

ORIGINAL
UNITED STATES
NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

TEXAS UTILITIES GENERATING COMPANY,
et al.

(Comanche Peak Steam Electric
Station, Units 1 and 2)

DOCKET NO:

50-445-OL2
50-446-OL2

LOCATION: BETHESDA, MARYLAND

PAGES: 21092 - 21405

DATE: WEDNESDAY, NOVEMBER 28, 1984

*TR. 01/01
Orig to E. Pleasant 1121-H St.*

ACE-FEDERAL REPORTERS, INC.

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of: :
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6 TEXAS UTILITIES GENERATING COMPANY, : Docket Nos 50-445-OL2
et al. : 50-446-OL2
:
7 (Comanche Peak Stream Electric :
8 Station, Units 1 and 2) :
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Nuclear Regulatory Commission
Fifth Floor Hearing Room
4350 East-West Highway
Bethesda, Maryland

Wednesday, November 28, 1984

The hearing in the above-entitled matter was reconvened
pursuant to adjournment at 8:40 a.m.

BEFORE:

JUDGE PETER BLOCH, Chairman
Atomic Safety and Licensing Board

JUDGE HERBERT GROSSMAN, Member
Atomic Safety and Licensing Board

JUDGE WALTER JORDAN, Member
Atomic Safety and Licensing Board

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C O N T E N T S

	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>BOARD</u>
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21 RECESSES:

22 NOON - 21237
 23 P.M. - 21283

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1 MR. WATKINS: This involves Midland.

2 As to -- if I can address the official notice under
3 subsection (i) first, the board may notice two kinds, two
4 categories of facts. First, scientific or technical facts.

5 These are not scientific or technical facts. These are
6 inspection activities and just normal day-to-day Applicant
7 activities on a construction site.

8 Second, the board may notice facts of which federal
9 courts may take judicial notice under the federal rules.
10 Under rule 201, federal courts may take notice of
11 adjudicative facts as opposed to legislative facts. The
12 distinction is a simple one.

13 Adjudicative facts are those which relate to the
14 particular case before the Court. In this case it's
15 Comanche Peak, not Midland.

16 Second, the courts may take judicial, and by extension
17 the board may take official notice of facts which are not
18 subject to dispute -- a high degree of reliability.

19 This board, for example, can take official notice that
20 November 27, 1984, fell on a Tuesday. I think that's
21 right. Yes. That's right.

22 What we have here are region 3 inspectors, inspecting a
23 site, drawing their own conclusions as to facts, and then
24 interpreting those facts.

25 Region 3 is not a tryer of fact nor finder of fact, and

1 Intervenor are asking this board to accept that judgment
2 as to facts.

3 JUDGE BLOCH: Is the real argument one having to
4 do with whether or not administrative regularity has any
5 precedential value in this proceeding?

6 MR. WATKINS: I think you have put your finger
7 on what is going on here, which moves us to (h), which is
8 the official document provision in the regs. That
9 provision doesn't go so much to the admissibility or
10 acceptability of facts stated in the report. It goes more
11 to the authentication of documents.

12 We concede the authenticity of these documents. At
13 that point, what's going on is the Intervenor are free to
14 argue the precedential value of this.

15 JUDGE BLOCH: Is that really what we are talking
16 about?

17 MR. ROISMAN: Well, I think it's fair to say
18 that we are not attempting to argue to the board that
19 because region 3 in the Midland case found that those
20 particular conditions constituted a violation, that you as
21 the board are bound by it as, say you would be if you took
22 official notice of the kind of thing that Mr. Watkins
23 mentioned, namely that November 27, 1984 fell on a Tuesday.

24 But, on the other hand, we think that it should be
25 official notice to the point that it is not disputable

1 that that represents the position of the agency as
2 articulated by its arm, in this case region 3. And that,
3 absent something else, that is the official agency
4 position.

5 Now, there's not a reg guide on that. In other words,
6 no -- nothing that we've found goes to the level of that
7 detail. You have to go to inspection reports to get to
8 that level of detail. And that for the board to find that,
9 in this -- in this plant, if you found comparable
10 conditions to determine that that was acceptable, it would
11 have to be more than just your separate judgment. There
12 would have to be some basis for overcoming the presumptive
13 correctness of that agency position.

14 So I think your statement that it's more a question of
15 precedential value -- it's not intended to be a finding,
16 because it was found there that means that it is
17 automatically found here. That's not what we intend to
18 say by it.

19 JUDGE BLOCH: It's sort of like quoting a
20 district court opinion to an appeal court?

21 MR. ROISMAN: In the nature of that, yes.

22 JUDGE BLOCH: Do you have any problem?

23 MR. WATKINS: If that's the point, we have no
24 problem with that. Mr. Roisman is free to make whatever
25 arguments on brief that he likes on the basis of this

1 document. I don't accept his statement that it's
2 presumptive, it is certainly not controlling as to this
3 board.

4 JUDGE BLOCH: All he wants to do is to have
5 agreement that that's what that document says, not as to
6 its value in the case.

7 MR. WATKINS: As I say we concede the
8 authenticity of this document unless the Staff disagrees.
9 I have no reason to believe it's not an authentic document.

10 JUDGE BLOCH: What sayeth the Staff?

11 MR. BACHMANN: The Staff agrees, first of all,
12 it is an authentic document. First of all, in sort of a
13 slight modification of, say, best evidence, it think the
14 document that one should be looking at would be number
15 regular 0940, volume 2, number 3, which contains not only
16 the original letter but the responses of the Midland plant
17 and the final imposition of civil penalties based upon an
18 evaluation made by the Staff.

19 So it has the entire package.

20 This is entitled "enforcement actions: Significant
21 actions resolved." This contains the entire package
22 commencing --

23 JUDGE BLOCH: The date?

24 MR. BACHMANN: Quarterly progress report,
25 July-September, 1983, and it commences --

1 JUDGE BLOCH: Was that a position subsequent to
2 the one Mr. Roisman is attempting to bring to our
3 attention?

4 MR. BACHMANN: It's a more complete package.

5 JUDGE BLOCH: It sounds like the Staff is
6 probably right. If there is weak precedential value it
7 attaches more to this new document that you are citing.

8 MR. ROISMAN: I confess to be aware of the
9 existence of that kind of publication produced by the
10 Staff. I agree by Mr. Bachmann, that, particularly.

11 If it's more complete or in a bound volume, so much the
12 better.

13 JUDGE BLOCH: So we may refer to this as
14 precedent and Applicants will argue that it's not very
15 strong precedent or doesn't interfere with their point of
16 view in this case.

17 MR. ROISMAN: Let me --

18 JUDGE BLOCH: I'm sorry. Mr. Bachmann wasn't
19 finished.

20 MR. BACHMANN: I was going to say that I think
21 even "precedent" might be too strong a word. It was a
22 Staff opinion on a given plant at a given time with a
23 given set of facts. To attach "precedential value," and I
24 use that word in quote, would be an implication, for
25 instance, that this board should lend extreme great weight,

1 for instance, to Staff testimony. And give -- you know,
2 sort of defer to the Staff's opinion. We know that
3 doesn't occur in these hearings.

4 The board has taken the Staff's opinion on this
5 particular plant and given Staff testimony and factored it
6 into making its decision. And therefore I would say that
7 this should even be given less weight than the normal
8 Staff testimony where we bring in a Staff witness to be
9 cross-examined on this particular plant.

10 JUDGE BLOCH: So the only question is the amount
11 of weight the board should give and you'll just make that
12 reference. I don't think we need to make any further
13 ruling about it for the record.

14 MR. ROISMAN: Mr. Chairman, I just wanted to
15 make one point. I agree the parties are free to make
16 their legal arguments about the precedent, but I believe
17 the requests that we are making would bar them from
18 relitigating the validity of the finding made in the
19 Midland case. That is, that they could not go back to the
20 evidentiary record in the Midland case and attempt to show
21 that there was some error in that; that the notice that
22 the board is being asked to take is that that in fact
23 represents a finding that is not collaterally attackable
24 here.

25 MR. BACHMANN: Judge Bloch --

1 JUDGE BLOCH: I take it the only thing we could
2 possibly apply here is the Staff's conclusions from the
3 facts of that case. So I don't understand how anyone
4 would want to collaterally attack facts anyway with
5 respect to precedential value.

6 MR. ROISMAN: I don't either, but 20 years of
7 practicing law makes me more cautious than cavalier about
8 these sorts of things.

9 MR. BACHMANN: Judge Bloch, I might note that on
10 the notice which is contained in the documentation in the
11 publication I cited, there was an opportunity for the
12 Midland plant, or Consumers Power, in this case, to
13 request a hearing after this administrative determination
14 had been made. No hearing was so requested, but that does
15 not mean that it has greater weight. There may be other
16 reasons for not having contested the civil penalty.

17 So I do not think that Mr. Roisman's reference to
18 "relitigating" a decision is proper. This was an
19 administrative decision that was not contested, although
20 there was an opportunity. And I think that that puts it
21 in its proper perspective.

22 JUDGE BLOCH: Mr. Watkins, is it necessary? I
23 think we have a position.

24 MR. WATKINS: Briefly, briefly -- under 2.743(i),
25 any party adversely affected by the decision as to

1 official notice shall be given the opportunity to
2 controvert the fact.

3 JUDGE BLOCH: We decided that we are not taking
4 official notice. We are just aware that there's a new
5 regular that may be cited as precedent.

6 MR. WATKINS: Reciting to Mr. Roisman's
7 continued argument that this is somehow conclusive or
8 unquestionable.

9 JUDGE BLOCH: Okay.

10 MR. WATKINS: Mr. Watkins, on the Corry Allen
11 matter. And welcome back to the stand, Mr. Brandt. You
12 continue to be sworn.

13 Whereupon,

14 C. THOMAS BRANDT

15 resumed the stand, having been previously duly sworn, was
16 examined and testified further as follows:

17 JUDGE BLOCH: I remind you last night when you
18 weren't on the stand you weren't sworn.

19 THE WITNESS: Thank you, I appreciate that.

20 (Discussion off the record.)

21 DIRECT EXAMINATION

22 BY MR. WATKINS:

23 Q Mr. Brandt, do you have before you a document
24 dated October 22, 1984, consisting of 46 pages of
25 questions and answers and 11 pages of attachments?

1 A Yes, I do.

2 Q Is that your prefiled testimony in this meeting
3 regarding matters about which Corry Allen testified?

4 A Yes, it is.

5 Q Do you have any corrections to make in your
6 testimony?

7 A No, I don't.

8 Q Is your testimony true and correct?

9 A To the best of my knowledge; yes, sir.

10 MR. WATKINS: Mr. Chairman, Applicants move the
11 admission of Mr. Brandt's prefiled rebuttal testimony,
12 consisting of 46 pages and the attachments, with a note
13 that several of the attachments are items that are already
14 in the record, some of which Mr. Allen authenticated.

15 JUDGE BLOCH: It is admitted and may be bound.
16 Mr. Roisman?

17 CROSS-EXAMINATION

18 BY MR. ROISMAN:

19 Q Mr. Brandt, on page 2 of your prefiled testimony
20 you indicate that you were concerned that Mr. Allen,
21 because of his experience and training, would question the
22 adequacy of coating specifications and procedures. Why
23 did you find that objectionable, or a matter of concern to
24 you?

25 A Simply because that was not the function that I

1 intended for Mr. Allen to perform.

2 Q But wouldn't it have been beneficial to the
3 Applicant to have the input of someone as experienced as
4 Mr. Allen was in this area, to perhaps point out
5 deficiencies that might exist in specification and
6 procedures, that had slipped through other reviews within
7 the company, and thus avoid making errors inadvertently?

8 A Yes, sir. It would have. But what my concern
9 was, as people have experience, people -- overqualified
10 people before -- and the thing that tends to happen is
11 they tend to spend most of their time doing something that
12 you haven't contracted them to do. I had no problem with
13 Mr. Allen pointing out anything.

14 Q What was that experience that you are talking
15 about? I take it that's the next sentence: "I had
16 already had several inspectors who were doing that"?

17 A Oh, there were several inspectors on the site
18 that thought their function was to essentially perform an
19 engineering review function and they were spending most of
20 their time doing that rather than performing their
21 assigned inspections.

22 Q Well, who were these inspectors?

23 A At the time, Jerry Artrip was one. Artrip is
24 the one who comes quickest to mine. Because I assume
25 Jerry -- Jerry is kind of a field engineer for Bechtel, at

1 when I hired him. He was brought to the site. And I had
2 the same concerns then that I had about Mr. Allen. I'm
3 not sure whether Artrip preceded Allen or not. Artrip is
4 the one who sticks in my mind.

5 Q So you can't remember who the several inspectors
6 were who were doing this that you testify about on page 2?

7 A Not by name, Mr. Roisman.

8 Q Is your point, not that they knew about and had
9 an opinion about the coating specifications and procedures
10 but they were spending too much time expressing those
11 opinions? Is that where the probably?

12 A No, Mr. Roisman, frankly they were spending too
13 much time chasing nonproblems.

14 There's a tendency in the nuclear industry, for
15 marginally experienced people -- our experienced people
16 who have only been at one site or worked with one
17 architect/engineer, to assume something is wrong simply
18 because it's not the way they did it somewhere else. Due
19 to -- there's a million different ways to do anything.
20 There's a million different ways of doing anything right.
21 There's different commitments at different nuclear sites.
22 And the experience I had had with several of the
23 inspectors, including Mr. Artrip, was that he was trying
24 to apply things that they had done elsewhere to Comanche
25 Peak that simply weren't pertinent at Comanche Peak.

1 Q Well, how did they manifest this overzealousness?

2 A Artrip in particular, spent an inordinate amount
3 of time over with engineering, asking questions. Which I
4 don't particularly have a problem with asking questions.
5 It's just the same -- once Artrip found the answer to the
6 question, or the Comanche Peak position which was well
7 documented, Artrip didn't let the issue drop.

8 Q Well, you mean he pressed his point more than
9 you would have liked?

10 A Not pressed his point. But once he's identified
11 something as a concern and he's been shown what the site
12 position is, there's nothing else I can do for him. I
13 explained to him on many occasions why I thought what he
14 was chasing was not a problem; showed him why it was not a
15 problem; and he refused to accept it.

16 Q Well, how did you deal with the possibility that
17 he might have been right and the engineers might have been
18 wrong?

19 A I just don't think that was the case,
20 Mr. Roisman. It was my opinion that Mr. Artrip was
21 clearly wrong.

22 Q All the time?

23 A I didn't say that.

24 Q Well, all the time that he pressed it after
25 engineering told him that he was wrong?

1 A After engineering and/or myself had shown him
2 why what he was chasing was not a problem, if he persisted
3 past that point, yes, I think that's excessive.

4 Q Was the level of inspections that he was
5 conducting falling below the standard, in terms of
6 quantity? In other words, was he getting lower in
7 quantity than what comparable inspectors were doing?

8 MR. WATKINS: Objection. The question -- it
9 seems that there was a standard or quantity that
10 inspectors had to inspect.

11 MR. ROISMAN: I'll rephrase the question.

12 BY MR. ROISMAN:

13 Q You indicated that he was spending too much time
14 doing things such as raising these problems with
15 engineering. How did that manifest itself in terms of his
16 work output?

17 A It affected it. But there was no -- I mean we
18 never did keep track of how many inspections each
19 inspector did. But it's rather obvious if one inspector
20 is in the field, or in his work area 10 hours a day, and
21 another inspector is only in the work area two hours a day,
22 that you are only getting 1/5 from one of the inspectors
23 than you are from the other.

24 Q Why is that so obvious? What if the one in the
25 field is spending a lot of time trying to figure out

1 what's going on and the one who spends a fifth of his time
2 in the field knows instantly because of greater training?
3 Couldn't you still get more actual inspections completed
4 and resolutions made by the one than the other?

5 A You are taking an extreme position, Mr. Roisman.
6 The hypothetical which you offered is certainly possible.
7 In this case it definitely was not.

8 Q Well, how did you know that, Mr. Brandt? You
9 say you didn't record how many inspections were actually
10 being completed by any person, so you don't have a record
11 from that. What was your basis for knowing that
12 Mr. Artrip was performing less inspections than other
13 inspectors?

14 A It's not a matter of less number of inspections,
15 Mr. Roisman. I think we have to make that clear from the
16 first. It's going to take a lot more time -- if you say
17 an inspection is an inspection, and an inspection of 100
18 or 200 square feet of concrete coating is going to take
19 longer to inspect a prime coat on a conduit support that's
20 only 10 inches long. I think that's a reasonable
21 assumption we can draw.

22 If you are going to count inspector A at 10 inspections
23 and only inspector B did one in the same time period, it
24 makes no sense unless you quantify the area that he was
25 inspecting.

1 Q But your area of concern was not that Mr. Artrip
2 had contrary opinions, or expressed them. Your area of
3 concern was that his productivity was affected by the fact
4 that he had those contrary opinions and expressed them.

5 What measure did you have of his productivity?

6 A Observation of his supervisors. But to my
7 knowledge, nobody ever counted number of inspections.

8 Q But what his supervisors were observing was
9 amount of time that he was with engineering versus amount
10 of time that he was in the field?

11 A Amount of time -- what they were actually
12 observing was the amount of time he was in the field.
13 When he was questioned about it, one of his typical
14 explanations was, I was over discussing this with
15 so-and-so.

16 Q And how long did that condition exist, with
17 Mr. Artrip?

18 A It was kind of -- I don't know how to explain it,
19 Mr. Roisman -- periodic? If that's the best way?

20 It wasn't -- if it would have continued on a continuous
21 basis I would have found someplace else for Mr. Artrip to
22 work. I mean -- Artrip was spotty. He, his performance
23 would be subpar for a while and then he's perform
24 satisfactorily.

25 Q When you say "subpar" you mean he would spend

1 less time in the field. You don't mean that the qualities
2 of the inspections --

3 A I'm not talking about quality of the physical
4 performance of the inspections or the documentation there.
5 I was talking strictly about time spent on the job.

6 Q When an inspector found what he perceived to be
7 a problem, and he and the craft had a disagreement as to
8 whether or not it was truly a problem and they were
9 essentially not arguing about whether the physical
10 condition that was seen was there, but they were arguing
11 about whether it was or wasn't a violation of a procedure,
12 wasn't it the procedure as Comanche Peak that if you, as
13 an inspector, thought you were right you inevitably were
14 forced into a mechanism in which you had to defend
15 yourself up the line?

16 A I don't understand what you mean by "defend
17 yourself."

18 Q Well, that the inspector had to justify the
19 position that the inspector took, and thus was inevitably
20 compelled, if they believed they were right to, if
21 necessary, leave the field to go and defend that position?

22 A Once the inspector had explained his position to
23 the supervisor, if it continued to be an issue the
24 inspector was out of the loop.

25 JUDGE BLOCH: The inspector was what?

1 THE WITNESS: Out of the loop.

2 BY MR. ROISMAN:

3 Q You mean, by procedure, the inspector was done
4 with the process?

5 A I don't want to start off the same way we got
6 started off yesterday, Mr. Roisman. So I'm going to ask
7 you a question. When you are stating "procedure" do you
8 mean "procedure" or "practice" or both? Are you using
9 them synonymously?

10 Q No. But right now I want to know about
11 "procedure," and I mean it in the more technical sense of
12 the word.

13 Was there a procedure that prescribed what was supposed
14 to happen when an inspector said "I think this doesn't
15 meet the proper standards"?

16 A Yes, there was a procedure. He marked in his
17 inspection report, "unsatisfactory."

18 Q And then what would happen?

19 A The craft had -- it was sent to the craft for
20 rework.

21 Q Well, then how does it happen that any inspector
22 would have occasion to be involved in subsequent
23 discussions about the appropriateness of that "unsat"
24 condition?

25 A I think if you'll recall Mr. Allen's testimony

1 that coatings is -- there's a lot of gray areas in the
2 inspection of coatings. I have personally witnessed
3 discussions between QC and construction, on areas where
4 there was a legitimate -- it was a gray area. I think in
5 many cases construction was actually right. I think
6 Mr. Allen stated that.

7 In other areas, construction was clearly wrong. And
8 that there were other areas that the inspector and
9 construction just never could -- I mean just as you and I
10 could argue about something, we could argue all day about
11 something, and at the end of the day you'd maintain you
12 were right and so would I. And somebody else would have
13 to make the call.

14 Q But the procedure was, was it not, that you as
15 an inspector would write your IR, or your NCR, as the case
16 may be, hand it to the construction people, and go to the
17 next inspection?

18 A Yes, sir.

19 Q And isn't --

20 A Once you had made your decision that it was
21 unacceptable, that was the procedure.

22 Q And isn't it the case that after that, any
23 discussions in which you were involved, would be
24 discussions that were initiated by somebody else who
25 wanted to argue you out of the "unsat" or the NCR? Not

1 that you -- done your job. If it was an NCR you have put
2 on your hold tag, or an IR, you have indicated that it's
3 "unsat" and sort of blocked the system at that point.

4 Somebody else has to initiate your involvement further;
5 don't they?

6 A Ideally, I guess, Mr. Roisman, that would have
7 been the case. What actually happened was, if an
8 inspector had made a call to which he was unsure about,
9 generally he'd make his call and then discuss it with his
10 supervisor. I won't say generally but I will say that
11 happened.

12 Q Well, in Mr. Artrip's case, the instances in
13 which he ended up in discussions with engineering, did
14 they start with his issuance of an IR, or an NCR?

15 A Mr. Roisman, in almost all cases Mr. Artrip's
16 discussions with engineering had nothing to do with an
17 inspection he had performed. That was my objection.

18 Q Well, when you say it had nothing to do with,
19 wasn't it the case that those problems arose because he
20 was being directed by people like his supervisors, that
21 certain conditions were not to be marked as "unsat" or not
22 to be marked on NCRs?

23 A Absolutely not.

24 Q So it's your testimony that Mr. Artrip was
25 simply acting as a gadfly about issues that had nothing to

1 do with his day to day work?

2 A And the -- my initial observations of Mr. Artrip's
3 performance, I could not have picked a more appropriate
4 term than "gadfly."

5 Q And do I understand that if we were to look at
6 his personnel records, it would reflect in his personnel
7 evaluations that -- not necessarily those words, but that
8 concept, as an evaluation of his performance?

9 A I honestly don't recall what Mr. Artrip's
10 evaluation said. Mr. Artrip was evaluated as a below
11 average inspector.

12 Q But what I'm asking is the basis as recorded in
13 his personnel records. Would that reflect that he was below
14 average for the reasons that you've just been indicating
15 to us?

16 A And I think I have answered, Mr. Roisman, I
17 honestly don't remember. I do a number of evaluations
18 every year. I see a number of evaluations every year.

19 Q But you remembered Mr. Artrip well enough for it
20 to stick in your mind enough to give him, not by name but
21 to use that example as a basis for giving a warning to a
22 prospective employee who you were hiring. So I assume it
23 was more than a casual recollection.

24 A I don't like the term "warning" Mr. Roisman.
25 What I was expressing to Mr. Allen, as I'm sitting,

1 looking at a resume of a person who has a master degree of
2 polymer chemistry who is talking to me about inspecting
3 paint.

4 Inspecting paint to someone with a master's degree in
5 polymer chemistry, is not a very intellectually
6 challenging activity. That was my concern with Corry
7 Allen.

8 Q Mr. Brandt, when a person is overtrained for a
9 position, there is no automatic basis to assume that the
10 way in which their frustration with that situation,
11 assuming they are frustrated, will manifest itself as a
12 gadfly, is there?

13 A No, sir, there's no automatic assumption.

14 Q How many other matters did you bring to
15 Mr. Allen's attention regarding the "problems" that might
16 be presented by having an overtrained QC inspector working
17 on paint coatings at the time of your first meeting with
18 him?

19 MR. WATKINS: Objection. I didn't understand
20 the question. How many other matters did you bring to his
21 attention regarding the problems?

22 JUDGE BLOCH: Sustained. Just, please reword it.

23 BY MR. ROISMAN:

24 Q Did you warn -- strike that.

25 Did you explain to Mr. Allen, or discuss with Mr. Allen,

1 other possible problems that he might experience in the
2 job as a result of his overtraining for the position?

3 A Mr. Roisman, I think Mr. Allen and my
4 recollection of the initial conversation is pretty close
5 to each other. It's something that didn't happen
6 yesterday. It's a couple of years ago now.

7 JUDGE BLOCH: Did you say it's pretty close to
8 each other? What do you mean?

9 THE WITNESS: They are pretty much the same.
10 The recollections are much the same. It was a -- on this
11 particular subject we are discussing, it was a short
12 conversation. And I think the essence of the conversation
13 is pretty much contained in my prefiled testimony. I
14 simply expressed a concern that what someone with a
15 master's degree wanted to inspect paint for?

16 BY MR. ROISMAN:

17 Q Were you intending to express to Mr. Allen that
18 if he thought specifications were in error that he should
19 not say anything about it?

20 A No, sir.

21 Q What did you mean when you said, in your
22 testimony "I was also concerned with the possibility that
23 rather than limiting his work to the performance of
24 inspections --" I want you to focus your attention to the
25 words "limiting his work to the performance of inspections,

1 Mr. Allen would question the adequacy of coating
2 specifications and procedures."

3 A Mr. Roisman, it's probably going to be hard for
4 me to explain to you what I'm saying. As you have never
5 been in the position.

6 But the term "quality engineer" to a lot of QC
7 inspectors, is somewhat of an elevated term. They think
8 of it as a more prestigious position than that of an
9 inspector. There's a motivational factor to move from the
10 ranks of inspection to quality engineering.

11 It's quality engineering's functions to write the
12 procedures and to perform the interface with engineering
13 to see that the inspection procedures contain sufficient
14 inspection attributes to insure that the designer's
15 specification is complied with.

16 However, I don't need 35 people, independently
17 reviewing specifications and writing procedures. And two
18 people inspecting the coatings.

19 What I needed then, and any site requires today, is a
20 bulk of people out assuring that the inspections mandated
21 by inspection procedures are properly carried out and
22 properly documented, and a much smaller group of people
23 interfacing with engineering.

24 If I hired 40 Corry Allens who thought it was their
25 function -- I'm not saying that Corry thought that was his

1 function at Comanche Peak, Corry and I never had a problem
2 of that sort -- that it was their function in life to
3 independently review the specification, and independently
4 review the procedures, it would be in a state of chaos.
5 You would never get anything accomplished.

6 Q Now, Mr. Brandt, my question: What did you mean
7 when you said, "rather than limiting his work to the
8 performance of inspections."

9 A I wanted Mr. Allen to take the inspection
10 procedures and go to the field and implement them.

11 Q And you did not want him to raise any questions
12 about the adequacy of the procedures or the specifications?

13 A If he had a problem, Mr. Roisman, and there's
14 evidence to substantiate the fact that they did raise the
15 question and I didn't have a problem with that.

16 Q But what were you instructing him to do?

17 A I did not want him to spend the majority of his
18 time reviewing, performing, as I have said before, an
19 independent review of the specification and procedure. I
20 didn't need that.

21 Q But Mr. Brandt your testimony on page 2 doesn't
22 say anything about "majority of the time." It doesn't
23 indicate -- you told me just a moment ago that this is a
24 very accurate description of the conversation that you had
25 with Mr. Allen. And it doesn't say anything about "majority

1 of the time."

2 It says, "rather than limiting his work to the
3 performance of inspections, Mr. Allen would question the
4 adequacy of coatings specification and procedures." And I
5 want you to explain to me how any rational person, using
6 the English language, would interpret that to include this
7 new word "majority of the time" which you have just added.

8 MR. WATKINS: Objection. Counsel is being
9 argumentative. Mr. Brandt has just explained --

10 JUDGE BLOCH: Sustained.

11 BY MR. ROISMAN:

12 Q What did you intend to convey to Mr. Allen
13 should be his mental state of mind if, while working on
14 the job, he saw a specification or a procedure which he
15 personally thought, based upon his experience and training,
16 was in error? What did you want him to do?

17 A I wanted him to identify it. In fact, before he
18 was there a month I directed him to identify such an issue.

19 Q As a result of his saying he did not want to
20 identify it several times to you; is that true?

21 A He told me he had reservations about it. I sat
22 down and discussed it with him for approximately a half an
23 hour. I listened to his concerns, realized that I could
24 not personally answer his concerns, and I told him to
25 identify it.

1 Q The question is, at the time that he entered the
2 job, what message were you intending to convey to him
3 about what he should do if he had one of those questions?

4 A I was not conveying anything.

5 Q Well what were you telling him when you said
6 that I was concerned with the possibility that "rather
7 than limiting his work to the performance of inspections,
8 Mr. Allen would question the adequacy of coatings
9 specifications and procedures." What did you intend him
10 to understand when you said you were concerned about that?

11 A Mr. Roisman, maybe if I -- to the best of my
12 recollection, I can just recount about two lines of
13 conversation that went on.

14 Q I'm sorry, recant?

15 A Recount -- excuse me. Replay.

16 Q I was actually prepared for the other but go
17 ahead, Mr. Brandt.

18 A The -- Mr. Allen told me he had been a coatings
19 engineer at South Texas. I asked Mr. Allen what someone
20 with a master's degree in polymer chemistry, and who had
21 been in engineering, wanted to do or why he was seeking a
22 job performing quality control inspections of paint.

23 Mr. Allen explained that he had had enough of the
24 engineering routine, he didn't want anything with that
25 kind of responsibility, he didn't want to be in a

1 political environment, and he was out of a job. That was
2 his motivation.

3 I explained to him that I was looking for a QC
4 inspector. I thought he was over qualified to be a QC
5 inspector. I wasn't hiring a quality engineer. I wasn't
6 hiring a coatings engineer.

7 If he could be content with performing inspections and
8 implementing inspection procedures, I would offer him a
9 job.

10 To the best of my recollection, that's almost exactly
11 what the conversation was.

12 JUDGE BLOCH: Mr. Roisman, I'm not sure the
13 answer was particularly responsive, but I don't think it
14 matters at this point. It seems to me we are getting very
15 redundant on this matter.

16 MR. ROISMAN: I agree, Mr. Chairman.

17 BY MR. ROISMAN:

18 Q Mr. E-andt, to go back to Mr. Artrip, do you
19 have a recollection of how much of the time Mr. Artrip
20 spent away from the field, not doing inspections; he spent
21 as a result of being called into meetings by yourself or
22 Mr. Tolson or someone else at the plant, as opposed to
23 time that he spent at meetings which he initiated away
24 from the field?

25 A How many times that I called? Or Mr. Tolson

1 called Jerry to --

2 Q No. Not how many times, but in terms of the
3 total amount of time that he spent away from the field and
4 not doing inspections. Do you have any idea of how much
5 of that time was spent at meetings which you or Mr. Tolson
6 or someone else called Jerry Artrip to, as opposed to
7 meetings which he himself initiated by his own actions?

8 JUDGE BLOCH: Does "someone else" include anyone
9 at the plant?

10 MR. ROISMAN: Yes.

11 THE WITNESS: It's an insignificant amount of
12 time which I took of Jerry Artrip's. In fact I only
13 remember talking to Jerry Artrip or calling Jerry Artrip
14 to my office on less than three or four occasions.

15 BY MR. ROISMAN:

16 Q And Mr. Tolson?

17 A Artrip might have been at a meeting that Tolson
18 had with the inspectors sometime in August, which I was
19 not in. Other than that, and to answer -- Tolson had
20 Jerry in to explain -- Jerry had written a list of
21 questions, essentially, on three-part memos concerning
22 compliance with ANSI 101-2, I think, as I recall. And, as
23 far as compliance with the procedure to the spec on a
24 three-part, four or five pages of three-part memos. And
25 Mr. Tolson called him in to explain our position on those

1 questions.

2 His questions were answered in writing. I believe we
3 sat and discussed them 15 or 20 minutes, but other than
4 that those were the only occasions that I can remember
5 when Mr. Tolson would have had occasion to call Mr. Artrip
6 in.

7 Q Well, is it your testimony that most of the time
8 when he was not in the field it was as a result of his own
9 action to leave the field and initiate a meeting or a
10 contact, as opposed to being asked to leave the field by
11 somebody else to discuss some problem that he had raised?

12 JUDGE BLOCH: First, do you know?

13 THE WITNESS: No. I don't know. It was my
14 understanding from what I was being told from his
15 inspection supervisors, is that he was doing it of his own
16 accord.

17 BY MR. ROISMAN:

18 Q Mr. Brandt, on page 6 of your testimony you
19 discuss your conversations with Mr. Allen regarding design
20 change authorizations and the way in which they were
21 processed at Comanche Peak. You say, at the end of the
22 answer 27:

23 "I advised Mr. Allen that at Comanche Peak DCAs are
24 implemented upon the approval of the discipline engineer
25 --"; what does that mean, "the discipline engineer"?

1 A The engineering discipline is broken up into
2 four or five disciplines. There is an IN, or
3 instrumentation and control engineer, there's a mechanical
4 engineer, there's a civil engineer, electrical engineer.

5 By "the discipline engineer," I mean the engineering
6 discipline that signs the design change authorization.

7 Q And this practice, how long did this practice go
8 on at Comanche Peak? The practice described in the last
9 sentence of answer 27.

10 A Sometime last year there were Gibbs & Hill
11 design reviewers moved from New York City to the site. At
12 that point design review occurred prior to implementation
13 in the field --

14 Q By "sometime last year" you mean 1983?

15 A Yes. Up until that point, design changes were
16 implemented before they were design-reviewed.

17 Q Was that before or after Mr. Allen had come to
18 the site, that that change was made? The change that
19 Gibbs & Hill had its reviewers on the site?

20 A I think Mr. Allen -- to the best of my
21 recollection, Mr. Roisman, it was almost a year ago now
22 that that change occurred, when they moved the design
23 reviewers from New York to the site. To the best of my
24 recollection, Mr. Allen left in December 1983, so it would
25 have been almost at the time of his --

1 Q Very close to the time -- so it wasn't a
2 condition that existed for very long when he was at the
3 site? The condition that existed most of the time that he
4 was at the site, if not all the time, was that the design
5 change was approved by the discipline engineer and
6 implemented and Gibbs & Hill's approval of it took place
7 at some subsequent time?

8 A Yes, sir.

9 JUDGE JORDAN: Could you tell me what the
10 explaining of the discipline engineer was for coatings?

11 THE WITNESS: The -- Gibbs & Hill maintained an
12 authorized signature list, Dr. Jordan, through the manager
13 of engineering, TUSI manager of engineering for
14 individuals authorized to sign for design approval,
15 essentially, on DCAs.

16 As far as their specific training, I can't tell you.

17 JUDGE BLOCH: Can you give us some idea of what
18 kind of design changes are involved in coatings?

19 THE WITNESS: The majority of DCAs issued in
20 that timeframe, up until the establishment of the exempt
21 log, which I think you are familiar with from the other
22 docket, were design changes essentially exempting items --
23 stairways, would be an example -- from the requirements of
24 AS31.

25 JUDGE BLOCH: So basically an exempt log without

1 having a log to tally up --

2 THE WITNESS: Right. Without having a single
3 log that tallied up items, the majority of DCAs were
4 exempt documents, if you will. Some of them, they used
5 design changes but they weren't really design changes.
6 The color scheme at Comanche Peak appears on the drawing.
7 So, to change the color of something you have to issue a
8 design change to change the color of it. I know it seems
9 funny, but there's quite a few of those. Those types of
10 things are things that come to mind. At that time the
11 majority of the DCAs, though, were for exempting purposes.

12 BY MR. ROISMAN:

13 Q Did you understand that -- whether Mr. Allen was
14 concerned about that practice? Did it bother him that
15 that was the practice that was being used at the site?
16 That the design change was approved on-site and then
17 subsequently got the final design review after the change
18 was implemented?

19 A No, sir. Mr. Allen's concern was that it wasn't
20 getting design-reviewed at all.

21 Q Because what he had seen were changes being
22 implemented before the Gibbs & Hill review had taken place?

23 A The design reviewers -- he was -- what initially
24 caught his attention or at least what he explained to me
25 was the lack of signatures -- excuse me, not the lack of

1 signatures, the number of signatures. That he didn't
2 think there was enough signatures there to indicate that
3 any design review had taken place. When he came in and I
4 explained to him the entire cycle, that they were design
5 reviewed and they were design reviewed at a later date and
6 implemented on a construction risk basis, Mr. Allen said
7 he understood and didn't have a problem with it.

8 His original concern was that they were not being
9 design reviewed.

10 Q What does "construction risk basis" mean?

11 A If it fails design review, you redo it.

12 Q So that Gibbs & Hill, when they did their final
13 design review, were aware that, if they decided on the
14 close question to call it against allowing the design
15 review, that they would be requiring a rework?

16 MR. WATKINS: Objection. That goes to the -- to
17 technical issues, not to whether Mr. Allen as a coating
18 inspector was harassed or intimidated.

19 MR. ROISMAN: It's well within the scope of the
20 direct.

21 JUDGE BLOCH: Overruled.

22 JUDGE GROSSMAN: You may answer the question,
23 Mr. Brandt.

24 THE WITNESS: I should answer? Okay.

25 JUDGE GROSSMAN: Yes.

1 THE WITNESS: There's a possibility for rework,
2 yes, Mr. Roisman. In all cases there wouldn't necessarily
3 have been rework.

4 JUDGE BLOCH: Mr. Brandt, could you give me some
5 feel for what a design review of a decision to exempt a
6 staircase would look like?

7 THE WITNESS: You mean what does the document
8 physically look like?

9 JUDGE BLOCH: What does an engineer saying
10 "Exempt the staircase" do?

11 THE WITNESS: Look at total number of square
12 footage being exempted.

13 JUDGE BLOCH: So at that time they were looking
14 at it individually or cumulatively --

15 THE WITNESS: Cumulat -- I can't even say it.

16 JUDGE BLOCH: So they were essentially adding up
17 the design changes coming through?

18 THE WITNESS: Yes.

19 BY MR. ROISMAN:

20 Q You said in all cases there wouldn't be rework
21 required if Gibbs & Hill on final design review decided to
22 reject the DCA. My question to you was in those instances
23 from which it was obvious from looking at the design
24 change authorization that it would, isn't it the case --
25 is it the case that Gibbs & Hill would then be on notice

1 that on the close questions, if they called them against
2 the plant -- that is against the design change -- that
3 they would be forcing a rework, potentially expensive
4 rework?

5 MR. WATKINS: Objection. The facts speak for
6 themselves. Mr. Brandt can't testify as to what Gibbs &
7 Hill may or may not have thought.

8 JUDGE BLOCH: It seems to me if they reject the
9 design of something that's put in place, that something
10 has to be done about that design. That seems obvious. Is
11 that the question that you are asking?

12 MR. ROISMAN: Yes. And that they were aware of
13 that. And as far as Mr. Brandt is aware there is nothing
14 that dissuaded them from that? No counter-pressure, if
15 you will.

16 JUDGE BLOCH: Who is "them"?

17 MR. ROISMAN: Gibbs & Hill.

18 JUDGE BLOCH: Well, I take it that their job was
19 to do their review with integrity regardless of the effect
20 on the plant. That's what they are being asked to do.
21 Whether that's permissible or not is an interesting
22 question, but I don't know what you are going to get from
23 this witness about that.

24 BY MR. ROISMAN:

25 Q Mr. Brandt, turn to page 10 of your testimony,

1 please.

2 The answer to question 52, you indicate that you were
3 not hostile to Mr. Allen's raising the ALARA and design
4 review issues, and the reactor core cavity coatings issue
5 with you; is that correct?

6 A That's true.

7 Q Can you please tell me how it is that it did not
8 create -- well -- strike that.

9 Were you concerned that he had raised them with you?

10 A Concerned with what, Mr. Roisman?

11 Q Concerned with the fact that he had raised those
12 two issues.

13 A No, I was not.

14 Q On page 6 of this testimony you say -- I'm sorry --
15 on page 2 of the testimony you say, "I was also concerned
16 with the possibility that, rather than limiting his work
17 to the performance of inspections, Mr. Allen would
18 question the adequacy of coatings specification and
19 procedures."

20 Now the possibility had become a reality, and now you
21 had no concern? I don't understand that, Mr. Brandt.
22 Would you please explain it to me?

23 A Mr. Roisman, we are back to the point that you
24 asked me earlier: Was I trying to discourage anybody from
25 anything?

1 We got into what seemed like, to me anyway, a long
2 discussion to me. We never did link up to what I was
3 trying to say.

4 JUDGE BLOCH: Mr. Brandt, all you have to say is
5 whether you were concerned or weren't?

6 THE WITNESS: No, I said twice I wasn't
7 concerned with the fact that he brought it to me.

8 MR. ROISMAN: Mr. Chairman, that's not my
9 question. I do think it's fair for the witness to try to
10 explain why he was concerned about the possibility of the
11 event occurring and wasn't concerned after the event
12 occurred that it had occurred; and that's the question,
13 Mr. Brandt.

14 MR. WATKINS: He has explained in detail what
15 his concern was.

16 JUDGE BLOCH: I think that with respect to this
17 other piece of testimony the linkage makes it appropriate
18 to ask this one more question.

19 THE WITNESS: Makes it appropriate?

20 JUDGE BLOCH: To ask this one more question; yes.

21 THE WITNESS: Mr. Roisman, Mr. Allen had a
22 legitimate concern. I couldn't answer his question. As a
23 matter of fact, I thought he had a legitimate concern and
24 I thought we had a problem. That's his function, is to
25 identify those types of problems.

1 BY MR. ROISMAN:

2 Q When you say that "he had a legitimate concern,"
3 are you referring both to his concern with the ALARA and
4 design review issue and the reactor core coatings issue?

5 A He had a question about the ALARA design review
6 issue. I sat down and explained it to him. I think we
7 were both satisfied. On the reactor core coatings
8 qualification issue, he had a concern. I'm not a nuclear
9 physicist. However, I have worked on IEEE qualifications,
10 I do understand what materials can take what levels of
11 radiation, and at the radiation levels he was quoting to
12 me for combined dosage of gamma and neutron radiation, I
13 shared his concern.

14 Q Prior to his coming to see you about the reactor
15 core cavity coatings issue, were you made aware that he
16 had been raising that concern at the supervisory level?

