now, it was  
9 understood that if that created a problem for him, it  
10 could be possible to recall the witness later, if that  
11 created a problem.

12 There also was a discussion about an  
13 inadvertent error that the Board made with respect to the  
14 deposition of Corey Allen, and that error is that the  
15 Chairman had said that it was not necessary to file a  
16 copy of that deposition with the Board.

17 It turns out that under Section 2.740a(e)  
18 there's a requirement that the deposition be filed with  
19 the Commission.

20 Presumably, one reason for that is that  
21 there would be access to Intervenors to that document.  
22 So we have a problem about Intervenors not having seen a  
23 copy of the transcript of the deposition which was con-  
24 ducted on Saturday of Mr. Corey Allen.

25 The Chairman was trying to arrange some

7-2

1 access to that deposition transcript for the Intervenors,  
2 who seemed to be willing to accept an hour over the lunch-  
3 time break.

4 Have the Applicants been able to decide  
5 whether they can arrange to allow Intervenors that one  
6 hour?

7 MR. ROISMAN: Mr. Chairman, I see Mr. Watkins  
8 is here now. Perhaps that means we might get an hour and  
9 a half or even two hours for this 400-page document.

10 MR. WATKINS: Why does my being here lead  
11 you to assume that?

12 MR. ROISMAN: It means you're not reading  
13 it, Mr. Watkins.

14 MR. WATKINS: I'm here for just a brief  
15 moment.

16 Mr. Chairman, we have one copy. The  
17 corrected copy that Mr. Allen has read and has filled out  
18 an errata sheet on is en route from Fort Worth to here --  
19 I mean from Dallas -- from Houston to here.

20 I will check and see if it's on its way.  
21 Otherwise, we'll have to copy a 375-page document, along  
22 with another hundred pages of exhibits.

23 JUDGE BLOCH: You have to do that sooner  
24 or later to file it with the Commission, so --

25 MR. WATKINS: Can we do it later?

1 JUDGE BLOCH: If you would, you could do  
2 that, and then the copy that Mr. Roisman looks at could be  
3 the one you file with the Commission.

4 MR. DOWNEY: The original is with the  
5 court reporter and now with Mr. Allen for corrections.  
6 That's the document that should be filed, not our copy.

7 JUDGE BLOCH: You mean you don't need to  
8 have an extra copy made.

9 All right. We just would urge that there  
10 be that access, because if necessary we might have to  
11 recess a portion of that deposition so that the Intervenors  
12 could finish reading it.

13 MR. DOWNEY: It's the court reporter who  
14 took the deposition, not the court reporter at the hearing.

15 JUDGE BLOCH: I'm sorry. The court reporters  
16 will retain a copy, won't they? In which case you still  
17 have to have a copy to file.

18 No, they don't keep a copy of their  
19 depositions?

20 MR. DOWNEY: The original goes to the  
21 party who pays the freight.

22 JUDGE BLOCH: Okay.

23 MR. DOWNEY: Let me just observe for the  
24 record, Chairman Bloch, that this deposition was taken on  
25 very short notice, as we're all aware. All of the parties

7-4 1 were free to attend that deposition. In fact, Mr. Roisman  
2 could have conducted his own deposition of Mr. Allen.

3 The parties were free to order a transcript  
4 of the deposition for their use, and I think it's unfair  
5 to place the burden on us to make available to Mr. Roisman  
6 documents that he could have obtained through his own means.

7 We conducted this deposition in order to  
8 prepare our case for presentation, and I think that had he  
9 wanted a copy he could have ordered it from the court  
10 reporter.

11 I would observe that the rule that was  
12 cited to the parties by the Board provides for a very  
13 extended period of time within which to file a deposition,  
14 ten days or something to that effect, and we don't have  
15 any problem complying with that rule, but we have only  
16 one copy.

17 JUDGE BLOCH: Yes, but the purpose of that  
18 rule has to do with the more normal situation where  
19 depositions are not conducted two days before the hearing,  
20 and I think the purpose of it is to make that a public  
21 document that would be available to the parties or to the  
22 public.

23 What we're trying to do is to in some way  
24 assist the Intervenors to have access to available  
25 information that should be available in this docket.

705  
1 JUDGE GROSSMAN: Well, I don't read any  
2 ten-day rule in there. I think it's got to be filed  
3 within a reasonable time, and I think the circumstances  
4 here indicate what's reasonable. There is no ten-day rule  
5 that I can see.

6 MR. WATKINS: The circumstances here,  
7 Your Honor, are that Mr. Allen was named as a witness  
8 for the Intervenors.

9 MR. ROISMAN: No, for the Board.

10 MR. WATKINS: No, originally he was named  
11 as a witness by the Intervenors and for the Intervenors,  
12 and that was back in June. Why do they need access to  
13 our deposition transcript at this late date?

14 MR. ROISMAN: I'd be happy to answer that.

15 JUDGE BLOCH: Mr. Roisman.

16 MR. ROISMAN: Mr. Allen indicated an  
17 unwillingness to appear here as a witness on behalf of a  
18 party opposed to the licensing of the plant because of  
19 the fear of what that would do to his career in the  
20 nuclear industry.

21 MR. WATKINS: I believe that Mr. Allen  
22 will be testifying as to that, Mr. Roisman.

23 JUDGE GROSSMAN: Well, the problem is that  
24 Mr. Roisman doesn't know what he's going to be testifying to,  
25 and that is the problem. I don't think we need all the



7-6 1 argumentation, but I think we have to determine whether it  
2 ought to be filed under the circumstances as to what is  
3 reasonable, and I think sometime between his deposition  
4 testimony and his time of testifying is a reasonable time.

5 JUDGE BLOCH: Well, let's proceed to the  
6 substance of the case.

7 Mr. Downey.

8 MR. DOWNEY: Yes. The Applicant has  
9 presented Thomas Brandt to testify about the travelers  
10 and other open matters left to conclusion in his testimony  
11 last week.

12 JUDGE BLOCH: Would you like to begin the  
13 interrogation to clarify the status of documents that were  
14 identified on the record by Mr. Roisman?

15 MR. DOWNEY: Yes.

16 Whereupon,

17 THOMAS BRANDT

18 was recalled as a witness and, having been previously duly  
19 sworn, was examined and testified further as follows:

20 DIRECT EXAMINATION

21 BY MR. DOWNEY:

22 Q Mr. Brandt, have you had an opportunity to  
23 review the travelers and associated weld numbers for the  
24 liner, the welds on the liner, stainless steel liner?

25 A I'm not -- I'm not sure I understand your

7-7

1 question, Mr. Downey.

2 If your question is have I reviewed them  
3 all, no, I have not. I have done a cursory review of the  
4 liner travelers.

5 Q Are all the numbers in the sequence one  
6 through 1302 assigned to a weld?

7 A The status that was given in the hearing  
8 either Thursday or Friday of last week, as far as I know,  
9 is still correct.

10 I believe the Intervenor had stated that  
11 there was a Weld 1355, a package in the traveler. I have  
12 not found the package. I looked for it.

13 From what I understand from people at the  
14 site, there was a Weld No. 1355 and 1356, both assigned  
15 at one time, but were deleted before the weld was ever  
16 made.

17 So in essence the last weld number ever  
18 used was, I believe, 1302, as we said the other day, and  
19 that, as far as I know, is still correct.

20 Q Are all the weld numbers one through 1302 --  
21 excuse me, are all numbers from one to 1302 assigned to  
22 particular welds?

23 MR. ROISMAN: That's asked and answered.  
24 The witness just testified that Mr. Downey's explanation  
25 on the record was correct. I don't think we have to go

7-8 1 back through that listing.

2 JUDGE BLOCH: Okay. I just want to clarify,  
3 are all of the welds that were mentioned by CASE now  
4 accounted for in one way or another?

5 MR. ROISMAN: No, there were, I think, at  
6 least three in Mr. Downey's recounting last week that he  
7 was not able to -- he thought they existed but they  
8 didn't have them and no one has made a proffer to us of  
9 those.

10 MR. DOWNEY: And we have just not had an  
11 opportunity to work on those three weld numbers. We don't  
12 have an answer for those yet.

13 JUDGE BLOCH: Okay. Mr. Roisman, I think  
14 perhaps the best way to proceed with this witness would be  
15 by your conducting an examination.

16 MR. ROISMAN: Yes, sir.

17 Mr. Chairman, actually, before we even  
18 do that, we want to make an offer of proof with regard to  
19 this issue and submit into evidence certain travelers and  
20 documents.

21 First of all, on July the 27th, 1982, the  
22 Staff Exhibit 120 was received into evidence in this  
23 proceeding.

24 We simply want at this point in the record  
25 to note that we consider that document to be relevant to

1 this part of the proceeding, and we intend to reference it  
2 in our final findings.

3 We have provided the parties and the Board  
4 this morning with a copy of that Staff Exhibit 120, which  
5 is a July 2nd, 1979, letter from the Nuclear Regulatory  
6 Commission to Texas Utilities Generating Company relating  
7 to an investigation by the NRC of allegations regarding  
8 various improprieties with respect to stainless steel  
9 liner welding and inspection.

10 They relate both to reactor building Unit 1  
11 and 2, and also to the fuel pool building, but it all  
12 relates to liners.

13 Secondly --

14 JUDGE BLOCH: Is there any objection on  
15 that, or do the parties want to reserve that for their  
16 later filings?

17 MR. DOWNEY: We would like to reserve any  
18 objection until we've had an opportunity to review the  
19 document.

20 MR. ROISMAN: Mr. Chairman --

21 MR. MIZUNO: The Staff -- I'm sorry,  
22 Mr. Roicman. Please continue.

23 MR. ROISMAN: I'm merely noting it's  
24 already in evidence, so that I assume the form of an  
25 objection would be to strike or something like that,

7-10

1 I mean it went in three years ago, two years ago, excuse me.  
2 I just wanted to let the parties know, and as a courtesy  
3 we gave them copies of it last night.

4 JUDGE BLOCH: Sure.

5 MR. ROISMAN: All right. Secondly,  
6 Miss Garde will at this point read off, and I will tell  
7 you what we have done, we've gone through in -- I think  
8 the word is random, we have done a random review of the  
9 documents that were brought into the room in the boxes,  
10 some over the course of the weekend, some last night.

11 I will state for the record that access  
12 was less than satisfactory. We were not provided with a  
13 private room where we could look at them. There were  
14 Applicant's people present and our people were told that  
15 there would have to be an Applicant person present when  
16 they looked at the documents, so they didn't feel free to  
17 discuss them.

18 Nonetheless, we've gone through, and what  
19 Miss Garde is going to do is to identify particular  
20 travelers which we wish to have put in evidence in a non-  
21 evidentiary way but just for the Board's elucidation  
22 indicate what that traveler shows.

23 Now, we don't think we need anybody's  
24 testimony about it, it will be apparent on its face. We're  
25 just going to tell you that you'll find in that document

7-11

1 that the SAT and the date are in one pen and that the  
2 signature is another.

3 JUDGE BLOCH: Is this a series of documents  
4 Applicants have had a chance to look at?

5 MR. ROISMAN: These are out of the docu-  
6 ments that they held in their possession over the weekend.

7 JUDGE BLOCH: Well, I think maybe more  
8 should be done, that you should make them available to them  
9 before you move them into evidence, so they can see if  
10 they will object.

11 I agree it's a random sample, but it's a  
12 random sample, or it's a sample of a very large batch of  
13 documents. I think in fairness the other parties should  
14 have a chance to examine them.

15 Do you want that, Mr. Downey?

16 MR. DOWNEY: Yes, please.

17 MR. ROISMAN: All right. Let us go ahead  
18 and indicate that we are offering these travelers into  
19 evidence and Miss Garde will indicate -- and again I want  
20 you to understand that we are using them as examples of  
21 problems that were there.

22 We're not attempting to represent that  
23 if you went through and did a thorough review of all the  
24 document that you would find only these, but you would  
25 find at least these. Okay.

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JUDGE BLOCH: Mr. Mizuno.

MR. MIZUNO: Yes. I would like to now make a statement regarding the use of Staff Exhibit 120, which appears to be Inspection 7915, dated July 2nd, 1979.

At this time the Staff would like to indicate that it would object to the Intervenors' use of this document in this portion of the proceeding for several reasons.

First of all, and this may be just a problem of clarification in terms of what evidence may be cited in which part of the proceeding, but it was my understanding that all -- the record for the intimidation portion of the licensing proceeding was to be developed during the July evidentiary depositions and subsequent hearings, and so it's unclear to me whether this exhibit is within the record of intimidation.

Assuming -- that's a minor thing, but assuming that it is, the Staff still has a problem for two reasons.

First of all, my preliminary review of this document shows that the allegations, and I believe there were seven or eight of them, have nothing to do with intimidation or threatening or harassment of QC inspectors.

Rather, they relate to technical problems involving the welding of the liner pool, and I believe

7-13

1 that those kinds of questions would be better addressed  
2 in the proceeding relating to the technical issues as  
3 opposed to intimidation.

4 JUDGE BLOCH: Well, my eye rests on  
5 Allegation No. 4.

6 MR. MIZUNO: I believe that if you go  
7 through the discussion of Allegation No. 4 you will find  
8 that there is no -- the person who made the allegation  
9 did not say that, you know, QC inspectors had been  
10 threatened or forced to approve these inspections over  
11 the phone, I think it was.

12 As a matter of fact, I think the intent  
13 of the allegation is that the QC inspector went ahead on  
14 his own volition to try and violate the procedure. I  
15 think there's no indication, at least as far as I can tell  
16 in the allegation itself, that the QC inspector did it  
17 because he had been forced to do so.

18 In any case, apart from the fact that this  
19 inspection report does not appear to involve allegations  
20 of intimidation of QC inspectors, the Staff believes that  
21 it would be tardy for the Intervenors to now attempt to  
22 introduce this document into evidence at this time and to  
23 cite it in their response of findings.

24 If they knew that this inspection report  
25 contained information that was relevant to their side of



1 the story on intimidation, the proper time for them to do --  
2 to cite this inspection report was in their original  
3 findings of fact on intimidation, and there's been no  
4 explanation as to why they waited until this time to draw  
5 the parties' attention to this document.

6 JUDGE BLOCH: Mr. Downey, would you like  
7 to address this before we ask for a response?

8 MR. DOWNEY: I generally share Mr. Mizuno's  
9 views, but I have not had an opportunity to review this  
10 document, how it was generated, and formulate a definitive  
11 response to its offer in evidence.

12 And I would like to reserve objection  
13 until I've had an opportunity to do that.

14 JUDGE BLOCH: Mr. Roisman, have you a  
15 response to the Staff's statement?

16 MR. ROISMAN: Yes, sir. First, just on  
17 Mr. Downey's point, this was -- although the Board did  
18 not receive its copy until this morning, Mr. Downey received  
19 his last night around 10:30, as did the Staff.

20 We'll later probably discuss the speed  
21 with which various lawyers are expected to review documents  
22 at various times. The record will tell how long this  
23 document is, compared for instance to the Corey Allen  
24 deposition or Mr. Brandt's procedures.

25 With regard to the merits of Mr. Mizuno's

7-15  
1 point, we have had a substantial amount of testimony just  
2 recently from Mr. Brandt regarding the question of whether  
3 or not the problems, the procedural problems, if you were,  
4 with the travelers were innocuous or serious, whether  
5 further investigation should have been taken into that.

6 And it's extremely relevant to determine,  
7 and we think this document is probative on that question,  
8 whether in addition to some sort of a procedural problem,  
9 which I think the record is now clear there was one, that  
10 there was even a substantive problem behind that.

11 And this document, Staff Exhibit 120,  
12 indicates specifically that there were substantial problems  
13 with cleanliness of welds, at least allegations about that,  
14 and most of those allegations were confirmed by the  
15 investigation.

16 There was a disposition of that in which  
17 the Staff included in that the safety significance, but I  
18 think that it is extremely important to understand that  
19 starting with Miss Neumeyer's concerns raised in March of  
20 '83 when she was asked to sign off on these documents, that  
21 there is more and more to indicate that Miss Neumeyer's  
22 concerns were legitimate and the company's indication that  
23 you should go ahead and sign these anyway was inappropriate.

24 And so I think it's directly relevant, it  
25 completes, or it helps to complete the story on what's

7-16

1 going on.

2 As to timeliness, I feel that the signifi-  
3 cance of the underlying problem wasn't really apparent  
4 until we heard Mr. Brandt's testimony. Up until then it  
5 was just a -- Miss Neumeyer was asked to sign something.  
6 She said no. They told her you got to do it. I mean, our  
7 version of the story now, and that was sort of the end of it.

8 Now Mr. Brandt has testified, and really  
9 for the first time we're beginning to see the scope of  
10 the liner event and that's why we've offered the document  
11 at this point.

12 MR. MIZUNO: Mr. Chairman, may I respond  
13 to that briefly?

14 JUDGE BLOCH: Yes.

15 MR. MIZUNO: I will only address the first  
16 point of Intervenor's argument, which is that this evidence,  
17 or the inspection -- the information contained in the  
18 inspection report will help to put this issue into context.

19 My understanding is that Miss Neumeyer's  
20 concerns were solely related to the procedural aspects of  
21 the travelers, and the technical allegations which are made  
22 in the inspection report are not relevant to the procedural  
23 problem which Miss Neumeyer raised.

24 Moreover, I think a fair reading of the  
25 inspection report will show that the NRC inspector

7-17

1 essentially determined that although the factual matters  
2 of the allegations may in fact be true, that there was no  
3 concern from an ultimate safety standpoint, and you will  
4 find that the reason given by the NRC inspector is  
5 precisely the same reason which Mr. Brandt testified about,  
6 to-wit, one, the FSCR does not specify the refueling pool  
7 as a safety related construction, and second of all, that  
8 the ultimate -- the only reason that these welds were being  
9 used and the ultimate standard for acceptance was this  
10 question of leaking through and that the inspector  
11 recognizes in the inspection report that there would be a  
12 final test, I think it's a PT test, a dye penetrant test,  
13 as well as a vacuum box test, and I don't have the  
14 inspection report in front of me but if I --

15 JUDGE BLOCH: We recall the test. It's  
16 okay. You may proceed.

17 MR. MIZUNO: There's a reference in the  
18 inspection report referring to that fact.

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1 JUDGE BLOCH: For the purpose of the  
2 motion, we would rule tentatively, understanding that  
3 the Applicants may show us reason later that we are  
4 wrong, because they haven't stated their objection yet.

5 MR. DOWNEY: Your Honor, if I may, I  
6 have had an opportunity to review briefly the exhibit,  
7 and I would strenuously object to its being received  
8 in evidence for the purpose of proving the truth of  
9 these allegations. It is clearly hearsay.

10 Most importantly, these allegations were  
11 investigated by the NRC and determined now to have  
12 merit; and if Mr. Roisman is offering and the Intervenor  
13 is offering this document to prove the truth of  
14 certain allegations, we would most certainly object  
15 to its admission for that purpose.

16 JUDGE BLOCH: I'm sorry. Was there a  
17 finding on Allegation No. 4 that it was false, or was  
18 it just cleared on technical grounds that the liner  
19 was safe anyway, because I see Allegation 4 as being  
20 potentially relevant to the way the data problem arose  
21 and the nature of the documentation that was available  
22 at the time that Ms. Neumeyer was asked to do her work.

23 MR. DOWNEY: I think the cover letter,  
24 dated July 2nd, 1979, addresses that issue. In the  
25 third paragraph of that letter, the NRC inspector

-2  
1 states, quote: "No items of noncompliance or  
2 deviations were identified."

3 MR. ROISMAN: I might also point out  
4 that I believe the NRC inspector's discussion of that  
5 particular allegation disclosed that the allegor was  
6 unable to provide any specific examples of where this  
7 allegation might have occurred, so there was no  
8 independent corroboration of the allegation and he  
9 couldn't go any further.

10 So on that basis he ended up saying that  
11 it could not be corroborated.

12 JUDGE GROSSMAN: Mr. Roisman, are you  
13 offering this document to show the truth of what is  
14 stated in the report, or only that these allegations  
15 were actually raised at that time?

16 MR. ROISMAN: To begin with, I believe  
17 the Staff offered it for the truth of what was in it  
18 in 1982, and the Applicant did not object at that  
19 point to it.

20 So all I am doing is identifying to the  
21 Board that it is in evidence in this record already.

22 I think if the parties have an objection  
23 to those aspects of it, that they have waived it.

24 But secondly, I think that it at least  
25 demonstrates the existence of this kind of problem,

-3  
1 although I believe that it is a document prepared in  
2 the normal course of the business of the Nuclear  
3 Regulatory Commission. It fits the official records,  
4 as well as the business records, exception to the  
5 hearsay rule.

6 So the conclusions reached there by the  
7 inspector, who by the way, Mr. Taylor who was a  
8 witness in this proceeding is one of the two  
9 inspectors who prepared this report, is able to be  
10 offered for the truth of the matter.

11 I think for our purposes we would  
12 believe that it should be in for both, both to show  
13 the allegations as made, to show that the NRC reached  
14 that conclusion.

15 MR. DOWNEY: The conclusion being that  
16 there was no problem?

17 MR. ROISMAN: The conclusion being  
18 that all of the concerns expressed about the  
19 inadequacy of the welding were correct and that, yes,  
20 we have no problem with acknowledging that the Staff  
21 also decided for the same reasons the Applicant did  
22 five years later that although there may have been  
23 a problem with the welds it didn't matter to them.

24 MR. DOWNEY: We would continue to  
25 object to the document being received in evidence to

1 establish the truth of the allegations which were  
2 specifically found to be without merit in the  
3 inspection report.

4 MR. ROISMAN: That is simply not an  
5 accurate reading of the document.

6 (Bench conference.)

7 MR. DOWNEY: Your Honors, I would like  
8 to make one additional point, and that is we have  
9 all, I think, been proceeding with the assumption  
10 that we make our own record in this proceeding; and  
11 that those matters received in evidence in the  
12 technical part of this case are not in evidence for  
13 purposes of the harassment and intimidation issues.

14 JUDGE BLOCH: With this exception, that  
15 the Board stated that there are aspects of the records  
16 that are inextricably intertwined and those aspects,  
17 I think, can be part of the findings in this case.

18 Here, however, I think our major problem  
19 is that we are having our attention called to an  
20 allegation.

21 It appears from the surface of the report  
22 that because the NRC was looking at the time at  
23 technical matters, that it did not adequately  
24 investigate the allegation of the inspector, this  
25 whole business of the way in which the pool was being



1 inspected was not being taken seriously.

2           There are ways of investigating that  
3 without having specific information on which joints  
4 were affected, and it seems to me that given the  
5 subsequent information in this hearing that the NRC  
6 ought to reopen that investigation and to try to  
7 speak to this individual again and to other  
8 individuals that were working at that time at the  
9 pool to find out what was going on with the  
10 inspection effort.

11           It just has not been investigated at  
12 all from the face of this document.

13           MR. DOWNEY: Your Honor, I don't think  
14 that that's a fair conclusion based on the document.

15           JUDGE BLOCH: It says, "The RRI did  
16 not investigate the alleged lots of QC coverup because  
17 of the lack of specifics." Yet I see the allegation  
18 as being a rather serious one, that the man on  
19 occasion was depending on inspections performed by  
20 fellow inspectors, that....

21           Well, I don't know whether it was  
22 serious, because it looks to me like they were  
23 looking at it at the time as if it were a technical  
24 allegation and they had to have specific joints to  
25 look at in order to know whether there was a technical

1 problem.

2 My concern is I don't have any insight  
3 as to how it came about that all of the QC inspectors  
4 and welders at the time were operating with a form  
5 that didn't seem to comply with the procedures.

6 MR. MIZUNO: Excuse me, Mr. Chairman.  
7 I don't think that's exactly what the allegation was.

8 The allegation itself is discussed on  
9 Page 3 of the inspection report, in the introduction  
10 section.

11 It says that the allegation is that  
12 there is, quote, lots, unquote of QC coverup, QC  
13 buying off on welds over the phone, and then a  
14 specific incidence here which is discussed in greater  
15 detail on Page 5.

16 JUDGE BLOCH: What seems not to have  
17 been investigated was the allegation of "lots of QC  
18 coverup."

19 MR. MIZUNO: Well, the problem that I  
20 have is the same problem that Mr. Taylor had, is that  
21 if you have an allegation of "lots of QC coverup" with  
22 no details, what are you going to do with that?

23 JUDGE BLOCH: Well, suppose you were to  
24 talk with four or five other QC inspectors working at  
25 the time and they all said there was lots of QC coverup?

1 MR. MIZUNO: I think the inspection  
2 report indicates that he talked to several people.

3 JUDGE BLOCH: Where does it indicate  
4 that in terms of Allegation No. 4?

5 MR. MIZUNO: I believe that on the  
6 detail section it indicates who he talked to. He  
7 talked to Individuals B and C who are welders, and  
8 also Individual D, a QC inspector, assigned to  
9 inspection of pool liners.

10 JUDGE GROSSMAN: Mr. Mizuno, do we know  
11 that this matter is not the subject of one of the  
12 ongoing OI investigations at this point?

13 MR. MIZUNO: I cannot tell you that  
14 because I have not seen what -- or OI has not informed  
15 me.

16 My inclination is that it probably  
17 isn't something that OI is looking at, if I had to  
18 guess, because this special report was done in 1979.

19 JUDGE BLOCH: Thank you. At any rate,  
20 it says that there was no investigation of the  
21 alleged "lots of QC coverup."

22 It's going to be hard to do an  
23 investigation now of something that happened in '79,  
24 but given that it coincides with documentation  
25 problems on these same liners, I think that the

1 investigation should be pursued further.

2 MR. FOISMAN: Mr. Chairman, we would  
3 also be happy to have the Staff talk to Ms. Betty Brigg,  
4 whose allegations which were not able to be put into  
5 this record because of her illness happen to relate  
6 to two welders other than the ones involved in this  
7 inspection, whose complaints were also about the  
8 stainless steel liner, so that we can help.

9 She previously gave that information to  
10 the NRC. We can help them find other welders who may  
11 be able to help them pin it down, so they can go beyond  
12 the bare bones of this July '79 investigation, and we  
13 will do that.

14 JUDGE BLOCH: I think the present status  
15 of your offer is that since it is in evidence in the  
16 other case and it's relevant, it ought to be here.

17 I can't see how the Board can rely in  
18 any important way on this because it's not an  
19 investigated allegation.

20 Would you like to continue with the  
21 witness?

22 MR. ROISMAN: Yes. I'm going to ask  
23 Ms. Garde just to read through, and then we are going  
24 to identify selective and non-comprehensively from the  
25 travelers travelers that we are offering in evidence,

1 and we will explain with each one what it is we think  
2 that traveler demonstrates on its face.

3 MS. GARDE: Category No. 1, the five-line  
4 form was used with varying explanations, which  
5 included double signatures, different dates,  
6 different methodologies of explaining what the  
7 double signatures meant; on what Line No. 1 means.

8 Examples: No. 6, No. 7, No. 8, No. 36,  
9 No. 84, No. 130, No. 142.

10 Included in that is also No. 59, which  
11 is a single signature, but no explanation as to what  
12 that single signature goes to.

13 Category No. 2, not all five-line  
14 travelers have attached chits, even though Line No. 1  
15 is signed.

16 Examples of those: No. 7 and No. 19.  
17 I intend to supplement that with some further numbers  
18 from Ms. Gregory.

19 Category No. 3, numerous instances  
20 where Line 5 has the words "sat" written in, but there  
21 are no signatures and no explanations.

22 No. 4, 6, 10, 14, 17, 20, 21, 22, 25,  
23 27, 39, 61, 60, 68, 69, 71, 74, 80, 84, 88, 89, 91,  
24 98, 99, 104, 105 --

25 JUDGE BLOCH: Whoa.

1 MR. DOWNEY: Could you ask Ms. Garde to  
2 slow down -- just a little.

3 MS. GARDE: I'm sorry.

4 MR. DOWNEY: And pick up again with  
5 88, 89.

6 MS. GARDE: Yes, I'm sorry.

7 JUDGE BLOCH: Off the record.

8 (Discussion off the record.)

9 JUDGE BLOCH: Continue.

10 MR. ROISMAN: If they can Xerox, Staff  
11 and Applicant are welcome to have a copy of the list  
12 that Ms. Garde is reading from.

13 MS. GARDE: If I am going too fast for  
14 the reporter, just indicate.

15 88, 89 -- wait a minute -- 110, 111,  
16 114, 115, 116, 117, 118, 119, 125, 122, 124, 127, 129,  
17 131, 132, 134, 135 and 136.

18 JUDGE BLOCH: Before you continue with  
19 this, it sounds like you have a structured sample,  
20 rather than a random sample.

21 Could CASE disclose anything about how  
22 they took the sample of the documents?

23 MS. GARDE: Would you like me to do that  
24 in the middle of reading this?

25 JUDGE BLOCH: I would like to know what

1 I am interpreting, yes.

2 How did CASE take the sample?

3 MS. GARDE: How did we -- Do you mean  
4 did we randomly choose the sample? No, we did not  
5 go through and, say, pick every third one or every  
6 fifth one.

7 We looked, as you saw Ms. Gregory and  
8 Ms. Hatley reviewing them, each -- we identified  
9 major categories of problems.

10 We divided that into groups of problems,  
11 and then Mr. Carpenter and I last night went through  
12 those and identified specific characteristics of  
13 those trends of problems.

14 They were not randomly selected in the  
15 statistical sense of the word, every fifth.

16 JUDGE BLOCH: The reason I was interested  
17 is that you are only reading very low numbers now. Is  
18 that because you only looked at very low numbers?

19 MS. GARDE: No, we looked at all of  
20 them, but I last night went through specifically  
21 Nos. 1 through 175, and wrote down the deficiencies in  
22 each one of the Travelers Nos. 1 through 175; and  
23 later I will read some others that Mr. Carpenter went  
24 through by groups.

25 JUDGE BLOCH: Okay. Please continue.

-12 1 MS. GARDE: Yes. Category No. 4, almost  
2 all of the chits reviewed specifically dealing with  
3 Nos. 1 through 175, and we would represent generally  
4 for the rest of the travelers, have an explanation  
5 written on the chit the first fitup to cleanliness  
6 in one of two handwritings.

7 Through Nos. 1 through 175, 70 are written  
8 in one type of handwriting, 50 are written in another  
9 type of handwriting.

10 Out of those first 175, there are  
11 occasional what appear to be original comments written  
12 on the chits.

13 For example, No. 151 in the comment  
14 section of the chit says, "Cleanliness on one-half of  
15 seam approval for welding," which is No. 151; and  
16 No. 23 has in the original handwriting, which appears  
17 to be of the welder or the person who filled out the  
18 chit, "Partial cleanliness of seam."

19 Category No. 5. There are quite a few  
20 and I did not tally up the numbers, although I will  
21 give five examples, where the first line of the  
22 five-line signature has a signature which appears to  
23 be in different handwriting than the sat and the date,  
24 but there is no explanation.

25 That, obviously, is just by our own



1 eyeballing the signature and the type of pen used.

2 Those examples are No. 25, No. 32,  
3 No. 138, No. 868, No. 867, and there is no explanation  
4 there.

5 Category No. 6. On several travelers,  
6 and out of this group, specifically, No. 111, and I  
7 will supplement this with other numbers from  
8 Ms. Gregory later today, there is a sat on Line 1 of  
9 the five-line traveler with no signature.

10 Category No. 7. In some cases on the  
11 eight-line form the dates where each step is signed  
12 off has a '78-'79 date, and there is no explanation  
13 for how there is apparently an original '78-'79  
14 signature. For example, there's no back-up documenta-  
15 tion to that use of the eight-line form.

16 Examples of that are Nos. 249, 126,  
17 133, 207, 80, 243, 859, 871, 245, 227, 240, 241, 868,  
18 867, 877, 878, 879.

19 Category 8. The documentation provided  
20 to us, that is, the traveler package, those pieces of  
21 paper stapled together are missing significant  
22 parts.

23 For example, welds with no weld filler  
24 material log or no chits or no penetrant test  
25 attachment, even though there is a sign-off that it

1 occurred.

2 Examples of those are Nos. 877, 878,  
3 879, 356.

4 Category No. 9. A cursory review, and  
5 by that I mean we looked at hundreds where we turned  
6 each one to the weld filler material log; show  
7 examples of inspections signed off before the  
8 issuance of the weld rod.

9 In other words, the front signature  
10 indicates that an inspection was done prior to the  
11 issuance of a weld rod.

12 Specific numbers are out of the first  
13 175, and again, this is one I am going to supplement;  
14 No. 134 and 135.

15 Category No. 10. There are missing  
16 signatures of VT inspections, which indicate sat.  
17 In other words, the line says "sat," but there's no  
18 signature on it.

19 62, 81, 205 and 225.

20 ///

21 ///

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1 MS. GARDE: Category No. 11 there is no  
2 supporting documentation except the eight-point form and  
3 the attached penetrant test form. In other words, for  
4 signatures in '78, '79, '80 and '81 there are not chits,  
5 there is no five-line form, there is no evidence of  
6 any type that we can see attached to these documents  
7 that anything was done other than the eight-line form  
8 filled out.

9 877, 878, 879, I used as that examples,  
10 and I believe we are going to have more numbers to  
11 supplement on that.

12 Another category -- Oh, and No. 81.

13 Another category, Category 12, on the  
14 eight-line form, Lines 7 and 8 have no signature, but  
15 a sat is written in on that line. Examples of those  
16 are 126 and 137.

17 Three other general categories, and this  
18 comes from Mr. Carpenter's review of several hundred  
19 of the travelers. In one one-day period, 5/5/1983, a  
20 signature which appears to be that of Jack Duncan  
21 signed off 45 inspections. Each inspection requiring  
22 the average of five checkoff points.

23 (Discussion between counsel  
24 outside hearing of the court  
25 reporter.)

1 MS. GARDE: On 5/9/83 he signed off on  
2 37 inspections. On 5/3/83 he signed off on 39  
3 inspections. On 2/2/83 Duncan signed off, roughly, 58  
4 inspections.

5 Another inspector --

6 JUDGE BLOCH: I take it this was with no  
7 qualification by asterisk of any kind.

8 MS. GARDE: No.

9 Specific examples of weld numbers  
10 from that package is 463, 464, 465 through 482.

11 James Cole is another signature  
12 which appears throughout several hundred stacks. These  
13 are in stacks of 400, 500, 600. A quick review of the  
14 travelers -- by this I mean it was like 12:45 when we  
15 got to these last night -- revealed that Mr. Cole signed  
16 off roughly a hundred ten travelers in one one-day  
17 period.

18 Another common phenomena with the  
19 travelers was that the weld rod issuer, which in the  
20 four, five, six hundred, seven hundred series was very  
21 frequently Jack Hawford, apparently signed literally  
22 hundreds of signatures on travelers issuing weld rods  
23 oftentimes within a one or two-day period. Occasionally  
24 his signature would appear next to a blank not filled  
25 in. Examples of that is 408 and 411.

Finally, an observation by Mr. Carpenter

9/3  
1 is that almost all of Mr. Duncan's signatures  
2 indicating inspections predated the actual work done  
3 on the weld filler material log as Travelers No. 452  
4 through 462 indicate.

5 That's our summary at this point. I'm  
6 not sure where we'll go from there.

7 CROSS-EXAMINATION

8 BY MR. ROISMAN:

9 Q Mr. Brandt, I believe that you testified--

10 JUDGE BLOCH: Wait. The next step was  
11 going to be to allow the applicants to examine these  
12 documents to see if they had objections. Would you  
13 rather postpone that, Mr. Downey?

14 MR. DOWNEY: Well, we certainly have  
15 objections to Ms. Garde's characterizations. First, I  
16 didn't see the relevance of all this. And, second, just  
17 from hearing what she said it's obvious that many of  
18 these ballyhooed items are not problems at all, and I  
19 don't think that her characterizations amounts to  
20 evidence. I mean I candidly don't see what the relevance  
21 is.

22 JUDGE BLOCH: Her characterizations are  
23 not evidence. I think if they want some of these  
24 documents in evidence then the Board will be able to  
25 determine if they can accept their characterizations

1 and whether it's concerned about it.

