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2 UNITED STATES OF AMERICA  
3 NUCLEAR REGULATORY COMMISSION

4 INTERVIEW

5 OF

6 CHARLES THOMAS BRANDI

7  
8 Conference Room No. 2  
9 Visitors Information Center  
10 Texas Utility Generating Company  
11 P. O. Box 2300  
12 Glen Rose, Texas 76043

13 Friday, December 2, 1983

14 The interview commenced, pursuant to notice,  
15 at 9:15 a.m.

16 PARTIES PRESENT:

17 On Behalf of the NRC Office of Investigations:

18 H. BROOKS GRIFFIN, Investigator  
19 DONALD D. DRISKILL, Investigator  
20 U. S. Nuclear Regulatory Commission  
21 Region IV  
22 611 Ryan Plaza Drive  
23 Suite 1000  
24 Arlington, Texas 76001

25 On Behalf of Texas Utility Generating Company:

MCNEILL WATKINS, II, ESQ.  
Debevoise & Lieberman  
1200 Seventeenth Street, N. W.  
Washington, D. C. 20036  
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PDR  
Q

TAYLOR ASSOCIATES  
1625 I STREET, N.W. - SUITE 1004  
WASHINGTON, D.C. 20006  
202-293-3950

EXHIBIT (21)

P R O C E E D I N G S

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2 MR. GRIFFIN: For the record, this is an  
3 interview of Thomas Brandt, B-r-a-n-d-t, who is employed  
4 by Ebasco Services Corporation.

5 The location of this interview is the Comanche  
6 Peak Steam Electric Station near Glen Rose, Texas.

7 Present at this interview are for Ebasco  
8 Thomas Brandt, McNeill Watkins, representative for Mr.  
9 Brandt, a lawyer for the firm of Debevoise and Liberman,  
10 present for the NRC are Don D. Driskill and H. Brooks  
11 Griffin and the court reporter.

12 Tom, we swore you to tell the truth and the  
13 same oath will applies for today's continuation of these  
14 interviews.

15 Whereupon,

16 CHARLES THOMAS BRANDT

17 having been previously duly sworn by Investigator Griffin,  
18 was further examined and testified as follows:

19 MR. GRIFFIN: In your opening remarks in the  
20 deposition we took from you yesterday you expressed  
21 concern over releases of statements you had given in the  
22 past to the NRC and problems that you had relating to  
23 civil actions and you ~~rejected~~<sup>objected</sup> to the release of any  
24 statements you might give during this proceeding to, one,  
25 the public, the Department of Labor or to the ASLE for a

1 period up to and including the termination or ending of a  
2 current Department of Labor investigation on Bill Dunham.

3 Don and I agreed to explore this for you. The  
4 NRC is not in a position to enter into such an agreement.  
5 Our inquiries end up in the public record. The Department  
6 of Labor has the authority to have access to these things.  
7 We do not seek them out or call them up and say we have  
8 got something you might need here, but nevertheless we  
9 cannot guarantee that it would be preserved from them at  
10 any point because they have a legal right to request  
11 them, and of course the ASLB being an arm of the NRC, an  
12 independent arm, has access to all proceedings that relate  
13 to Comanche Peak. So we are not in a position to withhold  
14 these.

15 You indicated that the time period that you  
16 were interested in is up to the termination of DOL's  
17 investigation on Dunham. The only thing I could tell you,  
18 Tom, is that because of the time involved in the review  
19 process for any report that the Office of Investigations  
20 makes, there is a definite time factor and I wouldn't  
21 anticipate that any report of this investigation would be  
22 released until well after the new year. But at the same  
23 time I cannot promise you that any part of our  
24 investigation into these areas might not be solicited and  
25 received by one or more of these parties.

1 MR. WATKINS: Is the reluctance to agree to a  
2 condition with regard to the Department of Labor based on  
3 the memorandum of understanding between NRC and the  
4 Department of Labor?

5 MR. GRIFFIN: No. My personal understanding of  
6 the reason we cannot enter into this agreement is that  
7 we cannot reserve the right to withhold this information.  
8 The ASLS and the Department of Labor has access to this  
9 information if they request. Of course, they may not know  
10 that it exists, but if they knew it existed and requested  
11 it, they we would be entitled to it and this is my  
12 understanding.

