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In the Matter of: I
I
INVESTIGATION OF TERMINATION I
OF MR. WILLIAM DUNHAM I

ORAL TESTIMONY OF C. THOMAS BRANDT, a
witness produced pursuant to subpoena, taken on the
9th day of January 1984, commencing at the hour of
9:16 o'clock A.M., before Mary L. Bagby, a Notary
Public in and for the State of Texas, at the offices
of the Nuclear Regulatory Commission, located at
611 Ryan Plaza Drive, Suite 835, in the City of
Arlington, County of Tarrant, State of Texas.

REPRODUCED BY: M. J. BROWN, 1008 2ND

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PDR ADOCK 05000445
G PDR

Mary L. Bagby
(512) 267-2838

EXHIBIT (2)

1 APPEARANCES:

2 FOR THE COMMISSION:

3 DONALD D. DRISKILL, Investigator
4 U.S. Nuclear Regulatory Commission
5 Office of Investigations, Field Office
6 611 Ryan Plaza Drive
7 Suite 1000
8 Arlington, Texas 76011; and

9 BROOKS GRIFFIN, Investigator
10 U.S. Nuclear Regulatory Commission
11 Office of Investigations, Field Office
12 611 Ryan Plaza Drive
13 Suite 1000
14 Arlington, Texas 76011

15 FOR THE WITNESS:

16 BRUCE L. DOWNEY, ESQ.
17 Debevoise & Liberman
18 1200 Seventeenth Street, N.W.
19 Washington, D.C. 20036

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1 MR. DRISKILL: For the record, this is an
 2 interview of C. Thomas Brandt, spelled B-r-a-n-d-t,
 3 who is employed by EBASCO at Comanche Peak Steam
 4 Electric Station.

5 The location of this interview is the
 6 Nuclear Regulatory Commission, Office of Investigations
 7 Field Office, 611 Ryan Plaza Drive, Suite 835,
 8 Arlington, Texas.

9 Present at this interview are Mr. Brandt,
 10 Mr. Bruce L. Downey, attorney at law, DeBevoise &
 11 Liberman, Washington, D. C., Investigator Brooks
 12 Griffin and Investigator Donald Driskill.

13 This interview is being transcribed by
 14 court reporter Mary Bagby.

15 The subject matter of this interview
 16 concerns the termination of Mr. William Dunham at
 17 Comanche Peak on approximately August 26th, 1983.

18 We have an oath, Mr. Brandt. Will you
 19 please stand and raise your right hand.

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1 Whereupon,

2 C. THOMAS BRANDT

3 a witness herein, having first been duly sworn and
4 cautioned to testify the truth, the whole truth and
5 nothing but the truth, was examined and did testify
6 upon his oath as follows:

7 DIRECT EXAMINATION

8 BY MR. DRISKILL:

9 Q Mr. Brandt, I would like to ask you for the record
10 is Mr. Downey acting as your personal attorney?

11 A Yes, he is.

12 Q To your knowledge, Mr. Brandt, is Mr. Downey
13 representing any other parties at Comanche Peak?

14 A Yes, he is.

15 Q And with that understanding you have no objection
16 to his acting as your personal counsel?

17 A Absolutely not.

18 MR. DRISKILL: Mr. Downey, could you tell
19 us what other parties at Comanche Peak you
20 do represent?

21 MR. DOWNEY: I personally represent Brown &
22 Root in the Dunham matter before the
23 Department of Labor.

24 Partners of mine and my firm
25 represent TUGCO. Other partners of mine

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represent individuals who have been interviewed by you with reference to this termination.

MR. DRISKILL: Do you foresee any potential conflicts of interest that might arise from your representing Mr. Brandt personally, and any of the other clients you may have at Comanche Peak?

MR. DOWNEY: I foresee none. I have fully briefed Mr. Brandt concerning the representation that I have of other parties, and other representations of my partners, and hope complied fully with our obligations that are in the canon of ethics.

MR. DRISKILL: I would like to ask what you might do if a potential conflict of interest arose during the course of these questions?

MR. DOWNEY: I would consult with Mr. Brandt and discuss the matter with him, and ask if he was prepared to have me continue as his representative.

MR. DRISKILL: Mr. Griffin, do you have any questions?

(No response.)

FERRELL U.S. DISTRICT, N.J. 01002 - FORM 740

1 BY MR. DRISKILL:

2 Q Mr. Brandt, if you would, I would like for you to
3 explain to us what occurred, to your knowledge,
4 with respect to the termination of William Dunham
5 by Brown & Root at Comanche Peak.

6 A To my firsthand knowledge, I know nothing. I was
7 not at the site. What I know is from hearsay, and
8 from talking to Curly Krisher, K-r-i-s-h-e-r, and
9 Gordon Purdy, P-u-r-d-y.

10 There was a counseling session arranged to
11 be held on the morning of the 26th of August, which
12 did not occur until late in the afternoon on the
13 26th of August, to counsel Mr. Dunham on his
14 attitude, which we believed to be, need some work,
15 quite frankly.

16 Mr. Dunham went to Mr. Purdy's office.
17 Mr. Purdy handed him a counseling and guidance
18 form, which explained the problem. Dunham read
19 the report. To the best of my knowledge he told
20 Purdy in no uncertain terms that he had had enough
21 of this. He had his facts together. He had another
22 job. He didn't need this job anymore. He wasn't
23 going to change, and if that's the way it had to
24 be Purdy could get his money for him.

25 At that point Purdy walked him to the gate.

1 Q And what was the basis for the determination that
2 his attitude was not what it should be or what was
3 expected?

4 A This has been so long ago now I'm forgetting dates
5 but sometime early summer 1983 Texas Utilities
6 contracted a group of consultants to evaluate the
7 present coating scheme at Comanche Peak. This group
8 of consultants included three people, that I
9 remember, from EBASCO; one, two, three, four people
10 including the vice-president, from Gibbs & Hill;
11 three people from O. B. Cannon, including the
12 president and the vice-president of O. B. Cannon;
13 and several site personnel.

14 After several weeks of work they came up
15 with a revised specification, which included a
16 broader range of acceptable milages or graphon(sic)
17 thicknesses, as well as several other programmatic
18 changes in the coatings program.

19 Two of the corrosion engineers from EBASCO,
20 who were probably the last ones remaining on this
21 group effort to tie it all together, one of them
22 approached me and asked if I thought it would be
23 a good idea to call the coatings inspectors
24 together and explain philosophically what had gone
25 on, why it had gone on, what standard industry

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practice was, to both keep them informed firsthand rather than finding out just by receiving a copy of the design change, and to soothe their nerves a little bit because they felt that, there was a constant feeling that the quality of the coating system was being sold out to the whims of construction, and they weren't involved with construction at all. They weren't even involved with Comanche Peak site engineering; they were outside people just explaining the philosophy that went into the changes.

So they asked me if I thought that would be a good idea. I said, "Yes, but I'd like to be present when you have the meeting." As it turns out I was tied up, but the meeting was scheduled for 12:30 on the -- I'm speaking from memory -- I think the 24th of August. I was tied up with something and couldn't attend, so I sent Curly Krisher as my representative for a meeting which I thought should have lasted about 15 to 30 minutes, not that time is any big issue in the matter, but it lasted about two hours, as I recall.

Mr. Krisher came directly from the meeting to my office, still had his hard hat on, and said,

1 "I don't know what you're going to do with the
2 situation, but you've got a problem." I said,
3 "What's the problem?"

4 And he explained that no matter how hard
5 that Mr. Firtel, F-i-r-t-e-l, and Mr. Kelley,
6 K-e-l-l-e-y, who were the two corrosion engineers
7 present in the meeting, tried to keep the context
8 of the meeting on track as it was originally
9 conceived Mr. Dunham seemed unable to do so, and
10 that he was generally a disruptive force in the
11 meeting. He kept dragging the issue off into
12 something else, into matters that really Kelley
13 and Firtel had no control over. Mr. Krisher was
14 quite adamant about his being a disruptive force.
15 And I said, "Okay. I'll look into it."

16 I later talked to Tom Kelley, who had been
17 one of the corrosion engineers who presented the
18 meeting, and he indicated the same thing. He was
19 I won't say appalled, but he thought his behavior
20 was obnoxious and disruptive, I think are the two
21 words he used.

22 I then talked to Harry Williams, who had
23 been his immediate supervisor, and Evertt Mouser,
24 M-o-u-s-e-r, who indicated the same. Nobody led
25 me to believe any different than what Mr. Krisher

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had originally told me. Some of them were more adamant about it than the others; some of them used stronger language than the others.

Overall I thought, well, if Bill's going to be a lead inspector he should be leading people, not leading them astray, and my original thought was to give him three days off to think about his attitude; counsel him and give him three days off about his attitude.

That was on a Wednesday, and Thursday morning I met with my boss, who is Ron Tolson, and described that I thought I had a problem, and what I wanted to do, and he concurred. I went on about my daily business.

As a matter of practice at Comanche Peak if Brown & Root employees that I supervise, if we are going to counsel them we try to have Mr. Gordon Purdy present in the counseling session since he is administratively responsible for their fate. Gordon seemed to be tied up most of that day. I finally got ahold of him about -- oh, I had left two or three messages, but he finally walked into my office about 4:30 that afternoon. We discussed what had gone on. He asked me what I wanted to do. I said, "I want to counsel him,

1 and give him three days off to think about his
2 attitude." Gordon said, "All right. I don't have
3 any problem with that." But just from the look on
4 his face I could tell he was exhausted. He said,
5 "Tom, I just as soon not do it yet today. Let's
6 get together first thing in the morning."