17 A I was told he had raised the concern of the DCAs --
18 DCA design review and the ALARA review, the day before,
19 with Mr. Tolson. No one had ever raised the question,
20 neither Mr. Allan or anybody else to my knowledge, on the
21 qualification of the reactor core cavity coatings.

22 Q So the first that you heard of it was when he
23 entered your office and talked to you about it?

24 A Yes --

25 MR. WATKINS: Objection, asked and answered.

1 MR. ROISMAN: I do think with a witness who has --

2 JUDGE BLOCH: Overruled.

3 JUDGE GROSSMAN: And it has been answered.

4 THE WITNESS: Yes.

5 BY MR. ROISMAN:

6 Q At the time that Mr. Allen raised the reactor
7 core cavity coatings issue with you, did you have occasion
8 to go back to your earliest conversation with him when he
9 first had been applying for a job, and express to him,
10 again, your concern about coatings inspectors who raise
11 possible problems with specifications or procedures at the
12 plant?

13 A No, I did not.

14 Q Did you feel that it was unnecessary to do it?
15 Or did it just not occur to you?

16 A The first conversation -- excuse me. The first
17 conversation that I had had with Corry, it didn't even
18 enter my mind at that point.

19 Q By "the first," you mean the one about the ALARA
20 and the design --

21 A No, by "the first" I'm referring to this
22 conversation we had at his job interview.

23 Q I'm sorry, what issue?

24 A That conversation, the issue of coatings
25 inspector's function --

1 conversations about the reactor core cavity coatings issue?

2 A No, sir.

3 JUDGE JORDAN: Mr. Roisman, you started to
4 mention page. Were you going to ask questions there?

5 MR. ROISMAN: No, I wasn't.

6 JUDGE JORDAN: I have just two quick questions
7 on that. On page 6, on question 29 you were asked whether
8 the system at Comanche Peak is different from other plants;
9 and you said "only to the timing of the reviews."

10 Now, when you say "only" it sounds like that's an
11 insignificant matter. Do you feel that that is an
12 insignificant matter?

13 THE WITNESS: From a safety standpoint,
14 Dr. Jordan, or from an economic standpoint?

15 JUDGE JORDAN: What was the last statement?

16 THE WITNESS: Economic. Well, maybe I can
17 answer your question in an area. If it was my decision, I
18 would have them design reviewed before I implement them,
19 simply due to the potential economic impact it could have
20 on the construction process. It wasn't my decision and it
21 has no safety significance.

22 JUDGE JORDAN: You think it has no safety
23 significance that the problems that Mr. Roisman was
24 raising about the fact that Gibbs & Hill would recognize
25 there is some pressure after six months have passed, that

1 Gibbs & Hill would not take this into consideration at all?

2 THE WITNESS: I don't think the pressure was an
3 issue; no, sir. I see no evidence that it was.

4 JUDGE JORDAN: All right.

5 JUDGE BLOCH: Let's take our seven-minute break
6 if that's okay, Mr. Roisman? It doesn't interfere with
7 your line?

8 MR. ROISMAN: No, I was going to move to a new
9 line.

10 (Recess.)

11 JUDGE BLOCH: The hearing will come to order.

12 BY MR. ROISMAN:

13 Q Mr. Brandt, at the time that Mr. Allen was at
14 the site, Mr. Artrip and Mr. Allen were not the only
15 people who had been raising questions about the
16 specifications and the procedures in the paint coatings
17 area, were they?

18 A No, sir.

19 Q You had -- Mr. Dunham was raising questions in
20 the area, and several other paint coatings inspectors were
21 raising concerns about procedures and specifications?

22 A We are talking about the entire period of time?

23 Q Well, I'm talking about the period say, from
24 January of '83 through until the end of '83?

25 A Yes.

1 Q Why didn't that make you begin to suspect that
2 perhaps these QC inspectors were right and that the
3 engineers were wrong on these issues?

4 A Simply because I think most of the inspectors
5 had received adequate answers to their questions.

6 Q But they didn't think they had; did they?

7 A I think the majority of them did once they were
8 asked and explained. Sometimes it took more than one
9 explanation. But I think ultimately the majority of the
10 people thought that their questions had been answered.

11 JUDGE BLOCH: Were their concerns similar to the
12 concerns of Mr. Lipinsky in his first memorandum; not his
13 last memorandum?

14 THE WITNESS: I'm trying to remember what was in
15 his first memorandum --

16 JUDGE BLOCH: ANSI N 45.2 --

17 THE WITNESS: No, not .2. I think he was
18 worried about N 101.2.

19 JUDGE BLOCH: Do you know? If I mean if you
20 don't know --

21 THE WITNESS: They weren't the same types of
22 concerns; no.

23 BY MR. ROISMAN:

24 Q Mr. Brandt, in reflecting on that period of time,
25 have you considered the possibility that what you

1 perceived as acquiescence in the merits of the positions
2 being presented by yourself or Mr. Tolson or the engineers
3 to your inspectors was really merely acquiescence in your
4 basic philosophy, which was it wasn't their business to
5 raise those concerns and it wasn't their business to
6 resolve those concerns?

7 A Once again, Mr. Roisman, I don't think it's my
8 testimony that it wasn't their business to raise those
9 concerns. My problem was, once they raised them and they
10 had a -- they had seemingly been resolved, they continued
11 to raise the same concern over and over again, or pursued
12 different avenues -- that was my concern. Not that they
13 asked of questions. They asked hundreds questions.

14 Q I'm sorry, I thought just a moment ago you said
15 that you thought that they had accepted the resolution of
16 all these problems. Is that incorrect?

17 A I said the majority of the people had accepted
18 the resolution. I'm speaking now for the group as a whole.
19 The problem, or my problem with the group, was that they
20 would raise the concerns, show them, we'd answer the
21 concerns in writing and we'd show them where the -- from
22 where the answers came, and they'd continue to pursue them.

23 Q So they weren't being satisfied with the answers?

24 A Your earlier question was "the majority." I'm
25 taking a group of 15 people and trying to divide it in my

1 mind by number of people, whether the majority of people
2 were concerned or whether the majority of people were not
3 concerned.

4 Q Okay. Let's break away from "majority." How
5 many of them were the ones who were sort of persisting in
6 the view that the answers being given were not adequate,
7 and kept raising the questions over and over again?

8 A Three or four.

9 Q And who were those people?

10 A The ones that I remember were Wally Elliott,
11 Gary Artrip, Margaret Lucke -- although ultimately Lucke's --
12 I think Lucky has even told me since that her -- she was
13 satisfied with the answers. I have not talked to Elliott
14 or Artrip since they left.

15 Q What about Mr. Dunham?

16 A Are you talking about Bill Dunham?

17 Q Yes. Not Fred. Sorry?

18 A I don't think that Bill -- Bill had a real
19 problem with Harry Williams. But I don't know that -- and
20 Bill had a problem with the way that the back fit maps
21 were kept up, which was ultimately his responsibility; but
22 he claimed that he wasn't having time to do them, was the
23 reason they were deficient. They weren't wrong, they just
24 weren't up to date.

25 I don't remember. At least Dunham doesn't stick out in

1 my mind that raised a lot of questions on adequacy of
2 specifications.

3 JUDGE BLOCH: NCRs or IRs?

4 MR. WATKINS: That he wrote them or raised that
5 as an issue.

6 JUDGE BLOCH: I thought I'd jog his memory as to
7 whether that was a concern.

8 THE WITNESS: I think probably for the last
9 month that Bill Dunham was there, that was probably a
10 concern of his.

11 Unfortunately, at the time I didn't realize that they
12 understood the rationale behind the move to go the way we
13 did. I held a group meeting in September and explained it,
14 I think, to their satisfaction. But by that time I think
15 that Bill was gone.

16 JUDGE BLOCH: What about Tom Miller?

17 THE WITNESS: Tom Miller and I only spoke twice,
18 I think, Mr. Roisman. Miller never filed anything in
19 writing asking a question that I saw. He filed NCRs. We
20 answered them. But as far as writing requests for
21 information or writing a three-part memo, Tom Miller and I
22 sat in September and talked for a couple of hours --
23 probably an hour of which was over NCR/IR.

24 Miller raised a question on, I think, base metal
25 readings, why we weren't doing them? And had a question

1 on the same primer, but I'm not sure what it was.

2 We talked about the pump skimmer room. And we talked
3 about his transfer from night shift to day shift.

4 BY MR. ROISMAN:

5 Q But what you had heard about Mr. Miller, wasn't
6 he one who was raising questions and not accepting the
7 answers that he was being given?

8 A Before I -- as I said, I didn't talk to Tom
9 before, I think it was toward the end of September. He
10 had been on night shift up through, I think, August.
11 Everybody seemed to have a problem with Miller, but when I
12 was observing Miller, Miller was a hard worker. Miller
13 was always out in the building. Miller was always
14 performing, certainly his share of inspections.

15 Q So that you would not consider him to be one of
16 those who was raising these problems?

17 A My own opinion, Mr. Roisman, and that's all it,
18 is -- I have nothing to base it on other than personal
19 opinion -- is that Miller raised problems through other
20 people, but Miller wouldn't send anything; wouldn't send a
21 three-part memo, for example, or an IFIC in with his own
22 name on it. That he fed a lot of his concerns to the
23 other people that I have already named and they were
24 forwarded -- forwarded -- they forwarded them on.

25 Q Mr. Brandt, I assume you have had occasion to

1 read the Lipinsky trip report of August 8, 1983?

2 A Yes, I have.

3 Q Do you recollect in there, Mr. Lipinsky
4 indicating that he believed that he had made some
5 statement about Mr. Miller during the course of his
6 conversations with you while he was at the site?

7 A Yes, he did.

8 Q Did you tell Mr. Lipinsky that, when he was
9 asked by Mr. Tolson if Mr. Lipinsky would hire or rehire
10 Mr. Miller and he replied, "Yes, depending on the
11 circumstances," that you said or volunteered to have
12 Mr. Miller at the airport by 3:00?

13 A Mr. Roisman, I did make that statement. But, as
14 I explained in my July or August deposition that you
15 conducted, I think in answer to a question from Mr. Mizuno,
16 that that was meant in a joking fashion. At that point I
17 had never even met Tom Miller. All I heard was things
18 from both night shift supervision and the construction
19 people, and it was largely the reason, that reason I moved
20 Mr. Miller from night shift to day shift, so I could
21 perform a personal evaluation of Mr. Miller. And I told
22 Mr. Miller that.

23 Q And what had you heard about Mr. Miller, as of
24 July 27, 1983?

25 A C.C. Randall's statement to me was he had a hard

1 time keeping Miller going in a straight direction.

2 Tom appeared to have more than his share of problems
3 getting along with the craft.

4 EXAMINATION

5 BY JUDGE BLOCH:

6 Q What did you understand by "straight direction";
7 did you have some understanding of that?

8 A I took it to mean, Judge Bloch, that Tom was
9 easily sidetracked or could easily -- I think it was due
10 probably more to his -- I don't know what to blame it on.
11 Personality conflict? Communication problems with the
12 craft? He had a real hard time with the craft.
13 Consequently there was more than his share of conflict
14 between Tom Miller and the craft.

15 Q What did you do to investigate that?

16 A Well, I moved him to first shift to -- you know,
17 if it was a personality situation on night shift, that
18 would be gone. On first shift I had an opportunity to
19 observe Tom's performance personally, which as I stated
20 earlier I did. Tom Miller was a hard worker. Every time
21 I went to observe what the inspectors were doing in the
22 field, Miller was working.

23 Q And so there was no conflict between him and
24 Staff -- him and craft on day shift?

25 A With one person; yes, sir. Other than that

1 there didn't appear to be too much of a conflict.

2 Q So did you then investigate what had happened on
3 night shift?

4 A I deemed, I guess at that point, that it was
5 strictly an interpersonal, or personality situation and
6 didn't see that it needed to be investigated further.

7 Q It sounded like, if you didn't think it came
8 from Mr. Miller, it may have come from the craft. In
9 which indication you'd want to know why there was a
10 conflict on the night shift between craft and Mr. Miller.

11 A I don't understand.

12 Q There was a complaint that Mr. Miller wasn't
13 getting along well with craft during the night shift. You
14 shifted him to the day shift and you observed there was
15 only one person that he had any problem with. So it
16 didn't look like he had a deep personality problem that
17 made him have problems with craft.

18 Wouldn't you be concerned at that point that the
19 problems between Mr. Miller and craft on the night shift
20 were due to craft acting improperly?

21 A I could have drawn that conclusion, Judge Bloch,
22 except that the rest of the night shift inspectors seemed
23 to get along with the craft quite well. Quite frankly,
24 the night shift got along with the craft better than the
25 day shift, as far as the relationship between the QC and

1 the craft. I don't know what the nature of the
2 relationship was. It seemed to improve when Tom came to
3 days.

4 CROSS-EXAMINATION (Continued)

5 BY MR. ROISMAN:

6 Q Were any of the people whom you have identified
7 as those who persisted in pursuing these issues even after
8 they were given answers, on the night shift? Or were they
9 all day shift?

10 A At that time, Mr. Roisman, for the most part
11 1983, there was a rotating day shift/night shift situation.
12 So I think it was a six-week rotation, maybe.

13 Well, that seems right. Miller had requested to stay
14 on night shift because his wife, as I recall, was in
15 nursing school or something and he had a child that he
16 wanted to stay home and take care of.

17 Q In the group that Mr. Miller was part of, that
18 the complaint was made that Mr. Miller and the craft
19 weren't getting along, who were the other people in that
20 group? The ones who were getting along with the craft?

21 MR. WATKINS: Objection. You haven't
22 established that there was such a group. The testimony
23 was that Mr. Miller had a conflict with the crafts people,
24 not that other people did.

25 MR. ROISMAN: I thought, or I intended to imply,

1 just the opposite: That apparently the rest of the group
2 did not have any problem with the craft. That's what I
3 intended to indicate.

4 BY MR. ROISMAN:

5 Q I just want to know who the other people were?

6 A What I'm saying, Mr. Roisman, what I was trying
7 to answer in my answer, it was a rotating situation so
8 that the group of people Tom was working with one week may
9 not be the same group of people that was working with Tom
10 the next week.

11 Q So your testimony is that everybody except
12 Mr. Miller was getting along with the craft in the night
13 shift whenever they happened to show up at night shift?

14 A I can't say, you know, there wasn't conflicts,
15 Mr. Roisman. I think there's conflicts any time you have
16 two people dealing with each other. But there wasn't more
17 than average amount.

18 My answer was an answer to the Chairman's question
19 where he asked me, "Why didn't you investigate possible
20 improper action on the part of the craft?"

21 Q And my question is: Is it your testimony that,
22 with the exception of Mr. Miller, nobody was having an
23 abnormal amount of conflict with the paint crews on the
24 night shift?

25 A Yes, sir, that's my testimony.

1 Q And that that was essentially all the painters --
2 all the QC inspectors, because of the rotating nature of
3 the night shift and day shift? That everybody except
4 Mr. Miller was having no unusual problems with the night
5 shift painters?

6 A Mr. Roisman, I honestly don't remember that
7 everyone rotated. I know it was a rotating schedule
8 because I distinctly remember the memo that Tom wrote me
9 when he requested to stay on night shift, was that his
10 turn in the rotation be shifted to last so that he could
11 stay on night shift a longer time.

12 I do remember at the time of the end of the summer,
13 that there was a group of people rotating from days or
14 nights. But to state that it was all of them, I can't say
15 that.

16 EXAMINATION

17 BY JUDGE BLOCH:

18 Q Mr. Brandt, how long did it take you to satisfy
19 yourself about Mr. Miller's performance while he was
20 assigned to day shift?

21 A Is your question, Judge Bloch, to satisfy myself
22 to the point that I didn't think I needed to talk to Tom?

23 Q To satisfy yourself to the point that you
24 concluded that he had no serious problems that would lead
25 to conflicts with crafts?

1 A As I said, there was one exception, which was
2 the crafts superintendent which in my opinion Tom
3 attempted to agitate, on at least two occasions.

4 Q Why was the craft superintendent talking to him
5 at all?

6 A He wasn't.

7 Q Tom was seeking him out?

8 A You asked the question. I'll explain.

9 Tom Miller -- the craft superintendent's name was
10 Junior Haley. Tom wore a T-shirt in one day with a
11 roadrunner on the back of it, and in big letters said "J.R.
12 Who?" This is after the coatings inspectors had taken
13 black magic marker and written "Haley's comets" on their
14 hard hats. I won't say all inspectors, some inspectors
15 had done that.

16 Q What was the time period involved here?

17 A Late -- I want to say late summer '83.

18 And when Tom wore the T-shirt in, Junior took it as a
19 personal affront.

20 I called -- actually Tolson called Miller in to ask him
21 what the T-shirt meant, and Miller offered this excuse
22 that it was an old "J.R. Who?" T-shirt. We let the issue
23 drop at that point. I tried to calm Junior Haley down.
24 Asked Tom not to wear it back in. To this day I don't
25 believe that it was not a "J.R. Who?", it was a "Jr. Who?"

1 T-shirt.

2 Q It was a protest pattern by the people in that
3 group?

4 A By some of the people in that group. I would
5 say, yes, that would have to be the case.

6 Q Did you investigate what that was all about?

7 A It got to the point that we had daily meetings
8 on coatings between Mr. Haley, Mr. Haley's general foreman,
9 my QC supervisors and myself, to discuss any problems we
10 had that day.

11 We were, in my estimation, doing everything possible to
12 make the situation run smoother.

13 I had told Haley early in the summer, after Corry Allen's
14 complaint that he was being harassed by a paint foreman,
15 that Haley wasn't going to browbeat any of my inspectors.
16 If Haley had a problem or any of Haley's people had a
17 problem with any of my inspectors he could come to me.
18 And I told my inspectors the same thing. If they thought
19 they were being browbeaten by anybody they could get on a
20 telephone or on the plant PA system and call me and I'd
21 come and resolve the problem.

22 Q But as of August of '83 they weren't satisfied
23 with that, were they?

24 A No, I guess they weren't.

25 Q Did you find out why they weren't?

1 A I continued to try, Judge Bloch. I don't know
2 to this day why they weren't. I don't know what more I
3 could have done.

4 Q What was your method of trying to find out from
5 the individuals who indicated with these things on their
6 hats and from Mr. Miller, what the gist of their problem
7 was?

8 A Miller claimed it had nothing to do with Junior
9 Haley, as I said.

10 Q You didn't believe that. You knew it had to do
11 with Junior Haley.

12 A I thought it best at that time to let the issue
13 drop. It was a highly contested issue and Tom agreed not
14 to wear the shirt in anymore, and I hoped the situation
15 would resolve itself by lack of him wearing it back in.

16 Q What about the people with the hats on. Did you
17 talk to them?

18 A I asked -- Artrip had it on his hat, is one I
19 remember. I asked what it meant, and he didn't -- Artrip
20 explained that they didn't like the fact that they had
21 been assigned to work with a particular foreman. We made
22 that decision to get maximum coverage or QC coverage, we
23 put an inspector with a group of painters and assigned him
24 to that group. He was responsible for inspecting whatever
25 that group was painting. Some of the people envisioned

1 that as reporting to construction when, in fact, as I
2 tried to explain to Gary Artrip, that in no way was that
3 reporting to construction. They were assigned to that
4 group. They were going to cover that group's -- whatever
5 inspections that group needed, that's the way they were
6 going to go.

7 Q They felt it made it harder for them to inspect
8 the work because they always had to deal with the same
9 supervisor, but you didn't think they were justified?

10 A Yes, sir. That's a fair assessment.

11 CROSS-EXAMINATION (Continued)

12 BY MR. ROISMAN:

13 Q Was Mr. Haley a night shift supervisor?

14 A Mr. Haley was on -- Mr. Haley was the overall
15 coatings superintendent. He had a craft superintendent
16 under him on night shift as well as a general foreman, I
17 believe, on night shift.

18 Q I thought we got into the discussion of
19 Mr. Haley from the question that the Chairman had asked
20 regarding the nature of the conflicts that Mr. Miller was
21 having with craft during the night shift.

22 A But my answer, Mr. Roisman, was to his
23 continuing problems or personality conflicts on day shift.
24 And I indicated he had a continuing personality conflict
25 with one person, and that was Mr. Haley.

1 JUDGE BLOCH: That's my recollection of the
2 prior testimony also.

3 BY MR. ROISMAN:

4 Q You said you didn't know what more I could do to
5 deal with the problem than what you were doing. Did you
6 ever contemplate recommending to Mr. Tolson through craft,
7 Mr. Merritt, that they fire Mr. Haley?

8 A No, sir, I didn't. Mr. Tolson, I believe,
9 ultimately made the decision to recommend that they move
10 Junior Haley out of that position. But it was not due to
11 my recommendation, because from what I heard from my
12 supervisors and my own personal observation, it was that
13 Mr. Haley was trying to work with the QC inspectors.

14 Q Your supervisors, that was Mr. Williams at this
15 time? Harry Williams?

16 A It was Harry Williams; and Mike Foote was
17 playing a role at that time, because Mike was a quality
18 engineer -- the acting quality engineer for coatings. And
19 that was essentially it for the day shift.

20 Q But looking at that audience of people now, the
21 quality engineer, Mr. Foote, was the one who people like
22 Corry Allen and Gary Artrip were questioning their
23 judgment on procedures and specifications. And Harry
24 Williams is the one that a substantial number of the paint
25 coatings inspectors were questioning across the board,

1 that resulted in your summer of 1983 reviews. Isn't that
2 so?

3 MR. WATKINS: Objection. It's a compound
4 question.

5 JUDGE BLOCH: Let's break it down.

6 BY MR. ROISMAN:

7 Q Mike Foote was the quality engineer whose
8 judgments were being questioned by those people who were
9 unwilling to accept the answers the quality engineers were
10 giving as to their concerns about procedures and
11 specifications; is that correct?

12 A Mike Foote was one of the people whom the
13 inspectors were questioning judgment on; yes, sir.

14 Q I thought your testimony was that he was the one
15 who had the principal responsibility for the paint
16 coatings, QE reviews?

17 A Quality engineering; yes, sir. To a large
18 degree, the inspectors were questioning engineering itself
19 also.

20 Q But Foote was the contact point, was he not?

21 A It was supposed to work that way, but in many
22 cases the inspectors ended up going into engineering
23 directly.

24 Q And Harry Williams, who was the other person
25 with whom you were in consultation, was a person who the

1 inspectors had been complaining about over a period of
2 time? That is, a number of them had been complaining
3 about over a period of time; isn't that true?

4 A They felt that Harry wasn't affording them the
5 proper support; yes, sir.

6 Q And you knew at the time you consulted with the
7 two of them as to how to deal with the "Haley problem,"
8 that the QC inspectors who were objecting to Haley were
9 also objecting to the -- some of the things that the two
10 people who you were in consultation with were doing?

11 A Mr. Roisman, that's -- that might be part of
12 what I said. If I can clarify?

13 Q Please.

14 A I think -- I think my testimony was that both my
15 personal impression and the impression that I got from
16 Mr. Foote and Mr. Williams, was that Mr. Randall was
17 trying to work with -- I mean, excuse me -- that Mr. Haley
18 was trying to work with QC.

19 I was spending, as I think I told you this summer,
20 probably at least 50 percent of my time in the coatings
21 area, because I did identify this as an area of unrest, if
22 you will. And I was trying to -- as I told the Chairman a
23 few minutes ago, I don't know what more I could have done.

24 I told the inspectors I'd come out there personally. I
25 did on numerous occasions.

1 I talked to Haley on a daily basis in a meeting-type
2 environment. I talked to Haley informally on a daily
3 basis.

4 I had told Haley in front of the inspectors that they
5 didn't have to put up with anything from him. That any
6 problems they had with Haley they could come get me and
7 I'd take care of Junior Haley.

8 I don't -- I honestly don't know, to this day, what
9 their problem was with Junior Haley.

10 Q Except that they had it. That's real?

11 A I won't argue that with you, Mr. Roisman.

12 JUDGE BLOCH: Was this during the time period
13 that Mr. Mouser was assigned to this group also?

14 THE WITNESS: The tail end of the period that I
15 think Mr. Roisman and I are talking about, Judge Bloch, is
16 when Mr. Mouser came in. Mr. Mouser came in on, I think,
17 the first day of August, 1983. I'm talking basic
18 summertime, end of summer, 1983. At least that's what I
19 think we are talking about. Because that's when the
20 period of conflict arose.

21 JUDGE BLOCH: You had said late summer 1983
22 before?

23 THE WITNESS: That might have been misleading.
24 I'm talking basically late June and after.

25 JUDGE BLOCH: So it was prior to the time that

1 Mr. Mouser was in the --

2 THE WITNESS: Some of it was prior to, some of
3 it was concurrent with Mr. Mouser. Mr. Mouser was part of
4 our daily -- I remember meeting, as I stated, daily. For
5 a while these -- I believe these meetings we started
6 having sometime in July, so while it was the night shift
7 supervisor, Mr. Foote, Mr. Williams, Mr. Haley and myself --
8 for a while it was Mr. Williams, Mr. Mouser, the night
9 shift superintendent, Mike Foote and myself. And then for
10 a while -- after the end of August, Mr. Williams was gone
11 so it was -- there was a period of time to where the group
12 was Harry Williams -- there was a period of time where the
13 group included Harry Williams and Everett Mouser, and then
14 after Mr. Williams left Mr. Mouser was sitting in these
15 sessions.

16 JUDGE BLOCH: Did you take the opportunity sometime
17 after Mouser joined the group to talk to him privately
18 about what he saw happening?

19 THE WITNESS: Yes, I did.

20 JUDGE BLOCH: Mr. Roisman?

21 BY MR. ROISMAN:

22 Q And what did he tell you?

23 A Mr. Mouser thought Mr. Haley was trying to work
24 with him.

25 Q And how long was it before Mr. Mouser left the

1 site?

2 A October, I believe.

3 Q So he was there basically from August to October?

4 A To the best of my recollection, Mr. Roisman.

5 JUDGE BLOCH: Did he leave before or after the
6 Lipinsky memorandum became known on the site?

7 THE WITNESS: Pretty close to the same timeframe,
8 Judge Bloch. I don't remember exactly when the Lipinsky
9 memorandum -- I think Mr. Mouser left mid-October. And
10 I'm speaking solely from memory. I don't have anything in
11 front of me to indicate it. But to the best of my
12 recollection it was mid-October.

13 JUDGE BLOCH: I take it you know of no
14 connection between those two events?

15 THE WITNESS: The Lipinsky memo coming out and
16 leaving? No.

17 BY MR. ROISMAN:

18 Q You have identified Mr. Miller, Mr. Dunham,
19 Mr. Allen, Mr. Dunham, Mr. Artrip, Margaret Lucke, as
20 people who were working at paint coatings at this time
21 during the spring and summer of 1983. Was Don Davis one
22 of those who was working at that time?

23 A Yes, sir.

24 Q And was he in the group that was raising
25 concerns about procedures and specifications?

1 A Not that I -- not that ever got to my level,
2 Mr. Roisman.

3 Q And what about one that was raising concerns
4 about any of the work of either Mr. Williams or Mr. Haley
5 that you know of?

6 A Not that ever got to my level.

7 Q And what about Jim Uehlein? Was he in this
8 group of paint coatings inspectors?

9 MR. WATKINS: What group?

10 MR. ROISMAN: The group that was there in the
11 spring and summer of 1983.

12 THE WITNESS: Uehlein was there for the -- I
13 think Jim started to work in July.

14 BY MR. ROISMAN:

15 Q Of '83?

16 A Yes.

17 Q And was he raising concerns about the
18 specifications and procedures?

19 A He had -- he was one who wrote, on a couple of
20 occasions, a three-part memo asking a question, which I
21 believe I answered to Uehlein's satisfaction.

22 Q And did he -- was he one who continued to press
23 for answers after he got the answers?

24 A No, sir.

25 Q Now, Mr. Mouser joined this group, I believe you

1 said at the 1st of August of '83. Who else was in the
2 group during this spring and summer period, other than the
3 ones we've just listed?

4 MR. WATKINS: Mr. Chairman, Mr. Brandt is here to
5 be cross-examined on his rebuttal testimony which goes to
6 Corry Allen's testimony. Mr. Brandt was first subjected
7 to deposition in Glenrose during the first week in July,
8 at which time Mr. Roisman had the opportunity to explore
9 anything he wanted to, and did.

10 JUDGE BLOCH: Are you questioning it goes beyond
11 the scope?

12 MR. WATKINS: It goes well beyond the scope.
13 It's additionally cumulative. For about the last half
14 hour most of what Mr. Brandt testified to appears in the
15 record in one of two places: either that deposition or in
16 the Dunham record, which is a part of this record.

17 JUDGE BLOCH: Mr. Roisman, your answer to the
18 objection?

19 MR. ROISMAN: First, I didn't bring him in here
20 for rebuttal. And the scope of that rebuttal defines the
21 scope of what I'm entitled to examine.

22 Now, what he's attempting to do, in the rebuttal, is to,
23 if you will, isolate Mr. Allen as, I think his words were,
24 as a paranoid. And I'm trying to find out whether or not
25 we had paranoid hysteria going on at the plant site or

1 whether Mr. Allen was really by himself.

2 Now we have, well, Mr. Miller had problems and
3 Mr. Dunham had problems and Mr. Allen had problems and
4 Mr. Artrip was sort of the paradigm example of the
5 problems.

6 I'm just trying to understand what the universe was
7 within which Mr. Allen is being placed in context by this
8 witness. I think it's fair cross-examination.

9 JUDGE BLOCH: I don't understand the portion of
10 the testimony you think attempts to show that Mr. Allen
11 was of a paranoid-type nature. What are you referring to?

12 MR. ROISMAN: On page 22, the statement -- just
13 a moment --

14 MR. BERRY: Mr. Chairman?

15 JUDGE BLOCH: Yes?

16 MR. BERRY: On page 45, I guess, answer A225. I
17 believe it's the third paragraph, third paragraph, I guess,
18 kind of relates to that.

19 JUDGE BLOCH: The questions will be allowed.

20 BY MR. ROISMAN:

21 Q Mr. Brandt, I'm now trying to get the names of
22 the remaining inspectors who were there during the period
23 spring and summer of 1983; that is, the paint coatings
24 inspectors.

25 A Other than the ones you've mentioned --

1 Q Excuse me?

2 A I said, other than the ones mentioned: Mickey
3 Finn, F-i-n-n; Gary Yando, Y-a-n-d-o; Fred Dunham, Lynette
4 Adams, Sandy Owens, Joe Fazi, F-a-z-i, Houston Gunn, G-u-n-n.
5 There might be more, Mr. Roisman, I just can't think of
6 them right now.

7 Q All right. Let's start with Lynette Adams. Did
8 she raise problems with specifications and procedures?

9 A She raised questions about the procedures; yes,
10 sir.

11 Q And did she pursue those questions beyond the
12 answers that she got at the first level of responses to
13 her concerns?

14 A What do you mean "at the first level of
15 responses"?

16 Q Well, as I understand it, the process was you
17 said: "Please go ahead if you feel you have a question
18 with procedures, and raise it." And you raise the
19 question and somebody writes you back or writes back or
20 orally gives you an answer. And then at that point you
21 either say, "fine" or you say "I'm not satisfied." I want
22 to know was she the one who went beyond that first answer
23 to get more answers?

24 A Not that I recall; no, sir.

25 Q And did she have problems, as far as you know,

1 with Mr. Haley?

2 A One particular problem she had was that she felt,
3 on one occasion, Mr. Haley was chasing her through the
4 reactor building. She had performed an inspection and Mr.
5 Haley wanted to know something about the inspection. She
6 came in and talked to me about it. I called Haley in and
7 told him if he wanted to know something about their
8 inspections he could ask their supervisor; that the next
9 time he was chasing one of my inspectors through the
10 reactor building he and I were going to have major
11 problems.

12 Q What about the next time that he went directly
13 to one of your inspectors to get them to explain an
14 inspection to them? Was he going to have major problems
15 if that happened?

16 A No, sir. I didn't offer that -- that threat, if
17 you will, to him. I just told him that I requested he go
18 through the inspection supervisor. From that point on
19 nobody -- nobody complained about Haley chasing them for
20 information.

21 JUDGE BLOCH: How about asking them for
22 information after that?

23 THE WITNESS: Nobody "complained" about it anyway.
24 I can't say it didn't happen. I didn't follow 20 people
25 around every day.

1 BY MR. ROISMAN:

2 Q Was it after that Corry Allen wrote you the
3 three-part? Or was it after that, that he identified some
4 problems that he was having?

5 A Mr. Allen -- same timeframe, Mr. Roisman. Which
6 one came first I don't remember.

7 Mr. Allen's problems, though, were not with Mr. Haley.
8 The problems which I believe you are referring to, in the
9 memo that Corry wrote that I think is attached to this --
10 yes, it is, it is attachment 2.

11 Q Yes, that's right. I know the date of that. It
12 was the date of the event with Ms. Adams that I was not
13 clear about. I take it you are not clear either?

14 A I am not either.

15 Q What about problems with Mr. Williams?

16 A I interviewed Ms. Adams after talking to
17 Mr. Dunham, in June. To the best of my recollection,
18 Ms. Adams felt that Mr. Williams didn't have -- I think
19 her term was "backbone," that she didn't feel he was
20 properly supporting them in front of the craft. Other
21 than that I don't recall any specific problems she
22 expressed.

23 JUDGE BLOCH: Are you talking about Harry
24 Williams or Wayne Williams, Mr. Roisman?

25 MR. ROISMAN: Harry.

1 THE WITNESS: That's the way I answered it.

2 MR. ROISMAN: I'm sorry, there are two Dunhams
3 and two Williams here. I'll try to be more careful about
4 keeping those clarified.

5 BY MR. ROISMAN:

6 Q What about Mickey Finn?

7 A He raised questions.

8 Q Did he accept the answers that he got or did he
9 continue to raise the question beyond the first answer?

10 A No, sir. He accepted the answers.

11 Q And were the kinds of questions that Mickey Finn
12 was raising about procedures and specifications, and the
13 kind that Ms. Adams was raising, were they the same type
14 of question?

15 A Yes.

16 Q Did they actually question the very same thing?
17 Or just was it the same nature?

18 A It was the same nature, Mr. Roisman. To state
19 that anybody asked the same question at this point I can't
20 answer --

21 Q No, I don't mean asked it with the same words,
22 but were they questioning the same piece of specifications
23 or same piece of procedure?

24 A Even that I can't remember. They were of the
25 same nature, is as close as I can get to answer your

1 question.

2 Q Did Mr. Finn have problems with Mr. Haley, to
3 your knowledge?

4 A Not that he ever expressed.

5 Q He didn't wear a hat with the Haley's Comets on
6 it?

7 A No, sir.

8 Q I assume Ms. Adams didn't either?

9 A No, sir.

10 Q What about Harry Williams?

11 A I distinctly remember Mr. Finn's comments about
12 Mr. Williams. I'll edit them so as not to be crude.

13 As I interviewed Mr. Finn, also, after talking to
14 Mr. Dunham in June, Mr. Dunham -- excuse me, Mr. Finn
15 thought that the whole thing was -- the whole situation
16 between a small group of inspectors, and Harry, was
17 overexagerrated.

18 I don't believe Mr. Finn had anything negative to say
19 about Harry, and he probably was the only one that at
20 least didn't express a concern -- the only one of the
21 number that I interviewed -- he was the only one that
22 didn't express any concern that the group had totally lost
23 confidence in Mr. Williams or that Mr. Williams didn't
24 have any backbone.

25 Q And how about, is it Mr. Yando?

1 A Yes.

2 Q Did he raise questions about procedures and
3 specifications?

4 A Not that I recall, Mr. Roisman. He might have
5 orally. I don't remember him writing anything.

6 Q When you answered me earlier about raising
7 questions about procedures and specifications, I'm not
8 sure that we necessarily had a meeting of the mind on that
9 question.

10 What were you answering in terms of how they would be
11 raised?

12 A What I was referring to was questions that were
13 raised in writing that got to my level.

14 Q Would you have heard if people were raising
15 questions orally with their supervisors and, on the basis
16 of what the supervisors were telling them, weren't putting
17 them in writing or for their own reasons weren't putting
18 them in writing?

19 A I assume if the inspector would have continued
20 to have a problem he would have raised it to my attention,
21 because there were people all around writing me --

22 Q I'm sorry, you were anticipating what I might
23 have been asking for. I was asking a simpler question
24 than that. I just wanted to know whether your supervisors
25 would be telling you on a regular basis that an inspector

1 was coming in and raising questions orally; whether or not
2 it ended up in writing and whether or not the inspector
3 was concerned enough to put it in writing?

4 A My supervisors came in if they wanted to consult
5 with me before they answered a question orally. But, as
6 far as somebody coming in and saying: Hey, this inspector
7 is asking a bunch of questions -- no, that never happened.

8 Q Would you put Ms. Adams and Mr. Finn into the
9 same category, in terms of number of questions that they
10 raised about specifications and procedures? Were they
11 equally questioning?

12 MR. WATKINS: Objection. It's not relevant.
13 It's not probative.

14 JUDGE BLOCH: This question seems a little
15 remote. Although the line is legitimate, I don't
16 understand the comparison between these two.

17 MR. ROISMAN: The reason for the comparisons at
18 all is that we already have a standard, if you will, in
19 the form of Mr. Corry Allen's testimony, Mr. Dunham's
20 testimony in this proceeding, the testimony of Mr. Artrip
21 and others during the Dunham proceeding.

22 So we have a number of places where we can get a sense
23 of what the people that Mr. Brandt is classifying as being
24 the isolated group, and in the case of Mr. Allen, the
25 potentially paranoid group, what they are. And I'm trying

1 to find out whether or not we can -- whether he's after
2 Mr. Allen because Mr. Allen has come forward? Or whether
3 he's after Mr. Allen based upon the fact that Allen was
4 truly unique in this group of people.

5 Incidentally, I apologize for not having the reference
6 before. The reference with regard to "paranoid" is on
7 page 41 of Mr. Brandt's testimony in answer 212, where he
8 sets up the following options. That is "was the
9 construction corps for singling Corry out and deliberately
10 giving him a hard time or was it a matter of paranoia on
11 his part, that somebody was out to get him."

12 JUDGE BLOCH: Why don't you pursue the level of
13 objections in your way.

14 BY MR. ROISMAN:

15 Q Mr. Brandt, I'm trying to understand whether
16 Ms. Adams and Mr. Finn were comparably raising the same
17 magnitude number of concerns about specifications and
18 procedures, based on what you knew?

19 A I'd say approximately; yes, sir.

20 Q And Mr. Yando? He wasn't raising any?

21 A I think I stated that I don't remember any that
22 got to my level from Gary Yando.

23 Q And he was having no problems -- strike that.

24 Was he having problems with Mr. Williams? Harry
25 Williams?

1 A I'm trying to remember, Mr. Roisman. I also
2 interviewed Mr. Yando.

3 I believe that Yando's statement was something to the
4 effect that he didn't -- he, too, did not think that
5 Mr. Williams had much backbone.

6 Q And was he having trouble with Mr. Haley?

7 A No. None that he expressed.

8 Q And what about Fred Dunham? Did he raise
9 questions about specifications and procedures?

10 A Fred wrote requests for information, yes, sir.

11 Q Did he write -- did he raise them orally as well,
12 to your knowledge?

13 A Yes, sir. He -- Fred was consistently on night
14 shift. On several occasions Fred and C.C. Randall had
15 called me at home at night and would discuss problems they
16 were having.

17 Q Dealing with specifications and procedures?

18 A Dealing with procedures, interpretation thereof.

19 Q And did Mr. Dunham pursue those questions beyond
20 the first answers that he got?

21 A I think Mr. Dunham was satisfied with -- I won't
22 say first answers. If we can define "first answer" as the
23 answer that at least when I became aware of it --

24 Q Yes.

25 A I can't possibly know who he talked to before he

1 talked to me. I think in all cases Mr. Dunham and I came
2 to an understanding that Mr. Dunham was happy with the
3 resolution.

4 Q And how did he feel about Mr. Haley?

5 A Never had to deal with him directly. I've asked
6 Fred about that since, and Fred's comment was: I just
7 never had to deal with him.

8 Q And how about with Mr. Harry Williams?

9 A There, too, I have asked Fred that question.
10 Fred's statement was, I never had to deal with him. My
11 contact was always C.C. Randall and C.C. and I had a very
12 good relationship.

13 Q Were they co-equal?

14 A No.

15 Q What were their relative position?

16 A Fred was one level below Mr. Williams. Fred
17 Dunham and C.C. Randall weren't co-equal, using your terms.

18 Q Was Fred Dunham as concerned about procedures
19 comparable to the problems that Ms. Adams and Mr. Finn
20 raised?

21 A As far as numbers, Mr. Roisman?

22 Q Numbers?

23 A I'd say approximately. Fred wrote -- if I can
24 clarify that a little bit? Fred wrote almost all the RFICs
25 for night shift. By "RFIC," I mean request for

1 information or clarification, which I believe you are
2 familiar with.

3 They were in his pen, he signed them. A lot of times
4 they were for another inspector on night shift asking the
5 question, but Fred didn't think that he had an adequate
6 answer for. So in essence, it was Fred and somebody else,
7 in many cases, asking the question.

8 As far as overall numbers, of things Fred raised
9 directly with me that were Fred's concern, and Fred's
10 concern alone as far as I know, I would say they were
11 approximately the same number as Mr. Finn and Ms. Adams.

12 Q Sandy Owens, that a man or woman?

13 A That's a female.

14 Q Okay. Ms. Owens, was she one who raised
15 questions about specifications and procedures?

16 A Not to me.

17 Q Was she one who you had learned had raised them
18 to other people?

19 A Not that I recall, Mr. Roisman. Ms. Owens was
20 only there for the -- for the period we are talking about,
21 a short period time. She quit.

22 Q Did she any problems with Mr. Haley?

23 A Not that I recall. Sandy worked night shift.

24 Q What about with Harry Williams? Did she overlap
25 him?

1 A She had an interface with him but the interface
2 was minimal as Mr. Williams was on day shift and she was
3 on the nights.