13 MR. WATKINS: The reason I bring it up is  
14 because as I understand the memorandum, it governs  
15 Department of Labor investigations under Section 210.  
16 Perhaps we should have clarified this yesterday.

17 The Department of Labor's investigation is  
18 concluded. It is over. The letter dated October 16 from  
19 the Area Director of the Department of Labor to Mr. Purdy  
20 signifies the conclusion of the Department of Labor's  
21 investigation. We are now embarked on a trial type  
22 administrative hearing, which is a hearing de nova to  
23 investigate all the facts and circumstances surrounding  
24 Mr. Dunham's charge.

25 It is not clear to me, and indeed I think that

1 the agreement between DOL and the NRC does not cover that  
2 circumstance once the investigation is concluded. You  
3 might want to relay that back to ---

4 MR. GRIFFIN: Well, no. What it boils down to  
5 is we are not in the position to guarantee confidentiality  
6 from either the Department of Labor or the ASLB, and in  
7 that we can't, there are no provisions as such, and so to  
8 to be straight with you guys, I have to advise you that  
9 that is the official position of the NRC it is my  
10 understanding.

11 • You have a decision to make, Tom, and if the  
12 timing that relates to this is critical to you, then you  
13 may force us into a subpoena situation. We are entitled to  
14 receive this information from you, as you already know and  
15 as we have discussed off the record.

16 THE WITNESS: I understand.

17 MR. GRIFFIN: You are not resisting us, I  
18 understand, but we cannot guarantee you confidentiality  
19 even for any period of time which relates to this  
20 information. We are requesting this information from you  
21 and you are going to have to make a decision as to whether  
22 you are going to voluntarily give it today or under  
23 subpoena at some near date in the future.

24 MR. WATKINS: Just to clarify, when you say you  
25 cannot guarantee confidentiality, you can guarantee

1 confidentially pursuant to the standard form agreement.

2 MR. GRIFFIN: Yes. If you were willing to abide  
3 by all of the conditions of confidentiality which would  
4 include discussing it with third parties.

5 MR. WATKINS: I would like to confer with Mr.  
6 Brandt. Can we go off the record for that purpose?

7 MR. GRIFFIN: Sure.

8 (Brief recess while Counsel Watkins and Mr.  
9 Brandt confer outside of the conference room.)

10 MR. GRIFFIN: We will go back on the record.

11 MR. WATKINS: The Department of Labor  
12 administrative hearings in the William Dunham matter will  
13 commence on December the 8th and will continue for many  
14 days. Mr. Brandt will be a witness in that proceeding, as  
15 will other persons that you have requested to be  
16 interviewed.

17 Given what happened with voluntary statements  
18 in the DOL Atchison proceeding, and given also the fact  
19 that there is a lawsuit pending by Atchison, a civil suit  
20 for several millions of dollars both as to companies and  
21 as to persons, Mr. Brandt would prefer it if the Office of  
22 Investigations put him under subpoena to answer any  
23 further questions that you have regarding the William  
24 Dunham matter at Comanche Peak.

25 We would add that we hope you understand our



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reluctance to enter this on the record material, that we  
don't mean to be difficult about it, but that the  
exigencies of litigation simply in our view demand that we  
do this.

Tom, do you have anything to add?

THE WITNESS: No. That is essentially the  
story.

MR. GRIFFIN: Okay. Well, I understand your  
reasoning and we will proceed as we must.

(Whereupon, at 9:40 a.m., the INTERVIEW OF  
CHARLES THOMAS BRANDT concluded.)

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CERTIFICATE OF PROCEEDINGS

This is to certify that the attached proceedings of the  
Interview of CHARLES THOMAS BRANDT before the Office of  
Investigations at Texas Utility Generating Company,  
Comanche Peak Steam Electric Station, Glen Rose, Texas  
76043, on Friday, December 2, 1983, commencing at 9:15  
a.m., was held as herein appears, and that this is the  
original transcript for the files of the Office of  
Investigations, Region IV.

Mary C. Simons

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Official Reporter - Typed

*Mary C. Simons*  
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Official Reporter - Signature