7 And I said, "Well, I won't be here tomorrow
8 I'm supposed to be in Dallas." I said, "But Curly
9 can represent me, and let's go on with it." And
10 Curly said, "How about 7:00 o'clock, Gordon?"
11 Gordon said, "That's too early. How about 7:30."

12 And when I left the site on the 25th of
13 August there was supposed to be a counseling
14 session with Mr. Krisher, Mr. Purdy, and Mr. Dunham
15 at 7:30 Friday morning.

16 The next thing I heard was about 5:00
17 o'clock Friday afternoon sitting in Dave Chapman's
18 office Tolson called Chapman and told Chapman that
19 Dunham had resigned. "Had quit" I think is the
20 words he used.

21 That's really all I knew about it until
22 the Monday that I returned to work. I was in
23 Dallas until probably after 6:00 o'clock Friday
24 evening on another matter.

25 That might seem like a long drawn out story,

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1 but I thought rather than --

2 Q That's okay.

3 A -- letting you ask the questions I'd just go
4 through the whole thing.

5 Q With the exception of the Thursday morning, I
6 guess, on about the 25th, you briefed Ron Tolson --

7 A Uh-huh.

8 Q -- and he concurred with your thoughts that Dunham
9 should be counseled and be given three days off;
10 is that correct?

11 A He later changed his mind, so I understand, on
12 Friday, but since the counseling session and what
13 his thought processes were, I don't know, but he
14 directed Krisher and then Purdy on Friday, but
15 since the counseling session did not take place on
16 Thursday, that they were just to counsel him, not
17 to give him three days off.

18 Q Okay. Let's go back just a few minutes. You
19 talked with Firtel and Kelley.

20 A No, I talked with Kelley.

21 Q Okay.

22 A I did not talk to Jerry Firtel.

23 Q Okay. Did they describe -- How did they describe
24 Dunham's conduct during the course of that meeting,
25 in somewhat more detail than just the fact

1 that he was disruptive. Did they tell you exactly
2 what his complaints were, or --

3 A. No, they never did. I don't know, I understand
4 now second, third and fourth hand, what Dunham's
5 specific complaints were in the meeting, but I
6 don't know prior to Dunham's termination that
7 anybody told me what his specific complaints were.
8 Everybody -- and they might have. Keep in mind
9 we're talking five months ago. I really don't
10 remember, but it seems to me that the general
11 attitude of everybody I talked to was that he
12 just kept trying to drag Firtel and Kelley off
13 into an area that they really had no control over
14 or was external or extraneous to the purpose of
15 the meeting, which in my mind anyway was the key
16 issue. That the meeting had been called for a
17 specific purpose. We had completely stopped
18 production in the field to hold the meeting. We
19 thought it was that important, because we had all
20 of the QC inspectors in it.

21 And the fact that here one of my two lead
22 inspectors was dragging the meeting off into a
23 purpose other than for what it was called, I
24 thought was counterproductive at best, as well as
25 setting an extremely bad example for everybody that

1 was there, and this is the guy I have chosen to
2 lead a group of inspectors. I hadn't chosen;
3 Harry Williams had chosen.

4 Q Were you acquainted with Dunham prior to this
5 time?

6 A Yes.

7 Q And what would be your thoughts with regard to
8 his, first of all, performance, and, secondly,
9 his personality and character prior to that time?

10 A Performance is a big word. If you are talking
11 about his performance as an inspector, he was an
12 excellent inspector. Never had any problem with
13 him. Never.

14 About the only problem I ever had with him,
15 even as a lead inspector other than, oh, in the
16 final throws to where I didn't perceive that he
17 was trying to be part of the program, he was
18 trying to be part of an outside force acting on
19 the program, was he wouldn't come to me. He
20 ultimately did come to me with what his problems
21 were, but I have a hard time with people working
22 for me that won't come to me when they have a
23 problem.

24 It's hard to straighten out any sub-
25 ordinates problems if they are going around you

1 with their problems, and up until the June meeting
2 that took place in Ron Tolson's office I had never
3 been approached by Dunham on anything that was
4 bothering him or he thought he had problems with.
5 And I told him about it in that meeting, you know,
6 I said, "Bill, I can't solve your problems for you
7 if you don't let me know what they are."

8 Q I believe that you and I have discussed that
9 particular period of time once previously, and I
10 think if I recall correctly you told me that not
11 only Dunham but the other people working for
12 Harry Williams had been told not to come to you
13 with their problems.

14 A I did not understand that prior to that time, but
15 I found out in a series of interviews that I
16 conducted after talking to Dunham and Jim that
17 that had been expressed.

18 Q And as I understood it, also on your behalf, that
19 you had an open-door policy, --

20 A Uh-huh.

21 Q -- and any employee working under you for even a
22 subordinate supervisor had the right to come to
23 you with any problems that they had; is that
24 correct?

25 A Of course. As a matter of fact, Dunham even after

1 our original confrontation -- confrontation is a
2 bad word. After our original discussion in Tolson's
3 office in June, Dunham came in with an inspector
4 he was having a problem with, Wally Elliott.
5 Elliott had a problem on an NCR disposition, on
6 the sequence of events in executing the disposition
7 of the NCR, and I'm not real sure if Bill under-
8 stood, either, but he wanted to come in and talk
9 about it.

10 So he came down and we sat and talked. I
11 don't remember what length, maybe a half an hour,
12 to where Bill felt he understood, and I felt that
13 Bill understood. Wally still had a problem with
14 it, and Bill took Wally and said, "Tom, I'll
15 tackle this alligator later," using as a
16 colloquialism that he, I guess, the way I took it
17 anyway, that he would explain it to Wally and
18 wouldn't take up anymore of my time. And the two
19 of them went. And Dunham seemed happy.

20 At which point I thought, well, Bill at
21 least understands now that he can come in with his
22 problems, which I was pleased with, quite frankly.
23 Q Well, in Dunham's behalf, I guess you would say,
24 by virtue of the fact that he was basically told
25 by Williams or one of Williams' subordinate

1 supervisors in May, June, sometime in that time
 2 frame, perhaps even prior to that, that he and the
 3 other people working as coatings inspectors were
 4 not to come to you with their problems, Dunham
 5 went to Gordon Purdy, who was the senior Brown &
 6 Roct representative on the site.

7 A. Right.

8 Q. On the QA site, perhaps.

9 A. Uh-huh.

10 Q. And explained the problem, or explained one if
 11 not more problems that he was having to Purdy --

12 A. Right.

13 Q. -- which --

14 A. Resulted in --

15 Q. -- resulted in the meeting between Dunham, yourself
 16 and Tolson.

17 A. And Purdy.

18 Q. Okay, and Purdy. With respect to that particular
 19 meeting did Dunham describe what his problems
 20 were?

21 A. I think for the record, Don, I might add one
 22 thing that might clarify it even in your own mind,
 23 and maybe I've told you this before. That meeting
 24 started out with Bill very much on the defensive,
 25 and I asked him just point blank, I said, "Bill,

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1 why do you feel that you can't come to me with
2 your problems?" And at that point he made no
3 mention of the fact that he had been told not to
4 come to me, but he alluded to the fact, and it's as
5 close to a quote as I can remember, but, "After
6 all, you're the guy that fired Atchison. We don't
7 trust you." That's A-t-c-h-i-s-o-n.

8 At which time Purdy became quite defensive,
9 and he said, "No, Bill, let me straighten you out
10 right now. I am the guy that fired Atchison. Tom
11 had nothing to do with his termination. He
12 decided he couldn't use him." I came back at
13 Bill saying, I said, "Bill, well, you know, if
14 you don't trust me, surely you trust your own
15 brother," who was then and still is the night-
16 shift lead coatings inspector, who on numerous
17 occasions has called me at home with problems he
18 was having. And I think in all cases I did my
19 best to straighten him out. On which one
20 particular case Bill had talked to Fred over, and
21 Bill acknowledged the fact that I had straightened
22 him out even though that Harry Williams had
23 directed him otherwise, that Harry had directed
24 them in an arrant direction, that I had
25 straightened Fred out, and Bill acknowledged that

1 fact. He gave me the impression anyway that
 2 probably when he thought about it maybe he should
 3 have come to me with his problems.

4 His problems, to answer your question, that
 5 he expressed in that meeting, there was a couple
 6 of specific issues, but basically he was speaking
 7 in generalities and became increasingly frustrated
 8 when he'd bring I don't want to use the term
 9 babbling, but he was bouncing from subject to
 10 subject in real general terms, and we kept asking
 11 him, "Bill, could you give us some specifics on
 12 what you are unhappy with?" He was complaining
 13 about the adequacy of the program, and at one
 14 point I handed him the Procedures Manual. I said,
 15 "Well, Bill, could you show me, you know,

16 where your problem is?" And he was unable.

17 He didn't like the program. He thought
 18 the program was inadequate, I think would be a
 19 general way of describing his attitude. And he
 20 didn't like Harry Williams. That came through
 21 loud and clear. He felt that Harry had probably
 22 browbeat him, I think, and told me to, I think his
 23 statement was, you know, "Talk to these other
 24 people. They'll confirm what I'm telling you."