4 Q And Joe Fazi? Did he raise questions about
5 specifications and procedures?

6 A Joe has asked questions. Whether or not you
7 would call them problems -- I guess they fall in the same
8 category. Yes, he's asked several of me personally.

9 Q And when you gave him an answer, was that the
10 end of the matter?

11 A Sometimes it took longer to explain it to him.
12 I was sometimes more deliberate in explaining it to Joe.
13 But I think in all cases he was happy with the answer. He
14 seemed to understand it, anyway.

15 Q By "longer" do you mean longer time during one
16 meeting or longer over a time period --

17 A No, a longer time during the same meeting.

18 Q And was his level of questions, in terms of
19 volume, numbers raised, comparable or -- to those of
20 Mr. Dunham? Fred Dunham?

21 A Probably less than Dunham. Probably less than
22 all that we've talked about.

23 Q And did he have problems with Mr. Haley? Was he
24 one that had the "Haley's Comet" on his --

25 A No, he was not.

1 Q And was he having problems with Mr. Harry
2 Williams?

3 A None that he ever expressed. I had known Joe
4 Fazi for quite a while. Joe Fazi was around when we
5 completely -- excuse me, my mouth is getting dry -- when
6 we completely restructured the coatings program in the
7 fall of 1981. Joe and I had a, I think, a friendly
8 relationship. Even though I'm not friends with the man
9 off the job site, but Joe would drop by, occasionally,
10 just to say "hi" and I felt quite confident that if Joe
11 was having a problem he would have said something about it.

12 JUDGE BLOCH: I thought you said earlier that
13 you had talked with the whole group and there was only one
14 person in the group who didn't have a problem with Harry
15 Williams?

16 THE WITNESS: No, sir. I testified I talked to
17 a number of inspectors and Mickey Finn was the only one
18 that didn't have anything that could be taking -- taking
19 the least favorable interpretation of anything they said --
20 as far as Mr. Williams' performance. He was the only one --

21 JUDGE BLOCH: Joe Fazi just wasn't in that group?

22 THE WITNESS: Joe Fazi wasn't in that group; no,
23 sir.

24 BY MR. ROISMAN:

25 Q That's the group that you met with after

1 Mr. Bill Dunham had come to see you in, I think it was
2 June of '83?

3 A Yes, sir.

4 Q Now, what about Mr. Gunn? Did Mr. Gunn raise
5 problems with specifications and procedures?

6 A Mr. Gunn raised questions about procedures. I
7 don't remember any Mr. Gunn raised about specifications.

8 Q And did Mr. Gunn accept the answers that were
9 given to the questions? Or did he pursue them?

10 A As far as I know he accepted them.

11 Q And did he ask about as many questions as
12 Mr. Fred Dunham?

13 A No, probably more in the range of Mr. Fazi,
14 Mr. Roisman. Somewhat less than Mr. Dunham.

15 Q And when we have been talking about raising
16 questions about the procedures and the specifications,
17 were all of these questions, questions about all the ones
18 that we have been discussing where someone raised a
19 question as to whether the specification or procedure was
20 adequate or appropriate?

21 A The specification itself, Mr. Roisman?

22 Q Or the procedure, as the case may be.

23 A They were all either questioning the adequacy or
24 questioning an interpretation of the procedure.

25 Q All right. They weren't the kind of questions

1 where you just said: Can you tell me what does this mean?

2 It wasn't that kind of a question?

3 A No. I'm deleting that type of question from our
4 conversation.

5 Q Okay. Good. I just wanted to make sure that
6 that -- that you had.

7 Mr. Gunn, did he have difficulties with Mr. Haley?

8 A No. Mr. Gunn had limited contact with Mr. Haley
9 because, although Mr. Haley was responsible for the paint
10 shop, Mr. Haley was -- I mean his time up there was
11 limited. Mr. Gunn's activities were completely limited to
12 the paint shop.

13 Q So he did not do inspections of the applications
14 of the paint coatings. He did inspections related to the
15 preparation of the paint coating materials?

16 A No. He -- he inspected the application also.
17 But his activities were never inside the reactor building.

18 Q And did he express problems with Mr. Harry
19 Williams?

20 A None that ever got to my level, Mr. Roisman. I
21 did not interview Mr. Gunn.

22 Q Now, of these people that we have been talking
23 about here, in the most recent group: Ms. Adams, Mr. Finn,
24 Mr. Dunham, Ms. Owens, Mr. Fazi, Mr. Gunn -- I'm leaving
25 out Mr. Yando for a moment; were their level of questions

1 raised about specifications and procedures as a group, in
2 terms of numbers, substantially less than, say,
3 Mr. Elliott raised? Or more? Or about the same?

4 A I'm struggling, Mr. Roisman, because I have a
5 hard time with Mr. Elliott for one reason. Mr. Elliott
6 didn't appear to have many problems, or probably had less
7 problems than the group we've named, with one exception.
8 And it got to the point -- and the one exception was:
9 What constituted a coating interface.

10 And it got to the point that Mr. Elliott's questions
11 were so persistent, and it seemed no matter what kind of
12 pictures we drew, what kind of explanations we offered,
13 what kind of training classes we held, Mr. Elliott still
14 didn't understand. And he acquired the name "interface
15 Wally," that's what he was known as. I think even to his
16 face.

17 It got to the point where he -- whatever Elliott was
18 raising a question about in the late summer, always had to
19 do with coating interface.

20 If we can delete that single issue from the population
21 of questions that Mr. Elliott rose less -- certainly no
22 more than the other group. Possibly less.

23 Q How about about Artrip? Just in terms of number
24 of questions raised, now. Not persistence in pursuing
25 them?

1 A More. More.

2 Q He raised more questions?

3 A Yes, sir.

4 Q A lot more, in your judgment?

5 A We are talking about -- just about the first
6 time? Is that the question?

7 Q The person raise the question --

8 A One event --

9 Q That's right. Either orally or in writing, and
10 not dealing with whether they get the first answer back
11 from yourself or engineering they just persist, but just
12 the levels?

13 A I would say more but it wasn't a lot more. It
14 wasn't like double or anything.

15 JUDGE BLOCH: Are you going to shift gears,
16 Mr. Roisman?

17 MR. ROISMAN: I was thinking about that. Did
18 you want to --

19 JUDGE BLOCH: I had couple of questions.

20 EXAMINATION

21 BY JUDGE BLOCH:

22 Q I take it during this whole period you believed
23 the procedures were correct, that the complaints were
24 wrong; is that correct?

25 A In some cases, although I think few, Judge Bloch,

1 the procedures maybe weren't clear, or weren't clear to
2 everyone. It got to the point that, I remember on one
3 occasion we had three or four inspectors sitting in my
4 office and three of them interpreted one sentence one way
5 and one the other, and that was the cause of a problem.
6 And we sat there and negotiated how we were going to
7 construct the sentence so everybody understood it the same
8 way.

9 Q So you thought at least where there were
10 problems they could be remedied and the system was a sound
11 one?

12 A Yes, sir.

13 Q What I don't understand is why, when you have a
14 highly qualified individual who comes in, you wouldn't say
15 to yourself: Now I've got someone who will really
16 understand this system and he'll be able to explain to the
17 other people why we are right? You could have had either
18 that feeling, when someone with a lot of qualifications
19 walked in; or you could have had the feeling: Here's a
20 guy coming in, he's going to raise a lot more problems.

21 How do you think through which of those things happened
22 to occur in your mind?

23 A Judge Bloch, I believe the only one in this room
24 this morning that has said Corry Allen raised a lot of
25 problems is Mr. Roisman.

1 Q No, I'm asking about when he arrived at the site?

2 A I understand that. Corry Allen does not -- did
3 not impress me then, or does not impress me now, as an
4 overqualified inspector of protective coatings.

5 Q Didn't he impress you, though, as a person who
6 had a lot of education and was smart enough to understand
7 your system?

8 A Yes, sir. Mr. Allen is certainly smart enough
9 to understand the system.

10 Q Why wouldn't you think that having someone smart
11 enough to understand the system wouldn't mean you'd have a
12 terrific ally in explaining this to other people who
13 couldn't understand it?

14 A Because I'm not really sure Mr. Allen
15 understands the formulation of coatings far better than I --
16 far better, probably, than anybody on the Comanche Peak
17 site, as far as how the coatings are made. As far as
18 application of the coatings, or as far as application of
19 an inspection program on coatings, I'm not sure I'm
20 willing to put Mr. Allen in that category.

21 In that sense --

22 Q But --

23 A If I could continue?

24 Q Sure.

25 A In that sense I was disappointed in Mr. Allen.

1 Q We are not talking about after you got to know
2 him. We are talking about after he walked into your
3 office for the first time, you had this smart person here
4 and you had --

5 A I think I already answered the question. What I
6 needed at that time, I don't interview the world when I
7 need people. I was looking for a particular need. I was
8 looking for someone to go out in the field and spend 10
9 hours a day inspecting coatings; and if they had a problem,
10 bring them to my attention.

11 I think what's even clear from Mr. Allen's testimony is
12 that when he brought problems to my attention I resolved
13 them to his satisfaction. We had a technical disagreement
14 on the disposition of the NCR. But other than that I
15 believe, even Mr. Allen's testimony shows that I was
16 responsive to his concerns.

17 What I couldn't deal with, with Mr. Allen, is the
18 problems he didn't bring to me.

19 Q I still want to focus only on when you hired him.
20 At that time didn't you have some problem because there
21 were a lot of people in the group that he was going to
22 join who apparently didn't understand why the procedures
23 were right?

24 A That's true.

25 Q Why wouldn't you have thought that Mr. Allen

1 might be a breath of fresh wind, who would help you by
2 explaining to the other people why everything was right?

3 A Judge Bloch, I really feel helpless because I
4 have tried to say something all morning and nobody is
5 understanding it and I'll try once more.

6 Q I understood what you said before.

7 A My problem wasn't that I thought Corry was going
8 to raise problems. My problem wasn't that I thought Corry
9 was going to do anything, other than the fact that I was
10 concerned with a person, as apparently you are, a person
11 with his qualifications or his education, using your term,
12 was certainly more qualified than what was necessary to go
13 out and look at paint on a wall.

14 Q So you were really worried he'd get bored and do
15 the job?

16 A I think the term I used was would become --
17 could not become intellectually satisfied, in answer 9.
18 He would not be intellectually satisfied to restricting
19 his activities to performing QC inspections every day.
20 That was essentially my concern. And out of this boredom
21 he would venture over and try to spend the majority of his
22 time doing engineering work and the minority of his time
23 doing inspection work. That was my concern.

24 CROSS-EXAMINATION (Continued)

25 BY MR. ROISMAN:

1 Q Mr. Brandt, your image of the ideal person to
2 fill the position that Mr. -- that Mr. Allen was
3 interviewing for would have been someone who would spend
4 their time doing inspections only, have no questions about
5 the procedures and specifications, and, of course, then
6 not raise any such questions and just do inspections, day
7 in and day out. Of course do them competently. Wasn't
8 that the ideal person that you wanted?

9 A No, sir.

10 Q What is it about that description that you would
11 change to reach that ideal person?

12 A I want anybody, Mr. Roisman, if they have
13 questions or problems, to raise them. But I expect them
14 to work within the established program.

15 Q My point was you wanted somebody who wouldn't
16 have any questions. Not that they would have them and not
17 raise them.

18 JUDGE BLOCH: Okay. The witness already said
19 "no" to that. He doesn't have to answer that again. He
20 has already said "no" many times and he is not going to
21 say "yes" now, I'm sure.

22 MR. ROISMAN: I think it's a much different
23 question, Mr. Chairman, with all respect. The question
24 was did he want people who understood the specifications
25 and procedures and accepted them and didn't have any

1 questions, not that they had them and were afraid to raise
2 them --

3 JUDGE BLOCH: He said many times he welcomes
4 questions.

5 MR. WATKINS: Not only that, he testified that
6 everyone raised them or almost everyone with the possible
7 exemption of one inspector.

8 BY MR. ROISMAN:

9 Q And when you say "work within the procedures,"
10 with respect to those questions you meant that when the
11 person up the chain who had responsibility for making the
12 final decision, you or the quality engineer, said: That's
13 it, that they would accept that and not continue to
14 question it beyond that point?

15 A No, sir. I meant the first part of your
16 supposition, that he would follow the organizational
17 structure outlined for him.

18 Q All right. And the organization --

19 A If an inspector is not going to honor the
20 organizational structure, if an inspector has to bring
21 everyone of his problems directly to Ron Tolson, Tolson
22 doesn't need me or anybody under me to supervise people.

23 Q But, for instance with Mr. Allen, while we are
24 on that point, Mr. Allen never brought his problem about
25 ALARA to Mr. Tolson. Mr. Tolson brought Mr. Allen into

1 his office, did he not?

2 MR. WATKINS: Objection. I don't think the
3 witness knows.

4 JUDGE BLOCH: Do you know?

5 THE WITNESS: Yes, I do.

6 MR. WATKINS: I withdraw the objection.

7 THE WITNESS: Mr. Allen's statement to me was
8 that he had first posed his question to Cecil Manning, and
9 Cecil Manning told him he didn't know and he would get him
10 an answer to his question by bringing Corry Allen to Ron
11 Tolson's office, Mr. Manning had arranged for the answer
12 to the question that Corry had posed.

13 BY MR. ROISMAN:

14 Q But my point it it wasn't Mr. Allen going to
15 Mr. Tolson, its was Mr. Tolson reaching down for Mr. Allen?

16 A Mr. Allen was provided an answer to a question
17 he had asked. As far as who called who, Tolson told Cecil
18 Manning to bring Corry to his office. And he explained he
19 would give him an answer to his question.

20 Q But Mr. Tolson was not the first person in the
21 chain who could have given Mr. Allen the answer?

22 A Mr. Tolson was the first person in the chain who
23 could give Mr. Allen the answer that was available at that
24 day. Mr. Allen's supervisor did not know the answer to
25 the question. I was not there. Mr. Tolson was next.

1 Q So the standard site procedure was that if you
2 raise a question and the person with whom you raise it
3 cannot answer it, then you continue up the chain until you
4 find the first person available at the time you raise the
5 question to answer it, even if that means going to Dallas?

6 A No, Mr. Roisman.

7 Q Well then look, Mr. Brandt, don't shake your
8 head and pretend that that's silly. I'm dealing with your
9 answer.

10 MR. WATKINS: Objection.

11 JUDGE BLOCH: Mr. Roisman?

12 MR. ROISMAN: Mr. Chairman, how long do I have
13 to sit here and be browbeaten by the witness? How often
14 do I have to take it: That's the way you structure the
15 question, Mr. Roisman, and his cute little shake of the
16 head, and say nothing. None of that shows up on the
17 transcript.

18 MR. WATKINS: The incredibly leading nature of
19 the questions shows up on the transcript.

20 MR. ROISMAN: I'm entitled to the examination of
21 an admittedly adverse witness.

22 MR. WATKINS: The witness is entitled to respond.

23 JUDGE BLOCH: Mr. Roisman, Mr. Watkins, if you
24 seek an instruction to the witness, I'm the one to give it,
25 not you.

1 MR. ROISMAN: All right, Mr. Chairman, I
2 apologize -- to you.

3 JUDGE BLOCH: Take a seven-minute recess. Back
4 at 12 after.

5 (Recess.)

6 JUDGE BLOCH: Let the record reflect that during
7 the break I asked Mr. Roisman if he was going to request
8 an instruction and he declined to do so at this time.

9 MR. WATKINS: May I inquire, an instruction as
10 to what?

11 JUDGE BLOCH: With respect to the problems that
12 Mr. Roisman thinks he's having with the witness.

13 BY MR. ROISMAN:

14 Q Mr. Brandt, on page 15 of your testimony you
15 discuss having advised Mr. Allen regarding the resolution
16 of the NCR that he raised about the qualification of the
17 paint coatings in the reactor cavity, and at answer 83
18 told him that the RK engineer said what the disposition
19 was, that you felt that the report disposition was
20 adequate and that you were closing it and that you
21 personally didn't intend to pursue it any further. My
22 question to you is, were you aware of whether the issue
23 that Mr. Allen raised on that NCR has rearisen as a
24 potential problem at the plant, subsequent to the time
25 that it was dispositioned on the NCR?

1 In particular -- let me be more specific with that --
2 are you aware of any concerns that are being raised
3 regarding the possibility that the paint coatings, if they
4 should come off in the reactor cavity, could in fact get
5 into the circulating water system in the event of
6 emergency core cooling system use during a plant accident?

7 A Is your question, Mr. Roisman, of investigation
8 of these coatings? In the reactor core cavity?

9 Q Yes.

10 A No, I'm not aware of any investigation.

11 Q Was it your impression, after you had given this
12 to Mr. Allen, that he was satisfied, when you indicate
13 that he was almost without reaction? Or do you not know?

14 A My impression at the time, Mr. Roisman, was that
15 he was satisfied. I have since learned that he wasn't.

16 If I could back up to your last question just to
17 clarify something, if I didn't answer you fully --

18 Q Yes?

19 A The same allegation appeared as one of the
20 Brookhaven allegations. I took your question to mean is
21 there any investigation that we are conducting? As far as
22 I know, the technical review team has not yet closed that
23 allegation as part of the 60 Brookhaven allegations.

24 Q So that the NCR disposition by the architect
25 engineer, apparently was not satisfactory on its face for

1 the Brookhaven investigation and the TRT, since it still,
2 as far as you know, remains an open item for them?

3 A No items, to my knowledge -- and this is limited
4 to the last time I was on the site, I guess the second or
5 third week in October -- at least as of that time, none of
6 the Brookhaven allegations had been closed by Brookhaven
7 or the TRT. The formal report hasn't been issued.

8 What the Commission -- if the Commission is still
9 studying the question posed by you, I don't have any
10 knowledge. My answer was that we are not conducting any
11 further investigations.

12 EXAMINATION

13 BY JUDGE BLOCH:

14 Q Subsequent to the time this NRC was
15 dispositioned, did you obtain any technical information
16 through further things that occurred that have caused you
17 to doubt whether the NCR is properly dispositioned?

18 A No, sir.

19 Q And have you been trained in LOCA scenarios at
20 the plant and what happens in LOCA events?

21 A The NCR disposition --

22 Q I'm sorry. I asked you about LOCA events. Why
23 are you talking about the NCR disposition?

24 A If I could finish I think I can say why.

25 Q I asked if you were trained in the LOCA event?

1 A I guess I don't understand your question. What
2 happens at the time of LOCA? In a general manner, yes,
3 I'm aware what happens.

4 Q Do you know whether there's a high water point
5 somewhere in the plant?

6 A Now I'm lost, Judge Bloch.

7 Q Is there a high water point in the plant?

8 A Yes.

9 Q Is there a high water shut-off point where no
10 more water is added to the containment?

11 A Yes.

12 Q Is there water that accumulates and that water
13 may circulate to other points in the plant, in a LOCA
14 scenario?

15 A I'm not sure I understand your question. Water
16 circulates, at the time of LOCA, toward the recirc sumps.

17 Q At the high water point at the plant there's a
18 point somewhere in the plant to which the water level
19 generally will rise. I want to know whether the water
20 will rise to a level above where the containment cavity is,
21 the containment cavity is? Do you know?

22 A It's my recollection that the floor slab on
23 which the recirc sumps are embedded in is a higher level
24 than the reactor cavity; reactor core cavity.

25 Q It's possible you don't understand the question

1 or it's even possible I don't understand the question.
2 I'm trying to clarify that in my mind.

3 In some plants, at least, when water goes into the
4 containment during a LOCA event, it rises to a certain
5 elevation which is known. If that elevation is above this
6 particular cavity, where the paint might fall off, then,
7 in a turbulent situation, paint from the cavity might
8 circulate to other parts of the containment.

9 Is there some reason for us to believe that that could
10 not happen?

11 A I believe, as I stated -- what I attempted to
12 answer with my last answer -- is water will be above the
13 level of the cavity in a LOCA event.

14 Q In that case, if there's turbulence within the
15 reactor cavity, don't you know that paint might get out of
16 that cavity into the rest of the containment?

17 A It was my personal feeling, and in discussion
18 with the engineers at the time, that the density of the
19 paint would cause it to fall in a downward direction and
20 accumulate in the bottom of the cavity.

21 Q Had they considered the possible turbulence that
22 might exist in that cavity during different types of LOCA
23 event?

24 A I would assume they did. I don't know the
25 answer, Judge Bloch. I can make an assumption based on

1 the fact that the engineers specified that the paints are
2 considered nonqualified.

3 Q And you also said that the paint couldn't get
4 out of the cavity?

5 A Right. I would assume they made that evaluation.

6 Q But you said you personally felt that the
7 disposition was adequate.

8 A Yes, sir. From discussions I had with
9 engineering, it led me to believe that, due to the density
10 of the coatings, that the coatings would accumulate in the
11 cavity itself and not be withdrawn out.

12 You have asked me a more specific question, did they
13 perform calculations to allow for turbulence, and I told
14 you I don't know.

15 Q Did you have any discussion about turbulence at
16 the time you were talking to engineering?

17 A Not that I recall.

18 MR. WATKINS: Mr. Chairman, I hope it's clear to
19 the board that Mr. Brandt is not here to defend the
20 absolutely technical merits of the NCR disposition.

21 JUDGE BLOCH: I wouldn't have asked for the
22 explanation except that the testimony says that he
23 personally felt it was adequate and I wanted to know what
24 that meant.

25 MR. WATKINS: He explained that. That's right.

1 I just want to make it clear for the record that he cannot
2 testify as to the absolute technical --

3 JUDGE BLOCH: I understand that. We wouldn't
4 decide the technical merits of that at this point.

5 EXAMINATION

6 BY JUDGE JORDAN:

7 Q I have one question, too, on the disposition.

8 When the NCR was written, was it first dispositioned by
9 the site engineer? And --

10 A No, sir. The first activity on that was receipt
11 of the telex from Gibbs & Hill. There's a telex --

12 Q You mean to say the first thing that happened
13 with -- the NCR itself was not even considered by the site
14 engineer but was sent immediately to -- to Gibbs & Hill?

15 A I don't know the answer to that question, Dr.
16 Jordan. The first information I saw on it, other than
17 casual conversations, was the copy of the telex from Gibbs
18 & Hill.

19 Q But the procedure, normally, as I understand it,
20 that the NCRs, or deficiencies, are dispositioned at the
21 site on a risk basis and only later are sent to Gibbs &
22 Hill; is that correct?

23 A As a normal course of events, that's true,
24 Dr. Jordan. There have been NCRs, though, NCRs in which --
25 just to give an example, maybe I can answer your question

1 by example -- NCRs that result in rework that's going to
2 require reanalysis, are typically done, or as approved by
3 Gibbs & Hill as the analysis is done by Gibbs & Hill
4 themselves.

5 Q But I understood that the procedure was that the
6 NCR would first go to the site engineer. He, in turn,
7 could go to Gibbs & Hill, if he wished?

8 A That's exactly what happened.

9 Q Is that right?

10 A The NCR, if I can find a copy of it -- you'll
11 note that the action addressee, which is who, on the NCR
12 itself --

13 Q What page?

14 JUDGE BLOCH: Attachment 1.

15 JUDGE JORDAN: All right.

16 THE WITNESS: The NCR was sent to the action
17 addressee who is by definition the person or the group
18 that the nonconformance report coordinator sends the
19 nonconformance report to for action or for disposition.
20 In this case, it's J.B. George, and Kissinger -- Kissinger
21 was the project, or was at that time the project civil
22 engineer.

23 It went first to site civil engineering who transmitted
24 the NCR, and asked for assistance.

25 BY JUDGE JORDAN:

1 Q So it was their decision that the NCR was
2 important enough that it should go to Gibbs & Hill?

3 A Yes, sir.

4 JUDGE JORDAN: Fine.

5 CROSS-EXAMINATION (Continued)

6 BY MR. ROISMAN:

7 Q Mr. Brandt, when you say, on page 15 at answer
8 83, "I personally felt that the nonconformance report
9 disposition was adequate," did you mean that you felt that
10 their explanation was correct? Or that you felt that it
11 should be dispositioned?

12 A I felt that their disposition had been properly
13 evaluated, Mr. Roisman.

14 Q So you -- you looked, not only at the face of it,
15 but also at the telex, which was attached to it?

16 A Yes, sir.

17 Q All right. Looking at the telex, the last
18 sentence -- two sentences of the telex seem to deal with
19 the specific question that we have been discussing in the
20 last few moments, namely whether the paint might, in fact,
21 if it came loose, in some way interfere with the
22 post-accident cooling. And the telex says "such concerns
23 do not exist in the reactor core cavity location, since
24 the reactor core cavity is not in direct communication
25 with the containment sump. In case of a LOCA, water will

1 flow into, not out of the reactor core cavity."

2 Now, is it your understanding of that language that
3 Gibbs & Hill is saying that whatever enters the reactor
4 core cavity will not go out because there is no mechanism
5 for recirculation, even of the water out of the reactor
6 core cavity in the accident scenario?

7 A Yes, sir.

8 Q I thought it was your testimony a few moments
9 ago that you believe that the water level in the
10 containment building is higher than the top of the reactor
11 core cavity --

12 JUDGE BLOCH: During a LOCA.

13 MR. ROISMAN: Yes, I'm sorry. During a LOCA.

14 THE WITNESS: Yes, sir.

15 BY MR. ROISMAN:

16 Q Then there is, at least you believe, a direct
17 communication with the containment sump; isn't that
18 correct? In the LOCA situation?

19 A Mr. Roisman, I either don't understand your
20 question or you don't understand my answer.

21 Q There is a real possibility of that. Do you
22 want me to try the question again?

23 A Let me see if I can explain it.

24 Q Okay.

25 A The water level will be at a higher elevation

1 due to the fact that the water flows across concrete slabs,
2 essentially, to the recirc sump, which is the sump that is
3 the collection point for the post accident coolant.

4 Q Okay.

5 A That elevation is an elevation higher than the
6 reactor core cavity itself, which I assumed, if water is
7 flowing across the floor, it's at a level higher than the
8 reactor core cavity.

9 Q Correct.

10 A Which was what I was trying to answer in
11 response to the Chairman's question.

12 Q Well, when you were answering that did you
13 understand -- was it your understanding that there would
14 be a point in time when the amount of water in the
15 containment building would be sufficient that it would
16 have physically covered the reactor core cavity, even
17 above its upper level, and have risen to the level of the
18 point where the recirculation sumps are physically located?

19 A I'm not sure. I remember looking at the drawing,
20 Mr. Roisman, but I'm not sure that there's a flow path or
21 a potential flow path from the top of the reactor core to
22 the sump.

23 Q You mean you think the reactor core cavity is
24 isolated from the remaining water in the containment
25 building when the water is at the recirculation sump level?

1 A As I understand your question, there could be a
2 continuous level of water across the containment building.

3 Q Correct.

4 A Of which the reactor core cavity is below, and
5 you are postulating, if I can use an almost ridiculous
6 example -- a fish could get from the reactor core cavity
7 to the sump?

8 Q Good. That's a good analysis. Yes.

9 A I don't know if that's possible. I simply don't
10 remember at this point whether that's possible due to
11 physical limitations or isolation, as you used it.

12 Q But isn't it --

13 EXAMINATION

14 BY JUDGE BLOCH:

15 Q One second. Mr. Brandt, a couple of minutes ago
16 you thought it was possible, didn't you? When you were
17 talking to me?

18 A If I implied that, Judge, I implied that
19 incorrectly. What I was trying to -- you were asking
20 about a vortex action, essentially, in the reactor cavity.
21 I stated I didn't know if that analysis was conducted.

22 Q But the reason we got to that point was because
23 you were discussing whether the paint was too heavy --

24 A I realize that in retrospect.

25 Q So you realized at that point that there was a

1 communication between the reactor cavity and the sump for
2 water?

3 A No, sir. I was just careless in answering your
4 question. I didn't take into account that possibility. I
5 was asking your question, too pointed, maybe. My answer
6 was too focused on just the simple matter of the water
7 swirling around in the cavity.

8 Q You also said -- I thought you said you had a
9 discussion about the heaviness of the paint with the
10 engineers.

11 A Right.

12 Q Why would you bother with that if there was no
13 communication of water at all between the reactor cavity
14 and the sump?

15 A Mr. Chairman, I'm telling you convinced myself
16 at the time that there was no way the paint could get from
17 the reactor cavity sump, if it did fall off, to the recirc
18 sump. I simply don't remember whether it's because
19 there's a physical limitation or isolation, as Mr. Roisman
20 has suggested; or whether I determined that on the basis
21 of the density of the coating.

22 Q But you never would have talked about the
23 density of the coating at the time --

24 A I had a discussion with engineering. It was a
25 general discussion about what was happening here. I had a

1 drawing at the time I was having a discussion. I just
2 don't remember, Judge Bloch.

3 Q I think when we get other information from
4 Mr. Brandt, this matter should be fairly simple to clear
5 up in terms of whether there is communication of water.
6 It seems to me the Applicants ought to clarify for us as
7 to whether during a LOCA incident there is direct
8 communication of water between the cavity and the sump.

9 MR. WATKINS: For purposes of this testimony?
10 Or for docket 1?

11 JUDGE BLOCH: Well, I would like to see the
12 diagram from which you can conclude that because I have a
13 feeling it's a pretty simple matter and that Mr. Brandt
14 ought to know what the answer to this question is. And I
15 would like to see the diagram.

16 MR. WATKINS: So long as you understand
17 Mr. Brandt is testifying as to the best of his
18 recollection as to conversations that took place some time
19 ago with engineers in New York.

20 BY JUDGE BLOCH:

21 Q If I look at the design of the containment sump
22 and whether there's a communication of space here, it
23 seems to me I'll be able to look at it and have no
24 knowledge of this particular reactor and I think I'll know
25 whether there's a communication in water level between the

1 reactor sump and the cavity. I don't think it will be
2 hard to know at all. In fact, if I were to walk around
3 the plant I think I'd know.

4 Can you tell by walking around the plant whether the
5 water could rise above the reactor cavity and get to the
6 sump?

7 A You could. If we were there, Judge Bloch, it
8 would be a simple matter of walking in.

9 Q Can you recall?

10 A I just don't remember. I'm trying, deliberately
11 trying not to mislead you one way or the other. I just
12 don't remember right now.

13 JUDGE BLOCH: I would like the diagram for this
14 side of the case.

15 BY JUDGE BLOCH:

16 Q Mr. Brandt, what do you believe would happen if
17 the water -- there were water in the reactor cavity sump
18 and there were enough water to overflow -- excuse me, the
19 reactor cavity, to overflow the reactor cavity. Where do
20 you think that water would go?

21 A I think, if I understand your question, Judge
22 Bloch, you are asking where -- what would prohibit it from
23 the -- its flow path to the recirc sump?

24 MR. ROISMAN: Mr. Chairman, I would now like the
25 instruction. This is the pattern of Mr. Brandt's

1 answering of the questions. He looks for what the reason
2 for the question is and then attempts to answer what he
3 thinks the reason is rather than the question. You have a
4 very simple, straightforward question for him. He now
5 wants to understand where you are going. I think he's
6 neither entitled to that nor is the record appropriate, if
7 he tries to answer the question by anticipating where it's
8 going instead of simply answering the question.

9 JUDGE BLOCH: Mr. Watkins, that's correct, isn't
10 it?

11 MR. WATKINS: No, sir. Mr. Brandt is doing the
12 best he can to understand the questions so that he can
13 answer them fully and fairly.

14 Your question is, I might point out, of an entirely
15 different nature from those that Mr. Roisman has been
16 asking; which have been, as I stated, leading in the
17 extreme -- which is his privilege.

18 JUDGE BLOCH: Let's just discuss this situation.

19 MR. WATKINS: And it is the witness' privilege
20 to respond accordingly.

21 BY JUDGE BLOCH:

22 Q What I asked was where do you think the water
23 will go? And you came back with a question.

24 A I just didn't understand what you are asking,
25 Judge Bloch. I'm trying to answer the question.

1 Judge Bloch. I'm trying to answer the question.

2 Q Where would the water go?

3 A It would be above the reactor cavity.

4 Q So now it continues flowing into the reactor
5 cavity? It doesn't reach the sump, is your opinion?

6 A My testimony is I'm not sure whether it can
7 physically reach the -- the same water that's in the
8 cavity could ever get to the sump. I simply don't
9 remember.

10 Q So there could be somewhere --

11 A There could be physical limitations, or barriers
12 preventing that water from getting to the sump.

13 Q So there could be some water in a LOCA event
14 that's accumulating in the containment somewhere but not
15 being drawn off? You just don't know?

16 A I just don't know without looking at the drawing
17 again; yes, sir.

18 JUDGE BLOCH: Mr. Roisman?

19 CROSS-EXAMINATION (Continued)

20 BY MR. ROISMAN:

21 Q Mr. Brandt, in the telex that's attached to the
22 NCR, the telex itself assumes, does it not, that the
23 reason one should not be concerned about the paint coming
24 off in the reactor cavity is that there is no
25 communication between the reactor cavity and the

1 A Yes, sir.

2 Q And it does not at all say anything about,
3 though, density of the paint or the possibility that the
4 paint would not physically move out of the cavity, does it?

5 A No, sir.

6 Q So that when you are telling us, on page 15 in
7 answer 83, that "I personally felt that the nonconformance
8 report disposition was adequate," you are talking about
9 the lack of a capability for communication between the
10 recirculation pump and the reactor core cavity only, are
11 you not?

12 A What I was attempting -- what I meant,
13 Mr. Roisman, was the paint in the cavity could not --
14 excuse me. That water or paint within the reactor core
15 cavity could not get to the recirculation sump; yes, sir.
16 If that answers your question.

17 Q But the reason that you were saying that is the
18 Gibbs & Hill telex, and the reason that -- contained in
19 the Gibbs & Hill telex has nothing to do with the physical
20 quality of the paint, but has to do with the -- with, in
21 their judgment, the absence of any pathway for paint or
22 water to go from the reactor core cavity to the
23 recirculation pump -- sump?

24 A Yes, sir. If I can clarify? What I was talking
25 about, or what I thought I was answering, was my

1 discussions with engineering at the time.

2 Q Outside the scope of what's contained on the
3 disposition?

4 A Essentially -- outside the scope of the
5 disposition but talking about essentially the same
6 situation, Mr. Roisman.

7 The issue is the paint in the cavity.

8 Q But the disposition as it is contained on the
9 telex does not tell us anything about that other piece of
10 your explanation? It doesn't tell us anything about the
11 paint's density --

12 A Yes, sir, that's true.

13 Q -- keeping it there?

14 A That's true.

15 Q And according to your testimony on page 15, at A83,
16 the portion of the explanation which you now give us,
17 which you shared with Mr. Allen, was limited to what's
18 contained in the telex itself. Is that true?

19 A Mr. Roisman, I think my answer -- or my
20 discussion with Mr. Allen was that engineering had
21 determined that there was no flow path for the paint to
22 get there. I don't mean to be evasive. I'm trying to be --
23 whether I was right, wrong, or indefinite, I think that's
24 what I told him when I showed him the telex.

25 I agree with you at this point it doesn't address the

1 paint, it addresses the water. My recollection of the
2 conversation was that Gibbs & Hill has conceded that the
3 coating in the reactor core cavity itself was not
4 qualified, but there was no flow path for that paint to
5 get to the recirc sump.

6 EXAMINATION

7 BY JUDGE JORDAN:

8 Q Mr. Brandt, it seems to me there are two ways
9 that you could have accepted and stated what you have:
10 That "I personally felt the nonconformance disposition
11 report was adequate." You could have made an engineering
12 judgment yourself there was no path whereby the paint
13 could have come, or you could have decided that the
14 procedure of going to Gibbs & Hill and being dispositioned
15 by Gibbs & Hill was adequate and it was not necessary for
16 you to make an engineering judgment.

17 Now, which was it that you based it on?

18 A It was basically a hybrid, Judge Jordan, or
19 combination of the two. I am not qualified to make --
20 unless there's a physical obstruction preventing water
21 from getting from the reactor core cavity to the recirc
22 sump, I'm not qualified to make the type of analysis that
23 Judge Bloch and I were discussing earlier, due to a
24 vortexing of water, pass flow of the water, out of the
25 cavity and over to the recirc sump. That's not within my

1 capabilities.

2 Q But you said it was a combination of the two.
3 Do you really mean that? That you were using your
4 engineering judgment as well as the procedural judgment?

5 A I honestly don't remember what the drawing shows.
6 I think I have stated that, and I think that Mr. Chairman
7 has requested that we get a copy of the drawing.

8 JUDGE BLOCH: Did you look at a drawing?

9 THE WITNESS: Yes, I did.

10 BY JUDGE JORDAN:

11 Q But you believe at the time you did look at the
12 drawing?

13 A I believe Mike Foote and I looked at the drawing
14 together.

15 Q And decided that the --

16 A Mike Foote was the civil quality engineer.

17 Q And so, therefore, you say at the time that you
18 did agree not only with the procedure of going to Gibbs &
19 Hill and having it dispositioned at that point, but also
20 that the disposition was a self-engineering?

21 A The disposition seemed rational. I don't want
22 to use the term "engineering" because I didn't use any
23 judgment other than a layman could look at it and see that
24 there was a physical barrier there.

25 Q So you did look at it and determine that there

1 was no physical connection between the cavity and the sump,
2 which is what the telex says?

3 A I don't remember whether there is a physical
4 obstruction or whether it was other discussion. That can
5 be shown by the drawing.

6 I do remember looking at a drawing with Mike Foote,
7 spread out on my desk. I remember parts of the discussion
8 I had with civil engineering.

9 What led me to the conclusion that it was a rational
10 response, I can't reconstruct in my mind sitting here
11 right now.

12 It definitely was procedurally proper that it went
13 through engineering. The design engineer, as evidenced by
14 the existence of the telex, had evaluated the situation
15 and had provided a disposition.

16 JUDGE JORDAN: All right.

17 EXAMINATION

18 BY JUDGE BLOCH:

19 Q Mr. Brandt, did you mention the drawing to
20 Mr. Allen?

21 A I don't believe I did.

22 Q I take it, therefore, you didn't show him the
23 drawing either?

24 A That's a fair assumption.

25 JUDGE BLOCH: Mr. Watkins, in getting the

1 drawings you can try to get the one that Mr. Brandt looked
2 at. If that one is not clear we would also like to have
3 one that makes it clear as to whether there's a
4 communication.

5 JUDGE GROSSMAN: Excuse me, I'm not sure that I
6 have your answer correct in my mind as to whether you
7 recollect now that at the time you were persuaded at all
8 as to the non-problem by the discussions you had with
9 regard to density of the coatings. Was that part of what
10 you took into account in satisfying yourself that there
11 was no problem there?

12 THE WITNESS: That's a possibility, Judge
13 Grossman. I honestly don't remember.

14 I remember the thing going through my mind, as I stated,
15 that I even discussed with Mr. Allen that I had determined
16 there wasn't a way for the paint to get from the reactor
17 core cavity to the containment recirc sump.

18 BY JUDGE BLOCH:

19 Q Mr. Brandt, I understand from your earlier
20 answer that you knew that in order to be confident the
21 paint wouldn't get out of there you'd have to do a fairly
22 complex analysis with a dynamic model; isn't that correct?

23 A No, sir. I was telling you that if such -- I'm
24 testifying with regard to the -- your question earlier
25 about vortexing. It's a hypothetical example. Whether or

1 not it occurs, I don't know. Whether or not Gibbs & Hill
2 did an analysis on it, I don't know for a fact. What I
3 attempted to explain to you is, I'm confident that if such
4 analysis was required, that they did that before they
5 provided the answer they did.

6 I'm not qualified to make that judgment of whether it's
7 a complex analysis, whether or not the vortexing even
8 occurs or what effect that would have on the water getting
9 from the core to the sump.

10 Q Maybe I forget. Your highest level of
11 engineering degree?

12 A I do not have an engineering degree.

13 Q I'm sorry. I thought you did.

14 JUDGE BLOCH: Mr. Roisman?

15 CROSS-EXAMINATION (Continued)

16 BY MR. ROISMAN:

17 Q Mr. Brandt, I would like to go back to answer 83
18 on page 15, so that I fully understand what you understand
19 you are saying there.

20 The first phrase, which ends with a semicolon, tells us
21 what you told Mr. Allen.

22 Now, in that phrase you say: "I advised him that the
23 architect-engineer had come back with the disposition that
24 was attached to the nonconformance report."

25 I take it by the phrase "the disposition" you mean the

1 telex?

2 A Yes, sir.

3 Q In the next sentence -- phrase, you say: "I
4 personally felt that the non-conformance report
5 disposition was adequate."

6 Do you mean the disposition which consists of the telex?

7 A Although it is not at all clear here,
8 Mr. Roisman, I'll concede, what I attempted to -- what was
9 going through my mind at the time, and as I stated I
10 explained to Mr. Allen, I was convinced there was no way
11 for the paint to get to the recirc pump -- recirc sump.

12 As such, I don't know that you can say "the
13 nonconformance report disposition" in this second phrase,
14 I am referring to the absolute content of the telex.

15 EXAMINATION

16 BY JUDGE BLOCH:

17 Q Mr. Brandt, the question was very simple and you
18 never answered it directly. The only thing he asked was
19 whether the disposition you are referring to was the same
20 disposition that you were referring to at the beginning of
21 the sentence, that is the telex.

22 A My answer was "no." And then I thought I
23 explained that.

24 Q Your answer is "no"?

25 A My -- the term "nonconformance" -- if I can

1 state this, or correct this phrase to maybe make it more
2 clear maybe it would answer your question. What I was
3 actually feeling was that I personally felt that the
4 architect-engineer had determined that there was no means
5 of the paint particles going from the reactor core cavity
6 to the recirc sump.

7 Q The paint particles?

8 A Should they fall off the wall; yes, sir.

9 Q Now, there's nothing in your testimony that
10 mentions that problem at all; is there? Paint particles?

11 A I just stated that my discussion with Mr. Allen
12 was, as I remember today, was that the engineer determined
13 that if the paint did fail -- the engineer conceded that
14 the paint was not qualified. That if it did fail, the way
15 it is going to fail is to come off the wall. And that
16 they had determined that this paint, now off the wall,
17 could not get to the recirc sump.