2 MR. DOWNEY: Well, it seems to me what we  
3 are heading toward is Mr. Brandt testifying about 1302  
4 travelers, starting with number one and going to number  
5 thirteen hundred and two, minus the numbers that weren't  
6 issued.

7 JUDGE BLOCH: Is there a way out of that?

8 MR. DOWNEY: I think so, and I believe  
9 there's a very clear way out, and that is to apply the  
10 rule --

11 (Laughter.)

12 MR. DOWNEY: Let the record note that  
13 Mr. Brandt is leaving the room.

14 This is not relevant evidence on  
15 the question of whether there's harassment and  
16 intimidation and threats of quality control inspectors.  
17 This has something -- I don't know what it's relevant  
18 to, but it's certainly not relevant to the issue before  
19 the Board.

20 JUDGE BLOCH: I would consider evidence  
21 that there may have been a breakdown of documentation in  
22 the on the pool would be relevant to whether or not  
23 individuals in preparing documentation, like Susie  
24 Neumeyer, might have felt harassed or been harassed.

25 MR. DOWNEY: Her claims are before the

1 Board and she's testified about what her problems, what  
2 she perceived the problems to be. So far as I know it  
3 has nothing to do with how many inspections Mr. Duncan  
4 signed off on on May 5, 1983.

5 JUDGE BLOCH: But if it turns out that  
6 there are gross discrepancies in the way the documents  
7 were being prepared in the pool generally we would  
8 understand the context in which this may have occurred  
9 with Ms. Neumeyer.

10 JUDGE GROSSMAN: Well, I came into this  
11 case late, but my recollection is that Ms. Neumeyer was  
12 complaining that there were irregularities, that she was  
13 forced or was insisted on her participating in those  
14 irregularities, and as a result of that she was harassed  
15 and intimidated. The fact that she declined to fully  
16 participate in those irregularities, and the company  
17 apparently denies that any such irregularities took  
18 place or that she was compelled to participate in that.  
19 And I thought that was a direct issue in the proceeding,  
20 and if not these illuminate the area for me.

21 MR. DOWNEY: Yes, Your Honor, I believe  
22 the testimony is as follows: Ms. Neumeyere was asked  
23 to review certain these travelers and chits, and to  
24 verify that the first fitup and cleanliness inspection  
25 was done and if documented evidence established it had

9/6  
1 been done to sign the traveler indicating late entry  
2 that she was verifying work done by someone else in  
3 time past. That's her contention, and she testified  
4 that she had some problems in doing that, that she wasn't  
5 fully convinced that that was the proper thing to do.

6 That's a far cry from these kind of  
7 characterizations about these documents that the  
8 Intervenors now put forward. I think the issue is quite  
9 narrow. Was what she was asked to do proper? And it  
10 only goes to a very limited number of these travelers.  
11 It only goes to one inspection. It has nothing to do  
12 with some of these other collateral issues that are now  
13 being raised.

14 I mean the evidence on her side is, I  
15 was asked to do this. I think there is something wrong  
16 with it, or I was not satisfied that it was proper for  
17 me to mark with a late an inspection verifying  
18 something that someone had done in time past.

19 Our position is that is quite proper to  
20 do where the documentation exist to support it. And  
21 there is a difference of opinion, or difference in  
22 testimony whether she raised the problem or whether her  
23 supervisor raised the problem and explained to her how  
24 she should sign off to make sure it was done properly.  
25 But now we are going far, far afield from that very



1 narrow question framed by Ms. Neumeyer, where I don't  
2 see any bounds to this other than the 1302 travelers  
3 that are in the boxes here.

4 MR. MIZUNO: The Staff substantially  
5 agrees with the Applicants, although it will not join  
6 in Mr. Downey's saying that these are not problems. The  
7 Staff has an open mind on that, but the place to  
8 resolve the question of whether these travelers indicate  
9 other problems is most appropriately raised in the other  
10 portion of this proceeding.

11 The Staff is in agreement with  
12 Applicants that Ms. Neumeyer's testimony was related to  
13 two specific problems; one involving the sign off on  
14 the Jack Stanford IR, I believe it was, and the other  
15 one involving these chits and the travelers. And,  
16 quite frankly, my review of those two instances does  
17 not indicate that Ms. Neumeyer was implying that there  
18 was a general practice of or general atmosphere of  
19 harassment or intimidation. She had two specific  
20 concerns, and presumably Mr. Brandt's testimony was to  
21 address those two specific concerns. I understood it  
22 that way. The fact that these travelers may have some  
23 other problems, or perceive problems as the Intervenors  
24 see it, is really quite irrelevant to the question of  
25 whether Ms. Neumeyer had a specific basis for feeling

1 intimidated in the two examples which she testified  
2 about.

3 I don't want to give the impression that  
4 Intervenors do not have the right to raise those  
5 technical issues in another part of the proceeding. I  
6 think they do have, assuming that they prove relevance  
7 and make the other tests, but I just don't think that  
8 this proceeding where we are talking about intimidation  
9 and in particular the two specific incidents which  
10 Ms. Neumeyere testified to is the appropriate place to  
11 litigate the overall technical matters involved with  
12 these travelers.

13 JUDGE BLOCH: But if believed, wouldn't  
14 the evidence tend to indicate that Ms. Neumeyere may  
15 have been correct in thinking that she was asked to  
16 make improper changes and in fact she was only  
17 part of the pattern of changing documents?

18 MR. MIZUNO: I believe that you can't  
19 necessarily conclude that for several reasons, one of  
20 which is many of these so-called problems that the  
21 Intervenor has raised do not even involve Ms. Neumeyer  
22 and probably occurred, may have occurred during that  
23 time which she wasn't even employed at the plant and so  
24 therefore had no knowledge about these alleged  
25 irregularities occurring.

1 Second of all, Ms. Neumeyere has  
2 not testified that these irregularities here were within  
3 her knowledge, or that, you know, through gossip, or  
4 through talks with her other co-workers that, you know,  
5 contributed to her feeling harassed, if you want to  
6 call it that way.

7 So, basically, it comes down to  
8 the fact that, assuming that these allegations are true  
9 there still isn't a necessary link to show that it  
10 affected Ms. Neumeyer.

11 JUDGE BLOCH: Well, if believed, wouldn't  
12 this evidence tend to show that in order to have  
13 production go forward that there may have been a program  
14 of changing documents in order to get production to go  
15 forward?

16 MR. MIZUNO: Well, I believe that --  
17 Well, here I'm testifying, but some of these -- I've  
18 heard one specific instance where I just didn't think  
19 there was a problem at all involving the number of  
20 weld rods that were issued and signed off by a foreman.  
21 I mean a foreman is, you know, assigned several welders,  
22 and welders can take fifty or even hundreds of weld  
23 rods in one shift. I didn't see that as a problem.

24 JUDGE BLOCH: I'm sure some of the offer  
25 will be shown to be baseless, but others of it sound.

/10  
1 like there's at least a problem as to whether documen-  
2 tation was being systematically prepared in an improper  
3 fashion.

4 MR. MIZUNO: The question is whether  
5 those irregularities, those alleged irregularities may  
6 have been due to perhaps the incompetence or the mis-  
7 understanding of the QC Inspectors, as opposed to some  
8 direction from higher management to say, hey, forget  
9 the procedures and just do it the way that I'm telling  
10 you to do it.

11 It's open as to what kind of  
12 implication you can draw, assuming that the allegations  
13 are shown to be true, and that's my point is that even  
14 if you establish that you still have a way to go to show  
15 that this represented an overall, this contributed to a  
16 climate of intimidation within the group that  
17 Ms. Neumeyer was working in.

18 MR. DOWNEY: And I think it's important,  
19 Your Honors, to focus on the claims of Ms Neumeyer,  
20 and in some ways I don't think this particular issue is  
21 all that hotly contested as to the facts. I mean by her  
22 testimony she was asked to review travelers and chits  
23 and verify that there's a chit to substantiate the  
24 cleanliness, the first fitup of cleanliness inspection.

25 Now her testimony is: "I was

1 uneasy about doing that. I wasn't sure that that was  
2 proper," to date in the time in March 1982 or '83  
3 in her own hand to verify an inspection done in 1979  
4 and substantiated by the chit." Her testimony was:  
5 "I felt uneasy about doing that."

6 Our evidence essentially is that it  
7 was a proper verification of the past inspection, that  
8 it was properly noted as a late entry, and that that was  
9 explained to Ms. Neumeyer. Now, there's a difference  
10 of opinion about whether she initiated the concern, or  
11 whether her supervisor explained it to her in advance,  
12 but it certainly has nothing to do with how many weld  
13 rods Mr. Hawford issued in some day and time past.

14 And going through this list, I  
15 think Mr. Mizuno identified that as one what he called  
16 non-problem. Another might be there is no reason --  
17 one of the issues was weld rods were issued after the  
18 inspection. Well, this is a fitup inspection. There is  
19 no reason to assume that weld rods would be issued  
20 before the cleanliness and fitup inspection was done.  
21 It could very easily be done afterwards.

22 As I said, I think we are heading  
23 straight for an explanation of 1302 travelers, and I  
24 think that's very far afield from what the issue is  
25 before the Board.

1 JUDGE BLOCH: Well, it seems to me --

2 Well, let's have the last argument  
3 and then the Board will take a recess to consider  
4 it.

5 Mr. Roisman.

6 MR. ROISMAN: Mr. Chairman, I think  
7 we have to put this in the context of a number of  
8 things.

9 You will remember there is already in  
10 evidence in this proceeding a finding from the DOL  
11 that when Mr. Atchison was terminated that the reason  
12 for the termination had to do with the fact that the  
13 particular NCR that he was raising was generic, and  
14 the implication of that DOL finding was that the  
15 utility's harassment and intimidation of inspectors  
16 was more severe when the implications of the safety  
17 problem that they wanted to raise went beyond the  
18 narrow confines.

19 One of the things that is apparent from  
20 these travelers now -- and I might add, by the way,  
21 that we have only travelers for Reactor Unit No. 2  
22 cavity.

23 Ms. Neumeyer's testimony is that she  
24 also saw travelers for Unit 1 and for the fuel  
25 transfer canal. Those have never been produced.

13 1 The Applicants' position is that there  
2 were no such travelers that she reviewed. There is  
3 a clear dispute, and unless and until one were to see  
4 the Unit 1 travelers and the transfer canal  
5 travelers, we couldn't resolve the documentary  
6 matter. We just have conflicting evidence.

7 Mr. Brandt says that she only saw Unit 2.  
8 Ms. Neumeyer says she saw the Unit 1 and the fuel  
9 canal.

10 In any event, what we have is a  
11 situation in which Ms. Neumeyer steps into what is  
12 now the last iteration of what we believe was a  
13 pattern of conduct by the Applicant that really goes  
14 all the way back to Staff Exhibit 120, namely that  
15 there had been some major problems with the way in  
16 which the welding was done on the stainless steel  
17 liner plates, in Unit 1 and Unit 2, the fuel buildings  
18 and the transfer canals; that they related to  
19 cleanliness and fit-up among other things because that  
20 is what one of the major allegations that the Staff's  
21 exhibit says was confirmed related to; that during  
22 the course of this procedure the Applicant at a number  
23 of different places basically deep-sixed the procedure  
24 that it had on its books and went to some procedure  
25 to accommodate production or moving things ahead.

-14

1 We can't tell from what we have what  
2 the motive is, and in a way that's not crucial. What  
3 is crucial is that they were right and left violating  
4 procedures. They didn't have a procedure for how to  
5 deal with a stainless steel liner.

6 Now Ms. Neumeyer shows up, and we are  
7 told in Mr. Brandt's testimony which is offered here  
8 as prefiled testimony, particularly starting at  
9 Page 45314 of his prefiled, that, "Oh, what  
10 Ms. Neumeyer did was the proper procedure. She did  
11 exactly the right thing. She put her little name  
12 down, started, put down at the bottom per the chit,  
13 and so forth."

14 Now we look at the travelers and we  
15 find out if that was the proper procedure, it wasn't  
16 the procedure that anybody else was following.

17 Other people were doing different  
18 things. There were people who were signing lines  
19 that had sat and dates written in my one person and  
20 they signed another one.

21 We have some lines on which the signature  
22 has no asterisk by it.

23 There are instances of chits --  
24 Ms. Neumeyer testified the chits had no instructions  
25 on them.



-15  
1 Just as an example, if you look at  
2 Weld No. 86, crossed out, and now 87, it would appear  
3 on its face that the "Comment" Section of the chit  
4 was written in a hand that's both different than the  
5 welder and than the inspector.

6 Ms. Neumeyer's allegation is that when  
7 she looked at the chits there was nothing written  
8 on there.

9 We haven't seen originals of any chits  
10 so we can't check pen and to see whether or not  
11 those may have been filled in at some subsequent time.

12 We have a checkered history of NCR's  
13 written on this. We have NCR's that are Brand 18 and  
14 19. We have, for instance, a hand-written NCR which  
15 is attached to Traveler 695, and the hand-written  
16 NCR is noted as a Rev. 2. The NCR number is  
17 M8300795. That is the same number as Brands 18 and  
18 19, but 18 and 19 are Rev. 0 and Rev. 1. We can't  
19 figure out what happened to Rev. 2.

20 It's a hand-written NCR. There's no  
21 disposition shown on it. On the bottom line, there  
22 isn't a disposition there.

23 There are just a whole gaggle of  
24 anomalies here.

25 The witness has testified a great deal

16  
1 on such questions as, "When Ms. Neumeyer raised her  
2 concerns and you started to write the NCR that I've  
3 just been discussing here, did you go and look at all  
4 the other problems that may have existed? How far did  
5 you investigate? What was your reach to see the  
6 breadth and width of the problem?"

7 The travelers just for Unit 2 show  
8 the breadth and width of the problem was substantially  
9 broader.

10 Finally, and lastly, do we have to go  
11 through all of them? No. We have specifically given  
12 examples in, I think, it was 15 categories; and if  
13 the witness believes -- or the Applicant believes  
14 that the witness has a good explanation to that,  
15 they will be able to take any one of those. They  
16 can explain to us, if they want, how it is that  
17 Mr. Duncan was this incredibly productive inspector,  
18 that he really did inspections and did them in the  
19 volume that the documents show; or that the chit had  
20 instructions written on it in handwriting that's  
21 different than any of the other handwriting on there,  
22 and yet that the instructions were there when  
23 Ms. Neumeyer saw it. They don't have to go to 20 or  
24 30 of them, if 20 or 30 exist. They can deal with the  
25 generic ones.

JUDGE BLOCH: We'll take a five-minute  
recess. (Recess taken.)

10-1  
he  
1 JUDGE BLOCH: On the record.

2 We find the offer to be relevant to the  
3 case, particularly to Applicant's defense that its record  
4 reflects a uniform commitment to Comanche Peak's quality,  
5 and for the sub-issue it raises there, as a result of  
6 Applicant's commitment to quality and to an effective  
7 QA/QC program inspectors have no hesitancy identifying  
8 nonconforming conditions.

9 It also seems directly relevant to  
10 Miss Neumeyer's claim that she was the one who initiated  
11 the idea she should put an asterisk on the form. And we  
12 would have to pursue this matter anyway, as a matter of  
13 the adequacy of the record, because we are not sure of  
14 the extent of this alleged breakdown in documentation  
15 and we're not sure why individuals may have signed off  
16 on these forms in what appears to be an irregular manner.

17 It may be as a result of intimidation and  
18 it may be a result of something else, but the extent of  
19 the allegations of document deficiencies are of concern  
20 to the Chairman.

21 Would you like to make a statement?

22 JUDGE JORDAN: I'm agreed that the material  
23 should come in, that it is important to the other side of  
24 the case, and in that -- in which event I think it might  
25 as well come in now. Whether it really -- even if it were

10-2 1 proven, whether it would demonstrate conclusively, say,  
2 that there was harassment on the part of Miss Neumeyer,  
3 I have doubts. I'm not convinced, necessarily, and I'm  
4 inclined to agree with the Staff and the Applicant in  
5 that narrow regard.

6 But it's -- what I just said is of no  
7 importance because I still agree that the material should  
8 come in.

9 JUDGE BLOCH: Do you want to say anything?

10 JUDGE GROSSMAN: Well, I'll state for the  
11 record that of course I agree with the Chair, since it was  
12 done by a majority vote.

13 JUDGE BLOCH: Let's proceed. I guess the  
14 Intervenor's suggestion is that we handle this category  
15 by category.

16 Is there going to be a problem with that,  
17 Mr. Downey? You had thought it had to be done one by one.

18 MR. DOWNEY: I think we should at least  
19 start category by category. We'd need Miss Garde's notes  
20 and some better understanding of what the specific  
21 allegations are with respect to these categories.

22 JUDGE BLOCH: Do you need a recess before  
23 you can respond?

24 MR. DOWNEY: I think Mr. Brandt indicates  
25 probably yes. We've talked about 15 separate categories of

10-3  
1 materials. I think it's only fair that Mr. Brandt have  
2 an opportunity to look at the documents relating to these.

3 MR. ROISMAN: Mr. Chairman, I intend to  
4 ask no questions of the witness about this. I believe the  
5 documents on their face speak for themselves.

6 JUDGE BLOCH: Okay.

7 MR. ROISMAN: And Miss Garde's characteri-  
8 zation, as we made clear from the beginning, was just that,  
9 a characterization by counsel of what we think they show.

10 If the witness wants to give an explanation,  
11 that's all right.

12 JUDGE BLOCH: So what we will do is take  
13 under advisement, until the Applicants have had a chance to  
14 examine the documents, a ruling on their admissibility.  
15 That's where I understand that we stand right now.

16 JUDGE GROSSMAN: No, no. My understanding  
17 is we admitted those documents and that is part of  
18 Intervenor's case. If Applicant wants to rebut whatever  
19 implication Intervenor has drawn from those documents,  
20 it's certainly free to rebut it, and now it appears to be  
21 asking for additional time, which I think is certainly  
22 appropriate, since they were offered now and the explanation  
23 give us to what they were offered for, and when Applicant  
24 is ready to tell us how much time, certainly the Chair  
25 will rule on the reasonableness of that question.

10-4

1 JUDGE BLOCH: Is there no question about  
2 the authenticity of the documents that are being offered?

3 MR. DOWNEY: No, we don't challenge the  
4 authenticity. We produced those.

5 JUDGE BLOCH: All right. So then they shall  
6 be admitted into evidence.

7 And how bulk are they?

8 MR. ROISMAN: Well, we've never had actual  
9 possession of them, so we've never had an opportunity to  
10 sit down and put them together in one pile.

11 At some point Applicant is going to have to  
12 either give us a copy or give us those so that we can do  
13 that, and then we'll know.

14 JUDGE BLOCH: Let's take under advisement  
15 the form in which they'll be in the record. I hope counsel  
16 will be able to help us on that.

17 JUDGE GROSSMAN: Now, my recollection, too,  
18 is that Intervenor's counsel had requested that the originals  
19 go in and at least the originals be reviewed.

20 I don't know what has become of that  
21 request, at least that they have the opportunity to review  
22 the originals. I believe that logistics made that  
23 impossible over the weekend and perhaps they feel now that  
24 they don't want to pursue that.

25 If that's the case, fine, I don't want to

10-5

1 inject a problem where none exists at this point.

2 MR. ROISMAN: No, there are some of these,  
3 and I tried to indicate that, and Miss Garde did, where  
4 the difference between either where a signature appears  
5 to be different than the SAT and the date or where the  
6 writing that's on the NDE chit that explains what it is  
7 appears not to be the same as the writing on the other  
8 part of the chit, so that it doesn't appear that anyone  
9 who otherwise wrote on the chit had written that.

10 We would like to see -- we don't have to  
11 see them all, but we'd like to see some of those originals  
12 and there's a practical problem, but we believe but if we  
13 believe that the original further substantiates our concern  
14 that there was anything from a forgery to use of an  
15 improper procedure that's different than what's shown on  
16 the Xerox, then the Board, in order to have a complete  
17 evidentiary record, would at least have to have a view of  
18 the original.

19 I don't know any way that a copy will  
20 substitute for that. But right now we haven't even seen  
21 any originals to be able to make that evaluation and tell  
22 you here are the 20 or here are the two that we want you  
23 to see the originals of.

24 JUDGE BLOCH: We have previously gotten  
25 around that problem with a color photograph, and that may be

10-6  
1 a possibility so that the plant documents can be left in  
2 place. It's a color photograph that was stipulated to  
3 by both sides as being a fair representation of the  
4 appearance of the document.

5 MR. ROISMAN: All right. Until we can  
6 see the original and then see a color photograph of it  
7 we would have no way of knowing that, but it has to start  
8 with us seeing the originals.

9 And at one point in discussions with  
10 Mr. Belter it was my understanding that something could  
11 be worked out where a custodian of the documents could  
12 bring selected originals here, we could view them, they  
13 would of course remain in the possession of the custodian,  
14 and then we would be able to tell you here's the ones that  
15 we think should be looked at.

16 We have this problem with some of the  
17 Stanford incident documents that are still outstanding.  
18 We have not yet gotten any of the originals on that, and  
19 we've given the Applicant -- I think we've identified on  
20 the record which ones are the originals that we wanted  
21 to see.

22 JUDGE BLOCH: All right. The Board has  
23 just a few questions of this witness.

24 Yes, Mr. Mizuno.

25 MR. MIZUNO: It's still a technical problem



10-7

1 relating to these travelers, now that the Board has ruled  
2 that they are to be admitted into evidence the Staff would  
3 request a copy of the complete set of travelers which are  
4 to be introduced into evidence.

5 And I'm not saying which party is supposed  
6 to provide them to us, I'm just saying from whoever it  
7 comes from we ought to get a complete set. Right now  
8 all we have are the Susie Neumeyer travelers. We don't  
9 have the full, I don't know, thirteen hundred or so.

10 JUDGE BLOCH: Well, of course, Staff has  
11 free access to the documents in the plant, don't they?

12 MR. MIZUNO: That's true, but Staff counsel  
13 does not.

14 MR. ROISMAN: Yes, Mr. Tolson I think  
15 testified on that point.

16 MR. DOWNEY: There's somewhere in the  
17 neighborhood of 250 or 300 travelers identified on  
18 Miss Garde's list, which by my reckoning would be some-  
19 where in the neighborhood of 2,000 to 2,500 pages of  
20 material.

21 JUDGE GROSSMAN: Well, it's more than that,  
22 actually, I think Staff wants a complete set of those  
23 documents.

24 MR. MIZUNO: Unless Intervenors intend to  
25 draw specific examples from that entire set --

1 JUDGE BLOCH: They're only submitting  
2 certain examples into evidence. That was what the list  
3 of numbers was.

4 MR. MIZUNO: Okay. I guess at minimum  
5 then, we'd just like the specific examples, copies of the  
6 specific examples that Intervenors intend to refer to in  
7 detail.

8 BOARD EXAMINATION

9 BY JUDGE BLOCH:

10 Q Mr. Brandt, my questions today have only  
11 to do with Harry Williams, and my question is what the  
12 basis for your conclusion was that Harry Williams ought to  
13 be transferred.

14 My understanding is that your testimony is  
15 that after Mr. Dunham spoke to you you concluded he should  
16 be transferred off site.

17 Could you tell us a bit about the basis  
18 for that conclusion?

19 MR. ROISMAN: Excuse me, Mr. Chairman,  
20 I'm sorry to interrupt, but we did have some questions for  
21 Mr. Brandt.

22 JUDGE BLOCH: Oh, I thought you said you  
23 didn't.

24 MR. ROISMAN: No, no, not about what we  
25 just put in. We weren't planning to go through those, but

10-9

1 I had a couple of questions for him. I mean, if you want  
2 me to do it now, I will do it now, or I will do it later.  
3 It's not by any means -- it's a few questions and it  
4 relates to the generic liner plate question.

5 JUDGE BLOCH: I would have preferred that  
6 you came first, but now that I started, I only have a  
7 very few questions. I think we might as well pursue it.

8 MR. ROISMAN: I'm sorry if I was confusing  
9 on that.

10 JUDGE BLOCH: That's okay.

11 BY JUDGE BLOCH:

12 Q Mr. Brandt, do you remember the question?

13 A No. Would you repeat it, please.

14 Q The basis for your conclusions concerning  
15 the fact that Harry Williams should be transferred off site.

16 A I don't think that that was my testimony,  
17 Judge Bloch. You read something into it that I didn't  
18 intend.

19 All I intended was that Harry Williams was  
20 going to be transferred out of the QC supervisory role. It  
21 was not my call to make then or now if he were to be used  
22 somewhere else in Mr. Tolson's organization or in con-  
23 struction or engineering.

24 I have no jurisdiction over that. I had  
25 just come to the conclusion that he was no longer effective

10-10

1 as a QC supervisor.

2 Q Okay. And what was the basis for that  
3 conclusion?

4 A I had worked with him. I had dealt with  
5 him on a daily basis. I interviewed inspectors that he  
6 supervised. I watched his work and it had just reached  
7 the point that not only a majority but almost to a person  
8 the people that I talked to that he supervised had lost  
9 confidence in him and I think that's probably the most  
10 serious thing that can happen to any kind of supervisor-  
11 subordinate relationship, is that if a subordinate doesn't  
12 have confidence in the person that's supervising, it's  
13 going to lead to problems sooner or later.

14 Q What was the nature of loss of confidence  
15 that you detected? What was it that they had no confidence  
16 in?

17 A It was a wide range of situations. Some  
18 of them questioned his technical expertise. A number of  
19 inspectors voiced an opinion that Harry has no backbone.  
20 And I'll use the term they used. That's not my phrase.

21 Q Do you know what it relates to, that  
22 particular --

23 A They felt that the craft, the paint craft  
24 in particular, was running over Harry. Most of them felt  
25 that initially Harry had tried to stand up for the

1 inspectors in disputes between construction and QC, but  
2 the craft was running over him.

3 I'm not sure that even today I'm really  
4 prepared to evaluate whether or not that was the case.  
5 I never had any problem with the craft. Maybe it was  
6 due to the fact that I dealt with them on a different --  
7 little bit different level maybe than Harry did.

8 For me to even assess that now, I'm not  
9 sure is fair. But I felt then and now that it was job  
10 as Mr. Williams' supervisor and responsible for the whole  
11 group of people, that if I had a group of 15 or 16  
12 inspectors and the overwhelming majority of them lost  
13 confidence in Harry, that Harry needed to be replaced  
14 in order for me to continue to do my job, which was to  
15 head this group of people, along with other disciplines,  
16 down a straight and narrow road trying to achieve a  
17 common end, that something had to be done.

18 Q Do you know how soon you reached this  
19 conclusion after Mr. Dunham made his complaint to you?

20 A Mr. Dunham made his complaint, I think,  
21 the 13th or 14th of June. It was a Tuesday of that week,  
22 whichever those dates are, I don't have a calendar in  
23 front of me, I began interviewing inspectors that after-  
24 noon.

25 That process took a couple weeks because

10-12 1 it wasn't something I could devote full time to. I still  
2 had to continue on with my normal duties.

3 I thought about it for a while. I went  
4 on vacation for about ten days and came back and the last  
5 Monday of July, whatever date that was, memory tells me  
6 it's like the 26th of July, I went to Mr. Tolson and said  
7 Harry's got to go.

8 We discussed my reasons for making such a  
9 statement. He asked me who I wanted to replace him with  
10 and I told him that the person that I had selected was not  
11 in my group, and Mr. Tolson immediately called his super-  
12 visor to discuss the possible transfer.

13 Q And the transfer occurred about how long  
14 after that?

15 A The transfer -- Mr. Williams' replacement  
16 was Mr. Mauser, although it wasn't evident probably to even  
17 Mr. Williams at the time, but when Mr. Mauser was - and I  
18 discussed his coming to the group I told him that he would  
19 eventually be replacing Harry.

20 I wanted a transition period so Mr. Mauser  
21 could get up to speed on what was going on and a tie-in  
22 period with Mr. Williams.

23 I think that Mr. Mauser's first appearance,  
24 if you will, in the protective coatings QC group was on a  
25 Wednesday of that week, Wednesday or Thursday. He formally

10-13

1 transferred to the group on August 1st.

2 Q Did you ever speak to Mr. Dunham about  
3 your conclusions about his complaint?

4 A I think I've been asked that question  
5 before, Your Honor. I don't believe I did.

6 Q I wouldn't have asked it if I saw it  
7 before. I didn't see the answer before.

8 A I think I was asked that question in the  
9 DOL proceeding, as far as why I didn't go back to  
10 Mr. Dunham.

11 Q Well, I haven't read the whole DOL proceeding.

12 A I didn't mean to imply that you had asked me  
13 that question before now.

14 Q Was there any effort made to explain your  
15 conclusions to the other people in the group who said that  
16 they had lost expertise in Mr. Williams -- excuse me,  
17 lost confidence?

18 A In a real generic fashion, the answer to  
19 that question is yes, Judge Bloch. I did not -- and once  
20 again maybe in retrospect I'd have done it differently,  
21 but I did what I did and I'm -- I don't know that either  
22 one of us can judge the rightness or wrongness of that at  
23 this point.

24 I didn't want to cause what I perceived  
25 to be somewhat unrestful, if you will, I don't know if

10-14 1 that's the right word, but it was a -- somewhat of an  
2 agitated group at that time. I didn't want to make the  
3 situation any worse.

4 I distinctly remember talking to someone,  
5 and I can guess at a name but I'm not sure who came in  
6 and said something about Harry, and I said, well, hang in  
7 there for -- you know, I'm aware of the situation, give  
8 me a couple weeks.

9 Q You can't recall who you said that to?

10 A No, I can't, Your Honor.

11 As far as speaking to the group and saying,  
12 hey, Harry's going to go, Mauser's going to take over,  
13 that never occurred.

14 Q And did you consider whether this lack of  
15 confidence had existed for some time prior to Mr. Dunham's  
16 complaint?

17 A Yes, I did.

18 Q And what did you conclude about that?

19 A I became first aware of Mr. Williams'  
20 inability to communicate with his subordinates on a level  
21 that they understood, at any rate, in September of 1982.

22 At that time I went to Mr. Tolson and  
23 requested that we move him. I believe Mr. Tolson -- I  
24 won't speak for him, I'm sure you can ask him the same  
25 question -- but I believe Mr. Tolson at the time accepted



10-15

1 my views, or at least understood my rationale for wanting  
2 to make such a move, and went to Mr. Chapman.

3 Mr. Chapman's decision at the time was  
4 not to move Mr. Williams. At that point I realized that  
5 if indeed my perception was correct, that Harry had  
6 difficulty in communicating with his subordinates, or  
7 the people that he supervised, that I was going to have  
8 to become more intimately involved with what he was doing.

9 That took form in Harry telling them to  
10 do one thing, the inspectors coming back saying Tom, you're  
11 crazy, why are we doing this, my getting back with  
12 Mr. Williams saying, Harry, you're either misunderstood  
13 me or misconveyed my message to the troops, what I intended  
14 for you to do was this, and sent him back out to straighten  
15 the situation out.

16 I don't know that that, in your mind or  
17 anybody else's, takes the form of counseling, but at least  
18 when I became aware of something, and I was watching it  
19 closely, I think I testified previously, or it may be even  
20 in my prefile, that I was spending a majority of my time  
21 on protective coatings all during 1983 and it was literally  
22 probably manpowerwise maybe a tenth of my staff and I would  
23 guess been at least 50 percent of my time involved with  
24 coatings.

25 When I became aware of miscommunication

10-16

1 between Mr. Williams and his troops, and in some instances  
2 Mr. Williams and the night shift, Mr. Williams was  
3 strictly day shift supervisor, we sat down and resolved  
4 them.

5 I don't know if that's really responsive  
6 to your question, but that's essentially what happened.

7 - - -

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1 BY JUDGE BLOCH:

2 Q Did Mr. Williams bear any of the  
3 responsibility for the values of the coatings program  
4 that led to the backfit?

5 A Once again, we are in discussion, as we  
6 were I think a week ago, on who is to blame.

7 The program was adequate, as I think we  
8 discussed last week, but difficult at best. The  
9 documentation scheme was bulky, although the procedures  
10 in my opinion in retrospect laid down guidelines for  
11 what forms to be used when.

12 Apparently the inspectors didn't  
13 understand that.

14 In fact, after the notice of violation  
15 was issued in October 1982, we talked to the inspectors  
16 that had been there for three and four years, and  
17 seemed to get a fairly consistent understanding of  
18 what they were supposed to be doing, but they didn't  
19 see the big picture as far as what they were doing  
20 and what they attempted to do two years down the road  
21 when they came back and did what they termed at that  
22 point a final inspection.

23 How they were ever going to tie this  
24 paper back in together and represent a meaningful  
25 documentation of their original inspection, they just

1-2 1 couldn't see how that was a problem.

2 Q I am confused as to what it was you  
3 learned from those people. Could you try to explain  
4 it a little bit more clearly?

5 A I wish I had a document in front of me,  
6 but I don't.

7 As I stated the other day, it was a  
8 multi-step inspection; actually, not only a multi-step  
9 but a multi-form.

10 For example, rather than having one IR  
11 that verified the mixing of the paint, verified the  
12 surface application, verified the application of the  
13 paint and then the inspection of the paint, you had  
14 one form for mixing, one form for surface preparation,  
15 one form for application of the coatings, and one form  
16 for final inspection.

17 As it were at that time not all of  
18 these inspections were even done by the same  
19 inspector.

20 For example, you could have one  
21 inspector verify or witness the paint mixing operation;  
22 another one witness the sandblasting operation;  
23 another inspector watch them apply a primer; and another  
24 inspector come back and do the inspection of the  
25 prime-coated surface.

1-3 1 The bulkiness off the documentation was  
2 one problem, and I think as I discussed last week the  
3 second problem that was evident when we began reviewing  
4 these literally cartons of documents that had been  
5 generated was that the inspection reports hadn't been  
6 signed.

7 The rationale for not signing this  
8 final inspection report -- I won't say all the  
9 inspection reports -- the inspection report that  
10 actually did the inspection of the applied coating,  
11 was that it was a four or five-step process, and this  
12 last inspection was going to be the final inspection.

13 They intended to do that inspection two  
14 years down the road when they were turning over rooms  
15 so they could do the touch up of mechanical damage.

16 Consequently, they did not sign the  
17 inspection report because it wasn't finished yet; but  
18 they couldn't see how their failure to sign that would  
19 prove to be a problem two years down the road when it  
20 came time to final out the area, and possibly the  
21 inspector that had done the original inspection  
22 wasn't even there any more.

23 Q So what kind of record was being kept  
24 on their sign-off of these sub-parts of the job?

25 A It was a single record, Judge Bloch. It

1-4  
1 was one piece of paper that had like five steps on  
2 it. There was places for five checkmarks.

3 Unfortunately, there wasn't a place for  
4 five signatures. There was only a place for one  
5 signature, and they weren't going to sign the IR  
6 until the last step was done.

7 Q So even though the steps were being  
8 done, there was no record being made of it; is that  
9 right?

10 A The steps were being done and records  
11 were made of it, but it wasn't traceable to the  
12 inspector. I think that was the point that I was  
13 trying to make the other day.

14 It was not our impression, even in 1981,  
15 that we had a coatings hardware problem, because the  
16 people had been out performing the inspections, and we  
17 could tell that from interviews with the QC  
18 inspectors, from the QC supervisors involved, and  
19 with the craft people.

20 Q This, as I understand it, is the second  
21 time in roughly the 1979 time period where there were  
22 QC procedures being implemented where people were  
23 holding off signing documents until after inspections  
24 were finished.

25 One was with the liner plates and one

1 here is with the paint.

2 Do you know of any other instances in  
3 which there was a delayed signature procedure?

4 A No, sir, I do not.

5 Q Was there a problem at all with --  
6 between the supervisor and personnel during the  
7 breakdown of the program?

8 A During the breakdown of which program?  
9 Are you talking about the liner plate or are we  
10 talking about the paint?

11 Q Staying on the paint.

12 A Please repeat your question.

13 Q Did Mr. Williams have any personnel  
14 problems during the earlier period in which there  
15 was this breakdown in paint documentation?