25 And I did. I talked to, the best I recall,

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ten or twelve, which you and I have discussed previously. And several things came through loud and clear in that series of interviews, that they didn't feel Harry was, probably the predominant of which was they didn't feel Harry was strong enough to handle construction. Harry was being run over by construction, in particular Junior Haley, who was at that time the coating superintendent. H-a-l-e-y.

They felt that Harry didn't support them properly. But the only issue that came out of that -- excuse me, two issues. One, which we have already discussed, which could have been taken as I guess intimidation -- I'm sure that it was not intended as such -- was an incident in the pump skimmer room, the reactor, over some concrete coatings. Harry made the statement, purportedly made the statement that if this is the way you are going to inspect I'm going to come behind you with a magnifying glass, and if you can't get a hundred percent of what you're supposed to get, I'm going to pull your certs. It doesn't sound like Harry Williams to me, but he admitted making the statement. I'm sure it was in a fit of frustration, as much as anything.

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That was one issue. I was aware of there had been an incident in the pump skimmer room because I saw the coatings in the pump skimmer room, but it wasn't until these series of interviews that I had learned what Williams had said.

And the second incident that came out that could be potentiall taken, I guess, as intimidatio or harassment, was a female inspector by the name of Joy Underwood, U-n-d-e-r-w-o-o-d, complained that Harry had told her not to go to the bathroom in the administration building. And given the substance of the complaint, I didn't put too much weight in it. Administrative things like that I think certainly are within Mr. Williams' right.

But nobody -- It was evident that most of them didn't like Harry. Most of them felt that he wasn't really doing his job as a QC supervisor supporting them, but the fact that he was browbeating them, or harassing them, or intimidating them, that didn't really come through as a result of any of this.

Q Did Dunham tell you in the meeting in June that he felt he was being harassed, or he or any of the other coatings inspectors were being harassed

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or being intimidated by Williams?

A.

He told me, the only specific incident that he talked about that I remember, once again, that he felt he had been harassed was not by Williams but was by another night shift supervisor, QC supervisor by the name of Eddie Holland, H-o-l-l-a-n-d, over the use of what we call a nickel test, which is using the edge of a nickel to determine primer cure.

That Eddie grabbed his arm in front of the craft and said, "You're rubbing that too hard," and said, "This is how I want you to do it." And Bill thought that was harassment.

There was one instance that he brought up that he'd been chewed out in front of the craft by Mr. Williams that I believe Cory Allen was supposed to substantiate, and Cory said he didn't remember it. It was Cory or somebody else. But Bill made the statement, "And you can check with so and so to verify that." I believe it was Cory, but at any rate Cory didn't substantiate it.

Even given the allegation that he had been chewed out in front of the craft, although probably not a proper thing to do, I don't necessarily think that's harassment, whether he did it or not,

1 which I was unable to substantiate. There's a
 2 way to counsel people on their wrongdoings and a
 3 way not to, and if he did it I would have talked
 4 to Harry and said, "Hey, Harry, let's not be chew-
 5 ing the inspectors out in front of the craft."

6 Q With respect to his grievances, I guess you would
 7 say, regarding Williams, aside from any personality
 8 conflict, harassment, intimidation, or whatever,
 9 or however you want to describe it, did he ever
 10 bring to your attention the fact that he didn't
 11 feel Williams was certified to supervise --

12 A No, that issue never came up.

13 Q -- coatings inspectors?

14 A No.

15 Q In the --

16 A Certified or qualified, Don?

17 Q Certified or qualified.

18 A He didn't believe he was qualified; he made that
 19 quite evident. But he never questioned Harry's
 20 certification. As a matter of fact, Ron Tolson
 21 even used, I believe, that statement in the June
 22 meeting. He said, "Bill, what this seems to boil
 23 down to is you don't like Harry Williams." And
 24 Bill said, "That's right."

25 And Tolson said, "Well, obviously, we have

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1 a difference of opinion." I think it was the end
 2 of that discussions they both realized that there
 3 was no sense in really arguing that specific
 4 issue. If there were specific charges we made it
 5 clear that we'd investigate them.

6 But as the meeting rolled on, and I don't
 7 remember how long the meeting lasted, I guess
 8 maybe an hour, Bill became more and more
 9 frustrated as we asked for specifics, you know,
 10 "Bill, could you be specific?" And all he was
 11 able to do was speak in -- possibly it was due
 12 to, it was frustration. He was unhappy. He was
 13 probably uncomfortable sitting in Tolson's office,
 14 and maybe just wasn't thinking clearly. But he
 15 could not come up with any real specific issues of
 16 substance, anyway.

17 Q Well, I guess you are aware that he described that
 18 meeting, or the way the questions were asked,
 19 offhand he described Tolson and your questioning
 20 of him as an interrogation-type --

21 A Well, --

22 Q -- interview, rather than --

23 A Yeah, I understand that. It surprised me, to say
 24 the least, because Bill is kind of a quiet guy,
 25 but I'd never really had any super hard time

1 talking to him. We had had numerous group
2 meetings where Bill and I would talk not about
3 anything, you know, not in any great length over
4 anything, but he'd at least let me know what he
5 was thinking. So, really, you know, walking to
6 Tolson's office he felt very uncomfortable in the
7 situation, I could tell.

8 He came into the office and immediately
9 sat down, and leaned back on his chair and spread
10 his arms out like this (indicating), like, you
11 know, what do you guys want to know. Tolson was
12 probably a little bit defensive at the start of
13 the meeting. So you've got two defensive forces,
14 you know, going like this (indicating), until you
15 can get down and actually talk about something.

16 I didn't take it as interrogating. I was
17 sitting in the corner of the room just asking, you
18 know, Bill, because we are sitting three super-
19 visors or managers are sitting there talking to
20 him, and really only one of us is familiar with
21 the intimate details of the program, or the
22 technical expertise in the area in which he's
23 talking about. And I was trying to, you know,
24 get some specifics from him, "Bill, what's your
25 problem? What's wrong with this? What's wrong

1 with using the nickel test?"

2 And he was unable to come up with anything
3 specific. But I did assure him that I would
4 interview other inspectors and see what their
5 concerns were.

6 Q I believe in his statement that he provided to
7 the Department of Labor he said that one of the
8 first questions that Tolson asked him was some-
9 thing to the effect of "What are these statements
10 you've made about intimidation," or being
11 intimidated, or something.

12 A I believe the statement, and I might be wrong, and
13 I don't mean to be crude, but I think quoted in
14 Dunham's complaint is Tolson started the meeting
15 with "Boy, what's all this bullshit about
16 harassment," or intimidation. I realize that's
17 Dunham's statement. It's unlike Tolson.

18 I distinctly remember that he did not say
19 "boy" or indicate "bullshit about harassment,"
20 or "intimidation." I believe what he said was,
21 "Bill, what's this," you know, "what's your
22 concerns about harassment and intimidation?"
23 Which may be a very frank way of starting a
24 discussion, but nonetheless it's how it happened.
25 But he never used the term "boy" as far as trying

1 to be demeaning or anything.

2 Q. Okay. So he had said something to Gordon Purdy in
3 their meeting prior to this --

4 A. I assume from the way the meeting started. I'm
5 not sure whether he even used the words intimidati
6 or harassment.

7 The thing I remember most was Dunham had
8 told Purdy he was going to the Commission, you
9 know, if he couldn't get a resolution he was
10 going to the Commission. At which time either
11 Tolson, myself, or both explained to Dunham, you
12 know, we think you owe it to us to let us know
13 what your problems are. And if you want to go
14 to the Commission, I'll take you down there, and
15 I'll go down and introduce you to Taylor. It's
16 no big deal. You can have your say.

17 As a matter of fact, I remember Tolson
18 saying, "If you're using that as a threat," he
19 said, "I think you're the one that's guilty of
20 intimidation. You're trying to intimidate me."
21 It's no big deal. Let's talk about your concerns,
22 if we can't solve them, you know, we'll take you
23 to see Taylor. Which I thought even looking at
24 it as an outsider should have put Dunham a little
25 more at ease than he was, because it was fairly

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1 apparent at that point none of us had any
2 concerns about him going to the Commission.

3 Q I understand that several actions were taken,
4 though, as a result of your interview of Tolson
5 on that particular occasion, as we have already --

6 A Interview of Tolson?

7 Q I'm sorry, Dunham. As we have already established
8 you interviewed the other coatings inspectors --

9 A The majority of them. I didn't interview all of
10 them.

11 Q -- and found that others did have a problem, be
12 it factual or perceived, with Harry Williams.

13 A Yeah, but the only thing I'd like to clarify
14 there, Don, is the thing that came through loud
15 and clear is they didn't think Harry was a good
16 supervisor. They didn't like him personally.

17 Some of them, even though they didn't --
18 I've got notes from the interview. I just jotted
19 down things real briefly. But some of them, even
20 though they didn't think he was -- they thought
21 he was very poor as a supervisor, liked him
22 personally. The statement I remember distinctly,
23 one person making the statement, "Harry's doing
24 the best he can. He's trying, you know, as hard
25 as he can."

1 The point I'm trying to make is even
2 though the majority of them said they had problems
3 with Harry, they didn't think he was supporting
4 them, they didn't like him, they felt the craft
5 was running over him, other than the one complaint
6 by Ms. Underwood about using the bathroom in the
7 Administration Building, nobody claimed that
8 Harry had harassed or intimidated them, which was
9 really my bottom line concern. You know, is
10 Harry browbeating these people. You know, telling
11 them, "You'd better accept this," or "you'd better
12 accept that." That didn't come through at all.