18 Q Because the water couldn't, is what the
19 disposition said?

20 A I agree, Mr. Chairman. That's what the
21 disposition says.

22 Q You were relying on the paint not getting out.
23 Not the water not getting out.

24 A Yes, sir.

25 Q So the disposition was wrong?

1 A I'm not saying that.

2 Q The paper that you have in this report is wrong.
3 If you are right, the paper doesn't say that there's a
4 problem -- that the disposition is the paint can't get out.
5 The disposition is the water can't get out.

6 MR. WATKINS: Mr. Brandt, simply because he
7 feels the paint can't get out, he can't say the
8 disposition of this is wrong. To argue that question, it
9 should be addressed to the engineers at Gibbs & Hill.

10 JUDGE BLOCH: He can't say it's wrong because he
11 doesn't know whether the water can get out? Is that what
12 you mean?

13 MR. WATKINS: I think he said that several times.

14 JUDGE BLOCH: His personal basis for believing
15 this is correct is something that has nothing to do with
16 the disposition on the NCR.

17 BY JUDGE BLOCH:

18 Q Is that right, Mr. Brandt?

19 A Judge Bloch, I honestly don't remember what was
20 going through my mind at the time.

21 Q I didn't ask you what was going through your
22 mind. I'm saying you personally don't know now --

23 A Now, I do not know --

24 Q I'm sorry. That's wrong.

25 This report doesn't have in it the basis that you are

1 now telling us is the reason that you were personally
2 satisfied that the disposition was correct?

3 A I cannot be sure of that.

4 Q I'm sorry, what is it you can't be sure of?

5 A Judge Bloch, my recollection of the discussions
6 that I had at that time, I have told you who I talked to
7 and I've told you what I explained to Mr. Allen. I agree
8 with you, and Mr. Roisman, that the telex is addressing
9 the water. I don't remember whether I convinced myself
10 that the water could not get there or not. It's just I
11 honestly don't remember.

12 Q I take it, if you couldn't convince yourself of
13 that, what would your obligation have been under plant
14 procedures?

15 A If I could not have convinced myself that the
16 water could not get there? My obligation -- let me start
17 over, excuse me.

18 My obligation under plant procedures is to assure that
19 the disposition provided by engineering is both correct
20 from a quality assurance standpoint and that it has been
21 properly provided by the design engineer. That is what
22 the QA review of the nonconformance disposition is meant
23 to be.

24 Q You know it was provided by the engineer. What
25 do you mean "correct from the quality assurance standpoint"?

1 A It does not violate any known codes, standards,
2 or regulatory requirements.

3 Q So the QE review approval on this document with
4 your signature there has nothing to do with your
5 engineering judgment about this?

6 A No, sir. The engineering judgment was provided
7 by design engineering.

8 CROSS-EXAMINATION (Continued)

9 BY MR. ROISMAN:

10 Q Mr. Brandt, on its face the telex indicates one,
11 and only one reason why the failure of the paint coatings
12 in the reactor cavity are not of concern. And that reason
13 is that the reactor core cavity is not in direct
14 communication with the containment sump.

15 Do you agree that that is what the telex says is the
16 only reason?

17 A Yes, sir.

18 Q Now, when you get the NCR disposition back, do
19 you have any independent responsibility, if you believe
20 that that is in error, to refuse to put your signature
21 under QE review approval?

22 A Yes.

23 Q And do you have an independent responsibility to
24 refuse to put the QE review approval signature on there if
25 you are uncertain as to whether that is correct?

1 A No, sir.

2 Q Why did you want to see the drawing?

3 A As I recall, Mike Foote brought it to me. Mike
4 Foote had been working more closely with engineering on
5 the disposition than I had.

6 You'll note on the draft copy that is after the telex,
7 his initials are to the left of the line I signed.

8 JUDGE GROSSMAN: Excuse me. Just one question.
9 If you believe that the end result is correct but that the
10 reasons given are incorrect, do you have an obligation to
11 not sign the disposition of the NCR also?

12 THE WITNESS: Yes, sir.

13 EXAMINATION

14 BY JUDGE BLOCH:

15 Q Mr. Brandt, before I think you said if you were
16 unsure whether something had been done right that you had
17 no obligation to consider that?

18 A I believe the question was if I was unsure of
19 the reasons given, if we can go back to the situation you
20 were talking about? If I was unsure of the analysis --
21 it's not my function -- let's assume for a second there
22 was analysis performed. It's not my function in
23 performing this quality assurance review of the
24 disposition, to repeat the same analysis that engineering
25 did.

1 Q Okay. So, for example, if you didn't know
2 whether or not their analytical technique was right but
3 you have no reason to doubt it, you feel you don't have a
4 responsibility; is that right?

5 A Yes. That's my testimony.

6 Q Now, what if you saw their reason and you had
7 some reason to doubt the disposition. You weren't sure --

8 A I'd pursue it.

9 Q You would pursue that?

10 A Yes.

11 CROSS-EXAMINATION (Continued)

12 BY MR. ROISMAN:

13 Q Is it fair to assume, Mr. Brandt, that you
14 believe your conduct with regard to the signature on the QE
15 review approval line on this NCR was done properly?

16 A Yes, sir.

17 Q Then is it correct that at the time that you had
18 the telex in hand, that you had no question about the
19 correctness of the assumption in the telex that the
20 reactor core cavity is not in direct communication with
21 the containment sump?

22 A I would say my assumption at the time,
23 Mr. Roisman, was that water -- the way I read that, that
24 water within the cavity could not get to the sump.

25 At that time, and now, that was my understanding of the

1 disposition.

2 Q And you had no reason, at that time, to doubt
3 that that was correct?

4 A No, sir.

5 Q I'm afraid we got a double negative. Did you
6 have any reason at that time to doubt that that was
7 correct?

8 A No, sir.

9 MR. WATKINS: Is this when he got it from New
10 York?

11 MR. ROISMAN: Yes. That time I'm referring to
12 is the time when you received this, and also to include
13 the time when you spoke to Mr. Allen about it.

14 THE WITNESS: That was my understanding of the
15 question, Mr. Roisman.

16 BY MR. ROISMAN:

17 Q If, in fact, there is no direct communication
18 between the reactor core cavity and the containment sump,
19 then whether or not the paint will float, sink, or do some
20 combination of those, is totally irrelevant?

21 A To this disposition; yes, sir.

22 Q Why would you make any mention of that to
23 Mr. Allen in your communication with him?

24 A The nonconforming condition identified,
25 Mr. Roisman, was the paint. Not the water.

1 Q But if, in fact, the paint is in the water, and
2 the water cannot possibly move from where it is to where
3 anybody would be concerned about it, why would you mention
4 at all to Mr. Allen that the paint could not physically be
5 anywhere except on the bottom, in any event?

6 JUDGE BLOCH: I think you got your words tangled,
7 Mr. Roisman.

8 MR. ROISMAN: I'm sorry. Let me try it again.

9 BY MR. ROISMAN:

10 Q Why would you mention to Mr. Allen that there
11 was anything about the density of the paint if you were
12 convinced that the water couldn't leave the reactor cavity
13 in any event?

14 A I believe, Mr. Roisman, my testimony was I tried
15 to --

16 JUDGE BLOCH: Don't go over the testimony. Just
17 answer the question.

18 THE WITNESS: Okay. I'm sorry. My discussion
19 with Mr. Allen was that they determined that the paint, if
20 it did fail, could not get to the recirc sump.

21 BY MR. ROISMAN:

22 Q And do you remember whether you told him that
23 the reason was because there was no communication between
24 the reactor core cavity and the containment sump?

25 A I showed him the telex which clearly states that.

1 Q And you said nothing to him about whether the
2 paint would be suspended in the water or be at the bottom
3 of the water?

4 A In my discussion with Mr. Allen, I don't believe
5 that came up.

6 Q So your best recollection of what you would have
7 been communicating to Mr. Allen at the time that you
8 advised him of the disposition of the NCR, was that you
9 would not have been advising him regarding where the paint
10 would be in the water within the reactor cavity? Or
11 anything about the density of the paint?

12 A To the best of my recollection, Mr. Roisman, the
13 only conversations I had regarding density were with
14 engineering, as I've --

15 Q All right. Okay.

16 A Do you want me to continue?

17 Q No. Unless you have something more you want to
18 say, you have answered my question.

19 EXAMINATION

20 BY JUDGE GROSSMAN:

21 Q Excuse me, I'm sorry. You do recall having
22 discussions with engineering with regard to density of
23 paint with regard to this NCR then, do you?

24 A Yes, sir.

25 Q And so then that was taken into account by you

1 in judging whether the disposition was correct or not?

2 A I don't think I can say that, Judge Grossman. I
3 had had these discussions. Whether or not I -- I just
4 don't remember. I had determined -- the scenario is the
5 coatings are currently on the wall. You have a LOCA.
6 Mr. Allen explained in his NCR that the coatings will fail,
7 they will come off the wall. They can only be a problem
8 if they reach the recirculation pumps.

9 The disposition says: There is no communication,
10 direct communication between the reactor core and the
11 recirc sump.

12 My discussion with Mr. Allen, to the best that I
13 recollect it, was that Corry -- engineering has determined
14 that there's no flow path for the paint, once it gets off
15 the wall, to go to the recirc pump.

16 Now, whether or not my discussions with engineering
17 about density of the coatings and where they would end up
18 have any effect on my satisfaction that the disposition is
19 proper, I don't remember.

20 Q Well, now, if you did take that into account in
21 satisfying yourself that the coatings could not end up in
22 the sump, your statement on page 16, "I was satisfied with
23 the response" would be incorrect then; wouldn't it?
24 Because the response didn't include that particular factor.

25 A I don't think I can agree with you, Judge

1 Grossman, for one reason.

2 The response says there's no communication vehicle. It
3 really doesn't make any difference what happens to the
4 paint particles. The response is still completely -- if
5 the response as provided is accurate, which I have no
6 reason to believe it is not, it doesn't make any
7 difference whether the paint particles float or sink. I
8 was merely stating that I had had discussions with
9 engineering regarding density.

10 Q But my question is, if you had at all relied
11 upon those discussions with engineering, then you could
12 not be satisfied with the response because the response
13 would be incomplete; isn't that correct? In other words
14 if you didn't have --

15 A Only if you assume, Judge Grossman, that the
16 response as provided was inadequate.

17 MR. WATKINS: That was the assumption in your
18 Honor's question.

19 THE WITNESS: That's not my testimony.

20 BY JUDGE GROSSMAN:

21 Q Yes, because I'm asking you if you had relied at
22 all upon the density item, then the response would be
23 incomplete, because if the response were complete you
24 wouldn't have to rely at all upon that density factor;
25 isn't that correct?

1 A I agree with you it could be incomplete. But
2 you are using, if I understand your hypothetical correctly,
3 you are using the words "incomplete" and "inadequate"
4 synonymously.

5 The response could be incomplete, and the fact that it
6 doesn't address the density or the ultimate location of
7 the paint particles once they fail, however, could still
8 be at the same time adequate in the fact that there is
9 indeed no direct communication between the reactor core
10 cavity and the recirculation sump.

11 EXAMINATION

12 BY JUDGE BLOCH:

13 Q I'm going to ask you a question about a word. I
14 want you to think before you answer.

15 When I asked you before about "turbulence" in the
16 reactor cavity, you answered in terms of vortexing.

17 Can you remember the first time that that word
18 "vortexing" was used with respect to this particular
19 problem?

20 A I don't know that it was, Judge Bloch. It was a
21 word, simply -- I assume by "turbulence" you are talking
22 about the water swirling in the cavity.

23 Q I just want to know if you remember the first
24 time it was used. If you don't, that's the answer to my
25 question.

1 A The answer to your question then, the first time
2 I remember the term vortexing being used is when I used it
3 today.

4 CROSS-EXAMINATION (Continued)

5 BY MR. ROISMAN:

6 Q When you had your conversation with engineering
7 -- and by the way I assume when you are using that in this
8 discussion you are talking about the Gibbs & Hill
9 engineers, not a plant engineer. When you said "I
10 discussed the NCR decision with engineering," you meant at
11 least that Gibbs & Hill were there?

12 A I believe my discussions were with Dick
13 Kissinger.

14 Q So you had no discussion with Gibbs & Hill
15 subsequent to the receipt of the telex to find out from
16 them either exactly what they meant or get some further
17 explanation?

18 A No, sir.

19 Q And the only communication then was with
20 Mr. Kissinger and/or Mr. Foote?

21 A I remember definitely I did not talk with anyone
22 at Gibbs & Hill. Or I don't recall at this point talking
23 with anyone at Gibbs & Hill. I believe it was
24 Mr. Kissinger. Mr. Foote might have been involved in it.

25 Q And the source of the information regarding the

1 density of the paint, where was that source?

2 A It was someone inside engineering.

3 Q At Comanche Peak?

4 A Yes, sir.

5 Q Why was it necessary to refer this matter to
6 Gibbs & Hill at all, if the density of the paint coatings
7 was the answer, or at least one of the answers, one of the
8 adequate answers to the question? And it was available
9 on-site?

10 A Mr. Roisman, I don't know where the engineer
11 that I was talking to got his information from. He might
12 have gotten that from Gibbs & Hill. Clearly I was not the
13 one that decided to send it to Gibbs & Hill. Site
14 engineering made that determination. Site engineering, in
15 this case, was a liaison between site QA and the design
16 engineer.

17 Q How did it happen that the density of the paint
18 came up at all in a conversation with engineering?

19 A I don't remember.

20 Q Did it come up only after you had received back
21 the telex from Gibbs & Hill?

22 A I honestly don't remember, Mr. Roisman.

23 Q Well, do you remember whether you were exploring
24 the issues raised by the NCR, subsequent to the time that
25 was signed by you on the 11th of February, 1983, with

1 anybody?

2 A I had talked with Kissinger; yes, I had.

3 Q And what was the substance of those
4 conversations, as you remember them?

5 A Just, in general, describing -- in talking about
6 the situation described on the nonconformance report.

7 Q Well, did you discuss at that point any possible
8 resolution or disposition of the matter?

9 A I think Kissinger had preliminary information
10 from Gibbs & Hill at the time that I was talking to him.
11 And we waited on the telex, which was their final position
12 on the issue.

13 Q And do you remember what did he tell you was the
14 preliminary information that he had?

15 A No, I don't.

16 Q Is it your recollection that the preliminary
17 information related to the substance of their resolution,
18 or merely the fact of their resolution?

19 A It was more toward the fact.

20 Q Do you have any direct knowledge that the
21 density of the paint was part of the basis for the Gibbs &
22 Hill disposition of this NCR?

23 A Any direct knowledge?

24 Q Yes.

25 A No, I don't.

1 Q Do you have any indirect knowledge?

2 A Other than what I've already told you, no,

3 Mr. Roisman. It came up in a conversation. Where it came
4 up, whether that was site engineering speculation on their
5 own, or whether that information came from Gibbs & Hill, I
6 don't know.

7 Q And in the conversation where the paint density
8 came up, I take it that the conversation also included a
9 discussion of the existence on nonexistence of a direct
10 communication between the reactor core cavity and the
11 containment sump; is that correct?

12 A I don't remember.

13 EXAMINATION

14 BY JUDGE BLOCH:

15 Q Mr. Brandt, it's not your usual practice, is it,
16 to take an NCR over and discuss it with engineering; is it?
17 Is it your usual practice to take it over to engineering?
18 Are you thinking about the question or about something
19 else?

20 A I'm thinking about your question.

21 Q Is it your usual practice or not? That's fairly
22 simple.

23 A I can't answer "yes" or "no." I don't know what
24 you mean by "usual." There's a number of NCRs that I have
25 taken over and discussed with engineering.

1 Q Okay. So you sometimes do it?

2 A Yes, sir.

3 Q Can you give us the principle on when you do it
4 and when you don't do it?

5 A NCRs that I think are going to require a great
6 deal of engineering, or more than normal engineering input,
7 is basically what was used in the past. You know,
8 nonconformances are written for many things.

9 A nonconformance can be written for a piece of angle
10 that's 3 inches too long. That's a rather simple
11 disposition.

12 Q Now, in certain instances you walked it over?

13 A Yes, sir.

14 Q When you walked it over what happened?

15 A I don't know that I walked it over. I think I
16 sent it through normal channels and then discussed it,
17 that day or a couple of days later, with Kissinger.

18 Q How did it happen you were there when the telex
19 came in?

20 A I wasn't.

21 Q I thought you said you were waiting for the
22 telex?

23 A It didn't come in the same day, Judge Bloch.
24 There was a period of time. The NCR issued on the 10th of
25 February. The NRC was issued on March 10.

1 Q How did it happen you were there when the telex
2 came in?

3 MR. WATKINS: He just said he wasn't there.

4 JUDGE BLOCH: You weren't there?

5 THE WITNESS: I was not at the telex machine
6 when it came in; no, sir.

7 MR. WATKINS: Testimony was he talked about the
8 fact of the disposition. Not the substance. And then
9 awaited the telex. That didn't imply they were sitting
10 there at the telex machine.

11 JUDGE BLOCH: I see.

12 BY JUDGE BLOCH:

13 Q "Awaited the telex" didn't mean you were sitting
14 there waiting for it to come in?

15 A No, sir, I'm sorry I implied that.

16 Q So you had a discussion with engineering. At
17 what time was this? Just when it had gone over? When was
18 that discussion?

19 A What had gone over, the NCR? It was around that
20 timeframe. It wasn't immediately, that's for sure.

21 Q How did you happen to be over there?

22 A I was in engineering almost on a daily basis. I
23 don't know whether I ran into Kissinger in the hall,
24 whether Dick was in my office, I was in his, I don't
25 remember. I remember having a discussion with Kissinger

1 on the subject.

2 Q How did it come up, do you remember?

3 A I think I asked him what he was going to do with
4 it.

5 Q And how long a discussion did you have after you
6 asked him that question?

7 A I think the first discussion, Judge Bloch, was a
8 short one. I think we had a short discussion on the
9 nonconforming condition, I think his bottom line answer
10 was he was going to send it to New York.

11 Q The first discussion was short. Did you have a
12 subsequent discussion?

13 A As I recall, I did. I don't remember when it
14 was. I think I had one other discussion with either he or
15 Randy Hooten, in between the time that the first
16 discussion took place and that the telex arrived on the
17 site.

18 Q With him or Randy Hooten. What took place
19 during that discussion and how did it start?

20 A I don't remember. It was a discussion of the --
21 the bottom line I remember out of the discussion is Gibbs
22 & Hill is not going to have a problem with it.

23 Q And the next thing that happened, as far as you
24 are aware of on this, was that you got the telex. Right?

25 A Yes, sir.

1 Q Through what, ordinary mail at the site?

2 A I think it came in on the telex.

3 Q But you weren't standing at the telex, were you?

4 A No, sir. It came into engineering. Engineering
5 had gotten with Mike Foote, who was the quality engineer
6 responsible for that particular discipline.

7 Q Okay. At that point did you have another
8 discussion?

9 A Mike and I talked about it; yes.

10 Q And how did that discussion get started?

11 A As I think I said, either I was in Mike's office
12 or Mike brought a drawing to my office. As I recall it,
13 Mike had a copy of the draft disposition of the NCR and
14 the drawing with him.

15 Q Now, why was -- what was your opinion of this
16 discussion after you already had the telex?

17 A It was time to disposition the NCR, and Mike
18 knew it was something I had been involved in personally.

19 Q And what was involved in dispositioning the NCR,
20 other than reading the telex and signing off that it was
21 dispositioned?

22 A Not much more than that.

23 Q But more than that took place?

24 A Yes, sir.

25 Q Why?

1 A Personal curiosity.

2 Q You had no questions about the adequacy of the
3 telex at that time?

4 A No, sir.

5 Q But you looked at drawings?

6 A I think, as I recall, I looked at a drawing;
7 yes, sir; which showed the elevation -- the top elevation
8 of the reactor cavity.

9 Q And when you looked at the drawing, could you
10 tell from looking at the drawing whether there was an
11 obstruction to the water flow?

12 A I have to say there must have been, Judge Bloch.
13 But I honestly don't remember. I don't remember how I
14 came to that conclusion.

15 Q Now, if you came to the conclusion that there
16 was no obstruction to the water flow, what possible
17 purpose would there be to going on to discuss the density
18 of the paint?

19 A I don't know if I indicated that that happened
20 after that, I'm in error. That discussion, that
21 discussion was with engineering sometime during the cycle.

22 Q Okay. But you don't recall whether or not it
23 was after the telex?

24 A I don't believe it was; I believe it was before.

25 Q Do you remember whether it was before or after

1 Gibbs & Hill was brought into the loop?

2 A I think Gibbs & Hill was sent a copy of the NCR,
3 almost immediately on receipt. Because I think when
4 Kissinger -- either the day, day or two after it was
5 written, Kissinger said he was going to send it to New
6 York. Either said he was going to or said he already had.
7 I don't remember.

8 JUDGE BLOCH: Mr. Roisman?

9 CROSS-EXAMINATION (Continued)

10 BY MR. ROISMAN:

11 Q Mr. Brandt, once you had the telex in hand, you
12 said your further conversations were curiosity, and that
13 there were -- Mr. Foote was there and maybe another person
14 from engineering was there. I take it that that exercise
15 represented, on your part, the kind of conduct which you
16 did not want your QC inspectors to engage in? That is, an
17 independent look for something that made no difference to
18 the day-to-day operations of their job; is that correct?

19 A No, sir.

20 Q Why was satisfying your curiosity acceptable;
21 satisfying Corry Allen's curiosity, was not?

22 A I don't believe I testified yet that I had a
23 problem with Corry Allen bringing concerns to me. In fact
24 I encouraged it.

25 What I was not going to do was have a group of -- what

1 I did not want to have was a group of inspectors that
2 thought they were autonomous.

3 Q I believe your testimony was, on page 2, that
4 you were concerned about people who went beyond the scope
5 of their work and were raising questions -- and I think
6 you testified here today -- were getting away from what
7 their regular job was. Weren't you -- isn't that -- is
8 that correct?

9 A Yes, sir. I had an overall concern for that.

10 Q And at the time that you and Mr. Foote, whomever
11 else might have been there, were discussing this telex for
12 your purposes of curiosity, you were not being productive;
13 were you? Were you being productive?

14 A We were being productive to the standpoint that
15 the NCR had to be dispositioned. As far as, I guess to
16 the extent of satisfying our personal curiosity, you could
17 draw the same analogy. I don't mean to confuse you,
18 Mr. Roisman. You could draw the analogy that we, too,
19 then were not being productive.

20 Q This NCR was a matter of some significant
21 concern to you and to engineering; is that correct?

22 A Yes, sir.

23 Q I take it that if the NCR had not been able to
24 be dispositioned with "use as is," we would be talking
25 about a rather substantial amount of work that would have

1 to have been done, and perhaps cost that would have had to
2 be incurred; is that correct?

3 A My only problem with the question, Mr. Roisman,
4 is the word "substantial."

5 Compared to the overall quantity of coatings in the
6 containment building, this is an insignificant number of
7 square feet.

8 The two options, had there been -- two options that
9 exist at engineering, assuming had there been a flow path
10 to the containment recirculation pumps -- sumps -- either
11 one; there would have been two options. Either, one, to
12 state that much in the same manner as they did for
13 stairways, as I discussed with Judge Bloch earlier, that
14 this could be exempted and the performance of the sumps
15 would not be affected by the quantity of coating that was
16 contained within the reactor cavity getting to the sump.
17 Or they would have had to remove the coatings from the
18 reactor cavity core area.

19 Q What function do those coatings perform in the
20 reactor core cavity area?

21 A I can't see that they perform any function.
22 They perform no safeguard function, certainly.

23 JUDGE BLOCH: No ALARA function?

24 THE WITNESS: The coatings won't stop the
25 radiation, Judge Bloch.

1 JUDGE BLOCH: For clean up purposes?

2 THE WITNESS: If the coatings are postulated to
3 fail, I don't see where they could perform that function.

4 JUDGE BLOCH: Well, that is to say that they
5 wouldn't perform the function properly.

6 The question was, do they have -- what function do they
7 have?

8 THE WITNESS: As design function, I don't know,
9 personally.

10 BY MR. ROISMAN:

11 Q On page 17 of the testimony in discussing the
12 placing of the reactor core cavity coatings --

13 JUDGE BLOCH: I'm sorry. I don't understand. I
14 mean, I have read so many documents in this case on the
15 functions of those coatings, do you mean at this time you
16 don't know the functions of the coatings?

17 THE WITNESS: The coatings, in general, yes, sir,
18 I know the function of. The coatings in this particular
19 location, if I was forced to speculate -- as I have stated
20 already -- I don't think they perform any function.

21 BY MR. ROISMAN:

22 Q On page 17, at question 93 you are asked about
23 the placing of the reactor core cavity coatings on the
24 exempt log, and whether it's indicative, in any way, that
25 the disposition of the NCR was inadequate or incorrect,

1 and you say absolutely not.

2 I take it, in fact, in many ways it's just the opposite?
3 The coatings could not be on the exempt log unless the NCR
4 is correct; its disposition is correct? Do you agree with
5 that?

6 A No, sir; I don't think so.

7 Q Well, if there is a pathway for the paint
8 coatings in the reactor core cavity to reach the
9 recirculation pump, then there is a safety implication to
10 those paint coatings, even if not a safety purpose.

11 JUDGE BLOCH: Mr. Roisman, the reason you have
12 this problem is you haven't read the other side of the
13 case. They actually are trying to exempt a substantial
14 part of the paint, even though it might reach the sumps.

15 MR. ROISMAN: I see. Okay. I withdraw that,
16 Mr. Chairman. Based upon that.

17 At this point, this might be a good time to break. I
18 see that we are at 12:30.

19 JUDGE BLOCH: Let's take a break until 1:30.

20 (Whereupon, at 12:30 p.m., the hearing was
21 recessed, to reconvene at 1:30 p.m., this same day.)

22

23

24

25

1 AFTERNOON SESSION (1:35 p.m.)

2 Whereupon,

3 C. THOMAS BRANDT

4 was resumed as a witness and, having been previously duly
5 sworn, was examined and testified further as follows:

6 JUDGE BLOCH: Good afternoon.

7 MR. WATKINS: Mr. Chairman?

8 JUDGE BLOCH: Yes, sir?

9 MR. WATKINS: We failed to get ahold of Cecil
10 Manning before he left Glenrose last night, and once again
11 he's here in the hearing room. I wonder if we can get an
12 idea from the parties as to whether we will get to him
13 today so that he may leave, if not.

14 MR. ROISMAN: Mr. Chairman, I did not prepare
15 for Mr. Manning today on the assumption he was not going
16 to be here today. That's unrelated --

17 JUDGE BLOCH: That sounds like an answer.

18 MR. WATKINS: Mr. Manning, you may leave. Thank
19 you.

20 JUDGE BLOCH: We regret the inconvenience. The
21 parties tried to resolve things for you yesterday.

22 MR. WATKINS: Mr. Chairman, we do have an open
23 Monday morning. I wonder if we can schedule Mr. Manning
24 for Monday morning?

25 MR. ROISMAN: Yes. I see no reason, based on

BRT

1 what I will do, that it will be something less than a
2 Monday morning.

3 JUDGE BLOCH: Let's do that -- well, something
4 less. Does it make a big difference to you whether we
5 start at 8:30 or 9:00?

6 MR. ROISMAN: No. All I wanted to say is there
7 are other parties to examine Mr. Manning.

8 JUDGE BLOCH: Let's start at 9:00 Monday morning.

9 MR. BERRY: Mr. Chairman, the Staff will only
10 have a few questions for Mr. Manning.

11 JUDGE BLOCH: 9:00 Monday morning, Mr. Manning.
12 I hope you enjoy the travel.

13 MR. WATKINS: Mr. Chairman, I wonder if I can
14 look at the original of the NCR? I want to ask the board
15 if it's satisfied that there were no erasures on the draft
16 and the typed draft "rev 0" which they had or the parties
17 had speculated --

18 MR. ROISMAN: If this is on the record, I'm
19 neither hearing you nor advised that you wanted an
20 off-the-record discussion with the board.

21 MR. WATKINS: The speculation -- we had some
22 poor duplicates. This was writing on the handwritten
23 draft of the NCR, in the lower boxes, and also typed in,
24 rev 0 -- I just want to make sure that everyone was
25 satisfied that that was the case.

1 MR. ROISMAN: I offer absolutely no opinion on
2 it, on behalf of CASE. I'm not an expert.

3 JUDGE BLOCH: Where?

4 MR. WATKINS: On the handwritten draft.

5 Mr. Allen testified that he wrote --

6 JUDGE BLOCH: On the handwritten draft only?

7 MR. WATKINS: No. And on the typed version,
8 which next comes in the package.

9 JUDGE BLOCH: One of the typed versions has a
10 white-out of -- this is the 2/18/82 version?

11 MR. WATKINS: Yes.

12 JUDGE BLOCH: It has whited out the word "pending"
13 with the NG still -- and there appears to be an X whited
14 out under "repair."

15 MR. WATKINS: As we indicated in our cover
16 letter to the board, Mr. Brandt is prepared to be examined
17 on that. I was just trying to take care of the board's
18 original concern.

19 JUDGE BLOCH: I can't tell either, whether this
20 is entirely an original or whether it's partly original
21 and partly Xeroxed. I'm just unable to form an opinion
22 about that. For example, I note that under -- near "para"
23 there's a line and an interruption in the line with some ,
24 kind of apparent white-out, but there's no white-out
25 showing on this document.

1 (Discussion off the record.)

2 JUDGE BLOCH: It does appear that the original
3 of C8300461 has no entries at all on the QE reviewer
4 approval line or the disapproval verification enclosure
5 line. So we have no explanation of where the markings
6 came from on Mr. Allen's copy.

7 MR. WATKINS: Thank you, Mr. Chairman.

8 CROSS-EXAMINATION (Continued)

9 BY MR. ROISMAN:

10 Q Mr. Brandt, on page 18 of your testimony you
11 discuss a conversation you were having with Mr. Allen when
12 Mr. Tolson came in the room. First, how long was the
13 total conversation you had with Mr. Allen, as best you can
14 recollect?

15 A Probably between 15 minutes and one half hour.

16 Q And you indicated that "Mr. Tolson walked into
17 the room during the discussion, stayed maybe a minute or
18 two to ask me something totally unrelated, got the answer
19 he was looking for and left."

20 Did Mr. Tolson stay in the room and hear some of the
21 conversation that you and Mr. Allen were having?

22 A I don't know, Mr. Roisman, that he heard any
23 conversation of substance. All I was trying to indicate
24 is I'm sure the conversation didn't stop just because
25 Mr. Tolson walked in the room. In fact I remember

BRT

1 Mr. Tolson saying "Hi Corry" and they exchanged greetings.
2 What was said during those two minutes I don't remember.

3 Q I was trying to find out just exactly what
4 transpired. It wasn't that he walked in the room, asked
5 his question immediately, got his answer and then walked
6 out?

7 A It was pretty much that. He walked in the room.
8 I had the door closed to my office. He opened the door.
9 It had a window in it, he could see what was going on.
10 He walked in. He and Corry, as I said, exchanged
11 greetings; might have had a "small talk" type conversation;
12 he asked me the question to which he was looking for an
13 answer, I answered him and he left.

14 Now, whether or not he and Mr. Allen had any kind of
15 conversation other than just small talk, whether he
16 overheard any conversation between Mr. Allen and myself, I
17 honestly don't remember.

18 Q In your judgment, is there any relevance to the
19 fact that Mr. Tolson came in during the course of the
20 conversation that you were having with Mr. Allen?

21 A Other than the fact that Corry in his testimony
22 stated that Tolson was there for the entire meeting, or at
23 least implied that. That's the only relevance it has. He
24 was not there but for a minute or two during the
25 discussion.

BRT

1 Q Did you attach any significance to what you
2 perceived to be Mr. Allen's statement that Mr. Tolson was
3 there for some or all of the meeting?

4 A No, sir.

5 Q On page 22 of your testimony, you discuss
6 attachment 2 to the testimony, which is a -- is that what
7 was called a "speed letter" on the site?

8 A Called both a speed letter and a three-part memo.

9 Q Okay. -- in which Mr. Allen raised some
10 concerns. And at the bottom of the page you said, "I
11 called a meeting in my office with all parties concerned."

12 Do you mean all the persons whose names are mentioned
13 in the three-part?

14 A Yes, sir. With the exception of Charlie
15 Laviette, I believe everybody that was mentioned in the
16 three part was there.

17 Q So it wasn't just Mr. Haley and Wayne Williams
18 who were there; is that correct?

19 A Yes, sir. That's a correct statement.

20 Q Were there other people who were concerned in
21 your perception but who were not mentioned by Mr. Allen
22 who were also present at the meeting?

23 A I don't understand what you mean by the word
24 "concerned," Mr. Roisman.

25 Q I'm sorry, I was using your word. Here at A115,

1 on page 22, you said "I called a meeting in my office
2 with all parties concerned." I just want to know what you
3 mean.

4 A Okay. Now I understand what you mean by
5 "concerned." By "concerned" I meant all people involved
6 with Mr. Allen's three-page or four-page letter that
7 Mr. Allen wrote me, with the exception of Laviette. The
8 people at the meeting were Junior Haley, Wayne Williams,
9 Jim Bracken, Billie Remington, Harry Williams, Corry Allen,
10 and myself.

11 Q So, basically the meeting took place with the
12 people who Mr. Allen was accusing of a variety of things
13 in the memo, and yourself and Mr. Allen?

14 A And Mr. Harry Williams; yes, sir.

15 Q In the course of the meeting, did you go over all
16 of the concerns that Mr. Allen had raised in his
17 memorandum?

18 A Yes, sir.

19 Q Did you discuss his concern, on page 3 of that
20 memorandum, in which he says: "I feel uncomfortable about
21 having to defend myself against allegations made by a
22 B & R superintendent to my supervisor. This has become a
23 daily occurrence for Corry Allen. I would suggest a new
24 format for receiving complaints from the paint department
25 against a certified inspector." And then gives a for

1 instance.

2 Did you discuss that particular item in the meeting?

3 A Yes, we did.

4 Q Did it occur to you that the meeting was, itself,
5 another version of the complaint? That is, that he was
6 being required to defend himself against allegations made
7 by a Brown & Root superintendent?

8 A No, sir. Because I think Mr. Allen's -- if
9 you'll read on page 4 -- he states his suggestion for
10 resolving the problem is, for instance, require the paint
11 department representative to make the complaint in person
12 with the inspector present so that he can defend himself;
13 or for the paint department to put it in writing, such as
14 I have done.

15 Clearly this meeting was the first option suggested by
16 Mr. Allen.

17 Q Well, did you view the meeting as a meeting for
18 the paint foreman to air his complaint? Or did you view
19 it as a meeting for Mr. Allen to have his complaint
20 redressed?

21 A The meeting was called, Mr. Roisman, to
22 determine exactly what both sides of the story were and to
23 take -- as far as I was concerned -- take any corrective
24 action as necessary.

25 Q And was it -- was this your standard procedure

BRT

1 when a conflict arose between craft and QC, if there was
2 going to be a meeting, that you would have all the parties
3 involved in one meeting?

4 A No, sir. On some investigations I conducted by
5 myself individually until I could reach a conclusion. For
6 this particular instance, this seemed to be the most
7 expeditious way of resolving Mr. Allen's concern.

8 Q When you went into the meeting, did you have an
9 open mind as to whether or not Mr. Allen's version of
10 events, or what the people of craft would say versions of
11 event were, were correct? Or did you have a predisposition
12 one way or the other?

13 A I'd say I had an open mind.

14 Q Did you view your role as one as essentially a
15 referee or a judge?

16 A In some senses, I guess both. I was definitely
17 the referee. And if I determined that either it couldn't
18 be determined who was at fault or that construction was at
19 fault, that construction was certainly going to see -- I
20 was certainly going to let construction know the way it
21 was going to be in the future. And that did happen.

22 Q What if Mr. Allen had been at fault? Did you
23 see a role for yourself in that also?

24 A Yes, sir. I would have explained to Mr. Allen
25 how I felt that he was overreacting or in error.

BRT

1 Q Now, as the QC supervisor for the non-ASME area,
2 did you consider that you had a duty to be an advocate for
3 the QC position in these kinds of meetings between QC and
4 craft?

5 A Yes, sir, I did. But I always felt, as a
6 supervisor of people, I had to be reasonable when I was
7 going into the meeting; that I did not have personal
8 knowledge of the facts, that I would at least listen to
9 both sides of the story.

10 Q Well, in a sense you were never going to have
11 personal knowledge of the facts, were you?

12 A In some instances I did.

13 Q Which ones would you have personal knowledge of?

14 A I was involved with some inspectors, to where
15 the craft and the inspector disagreed on an inspection
16 call as I was standing there.

17 Q Did that apply to any of these items that
18 Mr. Allen specifically listed in his memorandum?

19 A No, sir.

20 Q So as to those, there was nothing that was going
21 to happen in the meeting that was going to make you become --
22 have personal knowledge of it; is that correct?

23 A That's correct.

24 Q Why wouldn't you, as a normal course, as an
25 advocate for the QC position, simply accept as face value

1 what Mr. Allen said and enter the meeting not as an unbiased
2 participant, but as one who was really supportive of
3 Mr. Allen?

4 A I don't think that's a reasonable position to
5 take.

6 Q Why not?

7 A Simply because I had two sets of facts. I had
8 talked to construction by this time and I had talked -- I
9 had received Mr. Allen's written complaint. I think as a
10 reasonable person, before I can make any determination of
11 who is at fault, or what needs to be done, I need to hear
12 both sides of the story.

13 As one of Mr. Allen's suggestions was to do it in front
14 of each other, as I said I saw that as the most
15 expeditious fashion of resolving the problem.

16 Q Were there, from your conversations with the
17 craft people -- did they state the facts differently? Or
18 did they give you a different interpretation of what those
19 facts meant?

20 JUDGE BLOCH: This is before the meeting?

21 BY MR. ROISMAN:

22 Q Yes. Before the meeting.

23 A I don't think they stated the facts differently,
24 Mr. Roisman. I think it was just a different connotation
25 to what they meant, or what would each of the facts as

1 represented by Mr. Allen -- meant.

2 Q You mean, for instance, was the Wayne Williams
3 telling Mr. Allen to climb back up the scaffolding and
4 reinspect the taped off area; did that represent an
5 imperative command or was it an interrogative request?
6 That kind of thing?

7 A That's the kind of thing I'm talking about; yes.

8 Q And you had no predisposition to assume that
9 Mr. Allen had a --- that his perception of what actually
10 occurred was correct?

11 A At the time the meeting was conducted,
12 Mr. Roisman?

13 Q Yes -- that's right. After you had had your
14 conversation with craft?

15 A I had no real predisposition either way. I had
16 no reason to disbelieve Corry.

17 As I said, the facts were essentially the same from
18 both sides. It was a matter of the, as you put it,
19 imperative or interrogative type of request. As I said,
20 the meeting was clearly getting nowhere. Both sides were
21 going to stick to the story that they had originally
22 presented and I saw at that point that the thing that I
23 needed to do was to instruct the craft that their requests
24 should be interrogatory, not imperative. And that if they
25 had problems, they should get up with Haley and Haley

1 could come see me.

2 And Junior Haley assured me that that would be the case.

3 Q But I take it that the way the meeting went, you
4 would assume that the actual statements that were made by
5 Mr. Wayne Williams, he believed were of the interrogative
6 type and Mr. Allen believed were of the imperative,
7 command type?

8 A Yes, sir.

9 Q And nothing you did in the meeting told one or
10 the other that they were right about that; correct? You
11 didn't tell Mr. Williams: "Okay, Wayne, I accept your
12 version." Or, "Okay, Corry, I accept your --"

13 A You are essentially saying rendered a verdict
14 one way or the other?

15 Q Yes.

16 A No, I did not do that.

17 Q So when they left there, the likelihood that the
18 event that caused Mr. Allen to write the three-part
19 memorandum in the first place was quite likely to reoccur;
20 was it not? Wasn't it?

21 A No, I don't think so. Because I believe that,
22 as I said, the agreement was that if there was problems
23 with an inspector's work, that the instruction forces at
24 all levels would bring it to the attention of Mr. Haley
25 and Mr. Haley would come get me and Mr. Haley and I would

BRT

1 resolve the problem.

2 Q I thought your answer to an earlier question was
3 that so long as Mr. Wayne Williams were to have said to
4 Mr. Allen: "Corry, would you mind going up and just
5 taking another look at that for me?" As opposed to:
6 "Corry, get up that ladder and look at that again"; that
7 if he had done the first that that would have been a
8 perfectly appropriate thing for Wayne Williams to do and
9 that there would have been nothing wrong with that?

10 MR. WATKINS: Objection, Mr. Roisman has just
11 characterized what he says Mr. Brandt's testimony was and
12 whether he now agrees with what he just testified to.
13 That's not a question.

14 JUDGE BLOCH: I thought it was a hypothetical.
15 I didn't think he characterized testimony at all.

16 MR. ROISMAN: Let me just withdraw it and I'll
17 just start again.

18 BY MR. ROISMAN:

19 Q Do you agree that it's okay, after the
20 inspection is completed, for a paint foreman to ask your
21 QC inspector, in an interrogative request, to climb back
22 up and take a look at the area again?

23 A No, I don't think that's improper, if it's an
24 interrogative-type request.

25 Q That's why I ask the question, then. Isn't it

1 the case that after the meeting was over, Wayne Williams
2 would feel that the kind of question he had put to Corry
3 Allen, which he thought was an interrogative request, was
4 still okay? And Corry Allen, who treated the request as
5 an imperative command, would say it's not okay? And that
6 they could have the recurrence of the very event that
7 brought this meeting together in the first place?