16 A I'm not sure I'm the right one to  
17 answer that question, Judge Bloch, because I'm not --  
18 other than through reviewing old records, this is  
19 prior to my time, and I don't know what Mr. Williams'  
20 relationship was with his personnel; or for that  
21 matter, if Mr. Williams was even intimately involved  
22 in either of the two situations prior to 1980.

23 Mr. Williams supervised Mr. Hamilton  
24 when I arrived on the site. I don't believe  
25 Mr. Williams was responsible for the liner plate.

Q No, I didn't think he was responsible

1-6 1 for the liner plate.

2 My concern is that some of the problems  
3 that you described with Mr. Williams seem to be  
4 problems that could be thought to be inherent in his  
5 personality, that they wouldn't have been of recent  
6 origin at the time that you decided to have him  
7 transferred. Do you have an opinion about that?

8 A Well, I will voice an opinion, and let  
9 me preface it by saying this is my opinion. Right  
10 or wrong or indifferent, it is my opinion.

11 I think you have got to meet  
12 Harry Williams to know the dilemma I was going  
13 through at the time.

14 Harry Williams is a nice guy. Even  
15 his own inspection people that had totally lost  
16 confidence with him on the job rode to and from work  
17 with him and drank beer with him after work. I mean,  
18 that's just the kind of guy he was.

19 I knew Harry well. Harry had been to  
20 my house and I had been to his. It wasn't a patronage  
21 type of thing between Harry and I. We weren't that  
22 close, but we were close enough for me to know  
23 Harry Williams.

24 As open as Harry was away from the job,  
25 I had a real hard time coming to grips with the fact



1-7 1 that I could tell him one thing and at least what  
2 the inspector perceived he was telling him -- and I  
3 can't recall any firsthand observation on my part of  
4 him deliberately misdirecting an inspector.

5 The way it would come down, I would tell  
6 Harry to do one thing, and I was quite aware of what  
7 I had told Harry to do, and a day or two later an  
8 inspector would come back and say, "Hey, Tom, you  
9 know, we don't understand this."

10 So I don't know whether it was in  
11 Harry's presentation or in the inspectors' perception.

12 I guess as a reasonable person you can  
13 draw the conclusion that if the majority of inspection  
14 people had the same perception, it was probably in  
15 Harry's presentation, rather than their perception.

16 If it was one person out of fifteen,  
17 that's a totally different thing in my mind, than if it  
18 was 12 out of 15.

19 I personally had a hard time seeing --  
20 because I thought it was a pretty simple matter on many  
21 issues.

22 It was like, you know, pick up this  
23 piece of paper. How an instruction so simple could  
24 get turned around, and to this day I don't think there  
25 was any malicious intent on Harry's part.

1-8 1                    Maybe the misperception was between he  
2 and I. I honestly don't know, Judge Bloch.

3                    I know what my intentions were and I  
4 know what the end result was. Who is to blame or  
5 what happened in between there is speculation at best  
6 at this point.

7                    Q            Part of what you told me is that he was  
8 such a nice guy that he really liked to get along  
9 with the craft. Do you have difficulty --

10                   A            No, sir. I didn't mean to imply that  
11 at all.

12                   Harry realized always what his charter  
13 was. I never tried to paint a picture for you that  
14 Harry tried to get along with the craft, because I  
15 don't think he made any effort.

16                   He made an effort in a professional  
17 sense, but I mean he didn't make an effort to say,  
18 "These guys I'm going to have to get along with."

19                   My only --

20                   Q            Let me ask you a different way,  
21 because I think you have corrected my statement.

22                   Did he like to avoid conflict because  
23 he liked to be friendly with people?

24                   A            I'm not sure that's fair, either. I  
25 think if I was going to paint a picture of Harry Williams

1-9  
1 at this point, probably the most important thing in  
2 Harry's mind was to do what he thought his supervisor  
3 wanted him to do.

4 I distinctly remember a phrase I told  
5 Don Driscoll, from OI, when he was investigating the  
6 charges surrounding the skimmer pump room the  
7 first week in August 1983, is that, "Harry is the  
8 type of guy if he thought his supervisor wanted him  
9 to go out and stand on his head, he would go out and  
10 stand on his head."

11 I think if I were to lay the blame  
12 anywhere, it wasn't on Harry's intent on what he was  
13 doing with the inspectors; it was Harry's  
14 misunderstanding, either his misunderstanding of  
15 what I wanted him to do or, secondly, what means he  
16 chose to achieve that end.

17 (Bench conference.)

18 JUDGE BLOCH: If there's no objection,  
19 this seems to be an appropriate time to break for lunch.

20 Is there any difficulty with Intervenors  
21 having the copy of the transcript during lunch?

22 MR. ROISMAN: The Staff has graciously  
23 made available to us their copy. Ms. Garde has been  
24 reviewing it for the last 27 minutes.

25 JUDGE BLOCH: We'll adjourn till 1:10.

(Whereupon, at 12:10, the hearing was  
recessed, to reconvene at 1:10, the same day.)

12-1  
he

## AFTERNOON SESSION

1:10 p.m.

1  
2  
3 JUDGE BLOCH: Good afternoon, Mr. Allen,  
4 welcome to the proceeding. Would you come take the  
5 witness stand to my right and if you would, I'd like to  
6 have the documents you brought with you.

7 MR. ALLEN: Just that one.

8 JUDGE BLOCH: That's the only document?  
9 Okay. When you sit down, could you explain what was  
10 one-inch thick as opposed to this one document, before I  
11 do the formal swearing in business.

12 MR. DOWNEY: Judge Bloch, for your  
13 information, I believe the document Mr. Allen has handed  
14 you is an exhibit to Mr. Brandt's prefiled testimony. I  
15 don't know the exact exhibit number, but I'm -- looking  
16 at it from this distance, I'm confident in saying it is one.

17 JUDGE BLOCH: Okay. What this is, is a  
18 document from Corey Allen to Tom Brandt called complaint  
19 against BR& paint foreman.

20 MR. ALLEN: Yes, sir.

21 JUDGE BLOCH: What was the one-inch thick  
22 that you were referring to before, Mr. Allen?

23 MR. ALLEN: The other documents were  
24 documents relating to all -- anything removed off the  
25 Comanche Peak jobsite, and these were more of a technical

12-2

1 matter.

2 JUDGE BLOCH: Okay. I didn't request the  
3 documents off the site. That was for the deposition, not  
4 for me.

5 MR. ALLEN: I understand all you requested  
6 were documents relating to harassment and pressuring and  
7 intimidation of employees not to report deficiencies.  
8 That's the only thing I have.

9 JUDGE BLOCH: I'd like the record to  
10 reflect that Mr. Allen has been called as a Board witness.  
11 We called him because he was aware that he was one of  
12 three individuals who gave information to the NRC Staff  
13 that has resulted in subsequent inspections, including  
14 inspections by Brookhaven Laboratories, and we thought it  
15 would be helpful to speak to him about his observations  
16 of the conditions under which the QC inspectors work with  
17 regard to possible intimidation and to hear if he had any  
18 personal problems which reflect on intimidation.

19 Mr. Allen, welcome. I would like to give  
20 you my standard warning for witnesses. This is a proceeding  
21 before the Nuclear Regulatory Commission, which is an  
22 agency of the United States Government.

23 The testimony you are about to give may be  
24 important to the public health and safety and to the economy  
25 of the region of the plant.

12-3

1                   You are to tell the truth, the whole truth  
2 and nothing but the truth. This obligation to tell the  
3 truth is supported by possible penalty for perjury.

4                   Do you understand the statement and warning  
5 I've just given you?

6                   MR. ALLEN: Yes, sir, I do.

7                   JUDGE BLOCH: Thank you.

8 Whereupon,

9                   CORY ALLEN

10 being duly sworn, was examined and testified as follows:

11                   JUDGE BLOCH: The Staff is aware of  
12 Mr. Allen's deposition. If it wished to, it could proceed  
13 to present the principal testimony; if not, the Board will  
14 do it itself.

15                   MR. TREBY: Well, I guess the Staff would  
16 prefer that the Board ask the questions it had. The Staff  
17 will endeavor to bring out information that it gleans from  
18 the deposition that was taken, but it is not sure that the  
19 all of the information gleaned from the deposition is what  
20 Board had in mind when it called this witness.

21                   But before the Board does ask questions,  
22 the Staff would like to indicate two things; first, that  
23 Staff counsel has provided Mr. Allen copies of Transcript  
24 Pages 15582 through 15589, which were those transcript  
25 pay's from last Wednesday's session which discussed the fact

12-4

1 that Mr. Allen had not yet received the subpoena and was  
2 on his way to attend the hearings last Thursday, pursuant  
3 to his understanding that he going to be suspoenaed and to  
4 establish the reason why he was not at work that day.

5 I think we ought to determine from Mr. Allen  
6 whether he has yet received a subpoena from the Board for  
7 this session, so that we could ascertain that that is  
8 in fact the reason why he is here today.

9 JUDGE BLOCH: Have you --

10 THE WITNESS: Yes, sir, I've got it right  
11 here.

12 JUDGE BLOCH: Thank you. That's yours to  
13 keep.

14 BOARD EXAMINATION

15 BY JUDGE BLOCH:

16 Q Mr. Allen, could you tell us when you began  
17 working at Comanche Peak?

18 A I believe the date was January 6th, 1983.

19 Q And in what capacity were you working?

20 A As a quality control inspector in the  
21 coatings discipline.

22 Q And on what date did you leave the plant?

23 A The date was December 20th, 1983.

24 Q I'm going to ask a question that you may  
25 not have anticipated at all. During the time you were at

12-5 1 the plant did you hear the word nit-picker being used by  
2 other QCI's?

3 A By other QC inspectors?

4 Q Yes.

5 A Yes, sir, but it was usually more of a  
6 satire than as in a serious subject.

7 Q From the use that was made of it could you  
8 tell what mean was being given to the word nit-picker?

9 A Yes, sir, it was in reference to a meeting  
10 that the civil supervisor, Harry Williams, called together  
11 in, I believe it was either late January or early February.  
12 It was -- I believe he had a problem, or thought he had a  
13 problem with a couple of the inspectors, and I think it  
14 was as a result of an incident in the pump skimmer room  
15 concerning inspectors Tom Miller and Joey Underwood.

16 Q And in joking about that matter, how did  
17 the QC inspectors use the term nit-picker, could you tell?

18 A Just in a -- as a satire of Harry Williams.

19 Q So I take it you couldn't tell whether they  
20 were referring to instances of very careful inspection or  
21 a violation of procedures, it could have been either, is  
22 that right?

23 A Yes, sir, that's correct.

24 Q Could you describe for us so we could  
25 understand it, the relationship at that time between



12-6

1 painters and QC inspectors on a day-to-day basis, what the  
2 feel was for that?

3 A. I couldn't give you an accurate description  
4 at that point because I had no interface with the actual  
5 crafts. I was performing a backfit inspection for  
6 approximately four or five months, and I would have never  
7 had any interface with the crafts.

8 Q. Okay. And you brought with you a speed  
9 letter that you wrote to Tom Brandt.

10 A. That's correct.

11 Q. Is the message as you wrote it out in that  
12 speed letter reasonably complete or are there details  
13 you'd like to add to help us to understand what happened?

14 Let me show you the speed letter.

15 (Document handed to witness.)

16 MR. DOWNEY: Your Honor, for the parties  
17 convenience, that is an exhibit to Mr. Brandt's prefiled  
18 testimony.

19 JUDGE BLOCH: Do you know the number of  
20 the exhibit?

21 MR. DOWNEY: I'm sorry, I do not, but there  
22 aren't that many exhibits.

23 MR. WATKINS: Your Honor, we have additional  
24 copies here.

25 JUDGE BLOCH: Let the record show that the

12-7

1 witness is referring to Brandt Deposition Exhibit 17.

2 BY JUDGE BLOCH:

3 Q I know that's a very broad question. If  
4 there's anything you'd like to add to that now I have  
5 some questions I can ask you about it also.

6 A No, I really have nothing to add to it.

7 Q In the incidents described, were the  
8 alleged actions by the B&R paint foreman and the different  
9 incidents in front of other QC inspectors?

10 A No, sir.

11 Q You were the only QC inspector present at  
12 the time?

13 A That's true.

14 Q Was it in front of other craft?

15 A Yes, sir.

16 Q Can you describe about how many craft might  
17 have been involved at the time of the incident?

18 A About a half a dozen.

19 Q That's in each incident or -- it looks like  
20 there are several. I'm not sure how I'd count them.

21 A Well, that's essentially referring to the  
22 entire crew, which usually runs about six or seven painters.

23 Q These were not backfit inspections, were  
24 they?

25 A No, sir. This was in June of '83, and at

12-8

1 that time I was then doing the ongoing surveillance of  
2 coating application.

3 Q And for how long a period were you doing  
4 ongoing surveillance of coating application?

5 A Till the day I left. It would have been,  
6 I guess, about seven months.

7 Q So during that period I take it you were  
8 involved in the day-to-day interaction with craft,  
9 weren't you?

10 A Yes, sir.

11 Your previous question, I believe you were  
12 referring to that point in time during the nit-picking  
13 meeting.

14 Q Oh, okay. No, I was referring generally  
15 to the time you were at the plant.

16 A Okay.

17 Q Aside from these specific incidents, could  
18 you characterize the way in which you did your work, the  
19 interactions you would generally have with either painters  
20 or foremen?

21 A Are you speaking about more or less  
22 atmosphere, the rapport that I had between the painters --

23 Q Well, let me start -- you're going to do  
24 an applications inspection --

25 A Yes, sir.

12-9

1 Q -- and you've got your inspection report  
2 and you walk up to the place that something's going to  
3 happen, where you're going to inspect the paint --

4 A Yes, sir.

5 Q -- would the painter be there at the time?

6 A Sometimes, most of the time he would be.

7 On many occasions no one would be there and I would have  
8 to go hunt for a foreman or a painter to come stand by me,  
9 so to speak, while I was doing the inspection because that's  
10 mandatory as far as I'm concerned. I need to be able to  
11 point out defective areas to the craft, to the painters,  
12 so they will know what is deficient or defective.

13 Q Were the forms unable to show that by  
14 themselves so that you had to actually show it to the people  
15 or could you write out the form?

16 A No, the forms essentially tell you the  
17 location and sometimes the rejectable items, but in coatings  
18 you usually need to give a description of exactly what you  
19 need to be -- need to have repaired and also you can't  
20 always write down on a drawing or an IR that -- exactly  
21 where the defective areas are. It would take you hours and  
22 hours to make that drawing and we just simply didn't have  
23 the time to do that.

24 Q Okay. Now, assuming you found an unsatis-  
25 factory condition and you were about to check off the --

12-10

1 first of all, do the check the form off first or do you  
2 talk to the person who's there first?

3 A We talk to the person first. The actual  
4 inspection report generally was made back at a location  
5 they called the call box. Sometimes it was made at the  
6 actual place of inspection, but generally back at the  
7 call box, because the location was not the best place to  
8 sit down and write a report.

9 Q And having just been with the painter or  
10 foreman at the site of the inspection itself, was it still  
11 sometimes hard to describe to them what the deficiency was  
12 back at the call box?

13 A Back at the call box?

14 Q I take it you went from the place where  
15 you were doing the inspection back to the call box to chat  
16 about the inspection.

17 A No, sir, at the very location where I was  
18 inspecting I would describe to the journeyman painter or  
19 the foreman, show him exactly what was wrong, and then I  
20 would leave by myself to return to the call box.

21 Q To write up the formal report?

22 A That's correct.

23 Q And were these generally just an exchange  
24 of information where you said what the unsatisfactory  
25 condition was, or was there generally some disagreement of

12-11

1 whatever you found there on the site?

2 A. There was -- whenever it was UNSAT there  
3 was essentially always disagreement. There's maybe one  
4 foreman, one or two foremen out of two dozen that did not  
5 disagree with an inspector.

6 Q. Now, were the criteria for the inspections  
7 pretty well known?

8 A. Yes, sir. Most of the time, the later  
9 stages of 1983, there were so many changes in the procedures  
10 that it was hard for everyone to follow, so the foremen  
11 and sometimes inspectors did not always know the exact  
12 requirements.

13 Q. So one reason for these disagreements was  
14 that the foreman often, in your opinion, didn't have as  
15 good a knowledge of the procedures as you did?

16 A. No, sir.

17 Q. When you say no, does that mean you agree  
18 with me or disagree?

19 A. It means that I disagree with you.

20 Q. Okay. Could you explain?

21 A. It's not so much a disagreement with the  
22 procedures, that -- of course, that happens, isolated  
23 incidents, but generally it's the fact that there's so much  
24 pressure on the foremen they didn't want their coatings  
25 rejected and they didn't want to have to spend any additional

12-12

1 time going back and repairing those coatings, so if you  
2 rejected something it was only natural, more or less, it  
3 was for certain they were going to disagree with you,  
4 whether or not they were right or wrong, whether or not  
5 they knew they were right or wrong, they were going to  
6 disagree with you.

7 Q So you believe that a fair portion of the  
8 time they knew they were wrong but they were objecting  
9 anyway?

10 A Yes, sir, there's no doubt about that.

11 Q And did this in any way affect the way you  
12 filled out your IR?

13 A No, sir, not the way I filled out an IR.

14 Q That is, regardless of the disagreement,  
15 you knew the procedure and you did it conscientiously?

16 A Yes, sir.

17 Q Were there times when you were uncertain  
18 about whether you were right about the procedures?

19 A Yes, sir, there's always a margin of doubt  
20 in any inspector's mind, and that's the nature of coatings  
21 inspection, there's a lot of subjective interpretation or  
22 judgment and sometimes you're not exactly sure.

23 Q Well, in deciding whether or not to tell  
24 the foreman or painter who was there with you that there  
25 was an unsatisfactory condition, would you sometimes be

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reluctant to tell them because of doubts in your mind?

A. Yes, sir, that's a possibility.

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1 BY JUDGE BLOCH:

2 Q Does that happen often?

3 A I don't know if it happened often. I  
4 couldn't really give you an estimate of the  
5 occurrences, but it is a possibility. I'm sure it  
6 did happen with each and every inspector.

7 Q How often did the disagreements with  
8 you get communicated to your supervisors?

9 A When Harry Williams was there, it seemed  
10 to be very often, about 70 or 80 percent of the time,  
11 I would guess.

12 Q Generally speaking, whose side did  
13 Harry Williams come up on?

14 A Their side, the craft's side.

15 Q Never on your side at all?

16 A Well, let me put it like this. He  
17 never reprimanded me. He never counseled me for  
18 being hard in my inspections, or I don't think I was  
19 ever proven wrong by Harry in any instance; but his  
20 general manner, the way it was constantly coming back  
21 to me or any other inspector, more or less doubting  
22 us, it was felt that he was siding with the crafts.

23 Q Did he ever change your unsat to a sat,  
24 though?

25 A There was one occasion, yes, sir, he did.

3-2 1 Q That was rare on his part? Even though  
2 you felt he didn't support you, he really wasn't  
3 undercutting the reports you were writing?

4 A I would say that's true, yes, sir.

5 Q Were there times when supervisors of  
6 Mr. Williams got involved in these situations,  
7 people whom he reported to?

8 A Yes, sir, there are a couple of times  
9 that Mr. Tom Brandt became involved.

10 Q Did he generally side with you or with  
11 craft, or was that a mixed bag?

12 A There was no bias that I could  
13 determine.

14 Q The treatment you got from Mr. Brandt  
15 was a fairer deal --

16 A It was fair.

17 Q So, then, there were at least a couple  
18 of occasions where Mr. Brandt said you were right  
19 and the craft was wrong?

20 A Yes, sir, I would say that. That's true.

21 Q What was special about the situations  
22 that you described in your complaint considering that  
23 you often had disagreements with the foreman about  
24 your IR's?

25 A That's the point I'm trying to make.

1 There's nothing special about that. I was merely  
2 trying to bring it to my supervisor's attention, that  
3 it was occurring, and we needed someone to more or  
4 less defuse the situation, that it was occurring to  
5 such an extent that it was interfering and bothering  
6 our judgments, so to speak, and that there's really  
7 nothing special at all.

8 Q Okay. Now if I understand, this was  
9 the first month that you were doing the in-process  
10 inspections?

11 A It could have been the second or third  
12 month. I'm not exactly sure when.

13 Q Was this the first time that you brought  
14 these conditions to the attention of your supervisors  
15 or the company?

16 A I believe it is. That's probably the  
17 only -- that may be the only memo you will see from  
18 a coatings inspector complaining about harassment.

19 (Bench conference.)

20 BY JUDGE BLOCH:

21 Q Did they ever tell you why they never  
22 filed such complaints?

23 MR. WATKINS: Objection, Your Honor.  
24 That would be hearsay.

25 (Bench conference.)

1 JUDGE BLOCH: I think that if we are  
2 talking about evidence of what the state of mind of  
3 other people was, that what they say about their  
4 statement of mind may be -- I guess that's right.  
5 They would have to testify themselves?

6 MR. WATKINS: That's correct, and I  
7 don't think Mr. Allen knows whether other inspectors  
8 filed complaints or didn't, verbally or written.

9 BY JUDGE BLOCH:

10 Q Did you see incidents in which similar  
11 things to your complaint occurred between other paint  
12 foremen and other QC inspectors?

13 A Yes, sir.

14 Q Was that an unusual event or something  
15 that was usual?

16 A It was usual.

17 Q Did that actually involve as well the  
18 paint foremen giving commands to QC inspectors?

19 A I believe it did, yes, sir.

20 Q Do you remember a specific example of  
21 that happening?

22 A No, sir, not at this moment.

23 Q Sometimes when you think about it -- I  
24 know that this is not a relaxing situation to  
25 remember things; but if you were able to take just a

3-5 1 few seconds and think about it, it is possible you  
2 would have one that would spring to mind?

3 A I might be able to.

4 Q Let's just wait for 30 seconds or so  
5 while you try to do that.

6 Once you decide you can't remember, just  
7 speak up and we'll take that representation.

8 (Pause in proceedings.)

9 THE WITNESS: I believe I can remember  
10 an inspector and a certain foreman, but I can't  
11 recall the actual events, what happened.

12 BY JUDGE BLOCH:

13 Q Let me see how well you can do with that  
14 particular inspector and foreman; do you remember their  
15 names?

16 A Yes, sir. It was Maggie Lucke.

17 Would you like to know the foreman's  
18 name?

19 Q If you know it.

20 A It's the superintendent, Mr. Haley.

21 Q What do you remember about that  
22 incident?

23 A I believe it was similar to mine, that  
24 he ordered her back up to an area to reperform the  
25 inspection to his satisfaction, to prove to him it was

3-6 1 rejected after she had already performed the inspection,  
2 as indicated to the foreman responsible for the work.

3 Q Can you remember the area of the plant  
4 involved? Is there any feature of the plant?

5 A Just one of the lower elevations.

6 Q Okay. I take it the haziness of this  
7 memory makes you a bit uncertain as to how confident  
8 you are about whether it really happened?

9 A Not really uncertain. I know there's  
10 several examples. I just cannot recall them at this  
11 point.

12 Q Were you meaning to say there are  
13 several examples between Maggie Lucke and that  
14 particular foreman?

15 A No, sir, between other inspectors and  
16 other foremen.

17 Q But not by name?

18 A No, sir, not by name.

19 Q And with respect to this particular  
20 complaint filed on June 25th, how were you informed of  
21 the disposition of your complaint?

22 A I was present at the meeting that was  
23 called the following day by Mr. Brandt, and I  
24 received a copy of that memo a few days later.

25 Q Could you describe how the meeting was

3-7 1 conducted?

2 A All the involved parties were present.  
3 Everyone presented his side.

4 I think Mr. Brandt concluded the meeting  
5 with a brief discussion with the superintendent,  
6 Mr. Haley.

7 Mr. Haley acknowledged that he would  
8 not allow any harassment in his department, and if  
9 there were any examples or if anybody got out of line,  
10 that they should come to him.

11 Q Was that a satisfactory disposition?

12 A Yes, sir, it was.

13 Q Subsequently, were there similar  
14 problems or did they stop?

15 A No, they continued.

16 Q What made you -- Did you file  
17 subsequent complaints?

18 A No, sir, I didn't.

19 Q Did you speak to Mr. Brandt?

20 A No, sir, I didn't.

21 Q You told me you thought Mr. Brandt was  
22 pretty fair. Why was it you didn't speak to Mr. Brandt?

23 A Well, I said he acted fair. That  
24 doesn't necessarily mean that he is being sincere about  
25 his actions.

3-8 1 So there was some doubt in my mind about  
2 his sincerity and about his actions.

3 He's got a good response to my memo and  
4 he was probably aware that someday that memo might be  
5 viewed by the Atomic Safety & Licensing Board, and it  
6 was to his benefit to put an acceptable response there.

7 Q Your concern is that they said they  
8 took an action, but the result didn't occur. Correct  
9 me if that's -- if you want to qualify that in any  
10 way.

11 A They took an action --

12 Q You said that they took an action to  
13 stop craft from behaving that way, but they really  
14 didn't follow up on it, did they?

15 A Well, I don't know if they took any  
16 action. I wouldn't have any knowledge if he went to  
17 his foremen and spoke to them directly and reprimanded  
18 them.

19 All I know is the discussion at that  
20 particular meeting.

21 Q It looked to you, didn't it, like he had  
22 told Mr. Haley that he shouldn't allow that any more;  
23 is that right?

24 A Yes, sir, that's what he said.

25 Q But I guess, what, the problem in your



3-9

1 mind was that it kept happening?

2 A Yes, sir.

3 Q And no action was taken?

4 A That's true.

5 Q Aside from these instances of craft  
6 supervisors causing problems, were there any problems  
7 that you had with the nature of the inspections that  
8 you were asked to conduct?

9 A In accordance with the site procedures?

10 Q Right. Did you find that the procedures  
11 were appropriate for the kind of inspections that you  
12 were being asked to do?

13 A I felt they were inadequate and often  
14 wrong.

15 Q Okay. In what way did you find them  
16 inadequate?

17 MR. WATKINS: Your Honor, does this  
18 question relate to harassment and intimidation? We  
19 suggest it's a technical issue that's not relevant to  
20 this phase of the proceedings.

21 JUDGE BLOCH: It depends.

22 BY JUDGE BLOCH:

23 Q Did this inadequacy relate in any way  
24 to whether or not you would report unsatisfactory  
25 conditions?

3-10

1           A           Well, yes, sir. There were many  
2 conflicts with procedures and inspection reports  
3 themselves.

4                        So often, very often, it was difficult  
5 to know exactly what -- whether or not the item was  
6 rejectable or acceptable.

7                        There were conflicts in the procedures  
8 and the reports. There were conflicts with the  
9 coating specification itself.

10                      So in this light, this had nothing  
11 really to do with the procedure being inadequate in  
12 a technical sense.

13                      They were inadequate, also, in the sense  
14 that they were poorly written.

15           Q           You felt that the guidance you received  
16 was not adequate?

17           A           Yes, sir.

18           Q           Were there discrepancies between the  
19 inspection reports and the procedures?

20           A           Yes, sir.

21           Q           Could you tell me some of those  
22 discrepancies?

23                      MR. WATKINS: Again, Your Honor, we  
24 will object. This seems to be purely a technical  
25 matter.

3-11 1 (Bench conference.)

2 JUDGE BLOCH: I don't want to form a  
3 final judgment, but I see a possible relevance between  
4 possible inconsistencies in procedures and forms and  
5 the belief by an inspector that this was an effort to  
6 make conscientious reports of deficiencies.

7 I think that might affect whether or  
8 not they would report deficiencies when they were  
9 harassed.

10 We are looking for the result of  
11 possible harassment.

12 MR. WATKINS: Is the theory that  
13 procedures were used to harass inspectors?

14 JUDGE BLOCH: No. It's that if there  
15 were areas of uncertainty in the procedures, these  
16 were areas where there might be difficulty on whether  
17 or not to take a stand and report something.

18 If the procedures were different from  
19 the forms that were being used, it might look like  
20 they didn't want to really enforce the procedures  
21 rigorously with the forms, and that might undercut  
22 the incentive to report things.

23 MR. WATKINS: Again, Your Honor, that  
24 seems to be purely a technical matter, and we would  
25 object on that basis.

3-12

1 JUDGE BLOCH: I see a relationship to  
2 the harassment issue.

3 BY JUDGE BLOCH:

4 Q Mr. Allen, what was the nature of these  
5 discrepancies between the forms you were using and  
6 the procedures?

7 A It would be a lot easier if I had a copy  
8 of the inspection report and the procedure, but to  
9 tell you briefly --

10 Q One second. Let's see if we can  
11 produce that.

12 JUDGE BLOCH: Do we have an inspection  
13 report that was in use at roughly the time period that  
14 Mr. Allen was doing his inspections?

15 (No response.)

16 JUDGE BLOCH: I see no one stepping  
17 forward with such a report.

18 MR. ROISMAN: Mr. Chairman, I have not  
19 studied this and the witness would know better than  
20 I would.

21 I see documents entitled "Inspection  
22 Report" that are attached to the witness' deposition.  
23 I'm trying to get to the front.

24 THE WITNESS: Some of those would be good  
25 examples.

3-13

1 MR. ROISMAN: The witness has --

2 JUDGE BLOCH: Why don't you describe  
3 what you are showing to the witness so that the record  
4 will reflect that.

5 MR. ROISMAN: I am trying to get to the  
6 beginning so I can give you what the number was in the  
7 deposition.

8 MR. WATKINS: I believe you will find  
9 they are attachments to Exhibit 10 to the discovery  
10 deposition.

11 MR. ROISMAN: Thank you, Mr. Watkins.

12 I am just going to show him the first  
13 page of the ones that are -- that start, at the top  
14 of the page it says, "Comanche Peak Steam Electric  
15 Station Inspection Report. Item Description:  
16 Protective Coatings," and Cory Allen's signature is  
17 on it.

18 It is dated 10-19-83. His signature is  
19 dated 10-19-83.

20 There must be 20 pages of similar  
21 reports.

22 JUDGE BLOCH: We are only looking at  
23 it right now for what the IR checklist looked like.

24 (Witness peruses documents.)

25 MR. WATKINS: I'd like the record to

3-14  
1 reflect that the witness is not looking just at the  
2 inspection report shown him by Mr. Roisman, but is  
3 flipping through the exhibit package.

4 THE WITNESS: That's untrue. That's  
5 the inspection report.

6 BY JUDGE BLOCH:

7 Q What were you just looking at?

8 A They are all inspection reports. There's  
9 like about 20 of them.

10 Q Okay. Do you need to look at more than  
11 just the first one of them?

12 A Yes, sir. I'm looking for some notes  
13 on one of my reports.

14 Q Okay, and when you find it, indicate  
15 which report it is that you are centering on.

16 A I will do so.

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1 THE WITNESS: (Continuing) One of the  
2 conflicts with the procedure is Item No., I believe it's  
3 Item No. 3 on the Inspection Report for QI-QP 11.4-5,  
4 and it says: "Perform visual inspection of prime  
5 surface per Paragraph 3.1.1 --

6 JUDGE BLOCH: Okay. Just one second.  
7 I just want to urge you that when you are reading some-  
8 thing it's particularly difficult to remain speaking  
9 into the mike and speaking slowly. It's especially hard  
10 for us to hear you.

11 THE WITNESS: Okay. I understand.

12 It's Attribute No. 3 and it says:  
13 "Perform visual inspection of prime surface per  
14 Paragraph 3.1.1(d)." And if my memory is correct, that  
15 paragraph deals with determining that the surface has  
16 been vacuumed or brushed or wiped with -- I'm sorry.  
17 Either vacuumed, or (pause) wiped with something, I  
18 forget what, but this never occurred. Surfaces were  
19 never vacuumed at the jobsite, so that should have  
20 always been either un-sat or NA.

21 BY JUDGE BLOCH:

22 Q Okay. But in that form there is a place  
23 where you would have been able to check on sat on that  
24 item?

25 A Yes, sir.

14/2

1 Q Okay. So that's a problem with the way  
2 the procedures were implemented. Right now I wasn't  
3 really asking about that. I'm asking whether the form  
4 itself is inadequate.

5 A (Pause.) No, I don't think I could give  
6 you that answer at this moment.

7 Q Okay. Now on the one item you talked  
8 about, the 3.1.1(d) were you ever told that you should  
9 not indicate un-sat on that particular item?

10 A No, sir, but that was the -- that was how  
11 it was done by all of the inspectors, by sating it out.

12 Q Did you ever see an example where either  
13 you or someone else un-sated that item?

14 A No, sir. About the only example was that  
15 I personally would write a note that explained what  
16 was the surface preparation, that it was a conflict with  
17 the procedure and it was actually being brushed with a  
18 cloth rather than being vacuumed.

19 Q So you would sometimes check sat but have  
20 a note on it?

21 A Yes, sir. That's true.

22 Q Were there other examples on the form of  
23 things that you thought it was understood you would  
24 routinely overlook?

25 A Yes, sir.



4/3

1 Q And what are examples of those things?

2 A I believe one might be number two, also,  
3 where it says, "Verify primer shear per Paragraph 3.1.1  
4 (c)." I don't think there was a conflict there. It was  
5 a matter of noting it was a nipple test versus a time  
6 temperature matrix shear chart.

7 Q Well, what did the procedure say you were  
8 to do on that item?

9 A Either one.

10 Q Well, then there's no problem, is there?

11 A That is correct.

12 Q You mentioned that as a problem when you  
13 raised it. What was there on your mind that was  
14 concerning you?

15 A The only problem was is that I wanted to  
16 indicate that it was a nipple test versus the time/  
17 temperature chart, because there are many that feel the  
18 nipple test was not an adequate or acceptable method to  
19 determine the curing of inorganic zinc.

20 Q The curing of what?

21 A The primer inorganic zinc.

22 Q Okay. And that one you really are being  
23 a judge of the adequacy of the procedure for technical  
24 reasons; is that right?

25 A That's true.

4/4  
1 Q And do you feel that you have enough of  
2 a background to make that kind of judgment that the  
3 engineers in the plant were wrong in designing that  
4 procedure?

5 A No, sir.

6 Q Okay. So let's go on to something else  
7 where the practice at the plant was different from what  
8 you checked off.

9 A Okay. Well, I suppose I have no examples  
10 for the Inspection Report.

11 Q On the question you had about the  
12 adequacy of that nickel test --

13 A Yes, sir.

14 Q -- did you ever speak to someone about  
15 that?

16 A I'm sure I did. It was a very  
17 controversial issue. Everyone is aware that has been  
18 aware of it. It was brought up in many different  
19 meetings, and it's unnecessary for Cory Allen to bring  
20 it to anybody's attention.

21 Q Okay. The only thing I want to ask is  
22 whether you ever had anyone explain something about that,  
23 that that other person thought was an explanation of  
24 why the nickel test was adequate.

25 A There is one meeting that we had one of

1 the Ebasco coating consultants, Tom Kelly, gave us a  
2 demonstration of a nickel test.

3 Q And do you think he thought that he was  
4 explaining to you why the nickel test was adequate?

5 A Uh --

6 Q Was that his purpose in explaining that?

7 A Yes, sir, but I don't think he really,  
8 himself, understood the Comanche Peak way of performing  
9 the nickel test, because he showed us something exactly  
10 opposite.

11 Q Do you know about when this meeting took  
12 place?

13 A This was the same meeting which --

14 Q The Dunham meeting.

15 A The Bill Dunham incident, yes, sir.

16 Q Did anyone at the meeting attempt to  
17 explain to Mr. Kelly that you didn't do the test that  
18 way at the plant?

19 A They may have. That was at the very end  
20 of the meeting, and a few people gathered around him,  
21 and most everyone walked out, so --

22 Q So there wasn't an informal opportunity  
23 at the end of the meeting to get that kind of  
24 clarification.

25 MR. WATKINS: I believe he just stated

4/6  
1 that there was.

2 JUDGE BLOCH: I was just getting him to  
3 verify that that's what he said, that's all.

4 THE WITNESS: Yes, sir, there was.

5 (Bench conference.)