13 Q. Okay. In addition to the interviews that you
14 conducted I understand that Bob Scott interviewed
15 some people, or conducted an investigation of his
16 own, or reinterviewed Dunham at a later time in
17 order to --

18 A. Dunham's the only one I know of that he inter-
19 viewed. I have not seen -- He wrote like a one-
20 page report on his interview to Tolson. I have
21 not seen that, but I know just from talking to
22 Bobby briefly there was nothing really more that
23 came out of his interview with Dunham than what
24 I already knew, and the purpose -- I won't second
25 guess Tolson. But the reason I think Tolson had

1 Bobby interview Dunham again was to put it in a
 2 lower key type of mode to where if Dunham's
 3 inability to come up with specifics in the
 4 original meeting with Tolson, Purdy and I, was
 5 due to his emotional state, that he was upset,
 6 you know, being there, he felt he was being
 7 interrogated I think was the term you used
 8 before, that he could sit in a lower key setting
 9 and describe to Bobby, who neither knew Dunham
 10 nor was responsible for him, nor those coatings,
 11 it was just like an outsider coming in and
 12 investigating, he could explain to Bobby in a
 13 calm setting, and Bobby could pass it on to people
 14 that could look into it and do something about
 15 it.

16 Q Okay. Just to digress a moment. You have
 17 attended meetings on other occasions at which
 18 Dunham was present and had talked to him on
 19 occasions prior to this.

20 A Uh-huh.

21 Q With that in mind, and with this June incident
 22 with Dunham in mind, did it come as a surprise
 23 to you that Dunham's demeanor in the August 24th
 24 meeting was what was reported to you?

25 A I don't know that I really ever thought about it,

1 Don. People are strange, especially people that
 2 are working under pressure in supervisory
 3 positions. To give you an idea, Dunham seemed,
 4 just to go a step further, Dunham, as I said,
 5 appeared upset with the program in this June
 6 meeting, but yet several weeks later he came in
 7 with Elliott, as I have earlier described, and
 8 seemed to be acting in a very calm, very
 9 confident fashion.

10 You know, "Hey, Tom, this is my inspector.
 11 He's got a problem with this. I don't really
 12 understand it." I explained it to the extent that
 13 Dunham understood it, and he took his inspector
 14 and said, "I'll explain it to him later." Which
 15 just is an example, I guess, of good days and
 16 bad days for anybody. I certainly have them,
 17 and I feel anybody else does.

18 I could see -- I can understand how it
 19 can happen. I don't know that I even thought about
 20 previous performance. But for something we were
 21 doing, I won't use the word courtesy but certainly
 22 as a concession to twenty coatings we could have
 23 taken a hard line and said this is the program,
 24 you know. Get after it. We were giving them the
 25 opportunity to talk to the people that developed

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1 the program, and explain from an industry practice.
2 Show them the ASTM Standards that allowed them to
3 broaden the scope of dry film thickness ranges.
4 It was in retrospect I think a concerted effort
5 on our part to keep them firsthand apprised of
6 what we were really doing. Dunham was not only
7 not cooperative, you know, with our effort of
8 trying to keep him and his inspectors, and other
9 inspectors, apprised of what we were doing from
10 a management standpoint. He was doing his best
11 to be counterproductive. And I didn't appreciate
12 that.

13 Q Going back, you said that you talked to Tom Kelley.

14 A Uh-huh.

15 Q After that particular meeting do you recall did
16 he in any way recommend what you should do?

17 A Tom Kelley made a statement, which I think you
18 know what the statement is or you wouldn't ask
19 the question, but Kelley made a statement more
20 in passing than anything. Kelley was pretty upset
21 about the whole thing. Kelley said -- I asked
22 Kelley what he'd do, not for any reasons other
23 than feeling him out. Not that I needed Kelley's
24 advice, or I reported to Kelley, or anything,
25 because I don't and probably never will. Kelley

1 made the statement, "It'd take me exactly 48 hours
2 to get rid of him." I said, "How's that?"

3 He said, "Well, it'd take me 24 hours to
4 figure out what the site's policy was for
5 terminating someone, and 24 hours to get it done."
6 And I said, "Well, Kelley, I don't know that
7 that's necessary." That was pretty much the end of
8 the discussion. It was toward the tail end of
9 the discussion that we were having anyway; he was
10 explaining to me why he was upset over Dunham's
11 behaviour.

12 Q Did that comment in any way have any --

13 A Absolutely not. If it had had any affect, I would
14 have terminated Dunham on Wednesday afternoon.

15 Q Okay.

16 A You know, if what I needed was Kelley's permission
17 or Kelley's advice to terminate someone. That was
18 probably toward 4:30 on Wednesday afternoon.

19 Q Okay. We'll go on to I guess the afternoon of the
20 26th, which was a Friday, Dunham was terminated.

21 A Uh-huh.

22 Q And as you have already said the word came to you
23 in Dallas that he had resigned or had quit.

24 A Uh-huh.

25 Q And as I understand it, the next week -- well,

1 apparently, on that particular occasion personnel
2 in the coatings group were told that he had
3 resigned.

4 A. I heard that but I heard it only as rumor. I
5 don't really even know where the rumor came from.

6 I will say, you know, for the record, given
7 the circumstances, if the circumstances which I
8 have been explained or that have been explained to
9 me that occurred in Purdy's office, when somebody
10 says "Get my money," that's a resignation, and
11 that's what happened, you know. So as of today I
12 would still have to say Bill Dunham resigned.

13 Q As I --

14 A. If you walked up to her and said "I'm not going
15 to do this, Dick. If I've got to do this, get
16 my money." Are you being terminated or are you
17 resigning?

18 Q I guess it depends on his response, but --

19 A. No, if he obliges you and says, "Okay, Don. We'll
20 process you out." Did he terminate you or did
21 you resign? For my money, you resigned.

22 And that's, from what was explained to me,
23 what happened in Purdy's office. Purdy tried to
24 calm him down, without success, and, you know,
25 if I walked into either my boss from Texas

1 Utilities, or my boss in New York for EBASCO, and
 2 on something they were trying to explain to me,
 3 and said "To hell with you, I'm not going to
 4 listen to you. If that's got to be the way it is,
 5 get my money." I wouldn't do that with Texas
 6 Utilities, you know, I'd just say "Process me
 7 out. I'll go back to New York." To me that's
 8 not a termination. That's a resignation. And
 9 that's what I was told it was.

10 Q I would assume, and based on the fact that I've
 11 talked with Dunham, the statements he made were
 12 based on his opinion regarding the basis for the
 13 meeting. He felt like the counseling session was
 14 not justified.

15 MR. DOWNEY: You know, Tom doesn't know
 16 what Dunham thinks.

17 MR. DRISKILL: He asked me a question and
 18 so I was just responding to it.

19 THE WITNESS: Let's go a step further,
 20 Don. If -- Let's just use you as an example
 21 again. Dick comes in and says, "Don, I
 22 think I've got a problem with you. Let's
 23 talk about it." And you said, "Dick, I'm
 24 not going to talk. There's nothing to talk
 25 about. If that's the way it's got to be,

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1 get my money." Now, maybe that's closer
2 to being the actual perspective of what
3 happened.

4 From what I understand, I have not
5 talked to Dunham, but from I understand
6 Dunham thought the counseling session was
7 uncalled for. But, still, he was talking
8 to his ultimate administrative manager on
9 the site for Brown & Root, and as a
10 Brown & Root employee I think he owed
11 him the professional courtesy of listening
12 to what he had to say, even if he thought
13 he was crazy.

14 BY MR. DRISKILL:

15 Q Well, what he had to say was written on a piece
16 of paper and laid in front of him. I'm not trying
17 to defend the man. I'm just saying --

18 A No, I --

19 MR. DOWNEY: I think we ought to just
20 continue with the interview, and ask Tom
21 what he knows. This speculation about
22 what happened in a meeting where nobody
23 was is not very practical.

24 THE WITNESS: As far as I am concerned
25 he resigned.

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MR. DRISKILL: Okay.

THE WITNESS: From what I know. I have not talked to Purdy at any great length about what happened. I have not talked to Krisher at any great length. I have seen statements that Krisher and Mouser made Monday after the incident, which I have a copy of. They are signed, written statements. I have seen the termination sheet, which Purdy signed, and Dunham wrote an obscenity on, as far as what he thought of it. And nothing I've seen leads me to believe that anything other than the fact he resigned. The State of Texas thinks he resigned.

MR. DRISKILL: That's the --

THE WITNESS: The unemployment arena. He was denied unemployment even though Brown & Root did not fight it, because the State of Texas determined he resigned.

BY MR. DRISKILL:

Q Okay. I understand that in the week following, or in the next couple of weeks following his termination or resignation, that he was offered the job back, or offered his job back.

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1 MR. DOWNEY: I object to that question.
2 Tom doesn't know anything about that. He's
3 not responsible for the job offer, not
4 responsible for the matters that led up
5 to that, and --

6 MR. DRISKILL: Whether he's responsible for
7 it or not, I'm asking him what his knowledge
8 is of that.

9 THE WITNESS: Firsthand, none.

10 BY MR. DRISKILL:

11 Q Secondhand?

12 A Secondhand. This is probably a moot point. I
13 could probably argue that it wasn't even second-
14 hand. It's probably third hand or even rumor.