8 A Mr. Roisman, that's not the only event stated by
9 Mr. Allen in his complaint to me.

10 Q No, I have to take them one by one. So I'm
11 starting with that one?

12 A For that particular complaint, it could have, if
13 it was an overreaction on Corry's part, or a, probably an
14 excessively forceful request on Mr. Williams' part, if
15 that was the case, yes, that could have reoccurred. But I
16 assured Corry if he continued to have problems, to bring
17 his problems to me and we'd look into it. I never heard
18 from Corry Allen again, so I assumed that future requests
19 were truly a request rather than a imperative.

20 Q Mr. Brandt, why would you assume that, since
21 viewed from Mr. Allen's perspective what has happened here
22 is that he brought you his complaint and you did not side
23 with him? So, if he brought it to you again, wouldn't he
24 expect that you wouldn't side with him the next time
25 either?

BRT

1 A No, sir. I don't think that's a fair assumption
2 to make.

3 We discussed in the meeting that, if construction had a
4 request, that it should be presented as such. That they
5 shouldn't be directing people to do -- they should not be
6 directing a QC inspector's activities.

7 As I explained to Mr. Allen, both verbally and in
8 writing, if his situation didn't improve or if he
9 continued to have problems, he should get back with me.

10 Mr. Allen sat and heard the same speech that Junior
11 Haley heard.

12 Q But the point of disagreement was that these two
13 people, Mr. Williams and Mr. Allen, Mr. Wayne Williams and
14 Mr. Allen, had a different interpretation of what the one
15 event that they both heard meant.

16 A Yes, sir, I agree.

17 Q And in that sense, they don't have any more
18 guidance when they leave the meeting as to whether what
19 happened that last time, if it happens in the future,
20 whether Williams is right or Allen is right. All they
21 have is your assurance that if it happens again and Allen
22 feels the way he did this time, that you'll have another
23 meeting.

24 A I don't promise another meeting. I promised
25 Junior Haley that all his requests and all his people's

1 requests to my inspectors to perform inspections, would be
2 requests. And I was quite emphatic. I was also quite
3 emphatic that if his foremen had troubles with my
4 inspectors they could bring their problems to him. And if
5 he couldn't come to grips with them, he could get with me.

6 Q What about the second piece of Mr. Allen's
7 objection, still on that first page of his memorandum,
8 where he objects to the fact that Mr. Williams "had a
9 Brown & Root paint superintendent," Haley, "complain to
10 Harry Williams that I refused to follow the foreman's
11 instructions and retest the area"? How did you deal with
12 that?

13 A Both Mr. Williams and Mr. Haley denied that that
14 happened.

15 Q Both Mr. Wayne Williams --

16 A No. Harry Williams, and Junior Haley, denied
17 that that had happened. Harry denied that he had heard
18 any complaint from Junior Haley. Junior Haley denied that
19 he complained about this specific incident to Harry
20 Williams.

21 Q I take it you knew that information before you
22 went into the meeting?

23 A I had talked to Junior. I don't recall if I had
24 discussed it with Harry or not.

25 Q At least you knew what Junior's view was?

1 A Yes, sir.

2 Q Was that a fact that you considered open? Or
3 did you consider it resolved?

4 A Well, Corry did not know for a fact that Haley
5 had gone to Harry Williams to complain. He surmised that
6 happened.

7 Q What exactly --

8 A Both --

9 Q I'm sorry.

10 A Both Mr. Harry Williams and Junior Haley denied
11 that Haley had been to Harry Williams complaining about
12 this incident.

13 Q How did you learn that Mr. Allen surmised that
14 Haley had complained to Harry Williams?

15 A Mr. -- I think Mr. Allen told me he didn't see
16 it, or didn't hear it personally.

17 Q Did you ask him that in the course of the
18 meeting or was that something that took place before the
19 meeting?

20 A One or the other, Mr. Roisman. I don't remember
21 which.

22 I believe -- if I was forced to guess at this time, I'd
23 say in the meeting.

24 Q In the meeting, did Mr. Allen then concede that
25 if Haley and Harry Williams both said it didn't happen, it

1 must not have happened?

2 A By "concede," do you mean that he stated he was
3 probably wrong?

4 Q Yes.

5 A I don't know that he stated that; no.

6 Q But then on that issue you decided that the
7 facts were as Mr. Haley and Harry Williams described them?

8 A Yes, sir.

9 JUDGE BLOCH: Did you learn a version of Harry
10 Williams' story that meshes with what Mr. Corry Allen said
11 about the supervisor coming to him about this matter?

12 THE WITNESS: Mr. Haley had gone to Harry
13 previously, as that had been the point of contact for
14 Mr. Haley. Mr. Haley's organization is -- namely the
15 foreman -- when they complained to Mr. Haley, Haley would
16 go to the foreman rather than going to the inspector. It
17 was at that meeting that, rather than my formation of
18 opinion of Harry Williams that he probably did not have
19 enough backbone, at least to give the inspectors a feeling
20 of support, that maybe it would be more effective for
21 Mr. Williams -- excuse me -- Mr. Haley to come to me
22 directly.

23 I know for a fact Mr. Haley had gone to Mr. Williams
24 with complaints about inspection personnel previously. On
25 this particular occasion, though, both sides denied that

BRT

1 it had been a subject of conversation.

2 JUDGE BLOCH: But Corry Allen said that Harry
3 Williams questioned him about it. How did that come about?

4 THE WITNESS: Where are you reading, Judge Bloch?

5 JUDGE BLOCH: We are on page 2, aren't we?

6 MR. ROISMAN: I was still on page 1,
7 Mr. Chairman.

8 JUDGE BLOCH: Oh, we are on the wrong incident?
9 That's why we are having a lack of clarification. Forget
10 the question.

11 BY MR. ROISMAN:

12 Q Did you attempt at the meeting to determine
13 whether Corry was correct that he had told the foreman,
14 namely Wayne Williams, that he would return to the area
15 when he was finished with the entire area?

16 A Yes, sir, I did.

17 Q And did the foreman agree that that had been
18 said?

19 A No, sir, he did not.

20 Q Did you consider that one of those fact issues
21 that, I think in your words at A122, on page 23, would
22 boil down to a credibility situation?

23 A It was an issue that they were going to continue
24 to disagree on, Mr. Roisman. It did boil down to who was
25 more believable, and I'm not sure I can make that call.

BRT

1 They both were sticking to their stories.

2 Q By this time you had had some number of months
3 during which Mr. Allen was under your supervision. Did
4 that not -- did that give you some confidence that you
5 could judge whether he was or was not telling the truth
6 about that?

7 A I believe the craft side was, if he said it they
8 didn't hear him. Which I took as a definite possibility.
9 Corry said he definitely said it loud enough for the guy
10 to hear him. I can't argue one way -- whether it was --
11 whether Wayne Williams was actually lying, whether he
12 didn't hear Corry, or what the story was. I had no reason
13 to doubt Mr. Allen's credibility. My statement on A122 --
14 by "credibility," I don't mean to doubt Corry's
15 credibility, because I don't think -- to this day I don't
16 know that Corry Allen has ever lied to me. What I meant
17 to say was the two parties were going to continue to
18 disagree. They agreed to disagree. It was simply a
19 matter of which was right and which was wrong.

20 Q Did they really agree to disagree?

21 A They agreed to disagree because they saw it was
22 getting -- they didn't say, "Well, we'll continue to agree
23 to disagree," but their stories, they were both sticking
24 to their stories. Neither side was modifying its position.

25 Q But neither of them was saying of the other --

BRT

1 when that phrase "agree to disagree" is used, it usually
2 means something like: Look, I realize there's some
3 validity to your position and your view, and some validity
4 to mine and my view, and we can't really work this out. I
5 mean there's usually a kind of coming together. Did they
6 seem to come together or did they just stick to their
7 positions?

8 A They stuck to their positions. The only
9 modifying factor was Mr. Williams to the best of my
10 recollection stated something to the effect: "Well, if
11 you said that, I didn't hear you." If that's a
12 modification of Mr. Williams' position, then yes, that
13 happened.

14 Q Essentially each, as far as you could tell,
15 believed that the other was lying?

16 A Yes, sir.

17 Q Did you give any thought to whether one or the
18 other might have had a motive to lie?

19 A Corry definitely had no motive to lie. In this
20 case, I would say that my thought process was either Corry --
21 excuse me, either Wayne Williams was lying or Wayne
22 Williams was telling the truth and the fact was that he
23 didn't hear him.

24 Q When you thought about having the meeting and
25 putting in your head what you were going to do in the

BRT

1 meeting, and as the meeting began to evolve, did you give
2 any thought to what the psychological effect would be on
3 Mr. Allen, and perhaps on others that he might talk to,
4 were you to have taken a more advocate's role on behalf of
5 the position that he was espousing in the meeting than you
6 apparently did?

7 A I think I did take an advocate's role,
8 Mr. Roisman. I made it clear to construction at all
9 levels -- the foreman, the general foreman, the
10 superintendent -- that if this was happening it wasn't
11 going to continue.

12 I not only talked to construction about it, I talked to
13 construction in front of Mr. Allen and in front of
14 Mr. Harry Williams. And that was my position.

15 And I think, at least in my own mind, that is an
16 advocate's role.

17 Q But you weren't willing to advocate that
18 Mr. Allen's view of the events as they took place was the
19 correct one?

20 A No, sir, because I didn't know.

21 Q But my question was, did you consider what the
22 psychological implications might have been for Mr. Allen
23 and others that he might have talked to, if you had used
24 the indicia that you had, that his view was right -- that
25 is, no experience that he had ever lied to you before; no

BRT

1 conceivable motive as to why he would have lied about this --
2 as a justification to come down on his side on the merits
3 of the particular complaints that he was making?

4 A Mr. Roisman, I thought I answered your question.
5 Let me try to clarify it and see if we get any closer.

6 I did think it was a psychological boon to Mr. Allen,
7 by showing Mr. Allen support in front of construction.

8 It wasn't the fact that -- I could have just as easily
9 listened to the meeting and said nothing, and said I'll
10 continue my investigation, dismiss the meeting, and went
11 and found Junior Haley private and said: "Haley, I can't
12 tell nuts from bolts on this issue, I can't tell who is
13 right and who is wrong, but this is the way it's going to
14 be."

15 I didn't do that. I indicated to Haley and all Haley's
16 people, in front of Corry Allen, and in front of Corry
17 Allen's supervisor, the way it was going to be. And from
18 that respect I do think it was a psychological boost to
19 Corry Allen. I don't think it was reasonable on my part
20 to pat Corry on the back and say: "Corry, you are right,
21 I know you are right, I'm not going to even hear that
22 story. You are right because you have never lied to me,
23 so I'm just going to jump all over construction in front
24 of you." I wouldn't do that. I wouldn't do that then. I
25 wouldn't do that now.

BRT

1 Q In terms of the impact on Corry Allen, all you
2 really told him was that "If you can ever prove to me that
3 the kinds of things that you weren't able to prove to me
4 happened here did happen, I'll jump all over construction
5 for you if they do it." That's all you really told him.

6 Do you agree?

7 A No.

8 Q Well, what more did you tell him than that?

9 A I jumped all over construction pretty good the
10 way it was, Mr. Roisman. I told them that if this is what
11 was happening, it was going to stop.

12 In some instances, the going to Harry seemed to be the
13 big issue; going to Harry Williams. They all felt that
14 Harry didn't have what it took to stand up to Junior Haley.

15 I was showing Corry that we've changed that arrangement.
16 If construction had a problem they would bring it to me.
17 They would bring it first to Haley and Haley was to bring
18 it to me and I'd resolve it. And I think I showed Allen
19 in that meeting I certainly had enough backbone -- using
20 their own term -- to sit there and go toe to toe with
21 Junior Haley or anybody in Junior Haley's organization.

22 Q But that on matters where construction and QC
23 had differing perceptions of the same set of facts, you
24 would remain neutral as to the specifics?

25 MR. WATKINS: Objection. The questioning is

1 getting repetitive.

2 JUDGE BLOCH: Sustained.

3 BY MR. ROISMAN:

4 Q Mr. Brandt, on page 26 of your testimony, you
5 indicate that either Harry Williams or Mike Foote called
6 about an NCR that Corry Allen had written about holiday
7 detection, and that they told you that they thought Corry
8 was a little out of line regarding an NCR that he had just
9 written; and that what they meant was that he was implying
10 that construction was trying to deceive him by using this
11 detergent.

12 When Messrs. Williams or Foote told you that, did you
13 accept that interpretation of what was being implied by
14 the NCR that Mr. Allen had written?

15 A Yes, sir, I did. But I later asked Corry Allen
16 the same thing.

17 Q Well, let's just start with when Williams or
18 Foote made the statement to you. Why did you accept that?

19 A It's their interpretation. It was clear --
20 whoever I had the conversation with explained that it is
21 clearly not the -- the use of such detergent wasn't
22 precluded by procedures. They were washing a wall.

23 Q That goes to a different question. That goes to
24 whether the NCR was proper or not. I'm just asking about
25 the question why you would accept their interpretation

BRT

1 that this NCR reflected an implication that construction
2 was trying to deceive Mr. Allen?

3 A Corry had told them that. He told me the same
4 thing later.

5 Q Well, your testimony is, just looking now at the
6 top of page 26, in the As and Qs, 136 through 138, you
7 indicate that, after some questioning of either Williams
8 or Foote, they told you that he was implying that
9 construction was trying to deceive him. That doesn't mean
10 that he told them that they were; does it?

11 A The NCR doesn't state that, Mr. Roisman, I don't
12 believe. Let me just look at it for a second.

13 Q Attachment 3 to your testimony, Mr. Brandt.

14 A Right. The NCR doesn't state that. But I'm
15 stating that it's implied by the NCR.

16 Q I'm sorry, you are telling me in your testimony
17 at A138, that it was either Mr. Williams or Mr. Foote who
18 told you that they were implying -- that Mr. Allen was
19 implying that construction was trying to deceive him.

20 When I ask you how did they know, you told me I believe
21 just a moment ago that, because Corry Allen told them?

22 A That's right.

23 Q If Corry Allen had told them that he believed
24 that he was being deceived, they wouldn't have told you
25 that he implied it, would they?

1 A I don't think I stated, Mr. Roisman, that they
2 told me that he was implying anything.

3 Q What is your answer at 138 -- what does it
4 intend to mean? Who is the "he" in there?

5 A In order to understand that I think you have to
6 go back to A136.

7 Q All right. Take it from the top, then.

8 A It says, "Either Harry Williams or Mike Foote
9 called me and told me that they thought Corry was a little
10 out of line regarding an NCR that he had just written.

11 Q137: What do you mean by 'out of line'?

12 A137: Mr. Allen was overreacting.

13 Q138: In what way was he overreacting?

14 A138: He was implying that construction was trying to
15 deceive him by using this detergent."

16 By "implying," imply was with the NCR.

17 Q The "imply" means that there was an intent to
18 deceive?

19 A The way I read it it does, Mr. Roisman.

20 Q Does this other NCR that we have been talking
21 about, that dealt with the paint in the reactor core
22 cavity, does that, to you, have an implication of anything
23 beyond its face?

24 A No, sir.

25 Q Does it imply to you that Mr. Allen thinks that

1 the company is deliberately putting paint coatings on that
2 are not properly tested for the environmental conditions
3 that they will meet?

4 A I think the -- I could agree with that if it
5 were not for the term "deliberate." I don't know that
6 he's saying it was a deliberate effort or whether it was
7 an inadvertent effort. At any rate, the NCR is stating
8 that the company is moving on without qualifying these
9 coatings.

10 Q All right. Well, looking back at the NCR that's
11 attachment 3 to your testimony, there's nothing that
12 indicates that the paint department did this deliberately
13 or negligently, or foolishly, didn't know? Why do you
14 think it has an implication of deception?

15 A Maybe it's just the way I read the NCR.

16 Q Well, let's look at the words that are in the NCR.
17 It says, "The cleaning agent leaves a residue which may
18 inhibit holiday detection."

19 I take it that you would agree that that indicates that
20 Mr. Allen is not even prepared to state that it would have
21 the effect of inhibiting holiday detection.

22 MR. WATKINS: Objection, Mr. Brandt doesn't know
23 what Mr. Allen might be thinking -- meaning.

24 JUDGE BLOCH: We are getting testimony about
25 what Mr. Allen implied, so it's appropriate to ask that

BRT

1 question.

2 THE WITNESS: Would you please repeat the
3 question, Mr. Roisman?

4 BY MR. ROISMAN:

5 Q When Mr. Allen said, "The cleaning agent leaves
6 a residue which may inhibit holiday detection," would you
7 agree that by those words he was not implying that it will
8 inhibit holiday detection?

9 A Yes, I'd agree with those words -- that's what
10 those words say.

11 Q Would you also agree that if he were intending
12 to imply that there was an effort to deceive, that he
13 probably would have indicated that the effect was a
14 certain effect, from using the cleaning agent?

15 A Maybe that's just something that I'm reading
16 into it, Mr. Roisman. I can see what you are saying.
17 Maybe my testimony is not real clear on page 26.

18 Corry Allen told me that that was his impression, they
19 were trying to wipe it down so that the liner plate would
20 pass a holiday detection.

21 JUDGE BLOCH: Does your testimony say that now?
22 Or you just added that?

23 MR. WATKINS: Would you have the witness review
24 his testimony, Mr. Chairman?

25 THE WITNESS: It's on the page, the last line of

1 page 26 and the top line of page 27.

2 JUDGE BLOCH: Thank you.

3 BY MR. ROISMAN:

4 Q Mr. Brandt, did it occur to you at the time you
5 discussed this NCR with Mr. Allen, that in fact the paint
6 department may have been attempting to deceive him, even
7 though it turns out, in your judgment, that the cleaning
8 agent would not have produced the intended deception?

9 A Mr. Roisman, it was not even the paint
10 department that was wiping the wall. It was a group of
11 laborers that were wiping down the wall at the request of
12 the paint department, so that they could get the final
13 inspection performed.

14 The wall has to be clean to perform the final
15 inspection.

16 Q All right. But that doesn't tell us whether the
17 paint department directed that it be wiped down with a
18 cleaning agent or wiped down with clean water or any --
19 anything else.

20 Mr. Allen is saying, or you've testified that he said
21 that they were trying to deceive. And I take it if that's
22 true, they could have done it by instructing the cleaners
23 to clean it and telling them what to clean it with. Do
24 you agree?

25 A That's a possibility.

BRT

1 Q All right. So my question to you is: Did you
2 consider the possibility that in fact the paint department
3 was trying to deceive Mr. Allen?

4 A No, sir, I did not. Because this was not the
5 first time that they had used this. There was no attempt
6 to hide what they were using.

7 Q Did you consider the possibility that the paint
8 department was having whatever paint they had wiped down
9 with this cleaning agent in order to inhibit the holiday
10 detection?

11 A No, sir.

12 Q Did you, independently, evaluate the resolution
13 of this NCR? I'm talking now about attachment 3 to your
14 testimony.

15 A What do you mean by "independently evaluate,"
16 Mr. Roisman?

17 Q Well, did you make your own independent judgment
18 as to whether you thought that if a film or residue is
19 left on the surface after washing down the surface, it
20 will immediately rehydrate upon water contact?

21 A Yes, I did. As I read it, I was performing a
22 judgment on it.

23 Q And you agreed with that statement?

24 A Yes, sir.

25 Q And what about, in addition, a residue or thin

1 film left after use of the above product will not create
2 an insulating barrier. Did you independently evaluate
3 this product?

4 A Normally salts, which this film would have been --

5 Q I'm sorry, which this --

6 A Salts -- which this thin barrier would have been,
7 are not a very effective insulation device.

8 Q How exactly does the holiday detection test get
9 performed? What is the physical mechanism that takes
10 place?

11 A It's a current of 67.5 volts, DC current, which
12 is transmitted through a wet sponge to the liner plate.

13 If the coating is sufficient enough to insulate the --
14 excuse me -- the wet sponge is hooked both to the battery
15 and the -- or the -- I'll say it in a minute.

16 It's hooked to a detection device. The detection
17 device is powered by the battery. The circuit is grounded
18 by attachment of a ground to the liner plate or a piece of
19 bare attachment welded to the liner plate, thus completing
20 the potential circuit. If the circuit jumps across or
21 sparks across because of the discontinuity in the coat,
22 you see the spark and hear the "cheep" on the detector.

23 JUDGE BLOCH: Is this a very small sponge?

24 THE WITNESS: It looks like -- the closest

25 analogy I can make, Mr. Chairman, is a sponge like service

BR5

1 stations use to wash your windshield. Some of them have
2 them on a handle. The handle might be this long.

3 (Indicating.)

4 JUDGE BLOCH: So they are not that small.

5 THE WITNESS: No, they are not very small.

6 BY MR. ROISMAN:

7 Q And, as you perceived, if you will, the
8 technical issue here, it is whether something is imposed
9 over the paint surface which interferes with the
10 electrical current so that what would have been an alarm
11 system is masked and you don't get the current flowing and
12 you don't get the alarm going off; is that correct?

13 A That's correct, Mr. Roisman. Except that the
14 fact -- the concern wouldn't be the film over the painted
15 surface. It would be a continuous film over the unpainted
16 surface.

17 Q That where an unpainted surface would otherwise
18 be detected, the film would cover that up?

19 A Yes, sir.

20 Q So that anything on that surface which might
21 alter the electrical current could confuse the test result?

22 A It would have to insulate -- the resistance
23 provided by the insulating barrier would have to be
24 greater than the minimum resistance to trigger the alarm
25 in the detection unit.

1 Q You felt Mr. Allen, as a chemist, would have
2 understood that about electrical currents?

3 A Yes, sir. Not necessarily about electrical
4 currents, but about what the drying out of this detergent
5 would leave on the surface.

6 JUDGE BLOCH: Do you still feel there would be
7 no masking effect from that detergent?

8 THE WITNESS: Yes, sir.

9 JUDGE BLOCH: I only ask because your testimony
10 on page 27 doesn't seem to have the present tense in it.

11 BY MR. ROISMAN:

12 Q Mr. Brandt, on page 23 of your testimony, you
13 are discussing how your inspectors implemented the new
14 procedures involving the use of IRs and NCRs. And, at A170
15 you are answering the question: "What about when NCRs are
16 written?" And you give two possibilities, one in which
17 the supervisor would say an NCR was warranted and issue it,
18 and second it was the QC inspector's failure to follow
19 procedural requirements. And then you are asked the
20 question: "Did inspectors who wrote NCRs during the
21 period after the policy became effective suffer any
22 adverse consequences as a result of writing the NCRs?"
23 And your answer is: "No, they did not."

24 My question to you is: Why didn't they suffer an
25 adverse consequence if they were failing to follow

1 procedural requirements?

2 A Mr. Roisman, I guess it was a matter of -- they
3 had been used to writing NCRs. There had never been --
4 they had never been told absolutely, at the inspection
5 level at any rate, all discrepancies should have been
6 identified -- identified on inspection reports in the past.
7 And rather than face the psychological and emotional
8 issues of telling -- disciplining people for writing NCRs,
9 the decision was made not to discipline them. Or --

10 Q Is that still true today?

11 A As far as I know.

12 Q So that it is not just that they were having an
13 adjustment period. Even today, some year or so after the
14 policy went into effect, there is still no adverse
15 consequence to an inspector who writes an NCR as a result
16 of failure to follow procedural requirements?

17 A The situation has changed, Mr. Roisman. In, oh,
18 the last I guess approximately year, in the fact that they
19 have gone to a traveler system and inspection reports are
20 no longer used.

21 So they do use nonconformance reports today.

22 Q Well, during what period of time was the policy
23 in effect -- I'm sorry -- was the procedural requirement
24 in effect that they were to use IRs rather than NCRs?

25 A You mean exclusively use IRs, Mr. Roisman? I

1 think that's what we are talking about.

2 Q Yes.

3 A I would say from September through November of
4 1983.

5 EXAMINATION

6 BY JUDGE BLOCH:

7 Q Mr. Brandt, when the inspector knew that there
8 would have to be an engineering disposition because there
9 was no way to fix the work by craft, why did the company
10 care to require that it be an IR rather than NCR?

11 A It's hard for me to visualize a situation, or
12 many situations, anyway, Judge Bloch, in which that's the
13 case. The nature of the coating process itself is you can
14 just about always take off what you put on.

15 Q So it would be unusual?

16 A Yes, sir.

17 Q But if it was a situation where there was no
18 approved repair procedure, for example -- first of all,
19 would that ever occur?

20 A I'm trying to think of an example. I can't
21 think of one off the top of my head.

22 As I said, anything you did, due to the nature of the
23 coating process itself, it's simply a film over the object
24 itself. Whatever you can put on, you can sand off.

25 CROSS-EXAMINATION (Continued)

1 BY MR. ROISMAN:

2 Q Mr. Brandt, looking now at page 3 of your
3 testimony and starting at question 190 down through answer
4 192, you are giving your opinions regarding the way in
5 which oil would be observable on the surface of the paint
6 if it were included in the materials that got sprayed on;
7 and also what would happen if water were sprayed on,
8 involving different kinds of paints and primers.

9 Are these opinions based upon your own personal
10 expertise?

11 A That's part of my basis for my opinion; yes,
12 Mr. Roisman.

13 Q And what else is the basis for your opinion?

14 A The literature. Literature exists from the
15 manufacturer that tells, you know, what the effects of oil
16 on a particular coating is, what the effects of water on a
17 particular coating is.

18 Q Do you know whether there is any difference in
19 the effect, depending upon the quantity of oil or water
20 that we are talking about?

21 A Yes, there is. If I can explain that I think it
22 might help to clarify the record?

23 Q Sure.

24 A There is no way that you can install any filter
25 in a compressed airline that will get the air 100 percent

1 dry. It's just impossible. It's always going to contain
2 some water vapor.

3 So, by definition, even coatings that are put on by the
4 -- all other standards are completely acceptable. That's
5 what the coating is going to look like with a certain
6 amount of water in it.

7 If you increase the amount of water, it's going to give
8 you, like I say in my answer -- if you are talking about
9 an epoxy coating -- there's going to be a chalky-like haze
10 on the top of the epoxy top coat itself.

11 So, in answer to your question, there is a difference,
12 at least with respect to water, as far as how much -- I
13 think your question was does the quantity make any
14 difference? The answer is, "yes," in that respect.

15 Q Is it possible that the amount of water could
16 still be unacceptable, but not be enough to show the haze?

17 A In my opinion, no, sir.

18 Q And what's the basis for that opinion?

19 A The water -- the curing process -- the epoxy
20 coating itself is such that, when it cures, if it's not
21 allowed to cure properly, if there is so much water
22 escaping during the curing process, it leaves the haze.

23 EXAMINATION

24 BY JUDGE BLOCH:

25 Q What do the procedures say about the amount of

1 water that was acceptable in the procedure?

2 A The procedure required that the compressed
3 airline be exposed to a piece of white blotter paper.

4 Q Did that have any engineering significance, that
5 they wanted to take the water out from the epoxy airline?

6 A I don't understand your question, Judge Bloch.

7 Q Was this a procedure without a purpose?

8 A No, sir.

9 Q The only purpose was to avoid an obviously
10 visible defect on the paint if they didn't do it?

11 A Yes, sir.

12 Q So it was a procedure without a safety purpose?

13 A In my opinion; yes, sir. It's a procedure -- I
14 can't say that. Let me clarify that.

15 It's a procedure to minimize the amount of work, rework
16 that you have to do to preclude a safety significance.

17 For example, if grease is in an airline you'll see it
18 in the applied film, be it either in an inorganic sink or
19 an epoxy top coat. It is visible. To that extent the
20 coating is unacceptable.

21 So, from that point, the installation of the traps and
22 filters are significant if we are operating under the
23 standpoint that the coatings are safety-significant.

24 Q I envision a curve here where there's an
25 increasing amount of water on one axis. On the other axis

BRT

1 we can talk about how safe the paint is.

2 What you are saying is that at exactly the point where
3 the haze starts showing up is exactly the point where
4 there's a safety significance for the paint and not at all
5 below that? Is that what your opinion is?

6 A It's my opinion in regard to water, Judge Bloch --

7 Q Water.

8 A That it's not of safety significance.

9 The reason for the haze being unacceptable is because,
10 for decontamination purposes, it's not a slick surface.

11 Q That decontamination purpose is not a safety
12 purpose?

13 A That is not a safety purpose for which you must
14 design for. It is not a plant safety service. It is an
15 occupational exposure or worker exposure level during
16 clean up. But it's not a factor.

17 Decontamination is not a factor which would, by
18 definition, affect safe shutdown of the reactor.

19 Q That's correct but you have an obligation to use
20 paints for two purposes. One is decontamination purpose
21 and the only is safe shutdown of the reactor. You have
22 both safety purposes, don't you?

23 A Not under appendix B; no, sir. One is the
24 appendix issue.

25 Q The occupational safety issue is a commercial

1 and not a licensing issue?

2 A On decontamination?

3 Q Yes. ALARA?

4 A I believe so but I would like to check to make
5 sure. I don't believe ALARA and the decontamination of a
6 coated surface are tied together in the way you are
7 necessarily trying to make the tie.

8 Q If they can easily be cleaned won't you have a
9 smaller contamination exposure than if you can't easily
10 clean it?

11 A Yes, sir.

12 Q And, therefore, if you have an easily cleanable
13 surface, isn't that required under ALARA because it will
14 reduce the dose to the workers?

15 A By "safety significance" I interpreted your
16 question to be safety significance as defined in appendix
17 B.

18 Q Okay. Now you know I'm thinking more broadly
19 than that.

20 A It does have a safety significance, yes, sir.

21 Q If we take the paint and think about the
22 continuous curve between moisture and safety significance,
23 which includes ALARA, is the exact cutting point where the
24 haze shows up? Or is it a safety significance when you
25 can't easily see the haze?

1 A I think the haze is either there or not, Judge
2 Bloch.

3 Q Yes. But you are saying if the haze is there,
4 then there's a problem with the paint as far as ALARA goes
5 -- excuse me, then there is a problem and you are going to
6 have to fix it, possibly for ALARA purposes. If the haze
7 isn't there, there's no problem.

8 Is that true?

9 A Yes, sir. That's my opinion.

10 Q And you know that as a paint expert?

11 A From my observations and discussions on the
12 issue; yes, sir.

13 CROSS-EXAMINATION (Continued)

14 BY MR. ROISMAN:

15 Q Mr. Brandt, on the question of the paint, this
16 epoxy top coat that we are talking about, what is the
17 color of the epoxy top coat that's used at the plant?

18 A It ranges in colors, Mr. Roisman. Some of it is
19 gray. Some of it is green. Some of it is an off white.

20 Q If it's off white, will the white haze be as
21 visible on it than it would be on the green?

22 A I think so.

23 Q Same level of visibility would occur? You would
24 see it as easily?

25 A I think so; yes, sir.

1 Q Is that based upon something that's in some
2 document that you've read? Or are you giving me your --

3 A I'm giving you my personal observation.

4 Q That is, that you've seen it?

5 A Yes, sir.

6 Q I take it you don't know whether what you saw
7 was the same level of haze on the green as you saw on the
8 off white?

9 A I don't know how you would quantify it,
10 Mr. Roisman. It was visible on either one of them when it
11 was visible.

12 JUDGE BLOCH: That's obviously true.

13 MR. ROISMAN: I think that's all logical.

14 THE WITNESS: I'm sorry. I don't know how to
15 quantify, you know, how much haze is on one as opposed to
16 the other.

17 BY MR. ROISMAN:

18 Q What I'm really getting at is, given the same
19 amount of water in the epoxy when it's put on, would the
20 haze that would develop as a result of that be as visible
21 if it were on the green surface as it would be if it were
22 on the off white surface?

23 A I would think so. But I don't -- as I say, I
24 have seen it on both. But as far as ever trying to
25 correlate amount of water to amount of haze, I have never

1 done that.

2 Q Now, as I understand it, this issue arises
3 because of Mr. Allen's concern that a cigarette filter was
4 inserted in the spray guns at the time that they were to
5 be tested for oil and grease and water, and then removed
6 before the presence of the filter could actually clog the
7 painting. So that it was deception by the craft.

8 Am I correct in my understanding of how the problem
9 arises, why we are discussing it here?

10 A That's Mr. Allen's allegation; yes, sir.

11 Q And if I understand your response to it, you
12 agree that the cigarette filters are probably used in the
13 guns, but you disagree that they are taken out of the guns
14 as soon as the inspector leaves and the guns are used
15 without the filter; is that correct?

16 A I'm not personally aware of any case that that's
17 the case. The one incident that I had occasion to talk to
18 Mr. Allen about, Mr. Allen stated that they quit using the
19 gun. It clogged up. Essentially made a mess, rather than
20 spraying a fine mist of paint on the wall, and they
21 replaced it again. He did not tell me at that time that
22 they had taken the -- they just put the cigarette filter
23 in long enough to pass the air test.

24 Q And I take it that you also feel that, even if
25 they were doing that, that is even if they were just

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1 putting in the filter long enough to pass the air test,
2 and then taking it out, that the problem caused by the
3 presence of an inappropriate amount of oil and grease, or
4 water, would be detectable on the painted surface and thus
5 the deception would not succeed; is that correct?

6 A Yes, sir.

7 Q I take it, then, that you made no effort to find
8 out whether, in fact, people were putting the cigarette
9 filters in just for the inspections and then removing them;
10 is that correct?

11 A It never entered my mind, Mr. Roisman. As I
12 said, I knew they were using cigarette filters. Mr. Allen
13 did not tell me at that time that he thought they were
14 being removed, and consequently I didn't look into it.

15 EXAMINATION

16 BY JUDGE BLOCH:

17 Q What did the procedures say or not say about
18 cigarette filter in the air gun?

19 A The procedures said that the QC inspector had to
20 verify that water separators, purifiers, traps, were
21 installed.

22 Q Was the particular equipment being used
23 authorized by specification or procedure?

24 A The procedure said "filter," Judge Bloch. There
25 was a water separator and filter, cigarette filter.

1 Q I thought the equipment, the water separator
2 would be something that some engineer at plant would have
3 said was okay for use at the plant; is that correct?

4 A That's a general term. A water separator is
5 just a trap in the airline. They are commercially
6 available.

7 The procedure required the presence of separators,
8 traps, or filters. It did not preclude the use of
9 cigarette filters.

10 Q Was the type of paint sprayer approved by
11 engineering?

12 A You are talking about by brand name?

13 Q Either by brand name or by specification?

14 A The specification session it can be applied with
15 either conventional or airless spray guns.

16 Q When equipments is authorized on the site is
17 there any specification for gerrymandered or juryrigged
18 changes people using it can make? Or do they have to have
19 approval from engineering?

20 A I think, as long as it doesn't go out -- let me
21 start over. I won't start the sentence with "I think."

22 As long as it does not go -- you know, violate any
23 requirements that are laid forth -- it doesn't require any
24 special approval from engineering.

25 Q So any piece of equipment on-site could be

1 modified by the workers using it, providing it didn't
2 violate a particular specification from engineering; is
3 that right?

4 A Are you talking about -- you are not talking
5 about permanent plant equipment when you are talking about
6 equipment. You are talking about construction equipment,
7 aren't you?

8 Q Equipment used during construction.

9 A Nothing I can think of -- would be -- for
10 example, taking a torque wrench and modifying it such to
11 changing the torque valves or something, to where you
12 would affect its calibration. Its calibration is mandated
13 by a standard. That type of thing would be prohibited.
14 But other than that I think your statement is correct.

15 Q So the spray guns could be modified in the spray
16 pattern that's used? Anything of that sort?

17 A They are adjustable.

18 JUDGE BLOCH: Let's take our seven minutes now
19 until 6 after.

20 (Recess.)

21 BY MR. ROISMAN:

22 Q Mr. Brandt, is it your understanding that
23 Mr. Allen's concern was exclusively with the intermittent
24 use of the cigarette filter? That is, that he perceived
25 that it was being put in just to get through the

1 inspection and then taken out? Or did he also have a
2 concern with the use of a cigarette filter as a mechanism
3 for filtering air?

4 A I believe the latter, Mr. Roisman.

5 Q Did you make any effort to determine whether or
6 not there was a problem with a filter that was initially
7 designed for a cigarette being used as the filter for a
8 paint spray gun?

9 A I didn't see that there was any problem; no.

10 Q Just as a layman, did it bother you that the one
11 has air flowing through it under one set of circumstances
12 and presumably one set of pressures, and the other had air
13 flowing through it under entirely different circumstances
14 under a potentially different set of pressures? And that
15 the filter might not be physically capable of holding up
16 under those circumstances?

17 MR. WATKINS: Who is the layman in the question?

18 MR. ROISMAN: Mr. Brandt.

19 JUDGE BLOCH: I'm afraid I've lost track of the
20 question. If Mr. Brandt can answer it, that's fine.

21 THE WITNESS: No, I can't. I don't understand
22 the question.

23 BY MR. ROISMAN:

24 Q As a layman, does it appear troublesome to you
25 that a filter designed for human use over a relatively

1 short period of time would be effective and able to hold
2 up when it was used in -- for an entirely different
3 purpose, involving substantially longer periods of use and
4 under different kinds of air pressure circumstances?

5 MR. WATKINS: Objection. Mr. Brandt did not
6 evaluate the use of cigarette filters as a layman, and his
7 opinion as a layman now, if he's even -- if it's even
8 possible for him to render one, is irrelevant.

9 JUDGE BLOCH: You mean his opinion as an expert?

10 MR. WATKINS: Yes.

11 JUDGE BLOCH: Take out the predicate.

12 MR. ROISMAN: Fine. I had no idea he was an
13 expert on air filters.

14 BY MR. ROISMAN:

15 Q As an expert on air filters, would you answer my
16 question?

17 MR. WATKINS: I didn't understand you were
18 asking him as a layman evaluating air filters. I thought
19 we were talking about paint.

20 MR. ROISMAN: I thought the question was about
21 filters.

22 JUDGE BLOCH: Do you have or did you have any
23 concern about it?

24 THE WITNESS: No.

25 JUDGE BLOCH: What kind of air filters?

1 THE WITNESS: What brand?

2 JUDGE BLOCH: No.

3 THE WITNESS: The filter on the mouth end of a
4 normal cigarette.

5 Do you mean like filters used in cigarette holders? No,
6 it's just a regular paper type. Staff counsel is holding
7 one up.

8 JUDGE JORDAN: It turns out it's just about the
9 right size, I presume?

10 THE WITNESS: Yes, sir.

11 BY MR. ROISMAN:

12 Q Do you know whether there was a prescribed
13 filter for use with the paint gun that one could buy
14 commercially?

15 A For use inside the gun?

16 Q Yes.

17 A To my knowledge there's none available.

18 JUDGE BLOCH: Are you done with the gun,
19 Mr. Roisman?

20 MR. ROISMAN: Yes.

21 EXAMINATION

22 BY JUDGE BLOCH:

23 Q Could you tell me for how long a period of time
24 this problem with the air supply existed?

25 A As an air compressor tends to wear out, Judge

1 Bloch, it tends to get progressively worse, as far as
2 amount of grease and oil that's contained in the air
3 volume produced.

4 The compressors were originally installed, I believe,
5 in 1977. Just like any compressor, it's a slow
6 degradation process. In, I believe, September-October
7 1983, the problem was resolved by adding drier tanks
8 between the compressor and the manifolds in the
9 containment building.

10 Q How much prior to that time was there at least
11 enough of a problem so that these cigarette filters were
12 being used?

13 A I honestly don't know. I can tell you when I
14 became aware of it. To the best of my recollection it was
15 the start of the summer, that I was aware of the fact that
16 they were using it.

17 Q Were there substantial problems with rejections
18 of paint with indications of either oil or water?

19 A No, sir. The problem that was most noticeable
20 was the amount of time that it was taking construction to
21 get their air clean enough, with whatever means, to pass
22 the air acceptability test.

23 Sometimes -- I've seen examples where it took a matter
24 of hours to get enough traps and filters and separators
25 installed to clean up the air.

1 Q Wasn't the purpose of the air acceptability test
2 to assure that the air being used for painting met certain
3 specifications? Not just at the time the test was being
4 taken, but while it was being used for painting?

5 A Yes, sir.

6 Q And how could you be sure that with the use of
7 the cigarette filter that a test taken at the time that
8 the filter was inserted would in fact indicate that the
9 acceptable levels were available during painting?

10 A In retrospect, I guess you could say that they
11 were acceptable by the fact of the lack of defects which
12 appeared in the coating as a result of the grease or oil.

13 Q But the test was supposed to assure that. Was
14 the test assuring anything?

15 A I think that's the discussion you and I got into
16 before, on the safety significance of the test. I think
17 you asked was it a good idea or --

18 Q It's related to that. But the question is was
19 the test that you were doing to assure the quality of the
20 air that was being used, proving anything with respect to
21 the quality of the air actually being used during the
22 painting process?

23 A No, sir. That's a correct observation --
24 regardless of the use of cigarette filters.

25 Q I would think so. I would think if you had a

1 situation where there was no filter being used you would
2 have the same circumstances --

3 A Excuse me. If you have any filters at all in
4 the line, the same is true for all filtration devices.

5 If, for example, on a water separator, you've got no
6 filters in the line, you have got one water separator.
7 You do an air test, do the air acceptability test, you can
8 make no conclusion about the quality of the air during the
9 actual production painting.

10 Q Unless you have some knowledge of the
11 performance of the filtering device over a period of time.
12 If it's the kind of device that has some kind of stability
13 in performance -- is that right?

14 A And know that it doesn't get clogged; yes, sir.

15 Q So at least if you know the performance of the
16 filtering device, you have somewhat greater assurance that
17 your test means something?

18 A I'd agree that you have somewhat greater
19 assurance; yes, sir.

20 Q And the test that was being done, the way it was
21 done, was absolutely meaningless; wasn't it?

22 MR. WATKINS: Mr. Chairman, I don't understand.
23 Which?

24 JUDGE BLOCH: The air quality test being done
25 with this filter that was in the line was a continued

1 operation -- whose continued operation was not known.

2 MR. WATKINS: Which filter?

3 JUDGE BLOCH: A cigarette filter.

4 MR. WATKINS: There were others. You understand
5 that?

6 BY JUDGE BLOCH:

7 Q When the cigarette filter was being used, wasn't
8 it true that the test on air quality was meaningless as to
9 the quality of the air being used during subsequent
10 painting?

