

UNITED STATES NUCLEAR REGULATORY COMMISSION

ORIGINAL

IN THE MATTER OF:

DOCKET NO:

TEXAS UTILITIES GENERATING COMPANY,
et al.

50-445-OL
50-446-OL

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

DEPOSITION OF EVERT MOUSER (CONTINUED)

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

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5 In the Matter of: :
6 TEXAS UTILITIES GENERATING COMPANY, : Docket Nos. 50-445-OL
7 et al. : 50-446-OL
8 (Comanche Peak Steam Electric :
9 Station, Units 1 and 2) :
- - - - -x

10 DEPOSITION OF EVERT MOUSER (CONTINUED)

11 Bethesda, Maryland
12 Saturday, January 5, 1985

13 Deposition of EVERT MOUSER, recalled for examination
14 pursuant to agreement by counsel, at the Nuclear Regulatory
15 Commission, 4350 East/West Highway, Fifth Floor Hearing Room,
16 at 9:00 a.m. before JOEL BREITNER, a Notary Public within and
17 for the State of Maryland, when were present on behalf of the
18 respective parties:

19 JUDGE PETER BLOCH, Chairman
20 Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C.

21 McNEILL WATKINS, ESQ.
22 Bishop, Liberman, Cook,
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24 On behalf of the Applicants.
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Exhibit 2	22846	
Exhibits 3 and 4	23036	

1 P R O C E E D I N G S

2 JUDGE BLOCH: The hearing will come to order.
3 Welcome back, Mr. Mouser. You continue to be under oath.
4 Mr. Roisman?
5 Whereupon,

6 EVERT MOUSER
7 resumed the stand, having been previously duly sworn, was
8 examined and testified further as follows:

9 MR. SIMS: Your Honor, the witness would like to
10 make one brief clarifying statement before the questioning
11 picks up again, if that's acceptable.

12 JUDGE BLOCH: Yes, please.

13 THE WITNESS: Okay. Mr. Treby brought out this
14 point in the afternoon Thursday. And it was the period of
15 time when the report was taken from the desk.

16 That would have had to have been when I was a
17 supervisor, not when I was the lead. That would have had
18 to have been into September, not right after the first of
19 August, in that area. There had been a number of weeks in
20 between that because I was in the back office, as I
21 originally first testified to. And then when Mr. Treby
22 got into it in the afternoon I kind of -- times all kind
23 of shifted together, so I would like to clarify that. It
24 was in, possibly the first week of September. In that
25 area -- August, September -- first week of September when

1 Mr. Brando was in that back office and when I was
2 supervisor and had my desk in that office, so I need to
3 clarify that to make sure that gets in the record
4 correctly.

5 JUDGE BLOCH: Thank you. Thank you for
6 clarifying the record.

7 Mr. Treby, do you have a question about that?

8 MR. TREBY: Yes, I would like to just --

9 DIRECT EXAMINATION (Resumed)

10 BY MR. TREBY:

11 Q I guess we have two timeframe that are in
12 question. The first timeframe is, I guess, the period of
13 August 9th or 10th, when Mr. Lipinski was on-site for the
14 second time; and showed you a copy of the trip report.

15 A Yes.

16 Q And the question was: Where was your desk at
17 that point?

18 A Oh -- okay. At that point my desk was out in
19 front, in -- I should say back of the door, where we
20 talked about originally. When I said it was, you know,
21 when I first received the report from Joe, got a copy from
22 Joe, it was out front in the open trailer behind the door.
23 And then, when the report was taken from my desk I was the
24 supervisor and my desk was in that back office, in the
25 private office with Mr. Brando.

1 Q All right. And when you were the supervisor did
2 you share your desk with anybody?

3 A No, I did not. On either occasion, or -- as the
4 lead or as supervisor I did not share my desk with anyone.

5 JUDGE BLOCH: Okay. Now, I'm confused because I
6 didn't understand this. When he came, when Mr. Lipinski
7 came to the trailer to give you the --

8 THE WITNESS: No. When I got the copy -- when I
9 made a copy of the report that Joe let me look at, I was
10 the lead at that time.

11 JUDGE BLOCH: No. I understand that. But he
12 came to you in the trailer to give you the report?

13 THE WITNESS: No. I didn't mean that. I meant
14 that my desk was there when I made the copy from Joe, when
15 we were down in the administration building.

16 JUDGE BLOCH: Okay. That's what I thought. And
17 I wondered -- you are just saying this was the timeframe
18 you were working as lead but he wasn't in the trailer at
19 the time you got the document?

20 THE WITNESS: Right. He was not in the trailer.

21 MR. TREBY: But I believe there was some
22 testimony that once he had a copy of the report and after
23 he had given back the original to Mr. Lipinski, he went
24 back to his trailer at some point and probably, I think,
25 my recollection is that it was during noontime or at least

1 sometime when people weren't around. He then read the
2 report again. And when he was reading it, and muttering
3 and making various comments, this Mr. Brando was in the
4 vicinity --

5 THE WITNESS: Yes.

6 MR. TREBY: -- and asked him what are you
7 talking about. And I think that's what you had made
8 reference to when you mentioned that the other gentleman
9 was in the trailer.

10 THE WITNESS: Yes. That's right.

11 JUDGE BLOCH: Okay. Back to Mr. Roisman.

12 CROSS-EXAMINATION

13 BY MR. ROISMAN:

14 Q You testified on Thursday that when you went to
15 see Mr. Brandt regarding the taking on the job as lead,
16 and then later to become supervisor, that the sense that
17 you got from Mr. Brandt was that, in terms of dealing with
18 problems, what he wanted to see was, he wanted to see that
19 the job was done right. I think those were your words.

20 Did you understand that he was necessarily using, in
21 terms of job done right, the concept of "right" that you
22 brought from, or had had in your experience at WPPS? Or
23 "right" as "right" was interpreted at the Comanche Peak
24 site?

25 A It would be "right" as I had brought with me

1 from WPPS and different jobs.

2 Q And did Mr. Brandt later, in his conduct with
3 you, say, for instance, in his response to your suggestion
4 that the only way to solve this problem that was arising
5 between the craft and the QC was to take this one-week
6 vacation or hiatus, when the QC could get caught up in the
7 paperwork, increase the size of the QC force, those
8 suggestions -- when he declined to do that because of the
9 pressures to continue to get the paint on the walls, did
10 you feel that he was being true to that principle that he
11 wanted the job done right? Or that at that point his view
12 of right and your view of right were beginning to diverge?

13 A I don't think what you referred to as being
14 right would be involved in here; it was more or less the
15 priorities of the job. It would be right now we were in a
16 big push to get the work done and the time was not there.

17 Q Not there to do it right?

18 A Just not there, to stop. We were going to go
19 ahead and do it right anyway, but we did not have the time
20 to stop and take the -- I guess you could say the month
21 that it would take to get reorganized.

22 Q But failing to do that, I thought it was your
23 testimony on Thursday that if you didn't do that, then you
24 couldn't really get at this root problem of the craft/QC
25 tension, the pressures, the QC reaction to those pressures,

1 the either overinspection or underinspection; that all of
2 those things would remain unresolved.

3 A I felt, deep down I felt that that would be the
4 best way to handle it. And, you know, being a, I guess
5 you could say a member of the troops, that I was -- I
6 didn't know the scheduling basis of the project and
7 everything, and I couldn't -- I guess I'm right back to:
8 I couldn't tell you the priorities. And that's why I
9 couldn't say that that would be the best move to make at
10 that time. But I felt, personally, that that would be the
11 way to straighten out the problems.

12 Q But in your view, the right priorities were that
13 -- priority number 1 was do the job right?

14 A Yes.

15 Q And doing it soon would be at least a second
16 priority to that, in your mind?

17 A Yes. That would be true.

18 Q But that wasn't what was the prevalent
19 philosophy which you were running up against as you took
20 over this responsibility at the plant site, was it?

21 A No. It wasn't.

22 JUDGE BLOCH: Mr. Mouser, you confused me a
23 little bit before. You were recommending a one-week
24 period of stopping work so QC could catch up, but then you
25 said it might get a month to get reorganized. What did

1 you have in mind?

2 THE WITNESS: Well, my big thought was giving
3 the QC people one week to get the paperwork caught up, one
4 week to get caught up on inspections in the field, and
5 then a week off and then the next week to come back to
6 start up at full swing.

7 JUDGE BLOCH: Okay. So you wanted a full three
8 weeks?

9 THE WITNESS: Three weeks to a month was what my
10 big suggestion was.

11 BY MR. ROISMAN:

12 Q Now, you were talking on Thursday about the
13 painter qualifications question, and I believe that you
14 indicated that when you raised with Mr. Brandt the
15 question of painter qualifications, he took out the ANSI
16 standards and the two of you looked them over, and that
17 his interpretation of those ANSI standards was that the
18 reference to the supervisor, or his designee, referred to
19 the craft supervisor; and that there need not be any QC
20 involvement in doing painter qualification; that the ANSI
21 standard authorized it to be done just by the craft
22 supervisor.

23 Am I remembering that correctly? Is that what you were
24 saying?

25 A If I can remember the ANSI standard, I think it

1 spells out in there the craft superintendent is
2 responsible to certify his painters and it says some
3 things in there about practical application, past
4 experience, things like this, that they can be certified
5 to.

6 Q And your recollection of the conversation that
7 you and Mr. Brandt had was that when you said there are no
8 QC inputs into this, Mr. Brandt said: Look at the
9 standard, we don't need to have it. Is that correct?

10 A Basically, yes.

11 Q And it's your testimony that the practice, at
12 least up until the time that you left the site, as you
13 understood it, and as you observed it, was that when
14 painters were qualified at Comanche Peak, they were
15 qualified without any QC involvement exclusively by craft?

16 A Okay. Now, that is not necessarily true. After
17 a period of time, QC was involved in certifying the
18 painters, to the point that we made out the paperwork. We
19 did inspect the panels, but the actual certification was
20 done by the craft superintendent.

21 Q And when you say "after a period of time," when
22 did that start? I don't mean the exact date, but roughly.

23 A It started -- I would say sometime in September,
24 roughly in September sometime. It was brought to our
25 attention that they were certifying painters; all the QC

1 inspectors were very interested in this because if you
2 don't have a good painter in turn you don't have good
3 application -- well, that's not necessarily true either.
4 You can have a painter that can put it on and get a good
5 job, but I made some suggestions to the superintendent and,
6 basically, volunteered my QC inspector's expertise to help
7 them out. At this time it was accepted. And then there
8 was a little form, I think a form was made up for
9 certification of painters, and the form was used by QC to
10 look at the panels and then we made our, you know,
11 suggestions to the foremen; whether the coating was
12 acceptable or not on the test panel. And then it went
13 from there to them. It was their responsibility from then
14 on.

15 Q And that form came into existence at the time
16 that you made -- you made, and the suggestion was
17 suggested -- the form with the QC role included in it?

18 A Yes. There was a -- there was a form made up.
19 I don't know if the form was previously on-site or not,
20 but I know there was a form there we used, and I think we
21 made it up. To my best recollection we made the form up.

22 Q And in any event, prior to that time the QC
23 inspectors hadn't participated in any way in that
24 certification?

25 A To my knowledge; no.

1 JUDGE BLOCH: I assume that you have no
2 knowledge of any program to go back and reinspect the
3 quality of paint put on by uncertified painters? Painters
4 certified by the old process?

5 THE WITNESS: No. There was nothing in effect,
6 other than the backfit program that they had going at the
7 time.

8 BY MR. ROISMAN:

9 Q Now, you indicated that the role the QC would
10 play under this proposal that you made, and that was
11 accepted, was that they would inspect the panel. What was
12 their authority, if -- upon inspecting the panel -- they
13 were to conclude that the panel had not been properly done?

14 A What they would do, they would put it down on
15 the form that they had. They would tell the craft foreman
16 or the superintendent that was there what they found and
17 then it would be up to the superintendent or the craft
18 foremen to take it from there. But it was put down in
19 writing what the condition was, what was found on the
20 panel.

21 Q So that it wasn't the QC inspector's role to,
22 having found that there was a deficiency in the way the
23 paint was on the panel, to then veto the certification?
24 All the inspector did was to inform the craft supervisor
25 that that had happened and it was still up to the craft

1 supervisor to decide, based on that, whether they would or
2 would not certify the painter?

3 A Yes. They took it on the craft from then on.

4 Q While we are on the subject of the painters, do
5 you remember in the Lipinski trip report, on page 2 -- do
6 you have a copy of that there? I know you had a copy of
7 it the other day. Oh, yes, it's page 22026 in the
8 transcript of the 5th of December.

9 A Okay?

10 Q At the very bottom of page 2 there's a reference
11 there, "JJL indicated that by Brown & Root estimates, only
12 34 out of 452 individuals are of any value as painters."

13 Is it your understanding that, at the time that you
14 took over as the paint coatings inspector, that there were
15 only roughly 34 qualified painters, that is, painters who
16 had been qualified to be paint appliers?

17 A I didn't know the number. I didn't know, you
18 know --

19 Q Do you think it could have been as low as that?
20 Does that seem like a reasonable number?

21 A Well, with my past experience working with the
22 craft, if they've got 34 out of 452 -- no, that was not as
23 far as I'm concerned a reasonable number. I'm used to
24 saying -- out of 452, I'm used to seeing 400 qualified
25 painters.

1 Q When you talked on Thursday about the number of
2 crews that were out -- remember you had that discussion
3 about how many people were out in the field versus how
4 many of the inspectors could adequately inspect -- I think
5 at one time you had a number that was 30 crews, 30
6 painting crews.

7 Were there, in fact, 30 painting crews operating at one
8 time when you were at the plant?

9 A Okay, now, this would be like -- well, yes,
10 there was at one time 30 crews operating.

11 Q And how many people would there be in a crew,
12 roughly? What would a crew be made up of?

13 A Oh, anywhere in the neighborhood of three to
14 five men.

15 Q And how many of those men would be applying
16 paint, be performing that function?

17 A Okay. Out of some of those 30 crews, you would
18 have had some doing blasting work, some doing taping,
19 masking, you would have other crews doing -- just general
20 items. And then you would have probably had maybe -- well --
21 I don't know the exact number of actual crews applying the
22 work, but I would say out of a standard crew, you would
23 have one man, or maybe -- yes, probably one man on each
24 crew as an applicator.

25 Q And is that the only member of the crew who

1 would need to be a certified painter, in order to be in
2 compliance with paint coating procedures?

3 A Okay. Now, this is getting into a field where
4 it deals more with the craft personnel, and my own
5 personal QC feeling is that there should be more than one
6 applicator qualified on each crew. But, you know, it just
7 depends on the job site requirements.

8 EXAMINATION

9 BY JUDGE BLOCH:

10 Q Is that because they would sometimes rotate who
11 applied the paint?

12 A Yes.

13 Q There might be only one person applying the
14 paint but it was not the practice to have the same person
15 all the time?

16 A A lot of cases, that man might be sick and then
17 you'd have another man who would be able to take up where
18 the crew left off on that take and take over.

19 Q As a QC inspector, when you saw someone applying
20 the paint, what method did you have of knowing whether
21 that person was certified or not?

22 A That was kind of a different thing. When the QC
23 inspectors had a man applying, most of the time it was the
24 same man. It's kind of like, you see Fred every day, you
25 know Fred is certified. If somebody else new does it,

1 call the office and look into the papers down at the vault
2 to see if, yes, indeed, they were certified.

3 Q The way you know by seeing Fred every day is
4 that he shows up every day but you may -- you know, there
5 are lawyers that show up at courthouses and practice every
6 day and then after 10 years you find out they are not
7 qualified?

8 A Yes, but every man that was applicating, putting
9 on coatings, applicator, was checked by the QC people.
10 And, like I say, his paperwork was checked at the
11 beginning and they knew that Fred was certified to apply a
12 certain kind of coating material.

13 Q Because he put some kind of a number, that
14 showed how he was certified? How did you check it?

15 A No, they just knew it because the paperwork was
16 checked and they were told he was acceptable, he was
17 qualified.

18 Q I see. So the documentation personnel were
19 responsible for knowing that the person who signed off was
20 certified?

21 A Yes. And that was checked into.

22 CROSS-EXAMINATION (Continued)

23 BY MR. FOISMAN:

24 Q But was it the practice that it was the QC who
25 did the checking? Or was it craft that had the checking

1 done and then reported to QC: Yes, Fred is qualified?

2 A QC people did the checking.

3 Q And if a person were involved in doing blasting,
4 or masking, was that something that required a painter
5 qualification certificate to do that kind of work?

6 A Blasting would have required a -- some kind of
7 knowledge. I don't recall if they certified blasters
8 there or not. I think we did.

9 Q But that would be a certified blaster not a
10 certified painter? It was a separate cert that you got?

11 A Yes. Masking people -- anybody could mask.

12 Q Now, did the -- do you remember whether during
13 the two-month or three-month period that you were involved
14 directly with paint coatings, was there any substantial
15 increase in the number of qualified painters?

16 A We went through a complete recertification of
17 all applicators at that time.

18 Q During the time that you were there?

19 A Yes.

20 Q And did the total number of applicators increase
21 during that time? In other words, were new people brought
22 in or old people who had never been certified become
23 certified?

24 A I don't recall on the numbers, anything like
25 that. I know there was quite a few new people hired by

1 the craft because we were seeing a lot of new faces at
2 that time. But I don't recall if -- how many more were
3 certified, or how many, you know -- the old ones were
4 recertified, whatever.

5 JUDGE BLOCH: Do you recall whether anyone
6 flunked their certification test?

7 THE WITNESS: No. I don't. I don't remember if
8 anybody flunked -- the old painters.

9 JUDGE BLOCH: How about new ones?

10 THE WITNESS: We had a bunch flunk. I know that.
11 I just don't recall --

12 JUDGE BLOCH: You just don't know whether they
13 were people who had previously been applying coating?

14 THE WITNESS: That's right.

15 BY MR. ROISMAN:

16 Q Why was there a recertification program at that
17 time? And I assume the timeframe we are talking about is
18 sometime after August 1, 1983 and before October 21 of '83?

19 A I don't recall any specific reason to have them
20 recertified. I think, looking back on it I could -- I
21 really don't recall any reason why we went through the
22 recertification program.

23 Q And all of that recertification was done with
24 the involvement of QC in the way that you had recommended?

25 A Yes, it was.

1 Q Now, during your testimony on Thursday, there
2 was some uncertainty on your part as to when it was that
3 you became a supervisor, and I want to try to bring out
4 some information, see if I can give you some landmarks by
5 which it might help you --

6 A Okay.

7 Q -- might help you do that.

8 A Okay. I have done some thinking on that, too.
9 That was part of this other, with the desk routine.

10 Q Okay. Do you have, at this time, an idea?
11 Let's distinguish between the middle of August versus the
12 end of August, as to whether you became the supervisor in
13 the middle or the end or after the end?

14 A Okay. It was, to my recollection -- and, like I
15 say thinking back over it -- it was roughly the 21st, 22nd,
16 somewhere in that area of August.

17 I think I testified at one time in another hearing the
18 exact date, but that sticks in my mind right now.

19 Q Well, can you remember -- I think that other
20 hearing was in the Bill Dunham, DOL hearing --

21 A Yes.

22 Q -- can you remember whether you were a
23 supervisor at the time that Bill Dunham had the counseling
24 session that ultimately resulted in his termination?

25 A No, I was not supervisor at that time.

1 Q Okay. And I'm going to ask you to take a look
2 at just a small portion of that transcript. Of course you
3 can look at any more that you want, so that you can pin
4 down the date that we are talking about.

5 Do you have that testimony?

6 A Yes. We have it right here.

7 Q Good. Why don't you take a look at page 348 to
8 349. You'll see, looking particularly at lines, oh, 1
9 through 11, on 349 and also in the same testimony, take a
10 look at page 336.

11 In looking back at your testimony, does that help you
12 recollect what date it was that Mr. Dunham had the
13 counseling session that ultimately resulted in the
14 termination?

15 A Yes.

16 Q And what date do you now remember that that was?

17 A Okay. Mr. Dunham, I think, was counseled on,
18 what, the 26th? Or -- well, let me look here. Okay,
19 Mr. Dunham was canceled -- counseled on the 26th.

20 Q So that you would have been made supervisor sometime
21 after the 26th of August, then?

22 A Yes.

23 Q Thinking, now, of the Dunham event as sort of a
24 landmark, does it seem to you that you were made
25 supervisor very soon thereafter? Couple of weeks thereafter?

1 What's your best recollection of that?

2 A I think it was a week after, something in that
3 area. As soon as Mr. -- wherever -- whenever Mr. Williams
4 left site. In that area.

5 Q So maybe within a week after Dunham was gone,
6 Williams was gone, and then you became the supervisor?

7 A Yes.

8 Q Now, I believe that your counsel indicated that
9 he had received a copy and that you had looked at a
10 corporate security incident report.

11 A Yes, we have. It's right here.

12 Q Okay. Looking at that report -- well, first of
13 all --

14 MR. ROISMAN: Mr. Chairman, I would like to have
15 this marked. If there's no objection I would like to have
16 it received in evidence as Mouser Exhibit 2. It is a
17 corporate document prepared in the ordinary course of
18 corporate business, and I believe there's no need for a
19 witness to verify it.

20 MR. WATKINS: I'll object to the motion at this
21 time. There's no indication that this document is at all
22 relevant to this proceeding.

23 MR. ROISMAN: This is a discovery deposition.
24 We'll argue about the relevancy for proceeding later. At
25 this point it's only a question of whether it's an

1 authentic document. If I try to offer it in evidence
2 later by adding this portion of the transcript into the
3 evidentiary record, then Mr. Watkins can make his
4 objection.

5 JUDGE BLOCH: So I could rule without ruling
6 that it's relevant, that it is appropriate and that it is
7 an authentic document?

8 MR. WATKINS: Well, the document is of course
9 genuine. Mr. Mouser -- I believe Mr. Mouser has already
10 testified that document does not in any way relate to the
11 break in in his desk. It's unclear the purpose for which
12 he would even have it introduced at this point.

13 MR. WATKINS: Why don't we bind it in as an
14 exhibit and we'll see whether it has evidentiary value, in
15 terms of the subsequent motion.

16 MR. WATKINS: I suggest that the witness be
17 asked again if he recognizes the document or the events
18 described in the document. If he doesn't, it doesn't
19 belong in this deposition.

20 MR. ROISMAN: I want it bound into this record
21 because I'm going to talk to him about it. If the board
22 wants to withhold deciding whether it's "received in
23 evidence" or not, I don't have any problem with that at
24 this moment.

25 JUDGE BLOCH: What do you want it marked?

1 MR. ROISMAN: Mouser Exhibit 2.

2 JUDGE BLOCH: It may be so marked and bound into
3 the transcript as an exhibit.

4 (Mouser Exhibit 2 identified.)

5 (The document follows:)

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BROWN & ROOT INCORPORATED
CORPORATE SECURITY
INCIDENT REPORT

MOUSER 2
5 JAN 85/ps
22847

FACILITY Comanche Peak Steam Electric Station

DATE 9/3/83

ADDRESS Post Office Box 1001

TIME 5:30 A.M.

CITY & STATE Glen Rose, Texas 76043

JOB NUMBER 35-1195

TYPE OF INCIDENT UNAUTHORIZED ENTRY

DETAILS: (Who, What, When, Where, Why, How)-(Estimate value of any property Loss)

On Saturday, September 3, 1983 @ 5:30 A.M.,
D.C. Randall (Chesco) left Post one & stated to me,
it looked like someone had been in the Chesco bldg.
up to he was in the field from 3:00 A.M. to 5:00 A.M.
Two boxes on two different desks had been left
out. Randall did not know if anything was missing.
He stated however that someone on duty should con-
tact Tom Broadt to see if anything was taken.
Chesco bldg is marked with the number 35 in the
middle & is located across (north) from Safety &
west of the D.C. bldg.

(Use Back if additional space is needed)

GUARD SIGNATURE

Douglas E. Everett

FOLLOW UP INVESTIGATION:

While making rounds Sat. night, Sept. 3, 1983
@ 11:35 P.M. I found the door on the South West
corner unlocked. Everything inside looked alright.

BY: [Signature]

1 BY MR. ROISMAN:

2 Q Mr. Mouser, reflecting back on time when you
3 made your report to security, do you remember whether
4 Mr. Randall was in any way involved in the reporting of
5 that unauthorized opening of your desk?

6 A To my knowledge Mr. Randall was not involved in
7 it at all.

8 Q Did he share a desk in that same trailer with
9 you?

10 A Not to my knowledge. He was there at night, on
11 the second shift. As far as I knew, he did not share my
12 desk or share a desk in the room.

13 Q Can you remember whether the break-in to your
14 desk was something that had occurred over an intervening
15 night period? Or was it something that had occurred
16 during the day while you were away from the office? When
17 did you realize it had been broken into?

18 A The next morning when he came in. I had locked
19 the desk -- say I went home one night and I locked the
20 desk. When I came in the next day it was pried open.

21 Q And are you fairly confident that it was in fact
22 the next day? That you had been to work the immediately
23 preceding day? Or is it possible that it may have been an
24 intervening weekend?

25 A It could have been a weekend. The time period,

1 like I say, I can't totally recall the time period, but it
2 seemed like it was overnight.

3 Q Can you remember, whether when you spoke to the
4 security person about the break-in to your desk, whether
5 he or she indicated that they had any knowledge, before
6 you said anything, about some break-in at that spot or
7 area?

8 A No, I don't recall them saying anything at all.

9 Q Nothing that would indicate to you that they had
10 already heard something about a break-in at that trailer?

11 A No, I don't recall them saying anything about
12 that.

13 Now this report is an entirely --

14 Q You are talking about Mouser 2?

15 A This is a physically different area than where I
16 was located.

17 Q A physically different --

18 A Physically different area than where I was
19 located.

20 Q There's a signature on here, Douglas E. Garrett,
21 does that ring a -- do you know or do you remember talking
22 to a Douglas E. Garrett?

23 A No. I don't recall the signature at all.

24 JUDGE BLOCH: Is the discovery situation at this
25 point that the Applicants cannot locate the report, the

1 security report that resulted from Mr. Mouser's talking to
2 security?

3 MR. WATKINS: Applicants have searched their
4 files and, to our knowledge, the document does not exist.
5 No such document exists.

6 JUDGE BLOCH: Is there a way of knowing, by the
7 numbering system, whether there are documents in this
8 timeframe that are missing from the files?

9 MR. WATKINS: I'll repeat the scope of the
10 search that we conducted.

11 TUGCO security offices in Dallas; all files for 1983,
12 involving any security matter, any incidents on the site,
13 were reviewed. Brown & Root security, on-site; all files
14 for 1983 were reviewed.

15 No such document appears.

16 JUDGE BLOCH: I'm asking whether there's a
17 sequential numbering system so you'd know if something was
18 missing?

19 MR. WATKINS: I do not know the answer to that.

20 I don't have my copy with me. Is that report
21 sequentially numbered?

22 JUDGE BLOCH: It doesn't appear to be.
23 Mr. Mouser?

24 THE WITNESS: Doesn't appear to be any numbers
25 of any sequence or anything like that on it.

1 JUDGE BLOCH: So that actually means that, even
2 if you had reports of serious incidents of break in at the
3 plant, there's no way of knowing whether the documents are
4 subsequently removed from the files?

5 MR. WATKINS: Mr. Chairman, I said I don't know.

6 JUDGE BLOCH: Okay.

7 BY MR. ROISMAN:

8 Q Mr. Mouser, I would like to go back to the trip
9 report and, if you could get your copy in front of you --
10 do you have that in front of you now?

11 A Yes, I do.

12 Q Now, looking on page 2, which is 22026 of the
13 transcript of December the 5th, under the capital B, the
14 last paragraph, there is a sort of listing of problem
15 areas: Material storage, painter qualification,
16 indoctrination, possible document deficiencies, and morale
17 problems.

18 I believe you have already testified that your
19 understanding of the material storage problem that you
20 knew of, anyway, was related to this tagging question that
21 we went over last Thursday; is that correct?

22 A Yes.

23 Q And is there any other aspect of material
24 storage that, in your opinion, represented a problem at
25 the plant site, at any time while -- that you observed

1 while you were there? I don't mean an individual incident
2 but I'm talking about any kind of a generic problem that
3 you felt existed with material storage, even if it was
4 later corrected.

5 A Okay. When I previously testified I talked to
6 Mr. Brandt about this material storage and, you know,
7 traceability. And my line of concern was when the
8 material first came on-site, how it was handled. And in
9 the subsequent conversation with Mr. Brandt I was notified
10 that it went to the warehouse, certified inspectors in the
11 warehouse received the material -- receiving inspectors
12 received the material and handled it. From that point it
13 was transferred to the craft warehouse out in the field
14 and stored. At that point -- well, excuse me, there was
15 also material stored in the warehouse, but as they needed
16 it they also transferred it out to their warehouse. But
17 my big question was how the material was received because
18 the material was in fact in the possession of the craft.
19 And I was concerned about that because I hadn't, you know,
20 dealt with that type of thing before. It had been in
21 possession of the QC under lock and key. And this time it
22 was under the possession of craft under lock and key. So
23 I questioned that and he said the material was transferred
24 out there and it was also used for, some material, for
25 non-quality areas. So the craft had to have access to

1 that material. So it was under their, I guess you'd say,
2 their jurisdiction until it came to mixing of quality
3 paint. And then the inspector would go in, they would
4 pull the material down off the rack, and it would be mixed
5 under the supervision of an inspector.

6 Q And what about in terms of the -- beyond the
7 problems that you indicated with the possibility of a tag
8 falling off and the possibility inadequacy of the
9 information contained on the tag? Were there any other
10 problems with material storage with which you were aware?

11 A Not at that time; no. Like I say, other than
12 what Mr. Brandt explained to me and we talked about.

13 JUDGE BLOCH: Was the storage area temperature
14 controlled?

15 THE WITNESS: Yes, it was. Temperature,
16 humidity, everything.

17 JUDGE BLOCH: Was there any QC surveillance or
18 check of the adequacy of the storage procedures?

19 THE WITNESS: I think there was. On a daily
20 basis, a QC inspector was in the building and did check
21 the, you know, the temperature and that, in the building.

22 BY MR. ROISMAN:

23 Q But I take it the problem that Mr. Lipinski had
24 observed and has later testified about, that is, the
25 presence of a can in the sun where temperature might be

1 substantially different, and certainly not controlled,
2 without any way of knowing how long it had been in the sun,
3 was a storage problem?

4 A Yes. It was a storage problem.

5 Q And to the best of your knowledge, one that --
6 for which no specific solution was implemented while you
7 were there?

8 A No. There was a solution implemented while I
9 was there.

10 Q Okay. And what was that?

11 A Okay. The material was not stored on pallets.
12 It was mixed and immediately transferred to the work area
13 so QC had control of it at the work area.

14 Q What about the control, in terms -- who
15 determined whether or not the temperature limits that were
16 -- that might affect the pot life of the paint, were being
17 exceeded or not exceeded? How was that done once the
18 paint had been mixed and the QC inspector had verified the
19 mix and it got shipped off to the application point?

20 A We didn't -- we were unable to verify it. Put
21 it that way. We were unable to verify the temperature
22 after it was mixed until it got -- I guess you could say
23 until it was powered into the spray pot.

24 Q And were you aware that some of the paint
25 manufacturers had put a variable pot life on their paint,

1 depending upon which temperatures the paint was subjected
2 to?

3 A Yes.

4 Q So that, as far as you know, at least other than
5 eliminating the pallet storage of the mixed paint, there
6 was still -- there still remained this difficulty that it
7 may be that the temperature limits and pot life limits
8 have been exceeded and no one have the gauges or the tests
9 to be sure of that one way or the other after the paint
10 reached the field?

11 A Okay. At the point of use -- the inspectors
12 would check it at the point of use. And then look at the
13 tags that were there.

14 Like if the paint was, say, 80 degrees, they would know
15 at the point of use that, yes, there was some problem with
16 it or, no, there was not.

17 Q No. What I was thinking of, let's take a can of
18 paint. We'll assume it was mixed in the storage area and
19 that the QC inspector observed all of that, marked down
20 the relevant information on the tag, and the paint was
21 then moved to the application area.

22 The inspector knew that this paint had an hour pot life
23 and he knew by the tag how long it had been in that pot,
24 but he also knew that the pot life could be shortened if
25 the temperature, ambient temperature that the paint was

1 exposed to was above a certain limit. And my question is
2 how would he know whether or not, in fact, that
3 temperature limit that would reduce the total pot life of
4 the paint, was or was not exceeded in the paint's post-mixing
5 history?

6 A Okay. They were supposed to check it prior to
7 use.

8 Q Check the paint or check the temperature?

9 A Check the temperature of the coating material
10 and, say, if it exceeded 80 degrees and the pot life was
11 one hour at 80 degrees and the paint was already two hours
12 old, then the inspector should reject the paint.

13 Q And is it your understanding that the critical
14 temperature was the temperature of the paint or the
15 temperature of the ambient air in which the paint was
16 sitting?