15 Yeah, I understand he was offered his job
16 back.

17 Q May I ask where you got that information second,
18 third, or whatever hand?

19 A I was told by Ron Tolson.

20 Q Did he tell you why?

21 A No.

22 Q Were you told before the offer was made, or after
23 the offer was made?

24 A After the offer was made, at which point I told
25 Mr. Tolson it was obvious that Texas Utilities no

1 longer needed my services. That's the way it had
 2 to be. And got up and walked out of his office.
 3 He came chasing me down the hall. "Tom settle
 4 down." I said, "This is sad."

5 Q Did he tell you whose decision it was?

6 A I don't think he knew at the time. I'm not sure
 7 I know now. I'm not sure I even care, but I was
 8 aggravated. When somebody comes in and tells you
 9 to put your counseling report essentially where
 10 the sun don't shine, and you can't fire that man
 11 or at least oblige him when he asks for his money,
 12 to provide it in a timely basis, I think we've
 13 reached a sad state.

14 MR. DRISKILL: Let's go off the record for
 15 a few minutes.

16 (Discussion off the record.)

17 MR. DRISKILL: Back on the record, please.

18 BY MR. DRISKILL:

19 Q Tom, did you ever see the counseling report that
 20 was given to Dunham on the day he was terminated?

21 A Did I see it on that day, or have I seen it since?

22 Q Did you see it prior to --

23 A No.

24 Q -- the counseling meeting, or subsequent to?

25 A I've seen it subsequent to.

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1 Q And was that the form on which he wrote the
2 obscenity?

3 A Yes. No. I don't believe so.

4 The counseling form, if you have both of
5 them I could tell. There's a counseling form
6 that was prepared by Krisher and Purdy, and then
7 there's a termination form that's a personnel,
8 administrative type thing. I believe the
9 obscenity was written on the termination form.

10 Q Okay. I believe you are correct. But there was
11 a counseling form prepared.

12 A Yes, I've seen both of them.

13 Q And was that the formal one-page sheet --

14 A Yes.

15 Q -- counseling form.

16 A Yes.

17 Q At any time to your knowledge was a three-part
18 memo used to draft the --

19 A No.

20 Q -- text of the counseling form?

21 A As a matter of fact, I have a copy of the draft
22 and it's not a three-part memo. It's a plain
23 white sheet of typewriter paper that Mr. Krisher
24 had my secretary prepare.

25 Q Do you have any knowledge that Dunham ever talked

1 to Curly Krisher about his personality problems
2 with Harry Williams?

3 A. No.

4 Q. Or that Curly conducted some sort of investigation
5 or inquiries relating to Dunham's complaint to him
6 that he was being harassed, and that Williams was
7 not particularly well liked by coatings QC
8 personnel?

9 A. I knew that Curly was looking into that fact, that
10 he wasn't liked by the coatings inspection
11 personnel, but I didn't know that it was at
12 Dunham's request or Dunham's concern. I knew in
13 a general sort of way that he was doing it.

14 Q. Okay. I've got here a report or a letter which
15 was sent to John Collins, the Regional
16 Administrator for NRC.

17 A. Uh-huh.

18 Q. It came from Mr. Gary, vice-president of TUGCO.
19 And attached to this letter is a memo to Dave
20 Chapman. And it has to do with investigation
21 into allegations made by William A. Dunham, and
22 concerns expressed relating to protective coatings

23 Have you ever seen that?

24 A. Who is it from?

25 Q. I believe it's --

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MR. DOWNEY: Why don't you let him review it.

MR. DRISKILL: Yes. It's from Tony Vega.

MR. DOWNEY: Let him see it.

(Document handed to witness.)

THE WITNESS: I can tell you right now I've never seen the letter. If you would like for me to read it, I can comment on it.

MR. DRISKILL: No. I just had a couple of questions I wanted to ask you about the letter and see if you have any knowledge about it.

THE WITNESS: I've never seen the letter. I might have.... I might be able to answer your question. I knew Vega did an investigation. I've never seen either a copy of his report or that letter.

Do you want me to take the time to read it?

MR. DRISKILL: I just have a couple of questions off of it. There's a lot of writing there and very little that I'm interested in. Most of it has to do with technical stuff, which first of all I don't know very much about, and, second of all,

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which I don't know that I have that much concern with.

MR. DRISKILL: I'll just read part of this to you, the part that I've got a couple of questions about.

MR. DOWNEY: This is from Mr. Vega's report

MR. DRISKILL: Yes, from Mr. Vega's report, and has to do with Page B-6.

"In conducting the investigation questions were formulated so as to attach the broadest interpretation to harassment, intimidation and threats. In addition, the phrases 'undue pressure' and 'coercion' were introduced into the investigation questions to solicit an even broader range of input from the inspectors. The results are summarized as follows:

"(A) One recurring general complaint was voiced involving the previous coatings QC supervisor, Harry Williams, and one lead coatings QC inspector, Bob Wallace. Neither person is employed by CPSES at the present. Several specific instances of this general complaint were provided. One instance was mentioned by several inspectors where they

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1 admonished on the subject of nit-picking
2 during the meeting called by Mr. Williams."

3 BY MR. DRISKILL:

4 Q I believe that you said that you had already
5 during the course of your discussions with these
6 various people heard the same thing or-words --

7 A Uh-huh.

8 Q Or they told you about the same instance, at least
9 one instance where this was --

10 A I don't know that the term "nit-picking" was
11 used in the discussion I heard, but I know what
12 you're talking about.

13 Q Okay. Then there's on Page B-9, there's a
14 discussion of previous management investigations.
15 It says, "One of the investigations was conducted
16 by Mr. Brandt. This investigation was conducted
17 during the first week of July 1983. Mr. Brandt
18 interviewed 11 coatings inspectors, including two
19 that Mr. Dunham stated could substantiate his
20 allegations. Mr. Dunham made two allegations.
21 The first allegation, that Mr. Williams had
22 publicly reprimanded Mr. Dunham was not
23 substantiated.

24 A Uh-huh.

25 Q Was that your finding, that --

1 A. No. That's what I discussed earlier.

2 Q. Okay. The second allegation that Mr. Williams,
3 who was not a certified inspector had instructed
4 Dunham on how to perform a nickel test was
5 substantiated.

6 A. I said earlier that it was Eddie Holland, but
7 maybe it was both of them, in retrospect. The
8 nickel test was an item of concern by Dunham.

9 Q. Were you aware or did you participate in any
10 decision in the past, participate in a decision
11 or recommendation to Ron Tolson that Harry William
12 be reassigned?

13 A. Yes.

14 Q. About what time frame was that?

15 A. It happened first in September of 1982.

16 Q. And why was that?

17 A. Oh, just didn't have a warm comfortable feeling
18 about his technical expertise, I guess more than
19 anything.

20 Q. He was a civil inspector.

21 A. He was a civil supervisor.

22 Q. Civil supervisor. Had he ever performed as a
23 civil inspector prior to coming to Comanche Peak,
24 to your knowledge?

25 A. I assume he had somewhere. As a matter of fact,

1 I know he has. He was -- not even from talking
2 to Harry, from talking to Bob Taylor, Harry was an
3 inspector at Ft. Calhoun.

4 Q On what do you base this uncomfortable feeling
5 about his ability or --

6 A The decisions he was making.

7 Q And what kind of decisions were those?

8 A I think it goes without saying that I didn't
9 agree with them, if I wanted to replace him, and I
10 was the one that was ultimately responsible for
11 his activities.

12 Q Were his decisions personnel decisions or technical
13 decisions?

14 A No, I didn't disagree with him on personnel
15 decisions. We really had very little interface,
16 I guess -- "interface" is a bad word. It just
17 didn't come up too much at that point in time.
18 I just didn't feel real comfortable with his
19 technical expertise.

20 Q Did you recognize prior to that time or around
21 that time that Williams had weakness, a particular
22 weakness communicating with the people that
23 worked for him?

24 MR. DOWNEY: Object to that. He's never
25 said that he had a weakness in

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communication. I mean your question assumes that Mr. Williams had such a weakness and Mr. Brandt recognized it, and that's -- There's nothing that I've heard that suggests that to be true.

MR. DRISKILL: Okay. Well, as a little bit of background, this report indicates that approximately a year ago Mr. Tolson reported to Mr. Chapman that Williams had shortcomings as a supervisor. Okay.

Mr. Chapman stated "Mr. Tolson described the weaknesses as communication difficulties and a general lack of supervisory strengths."

Okay. Mr. Brandt has already said that he had certain uncomfortable feelings about this particular individual, so I naturally assume that since part of the input for this report came from Mr. Tolson, who Mr. Brandt frequently interfaces with, that perhaps those are inputs Mr. Brandt may have made to Tolson, since Mr. Tolson probably did not work with Mr. Williams as frequently as Mr. Brandt might.

MR. DOWNEY: Well, I guess the best source

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1 of what Mr. Tolson's concerns are of
2 Mr. Williams would be Mr. Tolson. You
3 could ask him. I mean you are welcome to
4 ask Tom what his perceptions were, but I
5 don't think it's fair to ask --

6 MR. DRISKILL: Did you ever communicate
7 this --

8 MR. DOWNEY: -- him what Mr. Tolson's were.

9 MR. DRISKILL: -- information to Mr. Tolson?

10 THE WITNESS: I think either Vega, Chapman
11 or Driskill is trying to put words in my
12 mouth., Let me tell you what my general
13 feeling was.