6 BY JUDGE GROSSMAN:

7 Q Do you recall, Mr. Allen, whether any  
8 of the craft foremen who disagreed with your unwilling-  
9 ness to pass a particular item of work ever threatened  
10 to go over your head if you didn't pass the work?

11 A (Pause.) I can't remember of any  
12 examples where that occurred, of a threat to go over  
13 my head such as to my supervisor, but it did occur  
14 often.

15 Q Did you on those cases get feedback from  
16 your supervisor?

17 A Yes, sir. Feedback in the sense him  
18 wanting to know exactly what the rejectful item was  
19 about, and for what reasons it was rejected.

20 Q I take it from your answers that your  
21 supervisor knew about the incident independently of  
22 you.

23 A That's correct.

24 Q Was your supervisor also responsible for  
25 giving you performance ratings on the job?

4/7  
1 A. (Pause.) Yes, sir.

2 Q. Was there any concern in your mind that  
3 if there were a large number of instances in which a  
4 craft person went to your supervisor with complaints  
5 about your un-sating the work that there might be  
6 repercussions with regard to your performance rating?

7 A. Yes, sir, that's true.

8 I need to clarify the last response.  
9 The person, the supervisor that was Harry Williams, who  
10 kept coming back to me asking about my inspections, he  
11 was not necessarily an administrative type of supervisor.  
12 I don't think he was in a position to actually give me  
13 a rating, but, although I think he could influence it  
14 to a great degree.

15 I think Tom Brandt is the only one  
16 who could actually give me any kind of personnel rating.

17 Q. I see. But there was concern that he  
18 might tell Tom Brandt something that would reflect  
19 adversely on you.

20 A. Yes, sir.

21 (Bench conference.)

22 Q. I notice in one of your memoranda to  
23 Tom Brandt, dated 6/25/1983 that you seem to be somewhat  
24 defensive about being accused of writing an NCR. Do  
25 you recall that memorandum? I believe you have it in

4/8

1 front of you. But you appear to be explaining that  
2 you weren't actually writing an NCR.

3 MR. WATKINS: To what are you referring,  
4 Your Honor?

5 JUDGE BLOCH: Page 2, "Writing a NCR never  
6 entered my mind until Harry L. Williams questioned me  
7 about it."

8 BY MR. GROSSMAN:

9 Q Do you recall that memorandum?

10 A Yes, sir, I have it in front of me.

11 Q Was it your opinion at the time that you  
12 wrote that memorandum that there was something wrong  
13 about writing an NCR?

14 A Yes, sir. That received resistance, so  
15 to speak, every time an NCR was written and .... I  
16 guess the answer is yes. I felt like I was doing some-  
17 thing wrong by writing an NCR.

18 (Bench conference )

19 Q Was it your understanding that at the  
20 time the company had instituted a policy in which it was  
21 appropriate only to write IRs rather than NCRs in an  
22 instance of unsatisfactory work?

23 A Could you restate the question?

24 Q I must have a faulty basis, or you would  
25 understand the question.

4/9

1 JUDGE BLOCH: Did the procedures insist  
2 that you use un-sat IRs and not NCRs?

3 THE WITNESS: Yes, sir.

4 BY JUDGE BLOCH:

5 Q Were there any exceptions to that  
6 procedure?

7 A Only if there was a loss of adhesion  
8 for coating would you then write an NCR.

9 (Bench conference.)

10 BY JUDGE GROSSMAN:

11 Q Did you and your fellow inspectors  
12 accept that company policy of requiring IRs rather than  
13 NCRs or was there any kind of reservation in your mind?

14 MR. WATKINS: I will object to the  
15 question to the extent it involves inspectors other  
16 than Mr. Allen.

17 JUDGE GROSSMAN: That's fine.

18 BY JUDGE GROSSMAN:

19 Q Referring only to yourself, then, was  
20 there any reservation in your mind as to the propriety  
21 of using IRs rather than NCRs?

22 A I believe I've already said certain  
23 reservations and reluctance to use that. I think there  
24 are many examples where an inspection report in lieu of  
25 an NCR is adequate, and the unsatisfactory coating can

1 be identified, and repaired as needed to be adequate,  
2 but there are exceptions to this policy, more than just  
3 a loss of adhesion. So there is reservations of  
4 reluctance in my mind concerning using only an inspection  
5 report to report non-conformances.

6 BY MR. BLOCH:

7 Q Do you know of examples where unsatisfactory  
8 IRs were changed to satisfactory without proper re-  
9 inspection?

10 A (Pause.) No, sir. I don't know of any  
11 of mine, offhand. I wouldn't know of others.

12 Q Do you know of instances where unsatis-  
13 factory IRs were accepted as is?

14 A No, sir.

15 (Bench conference.)

16 Q Was there any reason that the NCR was a  
17 better record, in your mind, than the unsatisfactory  
18 IR?

19 A A better record or better document, or  
20 for --

21 Q Either way. Was there something that  
22 writing the NCR would do for the safety of the plant,  
23 or for good procedures that using the IR wouldn't do?

24 A Well, the NCR requires an engineering  
25 evaluation for the disposition, and requires a better,



4/11

1 an engineering disposition, and it seems to me it's  
2 possible an inspection report that has been un-sated.  
3 it is possible for another inspector to come follow  
4 behind him and accept it or sat it out.

5 Q It's possible, but do you know of that  
6 ever happening?

7 A No, sir, I don't know, and it's not very  
8 likely that I would know, except for my own reports.

9 Q Well, did you ever notice that one of the  
10 reports that you marked "un-sat" was corrected to sat,  
11 without the work being done?

12 A No, sir, I don't know that. I never did  
13 do any kind of research or follow-up behind my reports.  
14 That's why I really wouldn't know. The system just  
15 really does not allow that.

16 Q Were the un-sat reports kept in the  
17 document system, or were they kept somewhere where other  
18 people had access to them?

19 A Yes, sir, they were kept in a file  
20 cabinet isolated from others so that closed out -- so  
21 that you could come back and close out the un-sat  
22 report by the inspector that was performing the next  
23 inspection on that area.

24 Q If you saw some unsatisfactory coatings  
25 work that was not in an area you were assigned to did

4/12

1 you feel you had a responsibility for reporting that  
2 unsatisfactory condition?

3 A No, sir.

4 Q Did anyone ever tell you that any time  
5 you found an unsatisfactory condition in the plant you  
6 were supposed to report it?

7 A No, sir. I sure don't recall that. In  
8 fact, it's more or less exact opposite. The philosophy  
9 being that if you found unsatisfactory coatings that it  
10 will be picked up at a later date, so just leave it and  
11 go on your merry way, so to speak, just ignore it.

12 Q When you found unsatisfactory conditions,  
13 was the area of the plant marked in any way to indicate  
14 that an un-sat condition had been found on that area of  
15 the plant?

16 A No, sir. I mean as a backfit inspector  
17 I found lots of un-sat coatings, but it wasn't in my  
18 inspection criteria to isolate that or to identify it  
19 on my report, so you more or less just ignored.

20 Q Let's differentiate between the backfit  
21 program and an in-process program.

22 A It more or less applies to both, but you  
23 would see more examples of it with the backfit.

24 Q But in the in-process program if you knew  
25 there were coatings that were being worked on, if you

4/13

1 saw deficient areas that were being worked on, but  
2 they weren't assigned to you would you have any  
3 responsibility for reporting those?

4 A No, sir.

5 Q Did you ever try to do that?

6 A No, sir.

7 Q If you wanted to would you have been able  
8 to obtain some kind of form to do it on?

9 A (Pause.) I don't think so.

10 Q And in the in-process program were there  
11 any tags or marks of any kind put on the work to indicate  
12 where the unsatisfactory areas were?

13 A Yes, sir. There was a red reject tag.

14 Q And that was put any time that there was  
15 a non-satisfactory condition?

16 A Yes, sir.

17 Q Did you put it right on the area that was  
18 unsatisfactory?

19 A In the vicinity, close vicinity, but  
20 sometimes the tag would have to be removed in order for  
21 the crafts to repair that area.

22 Q Is there any reason for us to believe  
23 that that marking system is any different from the  
24 safety of the plant to a hold-tag system that might  
25 exist on an NCR?

4/14 1 A Well, a hold tag usually means it's on  
2 hold and you have to wait for the disposition. The  
3 reject tag you can just pick up, anybody can walk by  
4 and pick it up and throw it away.

5 Q I don't understand that. If someone  
6 threw it away without correcting the work, wouldn't that  
7 be a violation of procedures?

8 A A violation of procedures that there's  
9 not a hold tag there?

10 Q No, that there's no -- well, you didn't  
11 call it a hold tag, but there is a sticker that belongs  
12 there; right?

13 A Yes, sir.

14 Q And if you took that off without repairing  
15 it, that would be a violation of procedures, wouldn't  
16 it?

17 A No, sir.

18 Q It would not be a violation of procedures  
19 to take one of those tags off without repairing it?

20 A (Pause.) I don't think so. The only  
21 thing in the procedures stated that red reject tag will  
22 be applied for unsatisfactory coatings, and that's it.

23 Q So you think if you went along and you  
24 started ripping off reject tags that that would have  
25 been okay?



4/16

1 NCRs, and that was the assumption in your question.

2 BY JUDGE GROSSMAN:

3 Q Were the inspectors generally notified  
4 that engineering had dispositioned the NCR?

5 A No, sir.

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BY JUDGE BLOCH:

Q Mr. Allen, did you consider yourself an especially conscientious inspector?

A I consider myself an average inspector.

Q Were you ever present when any member of management made a special point of acknowledging especially good work by some paint inspector, coatings inspector?

A Could you repeat that?

Q Was there ever a time that one of the supervisors or managers of the plant made a point of pulling someone aside who was a coatings inspector and letting other people know that they really appreciated their conscientious work?

A I sure don't remember that, no, sir.

Q Is that because of a faulty memory?

A No, it's other reasons.

Q Well, do you think you would have remembered it if that had happened?

A I sure would have.

MR. WATKINS: I believe he's testified that he was average.

JUDGE BLOCH: No, but I asked if he saw anyone else being acknowledged.

BY JUDGE BLOCH:

15-2

1 Q Were you ever present at a meeting in  
2 which a whole group of QC inspectors were complimented  
3 because of the work they'd done?

4 A I think you're probably referring to a  
5 meeting between the crafts, management and the QC inspectors  
6 and it was the goal enhancement -- I think the project  
7 manager of Comanche Peak, the construction project manager  
8 and the QC inspectors and their supervision.

9 Q And about when did that meeting take place?

10 A Perhaps in the month of October or November  
11 of 1983.

12 Q And what was your impression of the meeting?  
13 What happened?

14 A Well, it was a surprise, I didn't exactly  
15 understand what was the purpose of the meeting except that  
16 I think they were trying to indicate that a new revision  
17 was going to be coming out, a new QC procedure would be  
18 coming out and that a lot of changes were going to be made,  
19 made to make our work a lot easier, make their work a lot  
20 easier and to prevent, or at least to negate a lot of  
21 unsatisfactory inspection reports and to promote the  
22 production of coatings at the plant.

23 Q And you said that at that meeting they were  
24 very complimentary to the QC people?

25 A Yes, sir.



15-3

1 Q Did they say why they were complimentary,  
2 what it was that had been done that was good?

3 A I believe they said they were  
4 they were being complimentary because of the cooperation  
5 between the QC and the paint department.

6 Q Not because QC was rigorously applying  
7 the procedures for coatings?

8 A I don't -- no, sir, I don't recall that.

9 Q So your belief is that you were complimented  
10 for the cooperation between craft and QC and not because  
11 of conscientiousness?

12 A Well, that's what was said. I don't believe  
13 either is true.

14 Q Could you explain?

15 A Well, I don't think they'd be complimenting  
16 us for being conscientious or being overly cooperating.  
17 I really don't know the motivation for the meeting at all,  
18 except it appeared to me that they were trying to indicate  
19 to us that new procedures were coming out and trying to  
20 more or less start on a new path of cooperation between  
21 the crafts and the QC inspectors.

22 Q Well, did that indicate that there was  
23 some lack of cooperation in the past?

24 A Yes, sir.

25 Q But you also thought they were complimenting

15-4

1 you for your previous cooperation?

2 A. No, I'm not saying I thought, that's --

3 Q. That's what they said?

4 A. That's what they said.

5 Q. And what does cooperation mean to you  
6 between QC and craft?

7 A. More or less just working together to a  
8 final end and understanding of each other's roles in the  
9 work involved, it's more or less a teamwork effort.

10 Q. Why would you have to understand their role  
11 to do your job right?

12 A. Well, not so much to do my job right. I'm  
13 not really referring to the inspection, but more or less  
14 understanding their problems that they incur out in the  
15 field and to be patient with those problems which they have.

16 Examples are equipment breakdowns, me co-  
17 operating and being patient and enduring a three-hour wait  
18 for them to have their equipment ready, and understand the  
19 pressure that's on them.

20 Q. Were there instances where QC inspectors  
21 were impatient about delays that the craft had?

22 A. Well, naturally we were impatient because  
23 we were very greatly understaffed and that we were all  
24 speeding through our inspections, and it got to the point  
25 that when a certain piece of equipment failed that we would

15-5

1 have to terminate the inspection and return and pick up --  
2 to the call box and log out another inspection and then  
3 perhaps come back to that area later in the day.

4 But as far as being impatient, more or less  
5 being -- using your judgment and trying to utilize your  
6 time correctly.

7 Q It doesn't sound like that much of a problem  
8 to go back when there's a delay on the project, to go back  
9 and get another assignment. Was that really a problem?

10 A No, sir, there were always plenty of  
11 assignments waiting for us. But it's a problem for them  
12 in the sense that it's very unlikely that they would get  
13 another inspector that day.

14 Q Did you ever have anyone speak to you and  
15 say you weren't doing enough inspections?

16 A No, sir.

17 Q How did you form the impression that you  
18 had to do things very quickly?

19 A Well, it's more or less fairness to your  
20 fellow inspectors, if you have four inspectors trying to  
21 cover 25 inspections, you more or less assume that you have  
22 to do your fair share of them. Otherwise, another inspector  
23 is going to be overloaded or he will have to do a greater  
24 amount, and that was one of our problems, that we weren't  
25 covering all of the inspections. And I think we received.

1 a lot of criticism from our management in that regard,  
2 that we weren't covering the craft as well as we should  
3 have.

4 Q And were you present at any of those  
5 meetings where the criticism was dished out?

6 A Yes, sir, I believe I was present a few  
7 times that it was mentioned by Harry Williams.

8 Q Could you describe how Harry Williams told  
9 you about this problem, what it was he said?

10 A I don't recall the exact words or occasion.  
11 I just know it did occur.

12 Q Did he ever tell the group of inspectors  
13 that they either had a target number of inspections or a  
14 quota?

15 A No, sir, not a target or a quota, just to  
16 cover all the inspections that were logged in for each day.

17 Q The problem, therefore, was keeping up with  
18 craft, is that the idea?

19 A Yes, sir.

20 Q Have you ever discussed the substance of  
21 your testimony with me or any other member of this Board?

22 A No, sir.

23 BOARD EXAMINATION

24 BY JUDGE GROSSMAN:

25 Q That meeting in which you understood

15-7

1 there were going to be new requirements, new procedures,  
2 was it your understanding that these new procedures would  
3 be in the direction of loosening the requirements so as to  
4 lessen the need for UNSAT's?

5 A. It would be loosening the requirements and  
6 lessening the amount of UNSAT reports generated.

7 Q. Now, you gave an answer a while back on  
8 the fact that you were just an average employee rather  
9 than exceptionally conscientious.

10 Was it your feeling that it was healthier  
11 as a QC inspector to be average rather than  
12 exceptionally conscientious?

13 A. It was healthier to be far less than average.

14 BY JUDGE BLOCH:

15 Q. What happened on the job that led you to  
16 believe that?

17 A. Well, that's hard for me to answer that  
18 question because I think I'd probably be unfair to a few  
19 other people, but it was just my observation that the  
20 various inspectors that were not being as thorough as they  
21 should be were the ones that were always in a good light,  
22 that were being promoted and that were always friends or  
23 close to either lead inspectors or supervisors, and the  
24 ones that were being thorough were always pointed out and  
25 criticized.

15-8

1 Q But in the course of your job you didn't  
2 get a lot of time to see how thoroughly other people were  
3 doing their work, did you?

4 A That's -- it's true to a certain extent.  
5 You do follow up on other inspections. For instance --  
6 well, you do follow up on other inspections and you might  
7 have some interface with other inspectors, but that is  
8 basically true.

9 Q If you were following up on another  
10 inspection, that is, someone else did one of the earlier  
11 attributes on the IR and you were doing a later one --

12 A Yes, sir.

13 Q -- and you saw a deficiency on the earlier  
14 attribute, what would you do?

15 A I would identify it, if I would pass on it  
16 for that inspection I would identify it and whatever  
17 action was required, UNSAT it out.

18 Q Okay. It's not clear to me what you're  
19 saying. The example I gave you was, let's say someone had  
20 previously done surface preparation and they checked it  
21 as SAT, and you saw something that made you think that the  
22 surface preparation had been inadequate, could that happen?

23 A Yes, sir.

24 Q And then what would you do? It was already  
25 marked SAT. What would you do now?

15-9

1 A I believe I would generally ignore it.

2 Q Did you ever have a direction that if you  
3 saw something on an IR that had been inadequate you were  
4 supposed to do something about it?

5 A No, sir, but I felt like if I had rejected  
6 something that had been SAT'd out, in other words, if it's  
7 been SAT'd out it is more or less the domain of the crafts,  
8 it's their property, they would not require or have  
9 another inspection. If I came back behind this inspector  
10 that SAT'd it out and found an unsatisfactory attribute,  
11 then I could get myself into a lot of trouble by doing that.

12 Q Okay. Now, was it from following up --  
13 I'm sorry, you were going to say something else?

14 A Well, just in the sense that it has been  
15 bought off and there would be no reason for me to be  
16 coming back behind that inspector.

17 Q Was it from these times that by your  
18 assignment you saw what others had done that you formed  
19 an impression of who was or was not a good paint inspector?

20 A Yes, sir. Yes, sir, it wouldn't be an  
21 immediate judgment. It would be probably over other  
22 inspections. I mean I wouldn't form an immediate impression  
23 of that inspector but --

24 Q But over a number of months, in looking at  
25 other people's initials on earlier lines you had some

15-10

1 impressions?

2 A Yes, sir.

3 Q And it was based on that that you felt it  
4 was healthier to be less than average in your conscientious-  
5 ness?

6 A Yes, sir.

7 Q I wasn't trying to put words in your mouth  
8 about that. Is there any qualification you'd like to place  
9 on that? Do you have other sources of information, too?

10 A Also in how they were filling out their  
11 inspection reports, that would also be another consideration.

12 Q Give an example of that. What kind of  
13 thing would they do that was wrong in filling --

14 A Oh, just --

15 Q Not a specific person, but the kind of  
16 inadequacy in filling out a form you're thinking of.

17 A Just the typical day-to-day stuff, like  
18 filling out drawings or making drawings or giving a --  
19 sometimes you have to go back to another inspector's report  
20 to determine exactly what was wrong, what the defective  
21 area, the affected attribute was, and looking at his  
22 inspection report you would feel like he had done not the  
23 greatest job and you would -- it was easy to form an  
24 opinion based on his inspection reports.

25 Q Did you ever have a supervisor come along



15-11

1 and look at something you'd inspected to see whether you'd  
2 done it right?

3 A. I don't think that ever occurred.

4 Q. Did anyone ever criticize you for marking  
5 something SAT when it should have been UNSAT?

6 A. I don't think that occurred either.

7 (Bench conference.)

8 JUDGE BLOCH: Thank you very much, Mr. Allen.  
9 We'll take a seven-minute break.

10 (A short recess was taken.)

11 CROSS-EXAMINATION

12 BY MR. ROISMAN:

13 Q. Mr. Allen, during your examination by the  
14 Board you discussed the policy that existed regarding the  
15 use of NCR's and the use of IR's in the paint coatings  
16 area. Do you remember that discussion?

17 A. Yes, sir.

18 Q. And I believe you said that there was a  
19 procedure that identified when you should use an UNSAT IR  
20 as opposed to when you should use an NCR. Do I remember  
21 that correctly?

22 A. Yes, sir.

23 Q. Do you remember when that procedure was  
24 written down and made available to you as a coatings  
25 inspector?

15-12

1           A           Only that it occurred in the summer of '83,  
2 I believe July, August, October.

3           Q           And was the policy that was embodied in  
4 the --

5                       JUDGE BLOCH: I'm sorry. Wait. I didn't  
6 understand that last answer. I heard a lot of months.

7                       THE WITNESS: Just July or August of '83.

8                       JUDGE BLOCH: Okay. You said December at  
9 first?

10                      THE WITNESS: No.

11                      MR. DOWNEY: The summer, I thought he said.

12                      JUDGE BLOCH: The summer.

13 BY MR. ROISMAN:

14           Q           And prior to the time that it was written  
15 down, had you any instructions, oral or otherwise, regarding  
16 what you should be doing in using IR's or NCR's with regard  
17 to coatings inspections?

18           A           I believe there was at least one meeting  
19 in which we received some sort of direction, I'm not sure  
20 who it was, I suppose it was Harry Williams, that we  
21 should be cutting down on the number of NCR's because --  
22 well, you know, that was -- I know there was the meeting  
23 with Mr. Tolson in which he informed us about -- that the  
24 use of the NCR was going to be eliminated from the  
25 procedure, and I think afterwards there was apparently

15-13

1 another meeting with all inspectors and I understand it  
2 was Tom Brandt that came in and talked to the QC inspectors  
3 about the change in the procedure.

4 Q Do you remember roughly when was the first  
5 time that you had a conversation with either Mr. Tolson or  
6 Mr. Brandt or Harry Williams in which you were given some  
7 instruction or information about the reduced use of NCR's?

8 A I believe it was about a month before the  
9 meeting with Mr. Tolson.

10 Q And when, roughly, was that?

11 A It's very vague in my mind.

12 Q Was it in 1983?

13 A Yes, sir, 1983.

14 Q Early part of the year?

15 A No, sir, it was in the summer of '83.

16 Q Sometime before the written procedures?

17 A Yes, sir.

18 Q And what was the procedure before the  
19 written procedures that were written in the summer of '83,  
20 what was the procedure on the use of NCR's and the IR's  
21 for paint coatings?

22 A The only thing we could work with would be  
23 the actual EBASCO QC procedure. I forget the number of  
24 that, but that would be the only way that we would have  
25 any guidance or direction on whether or not to use an IR

15-14

1 or an NCR. So it would have to be that --

2 Q And do you remember roughly what were the  
3 conditions under which you -- under that procedure could  
4 use an IR rather than an NCR?

5 A Well, it's not the greatest answer, but  
6 an NCR, we would primarily use an NCR when we had an  
7 indeterminate condition.

8 Q What kind of condition?

9 A Indeterminate.

10 Q Can you give me some examples, what would  
11 be an indeterminate condition?

12 A When it is not covered by a procedure, that  
13 is out of the procedure and the answer or the disposition  
14 or the resolution is unknown by an inspector, it's more or  
15 less just an open item that is not covered by a procedure.

16 Q Well, for instance, if you were doing an  
17 inspection and you found that the surface had not been  
18 prepared properly for painting, would that be -- under --  
19 looking at the EBASCO procedure, would that have been  
20 written up as an NCR or an IR?

21 A No, that would have been an IR.

22 JUDGE BLOCH: Excuse me. There's an  
23 objection. What's the objection?

24 MR. WATKINS: Just a point of clarification,  
25 when we're referring to an EBASCO procedure, could we have

15-15

1 the witness clarify whether that was a procedure in use  
2 at the time at Comanche Peak.

3 JUDGE BLOCH: I think that was what his  
4 testimony was, that the procedure prior to the change in  
5 NCR's and IR's was an EBASCO QC procedure.

6 Was that your testimony?

7 MR. WATKINS: Were the quality procedures  
8 in use at Comanche Peak EBASCO procedures?

9 THE WITNESS: Yes, sir, I believe they were.  
10 They were signed off by the EBASCO QC site supervisor, so  
11 they were under the jurisdiction of the Texas Utilities  
12 project but I assumed they were EBASCO procedures.

13 MR. WATKINS: Okay. I just wanted that  
14 clarification, Your Honor. Thank you.

15 Excuse me, Mr. Roisman.

16 BY MR. ROISMAN:

17 Q What about -- you testified about the  
18 nickel test --

19 JUDGE BLOCH: You had a question pending  
20 which was never answered.

21 MR. ROISMAN: I thought he told me that  
22 with regard to the surface preparation that that would be  
23 an IR. That would be written under the EBASCO procedure.

24 BY MR. ROISMAN:

25 Q Is that correct, Mr. Allen?

15-16

1 A. Yes, sir.

2 Q. Well, let me try it a different way. Are  
3 there some specific instances that you can think of now  
4 that under the procedures that existed before the summer  
5 of 1983 would have required the writing of an NCR which  
6 after the procedure in 1983 you were to use an IR instead?

7 A. Well, the obvious one would be if there's  
8 a conflict in the procedure; for example, a conflict  
9 between the specification and the procedure, you could  
10 write an NCR in that regard, which would be -- could not  
11 be done with an inspection report. I think that's an  
12 obvious example.

13 Q. But after the procedures were changed in 19 --

14 A. You could not do that.

15 Q. Then you had to write the IR on that?

16 A. I don't think you could do anything.

17 Q. Now, when you say the specification and  
18 the procedure were in conflict, you really have to help us  
19 along, at least me you do, I'm very ignorant about this,  
20 I never inspect my painting at home and it peels, so I'm  
21 very ignorant.

22 What is the specification? What do you  
23 mean by specification?

24 MR. WATKINS: Your Honor, we will object  
25 to this line of questioning as not relevant to harassment

15-17  
1 and intimidation. The specification --

2 JUDGE BLOCH: The witness has stated that  
3 there was a class of deficiency that he could no longer  
4 report at all, and I take it that that would be a dis-  
5 couragement to conscientiously reporting deficiencies.

6 BY MR. ROISMAN:

7 Q Mr. Allen, can you explain to me what is  
8 a specification?

9 A You have a certain hierarchy of documents;  
10 at the top you have a coating specification, and this is  
11 more or less prepared by engineering, and you have the  
12 quality procedure.

13 Under that you have the construction  
14 procedure, and we more or less worked to the coatings  
15 procedure, but all the lower documents, lower tier docu-  
16 ments must conform to the coating specification itself.

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6-1 1 BY MR. ROISMAN:

2 Q Okay. Can you give me an example where  
3 a coatings inspection procedure was not in conformity  
4 with or was in conflict with a specification?

5 A One example would be that in the  
6 coatings specification it was required for all power-  
7 tool cleaned surfaces, you must come back behind it  
8 with a needle gun to roughen the surface.

9 In our quality procedure, as well as  
10 the construction procedure, that was not required.

11 JUDGE BLOCH: Mr. Allen, what kind of  
12 gun did you say?

13 THE WITNESS: Needle gun.

14 BY MR. ROISMAN:

15 Q And what did that mean to you when you  
16 were doing an inspection where the needle gun had  
17 not been used?

18 What was your proper response to that  
19 if you were working on the surface preparation  
20 inspection?

21 A I'll give you a couple of answers, but  
22 as inspector, because it was not in the procedure  
23 itself, there was really nothing -- there was no  
24 violation of procedure. So I couldn't -- I wouldn't  
25 write a nonconformance anyway, but, also, I knew that



6-2 1 the surface probably wasn't receiving the proper  
2 profile and it was likely that there could be  
3 subsequent problems with the primer.

4 Q And it's your testimony that under the  
5 procedures that existed after the change in the  
6 summer of 1983, there was nothing that you could do  
7 in compliance with those procedures to report that  
8 condition if you found it?

9 A I don't think there was any format or  
10 procedure for me to report something such as that,  
11 a conflict between the procedures and the specifica-  
12 tion.

13 JUDGE BLOCH: I may have missed  
14 something. If the procedure called for the needle  
15 gun and the spec didn't --

16 THE WITNESS: No, it's the opposite.

17 JUDGE BLOCH: It's the opposite. The  
18 spec calls for the needle gun, but the procedure  
19 doesn't. Then you just say "sat," right?

20 THE WITNESS: Yes, sir.

21 BY MR. ROISMAN:

22 Q Can you think of any other examples  
23 where there in fact was a discrepancy between the  
24 specification on the one hand and the inspection  
25 procedure on the other?

6-3 1 A There was also in the specification, it  
2 required for repair areas wherever you are overlapping  
3 coatings, that you must overlap a minimum of two  
4 inches; whereas, the procedure said, I believe, a  
5 maximum of maybe one or two inches.

6 So they are more or less saying the  
7 exact opposite.

8 Q And what would that mean would happen if  
9 you were doing an inspection and found an overlap of  
10 only one-and-a-half inches?

11 A That would be satisfactory to the  
12 procedure.

13 Q And you just mark "sat" on that  
14 particular part of the inspection report?

15 A Yes.

16 JUDGE BLOCH: The answer was "yes"?

17 THE WITNESS: Yes, sir.

18 BY MR. ROISMAN:

19 Q Now, prior to the summer of 1983 time  
20 when the procedures were changed on the NCR and IR's,  
21 were you given direction to, in effect, implement the  
22 procedural change before your inspection procedures  
23 were formally changed?

24 A I can't answer the question. I just  
25 don't recall that. I don't remember.

6-4 1 JUDGE BLOCH: Off the record.

2 (Discussion off the record.)

3 JUDGE BLOCH: Please continue.

4 BY MR. ROISMAN:

5 Q Mr. Allen, do you remember an event  
6 involving the polar crane surface profile where you  
7 were doing an inspection during the time you were at  
8 Comanche Peak?

9 A Yes, sir.

10 Q Can you recount to the best of your  
11 recollection what that event was and what, if anything,  
12 was disturbing to you?

13 A I guess you are speaking of the incident  
14 when I had a Brown & Root paint foreman tell me  
15 repeatedly that I was wrong, that I didn't know how to  
16 use my profile measuring instrument.

17 He went and obtained his instrument and  
18 came back and attempted to show to me that I was  
19 wrong.

20 Q Yes, and --

21 A And in fact, he was using the instrument  
22 incorrectly. I told him the area was still rejected  
23 and left it at that.

24 Q Now, this was --

25 JUDGE BLOCH: Where was this area?

6-5 1 THE WITNESS: It was on the polar crane.

2 JUDGE BLOCH: But where, the rail  
3 itself? Where was it on the crane?

4 THE WITNESS: I believe it was on the  
5 carriage, the rolling carriage on the rail.

6 BY MR. ROISMAN:

7 Q What was the nature of the inspection  
8 that you were doing at that time? What were you  
9 inspecting for?

10 A I was inspecting the steel which had  
11 been prepared for primer application. I was looking  
12 for the profile depth.

13 Q I'm sorry, the profile what?

14 A Depth.

15 Q What does that mean, profile depth?

16 A Just how deep the pits are in the steel  
17 once it has been power tool cleaned.

18 Q And what was the condition --

19 JUDGE BLOCH: You said "power tool  
20 cleaned," right?

21 THE WITNESS: Right.

22 BY MR. ROISMAN:

23 Q And what would be the condition that  
24 would make it rejectable? Is it that the pits would  
25 be bigger or that they would be smaller?

6-6 1 A They would not be at the required depth,  
2 such as they were not the one mil depth. They were  
3 less than one mil, a thousandth of an inch deep.

4 Q So the condition that was supposed to  
5 exist would have been one in which there were larger  
6 depressions or holes, if you will, in the surface,  
7 as opposed to smaller ones?

8 A Yes, sir, that's correct.

9 Q And how would that affect the paint?

10 A If the profile was not deep enough, the  
11 coatings would not satisfactorily adhere to the  
12 surface.

13 Q And was there a device that you used  
14 by which you could measure the depths of these holes  
15 in the crane surface?

16 A Yes, sir. The instrument that we  
17 were using at that time was a dial depth gauge.

18 Q I'm sorry?

19 A A dial depth gauge or a --

20 JUDGE BLOCH: D-i-a-l?

21 THE WITNESS: Yes, sir, or a pit gauge.

22 BY MR. ROISMAN:

23 Q Was it clear in your judgment in the  
24 procedure what the depth of these holes had to be?

25 A Yes, sir.

6-7

1 Q And was it clear how many of them there  
2 had to be on the surface in order to have enough?

3 A No, sir.

4 Q What was the dispute that you and the  
5 foreman were having?

6 A Well, it wasn't a dispute of how many  
7 holes; it was the actual depth.

8 Q The depth of the holes?

9 A Yes, sir.

10 Q And is it possible for you to describe  
11 in words what the nature of the disagreement over  
12 how to use the gauge was?

13 A Well, simply that his problem was that  
14 he didn't know how to calibrate the instrument. In  
15 his mind, he thought he was correct.

16 Q And you explained to him that he was  
17 calibrating it incorrectly?

18 A I believe I did.

19 Q Did he eventually accept that  
20 interpretation?

21 A I don't know. I don't imagine he did.  
22 I'm not sure.

23 Q I mean at the moment of the event, did  
24 he accept it?

25 A I don't think so. I'm not sure if I

6-8 1 showed him exactly how to calibrate the instrument.

2 I asked him who taught him how to use it, and he told  
3 me, and that was it; but I don't think I actually  
4 showed him how to calibrate it.

5 Q Now, let me be clear. This was the  
6 foreman, not the painter?

7 A This was the foreman.

8 Q And what happened? You said that you  
9 went ahead and wrote up the condition?

10 A Yes, sir.

11 Q Was that on an IR or an NCR?

12 A That was an IR.

13 Q What happened after you did that? First  
14 of all, that moment, did he say anything more to  
15 you when you signed off on it?

16 A He just told me several times that I  
17 was wrong, and I don't really recall if there were  
18 any other consequences, such as a complaint from the  
19 supervisor. There may have been.

20 JUDGE BLOCH: It doesn't sound like he  
21 was yelling.

22 THE WITNESS: He was at first.

23 JUDGE BLOCH: And then he calmed down?

24 THE WITNESS: Yes, sir. When he  
25 brought his instrument back, he had calmed down.

6-9

1 BY MR. ROISMAN:

2 Q And when he was yelling, was he yelling  
3 about the problem or was he yelling uncomplimentary  
4 things?

5 A No, just that, "You are wrong."

6 Q Subsequent to that time, did he ever,  
7 to your knowledge, go and talk to your supervisor,  
8 Mr. Williams?

9 A I have no knowledge of that.

10 Q Was there ever a time when you had  
11 occasion to have to justify the IR unsat that you had  
12 written to anybody else that you can remember?

13 A The answer is yes. I believe I  
14 explained that to Tom Brandt.

15 Q At whose request?

16 A At his.

17 Q Do you remember how it happened that  
18 he asked you about it?

19 A No, sir. I really don't recall a lot.  
20 I just know I did wind up having to explain to  
21 Tom Brandt or a supervisor.

22 Q I'm sorry, Tom Brandt or....

23 A Or a supervisor.

24 JUDGE BLOCH: Do you remember how that  
25 went?



5-10 1 THE WITNESS: No, sir. Very little about  
2 that.

3 JUDGE BLOCH: How does this event  
4 compare in time to the June 25th complaint you filed,  
5 before or after?

6 THE WITNESS: That may have been one  
7 of the complaints that I was referring to in that  
8 memo.

9 (Pause in proceedings.)

10 BY MR. ROISMAN:

11 Q Do you remember an event in which you  
12 were involved in approving the top coat on some liner  
13 plate and a confrontation arose between you and a  
14 craft person?

15 A You will have to be more specific.

16 Q Okay.

17 MR. ROISMAN: Mr. Chairman, what I am  
18 doing is taking the witness over some portions of the  
19 deposition.

20 May I show him the page and ask if that  
21 can refresh his memory? I'm not quite sure what  
22 the relationship of the witness is to me.

23 I do not want to get into the problem  
24 of leading because I don't think it makes good  
25 evidence even if I were with an adverse witness.