17 A It's actually both deal with each other. They
18 both deal together. If it's hot then your paint is going
19 to obtain a hotter -- go up in temperature; yes.

20 Q But it will get, the paint will get hotter,
21 presumably, more slowly than the ambient air? It will
22 have to warm up, if you will, assuming it came in cooler?

23 A Yes.

24 Q Did the inspectors check both the paint
25 temperature and the ambient air temperature?

1 A The ambient was supposed to be checked
2 periodically during the day. On their inspection reports
3 they were supposed to put down -- they took moisture -- dew
4 point readings and moisture and what not, that told you
5 what your pot life would be.

6 Q Did they do that with some equipment or was
7 there equipment around the plant?

8 A The equipment we had -- we had equipment
9 available to us, up above. Now, most inspectors, like we
10 were trying to get it put into effect that they would
11 check the environmental conditions. It would be your
12 temperature, your humidity, and everything like that, once
13 in the morning and then once again in the afternoon. That
14 would help cut down a little bit on the paperwork. But we
15 never were able to get this passed through so the
16 inspectors were required to check it every time they did
17 any work. And they carried -- one inspector might have a
18 set for three or four different inspectors. It was kind
19 of like share and share -- share and share alike.

20 JUDGE BLOCH: To clarify, pot life, I take it,
21 starts from the time the paint was mixed?

22 THE WITNESS: Yes, it does.

23 JUDGE BLOCH: I assume from the questioning that
24 it's in the area of a couple of hours? Is that usually
25 what it is?

1 THE WITNESS: Oh, there's a lot of variables
2 involved. Different coatings had difference pot lives.

3 JUDGE BLOCH: Can you give us some idea of what
4 they usually were?

5 THE WITNESS: Just off the top of my head -- and
6 I don't know how close I'm going to be -- you take, like a
7 CZ-11, which was a sink coating material, the pot life on
8 that varied up to four hours. That's just like off of
9 recall -- I might be a little off in each direction.

10 JUDGE BLOCH: Sure. And then epoxies?

11 THE WITNESS: Epoxies you would probably run
12 those a little bit longer, the pot life would be a little
13 bit longer on those.

14 BY MR. ROISMAN:

15 Q Now, with respect to the material storage, how
16 much of what you knew after you took over the job, were
17 possible problems, were problems that Mr. Lipinski had
18 told you he had observed while he was at the plant?

19 A You mean basically the same thing you've got
20 down here? This paragraph?

21 Q No. The thing is, in this paragraph he just
22 says "problems with material storage" and he doesn't tell
23 us in his report whether the problem was the pallet, the
24 tagging, the temperatures at the application point. We
25 don't know from that so I'm trying to find out, did he

1 tell you anything that expanded on that and did it -- was
2 it the same as what you've just testified were the
3 problems that you had observed or was it a broader group
4 of problems or a narrower group of problems?

5 A I think Joe is kind of laying it out here as,
6 you know, a broad range. I went on the broad range, of
7 looking into the start to the finish: From the time they
8 started mixing how they handled it.

9 Q I'm not asking you what you think he may have
10 meant. What I'm asking you is what he in fact told you.
11 Did he tell you what it was that he had observed or what
12 his opinions were as to what were the material storage
13 problems beyond saying "I think there are some material
14 storage problems"?

15 A I don't remember exactly, you know, any
16 conversations with Joe specifically; no, or exactly what
17 he observed and what he had done. I don't really remember
18 anything like that.

19 Q Okay. Now the next item in this subpart of
20 paragraph B --

21 JUDGE BLOCH: One second. On that, I thought
22 that you and he together had seen a pot sitting out in the
23 sun?

24 THE WITNESS: Yes.

25 JUDGE BLOCH: So, to that extent I guess you

1 must have had some discussion with him about that?

2 THE WITNESS: That was prior to my taking over,
3 even being in that department. So I really didn't know
4 what the material was. Like I said, at the time I said I
5 don't know what it is, it could be non-quality paint. So --

6 BY MR. ROISMAN:

7 Q Now, the next item on there is the painter
8 qualification/indoctrination. You've testified that after
9 you took over in your responsibilities that you suggested
10 and that it was implemented, a program for having QC
11 involved in painter qualification. Do you know from
12 conversation -- well -- first, what if any problems beyond
13 that did you observe while you were at Comanche Peak in
14 the painter qualification/indoctrination area? Yourself.

15 A Beyond just that?

16 Q Yes.

17 A I was concerned about the shape of the panels
18 that they used. Referring back to previous job, I had
19 seen where they were required to paint a pipe or the panel
20 that they were required had to be in a vertical position,
21 or roughly vertical position. There will to be some
22 penetrations involved, you know, welded to the panel -- a
23 piece of channel iron, some things that they would run
24 into typically in the field. And these were not totally
25 on the panel. There might be a piece of angle iron on the

1 panel or there might be a piece of pipe. So the panels
2 varied. And at one time I think at one time they took the
3 penetrations off and all they were painting was a flat
4 panel.

5 EXAMINATION

6 BY JUDGE BLOCH:

7 Q I'm sorry, you started talking about other sites,
8 didn't you?

9 A Yes.

10 Q Where did you take these irons off?

11 A At Comanche Peak.

12 Q Does that mean that you know there was a time at
13 Comanche Peak when they had the irons on?

14 A Yes, there was a time that they had the angles
15 and all that on, yes.

16 Q It wasn't just at Comanche Peak?

17 A The other sites had it on all the time. At
18 Comanche Peak it was at one time I do remember them being
19 on.

20 Q Was that when you were in the coatings area?

21 A Yes, I do remember being around the panels that
22 have had that on.

23 Q While I have interrupted, there was a matter of
24 the next subject, the tag that was on the pot, on the
25 paint, did the form of that get changed while you were at

1 Comanche Peak?

2 A That I don't recall.

3 Q Was that form referred to as a traveler?

4 A No, it was not. A traveler was -- what I was
5 used to as a traveler was a -- a document for the craft
6 use for construction and inspection of cable tray hanger,
7 pipe support, something in this fashion.

8 Q So, while you were at Comanche Peak, was there
9 ever a time when something that you knew of as a traveler
10 was used for keeping track of the coatings?

11 A No. There was no travelers used while I was
12 there.

13 CROSS-EXAMINATION (Continued)

14 BY MR. ROISMAN:

15 Q Now, in terms of the -- of this issue of the
16 panels, the Chairman had asked you whether at some time
17 the angles were on the panel. I thought your testimony
18 was that during all the time that you were at Comanche
19 Peak, some of the panels that were used had nothing on
20 them at any time; is that correct?

21 A I think the panels had -- I think all the panels,
22 at one time, had penetrations or angles on them. But they
23 were removed at one time.

24 Q And was there ever a time that you are aware of
25 when they were using the pipes and putting the panels in

1 vertical -- standing up vertically on a regular basis for
2 the painter qualification test? Or was that an
3 intermittent thing?

4 A If I remember right they were in a vertical
5 position most of the time. Now, like I say, I -- they did
6 this out in the paint shack. And I made a visit about
7 twice a week to the paint shack. And during that time I
8 recall seeing the panels in a vertical position; yes.

9 Q If they were lying down or if there were no
10 penetrations on them, it would be easier for a person to
11 paint and not make -- and not make a mistake; than if they
12 were standing up and had penetrations?

13 A Yes, it would be easier for them if they were
14 laying down.

15 Q And, also easier if they didn't have the
16 penetrations?

17 A Yes.

18 EXAMINATION

19 BY JUDGE BLOCH:

20 Q Was there a procedure that governed the way the
21 test had to be conducted?

22 A There is in -- the painting council puts out --
23 I think there is a thing in the painting council for that;
24 yes.

25 Q But that's not a site procedure, is it?

1 A I'm not sure.

2 Q It might have been adopted as a site procedure,
3 is that what you are saying?

4 A It could have been, yes.

5 Q Was the procedure something the paint personnel
6 had when they were overlooking the paint certification
7 process? Were they trying to make sure that the
8 certification process was complied with?

9 A The QC's role at that time was to make sure that
10 the coating was applied in accordance with the procedures,
11 so that when the painter got to the field that, yes,
12 indeed, he could apply it as the field procedures within
13 the tolerances the field procedures set forth.

14 Q So basically they were doing the same kind of
15 job they would do in the field. If I understand you
16 correctly, they were not actually checking the test
17 against a testing procedure?

18 A True. They were not checking against the
19 testing procedure.

20 CROSS-EXAMINATION (Continued)

21 BY MR. ROISMAN:

22 Q Were there any other problems that you became
23 aware of while you were at the site with painter
24 qualification or indoctrination?

25 A Not that I recall right now.

1 Q Now, in your conversations with Mr. Lipinski,
2 did he and you ever discuss the question of painter
3 qualification or indoctrination?

4 A I think when he was there in July we might have,
5 he might have asked me about it. Like I say, at that time
6 I don't recall. After that I don't recall, you know,
7 talking to him about it at all.

8 Q When you went over the trip report and then had
9 discussion with him subsequently, you did not at that time
10 ask him to explicate any more what he meant by painter
11 qualification and indoctrination problems?

12 A No. At the time that we went over the report it
13 was just a very few minutes. You know, just time to speak
14 and that's about all.

15 Q How about subsequently, in a phone conversation?
16 Given your emerging responsibilities in the area, do you
17 think you might have asked him to give you a little more
18 detail on some of this so you could try to address it?

19 A I don't recall anything like that. I would have
20 probably went on my own and went down and investigated it
21 on my own prior to, you know, before talking to him about
22 it.

23 Q You mean investigate just the whole area without
24 looking for some particular problem?

25 A Yes. Look at the whole operation.

1 Q All right. The next item that he has is "possible
2 documentation deficiencies."

3 While you were at Comanche Peak, did you observe any
4 documentation deficiencies relating to the paint coatings
5 area?

6 MR. WATKINS: Objection to the extent it's not
7 related to the report.

8 MR. ROISMAN: I believe it is perfectly
9 permissible in a discovery deposition, at a minimum to ask
10 the witness a question such as that.

11 JUDGE BLOCH: Overruled. Overruled.

12 THE WITNESS: Would you repeat the question?

13 MR. ROISMAN: Yes.

14 BY MR. ROISMAN:

15 Q While you were at Comanche Peak, in the paint
16 coatings area were you aware of any documentation
17 deficiencies?

18 A Okay. As we had previously talked, and I had
19 testified previously, there was a number of older
20 documents that I was concerned about.

21 Q Yes.

22 A And the ability to get those into the vault,
23 because they were, indeed, quality documents; that was one
24 thing I take as a deficiency. I felt that those documents
25 needed to be put into the vault. That was one area of

1 being deficient, for quote --

2 EXAMINATION

3 BY JUDGE BLOCH:

4 Q What do you mean by "older"?

5 A Back to where they first started putting paint
6 onto the building.

7 Q '78? '77?

8 A I -- if that was the time, yes. I don't recall
9 the dates but it was --

10 Q I don't recall it either.

11 A It was the earliest quality documents on the
12 coatings. It covered, probably -- it covered the backfit
13 program -- along the backfit documents.

14 I was also -- my definition of a deficient document was
15 -- as I said, I had document problems. And those problems
16 I guess you could say were, in my eyes, deficient
17 documents: Unsat conditions that had not been reinspected;
18 documents --

19 Q Okay, inspected for how long?

20 A Some of them were quite a period of time.

21 Q Years?

22 A I would say six, eight months maybe. I don't
23 recall years.

24 Q Were these documents that were on parts of the
25 plant that were subject to the backfit program, or were

1 they other areas of the plant?

2 A I think some of the areas could have been
3 involved in the backfit program.

4 Q Actually I'm more interested in the converse of
5 that. Were there any of them that were not involved in
6 the backfit program?

7 A That might be true also. I don't know for a
8 fact.

9 Q It sounds like you don't know at all.

10 A I don't know for exact -- there were two drawers
11 of them; a lot of different areas. Like I said, I wasn't
12 involved in that backfit program that close so it's hard
13 for me to put the two together.

14 CROSS-EXAMINATION (Continued)

15 BY MR. ROISMAN:

16 Q Were there other document deficiencies of which
17 you were aware?

18 A In the coatings department?

19 Q Yes.

20 A That's all I recall right now.

21 Q Now, in your conversations with Mr. Lipinski,
22 did he ever give you any indication of what possible
23 documentation deficiencies he was referring to in his trip
24 report? Or that he had observed?

25 A No. I don't recall any.

1 Q Did you ever tell him, with regard to either
2 painter qualification, material storage, or documentation
3 deficiencies, the things that you were observing as you
4 were taking your responsibilities in the paint coatings
5 area?

6 A No. I don't recall anything.

7 Q You can't recall ever saying to him, at some
8 subsequent time: Gee, Joe, you know that problem that you
9 identified as a possible document deficiency problem, I've
10 sure seen a lot of that myself. Nothing like that?

11 A No, I don't recall anything.

12 Q Now, looking at item C again, on page 2, at the
13 bottom of the page; when you read that in the trip report,
14 did it raise any questions in your mind that you then
15 discussed with Mr. Lipinski, as to whether that was an
16 accurate statement or not.

17 A You mean on the number of certification --

18 Q Yes, starting with the 34 out of 452 individuals?

19 A No. I don't recall anything on that either.

20 Q Did you ever make any efforts on your own to
21 look into that question? Whether there were or were not
22 only 34 qualified individuals?

23 A I think at one time I did check in to see who
24 was certified and who was not certified; see how many they
25 did have. In fact, I got a list of certified applicators

1 from the craft, at one time.

2 Q And --

3 A In fact, I requested that on a weekly basis from
4 the superintendent.

5 Q And how many were there, as you remember?

6 A I don't recall any numbers at all.

7 Q Now, further on in that same paragraph,
8 Mr. Lipinski says that there is currently a "no win"
9 situation. And, even though this sounds corny, Brown &
10 Root needs to develop a win/win situation. I take it from
11 your testimony on Thursday, you basically agree with that
12 observation on his part?

13 A Yes.

14 Q Looking over on page 3, at paragraph E, during
15 the time that you were at Comanche Peak, had you observed
16 any problems with the quality of the air supply?

17 A That came up in different conversations and they
18 were correcting the problem.

19 Q Conversations with --

20 A Mr. Brandt and conversation with the inspectors.

21 Q So that at one time, at least based upon your
22 understanding, there were problems with the air supply,
23 and that was being solved during the time that you were
24 there?

25 A Yes.

1 Q Do you know whether it had been solved by the
2 time you had left? Or was it still in the process?

3 A I think they had solved it or were making --
4 getting it to where it wasn't a problem any more.

5 Q What did you understand the problem was?

6 A That there was, indeed, oil in the air supply,
7 when the lines were checked by the QC, that they did pick
8 up traces of water and oil.

9 Q Do you know what solution was implemented?

10 A I think they put some filters on to trap this
11 oil and water.

12 Q And --

13 JUDGE BLOCH: Who is the "they"? You mean it
14 was done --

15 THE WITNESS: By the craft.

16 JUDGE BLOCH: Temporarily, on a day-by-day basis?

17 THE WITNESS: Yes. The filters were changed.

18 JUDGE BLOCH: It was done at the gun or was it
19 done somewhere else?

20 THE WITNESS: It was done at the compressor.

21 JUDGE BLOCH: At the compressor?

22 THE WITNESS: Yes.

23 BY MR. ROISMAN:

24 Q Were you familiar with the use of cigarette
25 filters as one of the fixes of that problem by the craft?

1 A No, I was not.

2 Q Did Mr. Lipinski ever discuss with you or did
3 you ever discuss with him this air supply problem?

4 A Not per se with the oil and that. I remember
5 talking to him about the compressor, saying: Looks like
6 that's the compressor they are using.

7 Q But at that time it was just an identification
8 of what the air supply source was, rather than a
9 discussion of there being any particular problem; is that
10 correct?

11 A Yes.

12 Q And, insofar as the problem is concerned, you
13 have no recollection of ever discussing the problem itself
14 with him?

15 A No, I don't recall saying that.

16 JUDGE BLOCH: Let's take a seven-minute break.

17 (Recess.)

18 BY MR. ROISMAN:

19 Q Mr. Mouser, the bottom of page 3 of the trip
20 report, page 22027 of the transcript, there are some
21 general observations. Do you feel that what you saw at
22 Comanche Peak, in the paint coatings area, that they were,
23 at least before you got control of it, that they were
24 doing inspections or were encouraged to do inspections to
25 the degree that Comanche Peak was comfortable with or will

1 tolerate; that that attitude was present?

2 A The feeling that I got was that the inspections
3 were to be done. As in all cases, you know, you want a
4 good product, you want a quality product. And the
5 inspections were done to show what was there. And if,
6 indeed, there was a problem with that quality or a problem
7 with that product, that it was questioned as to: Are you
8 sure? Are you absolutely sure that that's a problem? And
9 that was prior -- that's the feeling I got from talking
10 with the inspectors prior to my time coming down there,
11 coming down to the department; yes.

12 Q Did you feel that your several confrontations
13 with Junior Haley, where you basically stood up to him,
14 represented somewhat of a turning point in that process?

15 A Yes.

16 Q And was it your understanding that, before that
17 time, that Haley, both as a result of his manner and his
18 physical size, had been able to keep the pressure on and
19 that nobody, until you did it, was really willing to stand
20 up to him to his face?

21 A Very true. They -- the feeling was there that
22 he was ramrodding the show, even on the quality side.
23 This was even in front of the inspectors. The first time
24 I stood up to him and told him it was wrong, it was none
25 of his business, even some of the inspectors came down and

1 said that's the first time the supervisor was told that.

2 Q Weren't you a little nervous, given the
3 disparity between his size and your size?

4 A Might as well go down in a blaze of glory.

5 (Laughter.)

6 Q Would you say that basically this observation of
7 Mr. Lipinski's in the paragraph A at the bottom of page 3 --
8 and I would like you to reread it if you would -- is
9 consistent with your own observations of the situation,
10 prior to the time that you got the situation under your
11 supervision?

12 A Yes. That's the feeling I got from the
13 inspectors.

14 Q Did you and he ever have occasion to discuss
15 this paragraph A, or the ideas, the thoughts that are
16 contained in there, other than -- I know you have already
17 talked about material storage and painter qualification,
18 but the other parts of it?

19 A I think on the -- that tour, I went with him
20 when we were first there, I think this came into light;
21 the feelings of the inspectors toward the work, or toward
22 the craft in whole -- the work.

23 Q And would you -- do you think he had, from what
24 you observed, did he appear to have as good an
25 understanding of the situation as you yourself eventually

1 had, in terms of the input of data that he would use as
2 the basis for forming those views?

3 A I think after Joe talked to me, I think he
4 talked to some of the inspectors and got a little bit
5 deeper. And I think, my own personal feeling, he did
6 receive this by talking to the inspectors.

7 Q Now, looking at page 4, the last sentence under
8 the paragraph B at the top of the page, is that something
9 which you also observed regarding the opinion of the
10 quality of the work that the inspectors had?

11 A The inspectors after, you know, getting down
12 there and taking over, they felt that some applicators
13 were good and others weren't. And they felt that some of
14 the work, again, was good and some of it wasn't.

15 Q Did you have the feeling that, with regard to
16 the work that wasn't, that they were keeping quiet until,
17 or essentially keeping quiet until they could find another
18 job? I'm talking about how they felt at the time that you
19 took over, not how they felt after you began to implement
20 your various reforms.

21 A Yes, they were all keeping quiet until they
22 could find another job.

23 Q Were you aware that any of them had made
24 complaints to the Nuclear Regulatory Commission about
25 paint coating conditions or procedures at the site at the

1 time that you were working at Comanche Peak?

2 A Yes. They had told me they had talked to the
3 NRC.

4 Q Do you remember which ones it was that shared
5 that information with you?

6 A It would probably be easier to describe which
7 ones didn't.

8 Q Okay. Who didn't?

9 A There was about three of them that said -- did
10 not communicate with me that they had talked to the NRC.
11 And all the rest of them had.

12 Q Can you remember which three it was that had not?

13 A I think a gentleman by the name of Mickey Finn,
14 Gary Brando, and Joe -- I can't even remember his name.
15 He was an older gentleman. I don't remember his last name.

16 Q And did you communicate that fact to anyone else?

17 A No, that was no one else's business.

18 Q You never discussed it with Mr. Lipinski, for
19 instance?

20 A No. I think Joe knew this. This is my own
21 personal feeling. I think Joe knew that they had talked
22 to the NRC, because he was in communication with a number
23 of them also. So I think that they had talked to him and
24 they knew that he had talked to the NRC, or they had
25 talked to the NRC.

1 Q You mean he was in communication with them
2 beyond the time that he saw them when he was at site?

3 A Yes.

4 JUDGE BLOCH: Did he have relationships with
5 them that were kind of like the relationship he had with
6 you? Professional friends whom he spoke to from time to
7 time?

8 THE WITNESS: Yes, he did.

9 JUDGE BLOCH: Do you know, from talking to any
10 of those people, whether Mr. Lipinski spoke to them before
11 he came to the site?

12 THE WITNESS: I don't remember talking to anyone
13 about it; no.

14 JUDGE BLOCH: Do you know from talking to
15 Mr. Lipinski whether he spoke to any of them before he
16 came to the site?

17 THE WITNESS: I don't recall Joe saying anything
18 about it; no.

19 BY MR. ROISMAN:

20 Q Looking now at the summary section on page 4 of
21 the report, would you agree with the statement that "often
22 B&R wanted to buy the 'right' answer? Or, if not B&R,
23 management generally"?

24 A I don't know if it was so much buy the right
25 answer, but more or less wanted to hear the right answer.

1 Q Now, I know you were asked this the other day,
2 but I just want you to, if you had occasion to reflect on
3 it any more, can you remember now, looking at page 4,
4 whether the copy of the trip report which you had had in
5 your possession was one that had Mr. Lipinski's signature
6 on it?

7 A I don't recall at all.

8 Q I think you indicated, in answer to a question
9 by Mr. Treby on the -- that related to item F, on page 3
10 of the report on qualification of inspection personnel,
11 that "no unqualified inspectors were doing work."

12 I take it that you meant that when you were the
13 supervisor and when you were the lead, that no people who
14 were reporting to you were unqualified inspectors; is that
15 correct?

16 A That's correct.

17 Q You weren't making a comment about whether in
18 fact at some prior time, either in the paint coatings
19 department or elsewhere, or some subsequent time, there
20 may or may not have been unqualified inspectors?

21 A Yes, I -- like I say, I can't say anything for
22 the time prior to my being there.

23 Q You had a discussion about the inherent
24 discretion that's built into the inspection process, how
25 the inspector's got to be an unbiased judge, and be able

1 to be independent; and I think you testified that you
2 could probably fail any wall if you were given enough time
3 to look for some defect someplace, and that, by the same
4 token, you could pass almost any wall, depending just on
5 how you worked within the inherent discretion in the
6 procedures. Do you remember that discussion?

7 A Yes.

8 Q I wonder if you can, perhaps, using a specific
9 example, give me some idea of how you perceived the QC
10 inspection process at Comanche Peak differed from the QC
11 inspection process at the WPPS site, with respect to that
12 question of whether you find the pass or whether you find
13 the fail qualities, as you perceived it at the time you
14 took over your job. Again, not after you had started to
15 implement some of your reforms.

16 A Okay. I think a lot is on how you treat the
17 inspector as to the biased opinion he's going to have, or
18 be a neutral party-type. In Washington, they were -- the
19 inspectors had conditions. They had very good conditions.

20 Q Could you explain what you mean by "conditions."

21 A Okay. I'll get into that. They had -- instead
22 of having to walk everywhere they went, they were able to
23 ride. They made a special point to make sure the QC
24 inspectors had their own area to be. What I mean by that,
25 we had our own area there in Texas. We also had our own

1 area in Washington. And we had our individual desks.

2 Knowing inspectors, individuality is a very big thing
3 with them. They were given their own desk to sit at.
4 They were given -- people came in and took care of the
5 office. They did down in Texas also. But the extent was
6 not near as you run into there as you did in Washington.

7 They were -- when they walked onto the site they were
8 immediately greeted by the craft people, and people were
9 pleasant to them. Down in Texas the craft were not that
10 pleasant to the inspectors.

11 EXAMINATION

12 BY JUDGE BLOCH:

13 Q Is there a difference in where you parked your
14 cars?

15 A That has a lot to do with it. How far you have
16 to walk to your office has a lot to do with how you feel
17 about your job.

18 Q Was there a difference between WPPS and Texas?

19 A Definitely. If you ever gone down in Texas and
20 had to walk the cattle chute you'd understand that.

21 Q Was there a difference in preference between how
22 far you had to walk in Texas, between being inspector and
23 craft?

24 A Yes, being QC you get the priority areas.

25 Q Did you get a priority area in Comanche Peak?

1 A I got what you could fight for. If you got
2 first in line that meant you were there 10 minutes ahead
3 of anybody. If you got there last in line, that means you
4 were there last.

5 Now, that's not necessarily true all the way through,
6 too. There were certain inspectors that were given
7 priority parking areas. They were some of the contract
8 personnel that they had on-site.

9 I had one gentleman working for me that parked in a
10 different area than the rest of the people.

11 Q And the reason for that was that he was a
12 contract person?

13 A Yes.

14 Q But you were a contract person too, weren't you?
15 You worked for EBASCO?

16 A At one time the EBASCO personnel, the way I
17 understand it, parked in the same area. But Brown & Root,
18 which I -- you know, you sit right next to a Brown & Root
19 man, was not able to park in that area. And that got
20 under the Brown & Root people's skin, which, it would
21 bother me, sitting next to John, John is parking in an
22 area where he only has to walk a couple of hundred yards
23 to work where I've got to walk a very long ways. And that
24 bothered the inspectors, so the parking area was taken
25 away from the EBASCO people. But these other people were

1 able to park up on the hill.

2 CROSS-EXAMINATION (Continued)

3 BY MR. ROISMAN:

4 Q You indicated that the core of the QC morale
5 problem substantially dated back to before you had any
6 involvement with it. Did you at any time have any
7 occasion to find out what that source of the problem was?
8 Or how it arose?

9 A I talked to a few of the inspectors and they
10 indicated that a gentleman that I had previously described
11 as, last name being Wallace, a gentleman by the name of
12 Bob Wallace was his first name -- I recalled that
13 yesterday -- he -- the treatment he had given to the
14 inspectors was bad. He hollered at them on a regular-type
15 basis.

16 JUDGE BLOCH: In front of craft, do you know?

17 THE WITNESS: Yes. In front of craft.

18 He was always on their case about getting -- getting
19 going, getting moving. Oh, there's a number of things,
20 just general feeling.

21 Some of the other areas is he -- I was told by one
22 inspector he threatened to fire a few people.

23 BY MR. ROISMAN:

24 Q Over what kind of an issue?

25 A Well, one example was the floor. And that

1 sticks in my mind as being the one instance they brought
2 up. There was a floor down there they were inspecting and
3 the thing I recall was that the inspector was down there
4 looking at the floor very, very closely. And the craft
5 did not like this -- were upset. Because he was down
6 there inspecting the floor very, very closely.

7 So they went and got Bob Wallace and -- I don't know if
8 Mr. Williams was involved in this or not -- and they
9 called him down and they had all the inspectors down in
10 the room and, from the feelings that the inspectors gave
11 me and from what I was told, Mr. Wallace said, basically,
12 "If you guys want to get down and your hands and knees and
13 inspect that with your nose on the floor, then you guys
14 are going to have to find yourself another job."

15 That's the basic feeling that they gave me and the
16 basic idea they told me.

17 Q And what was Wallace' position again?

18 A He had the QC lead's position.

19 Q The position that you first moved into?

20 A Yes.

21 JUDGE BLOCH: Under Williams?

22 THE WITNESS: Yes.

23 BY MR. ROISMAN:

24 Q In answer to a question on Thursday, from
25 Mr. Treby, you indicated, I believe, that Miller never

1 told you, Tom Miller never told you that he had a copy of
2 the trip report.

3 Did you have any information, whether it was told to
4 you by Mr. Miller or otherwise, that he did, in fact, have
5 a copy of the trip report?

6 A I don't remember getting into the conversation
7 about it; no.

8 Q Do you remember having a conversation with
9 Ms. Garde, in which you indicated to her that you
10 understood that Miller had a copy of the trip report?

11 A I got that feeling, just by things that were
12 said. Like, in passing, like, "there's a" -- you know --
13 "a lot of reports around here that are not visible and
14 people don't know about."

15 Things like that. It's just like me passing in the
16 hall and me saying I like your one brown and one black
17 shoe. You immediately stop and look. I might be talking
18 to the guy across the hall or might be talking to the guy
19 next to me. Just, things in passing, I got the feelings
20 that there was one out and it might be in Mr. Miller's
21 possession; yes.

22 Q Can you remember specifically what it was that
23 made you think it might have been in Miller's possession
24 as opposed to any of the other inspectors?

25 A You had to know Mr. Miller to understand that.

1 He was quite -- I guess you could say "verbal" about a lot
2 of things. And just the feelings that he gave off.

3 Q Was that he was the one who had it?

4 A Yes -- type of feeling -- yes.

5 Q Do you ever remember discussing with
6 Mr. Lipinski the possibility that somebody other than
7 yourself may have actually seen the report or gotten a
8 copy of the report?

9 A No. I don't remember discussing it with Joe; no.
10 Like I say, I had -- I previously testified -- I had that
11 feeling that he had talked to someone else about it, the
12 other inspectors about it.

13 Q You indicated in your testimony, again, to
14 questions from Mr. Treby, that when you and Mr. Brandt
15 discussed this question of the painter qualification, that
16 you had also made the point that you weren't convinced
17 that the painter qualification process was thorough enough.
18 Do you remember that?

19 A Yes.

20 Q What changes, that you were aware of, were made
21 in response to that concern that you raised?

22 A In the concern, it was that I didn't feel QC was
23 doing what should be done. And that's what I meant by
24 being thorough.

25 Q Okay. So that wasn't a comment on this thing

1 with the presence or absence of the angle irons and other
2 things on the plate?

3 A Yes. That would have entered into it also.

4 Q Well, what did you do when you realized that
5 they were starting to do the painter qualification tests
6 with less of that on the plates than they had had even
7 before? Did you go to Mr. Brandt about that? Or to
8 someone about that?

9 A I talked to Mr. Haley about it and told him I
10 was concerned.

11 Q And what did he tell you?

12 A He said that the ones that were painting the
13 panels without these penetrations and the angle iron arm
14 were the ones that were going to do the liner plate, which
15 had few to no penetrations on it. And he said the ones
16 that are going to do the other areas, the pipe and the
17 angle iron and behind the struts and things like that,
18 would be, indeed, doing it to that requirement.

19 Q Did you then get a list of who these especially
20 qualified liner plate painters were?

21 A Well, at that time I told him I thought that was
22 a bunch of hooey. I didn't think that would be quite
23 right. Because it would be detrimental to him to have
24 painters certified just to flat panel, because there's
25 going to be a time in the future when he is indeed going

1 to run into that situation and he's going to have to shut
2 down and lose what he's got right there, say lose a wall
3 that he's going to have to go back in and prep again, by
4 not letting the man, you know, complete his certification.

5 Q And what did he say?

6 A He said he'd look into it.

7 Q Do you know what happened with it?

8 A At that time there was some of the penetrations
9 put back on. That's when they started putting the
10 penetrations back on.

11 Q You don't know whether they brought back the
12 people who had been certified only on the flat panel to,
13 in effect, recertify them, do you?

14 A There was another time that we did -- we went
15 through the routine more than once, as I originally
16 testified; that they redid it and it was kind of a
17 continued redo operation, certifying these people.

18 Like we started on one day certifying them. And then
19 things changed and they went back and they all started all
20 over again. And then we got concerned about the panels
21 and they turned around and started all over again. It was
22 like one continued operation with three sequences in it.

23 Q Over how long a period did that process take?

24 A That took a number of weeks.

25 Q Was it completed before you left the site?

1 A That I don't recall.

2 Q When a painter would do a panel and then -- and
3 flunk, was it a perfectly permissible thing for him to be
4 brought through the line again and keep trying until he
5 passed or was there some point at which he lost that
6 opportunity?

7 A I recall one gentleman that was -- we were all
8 shocked that he failed. And he was -- and, again -- given
9 another chance to certify. And then there was another
10 gentleman --

11 JUDGE BLOCH: On him, do you know whether the
12 documentation that showed he had failed once was kept with
13 his records?

14 THE WITNESS: Yes. I think it was. The
15 paperwork was made out by the QC inspector. That form was
16 made out by the QC inspector and, indeed, it did say that
17 he did not meet the requirements.

18 JUDGE BLOCH: The question is, do you know
19 whether that would have been kept?

20 THE WITNESS: I assume that it was. I don't
21 know for a fact. I assume that it was.

22 JUDGE BLOCH: Okay. Please continue.

23 BY MR. ROISMAN:

24 Q I --

25 JUDGE BLOCH: I think the witness was still

1 answering and I interrupted. You were going to talk about
2 other situations.