14 Harry is not a real strong
15 individual. Harry is an intensely loyal
16 individual, as I think I told you. I think
17 I used the analogy once before if I told
18 him to stand on his head in the middle of
19 the road, he'd be out there standing on his
20 head in the middle of the road.

21 Harry was basically one to which if
22 I gave a direction to Harry would go
23 implement it. My problem with Harry was
24 when Harry had to think on his own to
25 resolve either a technical-type problem or

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what inspection personnel perceived as a technical problem Harry would oftentimes make errors in judgment, what I perceived as errors in judgment. Not to say who is right or wrong, but since I was supervising him and not vice versa, I made that determination.

The other thing I had a problem with Harry is I don't know how to describe it other than using my name as a hammer, rather than going out and making a decision on his own, and saying, you know, by god this is the way it's going to be, Harry would go out and make a decision and credit me with the decision and say "Well, this came straight from Brandt, and this is the way it's going to be." I have no problem with Harry saying "This came from Brandt," if it truly came from Brandt, but I have problems with people using my name as a figure of authority or whatever, you know. To me, a supervisor ought to be able to stand on his own, and I was having problems in that area. If that's communication, if that's what Vega meant by communication,

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1 yeah, that's a concern I expressed to
2 Tolson.

3 BY MR. DRISKILL:

4 Q And did Mr. Tolson tell you that Mr. Chapman or
5 others in the TUGCO QA chain had decided not to
6 allow you to replace Harry Williams?

7 A Essentially, yeah, at that time in September '82.

8 Q This report also mentions that there were
9 allegations made in the ASLB hearings that
10 Williams had harassed or intimidated employees
11 I suppose prior to the ASLB hearings which were
12 in the summer of '82, so that would have been
13 probably in the '80/'81 time frame, somewhere in
14 there.

15 MR. DOWNEY: I don't believe Mr. Brandt
16 was even at the site at that time.

17 MR. DRISKILL: I believe Mr. Brandt
18 testified in those hearings.

19 BY MR. DRISKILL:

20 Q Is that correct?

21 A Yes. The only allegations I'm aware of were made
22 by Darlene Stiner, not that she was intimidated
23 directly, but she named several Hilti inspectors
24 that had supposedly been intimidated by Harry.

25 Q And did you look into those statements or claims

made by Darlene Stiner in those hearings?

Basically, did you investigate those in any way?

A. In a general sort of way, yeah. If you are asking did I sit down and interview 255 inspectors, no, I didn't do that.

Q. Okay. Did you come to any conclusions based on your inquiries regarding --

A. I came to the conclusion that, basically that Darlene Stiner mislead somebody, or misunderstood Harry Williams. I won't say she lied; that's a pretty strong term. But some of the specific allegations she came up with I and we, speaking as Texas Utilities, were unable to substantiate.

Q. Okay. So what I wanted to ask you was: Were your opinions regarding Harry Williams' performance as a supervisor in whole or in any part based on any investigations you conducted based on allegations--

A. Well, that's a Sherwin Williams type question, if I've ever seen one. You know, what you are asking is did what I think of Harry have anything to do with working with him, and --

Q. No. No. No. I'm asking you --

MR. DOWNEY: You know, we're far off the subject here, Mr. Driskill. The subject of this meeting, as you announced it, this

1 interview was to determine things concerning
2 Bill Dunham's termination, and we are far,
3 far afield from that.

4 MR. GRIFFIN: We just don't want to repeat
5 this next week.

6 MR. DOWNEY: Neither do we, but I --

7 MR. GRIFFIN: As a matter of fact, I've got
8 some questions later for Tom that are
9 completely unrelated to the Dunham issue.

10 I don't think he'll have any trouble
11 answering them. We can clean up some other
12 issues here. We are not springing any traps
13 on Tom today. We're just trying to get all
14 the business taken care of.

15 MR. DOWNEY: We had an earlier session with
16 Mr. Brandt, and I know you've had several
17 sessions with him, and it was a very clear
18 understanding, I thought, that today's
19 session was to wrap up the Dunham matter,
20 which was the last matter on your agenda.

21 MR. GRIFFIN: Well, if Tom has problems with
22 Mr. Driskill or my questions in trying to
23 get all of our business taken care of, --

24 MR. DOWNEY: Well, the problem here is as
25 much mine as anyone else's. I mean I

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prepared to inform myself as to the Dunham matter, and discuss with Tom the issues that would come up, as you would expect any counsel to do with their client, and I did not make any preparation with respect to Hilti bolts, and I must confess I don't think I would know one if I saw it.

MR. GRIFFIN: Well, would you do us a favor then.

THE WITNESS: Could we go off the record?

MR. DRISKILL: I think it would be a good idea. Off the record.

(Discussion off the record.)

MR. DRISKILL: Back on the record.

THE WITNESS: Could I have the last question repeated.

(The pending question was read by the reporter as follows:

"QUESTION: Were your opinions regarding Harry Williams' performance as a supervisor in whole or in any part based on any investigations you conducted based on allegations --")

BY MR. DRISKILL:

Q Subsequent to the 1982 hearings.

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1 MR. DOWNEY: Well, why don't you withdraw
2 the question and start over? Make a fresh
3 start here.

4 MR. DRISKILL: Basically, that would be my
5 question.

6 THE WITNESS: Subsequent to the '82
7 hearings?

8 BY MR. DRISKILL:

9 Q Yes, any investigations you conducted as a result
10 of information coming out of those '82 hearings.
11 You said that you did a --

12 A You know, to say it didn't shape my opinion of
13 Harry Williams would just be an outright lie,
14 because I think anything you find out about
15 somebody, you know, whether it be you, Bruce, or
16 anybody else -- Tolson, for that matter -- is
17 going to shape your opinion.

18 I don't think it really changed anything
19 I thought. I got to know Harry Williams as a
20 person a whole lot better, as time went on.

21 MR. DOWNEY: Excuse me. I think this is
22 going to be confusing. As I understand
23 what you are saying, you are saying that
24 hearings affected your view of Harry
25 Williams, and the question was did your

investigations.

BY MR. DRISKILL:

Q No. I'm saying, my question is there were statements made in the hearings --

MR. DOWNEY: Oh, I see.

Q (Continuing) -- that Harry Williams was harassing, intimidating, and various other things, individuals I believe Tom said he looked into those things. He didn't interview 250 people to come to any conclusions, but he did do some sort of investigation, if you want to call it that, made some sort of inquiries, and he looked into the matters that had been testified to.

And my question was: Did that investigation or those inquiries in whole or in any part have anything to do with his opinion that Harry Williams had some shortcomings as a supervisor.

A I think probably the only thing it really accomplished, as far as what I thought of Harry, was it made firmer in my mind the belief that oftentimes what Harry meant to say is not what people perceived he said.

Q That makes for some problems though.

A I agree.

Q And I believe that we previously established that

1 that's probably what occurred in January of
2 '83 with respect to the skimmer pump room.

3 A. That's exactly what I was going to bring up. I
4 think that's just probably another example of --
5 I don't like the word miscommunication, because
6 I don't really think that. I think it's just a
7 misconception by people of what Harry was really
8 trying to tell them.

9 As I've told you before, I don't know a
10 more honest man than Harry Williams. He's
11 excruciatingly honest at times.

12 Q. Well, --

13 A. And I don't think Harry would ever deliberately
14 do something that he perceived as wrong, for lack
15 of a better word.

16 Q. What I'm looking for and really getting around
17 to is the point that in 1982 you recognized he
18 had certain deficiencies or shortcomings in his
19 leadership ability, and his communication skills
20 with his subordinates.

21 A. Okay.

22 Q. That fact was also found to exist in June or July
23 of 1983 when you looked into the matter relating
24 to the skimmer pump room issue, which occurred in
25 January of 1983. Again, Harry Williams had some

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shortcomings in his ability to communicate with his subordinates.

A. I'd like to stop you for just a second to clarify the record.

The investigation, or the looking into, as you used, that I did in June of 1983 was not an investigation of the incident in the pump skimmer room, or skimmer pump room. It was an investigation of attitudes of protective coatings inspectors, in which I became aware of what happened in the pump skimmer room.

Q. Okay. These inquiries that you made, these conversations or interviews of the various people in the coatings department came about as a result of your and Ron Tolson's --

A. Right.

Q. -- interview of Dunham.

A. That's correct.

Q. What I'm looking at, is based on all these facts we have the situation that occurs in August where we have Bill Dunham, who we already recognize back as far as June, at least for you already recognized he was frustrated and having problems working for Harry Williams.

A. Uh-huh.

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1 Q. We have a situation where, perhaps in the wrong
2 setting, Tom Kelley and Jerry Firtel have a
3 meeting to discuss technical things, and Dunham
4 brings up matters which they have no control
5 over, supervisory matters pertaining to Harry
6 Williams, and the issue of IRs versus NCRs, and
7 some of those things. We've got Dunham coming
8 up with that sort of thing, and he's been being
9 brought in for a counseling session due to his
10 attitude.

11 A. Uh-huh.

12 Q. With all of those things in mind, and since the
13 counseling session, although it was based on his
14 attitude, may have been the ultimate result of
15 his frustration with Harry Williams, who we
16 already recognize has some leadership shortcomings,
17 do you think that that may be the reason he was
18 as frustrated as he was when he got to the point
19 of being counseled?