6-11 1 JUDGE BLOCH: Were you just confusing  
2 his deposition with your findings?

3 MR. ROISMAN: Right. I'm sorry.

4 MR. WATKINS: I believe it was to our  
5 findings.

6 MR. ROISMAN: Yes, it was the Applicants'.

7 MR. WATKINS: We would be happy if he  
8 wants to cross-examine Mr. Allen on that basis.

9 MR. ROISMAN: Or if I thought he had  
10 personal knowledge of some of those things, I would  
11 love to do that.

12 (Laughter.)

13 MR. WATKINS: What page are you going to  
14 ask him to refer to?

15 MR. ROISMAN: I am going to ask the  
16 witness to read at Pages 194 through 196 of his  
17 deposition.

18 Mr. Chairman, since the witness has not,  
19 to the best of my knowledge, been counseled or  
20 anything by any lawyer, would the Board explain to  
21 the witness what it means to refresh your memory, and  
22 by going back to the deposition what that is doing so  
23 that he understands what is happening here and does  
24 not misunderstand the purpose of all of this; or I  
25 will be glad to do that if the Chair has no objection,

6-12 1 but I suspect someone will.

2 JUDGE BLOCH: The purpose of showing  
3 this passage is just to let you read it to see if  
4 you remember the incident that Mr. Roisman would like  
5 to talk about.

6 I don't know that there's anything  
7 else to explain, Mr. Roisman.

8 MR. WATKINS: Your Honor, I think we  
9 can draw his attention to it without his having to  
10 read the transcript.

11 JUDGE BLOCH: Okay. Would you like to  
12 point out the incident so that he will be able to  
13 refer to it?

14 MR. WATKINS: Does detergent on the  
15 liner plate, Mr. Allen, ring a bell?

16 THE WITNESS: Yes.

17 MR. ROISMAN: Well, as long as we are  
18 in such a cooperative mood, we also could just put in  
19 the pages of the deposition transcript.

20 JUDGE BLOCH: Would you like to do that,  
21 Mr. Watkins?

22 MR. WATKINS: Perhaps Counsel could read  
23 it first.

24 MR. ROISMAN: My co-Counsel has.

25 JUDGE BLOCH: He hasn't answered yet. He

1 can either answer yes or no, and then we will....

2 MR. ROISMAN: We've got a number of  
3 these that the witness discusses in the deposition and  
4 that explain his position.

5 When he answers Mr. Watkins' question,  
6 I'm very happy to --

7 JUDGE BLOCH: I guess it would be better  
8 for our understanding of what's going on, since we  
9 don't even have the deposition, to go ahead and ask  
10 your questions.

11 MR. ROISMAN: That's fine.

12 JUDGE GROSSMAN: Excuse me, Mr. Roisman.  
13 You were planning on reading the questions and  
14 answers here?

15 MR. ROISMAN: No. All I was going to  
16 do, I was going to do, I was just going to offer that  
17 and say, "Okay. I don't have any more questions for  
18 him because Mr. Watkins asked him the questions and  
19 he gave Mr. Watkins the answers."

20 JUDGE BLOCH: I think it would be helpful  
21 for us to hear it.

22 MR. ROISMAN: All right.

23 BY MR. ROISMAN:

24 Q Mr. Allen, now that Mr. Watkins has  
25 mentioned the detergent, does that remind you now of

5-14 1 the incident; and if so, would you please describe  
2 it to us?

3 A Yes, sir. I was signed up to perform  
4 a final inspection on some finish coat on the liner  
5 plate, and upon walking up to the area I discovered  
6 that there was a bucket of detergent sitting next to  
7 the liner plate and there were yellow spots on the  
8 liner plate.

9 I asked the journeyman painter exactly  
10 what were those yellow spots and he told me it was  
11 the detergent and pointed to it.

12 I said, "Okay, I'm going to have to  
13 reject this area. I believe you've got contaminants  
14 on the liner plate," and I also told him that -- well

15 JUDGE BLOCH: Also, what?

16 THE WITNESS: Well, I don't want to say  
17 that. Can I just strike that.

18 JUDGE BLOCH: Well, if it's important  
19 to knowing the whole truth, you need to say it.

20 THE WITNESS: Well, I was going to say  
21 something which I did not tell the painter.

22 JUDGE BLOCH: Okay, then, go on with  
23 the rest of the story.

24 THE WITNESS: And I put a reject tag on  
25 the liner plate. The foreman approached me and

6-15 1 disagreed very, very loudly with me.

2 I explained to him the problem and then  
3 went back to the office and wrote an NCR, because I  
4 felt the condition was more of an indeterminant  
5 condition rather than a violation of the procedure,  
6 or it couldn't be covered by an inspection report's  
7 attribute.

8 I wrote the NCR; gave it to my supervisor.  
9 It went to Mike Foote who was a quality engineer.

10 We had a meeting concerning it later.  
11 He explained to me that it did not violate the  
12 procedure, that I couldn't write an NCR on it, that  
13 I needed to change the NCR, which I did, to indicate --  
14 I can't remember exactly what the NCR reads, but  
15 it was changed and afterwards, I had to go to  
16 Tom Brandt to explain the NCR.

17 BY MR. ROISMAN:

18 Q Just a moment ago you said -- and I want  
19 to be sure. Did you say that you were told that you  
20 couldn't write the NCR or that you could? I didn't --

21 A I could not.

22 Q You could not, all right.

23 A For the reason that I originally  
24 specified on the NCR; he suggested another way to  
25 write it, which I did.

6-16 1 Q Do you remember what the first way was  
2 and what the second way was?

3 A Yes, sir. The first way dealt with  
4 chloride-containing detergent, which could cause  
5 stress corrosion, cracking of stainless steel being  
6 used in the building.

7 He told me that that was never a concern  
8 at Comanche Peak, that I should rewrite it to  
9 indicate that it was a cleaning material that was not  
10 allowed or specified in the coatings procedure.

11 Eventually, I wrote it concerning that  
12 it was being used as an insulating material to  
13 prevent or inhibit the use of a holiday detector over  
14 the liner plate.

15 JUDGE BLOCH: I don't understand what  
16 you just said. Could you explain that more?

17 THE WITNESS: Yes.

18 BY MR. ROISMAN:

19 Q I think we are both concerned about the  
20 last part of it, what all that meant.

21 A Part of my inspection on the liner plate  
22 would be to perform a holiday detection test. This  
23 is essentially a test which you use to locate  
24 pinholes in the coating, pinholes which go all the way  
25 to the steel substrate.

6-17 1 In my NCR I indicated that the detergent  
2 was being used to patch those pinholes in the coating  
3 so as to cover up the pinholes or to deceive the  
4 inspector so that that coating could be passed.

5 JUDGE BLOCH: And that was changed?

6 THE WITNESS: No, that wasn't changed.  
7 The previous reason, which dealt with stress corrosion  
8 cracking of the steel, stainless steel.

9 JUDGE BLOCH: Did the NCR clearly  
10 specify the nature of the substance that was on the  
11 paint?

12 THE WITNESS: Yes, sir.

13 BY MR. ROISMAN:

14 Q Did you agree with the change that was  
15 made in the NCR?

16 A I felt like it was within Mike Foote's --  
17 he was correct in what he said, although I felt like  
18 it still was a problem that should be identified, that  
19 it was a compound that did have a high percentage of  
20 chlorides, and I felt like it should be identified  
21 because it could cause eventual problems with cracking  
22 of the stainless steel.

23 It's a problem that should have been  
24 identified at that point.

25 Q Did he explain to you why he thought it



6-18

1 shouldn't be identified?

2 A Yes, sir, because the project policy  
3 probably says somewhere that you can only indicate or  
4 write up nonconformances which are nonconformances to  
5 procedures.

6 There was no procedure I could write  
7 this against.

8 Q I see, and no other kind of document  
9 which was available to you by which you could record  
10 that concern that you had about the use of this  
11 cleaner in the plant?

12 A I didn't know of any other document.

13 Q Did this take place before the procedure  
14 change in the summer of 1983?

15 A I believe it did.

16 JUDGE BLOCH: Could you tell me whether  
17 you know the conditions under which stress corrosion  
18 cracking might affect that liner?

19 THE WITNESS: Conditions?

20 JUDGE BLOCH: Well, if there is something  
21 in addition to the presence of the chloride?

22 THE WITNESS: Probably temperature and --  
23 elevated temperature and moisture and pressure.

24 JUDGE BLOCH: Were those things that you  
25 thought might occur at that place on the liner plate?

6-19

1 THE WITNESS: Yes, sir, especially if  
2 you are putting inside pinholes in the coating.

3 JUDGE JORDAN: This was stainless  
4 steel?

5 THE WITNESS: No, sir. This was over  
6 carbon steel, but I was trying to identify the fact  
7 that it was inside the building, and I had personally  
8 seen it wiped over stainless steel, as the detergent  
9 to clean stainless steel.

10 JUDGE BLOCH: Did the use of this  
11 detergent reflect adversely on the training of the  
12 painter who was using it?

13 THE WITNESS: I'm not sure I understand  
14 the question.

15 MR. ROISMAN: Let me try.

16 BY MR. ROISMAN:

17 Q Should the painter have known not to  
18 use that, if he had been properly trained, not to use  
19 that particular cleaner, in your judgment?

20 MR. WATKINS: I believe the witness has  
21 testified that there was no procedure that prohibited  
22 it, so how could a craftsman have been trained.

23 JUDGE BLOCH: Well, do you have any  
24 basis for believing that the painter should have known  
25 it was improper to use that cleaner?

6-20  
c @)

1 THE WITNESS: Well, there was only one  
2 or two different thinners or cleaners that were  
3 allowed to be applied over the finish coat. So in  
4 that sense, yes, he should know that it was not  
5 allowed to use that.

6 Also, I do have reason to believe that  
7 he knew he was doing something that was against  
8 procedure and that possibly he was attempting to  
9 deceive the inspector by covering up pinholes in the  
10 liner plate.

11 JUDGE BLOCH: Do you know of any other  
12 possible reason he could have been using the detergent  
13 other than deceiving the inspector?

14 THE WITNESS: Only that he was instructed  
15 to do that by his foreman.

16 JUDGE BLOCH: How about the foreman; is  
17 there any reason that the foreman would have instructed  
18 him to do that, other than a hope that he would  
19 deceive the inspector?

20 THE WITNESS: I can't think of any.

21 ///

22 ///

23

24

25

7/1

1 BY MR. ROISMAN:

2 Q I believe you testified that after the  
3 NCR was written you had occasion to speak to was it,  
4 did you say Mr. Brandt?

5 A Yes, sir.

6 Q And can you describe how did that occur  
7 and what transpired?

8 A Yes, sir. After I had written the NCR  
9 it was very late that day. I believe it was a Friday.  
10 Mr. Williams came in and asked me to go to a separate  
11 room in the back. He closed the door and said, "Cory,  
12 Mr. Brandt wishes you to not come in tomorrow and be in  
13 his office at 8:00 o'clock on Monday."

14 And I asked Mr. Williams, well, I was  
15 very much concerned, and I asked him, "Well, am I being  
16 fired?" And he said, "Well, I don't know."

17 And so I just told Harry, well, "I think  
18 I'm going to" -- you know, I said, "Harry, is he still  
19 in his office?" And Harry said, "I think so."

20 I said, "Well, I'm going to go talk to  
21 him right now. I want this resolved and see what the  
22 problem is."

23 So I walked over to Tom's office and we  
24 had a short conversation, and he initially or essentially  
25 told me that I was more or less allowing my intellect

7/2

1 to get out of hand, and I was --

2 JUDGE GROSSMAN: I'm sorry, your what  
3 to get out of hand?

4 THE WITNESS: Intellect, or expertise,  
5 or abilities, that I was "blue skying", that I was  
6 imagining these problems. And that I should more or  
7 less try to stick to problems that were identifiable  
8 by the procedures. He didn't actually say those words,  
9 but that was just the gist of the conversation.

10 BY MR. ROISMAN:

11 Q What did you understand he was referring  
12 to in terms of what you were reporting? Was he referring  
13 to the first NCR that you had written, or the one that  
14 you wrote after your discussions with Mr. Foote?

15 A The second one, concerning the insulating  
16 detergent over the pinholes.

17 MR. ROISMAN: Excuse me just one second.

18 BY MR. ROISMAN:

19 Q Now, did you have an exchange with Mr.  
20 Brandt, or did you just listen to these words?

21 A Mostly just listening to what he was  
22 saying.

23 Q And did you say anything to him after he  
24 finished?

25 A Well, I more or less agreed with him that

7/3

1 this example was not one, was not a typical NCR, and  
2 that it was not really a breach of the procedures.

3 Q I'm sorry, that which was not a breach  
4 of the procedures?

5 A This condition with the use of this  
6 detergent over the pin-holes.

7 Q And did you agree with him because you  
8 in fact did agree with him, or did you agree with him  
9 because you felt that you had to agree with him while  
10 you were there in his office?

11 A (Pause.) I agreed with him because I  
12 felt like I had to agree with him.

13 Q And --

14 JUDGE BLOCH: Counsel, I would have  
15 preferred that that question was: Why did you agree  
16 with him, but let's continue.

17 MR. ROISMAN: I thought that at least by  
18 giving him the options that --

19 JUDGE BLOCH: It was better than just  
20 leading.

21 MR. DOWNEY: Narrow range box.

22 MR. ROISMAN: I assume if he had been my  
23 witness we would have gone through this and he would  
24 have known those options.

25 BY MR. ROISMAN:

7/4

1 Q Mr. Allen, after you indicated that  
2 agreement with Mr. Brandt; did that end the meeting at  
3 that time?

4 A (Pause.) Yes, sir, I believe it did.

5 Q What did you feel as you left the meeting  
6 about your job and what you should do if you ran into  
7 non-conforming conditions in the future?

8 A Well, at that point in time I just, the  
9 situation seemed just very bizzare to me that Harry  
10 Williams took me into the back office, told me not to  
11 come in the next day, which I was scheduled to work.

12 I was very concerned. I felt like I was  
13 close to being fired, and it just seemed very bizarre  
14 to me, because this was like either the second or third  
15 NCR that had been written and each occasion I had to  
16 talk to Tom Brandt about it, which I didn't think was  
17 necessary. I thought -- well, I thought this NCR was  
18 typical and didn't require any counseling from the site  
19 supervisor.

20 But I felt like at that point that I  
21 needed to stay away from writing any NCRs which were,  
22 which had anything to do with any technical matters,  
23 that it was in my best interest just to, if I was going  
24 to write any just make sure they were just the typical  
25 day-to-day NCR.

7/5

1 Q And did you in the near future after that  
2 meeting have occasion to confront a situation in which  
3 you believed that an NCR should be written, but that you  
4 were reluctant to write it?

5 A Well, there were many occasions that  
6 were similar to this particular NCR that I felt should  
7 be identified, should be written, but I didn't do it.

8 Q Can you give me any examples?

9 A Well, I think right about this time that  
10 I knew about the problems with the cracking in concrete  
11 coatings that were re-bar errors, and another inspector  
12 had shown them to me and asked me my opinion about it  
13 and I urged him to go ahead and write the NCR, that I  
14 felt like it was a big concern.

15 And he did so. The NCR came back, and  
16 neither he or I were satisfied with the disposition.

17 I'm sure there's other examples.

18 Q I was thinking of an example where you  
19 saw a condition, and where but for that meeting with  
20 Mr. Brandt you would have written up an NCR and you did  
21 not as a result of what you perceived was the proper  
22 conduct after your meeting with Mr. Brandt.

23 A (Pause.) I don't recall any specific  
24 examples right now.

25 (Counsel conference.)



7/6 1 JUDGE BLOCH: Mr. Roisman, excuse me.

2 Are you just about through with this particular  
3 incident, because I have a couple of questions on it.

4 MR. ROISMAN: Just about, but not quite.  
5 I want to ask the witness if I say "cigarette filter"  
6 does that refresh your memory.

7 MR. WATKINS: Objection. The question  
8 was asked and answered.

9 JUDGE BLOCH: I think it's legitimate  
10 to prompt the witness, if it comes from his own  
11 deposition.

12 JUDGE GROSSMAN: It's right off the  
13 deposition.

14 JUDGE BLOCH: Does cigarette filter  
15 refresh your memory in any way?

16 MR. ROISMAN: I think Mr. Watkins just  
17 did the same thing with the subject we are now  
18 discussing.

19 MR. WATKINS: When did I do that?

20 MR. ROISMAN: You did it, I believe you  
21 talked about detergent.

22 MR. WATKINS: Well, that was because you  
23 wanted to show him the deposition.

24 MR. ROISMAN: Well, I'm real happy to do  
25 that. I thought we got a procedure here, admittedly an

7/7  
1 unwritten one, that we'd simply do that. I'd be happy  
2 to show them the deposition if the Chair wishes, but I  
3 believe the witness now --

4 JUDGE BLOCH: I think it's legitimate to  
5 ask whether that refreshes his memory.

6 MR. ROISMAN: Okay.

7 MR. WATKINS: I believe he already has  
8 asked, so it's academic.

9 BY MR. ROISMAN:

10 Q My narrow question at this moment is  
11 simply whether that refreshes your recollection as to  
12 whether there was an NCR situation that occurred  
13 subsequent to this meeting with Mr. Brandt in which you  
14 would have written an NCR, and after the meeting with  
15 Mr. Brandt you decided you would not write one. Is that  
16 such an incident?

17 A That's a good example.

18 MR. ROISMAN: All right. Mr. Chairman,  
19 do you want to ask the question now? I'm then going to  
20 ask him to describe that incident, but I could wait.

21 JUDGE BLOCH: Yes. This is related to  
22 the previous incident and it's only a couple of  
23 questions.

24 The incident about that NCR on the  
25 detergent related to Mr. Brandt, and yet you stated very

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1 positive things to me about Mr. Brandt. Is there any  
2 reason in your mind that what happened with the  
3 detergent didn't reflect on your opinion of Mr. Brandt  
4 as a supervisor?

5 THE WITNESS: (No response.)

6 (Bench Conference.)

7 MR. ROISMAN: Mr. Chairman, I didn't  
8 think what you had just characterized, fully characterized  
9 everything that he said.

10 JUDGE BLOCH: If I'm wrong about the  
11 impression I got from you about Mr. Brandt, you can  
12 correct that in answer to the question.

13 THE WITNESS: Well, I'm trying to be as  
14 accurate as possible concerning the conversation, but  
15 I think I may have mentioned that I wasn't really  
16 satisfied with his answer. I felt like it should have  
17 been identified. I felt like the problem with the  
18 chlorides on the stainless steel should have been  
19 identified.

20 And, also, that even though he assured  
21 me that there was no possibility of me being fired, it  
22 still put a scare into me at that point, the way that  
23 Harry Williams brought it up to me, and told me not to  
24 come in the following day.

25 JUDGE BLOCH: Okay. But I understood

7/9

1 your earlier testimony to be that you thought maybe  
2 Harry Williams automatically backed the craft and never  
3 backed you, but that Mr. Brandt was different; he seemed  
4 to be more objective.

5 THE WITNESS: Yes, sir.

6 JUDGE BLOCH: Is that generally true of  
7 Mr. Brandt?

8 THE WITNESS: Yes, sir. That's true.

9 JUDGE BLOCH: But then how do you square  
10 that impression that you have of Mr. Brandt with this  
11 incident about the detergent?

12 THE WITNESS: Well, obviously, he's  
13 telling me that in a very informal and friendly way  
14 he's telling me that you probably shouldn't have  
15 written this NCR. That you should be inspecting to  
16 your procedures, and I don't necessarily agree with  
17 that. But now that I know his policy, I know that  
18 I've done something wrong, and for any further examples  
19 I had better not do that.

20 JUDGE BLOCH: So you still perceived that  
21 as being fair and objective, if I understand you  
22 correctly.

23 THE WITNESS: Well, it all depends on  
24 what his policy, you know, the project policies are,  
25 and now that I understand that I intend to try to abide

7/10

1 by them.

2 JUDGE BLOCH: Okay. Mr. Roisman.

3 BY MR. ROISMAN:

4 Q I want you now to recount as best you  
5 can the cigarette filter incident.6 A Well, I had been told by one of the  
7 painters, journeymen painters, that they had a practice  
8 of putting cigarette filters or cigarette butts into  
9 the cheater valve --

10 JUDGE BLOCH: Into a cheater valve?

11 THE WITNESS: Yes, sir, cheater valve.

12 A -- of a spray gun in order to absorb any  
13 water or oil going through the air lines so as when an  
14 inspector performs an air acceptability test that he  
15 will not receive any indication of oil or water on the  
16 blotter which he is checking.17 In other words, it will pass the  
18 test. Afterwards, he told me that the cigarette filter  
19 was pulled out because it becomes so saturated the gun  
20 will not work.21 So, I was aware of this and maybe  
22 about a week or so later I was performing an inspection.  
23 I performed the air acceptability test. I stayed around  
24 and was watching the painters and they started trying  
25 to spray paint through the gun and it became very

7/11

1 clogged and would not operate.

2                   And at that point they went to get  
3 another gun. The foreman took me aside and said, "You  
4 know something's going on, don't you, Cory?" I said,  
5 "I believe I do." And he said, "Well, this is the only  
6 way we can pass an inspection now, because we have so  
7 much problems with the air here." I said, "I understand  
8 that Neil, but I'm going to have to reject this  
9 application," which I did.

10                   And then I went to the general  
11 foreman and asked him if he was aware of the problem  
12 that this was occurring, and he said, "Yes, we've been  
13 doing this for about four or five years." And I said,  
14 I told him that I was going to call Tom Brandt out to  
15 the building, and told him that I thought work should  
16 be stopped until this could be resolved, because it was  
17 obvious they were deceiving the inspection and  
18 inspectors.

19                   And Tom Brandt came out, as well  
20 as Harry Williams, and there was a conversation between  
21 Tom, Harry Williams, the general foreman, James Bracken,  
22 and myself. Tom expressed an opinion that they had no  
23 problems, coatings were not falling off the wall. So,  
24 therefore, he saw no problem with it. And he gave me  
25 the option I believe it was to go write RFIC, or go

17/12

1 talk to engineering about it.

2 And that was the end of it and I  
3 didn't write an NCR.

4 Q I'm sorry, you did or did not.

5 A Did not.

6 JUDGE BLOCH: Did you write an RFIC?

7 THE WITNESS: No, sir, I didn't.

8 BY MR. ROISMAN:

9 Q What was your belief at that time would  
10 have been the result of writing either an NCR or an  
11 RFIC?

12 A Use as is.

13 Q Did you perceive that there would be  
14 any consequences to you personally if you did that,  
15 if you wrote an RFIC or an NCR?

16 A Yes, sir, I perceived that there could  
17 be consequences to Cory Allen, and also I was certainly,  
18 after talking to my supervisor and he had no problem  
19 with it I just didn't want to push the issue.

20 JUDGE BLOCH: Was this before or after  
21 the detergent incident?

22 THE WITNESS: It should be after.

23 BY MR. ROISMAN:

24 Q And --

25 JUDGE BLOCH: Did Mr. Brandt at any time

7/13

1 suggest to you that when you see a non-conforming  
2 condition you must document it immediately and not  
3 discuss it?

4 THE WITNESS: He may have. But in this  
5 incident, no, sir, not in this incident. I sure don't  
6 remember that at all.

7 BY MR. ROISMAN:

8 Q Do you know what happened subsequent to  
9 this time with regard to the use of these filters in  
10 the, are they air guns, is that a right phrase for them?

11 A Yes, sir, more or less. They continued  
12 to use the cigarette filters in the cheater valve.

13 Q Do you know whether that condition changed  
14 at any time before you left the site?

15 A I have no knowledge of that, except that  
16 the air problem was corrected, so they probably wouldn't  
17 have any need to use the cigarette butts or filters any  
18 longer.

19 Q How was that done? First of all, how do  
20 you know that it was corrected?

21 A (Pause.) Only by observing the action  
22 of the water separators that no longer were you  
23 receiving or were they emitting an enormous amount of  
24 water out of the water separators, which would indicate  
25 that the separators were working effectively.



7/14

1 JUDGE BLOCH: Could you explain a little  
2 bit about the significance of there being too much water  
3 in the air? Do you have an opinion as to how serious  
4 that problem is as far as the quality of the coating?

5 THE WITNESS: Yes, sir, I expressed an  
6 opinion with my testimony to Frank Hawkins that I felt  
7 like you would not receive the optimum physical  
8 properties of the coating, that the water could  
9 inhibit the polymerization of the coatings, and that  
10 that result, even though they may not be falling off,  
11 still are surfaces that day after tomorrow they may  
12 fall off after 20 or 30 years of operating service  
13 within the Reactor Containment Building.

14 BY MR. ROISMAN:

15 Q Mr. Allen, what was your understanding  
16 in the cigarette filter incident of what was in your  
17 judgment the right thing that you should have done if  
18 you had done exactly what you wanted to do?

19 A (Pause.) Well, the right thing probably  
20 would have been to write "non-conformance report," but  
21 the reason I have so much trouble answering the question  
22 is that I feel that the answer, or the disposition of  
23 the NCR probably would have been "use as is." So there  
24 really was, I don't think there would have been anything  
25 gained at that point by writing the NCR.

7/15

1 Q Is it your opinion that if the  
2 disposition had been "use as is" that it would have been  
3 incorrect disposition?

4 A Yes, sir.

5 Q And what do you believe would have been  
6 the proper disposition of the NCR?

7 MR. WATKINS: Objection. This is going  
8 well beyond speculation. The NCR wasn't written. Now  
9 we are speculating about what it's possible result might  
10 have been.

11 JUDGE BLOCH: The witness' testimony is  
12 already is that he would have stopped work in the area  
13 until the air was fixed up. That was his testimony.

14 MR. ROISMAN: Yes, I know. I want to  
15 find out, if I may, whether the characterization --  
16 that's not what I remembered was the characterization.  
17 I'll ask him just one question.

18 BY MR. ROISMAN:

19 Q What was the scope of the stop work that  
20 you think should have been implemented; that is, how  
21 broadly should it have been stopped?

22 A As I told Mr. Brandt and others, I  
23 thought all work should have been stopped immediately.

24 Q All work where?

25 A All coatings application.

7/16

1 Q Throughout the plant?

2 A Throughout the building, Reactor  
3 Containment Building.

4 JUDGE BLOCH: It's because of this  
5 particular air supply being defective that you thought  
6 there was a problem with all the coating work; is that  
7 right?

8 THE WITNESS: Yes, sir.

9 JUDGE BLOCH: So if there were other  
10 areas that used other air supplies it wouldn't have  
11 applied; is that right?

12 THE WITNESS: That's right.

13 JUDGE BLOCH: Do you have any reason to  
14 know whether or not they were having a similar problem  
15 in other areas with the air supply?

16 THE WITNESS: Are you speaking of other  
17 areas in the plant, or other areas of this particular  
18 building?

19 JUDGE BLOCH: Other areas of the plant.

20 THE WITNESS: I'm not concerned with  
21 other areas of the plant, non-safety related.

22 JUDGE BLOCH: Was the same air supply used  
23 for the entire building?

24 THE WITNESS: Yes, sir, I believe it  
25 was.

7/17

1 BY MR. ROISMAN:

2 Q Do you know for how long that particular  
3 air supply was used without the correction being taken?

4 A Rough guess would be one or two months.

5 MR. ROISMAN: Mr. Chairman, I apologize  
6 for the long delays, but the conditions under which we  
7 are doing this is Ms. Garde is giving me notes.

8 If we could take short break maybe  
9 she can then orally brief me, we'll be off the record,  
10 and --

11 JUDGE BLOCH: We'll take a five-minute  
12 recess.

13 MR. ROISMAN: Thank you.

14 (A short recess was taken.)

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8-1 1 JUDGE BLOCH: The hearing will come to

e 2 order.

3 The Chairman has a statement to make,  
4 and the statement that I wish to make has nothing to  
5 do with whether or not the allegations we have heard  
6 from Mr. Allen are correct or incorrect, because we  
7 clearly have a lot more to do before we decide anything  
8 about that.

9 The statement certainly has nothing to  
10 do with whether or not the case on intimidation is  
11 correct or incorrect.

12 The statement is that we have read in  
13 this case many investigation reports from the Nuclear  
14 Regulatory Commission by the Office of Investigation  
15 and by other portions of the Nuclear Regulatory  
16 Commission.

17 In my opinion, none of those reports  
18 represents true investigation.

19 I see series of interviews with people  
20 in which they are asked whether they are harassed, but  
21 I don't see any attention to details, attempts to  
22 look for inconsistencies, attempts to ask careful  
23 questions about the actual behavior of the individual,  
24 rather than summary types of questions.

25 I'm not saying it's the fault of the

8-2

1 individuals involved, either, because it may be that  
2 there's a shortage of investigative personnel.

3 But we can't take great solace, even from  
4 the reports that found problems within the plant,  
5 because our reading of those is that they don't  
6 really represent careful investigation with attention  
7 to documents, attention to conflicting stories and  
8 looking for what the truth really is.

9 This is a problem that we have in  
10 deciding how to evaluate the evidence in this case,  
11 because obviously, if we had confidence in the NRC  
12 investigative process, it would make it easier for  
13 us to resolve matters.

14 It may be that when we see additional  
15 OI reports, it will prove that our thoughts about  
16 investigations by the NRC are incorrect; but to this  
17 date, the reports we have seen don't give us great  
18 confidence in the investigative process that the  
19 Agency is conducting.

20 Mr. Roisman, would you continue.

21 MR. WATKINS: Excuse me, Your Honor.

22 MR. TREBY: The Staff has a question.

23 Is that directed towards the OI reports that the Board  
24 has seen, or is it directed towards both OI reports  
25 and reports that the Board has seen from I&E and

8-3

1 Region IV? These are different offices within --

2 JUDGE BLOCH: I guess we haven't seen  
3 any report that really represents a thorough investiga-  
4 tion, including looking at documents; and when there  
5 are questions of intimidation, when there are  
6 personnel type questions involved.

7 The ability to look into technical  
8 problems is less objectionable. There seems to be  
9 some taste for the detail of the technical issues;  
10 but for example, we saw this morning Allegation No. 4,  
11 the report of Mr. Taylor. That's not OI. There was  
12 no thirst for the truth. There was no tracking down  
13 of all leads.

14 I see the same thing in the OI  
15 investigations, that they seem to be series of  
16 interviews without looking for the truth in detail,  
17 to see whether people's behaviors were changed.

18 They seem to think that if you just ask  
19 a guy, "Are you harassed," and you get an answer to  
20 that, that you've got the truth.

21 Or you ask them a simple question,  
22 "Have you conscientiously reported all deficiencies,"  
23 that they will necessarily get a completely accurate  
24 and full account of what their conduct has been.

25 I don't think it's that simple. I think

8-4  
1 that it's very difficult to know whether a person's  
2 behavior has been influenced by events in his life.

3 They don't always give you a straight  
4 report, because behavior is very complex, and being  
5 able to figure out what has happened to individuals is  
6 just a tough problem. It requires a lot of time and  
7 effort, and I just don't have the feeling that the  
8 NRC reports have done that.

9 Mr. Treby.

10 MR. MIZUNO: If I could make a statement,  
11 I think it's a little unfair to talk about the  
12 inspection reports, in part because I believe that  
13 there is some work that just isn't reported in the  
14 inspection report.

15 Obviously, the best person to talk  
16 about what the person did and what he found out and  
17 the rationale for his conclusion as to why he did  
18 things or did not pursue things is the inspector  
19 himself.

20 Mr. Taylor hasn't talked about that,  
21 obviously, since he wasn't called by anyone.

22 The second point that I wanted to point  
23 out was that even within this Inspection Report 79-15,  
24 if you look on the very first page of this, the Staff  
25 indicated in the third paragraph there that even though



8-5

1 they did not find any items of noncompliance, that  
2 they note that there was, quote, a threat of continuity  
3 existed between this investigation and others recently  
4 conducted; and it goes into some discussion about how  
5 these allegations taken collectively could have  
6 resulted in some concern.

7 The Staff indicated in the last  
8 sentence that they "intended to follow this matter  
9 closely during subsequent inspections."

10 On that basis I don't believe that it  
11 is fair to say that the Staff was completely unaware  
12 of the total context of these allegations, not only  
13 as discussed in this report, but in other reports.

14 I think we did have testimony in 1982  
15 regarding what the Staff found as far as -- I don't  
16 want to use the word here, because it has some  
17 connotations, but trends (in quotation marks) and  
18 what the Staff undertook as far as alerting themselves  
19 to these trends and how they interacted with the  
20 Applicants in that manner.

21 So with that statement I will just point  
22 out that I didn't necessarily see that this was the  
23 case.

24 JUDGE BLOCH: Okay. We are not just  
25 talking about one report. If we had seen the finished

8-6

1 report on this problem and it gave reasons for  
2 conclusions and it talked about a detailed examination  
3 of people, about the changes in their behavior and  
4 the meaning that they attach to the procedures at  
5 the plant, and whether there were things that they  
6 didn't report that they might have reported if they  
7 felt that it was really wanted.

8 I'm not saying that this happened. I'm  
9 not saying, either, that it's true that there were  
10 a lot of instances that this happened, because I can't  
11 tell; but I just don't have confidence from the way the  
12 reports are written up.

13 Now, again, you raise the possibility  
14 that the investigations may be more thorough than the  
15 reports indicate. That's also possible, but we don't  
16 see the minds of the people. We only see the reports  
17 that they write out.

18 MR. TREBY: I think that one of the  
19 things that Mr. Mizuno was pointing out is that there  
20 is a difference in the forms of reports that are done  
21 by investigators, which is the Office of Investigation,  
22 where they seem to attach the various interviews that  
23 they have conducted and stick on a summary statement,  
24 as opposed to the reports that the Office of  
25 Inspection & Enforcement conducts, in which they may

8-7

1 not have attached to their reports all of the background  
2 information.

3 What they do is synthesize in their  
4 report what their finding is, and it is possible  
5 that there is more support information that may have  
6 been reflected in their presentation.

7 JUDGE BLOCH: Well, that supports the  
8 point Mr. Mizuno made, but it still leaves the Board  
9 being uncertain, because we have never seen that  
10 reasoning.

11 If we had seen it and there really was  
12 a lot more to it, we might have more confidence in the  
13 reports.

14 But we never see that, and we like to  
15 see the reasons that the Staff has concluded that the  
16 problem is not there, when they conclude that.

17 You have a statement, Mr. Watkins?

18 MR. WATKINS: No.

19 JUDGE GROSSMAN: Mr. Mizuno, refresh  
20 my recollection on your first point. Isn't that  
21 Commission policy that we do not call the OI  
22 investigator to testify with regards to the report?

23 MR. MIZUNO: You mean the Region IV  
24 inspector?

25 JUDGE GROSSMAN: No, I'm talking about

8-8

1 OI now. We have two types of reports here, and the  
2 main point -- the point you were making, I assume, was  
3 greater with regard to OI because of their format.

4 MR. MIZUNO: The OI reports attach the  
5 interviews, and the Region IV inspection reports don't  
6 do that.

7 Our point, the Staff's point was that  
8 perhaps the problem is we have a difference in format,  
9 and because Region IV's inspection reports do not  
10 include the background information attached to it,  
11 perhaps that might indicate some lack of due diligence  
12 on their part in investigating the allegations or  
13 the concerns.

14 JUDGE GROSSMAN: Fine. Now address my  
15 concern.

16 Isn't it Commission policy not to call  
17 investigators to testify with regard to their  
18 reports?

19 MR. MIZUNO: I don't know whether there's  
20 a Commission policy against OI investigators speaking  
21 about it, and I can't really speak for them because I  
22 am not their Counsel.

23 I do know that Mr. Hayes has indicates  
24 in the past his unwillingness to have the OI  
25 investigators come into the hearing and speak about

8-9 1 their OI investigations. I know that. He has  
2 repeated that many times to us.

3 JUDGE BLOCH: You weren't under the  
4 impression that we thought the OI reports were much  
5 better than the Region IV reports, were you?

6 MR. MIZUNO: No. I thought you had  
7 problem with both of them, and I think, also, the  
8 problems that you might have with the OI reports is  
9 in part due to -- I understand their charter as really  
10 to mean that they don't come to any conclusions.