3 THE WITNESS: Oh, yes, and then other situations
4 I know for a fact, when a painter was failed he was walked
5 to the gate, given his final check, and his badge was
6 taken away from him.

7 BY MR. ROISMAN:

8 Q Was there a procedure that determined which you
9 would do? Whether you would give the guy a second chance
10 or not give him a second chance?

11 A I don't think there was so much a procedure as
12 to how many chances he got. I think it was more or less,
13 the guys that had been applying coatings for years there,
14 on-site, might have a bad day and he blows a panel. And
15 from the QC inspector's point of view, I know when this
16 one gentleman failed they were all very surprised because
17 he was one of the better applicators. And we immediately
18 says, well, hey, let him take another shot at it, find out
19 what the heck went wrong.

20 Come to find out he had been boozing all night and had
21 a hard time walking the next day.

22 Q Who was this painter?

23 A I don't recall him by name. He was a -- I know
24 he was a Mexican -- Mexican-American.

25 Q You indicated here, or it sounded like you were

1 indicating that the QC inspector was not only passing on
2 the panel, that is whether the panel had a mistake or not
3 in it, but was also passing on the certification question.
4 Did you intend to indicate that? That --

5 A No. All we did was inspect the panel to see
6 that it met the requirements of the procedures.

7 Q So that, as far as you know, it was possible, if
8 the supervisor had chosen to do it, to take a painter who
9 had flunked the panel test and give him a certification?

10 A I had talked to Mr. Haley about this and I asked
11 him specifically that question, and he said if any of his
12 foremen passed a painter that did not have satisfactory
13 results on the report that was turned in -- in other words,
14 say yes, indeed, he did pass the -- or his panel did meet
15 the procedure requirements -- if he was certified by the
16 foreman and that statement was not on there, indeed the
17 foreman and the craft man would walk to the gate.

18 Q Do you know whether he ever had occasion to
19 exercise that authority with respect to the foremen?

20 A I don't know that. I don't recall that ever
21 coming into light.

22 Q Did you ever observe him telling the foreman
23 that?

24 A Yes, I did.

25 Q Telling them that, if they approved someone that

1 your inspectors had found had not passed the panel test,
2 that they would be fired?

3 A Yes. I saw him tell, not all the foremen, but I
4 saw him tell the two general foremen that.

5 EXAMINATION

6 BY JUDGE BLOCH:

7 Q Can you give me some idea while you were working
8 at the plant how often in one context or another it came
9 up that someone would have to walk to the gate that was a
10 consequence of what you did on the job?

11 A That was kind of a -- kind of a standard thing
12 at the site, is, if you screw up, they walk you to the
13 gate.

14 Q Was that something you heard weekly? Daily?

15 A Daily.

16 Q It applied to craft and QC? There was no
17 distinction?

18 A To craft -- applied to everyone on-site. You
19 couldn't do -- like, if you came in and tried, you know,
20 you were goofing off and caught asleep, craft, and you
21 were caught, they'd walk you to the gate. If you did
22 something wrong they walked you to the gate.

23 Q In practice, there was a little more leniency
24 then that. Someone got caught for doing something that
25 they said you would get walked to the gate for, they would

1 back off a little bit?

2 A Yes, they did back off.

3 CROSS-EXAMINATION (Continued)

4 BY MR. ROISMAN:

5 Q Did they back off with, to you, any discernible
6 pattern?

7 A I don't recall any pattern.

8 Q Well, for instance, there were some paint
9 coaters, paint coating people, inspectors, who worked with
10 you who you knew were troublemakers, in the sense that
11 they were in conflict with the company management on
12 policy issues. And there were some who were -- with
13 whatever problems they had, those weren't part of the
14 problems. Was it more likely that it was the troublemaker
15 who, when he made a mistake, would get walked to the gate
16 than it was if it was one of the other people who might
17 make the same mistake but be given a second chance?

18 A Well, in the line inspectors, I don't remember
19 any of them being walked to the gate other than Bill
20 Dunham, that volunteered. I guess you've got your human
21 nature entering into it. If you've got a troublemaker,
22 yes, indeed you would walk him to the gate faster than you
23 would someone else.

24 Q You mean you think that was the -- that that was
25 the case at Comanche Peak?

1 A No. I don't know that for a fact. I'm just
2 saying from human nature it is --

3 Q Did you have any feeling yourself as to this
4 practice of sort of generally using the "I'm going to walk
5 you to the gate if you make a mistake" approach in dealing
6 with the workers? Was that what you thought was good
7 style? One that you yourself adopted?

8 A I thought that was very poor style. And I don't
9 go along with the routine, "I'm going to walk you to the
10 gate." You don't threaten a man. If you threaten a man
11 you best follow through with what you do. And I didn't
12 believe in saying "walk you to the gate."

13 Q Do you think -- I'm sorry. Go ahead.

14 A I had never seen it on any other job. If,
15 indeed -- there was no threats made, "I'm going to walk
16 you to the gate"; if indeed you did foul up, you were
17 taken off the site.

18 Q Do you think it affected the quality of the work
19 done by the workers who lived under that condition?

20 A Yes, it did.

21 Q Do you think that it produced a situation in
22 which a person would be reluctant to take a position that
23 might be incorrect, and also would certainly be unpopular,
24 given the prevalence of that "I'm going to walk you to the
25 gate if you make a mistake" mentality?

1 A From my own personal feelings, if, over many
2 numerous times, I was told. "I'll walk you to the gate,"
3 that would, indeed, impede my judgment; yes.

4 Q You indicated that you had a discussion with
5 Mr. Lipinski in late August about the problem of tags
6 falling off of the mixed paint. Do you remember that?
7 Late August of '83, I think.

8 A Late August?

9 Q I'm just looking here at my notes. I don't have
10 your Thursday transcript.

11 A I talked to him when he was there in July, late
12 July.

13 Q Right.

14 A I remember asking him -- we saw that material
15 setting on the pallet, some of it with tags and some
16 without.

17 Q You don't remember another conversation that you
18 had subsequent to that with him about the paint tags
19 coming off the cans? Maybe after you became the -- got
20 involved directly in paint coatings?

21 A No, I don't. It could have been in like -- well --
22 no, I don't.

23 Q I may have written it down incorrectly also.

24 You testified that after the -- after you realized that
25 someone had gotten into your desk drawer and it appeared

1 that they had at least moved, if not read, the trip report,
2 that sometime within the next one or two weeks that you
3 disposed of the trip report.

4 Why did you dispose of it?

5 A I don't know why. I just got rid of it.

6 Q Did you feel any sense of nervousness after you
7 realized that somebody who you didn't know may now also
8 know of its existence? Was that a source of anxiety to
9 you?

10 A No, it was not. My original way I testified is
11 I felt that was going as a formal letter to Cannon, so it
12 would be a document on-site. So I really didn't have any
13 reason to be nervous or anything like that about it; no.

14 Q I take it that by this time you had been in the
15 lead position, and in fact I believe you testified that
16 you had by now actually become the supervisor; and it had
17 been almost a month since Lipinski had shown you the
18 report. And I guess you would have assumed that, if the
19 report had been sent to the company by that time, somebody
20 would have called you in to discuss the report and
21 addressed the issues raised in it.

22 Didn't you have that assumption in your head by that
23 time?

24 A No. Not really, because I had previously, you
25 know, had talked to Mr. Brandt about that, painter

1 qualifications, things like this. And things were
2 changing around.

3 We had talked about the tagging system. So, I kind of --
4 I just took it that I was pursuing these things already
5 and that there was nothing to be said.

6 Q What did you do about the tag falling off
7 problem? How was that dealt with? Or the possibility of
8 tags falling off?

9 A I told him that if the tags were not on the cans
10 of coating material they would not be used and we would
11 not spend our time chasing tags down. It was the craft's
12 responsibility to have the tag there. And they assumed
13 that responsibility.

14 Q And you hoped that, by doing that, the people
15 applying the tags would attach them more firmly?

16 A Yes. If it cost the craft people two or three
17 cans of CZ-11 material, which is very expensive, somebody
18 would get jumped on with both feet and things would change
19 around; yes.

20 Q Was there a physical problem with making the tag
21 be proper -- able to be attached firmly to the can, such
22 that the whole tagging process had some flaw in it?

23 A I don't think the tag had any -- any physical
24 way to be attached to the can, other than to be taped to
25 it. And I think that would be the only problem. I don't

1 recall it having any string on it or anything like that so
2 you could tie it to the handle; being, you know, a hard
3 bound card.

4 It was just like a 2 by 2 or 2 by 3 piece of paper,
5 from what I recall.

6 Q And it didn't have a punch hole in it with a
7 string or wire coming off it that you could attach it to
8 the handle?

9 A I don't recall that; no.

10 Q And you didn't tell Mr. Lipinski at any time
11 that there had even been a break-in at -- or even an
12 unauthorized entry into your desk; is that correct?

13 A I don't recall saying that to him; no.

14 Q Now, when the trip report -- when your desk had
15 been broken into you made a report to the company security
16 people. I want you to try and let's see how much of that
17 beyond what you remembered on Thursday, that you can
18 remember now of that -- of that particular event.

19 Starting with -- you came to your office that morning
20 and you saw the desk drawer out and the little locked
21 portion still up, and opened the drawer and observed the
22 things that were missing and the change in the position of
23 the trip report.

24 Did you then make a telephone call or did you
25 physically go somewhere to report this? And did you do it

1 immediately or was there some time delay?

2 A Well, I made the phone call and I don't recall
3 if there was a time delay.

4 Q Who did you call? Or where -- I don't mean the
5 name of the person, but where would you place the call?
6 What would be the office you were calling?

7 A I would call site security.

8 Q Is that -- that's one particular number? I mean
9 there is a place that's called "site security"?

10 A I think I had to look up in a book to find the
11 number, in the phone book. And I called that number. I
12 don't remember, I think it was the security -- main
13 security building up on the hill.

14 Q Okay. And did you make a report over the
15 telephone to the person who answered the telephone?

16 A I told them what had happened.

17 Q To the person who answered the phone?

18 A Yes.

19 Q You didn't ask for -- it wasn't like: "I would
20 like to talk to somebody." You just talked to who
21 answered the phone?

22 A Yes. And I remember I was transferred to
23 another gentleman.

24 Q Transferred to another gentleman as soon as you
25 started to talk? Or did the first person let you tell

1 them the whole story?

2 A I think he let me go through the majority of the
3 story, and says: "Well, now, I think you should talk to
4 someone else." Because I remember I got about halfway
5 through it and I got told that and I thought to myself,
6 "how many times have I got to go through this with people?"

7 Q And when you say "the whole story," what was the
8 story as you remember it that you were telling?

9 A I told him that I had a desk that was broken
10 into. I would like to report a break-in. And I told him
11 my desk, and who I was and where I was located. "I would
12 like to report that I have a desk broken into and some
13 items were removed."

14 Q And at what point in the narrative did he
15 interrupt you?

16 A The first gentleman?

17 Q Yes.

18 A Right after I told him I had a break-in and I
19 wanted to report some things missing. He says, "well, I
20 think you need to talk to another gentleman."

21 Q Did the first gentleman tell you his name?

22 A I don't recall.

23 Q Obviously you knew the name of the second
24 gentleman because he said, "I'm going to transfer you to
25 Mr." -- whoever that was?

1 A Yes.

2 Q And you can't remember who that person was?

3 A I took it to be the -- I guess you could say
4 sergeant-in-charge-type person.

5 Q But I mean you can't remember their name?

6 A No, I can't.

7 Q And when that person got on the phone, did you
8 talk first? Or did that person start talking to you? How
9 did that take place?

10 A I think he just answered the phone saying:
11 "Hello, such-and-such."

12 Q And then you began again?

13 A Yes.

14 Q And did you get through your whole story without
15 any interruption from him?

16 A Basically, yes.

17 Q And then what happened next after you finished
18 telling your story?

19 A He asked me where I was located. I told him.

20 Q You told him?

21 A QC trailer. And he said, "what number is that?"
22 I said, "QC coatings trailer." I had to tell him, well,
23 so many trailers from the end of this row of trailers on
24 the inside of the fence.

25 He said: "Okay, fine. We'll be down and talk to you."

1 Q Did you expect that he was coming down right
2 away and that you should wait there? Or what was your
3 expectation?

4 A He told me he would have -- he would be down. I
5 just assumed he would be right down.

6 Q Did he give you any indication of whether he
7 thought this was a very serious matter that you were
8 reporting? Or did he -- well -- what, if any, indication
9 did he give you about that?

10 A He just told me that they'd, you know, be down
11 to talk to me about it. There was really no -- this is a
12 big deal or something -- he never said anything like that.
13 He said, "We'll be down and talk to you about it."

14 Q Is that what you expected that they would do
15 after you made the call? That someone would come down?

16 A Yes.

17 Q Did he say anything to you about, don't touch
18 anything, you know, or don't go into your desk, they may
19 want to take fingerprints, or anything like that?

20 A I don't recall anything like that; no.

21 Q How long was it after that call that they
22 actually got down to your office? Can you remember?

23 A I don't remember exactly when it was. It seems
24 to me -- I don't remember the exact time, but I want to
25 say shortly thereafter.

1 Q Before lunch?

2 A Yes.

3 Q And how many people came down to see you?

4 A There were two guards.

5 Q And was one of them the man that you spoke to on
6 the telephone, the second person?

7 A I don't recall that; no.

8 Q And did they give you their names?

9 A The first gentleman did; yes. I remember he
10 said: "I'm such and such." I think it was Brown & Root
11 security.

12 Q And, again, you don't remember either his first
13 or his last name?

14 A No, I don't.

15 Q But you do remember that he identified himself
16 as Brown & Root security?

17 A Yes. Because he had a Brown & Root hat on.

18 Q As opposed to TUGCO security or somebody else?

19 A Yes.

20 Q It wasn't any one of these private security
21 agencies, Wackenhut or --

22 A Rent-a-cop? No, it wasn't.

23 Q So it was somebody who had an identification on
24 them and they were wearing a uniform?

25 A Yes. It was a Brown -- standard Brown security

1 uniform that they have.

2 Q So he just didn't have on a Brown & Root hat,
3 but he actually wore a whole uniform that was a Brown &
4 Root security uniform?

5 A Yes.

6 Q And what transpired? What happened when he got
7 there?

8 A Like I say, he told me who he was. He said, "I
9 understand you have had a break-in?"

10 I said: "Yes, it was in my desk."

11 He said: "Was there anything taken?"

12 And I explained to him what was taken out of the desk.
13 And then he wanted to look at it. I remember getting up
14 and letting him come around the desk, because it was like
15 putting three men into a two-man area and he had to come
16 around and look at it.

17 And then he said that -- he asked me when it could
18 possibly be done?

19 And I told him, it most likely had to be done last
20 night or sometime in the, you know, during the last shift.

21 Q And do you remember, was the trip report in the
22 drawer at the time that he came and looked in the drawer?

23 A Yes, it was.

24 Q Was it turned back over again as you usually did
25 with those papers? Or was it still face up?

1 A I turned it back over, I think.

2 Q As I remember, your testimony Thursday was that
3 you did not mention to him anything about the trip report.
4 You talked to him only about the things -- that the desk
5 had been opened and that things were actually missing?

6 A Yes.

7 Q Do you remember whether he appeared to take any
8 notes? Or either of them took any notes of the things
9 that you were saying to them?

10 A Yes. He had a spiral notebook, one of the small
11 spiral notebooks. He had it open and there were a number
12 of white pages I was looking at, and he was writing on
13 them; yes.

14 Q Were they just regular blank pages or did they
15 look like a form on which he was writing?

16 A It was a lined paper. Again, in a spiral
17 notebook.

18 Q But nothing preprinted on it that you could see?

19 A No. It was one of those that you put in your vest
20 pocket.

21 Q And what was the other person doing who was with
22 him?

23 A Standing there.

24 Q Not taking notes or asking questions or anything?

25 A He assumed the whole doorway. He was a pretty

1 good-sized guy -- tall fellow, I should say.

2 Q Can you describe the person who took -- who was
3 taking the notes and came around your desk? What was,
4 other than the uniform and so forth, what do you remember
5 about him?

6 A Well, I made the distinction between the two of
7 them because the one guy behind him was younger and the
8 other guy was an older gentleman.

9 Q What age would you guess?

10 A 50s.

11 Q Gray hair?

12 A I don't recall gray hair; no.

13 Q Balding? Or full head of hair?

14 A Well, he had a hat on so I didn't --

15 Q Clean shaven or bearded?

16 A I think he was clean shaven.

17 Q Mustache?

18 A No.

19 Q Glasses --

20 JUDGE BLOCH: Any identifying marks?

21 THE WITNESS: I don't recall whether he had
22 glasses or not.

23 BY MR. ROISMAN:

24 Q I think this is when Sergeant Friday says: "Was
25 there anything unusual about him that you can remember?"

1 And he says, "Well, he had this big growth going out" --

2 (Laughter.)

3 Anything distinctive that you remember about him?

4 A No. I don't.

5 Q If you saw him again do you think you would
6 recognize him?

7 A Possibility; yes.

8 Q How about the other one? The younger one?

9 A I remember him because he was tall. Like I say,
10 he about filled the door up.

11 Q By "tall" are we talking as tall as Junior Haley?

12 A Yes.

13 Q Was he as heavy as Haley?

14 A No, he was skinny. He was a standard Texan.

15 Q More like Mr. Purdy?

16 A Yes.

17 Q Anything distinctive about him that you can
18 remember?

19 A No.

20 Q The first man, was he heavy-set or average build?

21 A Average build.

22 Q Average height?

23 A Yes, I would say average height.

24 Q Do you think that -- does the name "Andrews"
25 ring a bell?

1 A No, it doesn't.

2 Q After he came around behind your desk and looked
3 at the desk drawer, what happened next?

4 A Well, then he asked me about when it could have
5 been broken into and then he asked if there was any other
6 keys. I told him no other keys and it would probably have
7 had to have been second shift, or that night, or something.

8 JUDGE BLOCH: Did you mention to him anything
9 about how you concluded that it had been forced open?

10 THE WITNESS: Yes. He asked me about that. And
11 I told him that -- in fact I remember he knelt down,
12 because he had to get down low to look up. Because when
13 they pry it down it drags across the bottom of the desk.
14 I say if you look right there you can see where it looks
15 like it has been opened.

16 BY MR. ROISMAN:

17 Q What happened after that with this conversation?

18 A I think he said he'd get back with me and they
19 left.

20 Q And when was the next time that you had any
21 conversation about the break-in? Let me stop -- let me
22 withdraw that for a second.

23 Did you tell anybody else at the time that the break-in
24 occurred that someone had broken into your desk? Any
25 other person or persons?

1 A Yes. Gary Brando was in the office with me.

2 Q Anybody else?

3 A I think that was it. That's all I recall.

4 Q Okay. Now, what was the next time that you had
5 some conversation with the security people, or had contact
6 with them about this?

7 A With security, I don't ever recall them getting
8 back with me on it at all.

9 Q With whom did you have any further contact?

10 A Okay. The next contact I had was with Fred
11 Dunham, when he asked me why in the hell there was a
12 security guard making residence in the trailer at night.

13 Q And security didn't ask you, or tell you that
14 they were going to do that?

15 A I don't recall them saying anything to me; no.

16 Q Were you surprised that that had happened? That
17 there was a security person in the trailer at night?

18 A Yes, I was. I was very surprised. It's kind of
19 like I was -- there got a security guard in the trailer,
20 what the hell good is it going to do if the security guard
21 is sitting there and somebody comes in and they see him
22 sitting there, they were going to leave. And if it was
23 one of the inspectors or something like that that was
24 going to break-in, they'd know he was there anyway because
25 they are in and out of the trailer.

1 Q And what about any -- I think you testified that
2 there was a security guard at some point outside the
3 trailer?

4 A Yes. They had parked a truck across the street
5 and one was sitting in the truck, across the alley there.
6 One sitting in the truck.

7 Q At the same time as they had somebody inside?
8 Or was it two different operations?

9 A I think it was the security guard sat outside at
10 first and then they moved him inside.

11 Q Do you know for how long a period that went on?

12 A No, I don't. Because Fred told me there for
13 quite a few, a few days we had one sitting outside and
14 then we had one sitting inside.

15 Q And did that start immediately the first night
16 shift after you had made the report, as far as you know?

17 A No, I don't have any way to trace that down as
18 to exactly when they started it; no, I don't. I don't
19 know.

20 Q When they didn't get back to you, did you make
21 an effort to get back to them?

22 A With my busy schedule, no.

23 Q And, except for the discussions that have taken
24 place surrounding -- from the time that you and Ms. Garde
25 spoke on the phone, and surrounding your preparation and

1 appearance here, has there been any discussion of that
2 break-in by you with any other person?

3 A I was contacted by Mr. Brandt in October, and I
4 think I talked about it then. And then I talked to
5 Mr. Downey at the Dunham hearings about it.

6 MR. WATKINS: Excuse me, could we get a date on
7 that?

8 JUDGE BLOCH: October of '83?

9 THE WITNESS: October of '84.

10 MR. WATKINS: Thank you.

11 BY MR. ROISMAN:

12 Q Of the conversation with Mr. Brandt?

13 A Yes.

14 Q And the conversation with Mr. Downey took place,
15 was it in late '83 or early '84?

16 A It would be early '84; February of '84.

17 Q And how did the conversation with Mr. Downey
18 come up? How did you happen to get into this?

19 A They speculated that the Lipinski trip report
20 might come up in the Dunham hearing, and they wanted to
21 have all the information that I had on it.

22 Q And the information that you gave them, did it
23 include a full discussion of how you had gotten the copy
24 made in the first place, put it in your drawer, all of
25 that?

1 A I don't recall that; no. I recall telling him
2 that it was about the security report that was turned in
3 on the break-in. I recall that. But I don't recall
4 telling, you know, what exactly I told him on that -- no.

5 Q You mean you don't recall telling him how it
6 happened that you had a trip report at all?

7 A Right. I don't recall telling him that.

8 Q Did you understand his questions to be focused
9 really on the question of how did it get out? And that
10 you thought maybe it got out by someone who had taken it
11 from your desk drawer, copied it, and put it back?

12 A Yes. I think that would probably be the best
13 way to describe it; how it got out -- yes, sir.

14 Q And did he ever have occasion to confirm to you
15 that he had checked into this security matter and had
16 found any information on it?

17 A No. He never told me that he, indeed, did check
18 into it. He said, you know, that they might look into it.
19 There was no saying: "Yes, we did do it."

20 Q Now, Mr. Brandt's communication with you in
21 October or November of this year, how did that come about?
22 Who initiated the phone conversation?

23 A I received a call from Mr. Brandt and he wanted
24 to know what kind of communications that I had had with
25 Mr. Lipinski. And wanted to know about the Lipinski

1 report.

2 Q What did you tell him were the communications
3 that you had had with Mr. Lipinski?

4 A I told him that I had -- you know, I knew Joe
5 personally, that I had talked to him personally, and then
6 he, Mr. Brandt, was specifically -- specifically asked me
7 about the time that Joe came to site in July, his first
8 trip to the site, and asked me if I had communication with
9 him, with Joe at that time. And at that time I told
10 Mr. Brandt "no," because I did not recall having
11 communication with Joe at that time. But since then I
12 made recall on it. I have.

13 Q Did you understand Mr. Brandt's question to also
14 include whether you had had communications with
15 Mr. Lipinski before the site visit?

16 A Yes.

17 Q And at that time you did not recollect that you
18 had the communication with him before the site visit
19 either?

20 A That's true; I did not recall that.

21 Q And what else did Mr. Brandt ask you about with
22 regard to communication with Mr. Lipinski, other than the
23 July trip?

24 A I think that was basically it; just the July
25 trip.

1 Q And how did you have occasion to discuss with
2 him the trip report itself?

3 A I just went ahead and told him about it.

4 Q Did he ask you if you had had a copy of the trip
5 report at any time, or had ever seen it?

6 A He asked me if I had ever seen it, and I said, "Yes,
7 I had a copy of it at one time."

8 Q And did he ask you how you got it?

9 A I think he did.

10 Q And you told him?

11 A Yes.

12 Q Did he ask you something about the security
13 investigation?

14 A Yes. He did ask me. I went into where I told
15 him it was taken out of the desk and he asked me, you know,
16 what was done about it? I told him I did report it to
17 security.

18 Q No, how did you happen to talk about that it had
19 been taken out of the desk? Did he ask a question of you,
20 or did you volunteer information about that?

21 A I just volunteered information about it.

22 Q And what did he say when you told him that it
23 had been -- that someone had gotten into your desk and you
24 think had probably made a copy of it? Did you tell him
25 that? That you thought someone had made a copy?

1 A Yes, I did.

2 Q What did he tell you?

3 A Well, he asked me if it was reported to security
4 and I told him "yes." Because the break-in was.

5 Q Did you have any further conversation with him
6 about the break-in?

7 A Not that I recall; no.

8 Q Now, when you spoke to Mr. Brandt, can you
9 remember whether you told him that Joe Lipinski had given
10 you a copy of the report? Or whether you told him that
11 you had made a copy of a report that Joe gave you and that
12 you didn't know whether Joe knew you had made the copy?

13 A I think I told him that I had made a copy of the
14 report.

15 Q And did you share with him any views that you
16 had, or opinions, as to whether Mr. Lipinski knew that you
17 had a copy of the report?

18 A No, I did not.

19 Q Did you share with him any views as to whether
20 you thought Mr. Miller might have had a copy of the report

21 A I don't think that came up in the conversation;
22 no.

23 Q What else did you and Mr. Brandt talk about?

24 A Just personal items, and I think that was it.

25 JUDGE BLOCH: What's the date of this meeting we

1 are talking about?

2 THE WITNESS: Conversation -- it's some time in
3 October of '84.

4 JUDGE BLOCH: Thank you.

5 THE WITNESS: October or early November of '84;
6 something in that area.

7 BY MR. ROISMAN:

8 Q Do you remember whether it was during the day or
9 the evening?

10 A I think it was during early evening, because my
11 children were home. I remember that.

12 Q Can you remember whether it was a weekday or a
13 weekend?

14 A No, I can't.

15 Q Now, in that conversation, did the question of
16 your testifying in this hearing come up at all?

17 A No, it did not -- oh, I take that back. Yes, it
18 did.

19 Q Okay.

20 A He asked me if -- I don't know if it was that
21 conversation or another one, when I called Tom about
22 something. And then I also talked to Ms. Garde.

23 I don't remember if it was in Tom's conversation or
24 when Tom called me or when I called him or when I talked
25 to Ms. Garde, that I told him if they wanted me to come

1 testify I would be more than willing. I wasn't excited
2 about it, but I would be more than willing; I would come
3 as a utility witness, come as whatever.

4 Q Did you have a second phone conversation with
5 Mr. Brandt after that first one?

6 A Yes, I did. I contacted Mr. Brandt; yes.

7 Q You called him?

8 A Yes.

9 Q Roughly when was that?

10 A Days -- I'm really not sure when it was. It was
11 after -- I guess -- after I talked to him. It could have
12 been a week, it could have been two weeks.

13 Q And the subject of that conversation?

14 A I just wanted to know what was going on.

15 I'll tell you what, I do recall now that it was after
16 Ms. Garde talked to me. I called Tom Brandt and asked him,
17 "What the heck is going on? I'm getting these strange
18 phone calls from people I don't know."

19 Q And what did he tell you?

20 A He told me that the hearing was going on, or
21 there was going to be a hearing, or something of that
22 fashion. I think he told me the hearing was going on --
23 which Ms. Garde also told me -- and that the Lipinski trip
24 report was being discussed.

25 Q And what else transpired in that phone

1 conversation?

2 A I think that's about all.

3 Okay, now, what happened is when I called Tom I called
4 the number that I was given, and he wasn't there. I left
5 a message for him to return the call and he returned the
6 call to me. I remember that now.

7 Q Okay. So you say the number you were given.
8 You mean some number down in Glen Rose? Or someplace in
9 Texas? Or --

10 A I think it was a Washington, D.C. number.

11 Q How did you get the number? Who gave you the
12 number? You said the number you were given?

13 A I think Tom might have left the number with me.
14 I don't recall exactly how I got the number.

15 Q You think it might have been during that first
16 conversation with Mr. Brandt?

17 A It could very well have been; yes.

18 Q Would you remember the number if it were
19 repeated?

20 A No. I would not.

21 MR. WATKINS: Oh, shucks.

22 (Laughter.)

23 BY MR. ROISMAN:

24 Q In your conversation with the security people
25 about the break-in, did you give them any of your thoughts

1 as to who you thought might have been responsible for the
2 break-in? Or --

3 A In conversation with the security guard? No, I
4 did not.

5 Q Neither with the one on the telephone or the one
6 that came to see you?

7 A Right.

8 Q How about with Brando? With Mr. Brando? Did
9 you discuss it with him?

10 A I don't recall discussing it with Mr. Brando at
11 all.

12 Q Did you say anything to the security guards
13 about the fact that you had understood that there had been
14 other break-ins before?

15 A No, I didn't say anything to him about that.

16 JUDGE BLOCH: Do you recall how you got the
17 information that there had been some previous break-ins?

18 THE WITNESS: Yes, I do.

19 JUDGE BLOCH: And how was that?

20 THE WITNESS: It was communicated to me by
21 people that work for me.

22 JUDGE BLOCH: Was that part of some effort you
23 were making to find out what had happened?

24 THE WITNESS: No. That was prior to it. That
25 was part of communication with the inspectors on a

1 day-to-day basis.

2 JUDGE BLOCH: Did you make any effort on your
3 own part after it happened to find out who did it to you?

4 THE WITNESS: No, I really did not. I just left
5 it up to security.

6 BY MR. ROISMAN:

7 Q Now, you indicated that subsequent to the time
8 that the break-in had occurred, you had several
9 conversations with Mr. Lipinski about a variety of
10 different matters, but that, as I remember, your
11 recollection is unclear as to which things you discussed
12 at which times.

13 For the moment, I'm also not interested in that. What
14 I am interested in you best as you can recalling, whether
15 certain things were ever discussed with Mr. Lipinski. So,
16 don't worry about whether it was in October or January or
17 whatever.

18 But, first of all, did you and Mr. Lipinski ever
19 discuss how he felt about the fact that the trip report
20 had gotten out?

21 A I don't recall anything about that; no.

22 Q Did he ever have any discussion with you about
23 whether he was concerned about his job at O.B. Cannon, or
24 thought that he might be in trouble as a result of having --
25 in any way related to the trip report?

1 A One discussion -- I don't -- like I say, I can't
2 recall exactly when, where, or how -- but it sticks in my
3 mind that it wasn't so much about the trip report, it was
4 more or less about what had happened down there, and the
5 reaction that the utility had toward what he had -- the
6 trip he had made.

7 Q And what do you remember, as best as you can, of
8 that conversation? Who said what?

9 A It's not so much who said what. It was that Joe
10 was concerned for his well-being at Cannon because of what
11 had happened. I don't know if it was because the trip
12 report, you know -- I don't recall that. But it was
13 because of his well-being at Cannon, it might end up
14 costing him his job because of what had happened down
15 there.

16 JUDGE BLOCH: Can you roughly place the
17 timeframe of that conversation, or does that merge with
18 other conversations?

19 THE WITNESS: It really all merges together.
20 It's hard to --

21 JUDGE BLOCH: Subsequent to the initial trip?
22 Was it after August?

23 THE WITNESS: Yes. I'm pretty sure it was. I
24 think it was like when I talked to him at Christmas or
25 somewhere in that time. I'm not exactly sure of the date.

1 BY MR. ROISMAN:

2 Q Well, you have some events that were taking
3 place in your life then. Let's go over some of them and
4 see if that helps you pin it down.

5 Do you think it was after you had left Comanche Peak?

6 A Yes, I'm pretty sure it was.

7 Q So it was pretty sure that you were at Midland
8 by the time this happened?

9 A Yes.

10 Q When did you actually leave Comanche Peak?

11 A Some time in October; 21st I think is what we
12 talked about, Thursday, was the 21st of October.

13 Q And you went directly to Midland at that time?

14 Q Yes. I took seven days to get there. I went to
15 work the first of November at Midland.

16 Q And I remember your testimony was that the early
17 days at Midland were pretty hectic for you?

18 A The early days at Midland, I was in the training
19 program so I was on and off site quite a bit.

20 Q So, do you think it's likely that the
21 conversation could have taken place, any conversation with
22 Mr. Lipinski in that time period?

23 A During that time period it would have been
24 almost impossible to find me.

25 Q And how would Lipinski have known if he wanted

1 to call you -- how would he have known where you were, by
2 the time you were in Midland? That is, even that you were
3 in Midland, Michigan, rather than Texas?

4 A Okay. We had talked that he -- he knew when I
5 was leaving. And there was a gentleman that worked there
6 at Midland that knew Joe personally, also, that worked as
7 one of the leads in the department.