20 MR. DOWNEY: You can answer that if you
21 understand it.

22 A. I think you are asking for speculation. I only
23 want to make a couple of points clear. Number
24 one, Dunham was urged and pleaded with in that
25 meeting of August 24th to get back on track. You

1 know, "Bill, the purpose of this meeting is not
 2 to discuss that. It's to discuss engineering
 3 changes in the coatings program," by Mr. Krisher
 4 on two separate occasions, so I was told, during
 5 this two-hour long meeting. At which point Bill
 6 refused. He kept getting back into the issues to
 7 which he perceived Kelley and Firtel could do
 8 something about. I assume he perceived that. I
 9 have no -- I can't fathom why else he would have
 10 brought them up.

11 If you are asking me is his frustration
 12 level an excuse for what happened in the meeting
 13 of August 26th, I'd say no. To me it's just a
 14 business decision or professional decision that y
 15 don't go in and tell somebody two or three levels
 16 above you in a supervisory chain to take a bite
 17 and not be ready to live with the consequences.

18 MR. DOWNEY: Could we go off the record a
 19 second?

20 MR. DRISKILL: Yes.

(Discussion off the record.)

22 BY MR. DRISKILL:

23 Q With the knowledge that Harry had some short-
 24 comings in his leadership ability, and the fact
 25 that as you stated you previously requested that

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1 he be transferred out. And including the fact
2 now that you are aware in June 1983 that Dunham
3 had had problems with Williams as a supervisor,
4 do you feel like what ultimately happened on his
5 being counseled may have been a result of his
6 frustrations with Williams.

7 A. Now, as I said before, for me to speculate on
8 Bill's attitude on August 26th is my guess is as
9 good as yours.

10 A couple of points I'd like to make:
11 Number one, his attitude in front of Gordon
12 Purdy, who was administratively his ultimate
13 supervisor, is unacceptable to me. And I assume
14 by the actions that took place on August 26th they
15 were certainly unacceptable to Mr. Purdy.

16 His behavior and frustration in the meeting
17 of August the 24th I deemed unacceptable from two
18 standpoints, totally not related to the context
19 of his concerns. Number one, I thought his effort
20 to detract the meeting to get it on to a subject
21 other than what the meeting was called for, areas
22 in which the two personnel conducting the meeting
23 had no, certainly no authority or responsibility
24 to change, and probably no expertise in the
25 area, was uncalled for. Even after repeated urging

1 by Mr. Krisher to get back on the subject of the
2 meeting, he refused.

3 And, secondly, as a supervisor, as a lead
4 inspector, his conduct was certainly
5 unprofessional and belittling the craft. Whether
6 the craft is right, wrong, or indifferent is
7 neither here nor there as far as Dunham is
8 concerned. Dunham's job is to inspect the work
9 that the craft did, to say it's acceptable or
10 unacceptable. But to say that he wouldn't let
11 the craft paint his house is a slur on their
12 ability. To claim that he's a better painter than
13 they are is totalling irrelevant. He was not
14 contracted to be a painter at Comanche Peak. He was
15 contracted to be a coatings inspector. And I did
16 not perceive that that attitude was healthy as a
17 lead inspector, to be leading other inspectors
18 toward the ultimate goal of implementing the QA
19 program for protective coatings.

20 It was for that reason more than any
21 specific context of his concerns that I decided
22 he needed counseling.

23 Q To your knowledge what were the inspectors told
24 prior to going into the meeting on August 24th
25 with regard to what the purpose of the meeting

1 was?

2 A. They were told that two corrosion engineers would
3 be present to discuss the recent changes in the
4 coatings program. Any questions they had about
5 the recent changes could be aired at that time.
6 And by changes I mean engineering changes, design
7 changes.

8 It would be out of place for two corrosion
9 engineers to talk about changes in the QA program
10 or the inspection program. They have nothing to
11 do with them.

12 MR. DRISKILL: Okay. I don't have any
13 other questions. I believe that Mr. Griffin has
14 some questions he would like to ask you.

15 BY MR. GRIFFIN:

16 Q Well, I've got some questions on the same subject,
17 being Kelley and Firtel. Did you ever hear or has
18 anybody told you prior to the meeting or since the
19 meeting that this was an opportunity for the
20 coatings inspectors to air their grievances, get
21 their concerns off their chest?

22 A. Is that meant as a quote? I mean are you saying
23 have I ever heard those words?

24 Q Have you ever heard that concept?

25 A. If your question is have I ever heard the idea of

1 a meeting being that, you know, whatever you are
 2 unhappy about, you know, this is your chance to
 3 air it, absolutely not.

4 Q Never. Okay.

5 A. Because if I had I would have made sure that I was
 6 present personally in the meeting before the
 7 meeting took place. If I couldn't have made it
 8 at 12:30 on Wednesday afternoon I would have
 9 canceled the meeting.

10 The reason I did not feel bad about not
 11 personally being present was the fact that all
 12 they were supposed to be discussing was the
 13 recent specification changes and construction
 14 procedure changes and the philosophy behind
 15 such, which Kelley and Firtel were certainly
 16 capable of handling.

17 Q Okay. Did you ever -- During Dunham's counseling
 18 session or as a result of Dunham's counseling
 19 session did you ever hear anybody indicate that
 20 Dunham had indicated to them that he was speaking
 21 for the whole group in that meeting?

22 A. That Dunham was speaking for the whole group
 23 during the counseling session on August 26th with
 24 Purdy?

25 Q Did you ever hear anybody -- you were not --

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1 A. Which counseling session are you talking about?

2 Q. Dunham's counseling session.

3 A. On the 26th, his last day of work.

4 Q. Yes.

5 A. No, I did not.

6 MR. GRIFFIN: Okay. That's all the questions

7 I have on that.

8 BY MR. GRIFFIN:

9 Q. I want to ask you if I could just a couple of
10 questions related to our previous interview, my
11 previous interview with you about the coatings
12 records.

13 A. Okay.

14 Q. It's just something I neglected to ask you when
15 we were holding that interview.

16 During that backfit program did coatings
17 QC inspectors have access to the old coatings
18 records?

19 A. I don't understand the purpose of your question
20 at all. I'll answer it.

21 The old coatings records, if you are
22 referring to old by prior to October, November
23 1981 --

24 Q. Correct.

25 A. -- they were certainly available. They were in

1 the trailer that ever single coatings inspector
2 was housed in. They were unlocked during the day,
3 I know for a fact. For a while they were in card-
4 board boxes.

5 Q Okay. Let me be more specific then, Tom.

6 After these records were moved to the vault
7 did the coatings inspectors have access to these
8 records during backfit?

9 A I assume they did. For a while there was a
10 freeze put on by Taylor, I think with any IR
11 number less than 20,000.

12 Q I'll tell you that was a result of my investiga-
13 tion, but prior to that time. Well, let me phras
14 it the other way.

15 To your knowledge, were coatings
16 inspectors denied access to these records?

17 A As far as I know they have free access, because
18 I certainly saw them in the vault, often.

19 Q Prior to the time that these -- Are you aware
20 that prior to the time that these things, these
21 coatings records were made permanent vault
22 documents, that they were stored in the vault?

23 A It's kind of a catch twenty-two situation, and
24 let me explain why. We stored them in the vault
25 because up until October, November 1981 we thought

1 they were permanent records. I had no idea that
2 we had this massive pile of paper that wasn't
3 worth, you know, damn for anything, when actually
4 they were stored in the vault. You know, we get
5 cited by Region IV for inadequate records, we
6 take them out of the vault and try to do something
7 with them, and put them back in. So, naturally,
8 they were in the vault.

9 Q. Well, --

10 A. They were stored in the vault for two reasons.

11 One, for a reason that at least we thought some
12 of them were final, or I thought. You know, I
13 was sitting there fat, dumb, and happy thinking --
14 I had no idea they were in the shape they were in,
15 because I had never looked. I had never had
16 occasion to look.

17 Secondly, they were stored there for fire
18 reasons, after we became aware of the problem. I
19 think to a certain extent there wasn't even an
20 effort made by, maybe not a deliberate effort made
21 by some people to hide some records. In particular,
22 Bob Hamilton, who at the time was the lead
23 inspector in charge of coatings.

24 Q. Well, let me --

25 A. Let me finish, please. We purged the Field

1 Q And also are you aware that we've spanned a time
2 period from, as you say, March of '82, Hamilton's
3 termination, all the way up to like August of '83.
4 Now, my question is much -- I can't give you the
5 dates, but it's much more narrow. I'm talking
6 about from the time that these old coatings
7 records, the coatings records that were made prior
8 to April '81, from the time that they were removed
9 from the trailers into the vault, but prior to the
10 time that they became official vault documents,
11 were coatings inspectors denied access to these
12 records in conjunction with backfit?

13 A. The question just blows me away, to tell you the
14 truth, because they worked with them everyday. I
15 mean those inspectors that were doing backfit.

16 Q. Well, I wouldn't be asking the question if they
17 weren't denied.

18 A. No, you wouldn't be asking the question if someone
19 hadn't said they were denied. There is a distinct
20 difference between the story you were told and
21 what actually happened.

22 Q. If a coatings inspector then --

23 A. Listen --

24 Q. Let's speculate for a moment.

25 If a coatings inspector had gone to the vault

1 document counter, requested one of these old
2 documents, would the vault custodians have given
3 these documents to them?

4 A. If he requested a copy of such?

5 Q. Yes.

6 A. Yes.

7 Q. Okay.

8 A. If an inspector goes and requests a copy of any
9 vault document it requires a supervisory approval.

10 Q. Do you know of any instructions given to vault
11 custodians related to denying coatings inspectors
12 access to these records?