11 They just do investigations and report  
12 what they find and leave it to Region IV or some  
13 other portion of the Commission to make some conclusions,  
14 to go through the logical processes of seeing what  
15 this all means.

16 I can understand the Board's problem  
17 with that procedure.

18 JUDGE BLOCH: Of course, you are right.  
19 It could be made up for by other parts of the Agency.

20 Mr. Roisman.

21 MR. WATKINS: Your Honor.

22 JUDGE BLOCH: Yes, Mr. Watkins.

23 MR. WATKINS: If we could, we are having  
24 some scheduling difficulties. We have one witness  
25 here who has been pulled out of a doctor's office

8-10

1 after oral surgery.

2 I wonder if Mr. Calicutt could be  
3 excused.

4 JUDGE BLOCH: Please, let's call him  
5 another time. That's fine.

6 MR. WATKINS: We also have Mr. Liford  
7 here and Mr. Purdy. I wonder if we are going to get  
8 to them today.

9 JUDGE BLOCH: I think we want to hear  
10 Mr. Purdy when the full Board is here. If there is  
11 a problem with Mr. Calicutt and he's here now, it's  
12 possible that we could even conclude him after the  
13 remainder of the panel leaves -- remainder of the  
14 Board. I could stay for Mr. Calicutt.

15 MR. McNIEL: Chairman Bloch, I represent  
16 Mr. Calicutt and Mr. Liford. Mr. Calicutt is the one  
17 who has had the oral surgery.

18 JUDGE BLOCH: I'm sorry. It's Mr. Liford  
19 who could stay.

20 MR. McNIEL: Mr. Liford has driven up  
21 from the plant with Mr. Calicutt, so they are  
22 traveling together.

23 JUDGE BLOCH: Okay. We can't do that  
24 and suit the needs of the individuals, so we will  
25 skip that.

8-11

1 I think Mr. Purdy -- well, we may be  
2 able to start with Mr. Purdy. It's only 4:00 o'clock.  
3 I can't tell you right now, though.

4 MR. ROISMAN: Are we going to finish  
5 with Mr. Brandt before we start with Mr. Purdy?

6 JUDGE BLOCH: If we are going to finish  
7 with Mr. Brandt first, then there's no risk that we  
8 will get to Mr. Purdy today.

9 MR. WATKINS: I think we would prefer  
10 to finish Mr. Brandt.

11 JUDGE BLOCH: Then Mr. Purdy may be  
12 excused. Thank you, sir.

13 BY MR. ROISMAN:

14 Q Mr. Allen, during the course of your  
15 time at Comanche Peak, did you have occasion to have  
16 any meetings with Mr. Tolson where you discussed your  
17 job performance?

18 A I met with Mr. Tolson probably the  
19 second or third week I was on the job site.

20 Q And any time subsequent to that?

21 A Yes, sir. Later in the year I met  
22 with Mr. Tolson in Tom Brandt's office concerning  
23 certain allegations of harassment and intimidation;  
24 and I met with Mr. Tolson again with about three or  
25 four other inspectors, in which the subject of

8-12

1 eliminating the NCR's came up.

2 Q First, let's start with meeting number  
3 one. What was the subject of that meeting?

4 A He essentially wanted to know why I  
5 was asking the Brown & Root quality instructor  
6 questions about the DCA's, design change authorizations.

7 He wanted to know why I had asked  
8 why they weren't receiving an ALARA or a design  
9 verification signature.

10 Q Could you please explain what is an  
11 ALARA and what is a design qualification signature?

12 A The ALARA reviewer is sometimes a  
13 health physicist, and ALARA stands for "as long as  
14 reasonably achievable."

15 It indicates that he is reviewing the  
16 document for radiation levels and exposure.

17 The design verifier is an independent  
18 but knowledgeable person who reviews the design  
19 document.

20 Q What did Mr. Tolson say to you -- well,  
21 first, let me step back.

22 Did he ask to meet with you or did you  
23 ask to meet with him?

24 A He asked to meet with me. Apparently --

25 JUDGE BLOCH: Before you get into that.



8-13

1 THE WITNESS: Yes, sir.

2 JUDGE BLOCH: Were these questions you  
3 asked in a classroom setting?

4 THE WITNESS: They were after the  
5 classroom, after the class.

6 JUDGE BLOCH: But it was in the  
7 context of your training?

8 THE WITNESS: Not really in the context,  
9 but I thought he would be the proper person to answer  
10 the questions.

11 I had seen DCA's. We were receiving  
12 an orientation. He said, "If anybody has any other  
13 questions, stay after and I will answer them," which I  
14 did.

15 I asked him. He could not answer the  
16 questions; really didn't understand what I was  
17 asking; and he referred me to a few other quality --  
18 either engineers or quality senior inspectors.

19 They also couldn't answer my questions.

20 He apparently went to Mr. Tolson to see  
21 if he knew the answers, and very shortly afterwards  
22 I got a call to go to Mr. Tolson's office.

23 JUDGE BLOCH: Please continued.

24 BY MR. ROISMAN:

25 Q You testified this was within a few

8-14

1 weeks of when you started at the plant site?

2 A Yes, sir.

3 Q You went to Mr. Tolson's office, and as  
4 best as you can recollect, describe what took place  
5 in his office.

6 First, who was there?

7 A Cecil Manning, the QC instructor. He  
8 came with me.

9 We went into his office; sat down; there  
10 was just us three.

11 He started off by saying, "I understand  
12 you are asking questions about DCA's and maybe I  
13 can help you with them."

14 I explained the questions. He then  
15 proceeded to inform me that I was hired to be an  
16 inspector only.

17 I was expected to be out in my work  
18 area and to remain out there until the day was more  
19 or less finished, and that I wasn't expected to be  
20 asking questions or out of my work area, and that I  
21 was not to be involved in any engineering activities  
22 such as asking these questions.

23 He then proceeded to answer my question  
24 concerning why the signatures were not showing up on  
25 the DCA's, and then he asked me why I was trying to

3-15  
1 get a copy of Appendix B. I told him it was just for  
2 my information so that I would know the wording of it.

3 Q Did you believe that the information that  
4 you requested had some bearing on the work that you  
5 were doing or would be doing at the plant?

6 A No, sir, they were just innocent  
7 questions. In fact, another inspector had asked me  
8 the very same questions, "How come there's only  
9 one approval signature on a DCA?" I couldn't answer  
10 his question, and I thought that might be the  
11 appropriate time to ask the QC instructor if he could  
12 explain it to me.

13 But there was no motivation behind those  
14 questions at all, just for my own knowledge.

15 JUDGE BLOCH: How did you try to  
16 obtain Appendix B?

17 THE WITNESS: I'm sorry?

18 JUDGE BLOCH: What was your method of  
19 trying to obtain Appendix B?

20 THE WITNESS: I asked the instructor,  
21 Cecil Manning. I was actually trying to get one  
22 section of Appendix B, and I asked him if he could  
23 show it -- if I could get a copy, which he did. We  
24 went and Xeroxed a copy off.

25 JUDGE BLOCH: So as far as you knew, was

3-16 1 Mr. Tolson's information all from Mr. Manning?

2 THE WITNESS: Yes, sir.

3 BY MR. ROISMAN:

4 Q Did you make any responses during the  
5 course of this meeting to the things that Mr. Tolson  
6 was saying to you?

7 A Only just to indicate to him that I  
8 understood his meaning, that he was telling me what  
9 was expected of me, and I told him, "Yes, I understand."

10 Q How would you describe your perception  
11 of what Mr. Tolson was doing with respect to you in  
12 that meeting?

13 MR. WATKINS: Objection. He's asking him  
14 to speculate about Mr. Tolson's state of mind.

15 MR. ROISMAN: I want to know what his  
16 perception was of what he thought Mr. Tolson was  
17 doing. It has a lot to do with -- this was three  
18 weeks into his job. What was the message being sent.

19 I think it's a perfectly legitimate  
20 question. I'm not trying to prove what Mr. Tolson's  
21 state of mind was. I'm trying to prove what this  
22 witness -- what impression he got after this meeting  
23 with Mr. Tolson, which he has described as his first  
24 contact.

25 JUDGE BLOCH: What impression did you

8-17

1 get?

2 MR. WATKINS: Thank you, Your Honor.

3 JUDGE BLOCH: What impression did you  
4 get after the meeting?5 THE WITNESS: My impression that he  
6 seemed to be very defensive -- well, he seemed to be  
7 very irritated at the questions. He was very  
8 defensive about it.9 My impression was that he was trying to  
10 explain or indicate to me that I was in an area that  
11 was none of my business or my concern and I should  
12 stay out of it and I should only do the work,  
13 inspection work that deals directly with coatings  
14 inspection.

15 BY MR. ROISMAN:

16 Q Were you surprised that your inquiries  
17 resulted in your being in front of the site QA  
18 supervisor?19 A I was shocked. I could not understand  
20 why he could be so upset about a couple of very  
21 innocent questions. It was total shock to me.22 Q You said there was a second time when you  
23 had occasion to meet with Mr. Tolson.

24 When was that in reference --

25 JUDGE BLOCH: One second. Before we get

8-18

1 to that, did you mention this shock to any of your  
2 coworkers?

3 THE WITNESS: Not really to my coworkers.  
4 I more or less -- well, I explained to Tom Brandt, my  
5 supervisor. We talked afterwards, and --

6 JUDGE BLOCH: No. I meant to your  
7 coworkers. Did any of the other QC inspectors hear  
8 of your shock about this?

9 THE WITNESS: Yes, sir. Yes, sir.

10 JUDGE BLOCH: Okay. Please continue,  
11 Mr. Roisman.

12 BY MR. ROISMAN:

13 Q The second time that you had occasion  
14 to meet with Mr. Tolson, when was that in reference  
15 to this first meeting?

16 A Probably about four or five months later.

17 Q Can you describe how did it happen that  
18 you had a meeting with Mr. Tolson?

19 A My understanding is that Bill Dunham  
20 had gone to Mr. Purdy, who is with Brown & Root, and  
21 Bill Dunham is with Brown & Root, and subsequently  
22 with -- apparently with Mr. Tolson and Mr. Brandt, and  
23 complained to him about various forms of harassment  
24 or -- he had various complaints.

25 He apparently mentioned my name to them

8-19

1 and said, "You need to talk to Cory Allen, because he  
2 will confirm all this."

3 Then they brought me in to verify what  
4 Bill was saying.

5 Q Who did you meet with?

6 A In that meeting it was with Mr. Tolson  
7 and Tom Brandt.

8 Q What transpired?

9 A They more or less said that "Bill Dunham  
10 has told us that you have some problems or some  
11 complaints, and we want to hear about them."

12 That kind of surprised me. I wasn't  
13 expecting that.

14 I think they also asked me what was the  
15 problem with the coatings inspectors, what was going  
16 on. I gave them various answers, and I think that  
17 that's about all.

18 Q What did you tell him were those  
19 problems, just very briefly?

20 MR. WATKINS: Who is "him" or did you  
21 mean "them"?

22 MR. ROISMAN: I'm sorry?

23 JUDGE BLOCH: Tolson and Brandt, right?

24 THE WITNESS: Yes, sir. I told them  
25 that I thought part of the problem was that some of the

1 inspectors were coming from other power plants. They  
2 were expecting to see other procedures in effect, and  
3 when they didn't see that, they had a problem with  
4 those -- with the Comanche Peak procedures. They just  
5 did not understand the differences in the procedures.

6 BY MR. ROISMAN:

7 Q Did you say much beyond that?

8 A They also asked me about Harry Williams,  
9 and either Tom or Harry (sic) asked me was it my  
10 impression that Harry -- they used some phrase like,  
11 was he bending over backwards or was he in the back  
12 pocket of construction, and I indicated that yes,  
13 apparently it was. That was my impression that Harry  
14 was being confiding with construction and he was in  
15 their back pocket, so to speak.

16 Q Was there anything else of substance  
17 that you discussed at that meeting with Mr. Brandt  
18 and Tolson?

19 A I can't remember anything else.

20 Q Did you discuss with them at that meeting  
21 all the problems that you perceived existed with  
22 regard to the paint coatings inspection work at the  
23 plant site at that time?

24 A No, sir, I don't think I told them of  
25 any existing problems whatever. In fact, I probably



1 left them with a favorable impression of what was going  
2 on.

3 Q Why was that?

4 A Because I perceived them as the problem  
5 itself, that they were indeed maneuvering Harry Williams  
6 or other lead inspectors, whatever; they were the  
7 sources -- they were the possible sources of the  
8 harassment, and it would be more or less ridiculous  
9 for me to tell them the problem when "the problem we  
10 are having is you. You are the guys that are responsible  
11 for the harassment."

12 There wasn't really much I could say.

13 Q What was it that made you feel that  
14 they were the source of the harassment?

15 A Well, we have already discussed other  
16 examples, but we had a lot of problems with a lead man  
17 by the name of Bob Wallace.

18 We had problems with Harry Williams,  
19 the supervisor.

20 It seemed to me that I could not  
21 understand that they could have Harry Williams and  
22 Bob Wallace over all the inspectors and not realize  
23 that these two men were the problem. I mean, they  
24 had to have known that.

25 I think they were probably being told

8-22

1 what to do by Tom Brandt and Mr. Tolson.

2                   So I felt like they were probably  
3 directing the movements and the policies that  
4 Harry Williams was trying to enforce upon us.

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1 BY MR. ROISMAN:

2 Q Did you feel that when they asked you  
3 to give them your reaction to the concerns that Bill  
4 Dunham had raised that they really wanted you to  
5 give them your true reaction?

6 A No, I don't really perceive that --  
7 well, yes, I believe so, but my impression was  
8 that they thought that I was the leader of the pack,  
9 so to speak, that I was doing all the complaining,  
10 which was not so, that they -- apparently Bill had  
11 led them to believe that I had a lot of complaints  
12 about the harassment and intimidation and at that  
13 point in time -- well, they were just trying to --  
14 I guess the answer is yes, they were trying to  
15 verify whether or not harassment was occurring and  
16 there was very little I could tell them because  
17 again I perceived them as the problem.

18 Q What did you think they were going to  
19 do with that information if you had had a full and  
20 frank discussion with them at that time?

21 MR. WATKINS: Objection, Your Honor.  
22 Mr. Roisman is asking the witness to speculate about  
23 what Mr. Tolson and Mr. Brandt might have been doing  
24 or intending to do with this information; getting  
25 pretty far afield.

1 JUDGE BLOCH: Well, I think you better  
2 ask him whether he had any basis for knowing that  
3 before you ask him --

4 MR. ROISMAN: Okay.

5 BY MR. ROISMAN:

6 Q Do you have any basis for knowing what  
7 you thought they might do with this information if  
8 you had given them a full and complete discussion  
9 of your concerns and feelings?

10 A If I'd have gave them a true and  
11 accurate description of my concerns, I can only say  
12 that I thought they would have been rejected, that  
13 they wouldn't have accepted what I was telling them.

14 JUDGE BLOCH: Okay, but why? The  
15 question really was whether you have a basis for  
16 knowing that. What was it that made you feel that  
17 was the case?

18 THE WITNESS: (No response.)

19 JUDGE BLOCH: If you think it's a long  
20 answer, give us a long answer. If you think you  
21 don't know, tell us you don't know.

22 THE WITNESS: Well, it's various  
23 encounters with Mr. Tolson and Mr. Brandt, the basis  
24 would only be the brief encounters as well as  
25 experiences which I've observed. I know the first

19-3

1 day I joined on with -- or interviewed with Tom  
2 Brandt, he indicated he had problem inspectors who  
3 thought they were attempting to be engineers, and  
4 I thought he had just a certain attitude about  
5 inspectors, that he mainly had a lot of problem  
6 inspectors and that a lot of conflicts with the  
7 inspectors themselves, and for him to be told that,  
8 no, this is not true, you really don't have so many  
9 problem inspectors, that -- an example would be the  
10 pump skimmer room, that he apparently felt that the  
11 inspector in that case was being a nit-picker and  
12 he could have been doing a good job, I don't know.  
13 I really don't know the circumstances.

14 But I felt like just --

15 JUDGE BLOCH: Were you at the meeting  
16 when he explained about the pump skimmer incident?

17 THE WITNESS: Not explained, just the  
18 instructions that were -- or at least the orders  
19 that Harry Miller was -- Harry Williams was telling  
20 everyone about what he was going to do if the people  
21 kept nit-picking.

22 JUDGE BLOCH: What was your impression  
23 from that meeting about what Harry Williams meant  
24 when he used the term nit-picker?

25 THE WITNESS: Just mean that if you were

1 being excessive in your inspections.

2 JUDGE BLOCH: What does excessive mean?

3 THE WITNESS: Meaning going beyond  
4 what is required of the procedure, and it's just  
5 going way above and beyond what is called out in  
6 the inspection.

7 JUDGE BLOCH: So he was just cautioning  
8 people not to violate procedures?

9 THE WITNESS: I don't know if that's  
10 the right word, violate, because I don't know how  
11 you can -- I don't know how an inspector can violate  
12 a procedure if he's working to that procedure.

13 Well, I guess there is a way to violate  
14 a method in the procedure, but --

15 JUDGE BLOCH: How can you go way above  
16 and beyond a procedure without violating it?

17 THE WITNESS: Well, an example would  
18 be a method called SSPC PA2 which gives you a guide-  
19 line for how many dry film thickness readings you  
20 can take within a certain area.

21 That mean you -- in my mind, you're  
22 restricted to that many readings, whereas another  
23 inspector -- it doesn't say you cannot go beyond  
24 that number of readings, and many inspectors, most  
25 all the inspectors would go above and beyond, they

19-5

1 would take additional dry film thickness readings.  
2 That was one of the complaints Harry Williams had  
3 with this saying that you're taking too many dry  
4 film thickness readings, you should be only taking  
5 the amount as specified in SSPC PA2.

6 JUDGE BLOCH: It sounds like he was  
7 right.

8 THE WITNESS: Not necessarily, because  
9 if you find a defective area you have to isolate  
10 that area. The only way you can do that is taking  
11 additional readings.

12 JUDGE BLOCH: Okay. So that once you  
13 found deficiencies you might take additional readings  
14 for limiting --

15 THE WITNESS: Yes, sir.

16 JUDGE BLOCH: -- for limiting the scope  
17 of the --

18 THE WITNESS: Well, that's the only way  
19 you're going to identify deficiencies, is once you  
20 come upon a defective area, or deficiency, you have  
21 to start taking more readings to isolate it, and on  
22 your drawings and inspection report you will have to  
23 map out that deficient area.

24 Unless you take more readings, it would  
25 be an inaccurate drawing.

19-6 1 JUDGE BLOCH: And in your mind how did  
2 this relate to the pump skimmer room problem and  
3 Harry Williams' statements about nit-picking?

4 THE WITNESS: Well, my understanding is  
5 what happened in the room itself, that the inspector  
6 took -- spent a lot of time -- he spent a lot of  
7 time detecting pinholes, and in my mind and in my  
8 inspections I do the exact same thing, you have to  
9 do that for pinholes in the top coat of concrete  
10 coatings.

11 Now, Harry Williams, not being the  
12 coatings inspector, probably perceived that as being  
13 terribly excessive, but when any inspector is  
14 performing the inspection, the amount of time you're  
15 going to spend is directly in proportion to how many  
16 defective areas or how many pinholes you locate.

17 It can take you 20 minutes, it can  
18 take you six hours, and apparently this inspector  
19 found a lot of pinholes and it took him quite a bit  
20 of time to identify those pinholes.

21 Harry Williams probably not realizing  
22 this, or whatever his reason was, thought he was  
23 being excessive and his statement about nit-picking  
24 really did not apply under those circumstances  
25 because the inspector was doing his job.



19-7

1 JUDGE BLOCH: So your understanding was  
2 that Harry Williams thought the inspector went beyond  
3 procedures.

4 THE WITNESS: Yes, sir.

5 JUDGE BLOCH: But you don't think he  
6 did?

7 THE WITNESS: No, sir, not at all.

8 JUDGE BLOCH: Okay. Now, were there  
9 other reasons? You mentioned a few now about why  
10 you thought Mr. Brandt and Mr. Tolson might not have  
11 done -- I think you said he might not have done much  
12 with the information you gave to them.

13 THE WITNESS: Well, I would be  
14 referring to information regarding themselves as  
15 far as being the source of Harry Williams' actions,  
16 and my understanding is that that is true, but the  
17 only basis would be the fact that Bob Wallace and  
18 Harry Williams were giving the inspectors a very  
19 hard time and I think that Tom Brandt and Mr. Tolson  
20 probably realized that I would -- I assume they did,  
21 I did then, and that was my basis for believing that  
22 if I told them that they were the source of their  
23 problem they would not have received it in a very  
24 good light.

25 JUDGE BLOCH: Did you have any direct

19-8

1 knowledge of the relationship between those leads  
2 and Mr. Brandt and Mr. Tolson?

3 THE WITNESS: No, sir.

4 BY MR. ROISMAN:

5 Q Mr. Allen, you testified, I believe,  
6 that there was a third time that you met with  
7 Mr. Tolson, and I think you said with some other  
8 inspectors.

9 Roughly when did that third meeting  
10 take place?

11 A Probably late July.

12 Q Okay. And how did that meeting happen?

13 A He asked various inspectors to meet  
14 with him in his office. I know a few names, Neil  
15 Britton -- well, maybe I'm not so sure about the  
16 date -- Neil Britton, Joe DeChambeau -- I can't  
17 remember the other inspectors there, but he was  
18 explaining to us --

19 Q Wait; before you get to that, other  
20 than inspectors and Mr. Tolson, who else was there?

21 A There was another person there, along  
22 with Mr. Tolson. I don't remember who it was. I  
23 believe it was Curly Krisher, but I'm not real sure  
24 about that.

25 Q Okay. And what took place at the

1 meeting?

2 A He explained to us that the procedure  
3 was going to be changed so as to eliminate the use  
4 of nonconformance reports in our procedure, to use  
5 an inspection report in lieu of the NCR.

6 Q Did he give you any indication why  
7 that was going to happen?

8 A He indicated that there were so many  
9 NCR's being submitted and they were very costly,  
10 costing thousands of dollars to close out, and that  
11 he felt like the inspection reports would be a  
12 satisfactory way of identifying nonconformances and  
13 that -- that's all.

14 JUDGE BLOCH: Can you remember whether  
15 he said thousands of dollars, or something more  
16 precise?

17 THE WITNESS: I just have a vague  
18 recollection he indicated a figure.

19 BY MR. ROISMAN:

20 Q And did he give you any instructions  
21 in that meeting as to whether you should at that time  
22 change your current practice regarding the use of  
23 NCR's and IR's?

24 A I don't believe I recall him indicating  
25 to initiate the practice immediately.

19-10 1 Q And did you initiate the practice  
2 immediately?

3 A I don't recall whether or not I did.  
4 I don't think I had an NC -- I don't think I  
5 personally had an NCR condition to come up that  
6 would have required me using an inspection report.  
7 I may have, I just really don't recall that.

8 Q At that time were you writing NCR's?  
9 I mean, that is, did you feel comfortable writing  
10 NCR's? Were you writing them when you saw the  
11 conditions that warranted them?

12 A Certain NCR's, yes, sir.

13 Q Were there certain ones that you were  
14 not writing at that time?

15 A Well, I believe I identified certain  
16 deficiencies that I could not identify, or should not  
17 come out and identify on an NCR, but I'm sure if I  
18 found the day-to-day nonconforming conditions I would --  
19 I did indicate it on the nonconformance report.

20 Q All right. And you mentioned day to day,  
21 are you trying to draw a distinction between one kind  
22 of NCR and another kind of NCR, day-to-day condition  
23 as compared to what?

24 A Day to day meaning coating application  
25 versus something to do with procedures or the specifi-  
cations, a deficiency in the procedure itself.

20-1

1 BY MR. ROISMAN:

2 Q Now, Mr. Allen, I'd like to show you  
3 a document that is contained in the exhibits that  
4 were attached to your deposition that was taken last  
5 Saturday, which is marked as Allen Exhibit 19.

6 Would you look at that, and do you  
7 recognize it?

8 A Yes, sir, I do. It's a memo I wrote  
9 to the coatings supervisor, Everett Mauser, and Tom  
10 Brandt, dated September 7, '83.

11 Q And why did you write that memorandum?

12 A Because at the time I was working in  
13 the dome.

14 Q I'm sorry, in the where?

15 A In the dome. And they were -- the pipe-  
16 fitters were working on the pipe supports for the  
17 sprinkler spray system, and they were stripping a  
18 lot of the coatings off the supports which I had  
19 previously bought off and I became concerned because  
20 there were reports in the vault with my signature on  
21 them as buying these various supports and the coatings  
22 on the supports, and that I felt like there was no  
23 tracking system for the coatings which were being  
24 stripped off the supports.

25 Q Why didn't you just write that up on an

20-2 1 inspection report or an NCR?

2 A Well, I felt like I needed guidance  
3 to do that. That's what I'm asking my supervisor,  
4 I put it in writing, I asked him, he said he didn't  
5 know, to send a memo to Tom Brandt, which I believe  
6 I -- it says should I UNSAT items which have been  
7 reworked by crafts.

8 So I sent it to Mr. Brandt for some  
9 sort of guidance, whether or not I should do it,  
10 because if I remember correctly, I did write a  
11 report doing just that and --

12 JUDGE BLOCH: When you say a report  
13 what do you mean?

14 THE WITNESS: I came back and wrote an  
15 UNSAT report for one of these items, I put a red tag  
16 on it. This was an item that I had already bought  
17 off and I rejected it, doing exactly what you're  
18 asking, and I got a complaint through Mr. Mauser from  
19 Mr. Haley, who's the Brown & Root superintendent, why  
20 did I UNSAT an item which has already been bought off.

21 And I explained to him the problem that  
22 there's a document in the vault with my signature on  
23 it and I think there should be some form of -- way to  
24 track this work done by the crafts.

25 And he said, well, I don't know what to

20-3 1 tell you, write a memo to Brandt and let's see how  
2 he feels about it. So that's what I've done.

3 BY MR. ROISMAN:

4 Q So once before this you had actually  
5 written up the condition?

6 A That's correct.

7 JUDGE BLOCH: I think Mr. Watkins was  
8 offering a copy of that for an exhibit, or what?

9 MR. WATKINS: I just wanted to know if  
10 the Board wanted to see one.

11 JUDGE BLOCH: That would be helpful.

12 (Document handed to Judge Bloch.)

13 MR. TREBY: May we also see it?

14 MR. WATKINS: Oh, sure.

15 MR. TREBY: Intervenor still has Staff's  
16 copy.

17 JUDGE BLOCH: Is your testimony that  
18 Mr. Mauser discussed this with you and he didn't know  
19 whether you should UNSAT those things without talking  
20 to Brandt?

21 THE WITNESS: Yes, sir, he more or less  
22 just passed the buck. He said send a memo to  
23 Mr. Brandt for guidance.

24 JUDGE BLOCH: I think the only thing  
25 that I'm just not crystal clear on is why the second

20-4 1 time you just didn't write another UNSAT.

2 THE WITNESS: Obviously because I got  
3 a complaint from the superintendent through my  
4 supervisor, and I felt like I needed some support,  
5 somebody to give me a yes or no, am I doing the  
6 correct thing. I didn't want to receive another  
7 complaint, so that's the reason I didn't continue  
8 writing UNSAT reports.

9 JUDGE BLOCH: The record should reflect  
10 that the date of the message was September 7, 1983,  
11 and the date of the affirmative answer that such  
12 things should be UNSAT'd is November 17th, 1983,  
13 signed by -- signature looks Mr. Brandt's signature.

14 MR. ROISMAN: Mr. Chairman, maybe we  
15 could just bind that into the record at this point.  
16 We have no extra copies, although Mr. Watkins  
17 appeared to have a number.

18 MR. WATKINS: I believe we have a  
19 sufficient number for that purpose.

20 JUDGE BLOCH: We only need one for  
21 that purpose.

22 Mr. Allen, have you looked at this  
23 note and seen that it is in fact a true copy of the  
24 note that you sent?

25 THE WITNESS: Yes, sir.



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JUDGE BLOCH: Then it shall be

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admitted into evidence and bound into the transcript

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at this point.

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(Memo follows.)

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# Brown & Root, Inc.

P.O. BOX 1001 GLEN ROSE, TEXAS 76043

## MESSAGE

## REPLY

To: E. MOUSER, T. BRANDT

DATE: 9/7/83

SHOULD I UNSAT ITEMS WHICH  
HAVE BEEN REWORKED BY THE  
CRAFTS (SUCH AS STRIPPING  
PAINT FROM PIPE HANGERS)  
AND THAT HAVE BEEN PREVIOUSLY  
ACCEPTED BY QC. FINAL INSPECTION

BY: CORY ALLEN

DATE \_\_\_\_\_

*[Handwritten signature]*  
*[Handwritten date: 11/7/83]*

SIGNED \_\_\_\_\_

20-6

1 JUDGE BLOCH: I'd like to ask some-  
2 thing else.

3 How was this message sent to Mr. Brandt?  
4 Is there a mail system that you put it into?

5 THE WITNESS: I believe so. I gave it  
6 to Mr. Mauser, my supervisor, and I really don't  
7 know what happened after that.

8 JUDGE BLOCH: Did you give it to him  
9 on the date that you indicated on the memorandum or  
10 sometime after that?

11 THE WITNESS: No. On the date that I  
12 signed it.

13 BY MR. ROISMAN:

14 Mr. Allen, I'd like you to look at an  
15 answer that you gave during the course of your  
16 deposition, and I want to ask you what you meant by  
17 the answer.

18 MR. WATKINS: Your Honor, perhaps we  
19 could ask the question. I'll object to putting the  
20 deposition transcript in front of the witness.

21 MR. ROISMAN: Well, the difficulty is  
22 that the answer --

23 JUDGE BLOCH: Well, first of all, let  
24 me ask what is the basis for objecting to showing him  
25 the deposition?

20-7

1 MR. WATKINS: Well, if he asks the  
2 question and if Mr. Allen's answer is inconsistent  
3 then perhaps he can show it to him, or if he doesn't  
4 remember.

5 JUDGE BLOCH: Okay. So this time  
6 Mr. Watkins would like you to try to figure out some  
7 key phrase or way of getting the witness' memory  
8 jogged.

9 MR. WATKINS: Well, I'd like for  
10 Mr. Roisman to ask a question.

11 MR. ROISMAN: I'll try this, it's some-  
12 what in the abstract, near the end of it, but I'll try.

13 BY MR. ROISMAN:

14 Q You were asked a question by Mr. Watkins  
15 during your deposition on Saturday, the question was,  
16 did you feel free to go to Mr. -- we're on 349 -- did  
17 you feel free to go to Mr. Brandt with technical  
18 concerns during the time you were at Comanche Peak?

19 What's your answer to that question?

20 A Well, simply no.

21 Q I'm sorry, I didn't hear you.

22 A No.

23 Q All right. The next question you were  
24 asked is, when did you not feel free to do so?

25 JUDGE GROSSMAN: Excuse me, Mr. Roisman,

20-8

1 why don't you just ask those questions and you won't  
2 get any objections and it will be proper that way,  
3 rather than referring to the deposition.

4 MR. ROISMAN: Okay. That's fine.  
5 Mr. Watkins did such a wonderful job here I didn't  
6 want to fail to use his question.

7 JUDGE BLOCH: Okay, but I'd like to  
8 make it clear, Mr. Allen, that your job is to answer  
9 fully and accurately to the best of your recollection,  
10 and this is not a game to make you commit perjury  
11 against something you said on Saturday, so that if  
12 you answer to the best of your ability, that's all  
13 we could possibly expect of you. Don't worry if  
14 your answer is slightly different than the one you  
15 gave on Saturday.

16 THE WITNESS: Thank you. I appreciate  
17 that.

18 BY MR. ROISMAN:

19 Q Okay. My question, which happens to be  
20 the question Mr. Watkins asked you next was when did  
21 you not feel free to do so?

22 A Well, I would say the turning point in  
23 my -- I don't know if it's the turning point or the  
24 climax, the point that I decided I could not talk to  
25 him freely concerning technical matters would be after,

20-9 1 or at least the day of the problem with the cigarette  
2 filters in the spray guns, because I felt like that  
3 was -- there was an obvious problem with that, and  
4 at that point I decided I no longer could confide in  
5 him in any technical matters.

6 Q And why did you feel that way?

7 A Just because there was an obvious  
8 problem with allowing water or oil going through the  
9 spray guns and the foremen were obviously trying to  
10 deceive the inspectors and I felt that because he was  
11 the quality site supervisor he should -- it was his  
12 responsibility to identify the problem and to resolve  
13 the problem rather than just explain to me that he  
14 had no problem with it, for me to go to -- to write  
15 an RFIC or whatever.

16 Q Now, you testified --

17 JUDGE BLOCH: One second. In that  
18 instance did he tell you that you should write an  
19 RFIC, or said you could if you want to?

20 THE WITNESS: He said I could if I  
21 wanted to, that it -- you know, it was my choice to  
22 do it.

23 JUDGE BLOCH: And did he ever ask you  
24 later whether you had written it?

25 THE WITNESS: No, sir.

20-10

1 BY MR. ROISMAN:

2 Q Now, Mr. Allen, you testified earlier  
3 today that you had attended a meeting with the craft  
4 and the QC and the gold hats on coatings and that the  
5 QC was complimented for being cooperative with the  
6 craft. Do you remember that discussion?

7 A Yes, sir.

8 Q Who ran that meeting? Who was the  
9 principal speaker at that meeting, do you remember?

10 A That was -- well, at first it was the  
11 construction project manager with Brown & Root, then  
12 it was turned over to Curly Krisner or Krisher and  
13 also the superintendent, Mr. Haley, spoke also, so  
14 there was actually three different people that got up  
15 and spoke to everyone.

16 Q And there were no QC manager types who  
17 spoke at that meeting?

18 A No. Mr. Krisher was a QC person that  
19 was there on behalf of, I believe he was there on  
20 behalf of Tom Brandt.

21 Q Okay.

22 JUDGE BLOCH: But he spoke -- he didn't  
23 speak first, he spoke third?

24 THE WITNESS: Yes, sir, I believe he  
25 spoke third.

20-11

1 BY MR. ROISMAN:

2 Q Now, did you have occasion at any time  
3 to have a meeting with Mr. Clements while you were  
4 at Comanche Peak?

5 A Yes, sir.

6 Q Was there just one such meeting?

7 A Yes, sir.

8 Q Can you remember roughly when did that  
9 meeting occur?

10 A Perhaps August of '83.

11 Q And who attended the meeting?

12 A I know there was Mickey Finn, Gary  
13 Yando, Joey Underwood, perhaps Joe Fozzi, myself,  
14 of course, Tom Brandt, Mr. Tolson, Mr. Clements and  
15 one other gentleman whose name I don't know.

16 Q With the exception of Mr. Tolson,  
17 Brandt, Clements and the gentleman whose name you  
18 don't know, were all the rest of you QC coating  
19 inspectors?

20 A Yes, sir, I believe so.

21 Q And what was discussed at the meeting?

22 A He informed us that --

23 Q Who is "he"?

24 A Mr. Clements, that he had received a  
25 call from the NRC that -- concerning harassment of



20-12

1 inspectors and that he was there to verify or to get  
2 our input concerning whatever harassment or intimi-  
3 dation that was occurring at the site with the  
4 coating inspectors.

5 Q And then what happened?

6 A Well, basically, I believe he asked  
7 the inspectors to tell him or to identify to him  
8 any forms of harassment they experienced.

9 Q And did any do that?

10 A To my recollection, there was no one  
11 volunteered any information.

12 Q Was there information that you had that  
13 you did not give to him about that question, about  
14 harassment and intimidation?

15 A Well, yes, sir, I've already indicated  
16 today that there are certain examples that I feel  
17 could have been brought to his attention.