8 JUDGE BLOCH: Is that someone that you had
9 talked to at Joe's suggestion?

10 THE WITNESS: No.

11 JUDGE BLOCH: It just happened to be a
12 coincidence?

13 THE WITNESS: It just happened to be a
14 coincidence; yes.

15 BY MR. ROISMAN:

16 Q Do you -- can you remember whether you told the
17 other person who was at Midland who knew Joe that if he
18 should talk to Joe that it was all right to give Joe your
19 telephone number and then did you give that guy your phone
20 number for that purpose?

21 A No. I don't recall telling that gentleman that.
22 I don't -- I think Joe might have asked for me, if he had
23 talked to this gentleman.

24 Q And, can you recollect after you got to Midland
25 whether the first time that you and Lipinski spoke, you or

1 he initiated the phone call?

2 A Like I say, it was in the Christmas area, and I
3 don't recall if he made the call or not, or if I made the
4 phone call. It -- there was one conversation that I do
5 remember. I do remember talking to Joe. I don't remember
6 the conversation. But it was he called to talk to this
7 gentleman that worked -- that he knew there. And it just
8 so happened that after that, just prior to that time I was
9 made this man's boss. And Joe asked if he had seen me.
10 He says: "Well, yes, I work for him now."

11 I remember Joe said that when he comes on the phone, he
12 gives the guy a bad time -- so --

13 Q And when did you become that guy's boss at
14 Midland?

15 A The 27th of November of '83.

16 Q And was the first time that you spoke to Joe
17 Lipinski after you got to Midland, after you had become
18 that guy's boss?

19 A I think it was. That would be -- that could
20 have been that Christmas call I'm thinking about, too.

21 Q Was there some time lag after you got to Midland,
22 before you got a phone at home?

23 A Yes. I think it was about a week.

24 Q Now, you remember from looking at Mr. Lipinski's
25 notes that there were apparently two conversations that

1 you and he had in October -- if his notes are correct --
2 of '83, one on the 3rd and one on the 10th, in which the
3 subject, according to his notes, came up of whether you
4 were leaving the Comanche Peak site or not. Do you have
5 any recollection whether you had any conversations with
6 him, assuming that you would recollect having those two,
7 after those two conversations? After the 10th of October?
8 Before you left Comanche Peak?

9 A I don't recall anything; no.

10 Q Now, when Mr. Lipinski told you about this
11 concern that he had about his job at O.B. Cannon as a
12 result of all of the things that were going on down at
13 Comanche Peak, how did you respond to that? What did you
14 say to him when he told you that?

15 A Knowing me and the time, I would probably have
16 told Joe I had a job for him if he needed one. But I
17 don't recall saying -- exactly what I said to him. I
18 think the basis was, "Well, if you need a job I've got one
19 up here."

20 Q And what did -- do you remember how he responded
21 to that?

22 A No, I don't. Knowing Joe -- Joe uses acronyms.
23 He probably said, "Fine, fine, fine," or something of this
24 nature.

25 Q Did you get the sense, in the conversation with

1 him, that he was really very serious in saying that he
2 thought that his job might be in trouble as a result of
3 all the things that were going on down at Comanche Peak?

4 A From the feeling of the conversation, I would
5 say he was quite concerned about it; yes.

6 Q Do you remember whether you had a conversation
7 about that concern at any subsequent time?

8 A No. I don't recall anything.

9 Q No time when he told you: "Gee, I think that's
10 all blown over now"? Or, "it looks like things are okay"?

11 A No. I don't remember anything like that.

12 Q You don't think you would have raised it with
13 him at some subsequent conversation, and say: "Hey, Joe,
14 are you still at O.B. Cannon?" Or --

15 A No, I don't.

16 Q In your conversation at the time that he talked
17 to you about the -- his concern about the job, can you
18 remember whether he discussed at all a meeting that he had
19 had at the site with Merritt, Tolson, and others,
20 subsequent to the meeting that he had way back in July or
21 any meeting he might have had during his August visit?

22 A I don't remember any discussion about any
23 meetings; no.

24 Q Did he -- do you remember him ever discussing
25 with you having any contacts with the Nuclear Regulatory

1 Commission about his -- about his trip report or the paint
2 coatings at Comanche Peak?

3 A No, I don't.

4 Q Any discussions with you about his meeting with
5 the lawyers for the utility in preparing testimony?

6 A I think one question that Mr. Gallo asked, I
7 think I talked to Joe in October of this year and it comes
8 to mind that --

9 JUDGE BLOCH: Last year.

10 THE WITNESS: Beg your pardon? Oh, yes, '84.
11 And I think it comes to mind that that was mentioned,
12 something about lawyers and -- I don't remember the whole
13 conversation, but I know the lawyers were brought up into
14 the conversation.

15 BY MR. ROISMAN:

16 Q Can you remember anything that was said about
17 them that's not derogatory?

18 No, that's all right, you can tell us if it's
19 derogatory also?

20 A I think the basis -- he was making a deposition
21 to the NRC. I think that's what it was, making a
22 deposition to the NRC, and lawyers would be there.

23 Q Did he say anything about whether he was going
24 to have a lawyer or not have a lawyer?

25 A No, I don't recall him saying anything about

1 that.

2 Q And you mentioned before that he had asked you
3 whether you had -- whether he had given you a copy of the
4 trip report, and that you had told him "no," that you had
5 not. Can you remember when that conversation took place?
6 Was that -- for instance, did that come before or after
7 you got to Midland?

8 A Him asking me if I had a copy of the trip report?

9 Q Yes.

10 A No. I don't recall any -- no. I don't.

11 Q Can you remember whether that came up in more
12 than one conversation with him? Whether he had given you
13 a copy of the trip report?

14 A I think I previously testified at some time he
15 did. But prior to my time being at Midland -- no.

16 Q No. I'm sorry, I'm trying to find out if you
17 think it was more than once that the conversation turned
18 to that issue?

19 A I think it did more than once; yes.

20 Q And on both occasions the conversation was the
21 same? He asked you?

22 A Yes.

23 Q You told him that he had not?

24 A Yes.

25 Q Did you ever tell him that you didn't think you

1 could remember?

2 A No.

3 Q You always gave him an unequivocal answer: "No,"
4 you didn't.

5 A Well, I either told him "no," I didn't, or "I
6 don't remember." I think it was no -- "no, I don't think
7 you did, Joe" -- I don't think he did.

8 Q Did he ever tell you why he wanted to know the
9 answer to that question?

10 A No, I don't think he ever did.

11 Q Can you remember learning from him that the trip
12 report was out? That is, that he was the source of your
13 knowing that?

14 A Well, I think from our -- that one conversation
15 we had, he asked me about it, and then he said that they
16 were still doing some things with Comanche Peak. And I --
17 I think I probably assumed that then.

18 Q Assumed which then? That the report was out?

19 A Yes. And that it was creating problems.

20 Q When you -- I want you to think on this
21 carefully. Is it your recollection that the first
22 knowledge that you had that the trip report was out, other
23 than what you might have assumed after knowing your desk
24 had been broken into, was in a conversation that you had
25 with Joe Lipinski?

1 A No. It was with Don Driskill at the -- the NRC
2 man that came and talked to me in November.

3 Q November of --

4 A '83. So, indeed I did know it was out.

5 EXAMINATION

6 BY JUDGE BLOCH:

7 Q Mr. Mouser, when you first learned that the trip
8 report was out, can you recall whether you had a question
9 in your mind as to whether that was the same report that
10 you had seen?

11 A No. I just assumed it was the same report.
12 Because it was -- I think Mr. Driskill told me that it was
13 the report of the consultant that Texas Utilities had
14 hired. And it was O.B. Cannon.

15 Q Did you have a question in your mind as to
16 whether a final draft letter, a final letter had been sent
17 to the company to officially report on the trip?

18 A No, I didn't. I didn't ask anything like that.
19 I just took it for granted that, yes, it was indeed a
20 formal letter type. You know, it was a letter to the
21 utility.

22 Q I'm sorry, did you assume that a letter to the
23 utility was what had come out? Or that the draft report
24 that you had seen had come out?

25 A Well, from talking to Mr. Driskill, I assumed

1 that it was a letter. And I said it was the trip report.

2 And from that point I just took it to be a trip report.

3 Q And did any questions in your mind arise at that
4 point as to whether in addition to a leak, there was also
5 a letter which was the report, the formal report?

6 A No. I didn't think about that at all.

7 Q Do you recall whether or not Mr. Driskill asked
8 you about that?

9 A No, I don't.

10 CROSS-EXAMINATION (Continued)

11 BY MR. ROISMAN:

12 Q When you first learned that the trip report was
13 out, did you think that that was a big event? Was there
14 something that you learned, or knew, that made you think
15 that that was a momentous event of any kind?

16 A I don't think it was so much a momentous event
17 of any kind. I thought it was kind of strange.

18 Q When you talked --

19 JUDGE BLOCH: What does that mean to you?
20 "Strange" in what way?

21 THE WITNESS: That a report that I had
22 originally thought was, you know, to be made to the
23 utility, was such a big deal.

24 BY MR. ROISMAN:

25 Q And so, when you talked to Mr. Lipinski and he

1 indicated to you his concern about his position at O.B.
2 Cannon, you felt that the concern was because -- not the
3 trip report itself -- but because Lipinski had expressed
4 some negative views and you knew what that meant at
5 Comanche Peak? And that's how you understood why he might
6 have been concerned over that?

7 A Yes. I think that kind of describes it; yes.

8 Q Now, did you in any subsequent conversation with
9 Mr. Lipinski, in any conversation with Mr. Lipinski, ever
10 get a sense from him that he thought that it was a big
11 thing that the report had leaked as opposed to it was a
12 big thing that the report had said what it said?

13 A I think it was -- I didn't really get any
14 feeling. I think it was more or less that the report was
15 out. I guess you could say leaked.

16 Q So at some time he also indicated that he was
17 concerned both that it was out and that he was having
18 friction over the things that he had said?

19 A Yes.

20 Q Do you ever remember a conversation with him in
21 which he indicated to you that he had changed his mind
22 about any of the things that he had said in the report?

23 A I don't remember anything like that; no.

24 Q Given the nature of your relationship with him,
25 would you have expected that if he had in fact changed his

1 mind about any of the things in the report, any major
2 things in the report, that he would have mentioned that to
3 you in one or more of these conversations?

4 A I don't know if that would have came up; no. It
5 might not have.

6 Q Did the number of conversations that you had
7 with Mr. Lipinski, and their frequency, change after the
8 first of the year? That is, after the beginning of 1984?

9 A The number of them?

10 Q Yes. How often you spoke with him compared to
11 how it had been in, say in preceding years?

12 A Well, there really wasn't -- I could say
13 Christmas was really the most frequent -- through holiday
14 greetings and things like that. There was really no
15 frequency to them.

16 Q I believe you testified -- I'm sorry?

17 A Every -- it's something hard to pinpoint. I say
18 I talked to him then. I talked to him in July. And in
19 between then I might have talked to him 10 times, but I
20 don't remember.

21 Q So it wasn't that you usually spoke once a month
22 and then suddenly you started talking once every six
23 months?

24 A Yes.

25 Q As far as you can tell, the frequency is not

1 dramatically changed in 1984 versus any other year?

2 A No. Not at all.

3 JUDGE BLOCH: Could you tell me where the
4 conversation with Mr. Driskill took place about the trip
5 report? Where were you?

6 THE WITNESS: It took place in the NRC
7 conference room on the site at Midland.

8 JUDGE BLOCH: At Midland?

9 THE WITNESS: Yes.

10 JUDGE BLOCH: Thank you.

11 BY MR. ROISMAN:

12 Q The July conversation, what can you remember
13 about that conversation? Who started -- who placed the
14 phone call?

15 MR. WATKINS: I'm sorry, could we have a year?

16 MR. ROISMAN: I'm sorry, July of '84.

17 THE WITNESS: July of '84?

18 MR. ROISMAN: Yes.

19 THE WITNESS: That was July of this last year?

20 MR. ROISMAN: Correct.

21 THE WITNESS: I think I had placed that call.

22 BY MR. ROISMAN:

23 Q And why had you called Mr. Lipinski?

24 A Very shortly I was going to be without a job. I
25 wanted to see what -- I was basically looking for a job

1 and kind of give him my status, of where I was at.

2 Q Was there any discussion in that phone call that
3 you remember, of any matters related to Comanche Peak?

4 A At that time -- I said it might have very well
5 came up. But at that time I was more worried about my
6 well-being than much of anything else. So I don't
7 remember too much about that.

8 Q Do you remember anything at all about it, about
9 Comanche Peak at that conversation?

10 A No, I don't.

11 JUDGE BLOCH: At one point you became concerned
12 that your relationship with people at Comanche Peak might
13 be affected. Did you have that feeling in that
14 conversation?

15 THE WITNESS: No, I didn't.

16 JUDGE BLOCH: Let's take seven minutes, which
17 will give us until 4 minutes after.

18 (Recess.)

19 JUDGE BLOCH: Mr. Roisman?

20 BY MR. ROISMAN:

21 Q Mr. Mouser, you said on Thursday that the reason
22 that you did not tell Mr. Lipinski that in fact you did,
23 or you had had a copy of the report earlier, and I think
24 your words were, because you did not want to get into it.
25 Can you tell me what did you mean by that? "Get into"

1 what?

2 A Oh, I didn't want to get involved back in
3 Comanche Peak.

4 Q And why was that?

5 A Because I had left and left that behind me and
6 had, you know, liked the job I was at now -- at the time.

7 Q Did you think it might have some adverse impact
8 on you?

9 A Yes, I did.

10 Q What was the adverse impact you thought it might
11 have?

12 A Eventually ending up being in a number of
13 hearings and being -- spending many, numerous days
14 answering questions like we are doing now.

15 Q Did you think that it might in any way -- that
16 the fact that some of the things that you had to say were
17 critical of the plant might have an adverse impact on your
18 career in the nuclear industry?

19 A Yes.

20 Q Had anything happened that you were aware of at
21 Comanche Peak, or happened subsequent to the time of
22 leaving Comanche Peak, that gave you a basis for that
23 belief?

24 A No. I never saw anything at the time that I was
25 there, but it was just a feeling that I had.

1 Q When you had your conversation with Mr. Driskill
2 in November of '83, did -- was it a recorded conversation?
3 Did someone transcribe it in some way? Or tape it?

4 A No, it was not. It was just between him and
5 myself.

6 Q Did you feel comfortable in answering all the
7 questions that he asked you without any reservation?

8 A Well, I knew Mr. Driskill and I was hesitant to
9 talk to the gentlemen.

10 Q Why is that?

11 A I don't trust the gentlemen.

12 Q Trust in what sense?

13 A That he was doing the job that he was hired to
14 do.

15 Q Were you concerned that --

16 JUDGE BLOCH: I'm sorry. What did that mean?

17 THE WITNESS: That he was indeed an investigator
18 and that, indeed, from prior experience with the man, that
19 what you told to him in confidence did indeed not stay in
20 confidence.

21 BY MR. ROISMAN:

22 Q And had you had an experience like that with him
23 before?

24 A Yes, I did.

25 Q Would you recount it for us, please?

1 A It was when I was in the design change authority
2 group up on the hill, working with some other gentlemen,
3 who were -- two other gentlemen and myself, that talked to
4 Mr. Driskill during an audit that they did on the site.
5 And some of what the one gentleman brought up was
6 questioned a few days later by the supervisor.

7 Q You mean somebody from the plant raised
8 questions about a subject that this man had mentioned as
9 far as you and he knew, only to the NRC investigator?

10 A Yes. And then also at that meeting one of the
11 gentlemen -- I should say after the meeting, one of the
12 gentlemen said that Mr. Driskill had been talk -- had
13 talked to many of the inspectors on-site at different
14 times and that -- like I say, this is hearsay from this
15 gentleman -- and that the information that they talked
16 about was immediately general information of the utility.
17 And being an NRC man, that was not supposed to be the way
18 it was. What you told them in confidence was to be kept
19 in confidence.

20 Q Do you think that was fairly common knowledge
21 among the people that you had contact with at Comanche
22 Peak? That is, that if you told something to Mr. Driskill
23 you should expect that it would ultimately get to the
24 company?

25 A It wasn't so much to Mr. Driskill. It was told --

1 and this is the feelings that the inspectors had, and many
2 of them made comment about it -- that they felt that if
3 you talked to the resident man or any of the NRC people
4 that were dealing with the plant down there, that it is
5 just like talking into a loudspeaker. It went right back
6 into the utility.

7 Q Was that a condition that was prevalent at the
8 time that you first started at Comanche Peak?

9 A Yes.

10 Q Or is it something that arose after that?

11 A That was the feeling that was there all the time.
12 The inspectors all felt that way. That if you talked to
13 the resident man or something like that, it was talking
14 directly to the utility. I hate to point the finger at
15 the guy, this is kind of deep charges, you could say --
16 but this is the feelings that were there.

17 Q And how broad was your exposure to inspectors
18 and other people that formed the basis of your feelings
19 that it was a fairly widespread belief at the plant?

20 A A number of the inspectors that I talked to that
21 had been there for a very long period of time, all felt
22 that way.

23 Q Both coatings and non-coatings inspectors?

24 A Yes, ASME inspectors, non-ASME side of the house,
25 welding inspectors, hanger inspectors.

1 Q In your job in the design change area, did you
2 have occasion to come in contact with lots of different
3 inspectors from different disciplines?

4 A Yes, I did. Like I say, we are all a family.
5 We knew each other from different jobs. I worked with
6 them in Idaho, Washington, places like this.

7 Q When you say "we" you are now talking about QC
8 inspectors as the "we"?

9 A Yes.

10 JUDGE BLOCH: With respect to the people who
11 worked with you when you were the supervisor, you told us
12 that all but three of them had spoken to the NRC. Did you
13 have any feeling from what they told the NRC at that time
14 that their confidences were not kept?

15 THE WITNESS: I think the inspectors felt that
16 the reason why the -- the feelings management had was
17 because of the information that was getting back to them
18 through a source, which they all tabbed as being the NRC
19 man.

20 Like I say, these are all feelings and thoughts from
21 these inspectors.

22 MR. ROISMAN: I have no further questions at
23 this time.

24 EXAMINATION

25 BY JUDGE BLOCH:

1 Q Mr. Mouser, do you know directly or indirectly
2 about any special attention that the Applicants may have
3 paid to the people who Mr. Lipinski spoke to while he was
4 on-site? Do you know of any way in which they spoke with
5 them or tried to find out what happened between them and
6 Mr. Lipinski?

7 A No, I don't. I don't think anything like that
8 happened.

9 Q And, do you recall when your first contact
10 occurred with the Midland plant, prior to your taking the
11 job there?

12 A Repeat that again, Judge?

13 Q Do you recall when your first contact was with
14 the Midland plant, leading to the job that you ultimately
15 took there?

16 A My first contact was back in March or April.
17 And what it was was a contact with the contract shop that
18 I finally went to work for.

19 Q So that contact actually predated your working
20 on coatings at Comanche Peak?

21 A Yes, it did.

22 Q And was there a time in the fall of 1983 when
23 you renewed that contact and made it become more urgent,
24 made them know that you were really interested in going
25 somewhere?

1 A I talked to them in the early part of July is
2 the last -- I remember I talked to them then and I talked
3 to them in the early, early part of July. Right around
4 the 4th.

5 Because I had some things that I wanted to clarify with
6 them. I remember asking, you know, saying: This is close
7 to the holidays, Fourth of July, I know I just need a
8 couple of quick things answered and I asked them some
9 questions about moving expenses and things like this.
10 That was the last time I talked to them until they called
11 me and told me they had a job for me.

12 Q When did that occur?

13 A That was sometime in the midmonth of October. I
14 can't really pinpoint the exact date. I don't recall.

15 Q Do you recall how that conversation went.

16 A I remember my wife received a call from the shop
17 and she immediately jumped on the phone and got ahold of
18 me and at that time I contacted them.

19 Q Was it in that conversation? What happened in
20 that conversation?

21 A They told me that they had a position for me at
22 Midland as an inspector in the civil department in the
23 welding branch and that they said they -- the contracts
24 were in the mail to me and that I should sign them and
25 send them back to them.

1 Q Did that represent a pay cut?

2 A Well, it depends -- in hourly wage, a little bit
3 more. In per diem, a lot more. So there's a little bit
4 of a raise. Not much, but a little bit.

5 Q So, even though you were going from a
6 supervisory position to an inspector's position you were
7 getting a raise?

8 A Yes.

9 Q And did you tell them on the phone at that time
10 that you were going to sign that contract and send it back?
11 Or was it left open?

12 A I told them at that time I would look at the
13 contract and I was very interested in the job. Most
14 likely I would sign the contract and send it back to them.

15 Q In October of 1984 you had a conversation with
16 Mr. Brandt about the Lipinski report. That's correct,
17 isn't it?

18 A Yes.

19 Q And during that time you told him certain things
20 about what had happened with that report. Did you ever
21 have a chance, an opportunity to call him back and say:
22 "Look, I thought about it and I remember some more things
23 about it; I remember different things"?

24 A No. My next conversation with him was when I
25 called. Then he turned around and called me back. And

1 that was after Ms. Garde had talked to me.

2 JUDGE BLOCH: Mr. Watkins, we could start for
3 about 10 minutes or so and then take our lunch break.

4 CROSS-EXAMINATION

5 BY MR. WATKINS:

6 Q Mr. Mouser, who is paying your expenses of
7 coming to Washington to testify?

8 A The NRC.

9 Q Are they paying all your expenses?

10 A No. Not all of them; no.

11 Q Have you been subpoenaed to testify here?

12 A I received a letter. I don't know -- I don't
13 think it was a subpoena; no.

14 Q Do you know what a subpoena is?

15 A Yes, sir, I do.

16 Q Did you make a decision not to require a
17 subpoena for your appearance here?

18 A I told them if they really wanted me they could
19 have me come. I would come. I told them -- I didn't talk
20 directly to the NRC. I talked to Ms. Garde. And told
21 them that I wasn't too excited about testifying and that
22 if they wanted to they could subpoena me, and then
23 throughout -- after that conversation I decided that,
24 indeed, if they wanted me to come I would come and testify.

25 Q Did you consult with Mr. Sims as to whether you

1 should be subpoenaed rather than appear voluntarily?

2 MR. SIMS: I would just caution the witness that
3 the question is whether you discussed it with me, not the
4 content of the conversations.

5 MR. WATKINS: I agree.

6 MR. SIMS: Because the content of the
7 conversations would be privileged under attorney/client
8 privilege.

9 THE WITNESS: I don't recall if it was for a
10 subpoena or not. I don't --

11 BY MR. WATKINS:

12 Q You don't recall discussing that question with
13 him?

14 A Yes. I do not.

15 Q In your mind, does the fact that you are
16 appearing here voluntarily, as opposed to being subpoenaed,
17 make any difference in the substance of your testimony?

18 A No. I don't think it does.

19 Q With whom have you reviewed your testimony in
20 this proceeding?

21 A I have talked to my lawyer about it.

22 Q Mr. Sims?

23 A Yes.

24 Q Anyone else?

25 A As to what I would testify? No.

1 May I -- Mr. Watkins, excuse me. I did -- I think I
2 did talk to Ms. Garde about, you know, if I would tell how
3 the trip report got out and if I would tell the feelings
4 that I had and things like that down there. At that point
5 I said yes, I would.

6 Q When was your last conversation with Ms. Garde?

7 A The exact date I'm not sure, but she called me
8 at my house and talked to me.

9 Q You have reviewed one volume of Mr. Lipinski's
10 testimony; is that correct?

11 A Yes.

12 Q Could you identify that for the record? The day?

13 A Okay. It's dated Wednesday, December 5th, 1984.

14 Q Have you reviewed any other transcripts from
15 this proceeding?

16 A I think that's it. This is the one here. And
17 these are the only other ones I've looked at and then
18 looked at the Dunham transcript and that's it.

19 Q Did you look at the Dunham transcript or just
20 your testimony?

21 A I take that back. I didn't look at the Dunham
22 transcript, I looked at the decision the judge made on the
23 Dunham transcript -- Dunham trial.

24 Q You have not looked at the actual transcript?

25 A No.

1 Q You have reviewed Mr. Lipinski's notes, his
2 weekly summary logs and his diary notes; is that correct?

3 A I have looked at them. At a few pages. I
4 haven't reviewed them totally yet.

5 Q And you have reviewed a letter to this board
6 from me, with an attached security report?

7 A Yes. It's dated December 17th.

8 Q Have you reviewed any other documents for
9 preparing for your testimony here?

10 A Yes. I guess the deposition, or pretrial
11 testimony, of Mr. Joe Lipinski.

12 MR. WATKINS: Mr. Sims, could you identify that?

13 MR. SIMS: Yes, I did, the first day. This is
14 the written Q and A testimony put in by Mr. Lipinski in
15 this proceeding.

16 MR. WATKINS: Does it have a date on it?

17 MR. SIMS: "Exhibit 34" it says at the top.

18 MR. ROISMAN: That's from our exhibit
19 identification list.

20 MR. WATKINS: Is that the prefiled testimony of
21 Joe Lipinski in this proceeding?

22 MR. ROISMAN: I believe it is. Let me just take
23 a look at it.

24 MR. SIMS: That's my understanding.

25 MR. ROISMAN: Well, there's another piece -- yes.

1 That's it.

2 MR. TREBY: Well, maybe to help clarify,
3 Mr. Sims could tell us what the source of that document is?

4 MR. SIMS: In preparing for the testimony, I
5 asked Mr. Roisman for a list of documents that were
6 referred to in the transcript volume that Ms. Garde had
7 sent to Mr. Mouser. And I then reviewed the list and I
8 borrowed some of the documents from Mr. Roisman and copied
9 them. Although -- I mean obviously I was -- in doing my
10 own preparation, I looked at some of the documents that
11 were referred to. I knew that Mr. Mouser couldn't
12 possibly look at all the documents prior to testifying,
13 and I selected the ones that it seemed to me might be
14 useful in refreshing his recollection before the testimony
15 and those are the documents he described. The transcript
16 volume had been sent to him previously by Ms. Garde.

17 BY MR. WATKINS:

18 Q Mr. Mouser, have you reviewed any other
19 documents in preparing for your testimony here?

20 A None that I can think of offhand.

21 Q Have you reviewed an affidavit executed by
22 Joseph J. Lipinski, dated September 28, 1984?

23 A An affidavit? No. I don't think I have.

24 Q The subject matter of the affidavit was his trip
25 report, and the technical issues raised in the trip?

1 A No. I don't remember seeing anything like that.

2 Q When you discussed with Ms. Garde the
3 circumstances regarding your participation or your
4 familiarity with the trip report, did she describe to you
5 Mr. Lipinski's testimony? Or did she simply elicit from
6 you what you remembered of the facts?

7 A I think it was a little bit of both.

8 Q Do you recall what she said Mr. Lipinski had
9 testified to?

10 A I think she told me that he had testified about
11 talking to me on the phone. I remember that. And about
12 talking to me at the site. I think that's about all I
13 remember from the conversation.

14 Q Did she tell you that Mr. Lipinski had testified
15 that he had asked you whether you had ever had a copy of
16 the trip report and you said "no"?

17 A I don't recall her saying that.

18 Q Have you been promised any benefit, financial or
19 otherwise, for appearing in this proceeding as a witness?

20 A No, I have not.

21 Q By anyone?

22 A No. Other than part of my expenses.

23 Q I was unclear as to exactly what your
24 certification at WPPS 2 was in, or certifications, if you
25 have more than one. Could you describe those, please?

1 A Okay. Bechtel certified me as a level 1 or
2 level 2 inspector and I was certified as a level 2
3 inspector at WPPS, in the civil department.

4 Q How does -- there were only two levels, 1 and 2?
5 There was not a 3 at WPPS?

6 A No. No 3s at WPPS at all.

7 Q How many levels of certification were there at
8 Comanche Peak?

9 A You'd be certified as a level 1 or level 2 and
10 there was also some level 3s on-site.

11 Q Was there an equivalent to a Comanche Peak level
12 3 at WPPS?

13 A Yes, there was.

14 Q What was that called?

15 A Okay. The first thing, the certification by
16 Bechtel, was different than the certification by the other
17 contractors that were there. The other contractors that
18 were there would certify -- were certified level 1 and
19 level 2 and level 3. Bechtel's equivalency of a level 2
20 as a level would be a level 3 that the other contractors
21 had. But the level 3 people for Bechtel were in San
22 Francisco's home office.

23 Q Did you consider that as a level 2 at WPPS Unit
24 2, you were the equivalent of a level 3 at Comanche Peak?

25 A No, not so much a level 3; no.

1 Q What disciplines -- let me follow up on that.

2 In what sense would you not have been a level 3?

3 A The certification process.

4 Q What does a level 3 at Comanche Peak do that you
5 did not do at WPPS? That you were not qualified to do?

6 A My knowledge of level 3 at Comanche Peak, they
7 were the quality -- they did the quality handling and
8 procedures, writing procedures, they handled any real
9 problems that came up in the different fields.

10 Q And you were not qualified to do those things?

11 A At Comanche Peak; no.

12 Q Were you at WPPS?

13 A Yes, I was, as a level 2.

14 Q What disciplines did a level 2 civil
15 certification cover, at WPPS?

16 A At WPPS?

17 Q Your certification.

18 A My certification at WPPS. It covered coatings,
19 back fill, concrete, reinforcing steel, welding in the
20 civil field. I think that's basically it. All civil
21 items.

22 JUDGE BLOCH: I'm sorry -- also what? I didn't
23 mean to cut you off.

24 THE WITNESS: Also -- I think that was the basic
25 items that it covered.

1 MR. GALLO: He said "all civil items."

2 THE WITNESS: I said "all civil items." That's

3 all.

4 (Discussion off the record.)

5 JUDGE BLOCH: Let's take a half hour now and be

6 back at 5 after.

7 (Whereupon, at 12:35 p.m., the hearing was

8 recessed, to reconvene at 1:05 p.m., this same day.)

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1 AFTERNOON SESSION (1:10 p.m.)

2 Whereupon,

3 EVERT MOUSER

4 was resumed as a witness and, having been previously duly
5 sworn, was examined and testified further as follows:

6 CROSS-EXAMINATION (Continued)

7 BY MR. WATKINS:

8 Q Could you refer to page 2 of your resume, please?
9 Under "certifications" you have civil, structural, level 3.

10 A Yes.

11 Q Where did you receive that certification?

12 A At Midland.

13 Q What disciplines did that cover?

14 A All of the civil disciplines.

15 Q Could you enumerate those, please? You
16 described before the level 2 disciplines covered by your
17 civil --

18 A Yes.

19 Q -- certification as WPPS 2. Could you describe
20 the disciplines covered by your level 3 at Midland?

21 A Okay. I was responsible for all civil fields,
22 which included concrete, soils, building, and structural
23 items, structural steel, coatings -- I think that's
24 basically it.

25 Q Will you describe the training and certification

1 process for the level 2 at WPPS, your civil certification?

2 A The training?

3 Q With special reference to coatings, please.

4 A Okay. The training of level 2 and certification?

5 Q The training that you underwent, which would
6 include classroom or on the job or formal or informal, and
7 then the examination, if any, for the level 2?

8 A Okay. The Bechtel level 2 is a general-type
9 certification: It covers the whole civil field. And you
10 have to have your experience. As I previously testified,
11 you are given -- your biggest test is on the Bechtel
12 manual. You have to know the Bechtel quality manual from
13 cover to cover. Then you have to have adequate experience
14 in the fields that -- the civil fields. And then you are
15 given on-the-job training and then you are given materials
16 to read and you are given tests, which is about a
17 three-hour verbal test on the Bechtel quality manual and
18 then you are given an actual field inspection to be done
19 and a procedure to be written.

20 Q All right. Does the Bechtel quality manual
21 cover protective coatings in particular?

22 A The Bechtel quality manual in particular, it is
23 a manual of all items affecting quality. They don't deal
24 specifically with one item. They cover like storage and
25 maintenance, different things that you have to have for

1 storage and maintenance of quality class 1 materials --

2 JUDGE BLOCH: Of what materials?

3 THE WITNESS: Quality class 1 materials.

4 JUDGE BLOCH: All right.

5 THE WITNESS: And they give it, it's more or
6 less a -- I can't find the words to describe it. I guess
7 you would say they cover everything needed for a quality
8 program.

9 BY MR. WATKINS:

10 Q When you said "quality materials," is that
11 coatings materials or all materials?

12 A That is like a storage warehouse. There's a
13 number of different things you look for in the
14 requirements to be a quality class 1 storage warehouse.

15 Q For coatings?

16 A For any quality class 1 material.

17 Q So you are talking about, for example, welding
18 materials? Structural steel? All class 1 materials used
19 inside a reactor?

20 A Yes. That would be like maintenance,
21 housekeeping, non-eating areas -- just the requirements
22 for these different storage areas.

23 Q At WPPS 2 were there different storage areas for
24 different class 1 materials?

25 A Yes, there was.

1 Q Specifically with reference to coatings, did the
2 Bechtel quality manual cover the storage of protective
3 coatings materials or were the -- were the materials in
4 the manual simply general in terms of housekeeping and
5 surveillance and record-keeping and things like that?