13 A. They were told the same as any other record, if
14 they wanted to see to provide it. If they wanted
15 a copy of it they needed approval.

16 MR. GRIFFIN: That's all my question.

17 MR. DRISKILL: I don't have any other
18 questions.

19 Mr. Brandt, have I or any other NRC
20 representative here threatened you in any
21 manner or offered you any rewards in
22 return for this statement?

23 THE WITNESS: No.

24 MR. DRISKILL: Have you given this state-
25 ment freely and voluntarily?

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THE WITNESS: I was subpoenaed.

MR. DRISKILL: Is there anything further
you care to add for the record?

THE WITNESS: No, sir.

MR. DRISKILL: That will conclude the
interview. Thank you.

(Whereupon, at 11:15 a.m., the
interview was concluded.)

- - - - -

1 STATE OF TEXAS I
I
2 COUNTY OF TARRANT I

3
4 I, MARY L. BAGBY, a Notary Public
5 in and for the said county and state, do hereby certify
6 that the facts stated by me in the caption to the
7 foregoing testimony are true; that the foregoing
8 testimony of the witness, C. THOMAS BRANDT, was
9 reduced to typewriting by me or under my supervision
10 from my stenomask notes taken at the time and place
11 set out in the caption hereto, the said witness being
12 first duly cautioned and sworn to testify the truth,
13 the whole truth and nothing but the truth; and the
14 above-and-foregoing testimony is a full, true, correct
15 and complete transcript of said proceedings had at the
16 time of taking said testimony.

17 Given under my hand and seal of
18 office on this the 11th day of January, A.D., 1984.

19
20 Mary L. Bagby
21 Mary L. Bagby, Notary Public
in and for the State of Texas

22 My Commission expires 10/12/85
23
24
25

EXAMINED AND FOUND CORRECT BY ME: MARY L. BAGBY, NOTARY PUBLIC

RESULTS OF INTERVIEW WITH DAVID N. CHAPMAN
AS RECORDED BY NRC INVESTIGATOR D. D. DRISKILL
ON JANUARY 16, 1984

On January 16, 1984, David N. CHAPMAN, Quality Assurance Manager, Texas Utilities Generating Company (TUGCO) was interviewed in his office located at 2001 Bryan St., Dallas, Texas, by NRC Investigators D. D. DRISKILL and H. B. GRIFFIN. CHAPMAN was interviewed regarding his knowledge of the termination of William DUNHAM by Brown & Root, Inc., at Comanche Peak Steam Electric Station (CPSES).

When questioned concerning the August 26, 1983, termination of DUNHAM, CHAPMAN stated Ronald TOLSON, the CPSES Site QA Supervisor, had briefed him concerning DUNHAM's disruption of a Protective Coatings QC meeting on August 24, 1983. CHAPMAN stated that on about Friday, August 26, 1983, TOLSON further explained that an original decision was made to have DUNHAM counselled regarding his attitude, and additionally, impose disciplinary action of three days off without pay. CHAPMAN stated TOLSON told him that the three days off was not going to be imposed due to the delay in effecting the disciplinary action.

CHAPMAN stated that TOLSON telephonically informed him, on that Friday, or on Saturday, that DUNHAM, during the counselling session with Gordon PURDY, had refused to read the counselling report and had repeatedly said, "Walk me to the gate." CHAPMAN stated that based on what TOLSON said, he got the impression DUNHAM had "quit." CHAPMAN stated he did not know until he read the termination notice that DUNHAM was "fired." He stated he does not fault PURDY for his action because "he had ample reason for firing" DUNHAM.

CHAPMAN stated that upon being notified of DUNHAM's termination by TOLSON, he (CHAPMAN) notified B. R. CLEMENTS (TUGCO Vice President of Nuclear Operations) and R. J. GARY (TUGCO Executive Vice President). CHAPMAN stated they both concurred in the conclusion that what PURDY had done was proper.

CHAPMAN stated he has never met DUNHAM, nor did he have any part in any decisions made regarding DUNHAM.

When questioned concerning the TUGCO investigation of the allegations made by DUNHAM, CHAPMAN recalled the investigation. When specifically queried relative to statements made in that investigative report relative to attempts by TOLSON to have Harry WILLIAMS transferred, CHAPMAN stated TOLSON had discussed this matter with him (CHAPMAN) in about the Fall of 1982. CHAPMAN stated WILLIAMS' name was brought out in allegations made during the 1982 Atomic Licensing and Safety Board (ASLB) testimony; however, TOLSON assured him that WILLIAMS' only problem was in his "communication skills" with workers. CHAPMAN stated he decided that efforts needed to be made to improve WILLIAMS' communication skills rather than transfer him off the site. CHAPMAN stated transferring WILLIAMS would give the appearance there was some truth in allegations made regarding WILLIAMS. CHAPMAN stated he did not want to create an "open season on supervisors" due to allegations being made about them. CHAPMAN stated he was aware that WILLIAMS' area of technical expertise was in the area of civil engineering quality control; an area requiring less and less personnel. He stated that based on this fact, it was decided WILLIAMS could be moved out at a later date. CHAPMAN stated TOLSON had discussed this fact with Dravo Constructors, Incorporated., Pittsburgh, Pennsylvania, the company from whom WILLIAMS services were contracted. CHAPMAN stated WILLIAMS' September 1984 transfer (off the CPSES site) had nothing to do with the termination of DUNHAM.

When questioned regarding the TUGCO/B&R decision to offer reemployment to DUNHAM, CHAPMAN stated this decision was made by TUGCO management. CHAPMAN stated R. J. GARY said the decision to offer DUNHAM's re-employment was not based on any belief that anything improper occurred relative to the termination of DUNHAM. CHAPMAN stated GARY indicated this decision was made in an effort to avoid the expense of lengthy litigating regarding DUNHAM's complaint with the Department of Labor (DOL). CHAPMAN stated the decision to offer DUNHAM re-employment was made by both GARY and T. L. AUSTIN, the President of Brown & Root, Inc.

END OF RESULTS OF INTERVIEW WITH DAVID N. CHAPMAN ON JANUARY 16, 1984

SIGNATURE: _____

D. D. DRISKILL, Investigator
OI Field Office, Region IV

October 18, 1983

1983 OCT 20 AM 7:54

OFFICE OF INVESTIGATIONS
FIELD OFFICE, REGION IV

Mr. Gordon Purdy
QA Manager
Brown & Root, Inc.
P. O. Box 1001
Glen Rose, Texas 76044

Re: William A. Dunham - Brown & Root

Dear Mr. Purdy:

This letter is to notify you of the results of our compliance actions in the above case. As you know William A. Dunham filed a complaint with the Secretary of Labor under the Energy Reorganization Act on September 23, 1983. A copy of the complaint, a copy of Regulations, 29 CFR Part 24, and a copy of the pertinent section of the statute were furnished in a previous letter from this office.

Our initial effort to conciliate the matter revealed that the parties would not at that time reach a mutually agreeable settlement. An investigation was then conducted. Based on our investigation, the weight of evidence to date indicates that William A. Dunham was a protected employee engaging in a protected activity within the ambit of the Energy Reorganization Act, and that discrimination as defined and prohibited by the statute was a factor in the actions which comprise his complaint. The following discloses the reasons for this determination:

Facts gathered during the investigation show that Mr. Dunham was considered for termination before his final counseling session with Mr. Purdy. He was terminated because he was so ill treated by his superiors by intimidation, harassment and threats made by management as to force him to leave.

This letter will advise you of the results of the investigation and the actions taken to correct the violation and provide appropriate relief to the complainant.

1. Reinstatement of his job back in his old position with the proper seniority.
2. Back pay for any compensation lost during the time off the job.
3. Moving expenses incurred should be reimbursed in full for the amount spent to relocate to his new job and for any amount necessary to return to his old job.
4. Expenses incurred while job hunting should be reimbursed in full.

5. Legal expenses incurred by Mr. Dunham should be paid in full by Brown & Root
6. Compensatory damages
7. Purging of his personnel file of any reference of his termination.

This letter will also notify you that if you wish to appeal the above findings and remedy, you have a right to a formal hearing on the record. To exercise this right you must, within five (5) calendar days of receipt of this letter, file your request for a hearing by telegram to:

The Chief Administrative Law Judge
U. S. Department of Labor
Suite 700, Vanguard Building
1111 - 20th Street, NW
Washington, DC 20036

Unless a telegram request is received by the Chief Administrative Law Judge within the five-day period, this notice of determination and remedial action will become the final order of the Secretary of Labor. By copy of this letter I am advising William A. Durham of the determination and right to the Chief Administrative Law Judge. If you decide to request a hearing it will be necessary to send copies of the telegram to William A. Durham and to me at Room 7A12, 819 Taylor Street, Fort Worth, Texas 76102. After I receive the copy of your request, appropriate preparations for the hearing can be made. If you have any questions do not hesitate to call me.

It should be made clear to all parties that the role of the Department of Labor is not to represent the parties in any hearing. The Department would be neutral in such a hearing which is simply part of the fact-development process, and only allows the parties an opportunity to present evidence for the record. If there is a hearing, an order of the Secretary shall be based upon the record made at said hearing, and shall either provide appropriate relief or deny the complaint.

Sincerely,

Curtis L. Poer
Area Director