11 A My problem is with the word "meaningless," Judge
12 Bloch. Give me just a second.

13 I can see, I guess, where you would draw that
14 conclusion.

15 Q Do you think that Corry Allen might reasonably
16 conclude that the test was meaningless?

17 A Possible. I didn't at the time.

18 Q Do you have an opinion about the effect on the
19 morale of a paint inspector of being asked to do a
20 meaningless test?

21 A It certainly wouldn't boost one's morale.

22 JUDGE JORDAN: On the other hand, craftsmen
23 sometimes become very ingenious in improving systems, and
24 improving the work product. And couldn't this use of a
25 cigarette air filter be considered in that category, in

1 which they actually did improve the work product?

2 THE WITNESS: Yes, sir.

3 JUDGE JORDAN: In that event it wouldn't have
4 been a meaningless --

5 THE WITNESS: That's, quite frankly, Dr. Jordan,
6 what problem I had with it. In order to assume it's
7 meaningless you have to assume it's not going to work. If
8 the air filter does work, and doesn't break down, as I
9 think Judge Bloch was assuming because we are talking
10 about known reliability -- if it is a reliable filter, it
11 could be producing a higher quality spray of paint than
12 without the air -- the cigarette filter in the cheater
13 valve.

14 In that sense I agree with you, it's not totally
15 meaningless, and that's why I was so hesitant to answer
16 the Chairman's question.

17 JUDGE JORDAN: Well, in your opinion, do you
18 believe the painters were putting in cigarette filters
19 just for the temporary purpose of fooling the paint
20 inspectors? Passing the test?

21 THE WITNESS: The paint department was
22 definitely putting in filters to pass the test. Whether
23 or not they were trying to deceive anybody, I'm not sure,
24 Dr. Jordan.

25 BY JUDGE BLOCH:

1 Q Do you know the period of time for which the
2 filter might be effective?

3 A No, I don't, Judge Bloch. I think there's so
4 many variables that would control that, that it would be
5 dependent on the quality of the air on that particular day.

6 JUDGE JORDAN: But you don't know that they
7 weren't effective either?

8 THE WITNESS: No, sir, I have no idea.

9 JUDGE BLOCH: Do you know who was buying the
10 cigarettes?

11 THE WITNESS: Not me.

12 CROSS-EXAMINATION (Continued)

13 BY MR. ROISMAN:

14 Q Mr. Brandt, on page 37 of your testimony you
15 discuss Mr. Allen's concern about seeing defects that
16 appeared in areas other than areas that they were assigned
17 to inspect. And I believe that the sum of your testimony
18 is that it was not necessary or appropriate for the
19 inspector to report on defects outside their area of
20 responsibility, since those defects would be picked up in
21 a final walkdown of the plant. And that if they were
22 picked up subsequent to final painting but before the
23 whole plant had been shut down, you might be going back
24 and painting and repainting over the same place because of
25 just natural nicks and things that can happen to paint in

1 a major construction site.

2 Is that a fair summary of what you said there?

3 A Mr. Roisman, I think you asked me before the
4 whole plant was shut down?

5 Q I'm sorry, the work on the plant shut down.

6 Excuse me. Freudian slip.

7 A It would be an unnecessary economic expenditure;
8 yes, sir. That's the point I'm trying to make.

9 Q What if the defect had not been caused, as the
10 question on page 37 at question 195 assumes, by mechanical
11 or other damage to coatings that took place after the
12 final top coat was accepted by QC, but rather was damage
13 that was present in the top coat, and had simply been
14 missed by QC? Do you feel equally comfortable with the
15 proposition that any concern will be adequately addressed
16 during the walkdown?

17 A Yes, sir.

18 Q And it doesn't trouble you that, in that event --
19 that is, that this was a defect that was missed by QC --
20 the failure to note it when it is seen would eliminate the
21 possibility of trending as to that defect, that might show
22 either a defect in the way the inspections were being done
23 or a defect in the way the paint was being applied?

24 A I didn't mean -- so little, Mr. Roisman, of any
25 of the plant had received a final inspection until they

1 started at the -- basically they started at the top of the
2 building and came down, doing a final inspection. The
3 inspection process had stopped, essentially, with
4 application of the finish coat.

5 So I think to make the determination the QC inspector
6 missed something would be a pretty tough call to make. Or
7 whether something had subsequently happened to the coating
8 system, after the inspector had been there. I'm not sure
9 you can make that determination.

10 Q I'm not sure I understand your answer. Looking
11 at the question, 195, which because of its leading nature
12 becomes the answer as a result, the answer at 195 --

13 (Laughter.)

14 Q -- we are talking about damage to a final top
15 coat after it has been accepted by a QC inspector and the
16 question I'm asking is, if a QC inspector sees a defect in
17 paint that's a final top coat and that has already been
18 accepted by a QC inspector, why wouldn't it be beneficial
19 for that inspector to report that defect, even if no
20 corrective action is taken at that moment, just to assure
21 that if there is a trending gain to be made, it will be
22 made as a result of having that knowledge?

23 A The point I was trying to make, Mr. Roisman, is
24 it's difficult to assess, particularly with coatings, due
25 to the fact they are so easily damaged, whether the defect --

1 using your term -- was there when he inspected it, or when
2 he inspected it the coating was perfectly acceptable and
3 got damaged at a later date.

4 EXAMINATION

5 BY JUDGE BLOCH:

6 Q How about excessive sags or runs, for example?

7 A In that event you could clearly make the
8 distinction, Judge Bloch.

9 Q Should that have been identified promptly when
10 it was seen? Or should it have somehow been deferred?

11 A You are saying seen that -- assuming, making the
12 same assumption that Mr. Roisman did, that the final top
13 coat has received the final QC inspection and it's
14 subsequently identified? That should have been done. It
15 should have been identified.

16 Q And under plant procedures should it have been
17 done or not?

18 A At the time, the period we are talking about, I
19 don't believe anything had received a final visual
20 inspection. Or very little.

21 They had fanned out from the dome, the top of the dome
22 which I think is elevation 1004, down to about 905.

23 Q Maybe we're using "final visual inspection"
24 differently. Are you referring to the walkdown that's
25 planned as a final visual inspection?

1 A There's a QC final visual inspection. After
2 that point there's an engineering walkdown -- sometime
3 between the time of the QC walkdown and the final
4 engineering walkdown. The engineering walkdown is
5 essentially doing touchup.

6 Q My impression was as the paint was being being
7 applied the QC inspectors are inspecting portions of the
8 plant; is that right?

9 A That's right.

10 Q But that's not the final QC inspection?

11 A I don't think there's a final -- there's
12 essentially two final QCs -- there's two QC visual
13 inspections on a coated surface.

14 One is when they do actually apply the paint. And
15 another is when they come through on their final
16 verification procedure, on which they do a holiday
17 detection and do the final inspection of that coating.

18 Q Suppose that the defect of sags and runs is seen
19 after the first visual inspection, which was supposed to
20 have detected that but apparently didn't?

21 A For purposes of evaluating inspector performance
22 on those types of defects, yes, they should have been
23 identified.

24 Q What about just for the purpose of fulfilling
25 appendix B and promptly reported -- promptly noting the

1 defect?

2 MR. WATKINS: Mr. Chairman, you are assuming
3 that we have a defective inspector or inspector who hasn't
4 performed his duties; haven't you?

5 JUDGE BLOCH: No. We have just a deficiency in
6 the paint covered by appendix B, and the question is why
7 should anyone walk by it and not report it promptly.

8 THE WITNESS: If I walk by unit 1 in Comanche
9 Peak with a screw --

10 BY JUDGE BLOCH:

11 Q We are talking about sags and runs. Don't ask
12 questions back to me.

13 a I just want to use an example, because in your
14 definition of appendix B requirement. any damage to that
15 coating is a defect, regardless of cause. It is still a
16 defect. It's still unacceptable by procedure and
17 consequently is under the -- what I think you are
18 requiring as nonconforming conditions in appendix B. It
19 does not meet specification requirements.

20 Q So, under your definition of "deficient," all of
21 those should have been reported under appendix B,
22 shouldn't they?

23 A A program should have been identified to
24 identify those defects; yes, sir.

25 MR. WATKINS: Mr. Chairman, just for the record,

1 I want to make sure that the assumption in your question
2 is identified. Mr. Brandt has testified that there are
3 two QC inspections: final visual, at which sags and runs
4 would be identified; and then a subsequent walkdown
5 inspection.

6 You are assuming that the first inspection missed that.
7 The reason I say that is sags and runs aren't going to
8 happen after the final -- the first visual inspection.

9 JUDGE BLOCH: Yes. We assumed the first
10 inspection missed it and then another inspector comes
11 along and sees it. I want to know what the justification
12 is for not complying with appendix B and not promptly
13 noting the deficiency?

14 THE WITNESS: I guess what you are asking,
15 Mr. Chairman, is "promptly"? Due to the fact it would
16 have been reported in the final visual inspection. That
17 was inspected and documented. The fact that that did not
18 occur to -- until a later date, I would still call in-process
19 work.

20 We have programmatically defined there's going to be
21 another inspection that comes behind and verifies that all
22 these defects have been cleared up.

23 BY JUDGE BLOCH:

24 Q That to you means conditions adverse to quality
25 have been promptly identified? That you wait for a few

1 months after you have seen the deficiency in order to note
2 it at all?

3 MR. WATKINS: Your Honor, I'll have to object to
4 your hypothetical. You are assuming that an inspector
5 ignores sags and runs the first time around?

6 JUDGE BLOCH: No. Not the first time. He
7 missed it and someone else sees it after that has happened.

8 I now walk through the plant. I'm an inspector. I see
9 sags and runs. I know they are improper. There's been an
10 inspection done. What is my reason for not noting that
11 deficiency?

12 THE WITNESS: Programmatically, because there
13 was another inspection procedurally required to be
14 performed in that area.

15 BY JUDGE BLOCH:

16 Q And therefore it's prompt to go by the second
17 procedurally planned investigation? Even though you know
18 about it now, you wait? And that is still prompt? That's
19 your interpretation?

20 A That's my interpretation that that's acceptable;
21 yes, sir.

22 CROSS-EXAMINATION (Continued)

23 BY MR. ROISMAN:

24 Q Mr. Brandt, your explanation for why it would be
25 inappropriate to identify the defects earlier appears to

1 relate to the problem that would be created by
2 continuously repairing, only to have the problem reoccur
3 again as a result of some other mechanical piece of
4 equipment hitting it or whatever

5 My question to you is why wouldn't it be the most
6 beneficial to have it reported when it is seen, evaluated
7 to determine if it's possible to determine whether it
8 reflects something was important for trending, and reserve
9 on when the physical repair is done until the final final
10 time when you want to do your repairs, and all or most of
11 the construction people are out of the building?

12 A Mr. Roisman, it would be a never-ending cycle,
13 is the rationale.

14 Q Why would it be a never-ending cycle?

15 A I could walk through an area -- for example, the
16 wall behind the board now, I can identify everything on
17 there I see as conforming or nonconforming and I would
18 come back next day and there's damage, come back the next
19 day and note more damage, come back two weeks later and
20 there would still be more damage.

21 JUDGE BLOCH: Is this a practical description of
22 the way things were happening at the plant?

23 THE WITNESS: It's still hypothetical, Judge
24 Bloch. "The next day" is probably an exaggeration. But
25 if I should come back in a month to an area as big as that

1 wall and, providing there's still construction going on in
2 that area, and find something that I didn't find before.

3 BY MR. ROISMAN:

4 Q You are assuming somebody is deliberately going
5 to the wall every day or month, as the case may be. As I
6 understand, the question Mr. Allen put to you is simply,
7 "on my way to work or back from work or on my way back
8 through the plant, if I see something shouldn't I note it
9 then and record it, rather than simply walk by it and
10 forget it?"

11 MR. WATKINS: Objection, the foundation isn't
12 there that Mr. Allen ever indicated this to Mr. Brandt.

13 MR. ROISMAN: All right, take out whether he
14 indicated to you, and just deal with the concern as he
15 expressed it in the course of the testimony, which you are
16 answering starting on page 37.

17 BY MR. ROISMAN:

18 Q In the situation that we are concerned with here,
19 not having somebody take the time that they would be
20 spending doing other inspections, going off into
21 previously inspected areas of the plant to look for
22 problems, but rather the problem that is seen by the
23 inspector while going to their assigned work, and whether
24 they should ignore it or record it. Isn't that a much
25 different real world situation than the hypothetical that

1 you were discussing with the wall behind the hearing board?

2 A No, sir. I don't believe so.

3 There are areas, for example, just to use a real world
4 example, elevation 832 inside the containment building, up
5 until the very last days that construction was going on in
6 the unit 1 containment building, there was work going on
7 in the 832 elevation.

8 Every inspector, every day, every time he went in the
9 building and every time he walked out of the building, had
10 to walk by those walls.

11 At what point do you draw the line?

12 Q Well, I take it that your testimony is that in
13 the final walkdown, every one of the defects on the wall
14 will be noted and written up and repaired; is that correct?

15 A Yes, sir.

16 Q So the same amount of noting, writing down and
17 repairing is going to be done whether it's done a little
18 bit each day over a period of three months, or whether
19 it's all done on the last day. Isn't that true? Is that
20 true?

21 A I don't think so, Mr. Roisman. I don't think
22 the same amount of writing down. If you are talking about
23 physically going in and saying: This area contains so
24 many defects.

25 Using your example, if you were to write NCRs on every

1 one of them, you would then be in a discussion of whether
2 or not you were promptly resolving nonreported conditions.
3 If you waited until the final day and then wrote
4 nonconformances on them, for years, you would literally
5 have thousands of open NCRs. And that would be the issue.

6 Q Well, it sounds to me like you are drawing up a
7 Hobson's choice for the company, which is really not the
8 issue here.

9 On the one hand, you have hundreds of untrended, unnoted,
10 unpapered defects. And in the other you have hundreds of
11 unclosed NCRs.

12 In either event you are postponing action that you are
13 required to take promptly.

14 MR. WATKINS: Objection. Mr. Roisman is arguing
15 now with the witness. Not factually. He's not trying to
16 elicit factual testimony. He's making a legal argument to
17 Mr. Brandt and expecting Mr. Brandt to respond. It's
18 inappropriate.

19 JUDGE BLOCH: To some extent his testimony is
20 about a legal point, as to what conclusions he wishes to
21 draw from appendix B.

22 EXAMINATION

23 BY JUDGE BLOCH:

24 Q What is the difference between intentionally not
25 noting deficiencies and then resolving them later, or

1 noting them and resolving them later? Why is one any less
2 prompt or more prompt than the other?

3 A I think the issue would be in the latter case,
4 Judge Bloch, the prompt resolution of those deficiencies.
5 You have essentially identified the fact that there are
6 going to be deficiencies by the fact that you recognize,
7 procedurally, that damage is going to occur to those
8 coatings. And you procedurally describe this final
9 walkdown inspection when the construction activities in
10 that particular area have ceased, such to preclude the
11 possibility of mechanical damage to the coatings.

12 If you weren't admitting that those defects were going
13 to occur, you would have no reason for that last
14 inspection.

15 Q I don't see what that has to do with promptly
16 identifying and correcting deficiencies. Could I suggest
17 a possible problem here? Isn't the real problem that the
18 criterion 16 doesn't seem to make practical sense?

19 MR. WATKINS: Can we rely on that?

20 BY JUDGE BLOCH:

21 Q See, I have no authority over whether criterion
22 makes practical sense or not. But isn't the real problem
23 that in your mind criterion 1 doesn't make practical sense?

24 A With this specific issue, Judge Bloch?

25 Q Yes.

1 A The way you are interpreting criterion 1 and the
2 way you are reading criterion 16, which is a literal
3 interpretation -- granted --

4 Q If you give the normal meaning to "promptly
5 identified and corrected."

6 A What you and I in normal everyday conversation
7 would give it, yes, I agree with you. With the proper
8 application of coatings it doesn't really make sense.

9 Q So the question is whether the requirement
10 imposed on the company is an obligation which, in your
11 opinion, isn't reasonable?

12 A I don't want this to be perceived as the fact
13 that I'm sitting here criticizing the requirements or,
14 speaking for Texas Utilities, it was outrageous to act for
15 such a thing. But I could draw the same conclusion, I
16 think, of noncompliance which you have implied, if there
17 was damage to the wall after it was inspected and it
18 wasn't reported promptly. And to literally enforce the
19 requirements as you and I would define the word "promptly,"
20 which I think we have agreed upon, I would have to have an
21 inspector stationed guarding the wall to make sure it
22 wasn't damaged mechanically.

23 CROSS-EXAMINATION (Continued)

24 BY MR. ROISMAN:

25 Q Mr. Brandt, some of the advantages that are lost

1 by not reporting the defect when you see it and then
2 postponing its resolution until later would include, first,
3 that if there is a trend you won't find it. Do you agree
4 with that?

5 A Yes, sir.

6 Q Second, that there is the possibility that in
7 the final walkdown, the defect will not be seen? You lose
8 the advantage of a second look, if you will. Do you agree
9 with that?

10 A Mr. Roisman, there's already three looks
11 procedurally described. I don't think you lose any
12 advantage; no.

13 JUDGE BLOCH: The question was whether, if you
14 fail to note something now seen, whether there's a
15 possibility that in the final walkdown that will be missed?

16 THE WITNESS: The possibility exists, Judge
17 Bloch. I don't think it's a real disadvantage. I don't
18 think it's a loss, and that was the way Mr. Roisman
19 prefaced his question, I think: "Don't you lose something?"

20 BY MR. ROISMAN:

21 Q Third, that if there is a root cause, you may
22 not be able to determine the root cause if you don't note
23 the defect until substantially after it occurred; is that
24 another?

25 A I think that's the same as the one I earlier

1 agreed to, Mr. Roisman. Because that's essentially what
2 you are establishing with trending.

3 Q I want to just get perfectly clear on the words
4 in your testimony on page 37, and your testimony here. We
5 have talked about the final top coat being applied. That
6 is an event. It's now over.

7 How many inspections are there subsequent to the final
8 top coat being applied?

9 A If you are talking at this moment, you have just
10 finished physically spraying the paint on the wall?

11 Q That's right. How many inspections are required
12 by procedure from that point forward?

13 A Two by QC and one by engineering.

14 Q Now, when you are answering question 195 on page
15 37, and you say: "After the final top coat has been
16 accepted by a QC inspector" -- were you answering that in
17 the context of both QC inspections having been completed?
18 Or only one?

19 A Yes, sir. That's the second one.

20 Q I'm sorry?

21 A That is the second one referred to there, the
22 final QC inspection. The one remaining after that is the
23 engineering walkdown.

24 Q Now, is the second QC inspection the one that
25 involves the holiday inspection?

1 A Yes, sir.

2 Q So that will be detecting only for the existence
3 of the skipped spaces where the paint is missing or is not
4 thick enough, and will not be detecting for other
5 examinations?

6 A That particular test, which is part of that
7 inspection, only detects holidays in the coating surface;
8 yes, sir.

9 Q Are the tests that are run in that second QC
10 inspection the same as the tests that are run in the first
11 QC inspection that takes place after the application of
12 the final top coat?

13 A No, sir.

14 Q What ones are conducted in the first inspection
15 that are not conducted in the second?

16 A Dry film thickness readings, I do not believe
17 are conducted in the second one. And holiday inspection
18 is conducted in the second one and not in the first.

19 Q And other than that the inspections are
20 identical?

21 A I believe so; yes, sir.

22 Q And is the breadth of the inspections, that is
23 the volume of areas inspected, the same for both
24 inspections?

25 A The first inspection would be dependent upon the

1 surface area which was coated, which resulted in the
2 inspection of that particular area.

3 Q But when we took the sum total of all of the
4 first inspections for a discrete section of paint, would
5 they have been more complete in the coverage of the paint
6 that would have been inspected than would be the case for
7 the second QC inspection of that same segment of paint?

8 A If you are asking, Mr. Roisman, is the magnitude
9 of the inspection the same, or the methodology of the
10 inspection the same, the answer is "yes," okay? If you
11 are asking if you took all the square footage for
12 inspection for the first inspection and took all -- the
13 total square footage of the second inspection, those two
14 would not be equal. The second inspection would be less
15 because of overlap.

16 Q No, I guess I was really only getting at the --
17 and I don't know whether your word "magnitude" covered
18 that --

19 A You are talking about the same type of
20 inspection attributes.

21 Q Not just the attributes, but also -- in other
22 words I seem to remember that one of the discussions that
23 came up over that pump skimmer room, or perhaps in
24 Mr. Allen's testimony, had to do with how many dry film
25 tests you take in a certain square area. And there was a

1 certain number. And you had a defined area and within
2 that area you took so many. If they all proved okay you
3 moved on to the next area. If they didn't, then you had
4 to decide how many more to take.

5 My question is, is the intensity of the inspection that
6 takes place on the second inspection the same as it is on
7 the first? Do they -- or is it more like a spot check or
8 a random sample as opposed to more comprehensive?

9 A Mr. Roisman, I'm not trying not to answer your
10 question. I'm just trying to make sure we are on the same
11 wavelength.

12 The pump skimmer room did not involve any dry thickness
13 measurements.

14 Q Forget about that. I was just trying to get an
15 example --

16 A Okay. I was just trying to give some
17 explanation.

18 If your question is, on the final inspection do you
19 just spot check an area or do you inspect the entire area,
20 the answer is you inspect the entire area.

21 But you don't -- as I said, the second inspection
22 doesn't, I believe, require additional dry film thickness
23 readings. That's one of the exceptions.

24 JUDGE BLOCH: Is the time per square yard about
25 the same?

1 THE WITNESS: It would probably be less, Judge
2 Bloch. Because the first inspection would have caught
3 things like pinholes that required some touchup by the
4 craft. It also requires performance of the dry film
5 thickness ratings.

6 So you should have minus mechanical damage when it
7 comes the time of the final inspection. You should have a
8 more acceptable product to start with. And, in the
9 coating inspection process, the least -- the fewer number
10 of defects that you observe, the less number -- less
11 amount of time it takes you to do the inspection.

12 BY MR. ROISMAN:

13 Q Mr. Brandt, looking at the two QC inspections --
14 for the moment, we'll call them 1 and 2 just to be clear --
15 we are still talking about the QC inspections that come
16 after the application of the final top coat. All right?

17 In those two QC inspections, if a problem is found at
18 the conclusion of the first QC inspection, is there any
19 difference in the way the problem is written up or the
20 role that QC plays in reviewing the repair of the problem
21 than there is if a problem is found in the second QC
22 inspection?

23 A If I understand your question, Mr. Roisman: No.

24 Q Are they both written up on NCRs?

25 A Neither one of them are.

1 Q I'm sorry?

2 A Neither one of them are. They are both
3 indicated "unsat" on the inspection record -- excuse me.
4 At this -- the timeframe we are talking about --

5 Q Correct.

6 A -- they were indicated on inspection reports as
7 "unsat."

8 Q Today they would be on NCRs because of the
9 discontinuation of the IR use?

10 A The IR was discontinued for in-process type, or
11 what you are referring to as inspection number 1. I'm not
12 sure whether the IR for inspection number 2 is used, or
13 whether that's the last step on the traveler.

14 Q Are you still doing in-process inspections now
15 and just not reporting the problems on an IR?

16 A I'm not sure I understand your question,
17 Mr. Roisman.

18 Q I thought you just told me that the inspection
19 reports had been used for in-process inspections, that you
20 recorded problems found while work was in-process?

21 A No. I also said that now we are not using the
22 inspection report any longer. If you'll remember that --

23 Q So does that mean that you are not recording
24 problems found during in-process work?

25 A No, sir, it does not mean that. I believe the

1 traveler indicates -- has a "sat" and "unsat" column on
2 the traveler, also.

3 The only thing I'm trying to make clear to you is we
4 are not using the inspection report for what you are
5 referring to as unit 1 -- excuse me -- inspection No. 1 in
6 today's work.

7 Q But you had been at the time that Mr. Allen was
8 there?

9 A Yes, sir.

10 Q Okay. All right.

11 When you use the traveler in lieu of the inspection
12 report, which I take it is what is now happening, are
13 those trended or recorded somewhere other than on the
14 traveler, so that they are followed?

15 A They are reported as "unsat" on the traveler;
16 yes, sir.

17 Q But beyond that, does anyone go through the
18 travelers and look for the trends?

19 A I honestly don't know, Mr. Roisman.

20 Q Now, when the engineers go through in their
21 final walkdown, which takes place, as I understand it,
22 after both of these QC inspections we have been talking
23 about --

24 A Yes, sir.

25 Q -- how do they record defects that they find?

1 A It's done on -- I don't know what it's called.
2 It's similar to an inspection report. It's called a
3 checklist or whatever it is. They are looking for
4 mechanical damage at that point.

5 Q And do those repairs get inspected by QC
6 inspectors?

7 A No, sir.

8 Q Does the work get observed by QC inspectors
9 while it is being done? The repair work?

10 A I don't know.

11 Q If the engineers find defects that are clearly
12 not caused by mechanical problems, like the Chairman's
13 hypothetical runs and sags, do they have any different
14 responsibility in terms of their reporting than they would
15 if it was caused by what they perceive to be a mechanical
16 problem?

17 A I believe -- and once again this is off the top
18 of my head because I don't have it in front of me -- I
19 believe the engineering procedure requires identification
20 of those items on nonconformance reports.

21 Q On page 41 of your testimony you say -- this is
22 at the top of the page -- "I was also concerned at this
23 time about Mr. Allen in particular, because it seemed to
24 me that Corry seemed to think that somebody was after him
25 constantly."

1 Is the basis for that perception by you of what Corry
2 seemed to think, contained in the testimony which is --
3 consists of your prefiled testimony here?

4 A I got that feeling from talking to him. And as
5 my testimony states, we had had two discussions in which
6 Mr. Allen felt that construction was trying to deceive him.
7 We discussed both of those issues.

8 Q My question was have you articulated the basis
9 for that belief on your part in this prefiled testimony
10 that we have been going over today?

11 A It was a feeling of mine, Mr. Roisman. I've
12 stated that was my feeling. I guess in that sense it has
13 been articulated; yes, sir.

14 Q In the prefiled testimony?

15 A Yes, sir.

16 Q How did you reach a judgment on the question of
17 whether Mr. Allen was correct in the two instances that he
18 cited -- that he thought that he was being deceived by
19 craft, and apparently concluded that it was Corry who
20 really had a paranoia, rather than that it was craft who
21 was trying to deceive?

22 A In both cases, construction had made no effort
23 to conceal the fact that they were doing what they were
24 doing. Either using of the detergent to wash the
25 containment liner or use of the cigarette filters.

1 Q Well, does that mean in your judgment that they
2 were not attempting to deceive the inspector?

3 A In my judgment, yes. I think if they were
4 actively trying to deceive someone, they would have made
5 at least some effort to conceal the fact of what they were
6 doing.

7 Q Remember, Mr. Allen thought that they were
8 taking the filters out of the guns after the inspector
9 left. And it was that that made him concerned, in part.

10 MR. WATKINS: Is that a question or a statement?

11 BY MR. ROISMAN:

12 Q Yes. Is that right?

13 MR. WATKINS: Objection. Asked and answered,
14 and it has already been covered in his testimony about the
15 cigarette filter matter.

16 JUDGE BLOCH: Can I have the question again,
17 please?

18 (The reporter read the record as requested.)

19 JUDGE BLOCH: Well, I think the way you put it,
20 Mr. Roisman, is redundant. I think you may have another
21 point that you want to get at.

22 BY MR. ROISMAN:

23 Q Was Mr. Allen's -- you just told me that the
24 deception couldn't be there because the inspectors were
25 not hiding the fact that they were using the filter -- I'm

1 sorry -- the painters weren't hiding the fact that they
2 were using the filters in the guns. And I was asking you
3 how do you explain that in light of the earlier statements
4 attributed to Mr. Allen, that he believed what was
5 happening was that they took the filter out when the
6 inspector left, and proceeded to use the paint gun without
7 having the filter in there? And that that's where the
8 deception took place?

9 A I don't believe, Mr. Roisman, I stated that
10 Mr. Allen explained to me that that was his concern.
11 Mr. Allen told me that they were using cigarette filters
12 and asked me if I had a problem with it?

13 Mr. Allen stated in his testimony, at least from what I
14 remember of it, in September, in the case that we were
15 discussing, they had taken the gun until it would not
16 operate any longer and stopped using it and got another
17 gun.

18 Q Mr. Brandt, I would like you to look at page 35
19 of your prefiled testimony, answer 188. You say: "Corry
20 explained that once again he thought the craft was trying
21 to deceive QC into accepting something that really wasn't
22 acceptable, and I asked him what he meant by that. He
23 said that the craft were installing the filters just long
24 enough to pass the air acceptability test. Then, he
25 claimed, they would remove the filter when it becomes

1 clogged."

2 That was his claim, was it not?

3 A Maybe I misunderstood your question. Mr. Allen
4 didn't tell me that they had removed the filter.

5 Q You mean he didn't tell you that he had actually
6 seen such an event?

7 A No, my recollection of his testimony was that
8 they had stopped using the gun. He did raise the question
9 of what happens if they remove the filter?

10 Q Well, I take it if they were truly trying to
11 deceive him and he was there and he saw them using the gun
12 with the filter in it, and it became clogged, that the
13 deception would have failed if they had taken the filter
14 out and they continued to use the gun. Don't you agree?

15 MR. WATKINS: Objection. He's asking Mr. Brandt
16 to speculate both about the craft motivations and
17 Mr. Allen's observations. That's well beyond even the
18 speculative.

19 JUDGE BLOCH: He testified he thought Mr. Allen
20 was paranoid, which, it seems to me, he has to go into.

21 MR. WATKINS: He testified today two experiences
22 with Mr. Allen that made him think so.

23 MR. ROISMAN: And I'm now trying to test,
24 Mr. Chairman, whether or not those two experiences
25 represented a reasonable basis for that belief, or was

1 there some other hidden motivation for Mr. Brandt's
2 attitude toward Mr. Allen. I think that's fair. That's
3 what we are about here.

4 JUDGE BLOCH: I think testing the way that he
5 got from the evidence to the conclusion is legitimate. So
6 let's go ahead.

7 MR. ROISMAN: Could I have the reporter read
8 back the question, please?

9 (The reporter read the record as requested.)

10 THE WITNESS: I think what struck me most,
11 Mr. Roisman, was the fact that it wasn't the fact that
12 Mr. Allen was questioning the practice of the filter so
13 much as the fact that he was implying that someone was
14 trying to deceive him into thinking something was right
15 when it wasn't. I just don't find that normal. These are
16 people he worked with on an everyday basis.

17 BY MR. ROISMAN:

18 Q So basically your presupposition was that craft
19 would act honorably, and any suggestion that they would
20 not would not be, on its face, credible? Do you agree
21 with that?

22 A Yes, sir.

23 Q Mr. Brandt, on page -- I'm just trying to see
24 where you start this -- I guess it starts back here on
25 page 41. You begin to discuss a conversation that you had

1 with Mr. Allen at elevation 905. Do you see that?

2 A I see the discussion. I don't see the reference
3 to 905.

4 Q 905 appears at 43.

5 A Elevation 905, Mr. Roisman, is the top elevation.
6 The discussion I had with him was somewhat higher than
7 that, on top of a pressurizer room.

8 Q All right. Why did you go way up there to have
9 a conversation with him?

10 A The reason I went up for the conversation was
11 that I had been -- QC was constantly under criticism for
12 taking so long to do inspections. My claim, back to
13 construction, was that construction was inadequately
14 planning their sequence of operation to maximize the use
15 of the QC inspectors which were available.

16 I was out in the building, just doing a general
17 walkthrough. I talked to several inspectors on the way up
18 the stairs, and I saw Mr. Allen and Ms. Dittmar standing
19 on top of the pressurizer room. And I asked someone what
20 they were doing up there. They said they have been there
21 for a while. So I decided to go up and find out what the
22 problem was.

23 I climbed up on top of the room. Corry leaned over and
24 we were discussing -- I was standing on top of a
25 scaffolding. There was a safety rail around the top of

1 the room and Corry was leaning over it, talking to me.
2 And found out that they had been waiting for paint for
3 four hours. Which was exactly the point I was trying to
4 make for construction at the time: If construction could
5 get their act together a little bit better, they would be
6 getting a whole lot more productivity out of my QC
7 inspectors, and the fault wasn't really with the QC
8 inspectors. It was with construction. That was the
9 purpose I originally had going on top of the room.

10 Q Why did you continue with all of these other
11 subjects you describe in your testimony?

12 A I was there. It was just a conversation. I was
13 concerned because Mr. Allen, by that time -- it appeared
14 that Corry was sensitive to Harry Williams. That was
15 obvious to me. We had recently made a change and put
16 Mouser in, and replaced Harry. Corry has expressed
17 problems previously on the Brown & Root craft, as the memo
18 indicates. I don't want to use the term "picking on him,"
19 but -- "singling him out," maybe, is a better term.

20 And lastly he was training a new inspector, who I
21 thought was a pretty bright young lady. I just wanted to
22 see how she was doing.

23 Q I guess my concern, then -- I just have a hard
24 time understanding -- those subjects that you just
25 described all seem to be fairly weighty and worthy of

1 conversation. Why would you choose to have them in an
2 area that was so noisy? You had to wear ear plugs,
3 according to your testimony, in order to go up to that
4 level and you had to shout at each other in order to have
5 the conversation?

6 A "Shout" might be an exaggeration, Mr. Roisman.
7 You had to speak loudly to hear. The reason you had to
8 have ear plugs is safety had determined there was some
9 OSHA standard for noise level above a certain limit.

10 Q Mr. Brandt, I don't care why you had them. I'm
11 just asking, given the atmosphere of the environment --

12 A That is where he was. We were both at the same
13 place and the same time. I was just meeting him on his
14 ground. I saw no reason not to have a conversation with
15 him.

16 Q Mr. Brandt, on page 45 of your testimony you
17 make the statement: "Mr. Allen was not intellectually
18 satisfied with the job of performing QC inspection."

19 Is the evidence that you believe exists of that lack of
20 intellectual satisfaction contained in the prefiled
21 testimony that we have been discussing today?

22 A May I have a minute to review the couple of
23 pages surrounding this, Mr. Roisman?

24 Q Sure.

25 A What I'm referring to there is the thing, or the

1 event that led me to believe that or substantiated my
2 belief was the fact that, as he was leaving the site, even
3 to go to South Texas, he asked me if he -- if he could get
4 out of QC. He wanted to get into corrosion engineering,
5 which, to me, definitely corrosion engineering is
6 definitely a more intellectually challenging area than QC
7 inspector.

8 Q Well, that's a point which you do not make in
9 the prefiled.

10 A On the bottom of page 44 I say, "Yes, Corry came
11 in to shake hands with me when he left. We had earlier
12 discussed his desire to get into corrosion engineering. I
13 told him I had checked on it and there were no positions
14 available."

15 Q All right. I'm sorry. So you reached that
16 judgment after Mr. Allen announced that he was leaving,
17 not at some time prior to that?

18 A I -- that was the event that substantiated my
19 belief; yes, sir, Mr. Roisman. I had a feeling that as
20 the summer wore on Corry became more withdrawn, even as
21 his fellow inspectors claimed, Corry didn't have very much
22 to say, even to them.

23 Q Is it your understanding that when he was
24 leaving at this time he was leaving not to go to another
25 job, but leaving to go and look for another job?

1 A No, sir. That's not at all my understanding.
2 He had requested a transfer to South Texas.

3 Q To work on the corrosion engineering?

4 A No. At the time I asked -- not at this time,
5 excuse me. Approximately a week prior to this
6 conversation I had asked for some volunteers to transfer
7 to South Texas. Corry volunteered to go to South Texas,
8 in QC.

9 But, subsequent to that initial offer, and the -- I
10 think he left about two weeks later, he had discussed with
11 me the possibilities of getting into corrosion engineering
12 for EBASCO in South Texas. I told him I would check on it.

13 At the time there were no positions available and the
14 last day -- my testimony on, I think 44 -- is when he was
15 leaving the site, his last day at Comanche Peak, en route
16 to South Texas, he came in. We shook hands. He asked me
17 if he could use me as a reference and I explained to him
18 that no positions were available in corrosion engineering.

19 Q So, as far as you know, his reason for going to
20 South Texas and accepting a QC inspection job there did
21 not have anything to do with an intellectual
22 dissatisfaction with performing QC inspections?

23 A I think Mr. Allen's decision to go to South
24 Texas was based solely on one factor, Mr. Roisman.
25 Mr. Allen was commuting every week to Houston. Houston is

1 infinitely closer to South Texas than it is to Comanche
2 Peak.

3 Q You state on page 45, "I did not need someone
4 who was unable to limit his job to inspection." Would you
5 please identify briefly what the things were that
6 Mr. Allen was doing that went beyond the job of inspection?

7 JUDGE BLOCH: What was the reference, page 41?

8 MR. ROISMAN: Page 45, Mr. Chairman.

9 JUDGE BLOCH: Thank you.

10 THE WITNESS: At the time Mr. Allen left,
11 Mr. Roisman, I didn't know the involvement of Corry
12 outside of raising questions of technical adequacy of the
13 specification, other than the instances that are
14 identified in my prefiled. He raised the question of
15 reactor cavity ratings. He felt his function was, I think,
16 to question the adequacy of the spec and in some instances
17 question even the adequacy of the standards. And I think
18 Mr. Allen has done that since.

19 In that respect, this statement here is a little bit
20 more indicative of what I think today than what I thought
21 in December '83.

22 BY MR. ROISMAN:

23 Q What have you learned since December of '83 that
24 would make this statement more correct?

25 A As I said, I've learned that Mr. Allen has a

1 large number of questions about the adequacy of the
2 specification, of the qualification process for coatings
3 in general, and in some cases, as I said, even the
4 adequacy of the standards themselves, which he has since
5 expressed, that he hadn't expressed at the time.

6 Q Would you have considered that it was not within
7 his job as an inspector to raise those questions when he
8 was at Comanche Peak? Raise them at Comanche Peak, with
9 NCRs, questions to you, or whatever was the proper
10 procedure?

11 A Once again, Mr. Roisman, I'll answer this as I
12 know today -- no, I would not have been upset about him
13 asking the questions in the first place. But it has also
14 been Mr. Allen's pattern not to accept anyone's answer.
15 He didn't accept my answer on the reactor cavity coatings.
16 He didn't accept the engineer's answers on the reactor
17 cavity coatings. In many cases he hasn't accepted the NRC
18 region's answers to his concerns.

19 Q In terms of what you knew at the time that he
20 was leaving the job, he had accepted your resolution on
21 the reactor core cavity, had he not?

22 A As far as I knew; yes, sir.

23 Q And he had accepted the resolution on the DCA,
24 and the ALARA question, also, isn't that true?

25 A I think even as far as I know today, he's

1 accepted that explanation.

2 Q And as far as I can tell from your testimony, he
3 accepted all the explanations that he was given, by you,
4 when he raised concerns in the normal process; don't you
5 agree?

6 A That's what I'm trying to differentiate,
7 Mr. Roisman, between what I know today and what I knew
8 then.

9 I know today that many of the things Mr. Allen didn't
10 accept. But Mr. Allen never came back to me and said:
11 "Tom, I don't accept that explanation."

12 Q Well, your statement that "I did not need
13 someone who was unable to limit his job to inspection,"
14 was he not limiting his job to inspection because he was
15 going to the Nuclear Regulatory Commission about the
16 concerns?

17 A No, sir, Mr. Roisman. As far as I know
18 Mr. Allen, that's what I say, functionally he was an
19 excellent inspector. He was a hard worker, an extremely
20 hard worker. I could not criticize his performance at
21 Comanche Peak in any way, except that, number one, I
22 don't think he was satisfied with being a QC inspector;
23 and, number two, he just impressed me as being a paranoid
24 individual.

25 To my knowledge, Corry Allen never chased any of his

1 concerns that have been identified subsequently at
2 Comanche Peak, other than the ones that have been
3 identified in my prefiled testimony.

4 Q Mr. Brandt, the statement I want you to focus on,
5 if you would, please, is the "I did not need someone who
6 was unable to limit his job to inspection." Is it your
7 opinion today that Mr. Allen was not able to limit his job
8 to inspection?

9 A No, sir. That's not my testimony. What I meant
10 by that line was that he was not satisfied limiting his
11 job to inspection. Possibly the word "unable" in my
12 testimony is misleading.

13 Q Would you like to restate the sentence and put
14 in whatever word you want for "unable" so we'll know what
15 your testimony is on that point?

16 A It's just, as I explained earlier, Mr. Allen was
17 looking for something more personally gratifying than
18 doing QC inspection work.

19 Q So, for purposes of your testimony, we could
20 strike that sentence you have since made the point you are
21 just saying now in the next sentence: "Mr. Allen was not
22 intellectually satisfied."

23 A Yes, sir.

24 JUDGE BLOCH: Mr. Brandt, thinking about Mr.
25 Allen now, objectively, how is the board to decide whether

1 he was not intellectually satisfied or whether he just had
2 a very deep concern for the safety of the plant and was
3 satisfied by following down those concerns within the
4 limits that were permitted to him at the plant?

5 MR. WATKINS: Your Honor, I'll have to object.
6 I think you are asking Mr. Brandt to do my job.

7 JUDGE BLOCH: He drew a conclusion. I would
8 like to have his comment on why his conclusion is the
9 right one for the board to reach.

10 MR. WATKINS: Mr. Brandt made no conclusion.

11 JUDGE BLOCH: He said Mr. Allen was not
12 intellectually satisfied with the job of performing QC
13 inspection. He based it on what Mr. Allen had done at the
14 plant. I would like an answer.

15 THE WITNESS: That was my impression, sir. And
16 it is my impression today.

17 EXAMINATION

18 BY JUDGE BLOCH:

19 Q Wouldn't it equally explain his behavior that he
20 really cared about the safety of the plant and that he
21 just followed up on his concerns whenever he had a problem,
22 and he was kind of dissatisfied at the plant because he
23 didn't think those concerns were being adequately listened
24 to?

25 A I fail to see a reason, then, why he would have

1 tried to get out of a quality function.