6 A They gave some specifics you had to look for in
7 the warehouse, but they didn't cover, per se, coating
8 materials. I guess you would say it's a general statement
9 as to what was required to have quality class 1 storage.

10 Q So the quality manual, just so I'm clear, would
11 not have covered things, for example, such as, if you are
12 using a given coatings product -- given brand of paint --
13 these are the temperature requirements for the storage
14 area; these are the receiving and inspection requirements
15 for that particular coating material. Is that correct?

16 A No. That would be covered in the individual
17 procedure.

18 Q All right. There was a three-hour oral
19 examination?

20 A Yes.

21 Q Was there a written examination for your level 2
22 civil certification at Bechtel?

23 A Okay. Part of that written -- there was a
24 written examination and it covered the actual doing an
25 inspection in the field and writing the procedure.

1 Q Okay. I think you said there were three things.
2 First was a three-hour oral examination.

3 A Yes.

4 Q Second, was an actual field inspection. And
5 when you said "written exam" you meant by that filling out
6 the documentation associated with that field inspection?

7 A Yes. That's the written examination they refer
8 to.

9 Q And the third is a procedure?

10 A Yes. That's the part of the written examination
11 too. They include that in.

12 Q What field inspection did you perform for your
13 level 2 certification?

14 A Level 1 certification, first I performed a
15 storage and maintenance warehouse inspection.

16 Q What was in the warehouse?

17 A General construction materials for class 1. I
18 don't specifically remember what was in it, as to
19 warehouse inspection.

20 Q That was for your level 1. What about for your
21 level 2?

22 A Level 2, I think I did a field verification on
23 cad welding, I think is what it was.

24 Q What is cad welding?

25 A It's welding of rebar with a mechanical method.

1 Q And, as part of each of those field inspections,
2 you filled out the appropriate documentation associated
3 with that?

4 A Yes.

5 Q What procedure did you write for your level 2 at
6 WPPS? Your level 2 civil?

7 A I think it was a procedure, a project called a
8 control instruction, which is a procedure for placement
9 and handling of concrete, I think. I don't totally recall.
10 I think that's what it was.

11 Q Was it a coatings procedure?

12 A No. It was not.

13 Q All right. Once you are certified as a level 2
14 at WPPS, what exactly were you certified to do?

15 A Surveillance inspection of civil subcontractors.

16 Q Is there a distinction between surveillance
17 inspections and actual inspections of work?

18 A Surveillance inspection is you make sure that
19 the inspectors that are doing the physical testing are
20 doing it correctly and in accordance with their procedures;
21 yes.

22 Q The question was, is there a distinction between
23 surveillance inspections and actual inspections?

24 A Yes. It would be I watch the inspectors do
25 their work.

1 Q You were not certified to actually inspect hands-on
2 work?

3 A Yes, I was certified to do hands-on work also.
4 That is part of the certification program Bechtel has.

5 Q Okay. So a level 2 can both go out and perform
6 inspections, or do surveillance on other inspectors.

7 A Yes.

8 Q So you were just describing your job function at
9 WPPS when you said surveillance; is that right?

10 A Yes.

11 JUDGE BLOCH: When you talked about surveillance
12 inspections, was that done with a form? You actually
13 looked over what someone was doing and you checked off
14 whether they were doing it right?

15 THE WITNESS: No. You took a -- like, they set
16 it up on a periodic, month basis. And throughout that
17 month you would do a surveillance, were required to do
18 surveillance on the storage and maintenance of materials,
19 the actual application of coatings, making sure that they
20 are handling their M&TE correctly -- that's measuring and
21 test equipment correctly. Everything was calibrated. You
22 do personnel certifications. You do procedures, audit
23 procedure. And that was each month you were doing that.

24 JUDGE BLOCH: Was there an equivalent to that at
25 Comanche Peak? Were they doing the same kind of

1 surveillance inspections at Comanche Peak?

2 THE WITNESS: No. There were no surveillance
3 inspectors, unless you want to call QA --

4 BY MR. WATKINS:

5 Q Do we want to call QA surveillance at Comanche
6 Peak?

7 A No, not really. They would come out and -- I
8 guess you could say quality engineering was kind of a QA
9 organization there, the way I took it.

10 Q Did Texas Utilities have auditors that audited
11 various programs at Comanche Peak?

12 A Yes, they did.

13 Q And were those -- those were an internal --
14 those were internal company auditors, is that correct?

15 A Yes.

16 Q That's a surveillance function; isn't it?

17 A I think you could refer to a monitor as a
18 surveillance; yes.

19 Q Was your function at WPPS 2 more of a QA
20 function than a QC function? Is the distinction
21 meaningful in your mind? If it's not I'll withdraw the
22 question.

23 A The Bechtel outlook on QA and QC is a lot
24 different than other places. I would say in my function,
25 it was a QC man, I was under the QC organization. Quality

1 control was in part my job description; yes.

2 Q Once you had received your level 2 at WPPS, you
3 were certified actually to perform an inspection of
4 protective coatings, class 1 coatings; is that correct?

5 A Yes.

6 Q How did you know what it was that you were
7 suppose to be doing? Because it sounds as if the
8 certification process did not specifically address
9 protective coatings.

10 A Then I was required to have an extensive
11 knowledge of the procedures of the contractors that I
12 would be doing surveillance work over.

13 Q Was that a formal process? Or did you simply
14 take the procedures, review them, become familiar with
15 them and so on?

16 A It was a -- I don't know if you call it a form --
17 it was a mandate from our supervisor, you know, to
18 accomplish the job as it was set forth in the, I guess by
19 the Bechtel contract. That's what we were required to do
20 is go through the procedures.

21 Q Were you tested on coatings procedures at WPPS?

22 A No, I was not.

23 Q Were quality control inspectors at Comanche Peak
24 tested to become certified inspectors on coatings
25 procedures?

1 A Yes, they were.

2 Q Were there different kinds of certifications at
3 Comanche Peak?

4 A Yes, there were.

5 Q What were they?

6 A You could be certified to do backfit and you had
7 to have so many different procedures for that. And then
8 you also, you could be certified to put on, like one
9 coating, application of CZ-11, or you could be certified
10 to put on fine line -- just the different kind of coatings
11 you would be certified in. Different operations.

12 Q There were different coatings materials and
13 there was a distinction between ongoing and backfit
14 certifications at Comanche Peak?

15 A Yes.

16 Q And each of those had individualized
17 examinations?

18 A Yes, they did.

19 Q Were those written or oral?

20 A I think it was written and there was some oral
21 also.

22 Q Was there training involved?

23 A Yes, on-the-job training.

24 Q Was there a specified job period for that
25 on-the-job training?

1 A I think we had set so many hours. I don't
2 remember the exact total but I know there were so many
3 hours set to be done.

4 Q Was that certification process defined by
5 procedures at Comanche Peak?

6 A Yes, it was.

7 Q Did you actually perform any inspections of
8 coatings at WPPS?

9 A Yes, I did.

10 Q Would you describe that experience, please?

11 A I have taken mil readings. I have done scratch
12 tests on -- for qualification panels on coating material.
13 There's a number of other things, I can't recall offhand.

14 Q Was this part of your surveillance function?

15 A Yes, it was.

16 Q So you were reviewing the work of other
17 inspectors?

18 A Yes.

19 Q Did you perform any inspections at WPPS where
20 you were the one who filled out the inspection
21 documentation?

22 A No, I did not.

23 Q On page 3 of your resume, under your -- the
24 description of your duties at WPPS 2 for Bechtel, the last
25 sentence of the indented paragraph which starts "other

1 duties," includes several specific disciplines that you
2 worked in. It does not include coatings.

3 Am I correct that your coating surveillance was part of
4 the -- your coatings work is subsumed in your surveillance
5 of subcontractors performing work at the beginning of the
6 paragraph?

7 A Yes.

8 Q There's no special reason why you don't have
9 coatings down there; is that correct?

10 A No. There is not.

11 Q You were at WPPS for 18 months, approximately?

12 A Yes. Yes.

13 Q How much of that time did you spend doing
14 surveillance on the O.B. Cannon coatings program?

15 A On Cannon's coating program, I received six
16 weeks of book training on the manual. And at that point,
17 which was roughly in July of that year, I was assigned to
18 the Cannon contract to do surveillance. And then I was
19 also required to do surveillance over Peter Kiewit and
20 Sons. PKS, Omaha.

21 (Discussion off the record.)

22 BY MR. WATKINS:

23 Q So you began your coatings work in July of '81;
24 did I hear that correctly?

25 A Yes.

1 Q How long did that last?

2 A I did surveillance over the coatings contract
3 until I left.

4 Q For the entire 18 months?

5 A Yes. I was also assigned to, as I said, to the
6 Kiewit contract. And they were the general civil
7 contractor on-site. I did earth work on those contracts,
8 earth work, concrete, also I did welding for that contract,
9 too.

10 Q Can you give me a sense of the percentage of
11 your time that was devoted to coatings as opposed to all
12 other civil areas in which you worked?

13 A Offhand, I'd say roughly 50 percent. It's kind
14 of a hard thing to put a finger on. I might be doing
15 coatings and turn around and walk 15, 20 feet across the
16 hall and down through a room and look at what the other
17 contractor was doing. So, it was I would say 50 percent --
18 it's a hard thing to put your finger on.

19 Q Why did you leave WPPS 2?

20 A I left WPPS 2 to go to Comanche Peak. I got a
21 better money offer from Comanche Peak.

22 Q Is that the only reason?

23 A There were -- I had been certified level 2. At
24 that period of time the lead's position had come to be
25 vacant and the man had been promoted into another position.

1 The lead's position had come to be vacant and I had talked
2 to them about taking the position. At that time they said
3 that they were interested in talking to me and they had,
4 indeed, turned -- told them that they were going to stand
5 on the position for a while and turn it over to another
6 man.

7 And I told them, well, I said I feel that the lead's
8 position should be mine and I feel that I have to go, you
9 know, to better myself. So I went hunting for another job.
10 And that is, in a nutshell, the reason why I pulled out.

11 Q All right. Now, at Midland you acquired a level
12 3 civil certification and that also included coatings, I
13 believe you testified.

14 A Yes. Coatings is involved in it; yes.

15 Q What specific training and testing did you
16 undergo for the coatings with regard to your level 3
17 certification at Midland?

18 A At Midland, now I'm certified to ANSI N45-2-6,
19 level 3.

20 Q Which year?

21 A I think it's -- I don't remember what year it
22 was.

23 Q Are you aware that that ANSI standard has
24 different editions?

25 A Yes, I do.

1 Q Do you know to which edition you were certified?

2 A The one that Midland project was obligated to.

3 I don't know.

4 Q Okay.

5 A I met the time to be a level 3 in the civil
6 field.

7 Q With respect specifically to coatings, what did
8 that certification require with respect to training and
9 examination?

10 A For level 3, I received some on-the-job training
11 in the coatings.

12 Q What did that OJT consist of?

13 MR. ROISMAN: Objection. I would like counsel
14 give us some proffer as to why the training at a plant
15 after the witness was at Comanche Peak, can reasonably be
16 said to lead to relevant information.

17 MR. WATKINS: I believe Mr. Roisman asked the
18 question several times: Was your experience at Comanche
19 Peak different from any other nuclear plant at which he
20 worked?

21 JUDGE BLOCH: Overruled.

22 THE WITNESS: Do you want to repeat that?

23 BY MR. WATKINS:

24 Q What did your OJT training in coatings at
25 Midland consist of?

1 A I was given a -- I went with a certified
2 inspector and observed the inspections that they were
3 doing and observed what was going on in the plant.

4 Q How many hours or days did that last?

5 A The duration? It was very short. I don't
6 remember how many days. It was in the basis of hours.

7 Q Hours?

8 A Yes.

9 Q Did you review procedures in connection with
10 that OJT?

11 A Yes, I did.

12 Q Were you examined? Was there a test for the
13 level 3 civil certification at Midland?

14 A No, there was not.

15 Q Other than on-the-job training, was there any
16 other requirement for your level 3 at Midland?

17 A Being able to satisfy QA's quality assurances
18 requirements, which is the same as ANSI. Being able to
19 assure that you had your time in and that from talking to
20 you, that you were capable of handling a level 3 job.

21 Q Once you became a level 3, did you perform any
22 coatings inspection at Midland?

23 A No, I did not.

24 Q Did you work with coatings at Midland?

25 A I had people that worked for me that did work

1 with coatings; yes. I did not physically work with them;
2 no.

3 Q Your resume, with regard to your work at
4 consumers, indicates that you were supervising a reinspection
5 effort?

6 A Yes.

7 Q Did that involve coatings?

8 A Yes, it did.

9 Q Now, there's no reference to coatings under this
10 paragraph here on page 2. Is there a reason for that?

11 A The resume was written generally around the
12 welding and the structural background that I have.

13 Q Was more of your work at Midland in areas other
14 than coatings?

15 A I had -- as I said, I was responsible for the
16 whole civil department. So, percentagewise, I -- it was a
17 percentage, but I don't recall how much.

18 Q Incidentally, was Consumers Power Company your
19 employer at Midland?

20 A No, they were not.

21 Q Who was your employer?

22 A An outfit called Scientific Applications,
23 Incorporated.

24 Q Who are they?

25 A They are a contract shop that furnishes bodies

1 to utilities, to contract people, to engineering firms.

2 Q I think we have referred to job shops a couple
3 of times during your testimony. Is that the same thing?

4 A Yes, they are a job shop.

5 Q What coating systems were used at WPPS 2?

6 A Amerol systems, Ameron.

7 Q Is that for both steel and concrete substrates?

8 A Okay, the only ones that were quality class 1 --
9 well, there was concrete in class 1 -- yes, they use the
10 Ameron servicer for that, but coating --

11 Q Do you remember if these had product names?

12 A Yes. One was Ameron 90, that was the coating;
13 the surfacer was 110 AA; and I think that was basically it.

14 Q That was for concrete?

15 A Concrete. The 90 was for steel, also. The 110
16 AA was a surfacer for concrete.

17 Q So there were no primer/top coat -- there was no
18 primer/top coat system at WPPS 2?

19 A Yes, they used a gray primer at the bottom, 90
20 gray on bottom and 90 white for the top.

21 Q Was the primer a sink primer for WPPS?

22 A Inside the containment?

23 Q The class 1 coatings I'm talking about.

24 A No, I don't think it was.

25 Q Was it epoxy?

1 A Yes, it was. They also used a Keller & Long
2 product there too.

3 JUDGE BLOCH: Mr. Watkins, do use latitude here.
4 There's some detail which is more than you need on the
5 subject. Try to use some discretion. Continue if you
6 think it's important to you but if you are just trying to
7 compare his overall experience, I'm not sure --

8 MR. WATKINS: Mr. Chairman, I assure you I'm not
9 wasting my time. I can't speak for all the other parties.

10 BY MR. WATKINS:

11 Q What Keller & Long product was that?

12 A I don't remember the names -- the numbers on
13 them. They had a numbering system for them. I don't
14 recall the numbering system.

15 Q Were Ameron systems used at Comanche Peak?

16 A They had, at one time, used an Ameron system.

17 Q Was that when -- excuse me, go ahead.

18 A At Comanche Peak.

19 Q Was that when you were there?

20 A No. I don't think it was. I don't recall.

21 Q What systems did Comanche Peak use? What
22 coatings systems?

23 A I don't recall offhand what systems they did use.

24 Q Were there different systems for concrete and
25 steel substrate?

1 A Yes.

2 Q You don't remember the product names?

3 A No, I do not.

4 Q Do the characteristics of coatings differ from
5 product to product?

6 A Yes, they do.

7 Q And, therefore, would the procedures in handling
8 and application of those materials differ from product to
9 product?

10 A Yes, they would.

11 Q What systems were used at Midland?

12 A They used a CZ-11, and -- which they also used
13 at Comanche Peak -- and then they used Ameron products
14 there also.

15 Q What is CZ-11?

16 A CZ-11 is an inorganic sink coating.

17 Q Does "CZ" stand for anything?

18 A Yes, it does.

19 Q Do you know what it stands for?

20 A Something zinc -- I can't recall the first name.

21 Q To what regulatory standards -- and I'm speaking
22 now with respect to protective coatings -- to what
23 regulatory standards was WPPS 2 committed?

24 A I don't recall what regulatory standards they
25 were.

1 Q To what regulatory standards was Comanche Peak
2 committed with respect to protective coatings?

3 A I don't recall that either.

4 Q It makes a great deal of difference, doesn't it,
5 in terms of inspection procedures, to what standards the
6 plant is committed?

7 A Yes, it does.

8 Q If WPPS 2 and Comanche Peak were committed to
9 different standards, your experience at WPPS 2 would not
10 necessarily be relevant to what you saw at Comanche Peak;
11 would it?

12 A In some aspects, yes; in some aspects, no.

13 Q But to know in what aspects they were relevant
14 you'd have to know what the governing standards are; is
15 that correct?

16 A Yes.

17 Q Did you review coatings procedures at WPPS 2?

18 A Yes, I did.

19 Q What did you review them for?

20 A Content to the -- make sure they had all the
21 points that the contract required them to have in them;
22 what the procedures and specifics called out, that WPPS
23 had set forth, and to make sure that it had the
24 appropriate information from the manufacturer in the
25 procedures.

1 Q Would you have to know what to what standards
2 the plant was committed with respect to coatings to review
3 the validity or the acceptability of those procedures?

4 A At WPPS we were -- you had to work to the
5 procedures set -- or the specifications set forth. That's
6 what we reviewed them to. And in those specifics that --
7 it incorporated the requirements of the reg guides.

8 Q Which reg guides?

9 A As I stated earlier, I don't recall.

10 Q These were Nuclear Regulatory Commission
11 regulatory guides?

12 A Yes.

13 Q Did you ever review the Comanche peak specifics
14 for coatings?

15 A Yes, I think I did.

16 Q When did you do that?

17 A When I was there.

18 Q Why did you do that?

19 A To see what the proceed -- what the specifics
20 said, called out for.

21 Q Do you remember the specific subject matter of
22 your inquiry?

23 A No, I don't.

24 Q Okay. You can't remember the standards to which
25 either Comanche Peak or WPPS were committed. But what

1 standards, generally, are available to govern nuclear
2 coatings, class 1 coatings?

3 A Class 1 coatings? The procedure --
4 specifications usually call out for blasting, they have a
5 paint council, SSPC, like a SSPC-10 blast and they use
6 that for the blasting and then application they usually
7 refer back to the manufacturer's suggested method or
8 requirements that's set forth by the A&E.

9 Q Was it "SSPC"?

10 A SSPC, yes.

11 Q What does SSPC stand for?

12 A The last is paint council. I don't know what
13 the first is.

14 Q Are there any other standards to which nuclear
15 plants are generally committed that you can think of? You
16 have mentioned the reg guides and SSPC.

17 A And then the specifications set forth by the
18 engineering -- or A&Es; architect engineer.

19 Q I believe on Thursday you mentioned the PSAR, or
20 the FSAR --

21 A SR -- yes.

22 Q I can't remember which?

23 A That's the final safety analysis report.

24 Q Are commitments to standards generally included
25 in the FSAR?

1 A Yes, they are.

2 Q And those commitments are then reflected in the
3 specifics; is that correct?

4 A Yes, they are.

5 Q Can you think of any other standards to which
6 nuclear plants are committed with respect to coatings in
7 the FSAR?

8 A Yes.

9 Q What are they?

10 A In the SR?

11 Q Yes. Just generally available standards.

12 A I think there are some ASTMs that cover it. I
13 can't think of anything else offhand; no.

14 Q At Midland, did you work day-to-day with the
15 coatings procedures and inspections?

16 A Not on a day-to-day basis; no.

17 Q When you have been asked to compare your
18 experience at other plants with respect to Comanche Peak
19 during this testimony, I take it your comparison is
20 basically to WPPS 2; is that correct?

21 A WPPS 2 and some to Midland; yes.

22 Q At any of your jobs prior to WPPS 2, did you
23 work in the protective coatings area?

24 A Yes, I did. I handled -- it wasn't called so
25 much "protective coatings." It was the -- I think the

1 Department of Energy referred to it as "decontainable
2 material."

3 Q Would you identify the job? Perhaps you could
4 refer to your resume.

5 A It was for -- 2 of '77 through 7 of '79, JA
6 construction for 2-77 through 7-79, it was for J.A. Jones
7 construction/Bocon joint venture, at the Idaho National
8 Laboratory, Idaho Falls, Idaho.

9 Q What did you do with respect to coatings?

10 A I was involved in the application of Ameron 110
11 AA material to the floors of the new waste center building.
12 I was an inspector, and it was applied --

13 JUDGE BLOCH: I think occasionally at the end of
14 your answer you are tailing off, which makes it hard to
15 hear what you say at end of the answer.

16 THE WITNESS: Okay; it was applied by not
17 coating people, it was applied by concrete masons.

18 BY MR. WATKINS:

19 Q That work is not mentioned in this paragraph, is
20 it?

21 A Here again, we are back to -- you are looking at
22 welding, electrical, mechanical-type basis.

23 Q I'm not accusing you of anything.

24 A No, I understand.

25 Q What I'm basically interested in is to what

1 extent your coatings work at Idaho Falls during this
2 period was a significant, or an insignificant, part of
3 your duties?

4 A For the coatings on that job it was a very minor
5 amount.

6 Q All right.

7 A Very minor.

8 Q On page 1 of your resume, toward the bottom of
9 the page there is a statement that you've worked to the
10 following standards. And then there's a whole list of
11 acronyms, very few of which I know what they are.

12 Is this list all-inclusive?

13 A It has what the resume was written for, yes.

14 Q What was it written for?

15 A Job other than civil: welding, mechanical,
16 electrical.

17 Q You didn't want to work in civil any more?

18 A If you look in the industry right now there is
19 no demand for civil inspectors.

20 Q But for welding it never ends, does it?

21 A Never ends.

22 Q Is there any reason why ANSI does not appear in
23 that list of standards?

24 A No, not really.

25 Q Have you worked with ANSI?

1 A I would have had to work with ANSI requirements;
2 yes.

3 Q Are there ANSI requirements that govern
4 protective coatings at nuclear power plants?

5 A Yes, there is.

6 Q What are they?

7 A N45.22.8, I think. I don't know if that's right
8 or not. It popped in my head. I know there's a couple of
9 them, as a matter of fact.

10 Q When I asked you a while ago whether any
11 standards covered coatings at nuclear power plants, do you
12 wish you had said ANSI?

13 A Yes. Of course.

14 Q How important are the ANSI standards, generally?

15 A Very important.

16 Q How many of them are there?

17 A I don't --

18 Q With respect to protective coatings?

19 A Right offhand I think there's two, or possibly
20 three.

21 Q Mr. Mouser, do you hold yourself out as an
22 expert with respect to the standards that govern coatings
23 of nuclear power plants?

24 A No, I do not.

25 Q Now that we have discussed ANSI standards, do

1 you know to which ANSI standards Comanche Peak was
2 committed?

3 A No, I don't.

4 Q Do you know to which ANSI standards WPPS 2 was
5 committed?

6 A No, I do not.

7 Q In reviewing procedures at WPPS 2, I think you
8 testified that you compare the procedural requirements to
9 the specifics. Did you ever go beyond that to look at the
10 ANSI standards to which they were committed?

11 A Yes, we did. We did it for a number of things,
12 like ANSI also requires -- ANSI N45.2.6, we had to check
13 for certification of inspectors. That's in N45.2.6.
14 There's some for material and test equipment. We had to
15 cover material and test equipment. We will to go to the
16 ANSI standards for that. Coatings -- there's a number of
17 them on a different number of items; yes.

18 Q On Thursday I believe you testified that you
19 used EBASCO as a reference. Is that correct?

20 A Yes. I have used all my -- all the jobs here as
21 a reference is basically what I was saying.

22 Q When you said that you used EBASCO as a
23 reference, for example --

24 A Yes.

25 Q -- were you referring to the fact that they

1 appear here on your resume?

2 A Yes. Yes.

3 Q Texas Utilities does not appear on your resume,
4 does it?

5 A No, it does not.

6 Q In what sense did you say -- do you recall
7 testifying that you used Texas Utilities as a reference?

8 A No. If I used specifically Texas Utilities I
9 was wrong in the line of that.

10 Q Have you ever used individuals as -- strike that.
11 Since Midland closed down, have you used individuals as
12 references?

13 A From Comanche Peak?

14 Q Yes.

15 A I don't recall if I have or not.

16 Q Do you ever recall using Mr. Merritt as a
17 reference?

18 A I don't know if I've used Mr. Merritt, but it
19 does come to mind that I have talked to different contract
20 shops and I have used Mr. Tony Vega, and Mr. Chapman, Dave
21 Chapman, also.

22 Q I'm just recalling your testimony that
23 Mr. Merritt might have said something about you to a job
24 shop. Did you ever use Mr. Merritt as a reference?

25 A Not in his name; no.

1 Q What is Mr. Merritt's first name?

2 A John, I think.

3 JUDGE BLOCH: You knew that.

4 MR. WATKINS: But I'm not sure he did.

5 BY MR. WATKINS:

6 Q I believe you testified that O.B. Cannon rewrote
7 its procedures at WPPS 2; is that correct?

8 A Yes, they did.

9 Q Would you describe why that took place?

10 A Well, the first rewrite of the procedures was by
11 WPPS, Cannon, and some consultants they brought in from, I
12 think it was Burns and Roe. And that was to update the
13 procedures and make them more within the requirements that
14 the NRC and WPPS had agreed upon to get the plant opened
15 back up after the shutdown.

16 Q Does that imply that the procedures were not
17 consistent with requirements before they were rewritten?

18 A Yes.

19 Q What was your involvement in that process?

20 A I came in after the fact.

21 Q That work had already been done?

22 A Yes. It had just been finished after I came in;
23 yes.

24 Q Now, I believe you testified that your job at
25 Midland came about because you had submitted your resume

1 to a job shop sometime in April of '83?

2 A Yes.

3 Q That was shortly after you began working at
4 Comanche Peak, wasn't it?

5 A About three months after that; yes.

6 Q Why did you seek other employment so soon after
7 you had started work?

8 A It was kind of a standard thing, I guess, for
9 everybody to submit on and off. I did it because of
10 trying to get in with a contract shop. I was very
11 interested in getting in with a contract shop.

12 Q Did it have anything to do with the work you
13 were doing at Comanche Peak?

14 A I really wasn't happy at Comanche Peak; no.

15 Q You were then working in the design change
16 verification group; is that correct?

17 A Yes. Yes.

18 Q Was your wife happy with working in Texas?

19 A No.

20 Q Did that have anything to do with it?

21 A Some at the time; yes.

22 JUDGE BLOCH: I'm sorry, was his wife unhappy
23 with his working in Texas or --

24 BY MR. WATKINS:

25 Q Was she unhappy with Texas?

1 A At the beginning she was. After we were there
2 for a period of time she -- in fact she would like to go
3 back now.

4 (Discussion off the record.)

5 BY MR. WATKINS:

6 Q As I recall your testimony, did the offer that
7 you got from Midland -- that the offer you got from
8 Midland was higher -- maybe not much higher, but it was
9 higher than you were being paid at Comanche Peak?

10 A Yes.

11 Q Did you discuss that offer with Mr. Brandt?

12 A Yes, I did.

13 Q Would you relate the substance of that
14 discussion?

15 A I talked to Mr. Brandt about my leaving and told
16 him that I would be -- I had another job offer in Michigan
17 with a contract shop; and Mr. Brandt at that time told me
18 he thought I was crazy for going to Michigan because of
19 the possibility of shutting down -- which I hate to say he
20 was right.

21 Q Why do you hate to say that?

22 A Because I'd love to still be working up there.
23 I was making some pretty good money.

24 Q I just thought you hated the idea that
25 Mr. Brandt was right?

1 A No. That doesn't bother me.

2 Q Okay.

3 A In turn, in that conversation, Mr. Brandt said
4 if he could make it monetarily good for me would I be
5 interested? And I told him yes, in turn, I would.

6 Q And did he make a counteroffer?

7 A Yes, he did.

8 Q Did it match or exceed -- well, did it match the
9 offer that you had received from Midland?

10 A In fact it did match and was a little bit more.

11 Q What reason or reasons did you give Mr. Brandt
12 for wanting to leave?

13 A I told him that my wife was unhappy and that I
14 just didn't feel good about it.

15 Q Did Mr. Brandt seem happy that you were leaving?

16 A No.

17 Q What did he say? Aside from the fact that you
18 were crazy to go?

19 A He made mention that he thought I was making a
20 mistake and that he would do anything he could, at any
21 future time, to -- if I needed a recommendation, he would
22 be more than willing to give me one.

23 Q When did Midland shut down?

24 A 17th of July, 1984.

25 Q Did you call Mr. Brandt and ask for a job after

1 Midland shut down?

2 A I don't know if I did. I don't recall.

3 Q When Midland shut down, do you recall
4 contractors coming to Midland to -- did you have something
5 to add?

6 A I was just going to say and then you went into
7 it, I had talked to a number of contractors about going to
8 Midland; yes.

9 Q About going to Midland?

10 A No. About going to Comanche Peak.

11 Q Okay. When Midland shut down do you recall
12 contractors coming to Midland to interview all the people
13 who had then been laid off?

14 A Yes, I did.

15 Q Did you interview with those contractors?

16 A Yes, I did.

17 Q Did you interview with anyone from EBASCO?

18 A Yes, I did.

19 Q Did you submit an application for employment?

20 A I don't know if I gave an application; I gave a
21 resume to a gentleman, yes.

22 Q Who was that gentleman?

23 A Mr. Jerry -- Jerry Hoops.

24 JUDGE BLOCH: Do you know how to spell the last
25 name?

1 THE WITNESS: Mr. Brandt can offer that.

2 MR. WATKINS: I'll offer H-o-o-p-s.

3 BY MR. WATKINS:

4 Q Do you recall giving Mr. Hoops your resume?

5 A I had a heck of a time getting to him, but I did
6 give it to him; yes.

7 Q How long a period of time did you talk with
8 Mr. Hoops?

9 A 5 to 10 minutes, maybe. Very short period of
10 time. He was pretty well booked full, I think.

11 Q Did he get back to you?

12 A No, he did not.

13 Q Now, you have testified that --

14 A Excuse me. I did receive a letter from EBASCO.

15 Q When was that?

16 A That was sometime later on.

17 Q Can you give us a month?

18 A I beg your pardon? I couldn't hear you.

19 Q Can you give us a month?

20 A No, I can't. It was a short time after that.

21 Q So you did hear back from EBASCO?

22 A Yes, I did. I received a letter back from him.

23 Q What did the letter say?

24 A It told me that they had no positions in my
25 field open at this time.

1 Q Do you remember where that letter was from?

2 A No. I don't. I -- it was from New York, is
3 where it was from.

4 Q Now, you have testified that several job
5 shoppers have advised you that Mr. Merritt, Mr. John
6 Merritt made some negative comments regarding your
7 employment. Who were those job shoppers?

8 A Michigan Quality Services, Energy Incorporated,
9 and I think the last one was PAC. I'm not totally sure
10 about PAC. I think it was PAC, but I know it was MQS and --
11 Michigan Quality Services.

12 Q Who in Michigan Quality Services said he had
13 talked to John Merritt?

14 A The president.

15 Q Who is the president?

16 A William Bader.

17 Q Michigan Quality Services, they are a job shop?

18 A Yes, they are.

19 Q When did he say this to you? When did he tell
20 you that he had talked to Mr. Merritt?

21 A He went to the site and talked to different
22 gentlemen down there. And he said while he was there he
23 had a chance to talk to Mr. Merritt.

24 Q When was this?

25 A That I don't recall.

1 Q Can you give me a month?

2 A I'm just going to have to say offhand, October.

3 Like I say, I don't recall. I think October; it could
4 have been close.

5 Q So your testimony is Mr. Bader went to the site
6 and talked with a number of people including Mr. Merritt?

7 A Yes.

8 Q Did you discuss the possibility of working at
9 Comanche Peak, via Michigan Quality Services, with Tony
10 Vega at any time?

11 A I had talked to Mr. Vega about a job there, but
12 I don't recall if it was Michigan Quality Services.

13 Q And what did Mr. Vega have to say?

14 A Mr. Vega said at the time he had no positions
15 open at all.

16 Q Did he say why?

17 A I think he gave me a reason, but I don't recall.

18 Q Did it have anything to do with -- I'm sorry?

19 A I don't recall exactly what it was.

20 Q Did it have anything to do with certifications?

21 A No, it did not.

22 Q What is PAC?

23 A PAC is Project Assistance Corporation.

24 Q Who did you speak to at PAC?

25 A I think the gentleman's name is Don Goldstein,

1 something like that.