18 Q And why did you not bring them to his  
19 attention?

20 A Because I didn't feel he was sincere  
21 in his comments or his purpose for being there that  
22 day.

23 Q And why did you feel that way?

24 A His manner, he seemed to be very  
25 annoyed at the thought that harassment was occurring.

1 He indicated it was the first time in three years  
2 he'd been to the site, just his statements and his  
3 manner that I felt like the entire problem appeared  
4 to him to be very much a thorn in his side and he  
5 really wasn't sincere in trying to determine whether  
6 or not harassment was occurring.

7 JUDGE BLOCH: Was your reaction  
8 affected in any way by who was present at the  
9 meeting?

10 THE WITNESS: No, sir.

11 JUDGE BLOCH: Didn't you say before  
12 that you thought that Mr. Brandt and Mr. Tolson were  
13 part of the problem?

14 THE WITNESS: Yes, sir.

15 JUDGE BLOCH: But your reaction this  
16 time was not affected by the fact that Mr. Brandt  
17 and Mr. Tolson were present when Mr. Clements made  
18 the remark?

19 MR. WATKINS: I'm not sure he testified  
20 that Mr. Tolson was present.

21 JUDGE BLOCH: I'm sorry.

22 THE WITNESS: No, I believe I did.

23 MR. WATKINS: Oh, forgive me.

24 THE WITNESS: I don't see how I can  
25 draw those conclusions just by the fact that they

20-14

1 were sitting across the table from me. I think  
2 that would be unfair.

3 BY MR. ROISMAN:

4 Q Mr. Allen, you testified earlier about  
5 the -- I believe to the questions asked by the  
6 Chairman regarding craft foremen or craftsmen raising  
7 objections to your finding an unsatisfactory item.  
8 Do you remember just in general talking about that?

9 A Yes, sir.

10 Q Can you give me any sense of how  
11 frequently that was occurring, did it happen once  
12 every month?

13 A Well, a couple times a week, two or  
14 three times a week that would occur.

15 Q That there would be -- you would  
16 identify an unsatisfactory condition and a craftsman  
17 or a foreman would challenge it, in effect?

18 A Yes, sir.

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1/1 1 MR. ROISMAN: I have no further questions,  
2 Mr. Chairman.

3 JUDGE BLOCH: Off the record.

4 (Discussion off the record.)

5 JUDGE BLOCH: On the record.

6 We've just had a discussion about  
7 the length of remaining cross-examination and redirect,  
8 well, remaining cross, actually, by Staff and Applicants  
9 and it appears that there could be as much as three and  
10 a half hours or so. And as these things go, it might  
11 be longer. So I'm asking, Mr. Allen, under the  
12 circumstances would you prefer to continue tonight until  
13 we finish or would you rather end it around 6:00 o'clock  
14 and return in the morning?

15 THE WITNESS: I really have no preference,  
16 only that I need to make some calls if I'm going to be  
17 held much later.

18 JUDGE BLOCH: Well, if at any time you  
19 felt it was becoming harassing, or the discussion was  
20 too lengthy and you were becoming confused, you would  
21 tell us, I hope.

22 Would the calls be because you are  
23 late tonight?

24 THE WITNESS: Yes, I'm being late tonight,  
25 yes, sir.

1/2 1 JUDGE BLOCH: Tonight. In other words,  
2 you were due to work tonight?

3 THE WITNESS: No. No. No. I've just  
4 got somebody preparing dinner for me tonight, so I need  
5 to tell her.

6 JUDGE BLOCH: We'll take a ten-minute  
7 both for Mr. Allen and for the reporter.

8 (A short recess was taken.)

9 JUDGE BLOCH: Back on the record.

10 CROSS-EXAMINATION

11 BY MR. TREBY:

12 Q Mr. Allen, can you tell us for the record  
13 do you have a college degree?

14 A Yes, sir, I have a bachelor's degree in  
15 Chemistry.

16 Q And from what institution?

17 A From the University of Southern Mississippi.

18 Q And do you have any graduate degrees?

19 A Yes, sir. I have a Master's of Science  
20 from the same university.

21 Q And in what area did you get your Master's  
22 of Science?

23 A In Polymer Science.

24 Q And can you tell me in lay terms what  
25 that is?

1-3 1 A Polymer Science it's a chemistry of  
2 macromolecules as opposed to micromolecules as you would  
3 learn in basic chemistry.

4 JUDGE BLOCH: Is that especially  
5 applicable to coatings in some way?

6 THE WITNESS: Yes, sir, it is. The depart-  
7 ment has a very strong expertise in the coatings, the  
8 field of coatings.

9 BY MR. TREBY:

10 Q And in getting that Master's Degree did  
11 you have to write a thesis?

12 A That's correct.

13 JUDGE BLOCH: I couldn't hear the answer.

14 THE WITNESS: That's correct.

15 BY MR. TREBY:

16 Q And what was the subject of that thesis?

17 A The subject dealt with anti-fouling  
18 coatings; anti-fouling meaning coatings that are  
19 applied on the bottoms of ships.

20 Q And just to complete the record with  
21 regard to your education, do you have any other advanced  
22 studies?

23 A I have some graduate work in business,  
24 graduate level. I have about I believe it's 27 graduate  
25 semester hours in business.

1-4 1 Q Now when you became a QC Inspector at  
2 Comanche Peak was that the first time you had held the  
3 position as a QC Inspector?

4 A I've been an inspector for another  
5 company; the title was not quality control inspector.  
6 It was, the title was Procurement Specialist, but it was  
7 essentially the same function, a function which was  
8 inspecting coatings.

9 Q All right. Why don't you give us some  
10 information about your experience. First, tell us  
11 about this one that you've just mentioned where you  
12 were a procurement inspector.

13 A I was employed by Bechtel Power Corpora-  
14 tion out of Los Angeles. I was one of their two  
15 coating specialists performing inspections in vendor  
16 shops, primarily in southern California. I was  
17 inspecting safety-related coatings, and also BOP  
18 coatings for numerous power projects, many of which were  
19 nuclear.

20 JUDGE BLOCH: I'm sorry, BOP?

21 THE WITNESS: Balance of plant.

22 A (Continuing) Performed inspections in  
23 coatings, tape wrappings, rubber linings, fiberglass,  
24 plastic galvanizing, a little welding inspection.  
25 There's probably a few other things I haven't covered.

1/5

1 But I've spent probably a little over a year as a  
2 inspector for Bechtel Power.

3 BY MR. TREBY:

4 Q And for what period of time was that  
5 for? What years?

6 A 1978 through '79.

7 Q And why did you leave that position?

8 A Because I transferred back to the  
9 research and development arm of Bechtel Corporation,  
10 which is called Bechtel National, Incorporated.

11 Q And what did you do for that organization?

12 A I was a materials engineer in the  
13 coatings discipline. The department was called  
14 materials and quality services. I reviewed vendor  
15 procedures, bending coating procedures, rubber lining  
16 procedures. I wrote up coating specifications, other  
17 specifications. Did some field work, failure analysis,  
18 just essentially acting as a coating consultant for  
19 other projects, Bechtel projects.

20 Q And for what period of time did you  
21 perform that job?

22 A From 1979 to 1980.

23 Q And what was the next position you had?

24 A The next position, I left Bechtel, was  
25 hired by Brown & Root, Incorporated, of Houston, Texas.



1/6

1 I was their design coatings engineer. I was their  
2 service level 1 designs coatings engineer for the  
3 South Texas Project.

4 Q And how long did you hold that position?

5 A A little over a year, from 1980 to '81.

6 Q And why did you leave that position?

7 A I was laid off.

8 JUDGE BLOCH: Which part of the organiza-  
9 tion were you in; were you in construction or the  
10 architect engineer portion?

11 THE WITNESS: The architect engineer.

12 BY MR. TREBY:

13 Q And I guess just to complete the record,  
14 you've had one other position before Comanche Peak; is  
15 that correct?

16 A Yes, sir. I was materials scientist for  
17 an oil tool company in Houston, Texas by the name of  
18 Cameron Iron Works.

19 Q And how long did you hold that position?

20 A Six months.

21 Q And why did you leave that position?

22 A The same reason, reduction of forces. I  
23 was laid off.

24 Q And --

25 JUDGE GROSSMAN: Excuse me. Brown & Root

1 lost its position as AE for South Texas at the time you  
2 were laid off; is that correct?

3 THE WITNESS: That's right.

4 JUDGE GROSSMAN: You didn't have anything  
5 to do with them losing their position, did you?

6 THE WITNESS: I hope not.

7 BY MR. TREBY:

8 Q I believe you testified earlier that you  
9 interviewed with Mr. Brandt for the position at  
10 Comanche Peak?

11 A That's correct.

12 Q Was he familiar with your background when  
13 he interviewed; that is, did you present him with a  
14 resume --

15 A Yes, sir, I know he read through my  
16 resume.

17 Q What position were you applying for when  
18 you went to see Mr. Brandt?

19 A As a quality control inspector.

20 Q Did he make any comments to you with  
21 regard to the fact that with your background you  
22 appeared to be overqualified for that position?

23 A Yes, sir. He said just that, I was over-  
24 qualified for the position, and all he had to offer was  
25 a position as a QC Inspector.

1 Q Now you also testified earlier that  
2 during this interview he made some comments about his  
3 inspectors not acting as engineers; do you recall that  
4 testimony?

5 A Yes, sir, that's true.

6 Q Do you know what brought on that comment?

7 A No, sir.

8 Q Do you think in making that comment he  
9 was making any reflection on your background in the  
10 sense that you had previously acted as an engineer and  
11 been employed as an engineer?

12 A I don't think he was trying to reflect  
13 or convey any message to me. I think it was just a,  
14 just passing knowledge, he was indicating that he did  
15 have problems with a couple other inspectors, but I  
16 don't think there was any motivation for him to try  
17 to convey any kind of message or signal to me.

18 Q Did you interpret that statement as  
19 giving you any message or signal?

20 A Yes, sir, I did. I felt like I should  
21 probably, I should probably refrain from doing the same;  
22 otherwise, he may have a problem with me.

23 Q Why did you get that feeling, if you  
24 believed that he wasn't trying to convey any message to  
25 you?

1/9

1           A           (Pause.)   Simply I just felt at the time  
2 he was, maybe he was. I just did not feel at the time  
3 that that's what he was, that that's the reason he  
4 said that. But when he did, it merely struck me that  
5 I need to refrain from doing that and otherwise I could  
6 potentially be a problem for him. I don't know if that  
7 was his motivation or not. I just did not perceive  
8 that as the reason he said that.

9           Q           At that time did he offer you the  
10 position?

11          A           No, sir. He indicated -- I believe he  
12 indicated I would receive a call in the next couple of  
13 days, which I did, a call from New York personnel.

14          Q           And they offered you the position?

15          A           That's correct.

16          Q           And since you work there I assume you  
17 accepted that position.

18          A           That's correct.

19          Q           Did you have any concerns about taking  
20 the position in view of this feeling you've just  
21 testified about?

22          A           (Pause.) I may have had some concerns,  
23 but they were overridden by the fact that I'd been out  
24 of work for six months, and because of that they were  
25 minor concerns.

1/10

1 Q I believe you testified that you began  
2 work in January of '83.

3 A That's correct.

4 Q When you began work did you get any  
5 training from the company?

6 A Yes, sir. I received some orientation  
7 from, some quality orientation from Brown & Root, from  
8 the Brown & Root -- well, maybe it's actually the  
9 TUGCO instructor. Also I received I believe about  
10 twenty hours of on-the-job training so as to become  
11 certified to a couple of procedures.

12 Q And did all of this activity take place  
13 upon your commencing your employment?

14 A That's correct.

15 Q And when you were certified what was your  
16 level of certification?

17 A Level I.

18 Q And what does Level I mean?

19 A Level I means, Level I as described by  
20 ANSI 42.5.6 means that I have something like six month's  
21 experience in quality testing or examination, and I have  
22 an equivalent of a high school education.

23 ///

24 ///

25

22-1 1 BY MR. TREBY:

2 Q I believe you also testified that you  
3 were present during what has been called in this  
4 proceeding the pump skimmer room incident, is that  
5 correct?

6 A I was present in a meeting conducted  
7 by Harry Williams, yes, sir.

8 Q How soon after you began work did that  
9 meeting occur?

10 A I think about a couple weeks, about  
11 the third or fourth day I was there when I was in  
12 the trailer awaiting some procedures I remember an  
13 incident with Tom Miller running in and yelling at  
14 Bob Wallace, who was the senior inspector, asking  
15 him about why he bought off or -- yes, why he bought  
16 off the coatings in the pump skimmer room.

17 So I would think the meeting with  
18 Harry Williams occurred a few days after that.

19 JUDGE BLOCH: I don't understand. Had  
20 Bob Wallace -- do you know whether Bob Wallace had  
21 bought off the coatings in the pump skimmer room?

22 THE WITNESS: I don't know that for a  
23 fact, but Tom Miller sure thought so. Maybe he --  
24 well --

25 JUDGE BLOCH: Okay, because he came in

22-2 1 saying that. Let's take that testimony.

2 BY MR. TREBY:

3 Q All right. And you indicated then that  
4 there was some meeting called of the coating  
5 inspectors.

6 A Yes, sir, that's true.

7 Q Where was the meeting held?

8 A C&R trailer, the coatings trailer.

9 Q And were all of the coating inspectors  
10 from the day shift there?

11 A I believe they were.

12 Q And can you tell us what happened at  
13 that meeting?

14 A I have a very hazy recollection of what  
15 happened.

16 Q Well, just give us your best recol-  
17 lection. I think we all understand that this was  
18 over a year ago, close to two years, I guess.

19 A Best recollection would be that Harry  
20 was trying to give directions to the inspectors about  
21 the -- how thorough their inspections should be.  
22 He said that if anyone was nit-picking out in the  
23 field that he would walk them to the gate, and that's  
24 about all I remember.

25 Q What does "walk them to the gate" mean

22-3

1 to you?

2 A. It means walk them to the gate and  
3 hand them a paycheck and it means --

4 Q. Termination?

5 A. -- termination.

6 JUDGE BLOCH: Do you recall whether he  
7 said anything about the fact that portions of the  
8 inspection of the pump skimmer room were not thorough  
9 enough?

10 THE WITNESS: No, sir, I don't remember  
11 that.

12 JUDGE BLOCH: Do you remember whether  
13 or not he said that the entire pump skimmer room  
14 should have been rejected, that it was silly to do  
15 a detailed inspection on portions of it?

16 THE WITNESS: I don't remember that,  
17 but apparently that's what's happened, that is what  
18 happened, from the questions I've been asked.

19 JUDGE BLOCH: But the question is whether  
20 he said that at the meeting.

21 THE WITNESS: I don't recall that.

22 JUDGE BLOCH: Do you recall that anyone  
23 might have said that at the meeting?

24 THE WITNESS: No, sir, I don't.

25 BY MR. TREBY:



22-4

1 Q You just answered the Chairman's  
2 question by saying you understand that may have  
3 happened based on the questions that were asked you.

4 Who asked those questions?

5 A Well, in the Applicant's deposition.

6 Q Is that the only time that those  
7 questions seem to have come up?

8 A Apparently so, yes, sir.

9 Q During Mr. Roisman's examination you  
10 mentioned something about pinholes. Can you tell us  
11 what you mean by pinholes?

12 A Pinholes being porosity through the  
13 coating, a discontinuity through the coating.

14 Q As a lay person, if I were to look at  
15 a coatings job, what would I see if I saw pinholes?

16 A It might be similar to a pinprick,  
17 just getting a very sharp object such as a pin and  
18 sticking it through the coating, and you would see a  
19 very sharp depression in the coating, a darkened area.

20 JUDGE BLOCH: The darkness would come  
21 from seeing the metal underneath, is that --

22 THE WITNESS: Either the metal or the  
23 primer, usually you use a primer that's a contrasting  
24 color.

25 BY MR. TREBY:

22-5 1 Q And when you do an inspection and you  
2 note pinholes, how do you note them?

3 A Well, usually you -- you can either use  
4 a piece of chalk to indicate where it's located or  
5 you can use a piece of tape and put a piece of tape  
6 next to it to indicate where it's located.

7 Q If you use a piece of chalk, you just  
8 circle the pinholes?

9 A Yes, sir.

10 JUDGE BLOCH: I think the answer was  
11 yes.

12 THE WITNESS: Yes.

13 BY MR. TREBY:

14 Q And do these pinholes occur in clusters  
15 or are they scattered throughout an area that you're  
16 inspecting?

17 A It depends on the coating.

18 Q And are pinholes easy to see by the  
19 naked eye or do you have to get up close and inspect  
20 it? I mean, how easy or difficult is it to look at  
21 pinholes or to discover pinholes?

22 A Lots of the time it's pretty easy. It  
23 just depends on the coating itself and how large they  
24 are.

25 Q What I'm just trying to get a feel for

22-6 1 in the record is you indicated that in order to  
2 properly identify pinholes it might take a fairly  
3 extensive time in doing an inspection, and I guess  
4 I'd like to understand better how long it does take  
5 to identify them, or whether this is something you  
6 can identify readily and you just go up and make a  
7 bunch of circles or whether you need to get up and  
8 look very carefully at small pieces of wall at a  
9 time or what.

10 A Primarily referring to the quantity,  
11 if there's hundreds and hundreds it's going to take  
12 you quite a while to identify all the pinholes.

13 JUDGE BLOCH: Why would you have to  
14 count them instead of just identifying the area in  
15 which they occur?

16 THE WITNESS: Well, that's part of an  
17 inspector's job to identify the defects and they  
18 have to be identified so there's corrective action,  
19 so that they can be repaired, and you really can't  
20 expect the craft personnel to go through and identify  
21 or to repair all the pinholes. That's just part of  
22 your function.

23 JUDGE BLOCH: Well, they don't repair  
24 them by doing them a hole a time, do they?

25 THE WITNESS: Yes, sir.

22-7

1 JUDGE BLOCH: They actually have to do  
2 some --

3 THE WITNESS: Some are, for concrete  
4 coatings, yes, sir.

5 MR. WATKINS: Your Honor, excuse me,  
6 this is something that I could perhaps put off until  
7 Applicant's cross, and please instruct me to do so if  
8 appropriate, but Mr. Allen has been discussing pin-  
9 holes in the context of his expertise as an inspector  
10 of steel substrate.

11 I'm not sure you've established that  
12 the skimmer pump room involved that kind of coatings  
13 application, so lest we continue and be confused, I  
14 just wanted to point that out.

15 MR. TREBY: All right. Well, maybe we  
16 should clear the record up then here.

17 BY MR. TREBY:

18 Q Can you describe what the skimmer pump  
19 room is, what kind of material are we putting coatings  
20 on in that room?

21 A It's the imperial concrete coating  
22 system, it's Nutec 11-S, Nutec 11, Nutec 1201 epoxy  
23 polyanna top coat.

24 Q Well, first of all, how large is this  
25 room?

22-8 1 A Probably about ten or fifteen feet wide,  
2 twenty feet long. It's a fairly small room.

3 Q All right.

4 JUDGE BLOCH: I would like to clarify  
5 something. I think we want to consider by the time  
6 we've done some of the merits of the technical  
7 matters but I do think that the ultimate deter-  
8 mination on merits is probably saved for the other  
9 branch of the case, if all we're doing here is seeing  
10 the nature of the complaints and how the Applicants  
11 responded to them.

12 I think the merits are probably going  
13 to be the subject of extensive testimony in the other  
14 branch of the case, in fact, documents that the  
15 Applicants have already filed.

16 MR. WATKINS: On coatings?

17 JUDGE BLOCH: Yes.

18 MR. WATKINS: I think what Mr. Treby --  
19 well, I think Mr. Treby is getting at whether  
20 Mr. Williams was correct in his assessment of the  
21 inspector's performance, and I think that's appropriate.

22 JUDGE BLOCH: Okay. It's relevant to  
23 that, yes, but I'm saying the ultimate merits probably  
24 are better decided in the other side. Whether it's a  
25 serious complaint is something we'll have to figure

22-9

1 out on this side, maybe, but -- so you may pursue it  
2 if you'd like.

3 MR. TREBY: Right.

4 BY MR TREBY:

5 Q And the coatings are going on a concrete  
6 surface?

7 A That's correct.

8 Q Are you qualified to inspect coatings  
9 on a concrete surface?

10 MR. WATKINS: I'll object on the basis  
11 that you're not making a distinction between qualifi-  
12 cation and certification.

13 MR. TREBY: Thank you.

14 BY MR. TREBY:

15 Q I guess my question is were you  
16 certified to inspect on a concrete surface?

17 A I was not certified at Comanche Peak,  
18 no, sir.

19 JUDGE BLOCH: Was your schooling limited  
20 to coatings on metal, or did your schooling also  
21 include coatings on other substances? Not at --  
22 your academic schooling in polymers and coatings.

23 THE WITNESS: It wasn't restricted to  
24 any substrate.

25 JUDGE BLOCH: Like the properties of

22-10 1 the polymers and coatings.

2 THE WITNESS: I'm a chemist, a polymer  
3 chemist is really not -- you know --

4 JUDGE BLOCH: Okay. And that's not  
5 limited to just metal liners?

6 THE WITNESS: Yes, sir.

7 BY MR. TREBY:

8 Q Were you familiar with the procedures  
9 at Comanche Peak with regard to coatings on concrete  
10 surfaces?

11 A Yes, sir.

12 MR. WATKINS: When? At the time?

13 BY MR. TREBY:

14 Q At the time of this skimmer pump room  
15 meeting was held.

16 A No, sir, not at that time I had not  
17 taken the concrete certification test.

18 Q Do you know if Mr. Miller, who was the  
19 person that Harry Williams was talking about, was he  
20 certified with regard to coatings on that type of  
21 surface?

22 A I assume he was.

23 Q Do you know whether there were any other  
24 meetings held around that time with regard to --

25 JUDGE BLOCH: Just one second; at that

1 time did you know whether or not individual pinholes  
2 might be repaired one by one by craft?

3 THE WITNESS: No, sir, I wouldn't have  
4 that knowledge.

5 BY MR. TREBY:

6 Q Do you know whether any other meetings  
7 with regard to the coatings in the skimmer pump room  
8 were held?

9 A I have no knowledge of any other  
10 meetings.

11 Q Were you ever interviewed by any NRC  
12 personnel concerning this meeting held by Harry  
13 Williams?

14 A I was interviewed probably a month and  
15 a half later by someone from the NRC. I don't remember  
16 him indicating the purpose, whether or not it dealt  
17 with the pump skimmer room or not. He was asking  
18 questions about harassment and intimidation and --

19 Q All right. And who was that who  
20 interviewed you?

21 A His name was Ron Meeks.

22 Q And do you know where he was stationed?

23 A He said Washington, D. C.

24 Q And were his questions just generally  
25 about harassment and intimidation?



22-12 1 A I believe they were, yes, sir.

2 JUDGE BLOCH: Is this Staff Counsel's  
3 effort to find out about us?

4 MR. TREBY: This is Staff's effort to  
5 help make a complete record and to make sure that  
6 there is a full disclosure for the Board as to any  
7 materials that the Staff may know.

8 MR. WATKINS: Is this a discovery  
9 deposition now?

10 JUDGE BLOCH: No, I was not objecting  
11 to the questions. I just -- let's continue.

12 BY MR. TREBY:

13 Q In speaking with Mr. Meeks did you  
14 relate to him the information that you've related  
15 to us about that meeting in the skimmer pump room?

16 A I can't recall. I feel like I didn't,  
17 but I simply don't recall.

18 MR. WATKINS: Was that you did not or  
19 you did? I just didn't hear you.

20 JUDGE BLOCH: He said I felt like I  
21 didn't. Is that right?

22 THE WITNESS: That's the feeling I --

23 JUDGE BLOCH: But he can't recall.

24 THE WITNESS: I just don't recall. I  
25 don't know.

23a  
he  
1 BY MR. TREBY:

2 Q And I believe you then testified that  
3 you were working on inspections of the backfit  
4 program?

5 A That's correct.

6 Q And how long did you devote efforts  
7 to inspecting the backfit program?

8 A Probably about four or five months.

9 Q And during that effort did you follow  
10 the procedure of discussing your findings with a  
11 craft person?

12 A No, sir.

13 Q And why was that?

14 A There was no reason to. There was no  
15 interface with the craft, the craft performing any  
16 application. This was coatings that had already  
17 been applied, so there was no reason to discuss my  
18 findings with them.

19 Q And during that period of time, did you  
20 find deficiencies?

21 A Yes, sir.

22 Q And did you report those deficiencies  
23 as you found them?

24 A Yes, sir, they were identified on a  
25 backfit inspection report.

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Q And is that the form that you use for reporting the deficiencies?

A Yes, sir.

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23b  
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1 JUDGE BLOCH: I don't understand. When  
2 you are doing these back-fit inspection reports, would  
3 it have been any harder for people to find the  
4 defects there after you reported them than it would  
5 have been if you had done them on an ongoing painting  
6 effort with the craft not being present?

7 THE WITNESS: Well, the way it had to  
8 work is that we are trying to keep ahead of the craft  
9 because the back-fit inspection had to be performed  
10 before the craft actually moved into that area so that  
11 we could identify which areas needed to be reworked.

12 JUDGE BLOCH: Okay, but did craft have  
13 trouble finding the areas because they weren't there  
14 watching you when you were doing your inspections?

15 THE WITNESS: Did the craft have trouble  
16 finding the area?

17 JUDGE BLOCH: You were noting  
18 unsatisfactory conditions that had to be repaired.

19 Did you know whether or not craft had  
20 difficulty finding those areas subsequently?

21 THE WITNESS: I'm sure there were  
22 occasions, but the way it worked is they would get  
23 copies of our inspection reports so that someone  
24 could go to the foreman and tell him where was the  
25 defective area.

3-2 1 I would assume there may have been cases  
2 where they could not locate exactly the defective  
3 areas.

4 JUDGE BLOCH: Would it have been any  
5 harder for them in the case of an in-process inspection  
6 to be able to find the areas than it was for the  
7 back-fit inspection?

8 MR. WATKINS: Your Honor, we will  
9 object, because I believe you are assuming something  
10 about the back-fit program that simply is not true.

11 JUDGE BLOCH: Okay. Could you clarify  
12 that for me as Counsel. I will take a representation  
13 of Counsel or a question to the witness.

14 MR. WATKINS: I believe Mr. Allen -- I'll  
15 explain it and have him confirm it.

16 JUDGE BLOCH: Okay.

17 MR. WATKINS: There were only two kinds  
18 of back-fit tests; one was a dry-film thickness  
19 reading and the other one was an adhesion test.

20 The basic purpose of the back-fit program  
21 was not to certify that every step of the process was  
22 done properly, as is true of ongoing inspections.

23 You can't do that because the paint is  
24 already on the wall in a back-fit inspection.

25 The purpose is simply to assess the

3-3 1 adhesion of the paint.

2 JUDGE BLOCH: Adhesion of the paint; is  
3 that correct?

4 THE WITNESS: Adhesion and the thickness  
5 of the paint.

6 JUDGE BLOCH: But my question went to  
7 the identification of deficiencies that had to be  
8 repaired.

9 Was one of the purposes to find places  
10 where repairs had to be made?

11 THE WITNESS: No, sir.

12 JUDGE BLOCH: Then what was the purpose  
13 if it wasn't to find things for repair?

14 THE WITNESS: The purpose was to  
15 identify or determine the film thickness, as well as  
16 to determine that there was satisfactory adhesion of  
17 the coatings on the substrate.

18 But as far as defects, such as  
19 cracking of the coatings, that was not a criteria.

20 JUDGE BLOCH: I'm getting the impression  
21 that the purpose was in support of an engineering  
22 analysis of whether there were problems coming from  
23 these back-fit coatings. Can you clarify that for  
24 me?

25 MR. WATKINS: You are referring to the

3-4 1 purpose of the back-fit program?

2 JUDGE BLOCH: Yes.

3 MR. WATKINS: The back-fit program was  
4 triggered when --

5 JUDGE BLOCH: I know when it was  
6 triggered, but what was trying to be accomplished by  
7 the inspections at that point.

8 The witness is saying it was not  
9 repaired.

10 MR. WATKINS: What they were testing was  
11 fairly large areas of paint at a time to determine  
12 the essential adhesion, the adhesive quality of the  
13 paint, and whether the dry film thickness tolerances  
14 were within reason.

15 JUDGE BLOCH: But it was sort of a  
16 no go or go on large areas that would be repaired all  
17 at once if there was a problem?

18 MR. WATKINS: Correct, subject to  
19 Mr. Brandt's further testimony and Mr. Allen's  
20 correction if I am wrong.

21 JUDGE BLOCH: Is that your understanding,  
22 that you were looking for large areas that might be  
23 repaired but not small areas?

24 THE WITNESS: No, sir, that's not  
25 really correct, because again, once the inspector found

3-5 1 a defective area or an area that was out of tolerance,  
2 we would then proceed to isolate the area.

3 Say, for instance, you had a thousand  
4 square feet. You found an area with a film thickness  
5 below or above the maximum.

6 You would then begin to isolate by  
7 taking further film readings.

8 Once you isolated the area, you would  
9 measure, mark it out and identify it on your  
10 inspection report.

11 JUDGE BLOCH: In some instances would  
12 it be a fairly small area?

13 THE WITNESS: Yes, sir.

14 JUDGE BLOCH: Do you need to clarify  
15 that further, Mr. Watkins?

16 MR. WATKINS: If we do, we will do it  
17 on rebuttal, Your Honor.

18 BY MR. TREBY:

19 Q Can you give us some sense of the  
20 number of deficiencies that you noted, say in a  
21 week's time while you were working on this back-fit  
22 program?

23 A For concrete coatings there were very  
24 few. For the steel coatings there were, I would guess,  
25 maybe about a 10 or 15 percent rejection rate a couple



3-6 1 of times a week.

2 Q Can you clarify? You just mentioned  
3 concrete coatings. Were you now certified to look  
4 at concrete coatings?

5 A Yes, for back-fit of concrete coatings  
6 and back-fit of steel coatings, too.

7 Q So you were certified for both  
8 surfaces --

9 A Yes, sir, for the back-fitting --

10 Q -- as far as back-fitting went?

11 A That's correct.

12 Q During this period, was -- did you  
13 receive any feedback from your supervisor with regard  
14 to the amount of deficiencies you were noting?

15 A No, sir.

16 Q No negative feedback nor positive  
17 feedback?

18 A No positive or negative. The only thing  
19 that I do recall is that we questioned whether or not  
20 we should be indicating the defective areas that we  
21 did come across.

22 I think I stated earlier that it was  
23 pointed out that those coatings would be repaired at  
24 a later date.

25 JUDGE BLOCH: I'm sorry. I don't

23-7

1 understand what the question was. You said you  
2 questioned whether you should --

3 THE WITNESS: He asked whether or not  
4 I received any positive or negative feedback, and I  
5 said essentially I received none, that there really  
6 wasn't any criticism either negative or positive  
7 concerning our work.

8 JUDGE BLOCH: Yes, but you said we  
9 questioned whether we should identify certain areas.

10 THE WITNESS: Yes, sir.

11 JUDGE BLOCH: What did you mean about  
12 that?

13 THE WITNESS: Well, just in the sense  
14 that we felt like those areas should be repaired and  
15 we were instructed to by-pass them at that time.

16 JUDGE BLOCH: What areas?

17 THE WITNESS: Defective areas we were  
18 finding in coatings, that we were not allowed to --  
19 well, that was not part of our criteria to identify  
20 visual defects, such as cracking in the coatings or  
21 whatever.

22 JUDGE BLOCH: So you were doing the job  
23 of the backfit program but you were told not to look  
24 for other kinds of indications?

25 THE WITNESS: That's correct.

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JUDGE GROSSMAN: Excuse me. Was your

backfit supervisor Harry Williams also?

THE WITNESS: I believe so, yes, sir.

BY MR. TREBY:

Q And how did you determine that you were not supposed to be reporting these other crackings or such that you may have noticed?

A Just conversation with the lead or supervisor.

Q Had you ever written up the NCR or an IR on any of those subjects?

A No, sir, I haven't.

Q How did it come about that you went from looking at backfitting program to the ongoing program?

A They needed more inspectors and I believe I volunteered to become an in-process inspector and about one or two weeks after that the entire backfit program was eliminated.

JUDGE BLOCH: Did you cause that?

THE WITNESS: No, sir.

(Laughter.)

BY MR. TREBY:

Q Do you know why it was eliminated?

A I would guess they had so many -- I

23-9 1 guess through trend analysis they had determined so  
2 many cases, a certain failure rate and they felt like  
3 it was no longer required.

4 JUDGE BLOCH: Was it explained to you  
5 at all why they discontinued the backfit program?

6 THE WITNESS: I don't remember it being  
7 explained. I assume they closed out the NCR which  
8 required it.

9 BY MR. TREBY:

10 Q When you went to the in-process  
11 inspections, did you need to go through any additional  
12 training?

13 A Yes, sir, I went through something like  
14 20 hours of on-the-job training in order to become  
15 certified for that activity. I'm not sure if that  
16 was at that moment in time or when I just hired on  
17 with EBASCO.

18 Q And what surfaces were you certified  
19 to inspect?

20 A Just steel.

21 Q Just steel. And when you started doing  
22 your inspections of the in-process work, what kind of  
23 deficiency rate were you finding?

24 A I think I've given a figure of some-  
25 thing like 15 percent of my inspections were --

23-10 1 received an unsatisfactory status.

2 Q And what form were you filling out to  
3 note those deficiencies during the in-process  
4 inspection?

5 A Just a form for the steel, the steel  
6 coatings inspection form. I forget the number of  
7 the procedure.

8 Q So there is a special form that you use  
9 when you do these kinds of inspections and note  
10 deficiencies?

11 A Yes, sir. There's about three -- well,  
12 two or three different forms you use for steel  
13 coatings inspections, and there's separate forms  
14 for the concrete coatings inspection.

15 Q And are there procedures as to what  
16 you do during one of the inspections that you make?

17 A That's correct.

18 Q When would you use a different form  
19 such as an NCR?

20 A Mostly when the condition was  
21 indeterminate and it was not covered by an inspection  
22 report, there was no attribute to cover it and it  
23 appeared that it needed or required an engineering  
24 disposition.

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1 JUDGE BLOCH: Mr. Treby, we have just  
2 about six minutes before 6:00. I would like to  
3 ascertain before you conclude for the day whether  
4 Witness Y was given a chance to review the notes taken  
5 of his deposition and to modify them. I would like to  
6 make sure that Witness Y has that opportunity.

7 MR. TREBY: I will indicate that. My  
8 understanding is that Witness Y made a statement that  
9 was transcribed much as this is being transcribed, with  
10 a court reporter.

11 And it was my further understanding  
12 that that had not yet been fully typed.

13 JUDGE BLOCH: Okay.

14 MR. TREBY: So I don't know what the  
15 status of it is.

16 JUDGE BLOCH: Okay. When it is typed  
17 and before we come to the question of whether we need  
18 Witness Y I would like to know that he has seen the  
19 transcript, has had an opportunity to add things to  
20 it if he feels it doesn't completely reflect his views.

21 Now, the conclusion here? About  
22 five minutes with Mr. Allen?

23 MR. TREBY: I think my cross-examination  
24 is going to go more than five minutes.

25 JUDGE BLOCH: Okay. Try five more

4/2 1 minutes now so we won't have to spend those five minutes  
2 in the morning.

3 (Bench Conference.)

4 JUDGE BLOCH: Are there necessary  
5 procedural matters before we conclude tonight?

6 MR. ROISMAN: Yes.

7 JUDGE BLOCH: All right. Then let's handle  
8 those now.

9 Mr. Allen, if you like you may be  
10 excused. We are just going to handle procedural matters.  
11 I want to thank you for your participation today. We  
12 start at 8:30 a.m. in the morning.

13 THE WITNESS: Okay. I'll be here.

14 (Witness temporarily excused.)