2 Q He moved to a quality function in another plant;
3 didn't he?

4 A Right. But as I said, that was not because he
5 wanted to go to QC, it was because he wanted to get closer
6 to Houston.

7 Q You don't think that that explanation I just
8 offered would be an adequate one for what his
9 dissatisfactions really were at the plant?

10 A Could you please repeat your question,
11 Mr. Chairman or read it back?

12 JUDGE BLOCH: Would you reporter please read it
13 back.

14 (The reporter read the record as requested.)

15 THE WITNESS: No, I don't think that's a
16 reasonable conclusion, Judge Bloch. Because, of the total
17 number of concerns that Mr. Allen has subsequently rose,
18 or subsequently identified, he attempted to identify so
19 very few of them with me that he never gave a chance --
20 the system a chance to work.

21 JUDGE BLOCH: Let's take our seven-minute break
22 until half past.

23 (Recess.)

24 JUDGE BLOCH: The hearing will come to order.
25 Dr. Jordan will join us for a brief time, and then will

1 leave for the evening but we'll sit without him. So let
2 us proceed.

3 BY MR. ROISMAN:

4 Q Mr. Brandt, I have placed in front of you the
5 original copy of the NCR packet that was requested by the
6 board for NCR C83000461.

7 The first thing I would like you to do, if you would,
8 is simply go through the packet for me and tell me which
9 is the first document, which is the second, which is the
10 third, and which is the fourth in point of time.

11 A How would you like for me to refer to these,
12 Mr. Roisman?

13 Q I think in the case of this one you can indicate
14 that it's handwritten, the others by the revs or something
15 by a date on it, will be satisfactory. We don't want to
16 put any marks on them.

17 A The first thing is a handwritten draft by Corry
18 Allen and signed by myself on February 11, 1983.

19 The next thing that happened is that draft was typed,
20 and approved and issued on the same date.

21 Q Now, that's the one that shows Corry Allen's
22 name typed in but there is no signature by him. And then
23 you have a signature and your name is not typed in. And
24 then J.B. George, and Kissinger are typed in, then crossed
25 through, and Mike McBay has signed it.

1 A That's not Mr. McBay's signatures. That's just
2 changing the addressee.

3 Q I'm sorry. Are all those marks -- as far as you
4 can tell, are all of the marks that are added to the
5 preprinted form the original markings? That is, that
6 that's an original of your signature, this is not a Xerox,
7 that's an original of the line that has Mike McBay written
8 on it?

9 A Yes, sir, it is.

10 Q Thank you, go ahead.

11 A The next document is a Xerox copy of the
12 document that we just briefly discussed the typewritten
13 version, dated February 11, with my signature on it, which
14 "dispositioned Kissinger" was written on the top of it --
15 now, excuse me. The next document chronologically is
16 C83-0041 rev 1, which was issued by myself on the 15th of
17 February, indicating that no hold tag was applied and work
18 may continue in the affected area. This is also an
19 original.

20 Q Is the difference between this, the rev 1, and
21 the earlier one that had no rev on it, the addition of the
22 "no hold tag applied, work may continue in affected area";
23 that line?

24 A Yes, sir. That's the only change of which I am
25 aware. That was the purpose of the change.

1 The next -- chronologically, the next document is a
2 copy of the document we just discussed, which was rev 1,
3 which was made by the nonconformance report coordinator,
4 on which she had written -- excuse me, it's actually a
5 second generation copy of that document, at least second
6 generation. She originally copied C8300461 rev 1, a Xerox
7 copy, and had wrote "disposition Kissinger" on the top of
8 it.

9 Q What does that mean?

10 A That means that was the copy sent to Dick
11 Kissinger for disposition.

12 Q Okay.

13 A The original is maintained by the nonconformance
14 report coordinator.

15 Q All right.

16 A There is also a handwritten date above that, 2/18/83.
17 I don't know who wrote that in there.

18 The bottom part of that form is what we call a "draft
19 disposition," which has, in pencil, "see attached" signed
20 by Mark Wells and R.M. Kissinger, initialed by Mike Foote,
21 signed by myself. It also has, it looks like, in pen,
22 scribbled across the disposition section the word "pending."
23 And "use as is" marked in pencil.

24 There's white-out of an X that was made in the repair
25 block, and most of the word "pending" below the line that

1 says "repair and use as is" has been whited out.

2 And finally, the last action that took place was the
3 draft disposition copy was typed on the original rev 1,
4 and signed by Randy Hooten and myself.

5 Q Okay. Now, going back to the first typed
6 version, the one that precedes any rev 1s, the "Mike McBay"
7 name was written in on that, and the J.B. George, and
8 Kissinger, were crossed-out. On all subsequent versions
9 Mike McBay doesn't appear and J.B. George and Kissinger
10 appear again.

11 Do you know what happened and why that change took
12 place?

13 A No. I don't, Mr. Roisman. It was done, I
14 believe, by the nonconformance report coordinator, and
15 when she did it I don't know.

16 Q Should that have been initialed by plant
17 procedure when the change was made from the typed version
18 to the handwritten name "Mike McBay" and dated?

19 A By plant procedure -- excuse me -- by plant
20 procedure, it would depend on whether or not it was done
21 before the 15th of February, because now it's a superseded
22 document as of the 15th of February.

23 Q So if it was done before the 15th of February,
24 then it should have been signed and dated; is that right?

25 A Yes, sir.

1 JUDGE BLOCH: Changes in plant documents after
2 they are no longer the effective document don't need to be
3 signed and dated?

4 THE WITNESS: It is no longer a permanent record,
5 Judge Bloch, it had been revised. It's kept in the
6 historical file but it's not a correction of any substance
7 at all.

8 JUDGE BLOCH: That document is not needed for
9 the permanent plant record at this point?

10 THE WITNESS: No, sir.

11 BY MR. ROISMAN:

12 Q Mr. Brandt, are you saying that if Mike McBay's
13 name was written in here after the 15th, it didn't mean
14 anything of significance?

15 A For practical purposes, Mr. Roisman, it doesn't
16 mean anything anyway. Kissinger is one level under Mike
17 McBay, J.B. George is one level above him. It's all the
18 same organization -- excuse me, J.B. George is two levels
19 above him. It could have just as easily have said
20 "engineering."

21 Q All right. Now, looking at the rev 1 that has,
22 in the upper right-hand corner the date "2/18/83" and
23 "dispo Kissinger" written on it, was it a violation of
24 procedure to have whited out anything on that form?

25 A No, sir.

1 Q Why is it acceptable to white it out?

2 A Because it is not a record of any sort.

3 Q And why is it not a record?

4 A It was a draft disposition that was essentially
5 a communication vehicle to get engineering and quality
6 assurance approval before anything is typed on the record
7 copy of the nonconformance report.

8 Q Is there any way to tell from the form now, who
9 worked "repair" on the disposition line?

10 A No, sir.

11 Q Do you know yourself?

12 A No, sir.

13 Q Was it marked "repair" when it came to you for
14 your signature?

15 A No, sir.

16 Q Was it whited out when it came to you for your
17 signature? Or erased, as the case may be?

18 A I think it's actually erased, Mr. Roisman.

19 Q Had it already been erased when it came to you
20 for your signature?

21 A Yes, sir. Due to the fact that the erasure was
22 made and all the other signatures, the nonengineering
23 signatures on the page are made in ink, and this erasure
24 and the change to "use as is" is made in pencil and the
25 engineering signatures are made in pencil, I would assume

1 it was made by engineering.

2 Q And if the word "pending" were actually on there,
3 what would that have meant?

4 A At this date?

5 Q Yes. At the time that it was apparently put on
6 there what did it mean; do you know?

7 A I have no idea. It means nothing to me.

8 Q It's not a normal thing that's written across on
9 NCRs?

10 A You mean on the draft copies, Mr. Roisman?

11 Q Yes.

12 A Normal, I assume you mean something you see all
13 the time -- no, it's not something you see all the time.

14 Q No, it doesn't represent some standard
15 designation you would put on it, like you would put on
16 "use as is" which is a standard designation?

17 A No, sir, it doesn't represent anything like that.

18 Q Was that word "pending" on there when you signed
19 it? On there without having been whited out?

20 A I don't remember.

21 Q If it had been on there, would you have signed
22 it?

23 A Yes.

24 Q What does your signature on that denote at that
25 time?

1 A At that time? It means that I agree with the
2 disposition that -- or I am deeming that quality assurance
3 concurs with the disposition provided by engineering.

4 Q And what is the function of the next version of
5 the NCR on which you acted -- on which you sign again?

6 A Are you talking about when the original was
7 signed, Mr. Roisman?

8 Q Yes.

9 A The purpose of signing it on that date is to
10 formalize and provide a record copy of the nonconformance
11 disposition.

12 Q Why doesn't the earlier one, which is also
13 signed, serve that purpose? Why is it done twice?

14 A The earlier one, as I said, is a draft copy
15 that's sent back and forth until an agreement can be
16 reached.

17 If the original is used for that purpose and there was
18 disagreements on the disposition, there would be -- it
19 would be, in some cases, an illegible document due to the
20 number of changes that went back and forth.

21 Q I see. So, for instance, the "pending" might
22 have been written by somebody whose view it was that it
23 shouldn't be dispositioned at this time? That might have
24 represented one of the disagreements?

25 A The "pending" could have been written on by a

1 clerk in civil engineering stating that it hadn't yet been
2 dispositioned. I don't know what the word means,
3 Mr. Roisman.

4 Q Well, how did the parties denote their
5 disagreements on these forms when they have them? What do
6 they do?

7 A It's typically either resolved by telephone or
8 by sitting down together and having quality assurance
9 explaining to engineering what their problem is with the
10 disposition.

11 Q So you don't mark anything on there if you
12 disagree?

13 A On the draft copy?

14 Q Yes.

15 A No, sir. You just don't sign it.

16 Q Now, still looking at the draft copy, which is
17 the one that has the white-out on it, I think the Chairman
18 noted before that where the word "PARA" or the partial
19 word "PARA" appears above the "reported by" date line,
20 there appears to have been a break in line, both in the
21 line that immediately follows the "PARA" word and the line
22 immediately below that.

23 Do you have any idea what that is?

24 A As I said, Mr. Roisman, this is at least a
25 second generation copy. Something might have gotten on

1 the document while it was copied. I don't know.

2 Q Is that "PARA" line supposed to have on it, if
3 someone chose to put it on it, a paragraph number of the
4 reference document?

5 A Yes, sir.

6 Q I take it that we would have a better
7 understanding of what part of appendix B was being
8 referenced if there had been a paragraph on there?

9 MR. WATKINS: Objection. From the face of the
10 document the appendix B position is quoted in the
11 nonconformance position box.

12 BY MR. ROISMAN:

13 Q Do you agree with that?

14 A Yes, sir, criterion 11 is quoted in the
15 nonconforming condition.

16 Q As far as you are concerned, does this package
17 reflect complete compliance with applicable procedures for
18 the preparation and disposition of an NCR?

19 A Yes, sir.

20 Q I noticed that Mr. Kissinger and Mr. George are
21 not signatories on the final, but that they are
22 signatories -- I'm sorry -- Mr. Kissinger and Mr. -- is
23 that Welch or Wells?

24 A Wells.

25 Q Mr. Wells had signed the engineering approval on

1 the draft and that Mr. Hooten signed it on the final. Do
2 you know why that difference exists?

3 A Mr. Hooten works for Mr. Kissinger. Why
4 Kissinger didn't sign the final version I don't know.
5 It's not of any significance.

6 Q What about Mr. Wells?

7 A Also not of any significance. Mr. Hooten is
8 authorized to sign for engineering.

9 Q You are not aware of any disagreement either
10 Mr. Wells or Mr. Kissinger had with the disposition?

11 A No, I'm not, sir.

12 Q If the X for repair had been on the document
13 when you got it for signature, would that have been -- and
14 if you thought the proper disposition was "use as is"
15 would that have necessitated a phone call or some kind of
16 conference to resolve the disagreement by you?

17 A Yes, sir; it would have.

18 Q And do I understand no such phone call to
19 resolve any disagreement took place?

20 A That's true.

21 MR. ROISMAN: I have no further questions on the
22 document.

23 EXAMINATION

24 BY JUDGE BLOCH:

25 Q Mr. Brandt, do you know the method of assigning

1 engineers for review of NCRs?

2 A For review, Mr. Chairman? Or approval of the
3 disposition?

4 Q Final approval of disposition.

5 A There's a certain number of people designated as
6 authorized to sign that review and approval. As far as
7 who is it assigned to, I would assume it's at the
8 discretion of the leader of that particular discipline
9 engineering group, which in this case was Mr. Kissinger.

10 Q Does it ordinarily have anything to do with who
11 has signed off initially on the NCR in the earlier
12 approval, as Mr. Roisman was indicating?

13 A I would say more often than not that's the case.
14 But there's certainly no -- I can't say in the
15 overwhelming majority of the cases.

16 Q One question about Mr. Artrip, do you know if he
17 was originally trained by O.B. Cannon?

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

19 JUDGE BLOCH: Mr. Roisman, have you rested?

20 MR. ROISMAN: Not for days, Mr. Chairman.

21 (Laughter.)

22 JUDGE BLOCH: How about for now?

23 MR. ROISMAN: Yes, I have.

24 JUDGE BLOCH: Thank you. Mr. Berry?

25

CROSS-EXAMINATION

1 BY MR. BERRY:

2 Q Mr. Brandt, let me take you back to the
3 cigarette filter incident. I want to ask you, do you
4 remember when this conversation that you had with
5 Mr. Allen occurred?

6 A It was the summer of '83 sometime, sir. Any
7 closer than that, I can't.

8 Q Do you recall asking Mr. Allen why he thought
9 the craft was deceiving him, or trying to deceive the
10 quality control?

11 A I don't recall; no.

12 Q Do you recall if he told you why he thought that
13 the craft was trying to deceive QC?

14 A Why? Why he thought they were trying to deceive
15 him?

16 Q Yes. Did he give you any basis, you know, for
17 that opinion?

18 A Nothing other than what I have already stated,
19 Mr. Berry, in that he had hypothesized that they could
20 take it out at a later date.

21 JUDGE BLOCH: At another time; right?

22 THE WITNESS: Excuse me.

23 JUDGE BLOCH: You are thinking about a later
24 date.

25 THE WITNESS: Judge Bloch, in all honesty I'm

1 having a hard time even remembering what the questions are
2 at this point.

3 JUDGE BLOCH: Shall we continue or not?

4 MR. WATKINS: I think it's up to Mr. Brandt.
5 He's been on the stand for three days and he's having a
6 terrible time concentrating. I think that has become
7 obvious as the afternoon has worn on. I'm concerned that
8 he can't give his full attention to the questions.

9 JUDGE BLOCH: It seems to me that under the
10 circumstances, we need good testimony. What you are
11 saying is we can't count on good testimony. That's what
12 you are representing, Mr. Watkins; isn't that right?

13 MR. WATKINS: Mr. Brandt, would you agree?

14 THE WITNESS: I'm not saying that, Mr. Chairman.
15 It's just that, the classic example was the last question
16 you asked me before you broke. Before you got to the end
17 of the question I honestly couldn't remember what the
18 question was.

19 JUDGE BLOCH: Any time that happens, got to ask
20 for it over. I guess the problem is that if we do go
21 forward there won't be any argument later that Mr. Brandt
22 didn't understand the questions. This is up to counsel.
23 We either do it or we don't. But we don't do it and then
24 say it didn't count.

25 MR. ROISMAN: Mr. Chairman, if there's going to

1 be cross-examination beyond today on Mr. Brandt on this,
2 and that is dependent upon the length of the questions by
3 the Staff and Mr. Watkins' redirect, I would suggest that,
4 given what he said here already, that we shouldn't go on.

5 We are not gaining anything by doing it. The only
6 reason to do it is if we are going to wrap up by 6:00,
7 then maybe if he wants to persevere through there's some
8 trade-off but there would be no trade-off if we are going
9 to go on for another day anyway, or part of another day.

10 MR. BERRY: Mr. Chairman, the staff would agree
11 with that. We would also agree with the board that we are
12 interested in Mr. Brandt's -- his recollections.

13 Certainly, if he's tired or if for some reason it's
14 preferable that he not testify at this time, that we
15 certainly would not interpose any objection to that.

16 JUDGE BLOCH: Mr. Watkins, I think in the
17 interests of the proceeding, even if the Applicants are
18 willing to press on we really should take a break base on
19 what's been said.

20 MR. WATKINS: We agree.

21 JUDGE BLOCH: So we'll adjourn until 9:00 Monday
22 morning, at which time we will go with whom? Are we going
23 to go with Mr. Brandt or Mr. Manning?

24 MR. BERRY: I would propose we continue with
25 Mr. Brandt.

1 JUDGE BLOCH: I take it that based on current
2 estimates we have a fair chance we could finish with
3 Mr. Brandt before noon?

4 MR. BERRY: Mr. Chairman, as far as Staff is
5 concerned, I think that we probably -- Staff could finish
6 with Mr. Brandt and Mr. Manning before noon. We don't
7 have many questions of Mr. Brandt. We have only a few of
8 Mr. Manning also. We can't speak for the other parties.

9 MR. WATKINS: If staff can resume after Mr.
10 Roisman's cross-examination of Mr. Manning, that will be
11 fine.

12 I would suggest that we not bring Mr. Manning back
13 again on Monday. I'd suggest that we just complete
14 Mr. Brandt Monday morning.

15 JUDGE BLOCH: That seems prudent to me. Even
16 though we would try to, I don't think we could count on it.
17 Bringing him here for the third time would seem inhumane.

18 MR. WATKINS: He has whiplash now, so it would
19 be Mr. Brandt followed by Mr. Roth; is that correct?

20 JUDGE BLOCH: That's correct. And then we'll
21 see as the week goes on whether there will be an
22 opportunity to call Mr. Manning during the week.

23 MR. WATKINS: Can we make clear how many days of
24 hearing we have available next week?

25 JUDGE BLOCH: Four.

1 MR. WATKINS: Is that correct?

2 MR. ROISMAN: That's correct.

3 JUDGE BLOCH: Should we be making a fifth
4 available if we can?

5 MR. WATKINS: I cannot do that.

6 JUDGE BLOCH: Okay. So we'll have four maximum
7 and maybe we'll finish in two. The hearing is adjourned
8 until Monday at 9:00.

9 (Whereupon, at 4:47 p.m., the hearing was
10 adjourned, to reconvene at 9:00 a.m., Monday, December 3,
11 1984.)

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CERTIFICATE OF OFFICIAL REPORTER

This is to certify that the attached proceedings before the UNITED STATES NUCLEAR REGULATORY COMMISSION in the matter of:

NAME OF PROCEEDING: TEXAS UTILITIES GENERATING COMPANY, et al.
(Comanche Peak Steam Electric
Station, Units 1 and 2)

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

PLACE: BETHESDA, MARYLAND

DATE: WEDNESDAY, NOVEMBER 28, 1984

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission.

(sig) Joel Breitner / Haj

(TYPED)
JOEL BREITNER

Official Reporter
ACE-FEDERAL REPORTERS, INC.
Reporter's Affiliation

October 22, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)	
)	
TEXAS UTILITIES ELECTRIC)	Dockets Nos. 50-445-2 and
COMPANY, <u>et al.</u>)	50-446-2
)	
(Comanche Peak Steam Electric)	(Applications for
Station, Units 1 and 2))	Operating License)

PREFILED REBUTTAL TESTIMONY
OF C. THOMAS BRANDT

- Q1. Mr. Brandt, are you familiar with the testimony of Cory Allen given in this proceeding?
- A1. Yes, I am.
- Q2. When did you first meet Mr. Allen?
- A2. The last week of December, 1982.
- Q3. For context, Mr. Brandt, what was your job title at that time?
- A3. I was the non-ACME Mechanical/Civil QA/QC Supervisor at Comanche Peak.
- Q4. How long had you been in that job at the time you interviewed Mr. Allen?
- A4. Approximately eleven months.
- Q5. Under what circumstances did you meet Mr. Allen?
- A5. I interviewed him for a job.
- Q6. Had you seen anything regarding his qualifications prior to the time that you met him?

- A6. Yes. EBASCO's Office in New York City had mailed me a copy of h's resume. I understand that Mr. Allen applied to EBASCO in New York for employment, and New York referred his resume to me for possible employment with EBASCO at Comanche Peak.
- Q7. What was your reaction to Mr. Allen's resume?
- A7. He seemed to me to be seeking a position for which he was overqualified.
- Q8. With reference to Mr. Allen's resume, what in particular caused you concern that he was overqualified to be a QC inspector?
- A8. His resume indicated that he has a Master of Science in Polymer Science from the University of Southern Mississippi. It also indicated that Mr. Allen had worked as a coatings engineer in the context of nuclear power plants.
- Q9. Why did these qualifications concern you?
- A9. I was concerned that, due to Mr. Allen's educational background and work experience, he would not be intellectually satisfied with restricting his activities to performing QC inspections day after day. I was also concerned with the possibility that, rather than limiting his work to the performance of inspections, Mr. Allen would question the adequacy of coatings specification and procedures. I did not need people doing that. I already had several inspectors who were doing that. That was beyopnd their job scope.
- Q10. Did you express your concerns to Mr. Allen?

A10. Yes. I told Mr. Allen that I was interviewing him for the job of QC inspector, not as a coatings quality engineer. I told him that he appeared to be overqualified for such a position.

Q11. What did he respond?

A11. He told me he had been in an engineering function at South Texas and with Bechtel and no longer desired such a position. What he was looking for was a position as a QC inspector in the protective coatings area. Mr. Allen assured me that he was not interested in attempting to function as an engineer.

Q12. Were you satisfied with his response?

A12. I was satisfied with it to the extent that he seemed sincere. I was cautious. I felt a little concern because, from my experience, people with Mr. Allen's degree of education and experience are not normally satisfied very long in a position as a QC inspector. In any event, I offered Mr. Allen a job as an inspector.

Q13. Was the decision to hire Mr. Allen your decision?

A13. Yes, it was. The decision to extend an offer to Mr. Allen was my decision.

Q14. When did Mr. Allen commence work for EBASCO at Comanche Peak?

A14. Early January, 1983.

Q15. When did you next have a conversation with Mr. Allen?

A15. By "next have a conversation" with him, I assume you mean have a conversation of any substance. I'm sure I might have said "Hi, Cory," or "How's it going," to him in passing. But as far as any discussion of substance, it was on February 11, 1983.

Q16. What was the occasion for that discussion on February 11, 1983?

A16. I was told by someone, I believe it was Bob Wallace, that Mr. Allen had been to see Ron Tolson the day before, asking questions about the design review process.

Q17. What was Mr. Wallace's position at that time?

A17. He was Mr. Allen's lead inspector.

Q18. As Mr. Wallace related it to you, what was the nature of Mr. Allen's concern?

A18. It had something to do with the issuance of design change authorizations.

Q19. Under what circumstances did you discuss this matter with Mr. Allen?

A19. On the afternoon of February 11, I asked Mr. Allen to come to my office.

Q20. Mr. Brandt, where were you on February 10, 1983?

A20. I don't recall, but I was not on the site.

Q21. Why did you send for Mr. Allen after you had learned that Mr. Allen had had a conversation with Mr. Tolson?

A21. As I recall, Bob Wallace indicated to me that Mr. Allen still had some doubt in his mind over the question that he had posed to Mr. Tolson. I wanted to make sure that Mr. Allen's concern was fully addressed and resolved.

Q22. Where did your discussion with Mr. Allen take place?

A22. In my office.

Q23. Was anyone present during the conversation, other than the two of you?

A23. Not that I recall, no.

Q24. Would you relate the substance of your conversation with Mr. Allen?

A24. I told Mr. Allen that I had heard that he had been in and posed several questions to Mr. Tolson, and I had also heard that he was still concerned or not clear as a result of Mr. Tolson's explanation. I asked him what his concerns were. He described to me his concern over ALARA review and design review of design change authorizations.

Q25. What does ALARA stand for, Mr. Brandt?

A25. As low as reasonably achievable.

Q26. What did Mr. Allen explain was his problem with ALARA and design review?

A26. He explained that, from his experience with Bechtel and Brown & Root, the design change authorization itself normally had more signatures on the face of the document. He

was concerned that, due to the lack of these signatures, the design change authorizations at Comanche Peak were not receiving the required ALARA and design reviews.

Q27. What did you respond?

A27. I explained to Mr. Allen that the way design change authorizations were processed at Comanche Peak, they were approved on-site by the discipline engineer and that both design review and ALARA review were conducted by Gibbs & Hill, the project Architect/Engineer, off-site. I advised Mr. Allen that, at Comanche Peak, DCAs are implemented upon approval of the discipline engineer on a construction-risk basis, subject to final design review by Gibbs & Hill.

Q28. What do you mean by "on a construction-risk basis"?

A28. When the DCA is approved by the discipline engineer, construction is free to implement the design change in the field. If Gibbs & Hill does not approve a design change under either design review or ALARA review, then the component or structure in question may require rework or removal.

Q29. Mr. Brandt, do you know whether the Comanche Peak Architect/Engineer conducts its design review and ALARA review differently than other nuclear plants?

A29. Only as to the timing of the reviews. Substantively, the review is conducted very much the same. At the time that Mr. Allen posed the question, Comanche Peak differed from other A/Es in that the design change was not design reviewed

prior to implementation of that design change, and construction proceeded on a risk basis pending satisfactory design review.

Q30. Does that mean that at other plants the design change would undergo design review prior to implementation in the field?

A30. Yes, it does.

Q31. Do you know how design reviews were conducted at the South Texas project during 1982?

A31. It is my understanding that, when Brown & Root was the A/E for the South Texas Project, it performed design review prior to field implementation of design changes.

Q32. In your view, was the problem that Mr. Allen expressed to you based on the differences in the timing of design review and ALARA review between South Texas and Comanche Peak?

A32. Yes.

Q33. Mr. Brandt, did Mr. Allen appear satisfied with your technical explanation of the ALARA and design review issues?

A33. Yes, he did.

Q34. Did he state that he was satisfied?

A34. Yes, In fact, he asked me why Mr. Tolson had not explained it that way the day before. I didn't speculate as to why he didn't understand Mr. Tolson's explanation. I did ask, however, whether he had any further concerns.

Q35. Did he?

A35. He said he had one other question, but he had been told the day previously to restrict his activities to performing inspections, and that's what he intended to do.

Q36. What was your response?

A36. I said, "Now I want to know what your concern is."

Q37. Did he express that concern?

A37. We might have gone back and forth once or twice, with him explaining that it clearly wasn't within his scope of job responsibilities and that he had been cautioned against doing so only the day before. I told him that I wanted to know. Whether that happened immediately or, as I said, we went back and forth once or twice, I don't remember. He eventually did explain his concern to me.

Q38. What was that concern?

A38. He was concerned that the coatings in the reactor core cavity were not qualified to the combined gamma and neutron radiation dosage levels that they would receive during the operating life of the plant.

Q39. Had Mr. Allen been inspecting coatings in the reactor core cavity?

A39. I don't know.

Q40. Did you have a technical answer to the issue that he raised?

A40. No, I did not.

Q41. What did you do?

A41. I told him to write an NCR.

Q42. From what he told you, was this a non-conforming condition?

A42. I wasn't sure whether the dosage levels Mr. Allen had quoted to me that these coatings would receive was accurate. I wasn't sure of the exact location of the recirc pumps within the containment structure or, for that matter, the exact elevation of the reactor core cavity. The answer to your question is, I wasn't sure that the condition was non-conforming. The vehicle for finding out, however, was the issuance of an NCR.

Q43. What do you mean by, "The vehicle for finding out"?

A43. Well, a QC inspector had come to me as his supervisor with a question I couldn't answer. He seemed to feel that qualification of the coatings was inadequate. Issuance of an NCR would trigger engineering review of the question.

Q44. Was Mr. Allen reluctant to write an NCR?

A44. Yes, he was, very reluctant.

Q45. Did you instruct him to do so?

A45. Yes, I instructed him to do so in that very meeting. I also told him that, if he felt uncomfortable with the NCR, I'd write it. He could put my name on it.

Q46. Mr. Brandt, I'll refer you to page 5 of 5 of Attachment 1 to this testimony. Would you identify page 5?

A46. This is the hand-written draft of the NCR on the reactor core cavity coatings that Mr. Allen presented to me on the 11th of February, 1983, after our discussion.

Q47. When Mr. Allen gave it to you, did the NCR have an NCR number on it?

A47. Yes, I believe it did.

Q48. What did a QC inspector at Comanche Peak have to do to get an NCR number?

A48. Pick up the telephone and call the Non-Conformance Report coordinator.

Q49. Once an NCR number had been assigned, what was the effect of that assignment?

A49. The NCR would be retained as part of the permanent plant records, regardless of whether it was issued for disposition or whether it was voided.

Q50. Could a QC supervisor cancel or discard the NCR once the number had been assigned?

A50. They could void it. There is a procedure that governs the process of voiding NCRs.

Q51. What does voiding an NCR mean?

A51. It means that the NCR or the non-conforming condition identified by the inspector was in fact not a non-conforming condition.

Q52. Were you hostile to Mr. Allen's raising the ALARA and design review issues and the reactor core cavity coatings issue with you?

A52. Absolutely not. I thought they were legitimate concerns at the time we discussed it.

Q53. Did you so indicate to Mr. Allen?

A53. Yes, I believe I did.

Q54. Did you indicate to Mr. Allen that he was not in the future to identify such concerns or to report such concerns to you or to QC supervision?

A54. Absolutely not.

Q55. Did you invite Mr. Allen to raise any other concerns that he had with you?

A55. I believe I did, yes.

Q56. During this discussion, the meeting on February 11 with Mr. Allen, did he raise any other technical concerns with you?

A56. No, he did not.

Q57. Did he raise any personnel concerns with you?

A57. No, he did not.

Q58. Specifically, did Mr. Allen refer to the skimmer pump room or an incident that had taken place regarding the skimmer pump room with you?

A58. No, he did not.

Q59. Mr. Brandt, please refer to page 4 of Attachment 1 to your testimony. Could you explain the difference between that document and the hand-written draft of the NCR, which is page 5 of Attachment 1?

A59. The only difference is that page 4 is a typed version and that page 4 has an action addressee on it; page 5 does not.

Q60. Who is the action addressee?

A60. Mike McBay.

Q61. Who is Mr. McBay?

- A61. At the time, he was the manager of Engineering at Comanche Peak.
- Q62. Mr. Brandt, the NCR references what appears to be Criterion 11 of 10 CFR, Part 50, Appendix B; is that correct?
- A62. Yes it does.
- Q63. What is your understanding of the non-conformance with respect to Criterion 11?
- A63. I thought then and think now that Mr. Allen had probably incorrectly referenced Appendix B, Criterion 11, as the document that was violated. Criterion 11 states that, "A test program shall be established to assure that all testing required to demonstrate that structures, systems, and components will perform satisfactorily," and that really is not the description of the non-conformance. I believe that what Mr. Allen was trying to convey was that the qualification of coatings systems required by ANSI N101.2 had not been conducted for combined dosages of gamma and neutron radiation which existed in the reactor core cavity.
- Q64. Does the ANSI standard to which you refer require such qualification?
- A64. Yes, it does.
- Q65. Is Comanche Peak committed to that ANSI standard?
- A65. Yes, we are.
- Q66. Mr. Brandt, please refer to page 3 of Attachment 1 and identify that document, if you will.
- A66. This is a copy of NCR C-83-00461, Revision 1.

Q67. What is the difference between the original Rev 0 and Rev 1?

A67. In Rev 1, the hold tag was removed to allow work to continue in the reactor core cavity.

Q68. Is that the only difference?

A68. Between Revision 0 and Revision 1?

Q69. Yes.

A69. Yes.

Q70. Now, page 3 of Attachment 1, under "Disposition" indicates, "See attached." Do you know what the attachment was?

A70. It's the telex, or TWX, which is page 2 of this attachment.

Q71. Would you describe page 2, please?

A71. It's the Gibbs & Hill response to Mr. Allen's NCR on the qualification of reactor core cavity coatings.

Q72. Would you summarize the technical content of the Gibbs & Hill telex?

A72. Coatings in the reactor core cavity serve no safeguard function. They don't protect any safety-related equipment.

Consequently, there is no safety concern in the event that these coatings should fail, as far as corrosion occurring within the reactor cavity. The third paragraph goes on to state that, should these coatings fail in a post-accident environment, water would flow into the reactor cavity sump and there would be no flowpath by which water could escape the reactor core cavity and find their way to the recirculation sump from which the recirc pumps draw their water inventory for accident cooling.

Q73. Mr. Brandt, please refer to page 1 of Attachment 1 and identify that document, if you will.

A73. This is a typed version of the disposition, Revision 1, and closure of the non-conformance report.

Q74. When was this NCR closed?

A74. March 28, 1984.

Q75. Mr. Brandt, at the bottom of page 1 of Attachment 1, is that your signature?

A75. On the last two lines of the form, yes, those are my signatures.

Q76. One appears to be for QE review and approval. What does your signature in that line signify?

A76. That the disposition is adequate for the described non-conforming condition.

Q77. And what does your signature next to disposition verification and closure signify?

A77. It means that the non-conforming condition has been adequately addressed and the non-conformance report is closed.

Q78. Do you recall having a conversation with Mr. Allen regarding the closure of the NCR?

A78. Yes, I do.

Q79. Do you recall when that conversation took place?

A79. I believe on the day that the NCR was closed, on March 28, 1983.

Q80. Who initiated the conversation?

A80. I did.

Q81. How did you do so?

A81. I asked Mr. Allen to come to my office.

Q82. Why did you ask Mr. Allen in to discuss the closure of the NCR?

A82. As Mr. Allen had originally brought the NCR to my attention and I had directed that the NCR be written in the first place, I felt that it was right that I should explain to Mr. Allen the nature of the disposition.

Q83. Would you relate the substance of your conversation with Mr. Allen on that occasion?

A83. I advised him that the Architect-Engineer had come back with the disposition that was attached to the non-conformance report; that I personally felt that the non-conformance report disposition was adequate; that I was closing the non-conformance report; and that I personally didn't intend to pursue it any further.

Q84. Did you show Mr. Allen a copy of the telex from Gibbs & Hill?

A84. I believe so. I had a copy of the entire NCR package in front of me.

Q85. Did he read it?

A85. As I recall, he did.

Q86. What was Mr. Allen's response to your explanation and to the closed NCR?

A86. To the best of my recollection, he was almost without reaction. I don't know whether Mr. Allen agreed or disagreed with the NCR's disposition. But it was my impression that he understood what I had said.

Q87. When you indicated to Mr. Allen that you didn't intend to pursue the NCR any further, what did you mean by that?

A87. Mr. Allen had seemed hesitant to raise this coatings issue in the first place, and didn't want to write the NCR in the beginning. It got to the point that I had to direct him to write the NCR. Essentially, I had chased his concern for him. The engineering disposition had been provided for me. I felt the disposition acceptable and I explained to Mr. Allen that I didn't intend to take any more time chasing this particular concern. I was satisfied with the response.

Q88. Did Mr. Allen indicate to you that he disagreed with the disposition?

A88. No, as I stated earlier, he was almost reactionless.

Q89. Did he ask you to take it any further?

A89. No, he did not.

Q90. Mr. Brandt, what is the current status of the coatings in the reactor core cavity?

A90. Those coatings have been placed. The protective coatings exempt log.

Q91. What is the protective coatings exempt log?

- A91. The exempt log includes all unqualified coatings in the containment building. By "unqualified," I mean coatings that are either unqualified by design, or coatings that have been applied outside the application parameters, or have not been inspected for one reason or another.
- Q92. Why was it necessary to place the reactor core cavity coatings on the exempt log, in light of the fact that Mr. Allen's NCR was dispositioned?
- A92. The coatings on the exempt log include all unqualified coatings, without regard to whether a transport mechanism from the coatings' point to failure to the recirc sump could be postulated. Indeed, there are several items on the exempt log as to which, should the coatings fail, I don't believe could be transported from the point of failure to the recirc sump.
- Q93. Does the fact that the reactor core cavity coatings have been placed on the exempt log in any way indicate that this disposition of Mr. Allen's NCR was inadequate or incorrect?
- A93. Absolutely not.
- Q94. What is the next conversation with Mr. Allen that you can recall taking place after your meeting with him on March 28, 1983?
- A94. I believe it was mid-June, 1983.
- Q95. What was the occasion?

A95. I had just talked to Bill Dunham, who was irritated about the way he was being treated by Harry Williams. This discussion took place in Ron Tolson's office with Mr. Dunham, Mr. Tolson, Gordon Purdy, and myself. Mr. Dunham alleged that Harry Williams had shown little respect for him in that he had disciplined Mr. Dunham in front of the craft. Mr. Dunham stated that Cory Allen could confirm the incident, and indicated that we should talk to Mr. Allen. I closed the meeting by telling Mr. Dunham that I would look into his concerns, and that I would talk to the coatings inspectors. I left the meeting, and the first inspector that I talked to was Cory Allen.

Q96. Where did this conversation with Mr. Allen take place?

A96. In my office.

Q97. Was anyone else present?

A97. Ron Tolson walked into the room during the discussion, stayed maybe a minute or two to ask me something totally unrelated, got the answer that he was looking for, and left. My discussion with Mr. Allen was initiated before Mr. Tolson's entrance, continued while Mr. Tolson was there, and continued after Mr. Tolson's departure.

Q98. What was the substance of your conversation with Mr. Allen?

A98. I asked Mr. Allen to describe the incident to which Mr. Dunham had referred. Mr. Allen could not.

Q99. Mr. Allen did not remember the incident to which Mr. Dunham referred?

A99. That's correct. I asked Mr. Allen whether he had ever been directed by his supervisor to accept something that he thought was unacceptable. Mr. Allen replied that he had not. We discussed Mr. Williams' ability to communicate with the group of people that he supervised, and I asked Mr. Allen about the degree of confidence the group had in Mr. Williams. Mr. Allen explained that he thought Mr. Williams was trying, and was probably doing the best he could. But Mr. Allen didn't think that the QC people had much confidence in Harry.

Q100. Did you ask Mr. Allen whether he was suffering harassment?

A100. Yes, I did.

Q101. What was his response?

A101. He said no. I told him that, if he ever was, I had a Gai-Tronics on my wall, that he could call me over that or on the phone and I would immediately come and resolve the problem for him.

Q102. Mr. Brandt, what is a Gai-Tronics?

A102. It's a public address system installed within the plant. I had a speaker mounted in my office so that either inspection or construction personnel that were seeking my attention could get in touch with me.

Q103. Mr. Brandt, did Mr. Allen indicate to you in this meeting that he was unhappy with his work?

A103. No, he did not.

Q104. Did he indicate to you that he was mistreated in any way by his supervisors?

A104. I don't think "mistreated" was a good term. I believe we had a short discussion about Bob Wallace who had been Mr. Allen's lead inspector at one point. Mr. Allen had a low opinion of Mr. Wallace.

Q105. Was Mr. Wallace employed at Comanche Peak at the time of your discussion with Mr. Allen?

A105. No, Mr. Wallace left Comanche Peak on May 16, 1983.

Q106. Did Mr. Allen raise any technical concerns with you at this meeting?

A106. No, he did not.

Q107. Did anything that Mr. Allen told you at this meeting, other than his observations regarding Harry Williams, give you cause for concern or cause you to conduct further investigations?

A107. No.

Q108. Mr. Brandt, let me quote to you from Mr. Allen's testimony in this proceeding, at transcript page 16911, beginning on line 20.

"Q. Did you discuss with them [Brandt and Tolson] at that meeting all the problems that you perceived existed with regard to the paint coatings inspection work at the plant site at that time?

"A. No sir. I don't think I told them of any existing problems whatever. In fact, I probably left them with a favorable impression of what was going on."

Mr. Brandt, is that an accurate summary of your conversation with Mr. Allen?

A108. Yes, it is quite accurate. In fact, I was a little bit surprised at Mr. Allen's comments because Bill Dunham had singled Mr. Allen out as someone who would support Mr. Dunham's contention that Harry Williams was giving the inspectors a hard time. Although Mr. Allen indicated that he didn't have a lot of confidence in Harry's abilities as a supervisor, he definitely left me with the impression that it was not nearly so bad a situation as Bill Dunham had painted only minutes before.

Q109. Your meeting with Mr. Allen was on the same day, as you recall, as your meeting with Mr. Dunham?

A109. Probably within an hour of the conclusion of the Dunham meeting.

Q110. Mr. Brandt, do you recall Mr. Allen's testimony regarding a three-part memorandum that he wrote to you in June, 1983, complaining about the conduct of craftsmen?

A110. Yes, I do.

Q111. Mr. Brandt, I'll hand you Attachment 2 to your testimony and ask you if that is the three-part memo about which Mr. Allen testified.

A111. Yes, it is.

Q112. Is that your writing on the bottom of page 1 of Attachment 2?

A112. Yes, along with my initials and the date.

Q113. Do you recall whether you received the memo before or after the meeting that you have just described with Mr. Allen?

A113. It was after.

Q114. What was your reaction when you received that memo?

A114. I had three distinct reactions to it. First, I think one of the last things we discussed in our meeting earlier, in the month of June, was that, if Cory had a complaint, he should bring it to my attention and I would take personal action on it. I was pleased to see that he thought enough of my offer to carry through with it.

My second reaction was that Cory may have been over-reacting a little bit by stating it was a "blatant example of a Brown & Root paint foreman ordering a QC inspector to perform" when he had asked him to go re-inspect an area.

My third reaction was that if indeed, as Mr. Allen indicated, it wasn't an interrogative request but a command from the craft for a QC to go do something, that there was definitely something I could do about that, and that we would sit down and resolve it.

Q115. What did you do?

A115. I called a meeting in my office with all parties concerned.

Q116. How soon did you convene this meeting after you received the memo?

A116. It was either the same day I received the memo or the next day.

Q117. Where did the meeting take place?

A117. In my office.

Q118. Who attended?

A118. Junior Haley, who was the Brown & Root coating superintendent. Harry Williams, who was Mr. Allen's supervisor. Jim Brackin, who was a general foreman working for Mr. Haley, and Billy Remington and Wayne Williams.