2 Q Is PAC a job shopper?

3 A Yes, it is.

4 Q Do they do consulting work themselves?

5 A Yes, they do.

6 Q As I understand it, a job shopper places people?

7 A Yes.

8 Q A consulting company actually does work?

9 A PAC does some consulting also.

10 Q When had you had your first contact with

11 Mr. Goldstein?

12 A After the layoff at Midland.

13 Q So that would have been in July?

14 A July, somewhere in the area of July; yes.

15 Q Was he at Midland?

16 A No, he was not.

17 Q Did you call him on the telephone?

18 A Yes, I was given his name by the gentleman that

19 does own the company.

20 Q Who is that?

21 A His name is -- now that you ask I forget -- Bill

22 something. It will come to me in a minute here.

23 Q Was he at Midland?

24 A Yes, he was. I worked with him at Midland.

25 Q The man who owned the company?

1 A Yes.

2 Q Where was Mr. Goldstein when you called him?

3 A In California.

4 Q Did you submit a resume?

5 A Yes, I did.

6 Q What happened?

7 A I received a contract back from the PAC
8 organization. In turn I signed a contract and sent it
9 back to them. In turn they called me after the contract
10 was in their hands, they said they were going to submit me
11 or were going to talk to the people in Texas, at Comanche
12 Peak. And about a number of jobs in different areas. And
13 he said that he would submit me down there.

14 At that time I told him I was employed prior at --
15 prior to this at Comanche Peak.

16 Q Is it your impression that PAC was working at
17 Comanche Peak then?

18 A No, they told me they did not have a contract.
19 They said they thought they had one sewed up.

20 That gentleman's name was Bill Agador.

21 Q Can you spell that?

22 A A-g-a-d-o-r, I think, is how you spell it. And
23 also the other gentlemen I worked with, the other co-owner
24 was a gentleman by the name of Marv Kurland.

25 Q Can you spell that?

1 A Your guess is as good as mine.

2 Q What is Mr. Goldstein's position with the
3 company?

4 A I guess you could say he acquires the field jobs.
5 He is in charge of placing personnel for the company.

6 Q Does he have a title, do you know?

7 A Yes, he does. I don't recall what it is offhand.

8 Q Did you keep a copy of the contract that they
9 sent you and that you signed?

10 A I think I did.

11 Q Did you keep a copy of your correspondence with
12 PAC?

13 A No, I didn't.

14 Q When we last left Mr. Goldstein, he was
15 reporting back to you that they were going to try to place
16 you in a number of jobs at Comanche Peak?

17 A Yes.

18 Q When was that?

19 A Sometime in August, somewhere in that area.
20 August or September, something in there.

21 Q And did he get back to you?

22 A Not him. Not per se him. There was another
23 gentleman that called.

24 Q Who was that?

25 A And that man I do not remember his name. He was

1 a field representative for PAC.

2 Q Is his name John Baker?

3 A Does he have -- do you have a title for him
4 there?

5 Q No.

6 A The name sounds familiar.

7 Q What did Mr. Baker say?

8 MR. SIMS: He didn't say it was Mr. Baker.

9 MR. WATKINS: Oh, I'm sorry. You are absolutely
10 right.

11 BY MR. WATKINS:

12 Q What did the individual that called you back say?

13 A Basically that they weren't -- you know, that
14 there wasn't anything down there.

15 Q Did he report that someone had said bad things
16 about you at Comanche Peak?

17 A Not per se, no.

18 Q Did he mention Mr. Merritt?

19 A No, he did not.

20 Q So, PAC is not one of the job shoppers about
21 which you were speaking when you said that Mr. Merritt had
22 said to them bad things?

23 A I made mention that Mr. Merritt talked through MQS,
24 Michigan Quality Services. And I got a negative reply
25 back from PAC, knowing that the amount of people that they

1 needed down there from what they told me, and --

2 Q And you surmised that it must have been the same
3 thing?

4 A I guess you can say that; yes.

5 Q Mr. Mouser, as I recall your testimony you said
6 that three job shoppers, perhaps two or three job shoppers
7 had reported back to you that John Merritt said bad things
8 about Evert Mouser. Would you review your memory and say
9 how many it was?

10 A It would have had to be Michigan Quality
11 Services, MQS.

12 Q And that was the only one?

13 A Yes.

14 Q What is Energy, Inc.?

15 A Energy, Incorporated, is a -- it's a corporation
16 out of Idaho Falls, Idaho, that handles Department of
17 Energy jobs, high tech jobs, some control jobs.

18 Q Were you going to work for them in Idaho Falls?

19 A No. I talked to him about a -- about different
20 jobs around the country.

21 Q So, as I understand your testimony now, Energy,
22 Inc., had nothing to do with Comanche Peak?

23 A They had some jobs per se going down there from
24 what I understood, in the operations side.

25 Q Okay. When did Mr. Bader, of Michigan Quality

1 Services, get back to you the information that John
2 Merritt did not want you working at Comanche Peak?

3 A That was, I guess, September, August, something
4 like that -- October -- somewhere in that area. I don't
5 recall the exact date.

6 MR. ROISMAN: That was asked and answered before.
7 He's getting a little repetitive.

8 BY MR. WATKINS:

9 Q Is it your recollection now, then, that it was
10 John Merritt -- how long have you been sure that it was
11 John Merritt?

12 A Since Mr. Bader talked to me; yes.

13 Q Have you, in -- at any time between then and now,
14 had the idea that someone else at Comanche Peak had said
15 bad things about you?

16 A I guess you could say I surmised that from the --
17 my leaving down there and the feelings when I left. I
18 turned around and called back for a position and there's --

19 Q The first time, or perhaps the first time or two,
20 that Billie Garde called you, did you try to get in touch
21 with Tom Brandt?

22 A Yes, I did.

23 Q How did you do that?

24 A I got a number and I think I called Mr. Vega and
25 received a number from him where to contact Tom.

1 JUDGE BLOCH: Off the record.

2 (Discussion off the record.)

3 BY MR. WATKINS:

4 Q Before the break, Mr. Mouser, you were
5 discussing a phone conversation to Mr. Vega?

6 A Yes.

7 Q And you asked Mr. Vega how to get in touch with
8 Mr. Brandt?

9 A Yes.

10 Q Did you discuss anything else with Mr. Vega?

11 A Yes, I did. I discussed if he had any positions
12 open on the site.

13 Q And what was his response?

14 A "At the present, no."

15 JUDGE BLOCH: Is that the same discussion we
16 were talking about earlier with Mr. Vega?

17 THE WITNESS: Yes, I think it was; yes, sir.

18 MR. WATKINS: Which?

19 JUDGE BLOCH: You already asked him about his
20 conversation with Mr. Vega.

21 THE WITNESS: Yes, I answered the same thing;
22 yes. The same way.

23 BY MR. WATKINS:

24 Q How many conversations with Mr. Vega have you
25 had in the last four months?

1 A One that I recall, the one where I got
2 Mr. Brandt's phone number.

3 Q Okay. So we are talking about the same one?

4 A Yes.

5 Q During this conversation with Mr. Vega, do you
6 recall discussing tentative job offers that you had
7 received through job shoppers at Comanche Peak, or
8 Waterford?

9 A Yes. I talked to him about something -- don't
10 know if it was Comanche Peak or Waterford. I talked to
11 him about one of them. I'm pretty sure about that.

12 Q What did you tell him about that job?

13 A I think it was the Waterford job and I think I
14 told him that I was a little bit upset because I got
15 turned down because of the my work for EBASCO -- EBASCO
16 and Jones; I'm sorry.

17 Q Who was the job shopper involved with that job?

18 A Well, that name I don't recall. He's out of
19 Louisiana somewhere.

20 Q Who was the Jones that you mentioned?

21 A J.A. Jones, as in Jones/Bocon joint venture.

22 Q Had you interviewed for a job there?

23 A No, I had not interviewed, no.

24 Q Do you recall mentioning the firm A.R. Criscola
25 to Mr. Vega?

1 A I don't recall if I mentioned -- I don't know if
2 it was A.R. Criscola or if it was -- I think it was A.R.
3 Criscola; yes.

4 Q What did you say about A.R. Criscola?

5 A I understood that I got turned down because of
6 working for EBASCO and J.A. Jones, and I was concerned if
7 something was said about it, something was said by one of
8 the companies.

9 Q Did you mention to Mr. Vega that you thought
10 someone working for Texas Utilities had said something bad
11 about you in connection with that job?

12 A I told Mr. Vega I was quite concerned about that.
13 I think I addressed it -- like I say, I had two or three
14 different gentlemen on my mind at that time, and one of
15 them was by the name of Spangler. I said somewhere along
16 the line somebody said something about Spangler and I was
17 upset about that.

18 Q Did you mention Mr. Merritt to him?

19 A I don't think I did.

20 Q To Mr. Vega?

21 A No.

22 Q Who is Mr. Spangler?

23 A I guess Mr. Vega called Mr. Spangler and he
24 called me back and talked to me. He's in the audits
25 branch -- I take this from memory -- he's in the audits

1 branch of TUGCO, in Dallas.

2 Q Who had used Mr. Spangler's name to you?

3 A I think his name came up in a conversation with
4 Michigan Quality Services, and I think I took Mr. Spangler's
5 name instead of Mr. Merritt's name when it came up.

6 Q Did you tell Mr. Vega that somebody from A.R.
7 Criscola had mentioned Mr. Spangler's name?

8 A I don't recall if I did. I might have; yes. I
9 might have.

10 Q Did somebody from Criscola use Mr. Spangler's
11 name?

12 A No, I don't think so.

13 Q Why would you have told Mr. Vega?

14 A Because I was very interested in finding out why
15 I did not get that job.

16 Q So you were speculating to Mr. Vega?

17 A Yes. Kind of like trying to rattle it and find
18 out what fell out.

19 Q How soon after your conversation with Mr. Vega
20 did you speak with Mr. Spangler?

21 A I don't know if it was later on that day or the
22 next day, but it was just a short period of time.

23 Q What was your discussion with Mr. Spangler?

24 A He wanted to know who I had talked to or who had
25 told me that the job was not there. And I told him that I

1 thought it was A.R. Criscola.

2 Q Was it anyone at A.R. Criscola?

3 A I don't remember anybody specifically; no.

4 Q Did Mr. Spangler subsequently call you back?

5 A Yes, he did.

6 Q What did he report?

7 A He told me that he had pursued it and he could
8 find no one at A.R. Criscola at all.

9 Q Was Mr. Spangler trying -- did he explain to you
10 that he was trying to clear up what he thought was a
11 misunderstanding?

12 A Yes, he did. He was very good about it.

13 Q You had never met Mr. Spangler before that time,
14 had you?

15 A No, I had not. As I said, I got the name when I
16 talked to Mr. Bader. From my understanding, Mr. Bader
17 deals with Mr. Spangler, and in the conversation he had
18 told me that he had put on some personnel -- or a man with
19 Mr. Spangler in the audits branch. And then I also asked
20 about that and that's when Mr. Merritt's name came up.
21 For some reason Mr. Spangler's name stuck in my mind.

22 Q Does the name Anthony Lefler mean anything to
23 you in connection with Criscola?

24 A Anthony Lefler? No, it does not.

25 Q Did you send a resume to Criscola?

1 A Yes, I did. In fact I sent a couple of them.

2 Q What did they report back to you with respect to
3 Comanche Peak, if anything?

4 A With respect to Comanche Peak there was nothing.

5 Q What about with respect to Waterford?

6 A With respect to Waterford -- okay, now as I said,
7 I don't recall the name at Waterford. Criscola I sent a
8 resume to them for the South Texas project. I don't know
9 if they have any work at Waterford. I don't think I got
10 any word back on Waterford from them.

11 Q Who is the prime contractor of Waterford?

12 A I guess Jones is, aren't they? I don't know.
13 I'm not sure.

14 Q Do you know whether any job shoppers work at
15 Waterford?

16 A Yes, I do.

17 Q They do?

18 A The one that did the documentation review work
19 there. I don't -- yore, or whatever the contract name was.

20 Q When was that?

21 A That was back September, October, somewhere in
22 that area.

23 Q What does Mr. Merritt look like?

24 A He's tall and thin.

25 Q What color hair does he have?

1 A Brown, I think. I'm not sure.

2 Q Does he have any facial hair? Beard or mustache?

3 A I don't recall.

4 Q Does he wear glasses?

5 A I don't recall.

6 Q I believe you testified that you knew

7 Mr. Merritt in several contexts. The first was what

8 somebody from the Michigan job shopper reported to you?

9 A Yes.

10 Q The second was the Department of Labor

11 investigations on Mr. Dunham?

12 A Yes.

13 Q Would you describe your contacts with

14 Mr. Merritt in that context?

15 MR. ROISMAN: Objection. Asked and answered.

16 MR. WATKINS: I don't believe it has been asked

17 and answered. I think Mr. Mouser simply said, "Well, I

18 knew him from the DOL investigations under Mr. Dunham." I

19 want to get into the details.

20 JUDGE BLOCH: I don't have any more specific

21 recollection.

22 MR. ROISMAN: Well, I think you'll hear from the

23 answer why that's so. If you want to go through the

24 motions -- he's asking enough irrelevant questions as it

25 is without him asking the same questions twice.

1 JUDGE BLOCH: Let's hear what happens.

2 THE WITNESS: What was the question?

3 BY MR. WATKINS:

4 Q My question was would you describe your contacts,
5 actual contacts with Mr. Merritt in connection with the
6 Dunham proceedings?

7 A With the Dunham proceedings he was -- I think he
8 sat in on a couple of meetings that I was -- not so much
9 meetings, I guess they were conversations over what had
10 happened. I'm really not --

11 Q Who was in those meetings?

12 A The man from the Department of Labor -- well, no,
13 he wasn't in that one. He was in the one with all the
14 lawyers. I don't really recall.

15 Q How many times did you meet with him in that
16 connection?

17 A I think once, possibly twice. Very short
18 duration.

19 Q Is there any reason why you would think
20 Mr. Merritt would be angry with you in connection with
21 those meetings?

22 A No. I don't -- I don't recall.

23 Q So your feeling that there is some hostility
24 there has nothing to do with that, does it?

25 A I received the feeling of hostility, or upset

1 with me, from -- I guess it would be from the replacement
2 of Harry Williams. I guess that's the only thing I can
3 stick my finger on. It's just an uneasy feeling I
4 received from the man when I was around him. I dealt with
5 him many times in the hallways and different things.

6 Q What was Mr. Merritt's title?

7 A That I don't recall.

8 Q What was his job?

9 A He was with TUGCO management.

10 Q Was he often out in the reactor building?

11 A I have seen him a few times in the field. I
12 don't remember where it was, no.

13 Q You also mentioned Mr. Merritt in connection
14 with some procedures that there was some dispute about.

15 A Yes.

16 Q Would you describe that in more detail, please?

17 A Do you mean in the dispute or what?

18 Q The dispute. What led to Mr. Merritt's
19 participation?

20 A There were some procedures that were to improve
21 the operation -- I think as I testified previously, to try
22 to help out the project and to help out the job. And I
23 was told by one gentleman in the department that he had
24 some procedures that he could get his hands on that would
25 help, and this information was conveyed to Mr. Merritt.

1 And I told the gentleman at the time that I wanted the
2 procedures taken down and shown as a QC department as a
3 whole, not just one individual. I wanted to show the
4 coatings department as a whole was trying to help the
5 project, the site itself and get the project straightened
6 out.

7 Q Who was the individual?

8 A Jerry Artrip.

9 Q Were these procedures from another site?

10 A Yes, they were.

11 Q Did Mr. Artrip give them to Mr. Merritt?

12 MR. ROISMAN: Mr. Chairman, I object again. We
13 really did go over this.

14 JUDGE BLOCH: I do remember this. The same
15 thing came up yesterday. You asked it again. Are you
16 going to go into it in greater depth now?

17 MR. WATKINS: Yes.

18 JUDGE BLOCH: So it's just setting the stage?

19 MR. WATKINS: Yes.

20 JUDGE BLOCH: All right. Continue.

21 THE WITNESS: In the ultimate I don't know if he
22 got them from Jerry Artrip or not.

23 BY MR. WATKINS:

24 Q Do you know that Mr. Artrip gave those
25 procedures to John Crane?

1 A No, I don't.

2 Q Who was responsible for writing procedures at
3 Comanche Peak?

4 A The -- it would be the level 3 people.

5 Q Was Mr. Merritt responsible for writing
6 procedures?

7 A No.

8 Q Did he do so to your knowledge?

9 A They were interested in getting some procedures
10 to help out; yes. They were interested in getting the
11 program turned around; yes.

12 JUDGE BLOCH: I'm sorry, could you explain that
13 a little more? Mr. Merritt --

14 THE WITNESS: Mr. Merritt and Mr. Crane were
15 interested in getting some additional information on
16 additional ways of applying coatings -- not applying
17 coatings, but different systems that could maybe make the
18 work a little bit easier and make the work go a little
19 smoother on the project.

20 JUDGE BLOCH: Mr. Crane works directly with
21 Mr. Merritt?

22 THE WITNESS: That I don't know.

23 BY MR. WATKINS:

24 Q Did Mr. Merritt ever say to you that he was
25 upset because of these procedures?

1 A No, he did not.

2 Q What's your basis for saying that he was?

3 A As I previously testified, Thursday, that I got
4 it from the field, from some coatings people saying that
5 there was a little bit of hard feelings because of what I
6 had done with Mr. Artrip.

7 Q Hard feelings on whose part?

8 A Management, Mr. Merritt, somewhere in that -- it
9 was the superintendent's area.

10 Q Was Mr. Merritt's name mentioned?

11 A I think his name come up in conversations; yes.

12 Q You also mentioned Mr. Merritt in connection
13 with the barbecue.

14 A Yes.

15 Q In what -- did somebody tell you that
16 Mr. Merritt was upset because QC -- with you because QC
17 inspectors didn't show up at the barbecue?

18 A It wasn't so much in that term. It was that
19 they felt I could possibly get more people to come to the
20 barbecue and they thought that I might have dropped the
21 ball a little bit.

22 Q When was that barbecue?

23 A Sometime in August, I think.

24 Q Were you still a lead at that time?

25 A That I don't remember. Probably -- yes.

1 Probably was.

2 Q Mr. Williams was your supervisor?

3 A Yes.

4 Q Mr. Krisher was his supervisor?

5 A Yes.

6 Q Why weren't people upset with one of them
7 instead of you? Why single you out?

8 A That I don't know. Maybe they felt that I was
9 closer to the inspectors than the other gentlemen were.

10 JUDGE BLOCH: The question was asked by
11 Mr. Watkins a while back, how you knew that they were
12 upset with you. I don't think I know the answer.

13 THE WITNESS: From talking to the craft
14 personnel, some craft. They told me that.

15 JUDGE BLOCH: They told you --

16 THE WITNESS: Yes, they said the feelings were
17 there from -- they didn't feel I had done everything I
18 could do to promote that.

19 JUDGE BLOCH: It was the craft personnel, not
20 Mr. Merritt, who gave you that impression?

21 THE WITNESS: Yes.

22 JUDGE BLOCH: Did it have anything to do with
23 Mr. Merritt?

24 THE WITNESS: They said that he was unhappy.

25 JUDGE BLOCH: That Merritt was unhappy?

1 THE WITNESS: Yes.

2 BY MR. WATKINS:

3 Q Was Mr. Dunham also a lead inspector at that
4 time?

5 A Yes. He was on the backfit program; yes.

6 Q Were they upset with him?

7 A That I didn't know.

8 Q Can you recall having a personal discussion with
9 Mr. Merritt?

10 A I've talked with the gentleman; yes.

11 Q How many times?

12 A That would be hard to recall.

13 Q A few? Many?

14 A Yes. No.

15 Q Just the two of you?

16 A Yes.

17 Q What was the substance of those conversations?

18 A I don't remember. I think some of them dealt
19 with the job.

20 Q Did he indicate during those meetings that he
21 was angry with you?

22 A No. I don't think so. I don't recall.

23 Q Do you have any personal knowledge that John
24 Merritt doesn't like Evert Mouser?

25 A The only thing -- apparently he might like me

1 totally, but from a job aspect it might be different.

2 Q Would you explain that?

3 A He might not want me on the job for some reason.

4 Q Do you have any personal knowledge that that is
5 so?

6 A Actual, factual knowledge?

7 Q Yes.

8 A No.

9 JUDGE BLOCH: The comment you made about
10 Mr. Merritt on Thursday, which was a rather harsh comment,
11 based solely on the belief that he is interfering with
12 your getting a job?

13 THE WITNESS: Yes, from what was talked to me by
14 Mr. Bader and then just from what has been happening; yes.
15 It's a gut feeling; yes.

16 JUDGE BLOCH: It wasn't anything aside from that
17 that made you have that kind of an opinion?

18 THE WITNESS: Other than knowing the way people
19 react; no.

20 JUDGE BLOCH: I didn't understand that last
21 answer.

22 THE WITNESS: By knowing the way that the
23 project went, down there, when you brought news or was
24 part of a problem or something like that. There was --
25 the feelings were not that good towards you. That's the

1 reason why I had that gut feeling with the Lipinski report
2 and then with the barbecue and the way things went down
3 there.

4 JUDGE BLOCH: Mr. Watkins can clarify it further.

5 BY MR. WATKINS:

6 Q I want to know what the basis for your gut
7 feeling is. You have one comment from one job shopper,
8 and beyond that it seems to me got no personal knowledge
9 of what your saying is -- you think to be true.

10 MR. ROISMAN: Objection, he's arguing with this
11 witness without justification. He's just telling us what
12 he's going to argue in his findings, and I don't see any
13 reason why the witness should be subjected to it or why we
14 should all have to sit here and listen to it.

15 MR. WATKINS: Mr. Mouser used a somewhat harsh
16 word to describe Mr. Merritt.

17 MR. ROISMAN: That seems to be tough to
18 Mr. Merritt. He's told you what he knows.

19 JUDGE BLOCH: I think the objection only goes to
20 the form of the question, Mr. Watkins. You can ask
21 exactly the same question in a different form.

22 BY MR. WATKINS:

23 Q Other than your conversation with a job shopper
24 in Michigan --

25 MR. ROISMAN: I object before he even asks it.

1 The question has been asked and answered. I asked it he
2 answered it. You asked it and he answered it.

3 Mr. Watkins asked it and he answered it. And I don't
4 think it needs to be asked and answered another time. He
5 was even asked what is your personal knowledge and he
6 answered "none."

7 JUDGE BLOCH: Maybe you can pursue what he's
8 talking about, about these general feelings about the site.
9 He has answered it correctly. He has this feeling that --

10 MR. WATKINS: Well, he has a feeling. I'll
11 accept Mr. Roisman's objection that there is no other
12 basis for it.

13 MR. ROISMAN: He doesn't want to ask that
14 question. That's my redirect.

15 BY MR. WATKINS:

16 Q Mr. Lipinski called you in July and said he was
17 coming to the site. As I recall in your testimony -- is
18 that correct?

19 A Either he called me or I called him. We
20 conversed, yes.

21 Q As I recall he asked you to look around and
22 check out some areas that he could look into?

23 A He asked me to find out. Yes.

24 Q Did you tell him that you were not working in
25 the coatings department?

1 A He knew that.

2 Q How did he know that?

3 A I had talked to him previous to that when I went
4 down there.

5 Q Did you explain to him that, "Mr. Lipinski, it
6 may be hard for me to figure out what you should look at,
7 because I'm not in the coatings area"?

8 A No, I didn't say that to him. I told him I'd
9 find out what I could.

10 Q Did he say anything to indicate to you that he
11 knew that you were not in the coatings area?

12 A No, I don't think -- I don't think he did.

13 Q Did he ask you to gather any documents?

14 A No, I don't think he did.

15 Q You mentioned that you -- to meet his request,
16 you talked to Mr. Deschambeau and Mr. Artrip?

17 A Yes.

18 Q You had known Mr. Deschambeau from WPPS. You
19 had not known Mr. Artrip before that; is that right?

20 A That's right.

21 Q Why had you not talked to any of the other
22 inspectors you knew from WPPS?

23 A Because I just happened to run into those two
24 that day.

25 Q What did Mr. Deschambeau do at WPPS?

1 A He was a civil inspector, same as myself. Level

2 2.

3 Q Who did he work for?

4 A He worked for Bechtel.

5 Q Mr. Deschambeau said to you there are certain
6 areas into which he thought Mr. Lipinski should look?

7 A Yes.

8 Q Did you explain to him that Mr. Lipinski was
9 coming to the site?

10 A No, I did not. I told him we needed some
11 information.

12 Q You just said -- what did you ask
13 Mr. Deschambeau? Did you give a reason for asking him
14 what these -- the areas were?

15 A I think what it was is, I run into them there at
16 the base of the hill and asked them to look into or give
17 me an idea of where there might be some troubled areas
18 that somebody might look into. I think that's basically
19 the conversation.

20 Q Was it in the same conversation that he told you
21 what areas you should look into?

22 A No. Well, I think he told me at the time. Then,
23 also, I talked back, checked back with him later on. I
24 told him I would see him later on.

25 Q And, again, those areas were painter

1 qualifications, material traceability -- those two,
2 certainly. Any others?

3 A Traceability of materials, storage, painter
4 qualifications -- I think that's basically it. Yes, sir.

5 Q Did he elaborate? Did he say why those were
6 problem areas?

7 A No, he didn't.

8 Q He didn't mention ANSI requirements?

9 A I don't recall him saying anything like that; no.

10 Q Did he mention procedures?

11 A No.

12 Q Do you have any idea on what he based his
13 statement to you that these were problem areas?

14 A No, I don't. Other than maybe he felt that they
15 weren't being done correctly.

16 Q He didn't give you a basis on which to say that
17 they weren't being done correctly?

18 A No, he did not.

19 Q Did you have any judgment on what his basis was?

20 A No, I don't.

21 Q Did he mention then or later that the
22 identification problems were based on a difference between
23 the way things were done at WPPS and the way things were
24 done at Comanche Peak?

25 A No. I don't think there was anything of that

1 that entered it; no.

2 Q What was your opinion of Mr. Deschambeau as an
3 inspector?

4 A Mr. Deschambeau is a very good inspector.

5 Q Now, you reported back to Mr. Lipinski what
6 Mr. Deschambeau had told you. Do you recall whether you
7 called him or whether you told him when he arrived at the
8 site?

9 A I don't recall.

10 Q I believe you testified, and correct me if I'm
11 wrong, that you believe that Mr. Deschambeau, the problem
12 areas that he identified to you were shared by other
13 inspectors. Do you recall that?

14 A Yes.

15 Q What led you to believe that?

16 A From what he said.

17 Q What did he say that made you believe that?

18 A "We think this area should be looked into";
19 meaning, I took it, the other inspectors were involved in
20 it also.

21 Q Did he say -- excuse me -- did he say he had
22 talked to other inspectors?

23 A I don't recall that; no.

24 Q During your tour with Mr. Lipinski, I believe
25 you testified that you had -- you saw several things that

1 indicated possible problems -- perhaps not to you but to
2 him -- in protective coatings.

3 One was coatings on the dome, or outside the dome?

4 A Yes.

5 Q Could you describe those coatings?

6 A It was a white coating material that looked like
7 it had been -- like I said previously -- looked like it
8 had been dumped on the outside.

9 Q Is that material like roofing tar?

10 A Roofing tar? No, it was not.

11 Q Paint?

12 A It's paint.

13 Q Where were you -- where are these coatings? Is
14 it literally on the outside of the dome?

15 A It's down low, down near the ground. That's --
16 like I say, it looked as if it might have been dumped or a
17 bucket kicked over or something.

18 Q Do those coatings have any safety significance
19 whatsoever?

20 MR. ROISMAN: Asked and answered.

21 BY MR. WATKINS:

22 Q Did Mr. Lipinski know or indicate to you that he
23 knew that they had no safety significance?

24 A Yes.

25 Q Why was he concerned, then, about the quality of

1 those coatings?

2 A I don't think I ever said he was.

3 Q Did that observation, then, have anything to do
4 with workmanship as a problem identified in the trip
5 report?

6 A That I don't know.

7 Q You also testified that he saw coatings on a
8 weld just inside the door?

9 A Yes.

10 Q And that those coatings appeared to be thick?

11 A Yes.

12 Q Was that from visual examination?

13 MR. ROISMAN: Asked and answered.

14 THE WITNESS: Yes, it was.

15 BY MR. WATKINS:

16 Q Can you tell how thick they were by visual
17 examination?

18 MR. ROISMAN: Asked and answered.

19 MR. WATKINS: Your Honor, if you could ask
20 Mr. Roisman to control himself, please?

21 MR. ROISMAN: Your Honor, it is the questioner
22 who is not controlling himself. We went over the
23 testimony. We asked whether the outside paint was Q? He
24 said "no." We asked if he knew how thick it was? He said
25 "no."

1 JUDGE BLOCH: He also explained that you could
2 tell if you were an inspector; he testified it was hard to
3 do it, but if he was a trained inspector he could.

4 MR. WATKINS: I have a transcript --

5 JUDGE BLOCH: I couldn't have made that part up.
6 I remember it's that part of testimony.

7 MR. GALLO: I think this haggling should stop.
8 We can ask more questions in the time he's haggling about
9 it --

10 MR. ROISMAN: But if we establish the principle
11 he's not going to ask all these questions again, we can
12 save a lot more time.

13 BY MR. WATKINS:

14 Q Did you perform those measurements of the weld?

15 A No.

16 Q Is it difficult to perform those measurements on
17 a weld?

18 A On a weld it's almost impossible.

19 Q You mentioned runs and sags in your testimony,
20 but I'm not sure that it was in connection with the tour
21 of the plant that you took. Was it?

22 A I think we made note of some runs and sags in
23 roughly the same area.

24 Q Are all runs and sags in protective coating
25 unacceptable?

1 A No, they are not.

2 Q What determines whether they are acceptable?

3 A Their mil thickage, thickness in mils.

4 Q Did either you or Mr. Lipinski, during your tour
5 of the plant, measure the thickness of any of these runs
6 and sags?

7 A No, we had no instruments with us.

8 Q Did you have any way of telling whether they
9 were unacceptable per procedure?

10 A No.

11 Q Regarding the --

12 JUDGE BLOCH: Did you have any way of knowing
13 whether it was much worse than you had seen at other
14 plants?

15 THE WITNESS: Other plants you usually didn't
16 see much of any runs or sags -- any thickness millage of
17 runs or sags were removed.

18 BY MR. WATKINS:

19 Q At Comanche Peak, did procedures govern the
20 acceptability of runs or sags?

21 A I think they did; yes.

22 Q Do you remember what the tolerances were?

23 A No, I do not.

24 JUDGE BLOCH: At the time you went around with
25 Mr. Lipinski you didn't even know what those requirements

1 were, did you?

2 THE WITNESS: That's right. I did not.

3 BY MR. WATKINS:

4 Q Did Mr. Lipinski indicate that he knew?

5 A How thick they were?

6 Q No, that they were procedurally controlled?

7 A No. He did not know anything about the
8 procedures at that time.

9 Q Regarding the paint on the pallet --

10 A Yes.

11 Q -- were those class 1 coatings materials?

12 A I had no way to know that.

13 Q What kind of containers were the coatings in?

14 A I think they were in cans.

15 Q Do you remember how many cans there were?

16 A No, I don't.

17 Q Had these been class 2 or non-Q coatings, would
18 there have been paint mix slips attached to them?

19 A I don't recall.

20 Q Well, are class 2 coatings uncontrolled?

21 A Yes, they are -- well, to an extent, yes. It's
22 still a controlled coating. You still have to have a good
23 coating material, even if it's a lousy job.

24 Q Do they have paint mix slips attached to them?

25 A No, I don't think they do.

1 Q After ycu and Mr. Lipinski saw the coatings on
2 this pallet, did you later go to Mr. Haley and ask him
3 whether he knew what the story was on these coatings?

4 A At that time I did not even know Mr. Haley.

5 JUDGE BLOCH: Did you ask anyone at that time
6 about those uncontrolled cans?

7 THE WITNESS: No, I did not.

8 BY MR. WATKINS:

9 Q I would like you to refer to Mr. Lipinski's trip
10 report.

11 A Okay. Okay.

12 Q And I want you to think specifically of the time
13 period when he was on-site, in July.

14 A Yes.

15 Q In terms of your conversations with him, did he
16 explain to you what problems he had identified in terms of
17 material storage?

18 A No, he did not.

19 Q Did he explain to you specifically what problems
20 he had identified with workmanship?

21 A No, I don't think he did.

22 Q Did he tell you what specific problems he had
23 with painter qualification?

24 A No, he did not.

25 Q Did you discuss with him during that initial

1 site visit the process of painter qualification or
2 certification?

3 A I knew nothing of it.

4 Q Did you discuss with Mr. Lipinski ANSI
5 requirements?

6 A I don't think so.

7 Q Did you discuss with him coatings integrity?

8 A No.

9 Q When you walked around the site with
10 Mr. Lipinski, did he indicate, in connection, for example,
11 with that pallet of paint, surprise that there was no
12 status indicator tags on the coatings materials?