15 JUDGE BLOCH: Is there any problem in  
16 accommodations this evening for you?

17 MR. ALLEN: No, not at all.

18 JUDGE BLOCH: Thank you.

19 MR. ROISMAN: Mr. Chairman, before Mr.  
20 Allen leaves, I'd like to find out or get some direction  
21 from the Board if Mr. Allen is going to be subjected to  
22 Mr. Watkins' usual cross-examination tomorrow. He does  
23 not have the benefit of counsel, and I would like to  
24 know whether if he is willing, whether we may at least  
25 talk to him in preparation for that, explain to him

4/3  
1 what's going to happen, the things that one would  
2 normally tell a witness about cross-examination. He has  
3 no counsel. I feel that he's really left naked here.  
4 The Commission is not providing him with any counsel.  
5 Staff is certainly not counseling him. It's clear that  
6 they are cross-examinaing him.

7 And I haven't asked Mr. Allen the  
8 question, and I don't know whether he has any interest  
9 in having any counseling, but I would like to inquire  
10 of the Board whether we may be able to do that.

11 JUDGE BLOCH: Is there any objection to  
12 CASE doing that?

13 MR. WATKINS: Well, I'm not sure what  
14 my "usual" cross-examination is.

15 JUDGE BLOCH: Aside from that, and I do  
16 not like aspersions by counsel or anyone --

17 MR. ROISMAN: No. No. I meant no  
18 aspersion. It's in the record. You can look at his  
19 examination of Ms. Neumeyer. I just feel the witness --

20 6:00 P.M. SESSION

21 JUDGE BLOCH: Maybe it was a compliment,  
22 Mr. Watkins. It may be. At any rate, he's saying that  
23 you're a thorough cross-examiner, and it may be that --

24 MR. WATKINS: Your Honor, I think that  
25 Applicants have been careful to explain to Mr. Allen, I



4/4  
1 believe, his right to counsel. For purposes of the  
2 deposition he waived counsel. I believe if anyone  
3 should brief him on his legal rights in this regard it  
4 should be Judge Bloch who agreed to take that role in  
5 the deposition.

6 I can state, Mr. Roisman, I don't  
7 see that much for Mr. Allen to worry about.

8 MR. ROISMAN: Neither do I.

9 But I've been surprised  
10 before. I feel just as a matter of due process that  
11 any witness that appears in a hearing and is going to  
12 be subject to cross-examination by any competent lawyer,  
13 which Mr. Watkins certainly is, should have the  
14 opportunity irrespective of his financial resources,  
15 if he wishes to consult with an attorney I would be  
16 delighted if the Board Chairman fulfilled that function,  
17 or Judge Grossman. I don't have any special reason --  
18 it doesn't have to be me. It just happens that there  
19 doesn't appear to be anybody else here, at least on this  
20 side of the bench that isn't doing cross-examination.

21 JUDGE BLOCH: I don't understand your  
22 objection to the offer Mr. Roisman has made. You said  
23 that you'd rather it was the Chairman, or I guess --

24 MR. WATKINS: I would rather Mr. Roisman  
25 not sit down with the Board witness and prepare him for

4/5  
1 his cross-examination.

2 JUDGE GROSSMAN: I believe Mr. Roisman  
3 is talking about procedural matters, rather than  
4 substance. I'm not sure. Is that the case, Mr.  
5 Roisman?

6 MR. ROISMAN: Yes, it is. I mean that  
7 I think that -- I mean it's not my intent to sit down  
8 with the witness nor am I in a position to do so and  
9 say, okay, here are all the, you know, all the words  
10 that I think may come up. I don't even have a copy of  
11 the deposition transcript to review that with. I mean  
12 I might to him, I might say, "Do you remember when you  
13 answered such and such, you might expect to see this  
14 kind of question to give him some example of what to  
15 expect.

16 MR. TREBY: The Staff also has some  
17 question as to whether Mr. Roisman should be performing  
18 that function, or whether it's more properly the  
19 function of the Board.

20 First of all, I don't see where  
21 the Staff is doing anything different than Mr. Roisman.  
22 The Staff has been cross-examining at most for a half  
23 hour or so. Mr. Roisman, also cross-examined for an  
24 extensive period of time. I don't see where the Staff  
25 questions are any more slanted than Mr. Roisman's

4/6  
1 questions are.

2 JUDGE BLOCH: I'm not sure, Mr. Roisman,  
3 could you give the witness the advice you'd give him  
4 now, so we can all hear it?

5 MR. ROISMAN: I don't mind doing that.  
6 I don't want to confuse that with what I think is  
7 adequate preparation for cross-examination.

8 JUDGE GROSSMAN: Well, as far as the  
9 suggestion of the Board doing it, I don't think that  
10 is an appropriate matter here. I have in the past,  
11 also, as you are aware, from the Summer case, kept as  
12 far away from Board witnesses as I can, and I think that  
13 is the proper procedure for the Board to do. If it  
14 can't in certain circumstances, that's another matter,  
15 but I personally in this situation would think that the  
16 witness should have access to whomever he wants.

17 Now, if Mr. Roisman has made that  
18 offer I would think it's up to the witness, unless  
19 there's some objection going to what he has offered,  
20 which is the procedural advice, is there any -- I  
21 would understand Mr. Roisman is not going to go over  
22 substance, and I don't know if someone else would take  
23 it upon himself to offer what Mr. Roisman has offered,  
24 perhaps he would be the appropriate party, too, but I  
25 understand that Mr. Treby is not offering to do that.

24/7  
1 So I think we ought to leave it up to the witness, but  
2 that's the Board Chairman's decision.

3 MR. WATKINS: I am not at all certain that  
4 Mr. Roisman's discussions with the witness will be  
5 limited simply to matters regarding representation. It  
6 sounds to me as if it's going into substance, and I can  
7 see no way that we can insure that.

8 JUDGE BLOCH: I take it what you're  
9 principally interested in is advising the witness on  
10 the permissible scope of cross. Is that --

11 MR. ROISMAN: No, I --

12 MR. WATKINS: That will be subject to  
13 objection tomorrow. That's not a problem.

14 MR. ROISMAN: Mr. Chairman, this gentle-  
15 man is here under subpoena. He has indicated, I believe,  
16 that he is not able to afford his own counsel. This is  
17 a hotly contested hearing. I believe that he is, as a  
18 matter of Constitutional matters here, entitled to talk  
19 to a lawyer, if he wants to.

20 Now, I agree that I'm a lawyer  
21 for one of the parties, and that that is not a problem.  
22 Mr. Brandt will talk to his lawyers tonight and their  
23 lawyers are one of the parties, not sending Mr. Brandt  
24 to some neutral lawyer, or to me, and Mr. Allen if he  
25 were here as a witness for any one of the parties would

4/8

1 be able to be fully counseled with regard, within the  
2 legitimate confines of what that is, but with regard  
3 what to expect. Look, you may get a question like  
4 this. I want you to think through it, give some thought  
5 to what kind of answer you are going to have for that.  
6 Don't be surprised by it, which is exactly what lawyers  
7 do for witnesses.

8 Now, what I am unclear about is  
9 why should Mr. Allen be denied that if he wishes it.

10 MR. WATKINS: It's not the question of  
11 whether he's going to be denied it. It's whether you  
12 are going to be that lawyer, Mr. Roisman. As you said,  
13 you are counsel for one of the parties in this case.

14 (Bench Conference.)

15 MR. TREBY: Staff counsel has no problems  
16 with also joining Mr. Roisman and helping him with  
17 procedural matters, but it sounds like what Mr. Roisman  
18 wants to do is to help prepare him for anticipated  
19 questions. Obviously, I can't sit there and tell him  
20 what questions I'm going to ask him tomorrow, because  
21 that wouldn't be appropriate, but Staff would certainly  
22 be happy to sit down and advise Mr. Allen of various  
23 procedural matters. The Staff has been --

24 JUDGE BLOCH: Is there any objection to  
25 Staff counsel being present, also?

4/9

1 MR. ROISMAN: I think that's up to  
2 Mr. Allen. We are not having here a group meeting of  
3 lawyers. I'm trying to get Mr. -- All I'm doing is  
4 as a lawyer, member of the bar, saying "I've got a  
5 person here who doesn't have counsel." I don't know,  
6 he might say, "Hey, I don't want anybody." And then all  
7 of this discussion is irrelevant. But if he says, "I'd  
8 like somebody." And I raise my hand and I say, "He can  
9 have me if he wants."

10 MR. WATKINS: I raise my hand, too.

11 MR. ROISMAN: Okay.

12 (Laughter.)

13 MR. ROISMAN: That's good.

14 JUDGE BLOCH: Okay. I tell you what.

15 Mr. Allen, you may talk to any of the counsel who offer  
16 their services, and you don't have to, and we will take  
17 the representation that counsel will not discuss  
18 specific substantive areas as to what answers you  
19 expect might be sought. I guess it's --

20 (Bench Conference.)

21 JUDGE GROSSMAN: Mr. Watkins, --

22 MR. WATKINS: Yes, sir.

23 JUDGE GROSSMAN: -- I'm familiar with  
24 the prohibition against an attorney approaching a client  
25 of another attorney without going through the attorney.

4/10

1 Is there any other prohibition that you can tell me  
2 about that's applicable to precluding the witness from  
3 being approached by any other attorney here? And, Mr.  
4 Treby, the same thing. If there is no such prohibition  
5 that you can tell me about, any of the attorneys can  
6 approach the witness. If the witness doesn't want to be  
7 approached, that's fine, he can just say so, but other  
8 than that I can't see any prohibition.

9 MR. WATKINS: As you know, Your Honor,  
10 we have questioned circumstances, procedural circum-  
11 stances under which Mr. Allen's appearing before the  
12 Board in the first place. We simply think it's  
13 singularly inappropriate for the Intervenor, who  
14 initially named Mr. Allen as a witness, who listed him  
15 as a witness, along with the matters about which he  
16 would testify, now have the opportunity to sit down  
17 with him prior to his cross-examination, prepare him  
18 for that cross-examination, and perhaps some redirect  
19 as well.

20 JUDGE GROSSMAN: What you are suggestion  
21 now is that there is a closer relationship to  
22 Mr. Roisman than any other attorney here, which seems  
23 to be a factor going in the other direction. That is,  
24 away from Mr. Roisman approaching someone else's client.  
25 Now, again, if you can point out some prohibition other

24/11

1 than the one I mentioned --

2 MR. WATKINS: He's either a Board  
3 witness, or an Intervenor witness.

4 JUDGE GROSSMAN: Well, I certainly do not  
5 consider him a Board witness who cannot be approached  
6 by another attorney.

7 JUDGE BLOCH: Mr. Allen, this may all be  
8 moot. We never asked you what you are interested in,  
9 but as far as the Board is concerned you may approach  
10 counsel for any of the parties in order to obtain  
11 advice. We haven't heard any reasons from any of the  
12 counsel that would prohibit you from doing that. And  
13 talking to counsel for any of the parties will not  
14 change your status. You remain a Board witness, and the  
15 fact that you have spoken to counsel for all the parties  
16 will not affect that status.

17 Any other procedural questions?

18 MR. ROISMAN: Mr. Chairman, as you know  
19 we earlier today indicated that we wanted to have these  
20 travelers received in evidence, and we have a practical  
21 problem. We have a copying problem. We understand we  
22 have the duty to copy, but we must have access so that  
23 we can go and copy. As you know, Ms. Ellis has quite  
24 efficient resources for doing that, but if I cannot put  
25 the travelers in her possession, I can't have her do the



24/12

1 copying, get it done, and have them available when  
2 it's needed. I would like to get some understanding  
3 of when that's going to happen, when we are going to  
4 get the access to the travelers so that they can be  
5 copied, and we can provide the copy for, I'm not sure,  
6 I assume it's going to be too bulky to bind into the  
7 record. On the other hand, I'd like to avoid making  
8 exhibit copies, which seems excessive.

9 JUDGE BLOCH: On a prior occasion we had  
10 a seven-cent compromise the Board suggested. Did that  
11 work out or not work out.

12 MR. DOWNEY: We won't argue over seven  
13 cents.

14 JUDGE BLOCH: That is it would cost  
15 seven cents a page. Can CASE afford that, if the  
16 Applicants will do it?

17 MR. ROISMAN: I don't know the answer  
18 to that. I'd have to ask Ms. Ellis what she is paying  
19 for her xeroxing. All right, she owns the xerox. Would  
20 the Applicant like to pay Ms. Ellis seven cents, and  
21 she'll run the copies on her machine. They can send  
22 somebody there to watch her. I don't know what there  
23 is in this record that suggests that these copies of  
24 travelers, the originals of which are in the Applicants'  
25 file, have some special status that entitles them not to

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1 be given to us so that we can copy them.

2 JUDGE BLOCH: They don't. The only  
3 reason that was given previously was that Applicants  
4 needed access to them, also. It seems to me proper  
5 that the custody be turned over to CASE for the purpose  
6 of copying for the record of these specific documents  
7 that were requested.

8 MR. ROISMAN: All I ask is that I believe  
9 Mr. Brandt will go back on tomorrow. I assume he  
10 wants to look at them tonight, which is perfectly all  
11 right. As long as they are delivered to us tomorrow; as  
12 soon as Mr. Brandt is finished then we can get them  
13 copied in time to have them for the record this week.

14 MR. DOWNEY: That's fair.

15 JUDGE BLOCH: Okay. That's agreed. Any  
16 other procedural questions?

17 MS. GARDE: There was three or four  
18 of the categories that I said I was going to supplement  
19 with Ms. Gregory's numbers. I don't know if you want  
20 me to do that on the record, or if we can provide it in  
21 writing to the Applicant. I'll read more numbers, or  
22 I'll do it some other way if it's convenient.

23 JUDGE BLOCH: Mr. Downey, your reaction?  
24 How do you want to receive numbers?

25 MR. DOWNEY: The easiest way possible.

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JUDGE BLOCH: Provide them in writing.

MR. MIZUNO: And the Staff in addition.

JUDGE BLOCH: The Staff is interested,

also.

MS. GARDE: All right.

JUDGE BLOCH: Any other procedural  
questions? Mr. Downey.

MR. ROISMAN: I just want to check my  
notes. Go ahead.

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e  
1 MR. DOWNEY: I have two items,  
2 Mr. Chairman, one of which is the pending request  
3 from the Board for materials from the Applicant.

4 I wanted to review the list that I had  
5 compiled at the end of last week, make sure that it  
6 corresponds with everyone else's list and report on  
7 the status of the various items.

8 JUDGE BLOCH: Okay. The Board will ask  
9 all the parties to assist us in remembering if this  
10 list is complete.

11 MR. DOWNEY: There are two what I  
12 would call self-explanatory documents requested  
13 during Mr. Vega's examination, which we have not  
14 provided.

15 One was a letter about which Mr. Vega  
16 testified that he sent to the quality control  
17 inspectors.

18 A second is a complete memorandum and  
19 all of the attachments. As you will recall, again  
20 by Mr. Vega, there was a memo that had one attachment  
21 missing that's different from the one that we  
22 ultimately put in that was Attachments A through H.  
23 Mr. Vega is looking for that complete set of those  
24 documents.

25 JUDGE BLOCH: I'm not entirely sure

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1 that you are describing this with precise clarity.

2 MR. DOWNEY: It has to do with the  
3 transfer of certain inspectors contemporaneously with  
4 the stop-work order in the Safeguards Building.

5 As I have spoken with Mr. Vega, it  
6 appears that all that is missing from the exhibit to  
7 his deposition is a copy of the actual stop-work  
8 order.

9 That's my understanding of what's  
10 missing. We have not yet located the full package.

11 MR. ROISMAN: It has been some days  
12 ago, but my recollection was that what was also  
13 missing was -- there is a reference in the cover  
14 memorandum to a memorandum, and then what we have  
15 attached doesn't appear to be another TUGCO  
16 memorandum.

17 Is Mr. Vega able to clarify that, tell  
18 us there wasn't another one, that there was some  
19 mistake in Mr. Welch's note?

20 MR. DOWNEY: It appears that that  
21 other memorandum referenced in the cover memorandum  
22 is the memorandum stopping work.

23 MR. ROISMAN: All right.

24 JUDGE BLOCH: Okay.

25 MR. DOWNEY: Third, we were originally

1 asked to present a copy of the procedure that  
2 describes how the IR blanks are filled out on  
3 location.

4 We did that and then there was a  
5 subsequent request for all such procedures from  
6 day one to the end and we are collecting those.

7 JUDGE GROSSMAN: I'm not sure I agree  
8 with your characterization now. Let me just say what  
9 my position is on the testimony that we have heard,  
10 or let's say the evidence that we have gotten.

11 My feeling is that testimony as to  
12 prior procedures is not sufficient testimony, that  
13 if you are resting now on the assumption that we  
14 will accept that testimony in lieu of the procedures  
15 themselves, my feeling is that we won't.

16 So you, yourselves, are at risk in not  
17 having substantiated what it is you hope to prove.

18 JUDGE BLOCH: So he's not asking for  
19 from day one, just the procedures that were in effect  
20 that you had oral testimony about.

21 MR. DOWNEY: That's right. I wasn't  
22 trying to be argumentative --

23 JUDGE GROSSMAN: No.

24 MR. DOWNEY: We interpreted the request  
25 to bring a procedure for a particular period of time

5-4 1 and we did that.

2 Then there was a subsequent request from  
3 you, Judge Grossman, that in fact we thought you  
4 gave us the wrong period of time.

5 JUDGE GROSSMAN: But I want you to know  
6 that there's a risk of a failure of proof here, and  
7 that it's to your interest that we cover those periods.

8 MR. DOWNEY: And that's why I wanted to  
9 go through the list to make sure that I have  
10 covered all the bases.

11 JUDGE GROSSMAN: Good, but the period  
12 of time, just so we are clear, is the period of time  
13 when Mr. Krolak testified regarding a condition that  
14 he thought existed in which he thought the IR didn't  
15 adequately identify the location, and I believe that  
16 period of time was around March of '82.

17 MR. DOWNEY: That's correct.

18 JUDGE GROSSMAN: The procedure that we  
19 got was something around March of '83 and it wasn't  
20 necessary to have all the intervening ones. It  
21 was to know what did Mr. Krolak know or should have  
22 known at that time.

23 MR. DOWNEY: Okay.

24 JUDGE BLOCH: Next matter.

25 MR. DOWNEY: The procedures concerning

5-5 1 the travelers, which we, I believe, have served on all  
2 the parties --

3 JUDGE BLOCH: And the Board.

4 MR. DOWNEY: -- and the Board over lunch.

5 MR. ROISMAN: We have looked at those  
6 and have some questions as to whether we have them all.

7 If the Applicant represents we've got  
8 them all, then we will just take the blanks as  
9 indicative of something improper and draw our findings  
10 accordingly.

11 MR. DOWNEY: I understand we are missing  
12 one revision of one procedure and Mr. Brandt can  
13 explain that after the day's business and we will  
14 undertake to get that one, also.

15 JUDGE GROSSMAN: And are you sure that  
16 we have all the pages of all those procedures,  
17 including the cover page for the procedures for which  
18 there isn't a cover page, which itself indicates a  
19 history of the procedure, though perhaps not of a  
20 superseded procedure?

21 MR. DOWNEY: It certainly was our  
22 intent to provide all the pages of all the procedures;  
23 and if we failed to do that, it's by inadvertence  
24 and not --

25 JUDGE GROSSMAN: Right. I am just



2-6 1 pointing it out so that you can check on it.

2 The travelers, themselves, which have  
3 been produced with the exception of the half a dozen  
4 that are at the site and not here that we couldn't  
5 explain. It was a failure of copying or whatever  
6 reason, but those will be produced.

7 The notes of Ms. Lancaster, Mr. Tolson's  
8 secretary, I am informed that she has no notes.

9 JUDGE BLOCH: So there's no calendar.

10 MR. DOWNEY: Well, but we have  
11 something. Maybe now is an appropriate time to  
12 mention it.

13 We have checked the gate log for that  
14 day as a substitute way to determine Mr. Tolson's  
15 presence.

16 JUDGE BLOCH: Thank you. That's  
17 helpful.

18 MR. DOWNEY: And it reflects that  
19 Mr. Tolson signed in at 11:20 a.m. and out at 5:10  
20 p.m.

21 JUDGE BLOCH: This was on Monday?

22 MR. DOWNEY: On Monday, that's right.

23 I am prepared to pass this out.

24 JUDGE BLOCH: On the request for  
25 O. B. Cannon documents, are we going to get that

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1 before the witness shows up?

2 MR. DOWNEY: Yes, that would be our  
3 intention. To be perfectly honest, Judge Bloch, late  
4 Friday I had a copy of that.

5 In packaging the office and moving it  
6 here, I have not been able to locate it again.

7 JUDGE BLOCH: Okay. That was the  
8 purchase order, but the request was for more than  
9 just the purchase order.

10 It was for any memoranda or correspondence  
11 that reflect on their relationship.

12 MR. WATKINS: Are you referring to  
13 your subpoena to Mr. Norris?

14 JUDGE BLOCH: No, just a request to the  
15 Applicant.

16 MR. DOWNEY: We are looking for other  
17 materials.

18 And deficiency paper on the lighting  
19 fixtures in the Safeguards Building.

20 That concludes my list of things that  
21 I think are still outstanding, my list of requests.

22 JUDGE BLOCH: Does anyone else have --

23 MR. DOWNEY: From the Board.

24 JUDGE BLOCH: Yes.

25 MR. ROISMAN: I'd like to ask the Board

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1 to ask the Applicant for the originals that we  
2 have been asking for for over a week now so it will  
3 get up on Mr. Downey's priority one list, and that  
4 we can get them.

5 We are being expected to examine on  
6 the Stanford incident, and we still have not seen the  
7 originals and no one talks to us about them and no  
8 one will give them to us and I am not going to  
9 cross-examine those witnesses if I do not have those  
10 documents to review the night before they are called.

11 If the hearing goes to December because  
12 of that, I am going to blame the Applicant. We have  
13 done enough of looking at documents at the last  
14 second and then be expected to cross-examine.

15 We have also got some of the  
16 travelers that we have asked for originals with  
17 respect to.

18 Mr. Chairman, I am just totally  
19 frustrated about how to move the ball from where it  
20 is.

21 I see that there is legitimate  
22 strategic advantage to the Applicant in holding it  
23 back. I want to stop it, if that's the reason.

24 If it's negligence, I want to stop  
25 that; and if it's that they can't find the originals,

5-9 1 I want to know that.

2 But I want the originals. We've been  
3 asking for a week. We don't have them.

4 JUDGE BLOCH: Before Applicants  
5 comment, I would comment that in the other side of  
6 the case there seems to be a similar pattern, that  
7 documents only get to Mrs. Ellis a couple of days or  
8 a few days before the hearing, and then she's got  
9 a large mass of documents to look at.

10 There's a pattern of that.

11 MR. WATKINS: Are we referring to the  
12 Neumeyer NCR, the Stanford documents?

13 MR. ROISMAN: I'll let Ms. Garde -- this  
14 is the third or fourth time we've iterated this.

15 MS. GARDE: I don't have my piece of  
16 paper in front of me. We went over this again  
17 Thursday or Friday or both days, but we are missing  
18 the originals, which originally Mr. Belter said a  
19 custodian was going to come up with the originals  
20 so we could review them.

21 JUDGE BLOCH: Originals of what,  
22 though?

23 MS. GARDE: There's about four documents:  
24 The Stanford NCR original; the weld data card  
25 original; and I just -- I can't remember.

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1 MR. ROISMAN: And then there are the  
2 Robbie Duncan -- the records of Robbie Duncan OJT  
3 hours, originals of that, and then there are some  
4 documents that -- it's the sheet that's put out that  
5 says what the welds are that the inspectors are to  
6 go out and look at. I forget what's that called.

7 Then the copies that are attached to  
8 the testimony of witnesses. Apparently a highliner  
9 was used to highline what was the major thing.  
10 The highliner then came out black, so the --

11 MS. GARDE: We can't read the line.

12 MR. WATKINS: If I can state, perhaps  
13 this was my responsibility, my personal responsibility  
14 to take care of.

15 I have not been fully informed about  
16 this. I will do my level best to get originals that  
17 I can up here tomorrow.

18 There may be one problem in getting  
19 these things out of the vault. I have been told  
20 before that we can't.

21 If that's the case, we'll have to go to  
22 the site and you can inspect them there.

23 MS. GARDE: Mr. Watkins, I've been told  
24 since I first asked for these documents over a month  
25 ago to Mr. Downey on the phone that I was going to get

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1 these documents, and we are going into the final day,  
2 and I keep writing them down. I keep making separate  
3 lists. I bring them up every time I talk to Mr. Downey,  
4 and every time I talk to Mr. Downey I get a different  
5 answer.

6 I want to look at the documents. It's  
7 not going to take long to look at, but I do want to  
8 look at them.

9 JUDGE BLOCH: There's got to be a way  
10 that a custodian can come here with them. I don't  
11 understand how it's possible that they can't leave  
12 the site with a custodian?

13 MR. WATKINS: I'm not that familiar with  
14 NRC document requirements, but I think they are  
15 pretty stringent.

16 MR. TREBY: We had this discussion in  
17 the other proceedings and I think that we indicated  
18 that there is no NRC requirement that the original  
19 must stay on site, as long as there is a copy on  
20 site.

21 MR. WATKINS: If Ms. Garde wants to go  
22 to the site tonight, right now, we can make them  
23 available to her.

24 Otherwise, I will try to have them here  
25 in the morning.

5-12 1 That is the best that I can do.

2 MR. ROISMAN: That will be satisfactory.

3 JUDGE BLOCH: Are there any other  
4 procedural questions?

5 MR. DOWNEY: The last item, Your Honor,  
6 is the order of witnesses. As you will recall, my  
7 schedule last week was a touch optimistic.

8 JUDGE BLOCH: And your schedule for  
9 this morning was a touch pessimistic.

10 MR. DOWNEY: Experience made me a  
11 little pessimistic this morning. I apologize for the  
12 inconvenience caused by us not being fully ready.

13 JUDGE BLOCH: I would also reiterate the  
14 offer that certain witnesses might be able to be taken  
15 in the evening.

16 So I would hope that we can make that  
17 provision.

18 MR. DOWNEY: I hope so, also.

19 What I would suggest for tomorrow is  
20 we continue with Mr. Allen; that we then move to  
21 Mr. Brandt; that assuming we can get these papers  
22 for Ms. Garde in the morning, perhaps we could take  
23 the Stanford witnesses.

24 Alternatively, we could bring -- we  
25 might do Mr. Chapman. I would like to do Mr. Bennetzen

1 the first thing Thursday morning.

2 He is trying to wrap up certain things.  
3 He is going on vacation after Thursday, and if he can  
4 wrap up things at the site tomorrow and be here  
5 Thursday morning, then we can finish him.

6 JUDGE BLOCH: Where is Mr. Norris in  
7 this?

8 MR. DOWNEY: I don't have Mr. Norris.  
9 He's not my -- I guess he's not my responsibility.

10 JUDGE BLOCH: Well, I think he is  
11 because we subpoenaed him and you arranged for him to  
12 come this week.

13 MR. DOWNEY: As I recall, we arranged  
14 to get his commitment to come this week.

15 JUDGE BLOCH: You arranged for a day  
16 that he was going to come.

17 MR. DOWNEY: We will undertake to set  
18 a time for Mr. Norris.

19 JUDGE BLOCH: Please. I don't want him  
20 waiting around unnecessarily if we can avoid it,  
21 unless he's amenable to whatever waiting you arrange  
22 with him.

23 MR. DOWNEY: I would propose to put  
24 Mr. Norris on Thursday.

25 JUDGE BLOCH: That's after Mr. Bennetzen;



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1 is that your idea?

2 MR. DOWNEY: Yes, sir, or before,  
3 whichever.

4 MR. ROISMAN: Mr. Chairman, it might  
5 help if the Board could tell us which of the witnesses  
6 who remain are witnesses that the whole Board does  
7 not need to sit for and that could be scheduled in the  
8 evening.

9 For instance, I assume since you are  
10 calling Messrs. Chapman and Norris, that those are  
11 witnesses that you want to hear during the day.

12 Since Mr. Bennetson is being called at  
13 this point now essentially on the issue of post-  
14 construction verification task force issue, which he  
15 does not have prefiled testimony on, I am assuming  
16 that the Board will want to hear that.

17 So which of the witnesses are there --  
18 For instance, are the Stanford incident witnesses ones  
19 that the whole Board wants to hear?

20 What about Liford and Calicutt?

21 If we could get some sense of that, it  
22 might make the scheduling easier.

23 JUDGE BLOCH: I have a feeling that  
24 Liford and Calicutt could be taken in the evening.

25 MR. ROISMAN: We have a very, very

5-15

1 limited amount. They will not fill an evening, unless  
2 somebody else is going to ask them a lot of questions.

3 JUDGE BLOCH: I would like the advice  
4 of the parties as to whether there are any other  
5 witnesses....

6 MR. DOWNEY: I think the Board has  
7 indicated it is interested in hearing Mr. Purdy  
8 en bloc.

9 MR. ROISMAN: Mr. Purdy is returning,  
10 as I remember -- We still have a limited amount of  
11 cross to complete with Mr. Purdy.

12 The Staff, I can't remember if they  
13 have done any or not. I think --

14 JUDGE BLOCH: As I recall, the break  
15 with Mr. Purdy occurred while we were questioning  
16 him; isn't that what happened?

17 MR. DOWNEY: I thought that Mr. Roisman  
18 had concluded his cross and passed to the Staff.

19 The transcript will reflect it.

20 JUDGE BLOCH: Let's resolve this in  
21 the morning after we have looked at the transcript as  
22 to where we are with Mr. Purdy.

23 I recall that I was in the middle of  
24 questioning him, but that may not be true.

25 MR. ROISMAN: Can the Board give us any

1 idea of how long they will want Mr. Chapman?

2 MR. DOWNEY: That will be very helpful  
3 to us in the scheduling.

4 JUDGE BLOCH: I believe that that will  
5 be under an hour.

6 I have the feeling that -- we have only  
7 two witnesses identified for evening sessions. If the  
8 parties want to agree on someone else, we certainly  
9 would consider that.

10 MR. ROISMAN: We would like to try to  
11 move Mr. Bennetzen into Wednesday instead of Thursday.  
12 It's an issue on which Ms. Garde is also involved,  
13 and she has some prior commitments that are going to  
14 make Thursday -- Thursday will definitely be her  
15 last day here this week. Depending upon how things  
16 work out, I would rather get Mr. Bennetzen scheduled  
17 into Wednesday so that we know that he is done.

18 We can't do him Wednesday night because  
19 I gather the Board wants to hear from him.

20 JUDGE BLOCH: How much time do you have  
21 for Mr. Bennetzen, roughly?

22 MR. ROISMAN: Well, basically, and there's  
23 no secret here. We want Mr. Bennetzen to give us his  
24 version of what was happening in the Safeguards  
25 Building while he was the supervisor of these QC

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1 electrical inspectors.

2 JUDGE BLOCH: A few hours.

3 MR. ROISMAN: Two or three hours maybe.  
4 I've never seen Mr. Bennetzen. I don't know whether  
5 he just says, "Here it is," and it's all very well  
6 organized, but there's a whole lot of testimony on  
7 that so everybody kind of knows what the current  
8 version is.

9 There are a few places where there is  
10 some question and Mr. Bennetzen was the key person  
11 present.

12 JUDGE BLOCH: Mr. Downey, how do you  
13 feel about the -- apparently, his work schedule has  
14 a different connotation for you than Ms. Garde's  
15 schedule has for her.

16 How do you feel about an accommodation  
17 here?

18 MR. DOWNEY: Well, I was hopeful we  
19 could do it Thursday morning. As I was saying, that's  
20 his last day at work prior to a long-scheduled  
21 vacation.

22 I don't know the status of his cleaning  
23 up his business at the site tomorrow, but --

24 JUDGE BLOCH: That suggests the  
25 possibility, we could take him first on Thursday, and

1 Mr. Norris at about 2:30 in the afternoon?

2 MR. DOWNEY: That's what I would  
3 suggest. If we are in the middle of someone, I would  
4 propose to do him first thing Thursday morning to  
5 try and accommodate Ms. Garde if she wants to be out  
6 by noon.

7 Is that agreeable with you, Ms. Garde,  
8 first thing Thursday morning?

9 MR. ROISMAN: Yes, that will be all  
10 right.

11 What about the Methaney and Duncan of  
12 the Stanford incident?

13 Our current plan is that we may have no  
14 need to call any of the other witnesses on the  
15 Stanford incident, depending on what we hear  
16 from Methaney and Duncan.

17 Is the Board going to want to hear them  
18 all three sitting together or could they be scheduled  
19 in as definite part of tomorrow night?

20 (Bench conference.)

21 JUDGE BLOCH: Methaney and Duncan can  
22 be scheduled for tomorrow evening.

23 MR. ROISMAN: All right. Well, if that's  
24 all right, then we could put Calicutt, Liford,  
25 Methaney and Duncan for tomorrow evening?

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JUDGE BLOCH: Good.

MR. ROISMAN: And then tomorrow morning we will finish with Allen, move to Brandt, and then either Chapman or Purdy. Is that where we stand on that?

MR. TREBY: The Staff would like to have some feel. We are talking about four witnesses tomorrow night after going through a whole day; and while the Staff has no objections to coming to an evening session, we do have some concerns about some marathon going until 2:00 o'clock in the morning and expecting us here the next day at 8:00 o'clock in the morning.

JUDGE GROSSMAN: Especially you ought to be concerned because you won't have our restraining influence up here. He will be asking many more questions.

(Laughter.)

MR. TREBY: I have no comment on that. The Board has already given the Staff another task. We have a transcript to review of Witness Y tomorrow evening, also.

MR. ROISMAN: Mr. Chairman, let me just be real clear here.

JUDGE BLOCH: We'll try to stop by

5-20 1 10:00 o'clock.

2 MR. ROISMAN: If the Board wants, I'll  
3 read into the record my questions for Mr. Liford and  
4 Calicutt.

5 JUDGE BLOCH: Why would you do that?  
6 We don't want to waste time on that now.

7 MR. WATKINS: No objection, Your Honor.

8 MR. ROISMAN: I've got five questions for  
9 each of them.

10 JUDGE BLOCH: Why don't you hand them  
11 to Counsel for the other parties?

12 MR. ROISMAN: This is my only copy of  
13 my cross-examination plan.

14 JUDGE BLOCH: Let them see it.

15 Are there any other necessary procedural  
16 matters for now? I sense diminishing returns.

17 Mr. Treby.

18 MR. TREBY: Well, I don't think it's  
19 necessary now, but we have not mentioned Witness F.  
20 This may be something we can discuss tomorrow.

21 JUDGE BLOCH: You mean the two witnesses  
22 related to Witness F?

23 MR. TREBY: Yes.

24 JUDGE BLOCH: Well, why don't the parties  
25 discuss that first before we get to it in public

5-21  
1 session.

2 MR. ROISMAN: And we have Mr. Hunnicutt.

3 JUDGE BLOCH: And Mr. Hunnicutt. He has  
4 got to be scheduled, also.

5 MR. DOWNEY: What is Staff's preference  
6 for Mr. Hunnicutt.

7 JUDGE BLOCH: We can take Mr. Hunnicutt  
8 Thursday night?

9 MR. TREBY: I don't know whether the  
10 entire Board wishes to hear Mr. Hunnicutt or not.

11 JUDGE BLOCH: I don't think it's  
12 necessary. I think we can take him in an evening  
13 session, too, but this depends on Staff's endurance,  
14 also.

15 MR. ROISMAN: Ms. Garde is going to do  
16 that witness. I don't think we have tons for  
17 Mr. Hunnicutt, but perhaps if he could be scheduled  
18 tomorrow --

19 JUDGE BLOCH: The Board does want to  
20 hear Mr. Hunnicutt en bloc.

21 MR. ROISMAN: If he could be scheduled  
22 tomorrow after we finish with Mr. Allen and Mr. Brandt  
23 before we go to Mr. Chapman or Purdy.

24 JUDGE BLOCH: The hearing is adjourned.

25 (Whereupon, at 6:35 p.m., the hearing was  
adjourned, to reconvene at 8:30 a.m., Wednesday,  
September 19, 1984.)



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)

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DATE: TUESDAY, SEPTEMBER 18, 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) Irene G. Schulz  
(TYPED)

Official Reporter

Reporter's Affiliation