Q119. You testified that you called this meeting. Did you direct the meeting?

A119. Yes, I did.

Q120. What did you ascertain?

A120. Wayne Williams, Remington and, to some extent, Brackin, immediately got on the defensive. I perceived that it was going to boil down to a "Whose version do you believe" situation. The craftsmen tried to justify their actions to me.

Q121. Were you interested in their justifications?

A121. No, not really.

Q122. What did you say to them regarding their actions?

A122. Once I decided that it was going to boil down to a credibility situation, I thought it more pertinent to address the issue and make clear to construction what my position on the subject was.

Q123. What was that position, as you expressed it to them?

A123. That construction wasn't going to be directing QC to do anything as far as mandating or issuing imperative commands, as Mr. Allen called it. When it got to the point that the QC inspector thought that it was a form of harassment, I told the craft that they had gone too far and I wasn't going to tolerate it.

Q124. Was Mr. Haley the senior craftsperson at that meeting?

A124. Yes, he was.

Q125. What was his response to your statement?

A125. Mr. Haley agreed with me.

Q126. Why did you invite Harry Williams to this meeting?

A126. He was Mr. Allen's supervisor. I wanted both sides of the fence -- that is, construction and QC -- to understand the significance of the situation, what my attitude on it was, and how we were going to handle it in the future. I got total support from the construction superintendent, Mr. Haley.

Q127. Did you indicate to the craftsmen that if they had future disagreements with QC inspectors, how they were to resolve them?

A127. Yes. If a painter had a problem, the way I saw to resolve the problem was for the painter to go to his foreman. If the foreman felt that he had to go to a general foreman or to Junior Haley to get the situation resolved, that was fine. But they were not to have any arguments with QC inspectors. If it got down to the point where there was

going to be argument, they should take it to Mr. Haley, and Mr. Haley was not to pursue the matter with QC inspectors, but with me personally. That did occur after this meeting.

Q128. Did you ask Mr. Allen to remain after this meeting?

A128. Yes, I did.

Q129. Did you have a private conversation with him?

A129. Yes, I did.

Q130. What did you tell Mr. Allen?

A131. I told Mr. Allen that I was pleased that he had brought the matter to my attention. That's exactly what I wanted him to do. And, as I stated in the memo, if the situation didn't improve, to get back with me.

Q132. What was his response?

A132. He understood and he seemed appreciative of my response to his memo.

Q133. Did Mr. Allen indicate to you any dissatisfaction with the conduct of the meeting?

A133. No, he did not.

Q134. Did he state to you that in his view Mr. Haley should have disciplined the craftsmen who were involved in this incident?

A134. No, he did not.

Q135. Mr. Brandt, do you recall Mr. Allen's testimony regarding an NCR that he wrote concerning the use of detergent?

A135. Yes, I do.

Q136. How did you become aware that the had written an NCR?

A136. Either Harry Williams or Mike Foote called me and told me that they thought Cory was a little out of line regarding an NCR that he had just written.

Q137. What do you mean by "out of line"?

A137. Mr. Allen was over-reacting.

Q138. In what way was he over-reacting?

A138. He was implying that construction was trying to deceive him by using this detergent.

Q139. Mr. Brandt, I will show you a two-page document that has been marked as Attachment 3 to your testimony. Is that the NCR Mr. Allen wrote regarding the use of detergent?

A139. Yes, it is.

Q140. What is the technical problem identified by the NCR?

A140. The NCR describes a potential residue being left on a coated surface after the use of a cleaning agent that would serve to insulate the coated surface and preclude proper holiday detection of that coated surface.

Q141. How soon after Mr. Williams or Mr. Foote called you regarding this matter did you meet with Mr. Allen?

A141. It was late that afternoon.

Q142. Would you relate the substance of your conversation with Mr. Allen regarding this matter?

A142. I believe I saw the NCR at about the same time that Cory arrived in my office. Mike Foote had described the content of the NCR to me over the phone. Cory arrived in my office and I asked him what his problem was. He said it was his

opinion that the craft was trying to deceive QC inspectors by wiping down surfaces with this detergent prior to the performance of the holiday detection.

It struck me unusual that Mr. Allen was making this complaint. I told him that I thought that he, as a chemist, would have understood the lack of technical significance of a detergent solution being used on the surface after a finish coat had been applied. I did not agree with, and saw no basis for, his theory that detergent would provide some sort of insulative barrier. I was disappointed in that respect. I was also disappointed with the fact that he was presuming that the craft was deliberately trying to deceive him or circumvent the inspection process by using this cleaning agent.

Q143. Did he tell you that that was what he thought?

A143. He told me that he thought that was why they were doing it.

Q144. Which craftsmen actually performed the cleaning with this detergent?

A144. Laborers.

Q145. Are laborers painters?

A145. No, they are not.

Q146. Are the laborers to which you refer part of the paint department?

A146. No, they are not.

Q147. Why were these detergents used in cleaning coated surfaces?

A147. Literally, to wash the walls, to clean the dirt off the walls.

Q148. Was this cleaning being done so that the inspections could be performed?

A148. Yes, it was.

Q149. What did you advise Mr. Allen with regard to his concern?

A149. I told him I thought he was getting a little bit carried away. I suppose I could understand Mr. Allen's raising the technical issue as to the performance of the holiday detection test, even though I considered the issue marginally significant. I told him, however, that in implying that the Paint Department was trying to deceive QC inspectors, I thought he was letting his imagination run away with itself.

Q150. Do you know whether Mr. Allen was asked to leave the site for a day as a result of his writing the NCR?

A150. I have no knowledge of him being asked to leave for a day.

Q151. At this meeting did Mr. Allen express any other concerns to you?

A151. Not that I recall.

Q152. At one point in his testimony regarding Comanche Peak inspection procedures, Mr. Allen referred to "EBASCO" procedures. To what was he referring?

A152. I don't know. All protective coatings inspection procedures at Comanche Peak were and are TUGCO quality control instructions. They were not and are not EBASCO procedures.

Q153. Mr. Brandt, have you reviewed Mr. Allen's testimony regarding an incident between him and a paint foreman on the polar crane?

A153. Yes.

Q154. Did you hear of this incident at the time it happened?

A154. Yes, I believe Mr. Allen told me about it on the same day it occurred.

Q155. Did you take any action as a result?

A155. Yes. That same day I discussed the incident with Junior Haley, the paint superintendent.

Q156. What did you tell Mr. Haley?

A156. I told him that I didn't want his people interfering with my inspectors, especially where it appeared that the craft foreman in question needed training in the use of instruments.

Q156. Did you conclude, then, from what Mr. Allen had told you, that the foreman had acted improperly?

A156. Yes.

Q157. Did you call Mr. Allen in to discuss this matter?

A157. No. As I recall, he came to see me about it.

Q158. Mr. Brandt, do you recall Mr. Allen's testimony regarding a policy instituted in the summer of 1983 requiring the use of inspection reports instead of nonconformance reports to report discrepant conditions?

A158. Yes, I do.

Q159. Do you recall Mr. Allen testifying that he had difficulty with that policy because, in his view, there were certain conditions that could not adequately be reported or resolved by using an unsat inspection report?

A159. Yes, I do.

Q160. Mr. Brandt, in your view, are there any conditions that cannot adequately be reported on an unsat IR with respect to protective coatings?

A160. No, there are not.

Q161. Why?

A161. As I have explained many times in this proceeding, once an unsat inspection report is issued, before it can ever be closed, it must be deemed satisfactory.

If the unsatisfactory condition can be resolved by craft rework, the craft may merely rework the item to an acceptable state and present it for reinspection.

If, however, the craft cannot rework an item to a satisfactory condition, they must direct the issue to engineering. When that is done, the unsatisfactory condition may be addressed in one of two manners. The inspection report can be closed based on the issuance of a nonconformance report, which is procedurally described in the inspection report procedure, or engineering can issue a design change authorization accepting the condition described in the unsatisfactory inspection report.

Q162. Mr. Allen testified that the use of an inspection report was not, in his view, an adequate means of identifying the discrepant conditions that he identified in three NCR's that he wrote. Do you recall that testimony?

A162. Yes, I do.

Q163. Mr. Allen's NCR C-83-02396, which appears at transcript page 17587 reports that certain coatings were applied by an uncertified painter, "M. Jackson." Could that condition have been adequately reported on an IR?

A163. Yes. In fact, if you look at transcript page 17591, which is the second page of one of the IR's attached to the NCR, one of the inspection items that Mr. Allen filled out is whether the painter was qualified. "M. Jackson" is listed as one of the painters, and Mr. Allen marked "sat," indicating that the painter was qualified.

Q164. Why did Mr. Allen mark "sat" for painter qualification if, as the NCR states, M. Jackson was not certified?

A164. I have no idea.

Q165. If Mr. Allen had discovered the certification problem after filling out the IR and marking "sat" for painter qualification, how should he have reported the condition?

A165. He could have corrected the IR with a late entry, much as he did with regard to the IRs involving the traceability issue.

Q166. Mr. Allen's NCR C-83-02604, which appears at transcript page 17566, reports uncured coatings and the absence of a QC inspection prior to the application of the coatings. Could these conditions have adequately been reported on an IR?

A166. Yes. In fact, transcript page 17567, one of the inspection reports attached to the NCR, shows that Mr. Allen marked the curing attribute "unsat." As to the absence of a prior QC inspection, Mr. Allen could either have filled out the IR specified in QI-QP-11.4-5, which lists the attributes relevant to the prior inspection, or simply added an additional attribute to the IR that he did fill out. In either case, the result would have been the same as the condition reported in the NCR.

Q167. Mr. Allen's NCR C-83-02938, which appears at transcript page 17531, reports a traceability problem with respect to certain coating materials. Could that condition have adequately been reported on an IR?

A167. Yes. In fact, the problem should have been reported in the IR to begin with. Referring to transcript page 17535, for example, which is one of the IRs attached to the NCR, Mr. Allen originally marked "sat" for each of the traceability parameters for the coatings in question. He later marked these "unsat," apparently at the direction of his supervisor.

Q168. How should an inspector report a discrepant condition if the attribute in question does not appear on the IR?

A168. As I have testified before in this proceeding, quality procedure CP-QP-18.0 provides that additional inspection attributes may be added to an IR by the inspector.

Q169. Mr. Brandt, after the new policy regarding the use of unsat IRs became effective, did inspectors continue to write NCRs?

A169. Yes, they did.

Q170. Why was that?

A170. In some cases the building QC supervisors felt that a condition warranted the issuance of an NCR. In other cases it was simply the QC inspectors' failure to follow procedural requirements.

Q171. Did inspectors who wrote NCRs during the period after the policy became effective suffer any adverse consequences as a result of writing the NCRs?

A171. No, they did not.

Q172. Mr. Brandt, was there any intent on the part of quality management to decrease or discourage the reporting of discrepant conditions by instituting the policy requiring the use of unsat IRs to report discrepant conditions?

A172. Absolutely not.

Q173. Did you emphasize that to the inspectors?

A173. Yes, I did.

Q174. What did you say to them?

A174. I held a group meeting with them in September, 1983. I explained the rationale for the policy, and described the requirements of Appendix B as far as reporting nonconforming

and deficient conditions. I explained why unsat IRs would serve the same purpose as nonconformance reports, and emphasized that it wasn't a matter of not reporting deficient conditions. That definitely was not our goal. To the contrary, we wanted them to report all deficient conditions.

Q175. Was this meeting after the meeting that Mr. Allen testified he attended in Mr. Tolson's office where this policy was discussed?

A175. Yes, it was.

Q176. Do you know how long after?

A176. Maybe a month.

Q177. Did you, at this group meeting, ask inspectors to express their concerns and ask questions?

A177. Yes, I did.

Q178. Did Mr. Allen attend that meeting?

A178. Yes, he did.

Q179. Did he express any concerns?

A179. He did not.

Q180. Did he have any questions concerning the new policy?

A181. No.

Q182. Did Mr. Allen ever express any concerns regarding this policy to you?

A182. No, he did not, not to me.

Q183. Mr. Brandt, do you recall Mr. Allen's testimony regarding the incident with the cigarette filters?

A183. Yes, I do.

Q184. Were you aware, prior to the time that you discussed this matter with Mr. Allen, that craftsmen were using cigarette filters in their spray guns?

A184. I was aware that it had been done in the past.

Q185. Did you have any concern with that practice?

A185. No, I did not.

Q186. How did you become aware tht Mr. Allen was concerned with the practice?

A186. Harry Williams advised me that Mr. Allen had a problem with the use of filters.

Q187. Did you discuss this matter with Mr. Allen?

A187. Yes, I went out to the field to talk with him about it.

Q188. Would you relate the substance of that conversation?

A188. Cory explained that once again he thought the craft was trying to deceive QC into accepting something that really wasn't acceptable, and I asked him what he meant by that. He said that the craft were installing the filters just long enough to pass the air acceptability test. Then, he claimed, they would remove the filter when it becomes clogged.

I asked Mr. Allen whether he had ever seen them remove any filters. He had not. We then discussed the possible effects of using spray guns without the filters, assuming that Cory's supposition that they were removing them was accurate.

We discussed the presence of grease, oil or water in both inorganic zinc primers and epoxy top coats. As I recall, Mr. Allen agreed with me that grease and oil would be detectable in the applied coatings. He wasn't so sure on what water would do to the epoxy top coat if it was applied as a fine mist within the top coat itself as it was sprayed.

Q189. Mr. Brandt, why were the craftsmen using cigarette filters in their spray guns?

A189. The air supply system for the building was old. It had been used since, I believe, 1977, and the in-line water separators, moisture separators and traps weren't always sufficient to remove all oil and moisture from the air supply. The cigarette filters reduced these contaminants.

Q190. Would you explain your statement that, even if the filters were removed, oil that was sprayed on with the paint would be detectable?

A190. Yes. There would be characteristics in the coated surface that would allow you to detect the oil and grease.

Q191. Is that condition something that procedures require the QC inspector to identify during the subsequent inspection?

A191. Yes. It would be visually detectable.

Q192. What if water were to be sprayed on along with the paint?

A192. If water were sprayed on with an inorganic zinc primer, it would probably serve to enhance the cure of the primer. If water were sprayed on with an epoxy top coat, you would see a white haze on the top coat itself when it cured.

As I stated, Mr. Allen, I think, agreed with my explanation, with the possible exception of what water in an epoxy top coat would do. He told me he was unsure of the effects of water on the epoxy top coat. I told him I didn't have a problem with it.

Q193. Did you suggest to Mr. Allen that, if he continued to have a problem with the practice, he should take it up with someone else?

A193. I believe I told him that, if he didn't accept my explanation, he could write an NCR on it, and that if he wanted to get engineering evaluation, he could certainly do that.

Q194. Mr. Brandt, Mr. Allen testified that he was concerned that inspectors were not permitted to identify defects that they encountered in areas other than the areas that they were assigned to inspect. Do you recall that testimony?

A194. Yes, I do.

Q195. Assuming that mechanical or other damage to coatings takes place after the final top coat has been accepted by a QC inspector, does any procedure require that these coatings undergo further inspection?

A195. Yes.

Q196. What is that procedure?

A196. There is a procedure for a final engineering walkdown of all coated surfaces.

Q197. Would you describe the requirements of that procedure?

A197. It requires a walkdown inspection to assure that all damage or defects in coated surfaces are identified and repaired.

Q198. Under the procedure, when is that inspection to take place?

A198. When the area is secured and access is limited.

Q199. Is construction work finished at that time?

A199. The final walkdowns take place when construction work is at a minimum level. There are a minimal number of crafts people in the area, which would tend to preclude the possibility of further mechanical damage to the coated surfaces.

Q200. What is the rationale for the final walkdown inspections?

A200. Essentially, the walkdown procedure serves to defer the identification and repair of mechanical damage and similar defects until the final stages of construction. Any time that you have large numbers of crafts people working in an area, be they iron workers, electricians, or whatever, a certain amount of mechanical damage is going to occur to coated surfaces. Economically, it would make no sense to repair and to keep repairing a surface. Moreover, if you attempted to repair defects as you went along, you would have a practically never-ending and self-duplicating process and, ultimately, in my view, you would end up with a lower-quality coating system than if all defects were repaired at one time.

Q201. Mr. Brandt, is there any regulatory requirement of which you are aware requiring that coatings defects be identified and repaired continually during the construction process?

A201. No, there is not.

Q202. Did Mr. Allen ever express any concern to you during the period he was employed at Comanche Peak regarding QC inspectors' ability to identify defects in coatings other than those that they were assigned to inspect?

A202. No, he did not.

Q203. Mr. Brandt, do you recall having a conversation with Mr. Allen on the roof of the pressurizer room?

A203. Yes, I do.

Q204. When did this conversation take place?

A204. In the fall of 1983.

Q205. What was Mr. Allen doing on the roof of the pressurizer room?

A205. He was standing there, and had been standing there most of the morning, with Cindy Dittmar waiting for paint.

Q206. Would you describe the location of the pressurizer room roof?

A206. It is approximately 20 or 25 feet off the operating deck at elevation 905, which is the top floor slab inside the reactor containment building.

Q207. Did you travel to the roof to have this conversation?

A207. Yes, I did.

Q208. Was that out of your way?

A208. Yes, it was.

Q209. Why did you go to the roof of the pressurizer room to have a conversation with Mr. Allen?

A209. There were several reasons. I had observed that he was standing up there with Cindy Dittmar doing virtually nothing. I asked the craft foreman, as I recall, who was standing next to the call box on elevation 905, what Mr. Allen was doing up there. The foreman told me he thought Mr. Allen was waiting for paint.

During this period, construction was voicing concern over the availability of inspectors, and I was concerned if I had two inspectors up there all morning waiting for paint, then construction probably wasn't managing their effort with much prudence. If they didn't have paint available for the crew of painters on top of the pressurizer room, they could have told Mr. Allen and Miss Dittmar that they weren't ready for them and they could come back later.

Q210. Was this situation in any way attributable to Mr. Allen?

A210. No. In no instance was it Mr. Allen's fault. That was the craft's fault, which was one of the reasons I went up there.

Q211. For what other reasons did you go up there?

A211. I had spent all morning that day up in the building talking to people to try to get a feel of how things were going, what the average QC inspector thought of his job, and whether the situation between the craft and the QC inspectors had improved any and if the communication channels had gotten any better. I wanted to ask Mr. Allen for his views.

I was also concerned at this time about Mr. Allen in particular, because it seemed to me that Cory seemed to think that somebody was after him constantly. We had had two discussions in which Mr. Allen felt that construction was trying to deceive him, or QC in general.

Q212. Have you discussed those instances earlier in your testimony?

A212. Yes, I have, the incident with the cigarette filters and the incident with the detergent washing of the containment liner wall. My general concern was whether Cory was being reasonable or unreasonable. That is, was the construction force singling Cory out and deliberately giving him a hard time, or was it a matter of paranoia on his part that somebody was out to get him.

Q213. What did you ask Mr. Allen?

A213. I discussed three topics with him, that I remember. First, I asked him whether he had been waiting for paint all morning. He indicated that he had been, that he didn't know what the problem was, but that the craft didn't seem to be able to get their act together. He and Ms. Dittmar had been there for three hours and the paint still hadn't shown up.

After some small talk, I then asked him about how his job was going. He indicated pretty well, as I recall. I asked Mr. Allen what he thought about Evert Mouser, who had become the coatings QC supervisor. Mr. Allen reported that he hadn't had to much to do with Mr. Mouser. As I recall,

however, he was much happier with Mr. Mouser than he had been with Harry Williams, who by that time had transferred to another job.

I specifically asked Mr. Allen if he felt he was being intimidated. His response was to kind of smile, and to say "No, this job isn't bad. I've worked in places where you had to carry a spec in one hand and inspect with the other because with every call you made someone was arguing with you."

Q214. By "spec," did you understand Mr. Allen to mean specification?

A214. Yes, I did. He indicated that he considered disagreements with craft to a certain extent part of the job, as long as it was done in a professional manner, but he didn't think Comanche Peak was any worse than a lot of places. In fact, he indicated that it was better than a lot of places he had been.

Q215. Was he referring to his job experience as a QC inspector?

A215. Yes. He specifically mentioned inspections and referred to "shops," and I took it that he was talking about his experience as a vendor inspector with Bechtel.

The last question that I distinctly remember asking him was how Cindy Dittmar was coming along. Ms. Dittmar was a trainee at the time. Cory's response was that she was doing very well, and he thought she would be a very competent inspector. She was pretty bright and I agreed with him.

Q216. Did Miss Dittmar participate in this conversation?

A216. No. At the time it was very noisy inside the containment. As a matter of fact, you had to have ear plugs to even go on elevation 905. I was standing on one side of a scaffolding and Cory was standing on the roof of the pressurizer room itself, maybe a foot and a half or two feet above me in elevation. Mr. Allen is somewhat shorter than I am. So I would say we were in reasonable proximity, but we were speaking rather loud to be heard due to the noise in the building. Cindy was standing probably six or eight feet away. She wasn't participating in the discussion, and I don't think she could hear us.

Q217. Did Mr. Allen express any concerns to you during this conversation?

A217. He didn't understand why it was taking the craft three or four hours to get paint to the building. I agreed with him and told him I intended to go find Charles Oxley and find out what they were doing. I did so when I left the pressurizer room.

Q218. Did Mr. Allen express any other concerns?

A218. Not that I recall.

Q219. Did he seem satisfied with his job?

A219. He seemed to be.

Q220. Did he express any unhappiness with his supervision during that conversation?

A220. No, he did not.

Q221. Mr. Brandt, I am going to show you a two-page document that Mr. Allen testified he filled out and signed when he left Comanche Peak. It is titled "Questionnaire for Persons Leaving QA/QC." Mr. Allen testified that one of the reasons that he filled out "No" to each of the questions on this form is because he feared some further adverse consequences in his employment with EBASCO had he noted all of his concerns.

As an EBASCO supervisor, would you comment on Mr. Allen's statement?

A221. That is simply not true. This questionnaire is designed by Texas Utilities to find out at the earliest possible date any safety concerns that a person leaving might have.

In fact, some EBASCO employees that have left Comanche Peak have voiced concerns. Some EBASCO employees who remain EBASCO employees, I might add, have voiced concerns when they left Comanche Peak.

Q222. Do you personally encourage EBASCO employees, whether onsite or whether they are leaving the site, to express their concerns regarding quality at Comanche Peak?

A222. Yes, I do.

Q223. Did you have any discussions with Mr. Allen when he left Comanche Peak?

A223. Yes. Cory came in to shake hands with me when he left. We had earlier discussed his desire to get into corrosion engineering. I had told him I had checked on it and there

were no positions available. We shook hands, he started to leave, and, as he was waslking out my office door, he asked if he could use me as a reference.

Q224. What did you respond?

A224. Yes, he could.

Q225. Mr. Brandt, what is your assessment of Mr. Allen's abilities as a QC inspector based on his employment with EBASCO at Comanche Peak?

A225. From my observations of Cory Allen's performance as a QC inspector, functionally he is an excellent inspector. He is quite knowledgeable in the requirements for coating systems. He is an intelligent person and very hard worker. I couldn't ask for, as far as functionally, a much better employee.

The only reason I have to doubt Mr. Allen's performance relates to my initial concern in the job interview, that I didn't want and wasn't hiring a coatings engineer. I did not need someone who was unable to limit his job to inspection. Mr. Allen was not intellectually satisfied with the job of performing QC inspection. To that extent, my initial concern was, in my mind anyway, verified.

I also think Mr. Allen, to a certain extent, felt that someone was always after him. He seemed hesitant to talk to anybody, even his peer group, about what he felt. And, from the discussions that I had with him personally, he felt that people were always trying to trick him or deceive him, and I think that is an undesirable trait in a QC inspector.

But, as far as functionally performing the inspection,
Cory Allen was excellent.

Q226. Does that conclude your testimony?

A226. Yes, it does.

TEXAS UTILITIES
GENERATING CO.

COMANCHE PEAK STEAM ELECTRIC STATION
NONCONFORMANCE REPORT (NCR)

NCR No.
C-83-00461, R. 1

21395

REPORTING PERSONNEL

UNIT	STRUCTURE/SYSTEM	ITEM/COMPONENT	TAG/ID NUMBER	LOCATION OR ELEVATION	R/R NO.
1&2	Reactor Containment Building	Reactor Core Cavity	N/A	783'-7" to 834'-0"	N/A

NONCONFORMING CONDITION

XI Test Control - "A test program shall be established to assure that all testing required to demonstrate that structures, systems, and components will perform satisfactorily in service is identified and performed in accordance with written test procedures which incorporate the requirements and acceptance limits contained in applicable design documents. ...test results shall be documented and evaluated to assure that test requirements have been satisfied."

Coatings applied on concrete and steel surfaces located in the reactor core cavity and extending up the core wall, Elev. 834'-0", have not been proven to perform satisfactorily to the combined 40-year dosages of gamma and neutron radiation.

No hold tag applied. Work may continue in affected area.

REFERENCE DOCUMENT: 10CFR50, Appendix B REV _____ PARA _____

REPORTED BY: Cory Allen/C. T. Brandt (Rev. 1) DATE: 2 / 11 / 83

QE REVIEW/APPROVAL: [Signature] DATE: 2/15/83

ACTION ADDRESSEE: J. B. George/Kissinger DEPARTMENT: Engineering

DISPOSITION: REWORK _____ REPAIR _____ USE AS IS XXX SCRAP _____

See attached.

ACTION ADDRESSEE

ARMS
INDEXED

DATE: _____

QA RECORD!
RTN. QA REVIEW
L 1532583
FILE NO. 15.1
SUBFILE NO.
NCR NO.

ENG. REVIEW/APPROVAL: [Signature] DATE: 3/25/83

QE REVIEW APPROVAL: [Signature] DATE: 3/28/83

DISPOSITION VERIFICATION & CLOSURE: [Signature] DATE: 3/28/83

DATE

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*3-11-83
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TUCCO GRSE

429749 GHNY UI
MSG ED394

MARCH 10, 1983

TUSSI SITE
T-X NO. 9108908660

CTT-9572

J. R. GEORGE/M. R. MCPAY/R. M. KISSINGER/M. WELLS

SUB: GIBBS AND HILL RESPONSE TO REACTOR CAVITY COATING
NCR C-83-00461, FEBRUARY 11, 1983

THIS NCR ESSENTIALLY STATES THAT A TEST PROGRAM HAS NOT BEEN ESTABLISHED FOR COATINGS IN THE REACTOR CORE CAVITY.

COATINGS IN THIS AREA SERVE NO SAFEGUARD FUNCTION. THEY ARE NOT NECESSARY TO PROTECT SAFETY-RELATED EQUIPMENT, OR TO ASSIST IN IT CARRYING OUT ITS SAFEGUARD FUNCTION. SINCE THE ATMOSPHERE IN THIS AREA IS MAINTAINED DRY AND AT LESS THAN 50C BY AN HVAC SYSTEM, CORROSION OF CARBON STEEL SURFACES WILL NOT BE PERCEPTIBLE. THE CONCRETE NEEDS NO PROTECTION.

CONCERN HAS BEEN EXPRESSED THAT FAILED COATINGS WILL INTERFERE WITH POST-ACCIDENT OPERATION OF THE SAFETY INJECTION SYSTEMS AND THE CONTAINMENT SPRAY SYSTEM, WHICH UTILIZE WATER DRAWING FROM THE CONTAINMENT SUMP (NOT THE REACTOR CAVITY SUMP). SUCH CONCERNS FORM THE BASIS FOR COATING TESTS FOR OTHER LOCATIONS IN THE CONTAINMENT; HOWEVER, IN SUCH OTHER LOCATIONS, THE RADIATION DOSE IS SIGNIFICANTLY LOWER. SUCH CONCERNS DO NOT EXIST IN THE REACTOR CORE CAVITY LOCATION, SINCE THE REACTOR CORE CAVITY IS NOT IN DIRECT COMMUNICATION WITH THE CONTAINMENT SUMP. IN CASE OF A LOCA, WATER WILL FLOW INTO, NOT OUT OF, THE REACTOR CORE CAVITY.

IF YOU HAVE ANY FURTHER QUESTIONS, PLEASE ADVISE.

R. E. BALLARD/M. CHIRUVOLU/K. FALK

GIRBSHILL, N.Y.

429749 GHNY UI

21397

2.18.82

TEXAS UTILITIES
GENERATING CO.

COMANCHE PEAK STEAM ELECTRIC STATION
NONCONFORMANCE REPORT (NCR)

NCR No.
C-83-00461, R. 1

Alison Kissinger

UNIT	STRUCTURE/SYSTEM	ITEM/COMPONENT	TAG/ID NUMBER	LOCATION OR ELEVATION	RIR NO.
1&2	Reactor Containment Building	Reactor Core Cavity	N/A	783'-7" to 834'-0"	N/A

NONCONFORMING CONDITION

XI Test Control - "A test program shall be established to assure that all testing required to demonstrate that structures, systems, and components will perform satisfactorily in service is identified and performed in accordance with written test procedures which incorporate the requirements and acceptance limits contained in applicable design documents. ...test results shall be documented and evaluated to assure that test requirements have been satisfied."

Coatings applied on concrete and steel surfaces located in the reactor core cavity and extending up the core wall, Elev. 834'-0", have not been proven to perform satisfactorily to the combined 40-year dosages of gamma and neutron radiation.

No hold tag applied. Work may continue in affected area.

REPORTING PERSONNEL

REFERENCE DOCUMENT: 10CFR50, Appendix B REV _____ PARA _____

REPORTED BY: Cory Allen/C. T. Brandt (Rev. 1) DATE: 2 / 11 / 83

QE REVIEW/APPROVAL: *[Signature]* DATE: 2.15.83

ACTION ADDRESSEE: J. B. George/Kissinger DEPARTMENT: Engineering

DISPOSITION: REWORK _____ REPAIR _____ USE AS IS _____ SCRAP _____

see attached

QE

NON ADDRESSEE

ENG. REVIEW/APPROVAL: *[Signature]* / *[Signature]* 3-17-83 DATE: / /

QE REVIEW APPROVAL: *[Signature]* 3/23/83 DATE: / /

DISPOSITION VERIFICATION & CLOSURE: _____ DATE: / /

COMMENTS: _____

QL

UNIT	STRUCTURE/SYSTEM	ITEM/COMPONENT	TAG/ID NUMBER	LOCATION OR ELEVATION	RIR NO.
1 & 2	Reactor Containment Building	Reactor Core Cavity	N/A	783'-7" to 834'-0"	N/A

NONCONFORMING CONDITION

XI Test Control - "A test program shall be established to assure that all testing required to demonstrate that structures, systems, and components will perform satisfactorily in service is identified and performed in accordance with written test procedures which incorporate the requirements and acceptance limits contained in applicable design documents. ...test results shall be documented and evaluated to assure that test requirements have been satisfied."

Coatings applied on concrete and steel surfaces located in the reactor core cavity and extending up the core wall, Elev. 834'-0" have not been proven to perform satisfactorily to the combined 40-year dosages of gamma and neutron radiation.

REPORTING PERSONNEL

REFERENCE DOCUMENT: 10CFR50, Appendix B REV _____ PARA _____

REPORTED BY: Cory Allen DATE: 2 / 11 / 83

QE REVIEW/APPROVAL: [Signature] DATE: 2 / 11 / 83

ACTION ADDRESSEE: J. B. George / Kissinger Mike McBay DEPARTMENT: Engineering

DISPOSITION: Rework _____ Repair _____ Use as is _____ Scrap _____

ACTION ADDRESSEE

ENG. REVIEW/APPROVAL _____ DATE: / /

QE REVIEW APPROVAL _____ DATE: / /

DISPOSITION VERIFICATION & CLOSURE: _____ DATE: / /

QE

UNIT	STRUCTURE/SYSTEM	ITEM/COMPONENT	TAG/ID/NUMBER	LOCATION OR ELEVATION	RIR NO.
1#2	REACTOR CONTAINMENT BUILDING	REACTOR CORE CAVITY	N/A	783'-7" TO 834'-0"	N/A

REPORTING PERSONNEL

NONCONFORMING CONDITION XI. TEST CONTROL
 "A TEST PROGRAM SHALL BE ESTABLISHED TO ASSURE THAT ALL TESTING REQUIRED TO DEMONSTRATE THAT STRUCTURES, SYSTEMS, AND COMPONENTS WILL PERFORM SATISFACTORILY IN SERVICE IS IDENTIFIED AND PERFORMED IN ACCORDANCE WITH WRITTEN TEST PROCEDURES WHICH INCORPORATE THE REQUIREMENTS AND ACCEPTANCE LIMITS CONTAINED IN APPLICABLE DESIGN DOCUMENTS
 ••• TEST RESULTS SHALL BE DOCUMENTED AND EVALUATED TO ASSURE THAT TEST REQUIREMENTS HAVE BEEN SATISFIED."

COATINGS APPLIED ON CONCRETE AND STEEL SURFACES LOCATED IN THE REACTOR CORE CAVITY AND EXTENDING UP THE CORE WALL, EL. 834'0" HAVE NOT BEEN PROVEN TO PERFORM SATISFACTORILY TO THE COMBINED 40-YEAR DOSAGES OF GAMMA AND NEUTRON RADIATION
 REFERENCE DOCUMENT: 10CFR 50, APPENDIX B REV _____ PARA _____

REPORTED BY: CORY ALLEN DATE: 2/11/83

QE

QE REVIEW/APPROVAL: [Signature] DATE: 2/11/83
 ACTION ADDRESSEE: _____ DEPARTMENT: _____

ACTION ADDRESSEE

DISPOSITION: REWORK _____ REPAIR _____ USE AS IS _____ SCRAP _____

QE

ENG. REVIEW/APPROVAL: _____ DATE: / /
 QE REVIEW APPROVAL: _____ DATE: / /
 DISPOSITION VERIFICATION & CLOSURE: _____ DATE: / /
 COMMENTS: _____

Speed Letter.

To TOM BRANDT

From CORY ALLEN

Subject COMPLAINT AGAINST B&R PAINT FOREMAN

MESSAGE

Date 6/25 1983

ON 6/24/83 WHILE PERFORMING A HOLIDAY DETECTION TEST DURING A FINAL INSPECTION I WAS INTERRUPTED BY PAINT FOREMAN WAYNE WILLIAMS. HE INSTRUCTED ME TO CLIMB BACK UP SCAFFOLDING TO REINSPECT A TAPED OFF 4"x4" GROSS DISCONTINUITY SO AS TO PROVE TO HIM THAT IT WAS AN UNSATISFACTORY AREA. IT WAS NOT AN INTERROGATIVE REQUEST BUT AN IMPERATIVE COMMAND FOR ME TO OBEY. THIS IS A BLATANT EXAMPLE OF A B&R PAINT FOREMAN ORDERING A QC INSPECTOR TO PERFORM. TO HIGHLIGHT THIS EXAMPLE, MR. WILLIAMS HAD B&R PAINT SUPERINTENDENT HALEY COMPLAIN TO HARRY WILLIAMS THAT I REFUSED TO FOLLOW THE FOREMAN'S INSTRUCTIONS AND RETEST THE AREA - WHICH IN FACT WAS INCORRECT. I TOLD THE FOREMAN AT THAT TIME THAT I WOULD RETURN TO THE AREA WHEN I WAS

Signed Cory Allen

REPLY

Date _____ 19____

As discussed w/ Construction (Haley, WILLIAMS, BRACKIS, REMINGTON) AND your supervision (H. Williams) and yourself, this type of measurement must cease. Construction has assured us that they will implement corrective action (as necessary) immediately. As we discussed verbally, if situation does not improve, please notify me again.

AS 6/29/83

Speed Letter.

21401

FHYG C

To TOM BRANDT

From CORY ALLEN

MESSAGE

Date 6/25 1983

FINISHED WITH THE ENTIRE AREA (CONSISTING OF 873 FT²)

ANOTHER EXAMPLE OF PAINT DEPARTMENT HARASSMENT OCCURRED DAY BEFORE YESTERDAY, 6/23/83. GENERAL FOREMAN C. LAFAYETTE COMPLAINED TO HARRY O. WILLIAMS THAT I WAS WRITING NCR'S ON EXPIRED CZ-11 THAT HAD BEEN APPLIED BY W. REMINGTON'S CREW. THIS WAS AN OUTRAGEOUS FALSIFICATION. ALL I DID WAS SIMPLY WRITE AN UNSAT PRIMER REPAIR, WHICH WOULD REQUIRE STRIPPING THE CZ-11 (WHICH I EXPLAINED TO W. REMINGTON AT THAT TIME). WRITING A NCR NEVER ENTERED MY MIND UNTILL HARRY O. WILLIAMS QUESTIONED ME ABOUT IT BEFORE I EVEN HAD A CHANCE TO FINISH WRITING THE IR.

Signed Cory Allen

REPLY

Date _____ 19__

Signed

To TOM BRANDT

From CORY ALLEN

Sub MESSAGE

Date 6/25 1983

LAST WEEK I HAD THREE DIFFERENT SHOOTING MATCHES DURING INSPECTIONS WITH THREE DIFFERENT JBR PAINT FOREMAN WHO TRIED TO ARGUE THEIR WAY OUT OF UNSAT COATINGS. OBVIOUSLY, I ALWAYS EXPLAIN TO THE PAINT FOREMAN AND JOURNEYMAN PAINTER THE RESULTS OF MY INSPECTION INCLUDING THE AZIMUTHS, ELEVATIONS, AND IR NUMBER. INEVITABLY, AN ARGUMENT FOLLOWS WITH COMPLAINTS TO HARRY O. WILLIAMS IF THOSE RESULTS ARE NEGATIVE. I FEEL UNCOMFORTABLE ABOUT HAVING TO DEFEND MYSELF AGAINST ALLEGATIONS MADE BY A JBR SUPERINTELENT ^{TO MY SUPERVISOR:} THIS HAS BECOME A RECURRENT OCCURRENCE FOR CORY ALLEN. I WOULD SUGGEST A NEW FORMAT FOR RECEIVING COMPLAINTS FROM THE PAINT DEPARTMENT

Signed Cory Allen

REPLY Date _____ 19__

Signed

Speed Letter.

21403

PAGE 4

To TOM BRANDT

From CORY ALLEN

Subject

MESSAGE

Date 6/25 1983

AGAINST A CERTIFIED INSPECTOR FOR INSTANCE, REQUIRE THE PAINT DEPARTMENT REPRESENTATIVE TO MAKE THE COMPLAINT IN PERSON WITH THE INSPECTOR PRESENT SO THAT HE CAN DEFEND HIMSELF OR FOR THE PAINT DEPARTMENT TO PUT IT IN WRITING, SUCH AS I HAVE DONE.

Signed Cory Allen

REPLY

Date 19

Signed

TEXAS UTILITIES
GENERATING CO.

COMANCHE PEAK STEAM ELECTRIC STATION
NONCONFORMANCE REPORT (NCR)

Attachment 3

1716

NCR No.

C-88-1699

21404

UNIT	STRUCTURE/SYSTEM	ITEM/COMPONENT	TAG/ID NUMBER	LOCATION OR ELEVATION	RIR NO.
1	REACTOR CONTAINMENT BUILDING	LINER PLATE		AZ 266° -> 278° ELEV. 939'-8" -> 949'-5"	

NONCONFORMING CONDITION

PAINT DEPARTMENT WIPE-DOWN FINISH (COATED) AREA WITH AN UNSPECIFIED CLEANING AGENT PRIOR TO FINAL INSPECTION BY QC. THE CLEANING AGENT LEAVES A RESIDUE WHICH MAY INHIBIT HOLIDAY DETECTION AS PERFORMED IN ACCORDANCE WITH QI-QP-11.4-5, PARA. 3.6.4.

THE CLEANING AGENT IS: EMCO LEMON DISINFECTANT CLEANER - HOSPITAL TYPE MANUFACTURED BY GARLAND SUPPLY FT. WORTH, TX.

REFERENCE DOCUMENT: QI-QP 11.4-5

REV 15 PARA 3.6.4

REPORTING PERSONNEL

REPORTED BY:

Tom Allen

DATE:

6/17/83

QE REVIEW/APPROVAL:

Harry O. Williams

DATE:

6/17/83

ACTION ADDRESSEE

George / KISSINGER

DEPARTMENT

ENG.

DISPOSITION:

REWORK _____ REPAIR _____ USE AS IS XXX SCRAP _____

Holiday detection is performed by the "wet sponge" method utilizing a 67.5 volt detector. If a film or residue is left on the surface after washing down the coating, it will immediately rehydrate upon water contact. In addition a residue or thin film left after use of the above product will not create an insulating barrier.

NON ADDRESSEE

FOR INFORMATION ONLY
ARMS INDEXED

QA RECORD 1

RTN.	QA REVIEW
L	Gm 7-13-83
FILE NO.	15.1
SUBFILE NO.	NCR- No.

DATE:

ENG. REVIEW/APPROVAL

C. Houston

DATE:

6/24/83

QE REVIEW APPROVAL

C. Houston

6/24/83

DISPOSITION VERIFICATION & CLOSURE:

MP

C. Houston

DATE:

7/12/83

INSPECTION REPORT

SHEET 1 OF NO. E102643

ITEM DESCRIPTION IDENTIFICATION NO. SYSTEM/STRUCTURE DESIGNATION

PROTECTIVE COATING 2 LUBEL PLATE PCB #1

SPEC. NO. REV. REF. Q.C. OCC. & REV. & CHANGE NO. MEASURE OR TEST EQUIP. IDENT. NO.

AS 31 1 6 QI-OP 11.4-5 E 15 N/A

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

INSR. RESULTS

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

Henry C. Williams QC INSPECTOR DATE

Table with columns: ITEM NO., INSPECTION ATTRIBUTES, SAT, UNSAT, DATE, SIGN. Rows include: 1 PER DISPOSITION OF NCR C-93-01694 IS "USE AS IS", 2 HOW TAG REMOVED, 3 THIS IE CLOSURE NCR C-93-01694

FOR INFORMATION ONLY

REMARKS (DWGS, SPECS, ETC.)

RELATED NCR NO. N/A I.R. CLOSED DATE N/A SIGNATURE N/A QC INSPECTOR