13 A I think he did mention something about that.

14 Q Were status indicator tags used at WPPS?

15 A Yes, they were.

16 Q They were not used at Comanche Peak; is that
17 correct?

18 A Not all cases. It was used on class 1 materials,
19 unless a tag was lost.

20 Q What do you mean by "status indicator tags" at
21 Comanche Peak, now?

22 A I mean mix slips.

23 Q Do "accept" and "reject" tags mean anything to
24 you with respect to coatings materials?

25 A Accept and reject tags?

1 Q Yes.

2 A Other than -- with coating materials other than
3 material that was received and no good. Material that was
4 received and okay had an accept tag on it; yes.

5 Q At Comanche Peak?

6 A I saw some tags, yes. Through the warehouse;
7 yes.

8 Q Can you remember the days of the week
9 Mr. Lipinski was on-site?

10 A No, I cannot.

11 Q Do you remember the dates?

12 A 20-something, -6th, -7th, -8th; something like
13 that.

14 Q You testified you remember seeing Mr. Lipinski
15 just as he was leaving the site?

16 A Yes.

17 Q And that he said, "Well, I'm leaving the site."
18 That's how you knew?

19 A Yes.

20 Q Do you remember taking any sick days that week?

21 A Yes, I was sick that week prior to -- when he
22 was first there on the site, in July? I don't recall
23 taking any sick days then; no. I took some in August.

24 Q If you want to think about it --

25 A I took some in August prior to taking over as

1 lead. I remember that. Because I was supposed to take
2 over one day and I was sick two days.

3 Q In August?

4 A Yes. Either one or two days.

5 Q Mr. Mouser, do you recognize this document?

6 A Yes, I do.

7 Q Is any of the handwriting on this document yours?

8 A If you can call the hen scratch on the top; yes.

9 Q Could you identify the markings, writings that
10 are yours on this document?

11 A Everything on the document that is mine is
12 across the top: payroll number, Social Security number,
13 employee name --

14 Q If you could slow down for the reporter. For me,
15 too.

16 A Location code and name, title, symbol, number,
17 SUB, stay code, the times from R 26 across to the 10th,
18 indicating the days of the week.

19 Q Okay. That's on the top, on the right-hand side?

20 A Yes.

21 Q The numbers, for example, starting at the left-hand
22 side, 10, and then 4, and 6 --

23 A Yes.

24 Q That's in your writing?

25 A Yes. That's in my writing. And then the

1 numbers down below that indicating days and the totals;
2 and that is it, along with the date "period ending."

3 JUDGE BLOCH: Can you read that entry, "Period
4 ending"?

5 THE WITNESS: No, I can't. It looks like --
6 something 10/83. And that's it.

7 BY MR. WATKINS:

8 Q What does this document represent?

9 A This is a time report.

10 Q Did you fill it out daily?

11 A Not really daily. I filled it out day prior to
12 being turned in; yes.

13 Q Now, on the -- is this a two-week time period
14 covered by this sheet?

15 A Yes.

16 Q And there's a separate sheet for every two-week
17 period during which you worked at Comanche Peak?

18 A Yes, there is.

19 Q Would you tell us what the numbers mean under
20 the box that says "record all time daily, overtime to next
21 quarter hour" under the 26th. The 26th is circled.

22 A Yes.

23 Q Does that mean that that is the date to which
24 the entry underneath applies?

25 A Yes. Well, that's the day of the week. 26, 27,

1 28, and 29th, and so on.

2 Q Those are the dates?

3 A Yes.

4 Q Of the month or the period for which this sheet
5 is filled out?

6 A Yes.

7 Q What does the "10" underneath the "26" mean?

8 A I worked 10 hours that day.

9 Q And going to the next day, what do the "4" and "6"
10 mean?

11 A That indicates I worked four hours straight time,
12 six hours overtime.

13 Q Under the "28," there's no entry at the top.
14 There is an entry at the bottom.

15 A Yes.

16 Q What does that mean?

17 A For the 28th, and the 29th, that indicates
18 excused absence with pay.

19 Q What was the reason for the absence?

20 A At that time I don't recall; probably sick or --
21 I don't know if there's a code on it -- 901, the code I
22 think represents sick leave.

23 JUDGE BLOCH: Do we know the time period? What
24 is the date? How do we know what the date ending is here?

25 BY MR. WATKINS:

1 Q Mr. Mouser, where is the entry for the
2 appropriate period for which this sheet covers?

3 A It has it on the top; says "Period ending, month,
4 day and year." It looks to be 3 or 8.

5 JUDGE BLOCH: So you think it may be 3 instead
6 of 8?

7 THE WITNESS: It looks like 3 or 8 -- I would
8 say maybe 8/10/83; I'll accept that.

9 BY MR. WATKINS:

10 Q Does this document refresh your memory as to
11 whether you were at work on the 28th?

12 A From the looks of things, no, I was not.

13 Q From the way in which you filled out these time
14 sheets, can you be sure by looking at this time sheet that
15 you were not at work on the 28th?

16 A If I had a day off I guarantee you I was gone
17 that day.

18 MR. WATKINS: Mr. Chairman, we move the
19 admission of a copy of this document into evidence.

20 MR. ROISMAN: Objection. I think the document
21 is unreliable. The only crucial entry on there to
22 identify it is illegible. The witness said he "would
23 accept that," which does not make it evidentiary. And to
24 me the fact that the 30th and 31st are crossed off is
25 equally consistent with the fact that that's February,

1 because there was no 30th or 31st, or that there's
2 something else there. But I don't think unless we can see
3 a document that shows what this is, that this is a
4 reliable document.

5 JUDGE BLOCH: Do do we know what the days of the
6 week were on the 30th and 31st of August?

7 MR. WATKINS: Mr. Chairman, somewhere here I
8 have a calendar, but Mr. Lipinski was on-site on Tuesday,
9 Wednesday, and Thursday, and Thursday was the 28th.

10 JUDGE BLOCH: Is there any way from your record
11 system to know which period this applies to?

12 MR. WATKINS: Mr. Chairman, the original or a --
13 this is not a copy of this document. This is for another
14 week. But the pink copy, or the original for all I know,
15 I am informed, are kept in New York. We would be
16 agreeable to having this copy bound in, subject to our
17 providing a copy of the original with an affidavit
18 certifying that it's a legitimate copy.

19 JUDGE BLOCH: Is there any explanation?
20 Mr. Mouser, do you know from custom at the plant why 30
21 and 31 would have lines through them?

22 THE WITNESS: Yes, sir. Those were days,
23 Saturday and Sunday, or day off. The way I filled out my
24 time sheet that indicated Saturday, Sunday, or day off.

25 JUDGE BLOCH: And if it were February, might

1 those have been crossed off too?

2 THE WITNESS: Yes, sir.

3 MR. WATKINS: That would depend on whether 1983
4 was a leap year.

5 THE WITNESS: I did not --

6 JUDGE BLOCH: That's true. Because then the
7 29th would appear crossed off also.

8 THE WITNESS: At the site I did not circle my
9 numbers or cross them out, but that would -- I know for a
10 fact that the gentleman who did the time sheets did it
11 that way. But myself, I did not put those marks on my
12 time sheet.

13 JUDGE BLOCH: Do you have any idea from practice
14 at the site why there would be two "8s" entered on the
15 28th and 29th, but "excused absence" on the left says "9,"
16 apparently?

17 MR. WATKINS: Perhaps you could have the witness
18 explain what the 9000 immediately to the left of the 901
19 is.

20 JUDGE BLOCH: What's the 9000 there on the left?

21 THE WITNESS: I think that's a pay category. Is
22 that right, Tom?

23 MR. WATKINS: Mr. Brandt, unfortunately, is not
24 testifying now -- or fortunately. Mr. Chairman, I have a
25 copy of a calendar here, if you are interested.

1 JUDGE BLOCH: Why don't we accept the offer on
2 the basis that it will have to be authenticated later with
3 an original that will show us what the date is.

4 Do you know? From looking at there do you know what
5 time period this covers, Mr. Mouser?

6 THE WITNESS: From looking at it, I would say
7 it's 8/10/83. Just --

8 JUDGE BLOCH: You are confident that that's what
9 it is?

10 THE WITNESS: I'd say it looks like 8/10/83.

11 JUDGE BLOCH: Is there any way of knowing from
12 the practice at the plant on what day a pay period would
13 end? Is there usually a day of the week on which a pay
14 period ends?

15 THE WITNESS: It was on the 10th -- 10th and
16 25th.

17 JUDGE BLOCH: Of any month? It doesn't help us.
18 It's not a day of the week. It's just a number.

19 THE WITNESS: The 10th and 25th of every month.

20 MR. ROISMAN: I was unclear whether the witness
21 testified whether the entries under "period end" were
22 written by him or somebody else?

23 JUDGE BLOCH: What would have been done by
24 somebody else?

25 MR. ROISMAN: I don't know who would have

1 written that particular entry? Is it the witness'
2 testimony that he wrote that entry or somebody else wrote
3 that entry, the "period end" entry?

4 THE WITNESS: Those are my numbers. "Period
5 ending," that is my writing; yes.

6 BY MR. WATKINS:

7 Q Mr. Mouser, are you familiar with a yearly
8 EBASCO field employee attendance record kept for employees
9 on-site?

10 A No, I am not familiar with one; no, I'm not.

11 Q Let me show you a copy of a document and ask you
12 if you can identify it.

13 JUDGE BLOCH: Could you have been scheduled to
14 be off on the 30th and 31st of August, which is a Tuesday
15 and Wednesday?

16 THE WITNESS: No. I worked Monday through
17 Friday.

18 JUDGE BLOCH: I see. So those could stand for
19 July 30th and 31st.

20 THE WITNESS: I do recognize this report now,
21 from looking at it. I do recognize this one he just
22 handed out.

23 JUDGE BLOCH: So it does stand for the period
24 August 10, 1983?

25 THE WITNESS: 1983 yearly employee attendance

1 field record. I do recognize that.

2 MR. ROISMAN: No. No.

3 JUDGE BLOCH: Does that help you to know whether
4 this other document is authentic?

5 THE WITNESS: Yes, this is made out by the
6 people in the office.

7 JUDGE BLOCH: And this corresponds with the
8 other one so that it establishes in your mind that the
9 other document is authentic for the period ending August 10,
10 '83?

11 THE WITNESS: Yes. It would. It shows 28 R
12 periods under August 28th and 29th.

13 JUDGE BLOCH: So we can admit it depending on
14 relevance later on, and have it bound in the transcript at
15 this point.

16 MR. ROISMAN: Mr. Chairman, I certainly don't
17 understand how that is a proper ruling. You have a
18 document which on its physical face is ambiguous about a
19 crucial entry in there and the original is not being
20 proffered. This is a Xerox. I stand on my right to see
21 the original and to have it not introduced in evidence
22 until I do.

23 JUDGE BLOCH: Mr. Watkins, that's correct, isn't
24 it? He should be able to see the original.

25 MR. WATKINS: I believe so. Let me ask one

1 question. There may be some difficulty extracting the
2 original from EBASCO in New York, but I will see what I
3 can do.

4 BY MR. WATKINS:

5 Q Mr. Mouser, do you know who gets the pink copies
6 of these sheets?

7 A I think the employee keeps the pink; doesn't he?
8 I'm not sure. I don't remember.

9 Q Did you keep any copies of your time sheets when
10 you left?

11 A Yes, I do.

12 Q Do you have them in your possession? I mean in
13 Midland?

14 A No, I do not. They are somewhere in the trash
15 between here and Texas.

16 Q So you didn't keep them, you did not?

17 A I kept them until I left the job.

18 JUDGE BLOCH: Between here and Texas?

19 BY MR. WATKINS:

20 Q Mr. Mouser, is this a multi-layered piece of
21 paper when you fill it out?

22 A Yes, sir, it is.

23 Q Do you recall how many copies there are?

24 A A number. I would say four.

25 Q Perhaps I could refer you to the lower right-hand

1 side of this thing where it says "distribution of copies."

2 A Okay. Four copies.

3 JUDGE BLOCH: We could possibly cut through this.

4 Do you have any recollection now, after seeing this form,

5 of what else you might have been doing on the 28th and

6 29th of August, other than being at the site?

7 MR. ROISMAN: July.

8 MR. WATKINS: That was my next question.

9 THE WITNESS: I recognize the form and it
10 indicates that I was sick at that period of time: "Off,
11 absence with pay."

12 JUDGE BLOCH: But you do not have any
13 recollection?

14 THE WITNESS: No. I do not recall.

15 MR. WATKINS: Mr. Chairman, we'll ask that the
16 copy be bound into the record. We will come up with
17 either the original top sheet -- do you remember what
18 color that was, Mr. Mouser?

19 THE WITNESS: Blue.

20 BY MR. WATKINS:

21 Q Not white?

22 A No.

23 MR. GALLO: I want to see the goldenrod.

24 THE WITNESS: I do not recall what the top copy
25 was.

1 MR. WATKINS: We'll attempt to come up with an
2 original, or perhaps, if this is the best we can do, one
3 of the simultaneous carbon copies here.

4 MR. ROISMAN: I do not consider the simultaneous
5 carbon copy -- if you take a look at the entry under "month,"
6 there's something written on the left-hand side of the
7 line dividing the entry. And it doesn't -- and it's not
8 an "8," whatever it is. If you can't see the original I
9 don't know how you are going to be able to discern that
10 from the copies. I do think authenticity -- Mr. Watkins
11 has been nitting and picking fairly extensively here, and
12 I'm going to return the favor. I want the original or I
13 want it not admitted.

14 MR. WATKINS: Mr. Chairman, I suggest we bind in
15 a copy and argue about the original later.

16 MR. ROISMAN: Let's get exhibit references on it,
17 if we can, please.

18 JUDGE BLOCH: We shouldn't argue about the
19 admissibility without the original until we find out that
20 there is an original. That's not proper.

21 MR. ROISMAN: Are we getting exhibit numbers?
22 There are two here. Are both being bound in?

23 JUDGE BLOCH: Are you binding both in,
24 Mr. Watkins, or just the one?

25 MR. WATKINS: I would ask the other one be bound

1 in as well, subject to the production of the original and
2 authentication.

3 JUDGE BLOCH: Mr. Mouser can't authenticate this
4 one, can he?

5 MR. WATKINS: I said "subject to authentication."

6 JUDGE BLOCH: I don't think they need numbers.

7 MR. ROISMAN: The others are numbered. We'll
8 always know we are referring to Mouser Exhibit X when we
9 have had this argument. I would appreciate them being
10 assigned numbers.

11 JUDGE BLOCH: Let's let the semimonthly employee
12 form be Mouser 2.

13 MR. ROISMAN: There is a 2 already.

14 JUDGE BLOCH: Mouser 3 and 4, the semimonthly
15 time report being 3.

16 (Mouser Exhibits 3 and 4 identified.)

17 (The document follows:)

18

19

20

21

22

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24

25

1983 YEARLY FIELD EMPLOYEE ATTENDANCE RECORD

DATE EMPLOYED

11/15/82

TM OCT 21

EMPLOYEE NAME

EVERT MOUSER

PAYROLL NO.

445-323

SOCIAL SECURITY NO.

518-60-5704

TITLE - JOB DESCRIPTION

FUNCTION TITLE

BRACKET NO.

FUNCTION CODE

BILLING TITLE

BILLING CODE

VACATION

ENTITLEMENT

CARRY-OVER FROM PREVIOUS YEAR

TOTAL ENTITLEMENT

TOTAL VAC DAYS CARRY-OVER TO NEXT YEAR

Record Time Deviation Only (See Code Below)

Record Time Deviation Only (See Code Below)																																TOTAL DAYS								
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	ABSENT WITH PAY		ABSENT WITHOUT PAY		LATE WITH PAY		LATE WITHOUT PAY		
																																	C/M	Y/D	C/M	Y/D	C/M	Y/D	C/M	Y/D
JAN							8 903											8 903														16	16	0	0					
FEB																																0	16	0	0					
MAR			8 901																													8	24	0	0					
APR	8 H																															0	24	0	0					
MAY													8 901													8 921		8 H				8	32	0	0					
JUN						2 903													8 901													11	43	0	0					
JUL			8 H										8 925															8 901	8 901				16	59	0	0				
AUG																																0	59	0	0					
SEP				8 H									8 903																			8	67	0	0					
OCT																																	0	67	0	0				
NOV																																	0	0	0	0				
DEC																																	0	0	0	0				

EXCUSED ABSENCE WITH PAY		ABSENCE WITHOUT PAY (RED ENTRY)		OTHER ABSENCES		TOTAL DAYS ABSENT WITH PAY					23038
* CODE	.900 - Job Related Injury	.911 - Occasional Illness	.921 - Personal Holiday					67			
	.901 - Occasional Illness	.912 - Extended Illness (Incl. Maternity)	.925 - Vacation								
	.902 - Extended Illness (Incl. Maternity)	.913 - Personal Business									
	.903 - Personal Business	.914 - Military Leave							0		
	.904 - Military Leave	.915 - Maternity Leave									
	.906 - Jury Duty	.916 - Job Related Injury	OTHER (RED ENTRY)								
	.907 - Funeral Leave	.917 - Funeral Leave							0	0	
	.908 - Late	.918 - Late	TM - Terminated								
	.909 - Special (time off at Xmas/New Years)	.926 - Vacation Without Pay	TR - Transferred								
							TOTAL DAYS LATE WITHOUT PAY				

* In coding use last two digits.

REMARKS:

MOUSER 4 SD
5 JAN 1983

1 MR. ROISMAN: I want to be clear so there's no
2 confusion on this, we feel if the time sheets are relevant
3 to the Applicant and if they wish to pursue that, that
4 they should -- that our position is going to be that
5 absent the sign-in sheets, which are a further check,
6 given the documentation difficulties that are associated
7 with these and lots of other documents here, that we will
8 still object because we do not yet have the complete
9 history, or story, if you will, of exactly what happened
10 with regard to Mr. Mouser on the day in question: Was he
11 or was he not at work. This is not the whole story, these
12 two pieces of paper.

13 JUDGE BLOCH: In other words, we do know that
14 there are time records kept, daily time records?

15 MR. ROISMAN: Correct.

16 MR. WATKINS: I'm not sure that's true. It
17 certainly is true of Brown & Root people. I don't know
18 whether it's true of EBASCO people or not.

19 MR. ROISMAN: They do, I believe, have to be
20 checked in or sign in when they come in the gate or else
21 my understanding of the security at the plant is much
22 different.

23 BY MR. WATKINS:

24 Q Mr. Mouser, do you remember signing in and
25 signing out?

1 A Yes, sir. There is a sign-in board for the
2 EBASCO personnel. The one that I signed in on was when I
3 was in the design change group right down in front of
4 Mr. Tolson's office. And then the one for the coating
5 department hung on the wall beside the door.

6 Q What were those sign-in sheets used for?

7 A Brown & Root used them for time. And the
8 supervisors used them for -- to make sure all the
9 personnel were there and were there on time.

10 Q Did you use them to fill in your time sheets?

11 A No, I did not.

12 Q Do you know whether they were retained, the sign-in
13 sheets?

14 A They were taken every day and I don't know if
15 they were retained or not.

16 MR. WATKINS: I think the answer to Mr. Roisman's
17 questions depends on whether these things actually exist.

18 JUDGE BLOCH: You didn't have a punch card in
19 and out?

20 THE WITNESS: No, we did not.

21 JUDGE BLOCH: Obviously it will depend on
22 whether you have kept those records.

23 I guess what you are asking for, Mr. Roisman, is that
24 it be the best evidence?

25 MR. ROISMAN: Yes.

1 BY MR. WATKINS:

2 Q Did you have to sign in at the gate when you
3 came in in the morning?

4 A Yes. We were -- well, not so much sign in, we
5 were brassed in. We were given a piece of round brass.

6 Q But was any time recorded, to your knowledge?

7 A Not at the main gate; no.

8 Q You testified that you have reviewed
9 Mr. Lipinski's direct testimony in this case, his prefiled
10 testimony?

11 A I have looked at it. I haven't reviewed it
12 extensively.

13 Q Did Mr. Lipinski indicate to you on his second
14 visit to the site, in August, that he considered you to be
15 the source for the problems listed in the trip report?

16 A I don't recall any conversation of that; no.

17 Q Has he ever indicated that to you?

18 A No recollection of it at all.

19 Q In reviewing the trip report, which you've done
20 at least once in this proceeding, and recalling your
21 conversations with Mr. Lipinski during the three days he
22 was on-site in July or at least the two days that he was
23 on-site, do you consider that you could have been the
24 source for the information contained in the trip report?

25 A Let me look at it here and I'll see.

1 MR. ROISMAN: I thought he went over this with
2 Mr. Treby.

3 THE WITNESS: No. I don't feel that I could
4 have been.

5 JUDGE BLOCH: Clearly, you could have been a
6 source; is that correct?

7 THE WITNESS: "A" source; yes. "A" source but
8 not "the" source.

9 BY MR. WATKINS:

10 Q When the trip report was taken from your desk --
11 I mean, when your desk was broken into, do you recall
12 having in your desk at the time a certification exam?

13 A No, I don't.

14 Q Certification exam for concrete inspections?

15 A No, I don't. I don't recall.

16 Q Do you recall going to Mr. Brandt and discussing
17 the break-in, in your desk, after it happened?

18 A Yes, I do.

19 Q What did you tell Mr. Brandt?

20 A I told Mr. Brandt that my desk had been broken
21 into and that two of the personnel evaluations were gone,
22 that I had in my desk.

23 Q Was this before or after you called security?

24 A I think this was after I called security.

25 Q So the first thing you did was to call security

1 and the second thing was to go tell Mr. Brandt?

2 A Possibly; yes. In that order.

3 Q Although you don't recall a certification exam
4 being taken, do you recall that a certification exam was
5 revised sometime after your desk was broken into?

6 A No, sir, I don't.

7 Q Did you administer certification exams?

8 A I had inspectors that did. And I -- I think I
9 did give them to them. I didn't have them sit down and
10 take them; yes.

11 Q That's what I meant. You were the coatings QC
12 supervisor. Did you administer the certification tests?

13 A Yes.

14 Q Did you grade them?

15 A I think they were given back to, oh, another
16 gentleman to be graded. I don't recall ever grading any
17 of them.

18 Q Did Mr. Fred Dunham have a desk in that separate
19 part of the trailer where you were, once you became a
20 supervisor?

21 A Yes, he did.

22 Q You hadn't mentioned that before. So it was you --

23 A Yes, I did mention it.

24 Q Oh, you did. Forgive me.

25 You and Mr. Brando and Mr. Fred Dunham had desks. Were

1 you the only three?

2 A Mr. Finn -- I don't know whether he was in the
3 trailer at that time or not. In fact I don't think he was.
4 I think it was just the three of us.

5 Q You mentioned only three inspectors did not tell
6 you that they had gone to the NRC two being Mickey Finn
7 and Jerry Brando, the third being Joe. Was that Joe Fazi?

8 A Yes, it was.

9 Q And it's your recollection that everyone else
10 told you that they had gone to the NRC?

11 A I had the feeling that they had. And that they
12 all talked -- I had things that the NRC would hear and
13 things like that. And Joe and Mickey and Jerry were the
14 only ones that didn't refer to that.

15 Q What did you mean when you said "go to the NRC?
16 What sense did you mean that in?

17 A Having a quality concern and taking it to the
18 NRC; letting them know about it.

19 Q The distinction I'm trying to make is did the
20 NRC or NRC investigators come to Comanche Peak to speak to
21 people during your time there?

22 A While I was there I don't recall any of them
23 coming and talking to the coatings people.

24 Q Do you recall them coming to the site at all?

25 A They came to the site and did an audit when I

1 was up on the hill, on the other group up on the hill.

2 Q Okay. When you say "went to the NRC" you mean
3 voluntarily approached the NRC rather than have the NRC
4 call them and say "I want to talk to you"; is that it?

5 A From my understanding they voluntarily went to
6 the NRC.

7 Q Okay. Did Bill Dunham tell you that he had been
8 to the NRC?

9 A I think he indicated that he had talked to them;
10 yes.

11 Q To you?

12 A I think it was around me at one time; yes.

13 Q Did Fred Dunham indicate that he had been to the
14 NRC?

15 A That I don't totally remember.

16 Q Did Don Davis indicate to you that he had been
17 to the NRC?

18 A I got the same feeling while I was around him;
19 also.

20 Q What did he say that gave you that feeling?

21 A It would be when they would be sitting in a
22 group and talking, you'd be conversing with them and
23 they'd say, well, the NRC this -- and one of the guys
24 would say yes, and some other things, too. Over here, I
25 needed to talk to them about -- just back and forth. I

1 took the feeling that they had gone to them.

2 Q Did Walter Elliott indicate to you that he had
3 been to the NRC?

4 A He was in the group at the same time they were
5 talking; yes. They did not come out and say: Hey, I went
6 and talked to the NRC. It was all an indication that they
7 had.

8 JUDGE BLOCH: Did you have share these feelings
9 with any of your supervisors?

10 THE WITNESS: No, I did not.

11 BY MR. WATKINS:

12 Q Did Houston Gunn indicate to you that he had
13 been to the NRC?

14 A Houston Gunn worked up in the shop and I don't
15 remember ever being around Houston and him indicating
16 anything like that; no. I'd have to say "no" to him.

17 Q Did Jim Hulein ever indicate to you that he had
18 been to the NRC?

19 A Again, he was in the group of inspectors.

20 Q That you heard talking about it?

21 A Yes.

22 Q Can you remember the specifics of these
23 conversations?

24 A No, I do not.

25 Q Can you remember whether you agreed or disagreed

1 with Merritt -- whatever it is that they were talking
2 about?

3 A No. I don't remember whether I ever agreed or
4 disagreed with them at all.

5 Q Did it concern you at all that they were talking
6 about it?

7 A Yes, it did.

8 Q Why?

9 A I felt that it should be brought to the site
10 first and talked there, instead of going directly to the
11 NRC. It should be handled by the QC department.

12 Q Did any of these inspectors come to you with
13 problems that they were discussing?

14 A They talked to me but nothing to the extent --
15 it's kind of like, hey, we saw this down here. And that
16 was about it. Very, very few of them.

17 Q Did you encourage them to do so?

18 A I told them if they had anything to say I would
19 be more than willing to listen and I was not going to go
20 and run up and tell everybody in management that they had
21 been to the NRC. In fact, at one time I told them when I
22 first took over, what you say to the NRC is between you
23 and them.

24 Q I believe you testified earlier today that if
25 you had to describe -- if you had to choose between an

1 inspector doing the job right or doing the job in the
2 timely manner -- what was the prevalent manner when you
3 took over the job as lead inspector; do you recall that?

4 A No, I don't.

5 Q Regarding the listing of qualified or certified
6 painters, was that something that was instituted while you
7 were in the coatings department?

8 A The list of them?

9 Q Yes.

10 A Prior to that time the inspectors indicated that
11 they had not readily seen a list on a regular basis.

12 Q Do you know whether there was such a list?

13 A When I got there, there -- we made it mandatory
14 to have a list.

15 Q Where did you keep it?

16 A It was given to the secretary and she maintained
17 the list.

18 JUDGE BLOCH: Okay. You had to take special
19 steps to see that that list was prepared?

20 THE WITNESS: I talked to the gentleman to make
21 sure that we had a copy of the list.

22 JUDGE BLOCH: Prior to that time you didn't --
23 did you -- do you know whether your predecessor had such a
24 list?

25 THE WITNESS: I don't know that. The inspectors

1 kind of indicated that they could find the list but they
2 had to go hunt it down.

3 BY MR. WATKINS:

4 Q Even with a list, was it necessary to check the
5 vault for additional certifications?

6 A We checked the vault also.

7 Q Why was that?

8 A Just to make sure. We checked the list against
9 the vault, make sure all the paper -- all of the paperwork
10 was indeed in the vault.

11 Q Was that because sometimes painters were
12 certified after the computer list was generated?

13 A No. It wasn't a computer list. It was a
14 handwritten list.

15 It was to verify that, yes, indeed, the inspectors or
16 the applicators were certified. And on a couple of
17 occasions I say we found where there was no paperwork in
18 the vault as of the time they were applying coating
19 material.

20 Q Regarding the storage of paint in the sun, where
21 are concrete -- at Comanche Peak, where were concrete
22 coatings mixed?

23 A Some of them were mixed in the coating shack,
24 out in the -- coating shack. And then there were some
25 mixed in the building, also.

1 Q When you say "the building," what building do
2 you mean?

3 A Inside the containment building itself.

4 Q Okay. So, with the sun -- would standing out in
5 the sun be a problem with respect to those coatings if
6 they were mixed in the reactor building?

7 A Prior to their being mixed together? Two
8 individual parts? That I don't know, if the sun would
9 hurt them prior to being mixed together, part A and part B.

10 Q Do you know what the maximum permissible
11 temperature is for coatings in storage at Comanche Peak?

12 A At Comanche Peak? I don't recall it.

13 Q Regarding the pot life of materials, of coatings
14 materials, how was CZ-11 applied at Comanche Peak? What
15 application method?

16 A It was spray applied.

17 Q Was agitation necessary?

18 A Yes, it was.

19 JUDGE BLOCH: I'm sorry, at what time was
20 agitation necessary?

21 THE WITNESS: All times, or it would settle.

22 JUDGE BLOCH: While it was being sprayed?

23 THE WITNESS: Even -- yes.

24 BY MR. WATKINS:

25 Q How did the procedures describe the pot life of

1 CZ-11?

2 A I think it gave a -- a maximum time of, say, two
3 hours at 90 degrees.

4 Q Did it -- excuse me. Go ahead.

5 A I think that's all I can, you know, recall.
6 Something like that.

7 It a time at so many degrees.

8 Q Do you recall the procedure discussing the
9 sprayability of the paint?

10 A Yes. It also said the basic viscosity, where if
11 the paint got to sprayability -- where you couldn't apply
12 the material, then it was past pot life.

13 Q Okay. Do you recall that was the definition of
14 pot life?

15 A Not totally I don't recall that. I think from
16 the -- I think from prior experience that it had to be the
17 temperature and time also.

18 Q From prior -- what prior experience?

19 A Prior experience on the other jobs.

20 Q Okay. So your -- you are making a comparison
21 between other jobs and Comanche Peak?

22 A Yes.

23 Q You are not sure, now, as to whether CZ-11 had a
24 pot life in terms of time, actual time?

25 A No, I'm not.

1 Q Hours?

2 A I'm just saying from prior experience.

3 Q Do you recall phenylene 305 being used at
4 Comanche Peak?

5 A Yes, the name is familiar.

6 Q As part of what systems, do you recall?

7 A I think you put CZ-11 down and then you put 305
8 on the top -- in the top coat.

9 Q On what kind of substrate?

10 A Steel.

11 Q How is 305 applied?

12 A Spray application also.

13 Q Was it generally thinned before application?

14 A Yes, it was.

15 Q To what extent?

16 A In some cases I think it was 50/50. It just
17 depends on the spray.

18 Q Was the thinning mixture procedurally defined?

19 A Yes, it was.

20 Q What -- do you recall what the pot life was for
21 a 50/50 mix of phenylene 305?

22 MR. ROISMAN: Objection. I don't know why the
23 witness' recollection of procedure given the board's
24 ruling that the witnesses do not testify about procedures,
25 the testimony it in, unless Mr. Watkins will make some

1 proffer as to why it matters whether the witness can
2 testify or not.

3 JUDGE BLOCH: I believe he already testified --

4 MR. ROISMAN: I believe all the testimony was
5 and questioning was designed to find out whether pot life
6 had any bearing, and not as to any specific paint. No one
7 has ever identified any specific paint, at least in
8 questions that I asked.

9 JUDGE BLOCH: It's the question the board asked,
10 I'm afraid. And there were no objections at that time.
11 He testified to about a two-hour pot life on the sink,
12 longer on the epoxy.

13 MR. ROISMAN: I suggest we just gets the
14 procedure in and it will speak for itself.

15 JUDGE BLOCH: I think that is smart. It saves a
16 lot of time.

17 MR. WATKINS: We are going to put the procedure
18 in but the witness testified, regarding the trip report,
19 for example, that he had some problems regarding the way
20 materials were stored and traced and I'm trying to get at
21 the basis for those. I think it's entirely an appropriate
22 basis for the question.

23 JUDGE BLOCH: The basis for his belief there
24 were problems in storage and traceability?

25 The real question that's being litigated here, I guess,

1 is the basis for Mr. Lipinski's belief and whether or not
2 he made a good faith determination to agree with the
3 Applicants.

4 MR. WATKINS: Your Honor, I suggest you were
5 correct the first time when you described the scope of the
6 interrogation that's already been conducted.

7 JUDGE BLOCH: I think it is in and it is
8 discovery also, so let's continue.

9 MR. WATKINS: Sure.

10 MR. ROISMAN: Continue to note my objection. I
11 don't think, with all due respect, what you said and
12 certainly not what Mr. Watkins said, explains why it
13 matters whether the witness does or does not remember the
14 actual pot life time or temperature requirements for a
15 particular piece of paint. And I don't he testified
16 anything with regard to material traceability that
17 identified some particular paint or that he said that he
18 based it upon knowing a particular temperature. Didn't
19 say anything about that.

20 MR. WATKINS: Mr. Mouser has testified as to pot
21 life.

22 MR. ROISMAN: That it's relevant. Not that some
23 particular paint's pot life was flawed in some way that he
24 saw; which is what the line of questioning has to do with.

25 MR. TREBY: Are we involved in a motion of

1 reconsideration of the board's ruling?

2 JUDGE BLOCH: Let's go ahead. I think we'll
3 save a lot more time if we just go ahead with it.
4 Assuming -- how much time are we going to spend asking
5 questions about plant procedure? Is it going to be a lot
6 of time from here on out?

7 MR. WATKINS: Mr. Chairman, Mr. Mouser has
8 expressed some concerns. He says he had about some
9 technical matters at the plant.

10 JUDGE BLOCH: Yes, that's right. But to the
11 extent you have the procedures, the procedures impeach the
12 testimony. You don't have to get into impeachment.

13 MR. WATKINS: Mr. Chairman, I can't see that
14 that's a basis for limiting my examination of the witness.

15 JUDGE BLOCH: Let's go ahead. This is a
16 discovery deposition.

17 BY MR. WATKINS:

18 Q Mr. Mouser, do you have the foggiest idea of
19 what the question was?

20 A No idea at all.

21 JUDGE BLOCH: I don't either.

22 MR. WATKINS: Well I don't either, Mr. Chairman.
23 Mr. Reporter, can you find the question?

24 (The reporter read the record as requested.)

25 JUDGE BLOCH: Let's take a seven-minute break

1 now.

2 (Recess.)

3 MR. WATKINS: There is a pending question.

4 THE WITNESS: I'm not sure. I don't know

5 offhand.

6 BY MR. WATKINS:

7 Q Do you recall whether it was procedurally
8 described?

9 A I think it was.

10 Q Now, you expressed some concern about the
11 process of painter qualification. Do you recall whether
12 Comanche Peak was committed to a national standard which
13 describes these panels and the certification process?

14 A I think it's described in the SSPCs, that's the
15 painting council.

16 Q You described some concern about the use of
17 panels with attached I beam and L beams. Were those not
18 used at Comanche Peak?

19 A There were some panels that had -- did not have
20 those on there, or had maybe just one, one angle, or, like,
21 one piece of channel or one pipe penetration.

22 Q Do you recall when those were used, in what
23 circumstances the ones with the attachments were used?

24 A What I recall is that -- what I previously
25 testified to is that at one time they were using the ones

1 for the applicators that were going to be putting coating
2 on in the areas where there was just liner plate with no
3 attachments to it. And those are just the flat panels.

4 They also used panels with, like, one single pipe
5 penetration on it.

6 Q Do you know whether the angles and pipes had
7 been removed from panels for certification purposes?

8 A I was told by Houston Gunn, up in the paint shop,
9 that some of the angles and penetrations were removed.

10 Q How did they conduct painter certification at
11 Hanford, at WPPS 2?

12 A How did they conduct it? The applicator was
13 picked by the superintendent to do the -- the one to do a
14 certain operation.

15 They were put out with a panel, they blasted the panel
16 to whatever their procedure called for that they were
17 working to; they had to have a copy of the procedure they
18 would be coating to in their possession. The blast was
19 checked by the QC man. Then there was a prime coat put on,
20 it was checked by a QC man. And then the finished coat
21 was put on and again it was checked by the QC man. The
22 environmental conditions and everything was checked as
23 though it was a regular finished quality product.

24 There was also panels made up, it was 5 foot tall,
25 roughly, in my mind, and say 4 foot wide. It had an angle

1 running clear down one side and a pipe penetration or two
2 on the other side.

3 Q Is your criticism of the qualification, painter
4 qualification program at Comanche Peak based principally
5 on the differences between WPPS 2 and Comanche Peak?

6 A No. I think in that painting council it calls
7 out to have a certain -- certain things on the panel. I
8 think at the time my concern was I didn't feel that they
9 were doing it like it was on that painting council.

10 Q You say "painting council" --

11 A SSPC.

12 Q Excuse me -- SSPC.

13 When Mr. Brandt sat down with you to discuss the
14 question whether of QC supervision or qualification was
15 necessary, he showed you the ANSI standard?

16 A Yes, he did.

17 Q Were you left with the feeling that ANSI
18 requires QC supervision?

19 A Not so much -- well, I was left with the feeling
20 that ANSI required the craft to certify the people. And
21 my own personal feeling is that QC should be there.
22 That's my own personal feeling; yes.

23 Q Okay. Now the craft were certifying the
24 painters; is that correct?

25 A Yes.

1 Q At Comanche Peak?

2 A Yes.

3 Q Okay. Was your feeling that QC should supervise
4 based on a difference between WPPS 2 and Comanche Peak?

5 A No. I felt that an inspector should certify it
6 because he's the man that's going to be inspecting it in
7 the field and that the procedure that they would be
8 applying to, the inspector would be doing the inspection
9 to that. I felt that if a man could paint it and make a
10 good panel in the shop under ideal conditions, then the
11 possibility of him being able to apply it in the field
12 would be satisfactory also.

13 Q But that was your feeling and it was not
14 required, to your knowledge, by a standard or reg guide or
15 regulation?

16 A To my knowledge, I don't recall it being
17 required to have a quality man inspect the panel.

18 JUDGE BLOCH: Were there paint supervisors
19 trained so they could make the required inspections to
20 determine whether the paint samples were adequate?

21 THE WITNESS: I don't know whether there's a
22 training program for them or not. They had their own
23 instruments to inspect with. But they got their -- to my
24 knowledge, their instruments were not calibrated,
25 controlled like the QC inspector's instruments.

1 BY MR. WATKINS:

2 Q Regarding the backfit -- or the records that you
3 had in your trailer, the older records --

4 A Yes.

5 Q -- is there any, or was there any at Comanche
6 Peak, time limit, by which an unsat report had to be --
7 let me start that question over again.

8 If an unsat report were written, is there any time
9 within which the condition identified as unsatisfactory
10 had to be repaired or resolved?

11 A I don't recall any time limit; no.

12 Q Were these records inspection reports or were
13 they checklists or were they both?

14 A They were, I think, both: Inspection reports
15 and checklists.

16 Q What were the checklists?

17 A The checklist covered the items you should check
18 prior to or during an inspection or prior to an inspection.

19 Q Were the checklists used at a different period
20 at Comanche Peak than the IRs?

21 A Would you repeat that again, please?

22 Q Were they used, were checklists used at the time
23 that you were on the site, working in the coatings
24 department?

25 A Yes, there were some; yes.

1 JUDGE BLOCH: Was the checklist different from
2 the IR?

3 THE WITNESS: The checklist was, I guess you
4 could say, a traveled record -- it went with the IR.

5 BY MR. WATKINS:

6 Q I believe you testified that with respect to the
7 air supply for the compressor that at some later date they
8 installed filters?

9 A I think it was filters; yes.

10 Q Do you know whether filters and water separators
11 were normally required to be installed in the compressors?

12 A You mean for coating?

13 Q Compressors for use in coatings; yes.

14 A The other projects that I had been on, I had
15 seen water separators and filters installed; yes.

16 Q So those were in use?

17 A Yes, sir. They were put into use after that;
18 yes.

19 Q Were they in use prior to that time?

20 A That I don't know.

21 Q You referred to an incident that I believe
22 involved Mr. Williams preparing a floor? Some coatings on
23 a floor?

24 A Yes.

25 Q Was that in the skimmer pump room?

1 A I don't recall. I was not there and what it was
2 was told to me by the inspectors.

3 Q Was that Mr. Williams or Mr. Wallace?

4 A I think it was both of them. You know -- not
5 being there --

6 Q You have no personal knowledge of that event?

7 A No, I do not.

8 Q Regarding the document that is affixed to class
9 1 --

10 JUDGE BLOCH: One second, before we leave that?
11 Do you know that the incident that we are talking about
12 took place in the skimmer pump room?

13 THE WITNESS: I don't recall what room it was.
14 It was a floor on a room.

15 BY MR. WATKINS:

16 Q I think you were asked about -- I think the
17 Chairman asked you a question about travelers in
18 connection with mixed coating materials.

19 A Yes.

20 Q And you said you don't recall a traveler system.

21 A For coatings.

22 Q For coatings. What was the term used for the
23 document that was affixed to the mixed container of -- the
24 container of mixed coating materials?

25 A Mix tag, I think is what they called it.

1 Q "Paint mix slip"; does that ring a bell?

2 A Paint mix slip, mix tag --

3 Q Who fills out the paint mix slip?

4 A The inspector at the shop.

5 Q Does the inspector sign the slip?

6 A Yes, it think he does.

7 Q Does he note the date and time of his witnessing
8 the mix?

9 A Yes.

10 Q How is the paint mix slip used once the
11 materials have been transported to wherever they are going
12 to be used?

13 A That was the indicator to the QC man when it was
14 mixed, exactly what it was, and whether it was indeed
15 inspected by QC at the mix point.

16 Q Let's say we have a container of materials that
17 has been mixed in the shop. It has now been transported
18 out to the site and the painters are ready to paint.

19 Is there any information on the paint mix slip that is
20 required to be entered on the inspection report for that
21 coatings process?

22 A Yes, there is.

23 Q And is that invariably required?

24 A Yes, it is.

25 Q If a paint mix slip were missing, what would

1 happen?

2 A There would be no way to enter those numbers or
3 that information.

4 Q In other words, an unsat report would be written;
5 is that correct?

6 A Most likely the material would not be used.

7 Q Do you recall that normally the paint cans have
8 handles so that these tags could be affixed or tied?

9 A Some of the containers had handles. It was kind
10 of -- the ones that the material originally came in had
11 handles on them. I don't recall whether they were a fixed
12 to the handles or directly to the bucket.

13 Q You recall them being taped to the containers?

14 A That sticks in my mind; yes.

15 Q I believe you discussed with Mr. Roisman the
16 ratio of certified painters to the total number of
17 painters on the site. And you indicated this morning, I
18 believe, that if you had your druthers, 400 of the
19 painters would have been certified; is that correct?

20 A Yes.

21 Q Is there any requirement, of which you are aware,
22 as to the set number of certified painters that must be at
23 a site?

24 A I know of no number at all.

25 Q So far as you were concerned, as a QA/QC

1 supervisor, could there have been only one certified
2 painter?

3 A That would have been satisfactory.

4 Q Does the number of certified painters have any
5 effect on quality?

6 A I would say yes, and no.

7 Q In what sense would you say "yes"?

8 A That, if you had more than -- if you had a fair
9 number of certified painters, it would be -- you would get
10 a better job because you wouldn't be wearing your painters
11 out. If you did not have a fair number and then again you
12 would not be getting a good quality product because you
13 would be working them too much.

14 Q Okay. That's on the craft side, then?

15 A Yes.

16 Q Presumably if the coatings were -- they were too
17 few and if the painters were overworked, the
18 unsatisfactory quality of the coatings would be identified
19 and it would have to be fixed; is that correct?

20 A Yes.

21 Q Who was responsible for deciding how many
22 certified painters there should be at Comanche Peak?

23 A The superintendent.

24 Q Is that of craftsmen?

25 A Yes, it is.

1 Q Does QC necessarily have any input into that
2 decision?

3 A Other than making suggestions; no.

4 Q If there had been 400 certified painters at
5 Comanche Peak, is there any way that QA/QC could have kept
6 up?

7 A No way at all.

8 Q Which inspectors got preferential parking?

9 A The ones that worked for the contract shop out
10 of Dallas.

11 Q Is this QC coatings inspectors?

12 A Yes, I had one QC coatings inspector.

13 Q Who was that?

14 A He worked with me up on the hill and he was
15 transferred down and trained as a coatings inspector. But
16 I can't recall the man's name.

17 Q You discussed, after you became the coatings QC
18 supervisor, your relationship to the inspectors that were
19 on night shift. Was there a formal decision that they
20 would report to you and to you only actually made?

21 A On talking to Mr. Brandt; yes.

22 Q Who is --

23 A And, if there was any major problems, the second
24 shift supervisor would take care of those at the time.

25 Q So they didn't call you in the middle of the

1 night?

2 A Right.

3 Q Who was the night shift supervisor?

4 A At one period of time it was Mr. Randall.

5 Q Were there other periods of time?

6 A Yes. The other was a gentleman by the name of
7 Mike Foote.

8 Q Do you have any knowledge of the circumstances
9 under which Texas Utilities obtained O.B. Cannon?

10 A No, I do not.

11 Q Do you have any knowledge as to the scope of the
12 job they were supposed to do?

13 A No, I do not.

14 Q Do you know whether other people than
15 Mr. Lipinski was involved?

16 A I was introduced to another gentleman by the
17 name of J.J. Norris.

18 Q Do you know what his job was?

19 A No, I do not.

20 Q Do you have any knowledge of the method by which
21 O.B. Cannon was to communicate its findings and
22 conclusions or observations to Texas Utilities?

23 A No, I do not.

24 Q Your understanding that a letter, a formal
25 letter from O.B. Cannon would eventually be sent to Texas

1 Utilities, after you saw the trip report, was based, then,
2 on what?

3 A On that was the standard mode of operation by
4 most consultants that I have dealt with over the years.

5 Q Okay. Is that based on your experience at WPPS?

6 A WPPS, Department of Energy, dam projects.

7 Q I believe you testified that twice during your
8 time in the coatings QC area, uncertified painters applied
9 coatings?

10 A Yes, I recall two times; yes.

11 Q How did that matter come to your attention?

12 A It was brought to my attention by the inspectors.

13 Q Did they write unsat reports?

14 A I think we wrote unsat reports followed with a
15 nonconformance report.

16 Q What did procedures require with respect to the
17 certification of painters?

18 A What did the procedures require with respect to
19 the certification of painters?

20 Q Yes.

21 A I don't understand the question.

22 Q Well, like painters had to be certified for
23 class 1 coatings; right?

24 A Yes.

25 Q Was it appropriate that the inspectors brought

1 this to your attention?

2 A Yes, it should be.

3 Q Are these the only two times that it happened,
4 to your personal knowledge?

5 A That's the only two times I recall; yes.

6 Q And in both cases the solution was to strip the
7 paint from the wall and do it again?

8 A I don't recall if the coating material was
9 removed. I know one time it was. I think the other time
10 the lag in paperwork was what was the problem.

11 Q Could you explain that?

12 A The man had been certified or he was told he was
13 certified by the superintendent and put to work
14 immediately. And it turned out there was no paperwork in
15 the vault for the time period that he was working and it
16 was brought to the craft's attention and at that time
17 documents were put in the vault.

18 Q Does that mean the painter was certified when he
19 applied the paint?

20 A Yes. He was -- well, he actually applied it one
21 day and it was brought to the attention and the paperwork
22 was put in the vault showing that yes, indeed, he was
23 certified on that date.

24 JUDGE BLOCH: I'm sorry. Where was that
25 paperwork found, do you know?

1 THE WITNESS: I don't know where it was found.
2 It was brought to the attention of the craft and they said
3 they had it so they got it to the vault.

4 JUDGE BLOCH: So your belief is that it was
5 found, not created?

6 THE WITNESS: I would like to believe that it
7 was found; yes.

8 BY MR. WATKINS:

9 Q Do you have any basis on which to say that it
10 was found -- just -- that it was falsified in any way?

11 A No. Like I say, I want to feel that it was
12 found, not falsified. I have no belief in either
13 direction.

14 Q What were the circumstances in the other case?

15 A Circumstances in the other case is the gentleman
16 was not certified. He was put to work by a foreman. And
17 he was told to get up there and start painting, which he,
18 indeed he did do. And it was brought to my attention, the
19 NCR unsat report was written and the wall was stripped the
20 following day.

21 Q Do you recall whether, in the case where the
22 documentation was missing, whether an inspector named
23 Corry Allen identified that situation?

24 A It could have been any of them.

25 Q You don't remember?

1 A I don't remember.

2 Q You have testified that if -- I think your
3 example was DFT readings --

4 A Okay.

5 Q -- an inspector wanted to flunk a wall he could
6 do it?

7 A Yes.

8 Q Whether the wall was really acceptable or not?

9 A Yes.

10 Q Did you know inspectors to do that?

11 A I knew inspectors to take very large amount of
12 readings. And in turn, the wall would fail; yes.

13 Q Were the number of samples, DFT readings,
14 procedurally described?

15 A Yes, it was.

16 Q Were these inspectors taking readings in excess
17 of that number?

18 A I think the procedure calls for a minimum of so
19 many tests. That's what the procedure calls for.

20 Q Were these being unreasonable?

21 A In my judgment, you do this to assure that you
22 feel the wall is satisfactory. Up to that time I didn't
23 ever know an inspector to take that many readings, so at
24 that time I felt he was a little bit out of reach on what
25 he was doing; yes.

1 Q Was this just one inspector or were there more?

2 A I recall one right offhand.

3 Q Who was that?

4 A Mr. Miller.

5 Q I believe you testified with respect to the
6 curing of CZ-11, that you were called upon to resolve
7 disputes between inspectors and the craft.

8 A Yes.

9 Q To save time, I'll give you the example that I
10 remember and please correct me if I'm wrong. That the
11 inspector would say that the coatings were not
12 sufficiently cured; that the coatings passed the nickel
13 test, but that the inspector said that more time is
14 necessary to cure the coatings. Is that correct?

15 A It was not so much passed the nickel test, it
16 was his opinion of the nickel test. He said, in my
17 opinion the nickel test is not right. In the opinion of
18 the craft it was.

19 Q How many times did that happen during your
20 period in the coatings department?

21 A There was a couple of times that I recall.
22 Possibly three.

23 Q Did you -- excuse me?

24 A Two, possibly three.

25 Q How did you resolve those disputes?

1 A The first time I had nothing to do with it.
2 Mr. Williams was involved with it so I didn't resolve that
3 one!

4 The other time I did indeed tell the craft: Tough
5 cookies, guys; cure it some more.

6 Q Did you witness the nickel test being performed?

7 A Yes, I did.

8 Q I thought I remembered the context of your
9 testimony on that point was the craft said: Well, we'll
10 let Mr. Brandt or Mr. Tolson take care of the problem and
11 they went ahead and applied top coat anyway; is that
12 correct?

13 A In one case it was.

14 Q Which case?

15 A I think the one on the liner plate up on the
16 building. I don't know the exact area. I remember the
17 one case where they said we are going to go ahead and
18 apply it and if it's not correct we'll come back and take
19 it off.

20 Q Was that the one that you were involved in or
21 the one that Mr. Williams was involved in?

22 A Mr. Williams was involved with the one out at
23 the shop. I was involved with that one.

24 Q This is the one where you said "tough cookies"?

25 A I said I have to agree with the inspector, it's

1 his judgment.

2 Q All right. Was an unsat report written in that
3 case?

4 A Yes, it was.

5 Q Did they apply a top coat, anyway?

6 A Yes, they did.

7 Q Under the procedures was that a nonconforming
8 condition?

9 A Yes, it was.

10 Q How was that matter resolved?

11 A I think there was a nonconformance written on it.

12 Q What event finally happened; do you know?

13 A I think the material was checked and I think it
14 was -- I think the top coat was removed.

15 Q So that is not a case in which the craft said
16 "We'll go to Brandt and Tolson and get it taken care of,"
17 and they did?

18 A They did say they would get it taken to Brandt
19 and Tolson and get it taken care of. They did go to
20 Brandt and Tolson, but they did not get it taken care of.

21 Q In your experience with Mr. Brandt, did he side
22 with you more often? Or did he side with the craft in
23 those kinds of disputes?

24 A It was more of a 50/50 basis.

25 Q Do you feel that he generally supported you as a

1 QC lead and a QC supervisor?

2 A Yes.

3 JUDGE BLOCH: What made putting the top coat on
4 top of an unsatisfactory surface a conforming condition
5 rather than a condition to be placed on an unsat on an IR?

6 THE WITNESS: It made the wall underneath, the
7 coating underneath, indeterminate.

8 JUDGE BLOCH: Okay. So it's your opinion that
9 any time a condition is indeterminate, it should not only
10 be on the IR, it should be an NCR?

11 THE WITNESS: Yes.

12 BY MR. WATKINS:

13 Q What did Comanche Peak procedures provide with
14 respect to IRs and NCRs in the coating area?

15 A Would you repeat that?

16 Q Did the procedures describe when an unsat IR
17 should be written and when an NCR should be written?

18 A Yes, it did.

19 Q What did they provide?

20 A It said when an item was fixable, an unsat
21 condition should be written and when it was indeterminate
22 an NCR should be written.

23 Q Was that true throughout the period that you ran
24 the coatings department?

25 A Yes, it was.

1 Q I believe you testified that you invited the
2 inspectors and they did write you three-part memos with
3 respect to conflicts with the craft. Do you recall that?

4 A Yes.

5 Q Was that program in effect prior to the time
6 that you moved to the coatings department?

7 A Not to my knowledge.

8 Q Do you recall the reason, the specific reason
9 that the inspectors were encouraged to write three-part
10 memos?

11 A One reason was is to show them that yes, indeed,
12 we were interested -- that I was interested in finding out
13 what went on and that I would say: Okay, this has
14 happened a number of times and show them in black and
15 white that it had happened and get a solution for it.

16 Q Was craft complaining that QC wasn't getting
17 their job done quickly enough?

18 A Yes, they were.

19 Q Was it also true that inspectors were answering
20 call board assignments, and the craft wasn't ready for the
21 inspection?

22 A Yes, it was.

23 Q And was that one of the reasons? Was that one
24 of the phenomena documented in these three-part memos?

25 A In some cases; yes.

1 Q I recall your reluctance to mention a name, and
2 I'm sensitive to that. As to the person that broke into
3 your desk.

4 MR. WATKINS: And, Mr. Sims, if you want to go
5 off the record or object, I just want you to anticipate.

6 I don't want the name but I do want you to tell me, if
7 you can, whether this was another inspector or whether it
8 was, in your view somebody in management or just give me a
9 flavor for who it was that you think broke into your desk?
10 And I'm duly sensitive to your concerns.

11 MR. SIMS: Let me just clarify, and I think
12 you'll recall that this was the witness' testimony
13 previously. It's that he doesn't know the name of an
14 individual, that he might have some idea of a group of
15 people that might have been involved. He doesn't have any
16 direct information as to whether they were. And he
17 couldn't, even if he could identify the group he couldn't
18 really pick out a person among the group.

19 But I think, you know, with that -- that's obviously my
20 restatement of what he said before but I think it's
21 accurate.

22 JUDGE BLOCH: Mr. Mouser, is that right?

23 THE WITNESS: Yes.

24 MR. SIMS: With that, if he has anything to add,
25 or to restate his notions of who might have been involved

1 or what factors might have led him to have an idea of who
2 might have been involved, that's fine.

3 I appreciate the board's recognition of the sensitivity
4 of the issue because Mr. Mouser works in this industry,
5 has worked in the industry, has hopes of working in the
6 industry in the future, and it would be, obviously, very
7 awkward without having any direct evidence to try and
8 identify particular individuals as having been involved in
9 what could, I suppose, be a criminal act.

10 JUDGE BLOCH: Do you suspect inspectors?

11 THE WITNESS: Yes, sir; I do.

12 MR. WATKINS: That answers my question,
13 Mr. Chairman.

14 JUDGE BLOCH: That's why I asked it.

15 MR. WATKINS: Thank you.

16 BY MR. WATKINS:

17 Q Mr. Lipinski -- Mr. Mouser, if you could turn
18 back to Mr. Lipinski's trip report, please. On page 3,
19 did Mr. Lipinski ever discuss with you during his initial
20 three-day visit, comparison between Comanche Peak and
21 Zimmer?

22 A I do not recall anything about that.

23 Q Do you know what it was at Zimmer that was
24 problematic from a coatings perspective?

25 A From my understanding, the paperwork was what

1 Zimmer had problems with on everything. That's the only
2 thing I know about Zimmer, was the paperwork.

3 Q Did you form any judgment about whether Comanche
4 Peak and Zimmer are comparable with respect to paper?

5 A I was not at Zimmer so I have no way to form
6 anything. I don't know how bad their paperwork was.

7 Q Did Mr. Lipinski observe to you during his first
8 three days on-site, that he thought Comanche Peak was
9 simply doing inspections to the extent that they would
10 tolerate --

11 A I don't understand your question.

12 Q If you refer to the second sentence in paragraph
13 A of page 3 of the trip report.

14 A Okay. "They are comfortable with or will
15 tolerate."

16 Q Yes.

17 A No, he did not.

18 Q Did you make that observation to him?

19 A No, I did not.

20 Q Incidentally, at the meeting that you recall
21 when he was just leaving the site, you mentioned, or you
22 testified, that he had had a negative reaction to
23 management, and the people mentioned were Brandt, Tolson
24 and Merritt. Is that correct?

25 A I think that was in August, not in July. And I

1 don't know if it was -- it was the feeling that he gave
2 that it was kind of a negative attitude; yes.

3 Q Just so I'm clear, because I thought you were
4 testifying to the initial visit on-site, the first three
5 days.

6 A No.

7 Q It was not. You did not meet him as he was
8 leaving the site?

9 A No. That's why the other time when you asked me
10 previously, with these --

11 Q Oh, with the time sheets.

12 A -- I do not remember meeting him that time, the
13 time I was talking about was when he was leaving on the
14 second trip. That's why -- you know -- this --

15 Q Okay. Did you, at the time that he left after
16 his second trip -- had you at that time met Mr. Merritt?

17 A Had I met Mr. Merritt?

18 Q Yes.

19 A I knew Mr. Merritt, yes.

20 Q But you did not know him at the time of --

21 A I knew him at site.

22 Q Did you know him enough to form an opinion as to
23 Mr. Merritt?

24 A No, other than what I have heard from other
25 inspectors.

1 Q You testified that your knowledge about
2 Mr. Tolson at that time was based on two events that had
3 taken place when you were in the design change
4 verification group; is that correct?

5 A Yes.

6 Q Did you actually attend meetings with Mr. Tolson?

7 A Yes, I did.

8 Q Did you participate in designing the computer
9 program regarding the CMCs that was presented to him?

10 A Yes, I did.

11 Q Was that computer program required by regulation
12 or standard?

13 A No. I don't think it was.

14 Q Was it a tool that you had designed as a better
15 way of doing, a more efficient way of doing the job?

16 A Yes, it was.

17 Q He subsequently accepted that recommendation?

18 A Yes, he did.

19 Q Was that on the second meeting?

20 A Yes, it was. The second meeting.

21 Q Did you participate in it?

22 A Yes, where he did. Myself and two other
23 gentlemen -- or one other gentleman, I recall.

24 Q Was that Mr. Michaels?

25 A I don't know if Mr. Michaels was there at the

1 time. I believe it was a gentleman by the name of
2 Mr. Pete Bush and a gentleman by the name of Mr. Clint
3 Yarborough and myself.

4 Q How much time elapsed between the first and
5 second meetings?

6 A I want to say a short period of time.

7 Q Do you know or did you form a judgment as to
8 whether Mr. Tolson fully understood the program that you
9 were describing to him at that first meeting?

10 A From the way he reacted, I don't think he fully
11 understand what we were presenting to him; no.

12 Q And, in your judgment was that perhaps a reason
13 for his reaction?

14 A I had never dealt with a reaction like that
15 before; no, no, I don't.

16 JUDGE BLOCH: What was there so unusual about
17 the reaction?

18 THE WITNESS: He got very upset that we had not
19 done specifically what he wanted done. And on other
20 occasions when we had done document searches and things
21 like that, we have come up with a better system, the
22 people that we deal with have been: Okay, well, you tell
23 me how you did it and we'll sit down and go over it. And
24 they have been a little bit more acceptable to these ideas
25 that we came up with.

1 JUDGE BLOCH: Describe what you mean by "very
2 upset."

3 THE WITNESS: "You guys didn't do what I wanted
4 you to do. That isn't what I asked for. Damn it, I want
5 this done this way, this way, and this way, and that's the
6 way it is going to be done."

7 JUDGE BLOCH: Very loud? In a stern-type --
8 stern? Businesslike?

9 THE WITNESS: He got a little upset. He had a
10 tendency to get a little bit upset; yes.

11 JUDGE BLOCH: No "walking to the gate" language?

12 THE WITNESS: If he had asked to walk me to the
13 gate it would have happened right then. No, he didn't say
14 anything about that.

15 BY MR. WATKINS:

16 Q Was there a problem with the time during which
17 you were supposed to do something that upset Mr. Tolson?
18 Had you not done something that he had expected already to
19 have been done?

20 A I don't know that that was it. I think it was
21 he was expecting to see it complete when we presented the
22 first program to him. And, indeed, it was not complete.

23 Q Was his reaction in your mind in any way related
24 to quality?

25 A I don't know if it was so much related to

1 quality. I think it was, the bottom line, that it
2 affected quality, or it affected the documentation.

3 Q But was the basis for the discussion a matter of
4 management, for example? Basically?

5 A Well, I don't know -- kind of restate it for me.

6 Q Did anything about his reaction indicate that
7 Mr. Tolson had a negative attitude to quality?

8 A No. I got the feeling that he wanted results.
9 That is what he was looking for.

10 Q Going back to the trip report on page 3, and
11 paragraph A at the bottom of the page --

12 A Okay.

13 Q -- there is a statement in the last sentence
14 that management attempts to squash any efforts to point
15 out quality problems.

16 Did Mr. Lipinski communicate to you during his first
17 three days on-site that he thought that was a problem?

18 A I don't recall anything -- no.

19 Q Did you communicate that to him?

20 A No.

21 Q There's a statement in the parenthetical "no
22 NCRs." Do you know what it is or what it was to which
23 Mr. Lipinski was referring?

24 A That I really don't. I do know a number of the
25 inspectors were always saying they couldn't write NCRs or

1 they'd get themselves in trouble.

2 Q Do you know what the basis for that was?

3 A That there had been some NCRs written that
4 created a hardship, and people got all upset, and in turn
5 they got the feeling that they had made a big mistake by
6 writing them.

7 Q Did you discuss that with Mr. Lipinski, in terms
8 of this statement and the trip report?

9 A No, I did not.

10 Q Do you recall a change in procedures being
11 implemented in the fall of 1983 regarding the use of unsat
12 inspection reports to report all deficient conditions in
13 coatings?

14 A There was a change to use unsat reports to
15 report deficiencies. And I don't remember if it was for
16 all conditions. But I do remember that there was a number
17 of NCRs written even at that time.

18 Q Right after the "no NCRs" statement in the trip
19 report, there's a reference to "QC reporting to production."
20 Did you and Mr. Lipinski discuss that while he was on-site
21 the first three days?

22 A No, we did not.

23 JUDGE BLOCH: Do you have any personal knowledge
24 about that?

25 THE WITNESS: Yes, sir, I do.

1 JUDGE BLOCH: What's that?

2 THE WITNESS: The fact that both statements --

3 like I say, the first one, "no NCRs" came from QC, and,

4 the "QC reporting to production" came from the QC

5 inspectors by their feeling that Mr. Williams -- whenever

6 Junior Haley turned around Mr. Williams was there in front

7 of him saying this is why we are doing this and that.

8 That's the way they felt.

9 JUDGE BLOCH: Did you communicate that to
10 Mr. Lipinski?

11 THE WITNESS: No, I did not.

12 JUDGE BLOCH: Okay. Back to you, Mr. Watkins.

13 BY MR. WATKINS:

14 Q On page 4 of the trip report, paragraph D, did
15 you and Mr. Lipinski discuss audits of the coatings
16 program?

17 A No, we did not.

18 Q Did you discuss the subject matter and discuss
19 paragraph E?

20 A No. I don't remember that.

21 Q Did you discuss a matter addressed in paragraph
22 F?

23 A I don't recall that.

24 Q With respect to paragraphs E or F, do you know
25 that those were problems at Comanche Peak?

1 A I don't recall anything --

2 Q Are those matters that you have ever thought
3 about or talked about with anyone?

4 A I recall item F from one of the inspectors in a
5 meeting, stating that there was no surface preparation. I
6 recall that from the group of the inspectors.

7 Q Did you do anything about it?

8 A I don't remember if I did.

9 Q I believe you remarked that O.B. Cannon would be
10 a last resort for employment. Do you recall that?

11 A Yes.

12 Q What did you mean by that?

13 A Just that, from dealing with some of Cannon's
14 personnel in the management positions, I did not feel that
15 that would be -- that I would be at ease in their company.

16 Q Why?

17 A Paywise, personalitywise, and the way they had
18 been treating Joe, and things like that, when he was in
19 Washington.

20 Q At WPPS?

21 A Yes.

22 Q Did you ever discuss with Mr. Lipinski the
23 possibility of O.B. Cannon taking over the coatings effort
24 at Comanche Peak?

25 A No, I did not.

1 Q Did you ever discuss -- do you know whether
2 Mr. Lipinski talked to other inspectors about jobs when he
3 was on-site the first three days in July?

4 A No, I don't.

5 Q Did he discuss the possibility of employment
6 with you?

7 A I don't recall anything at all.

8 Q I wanted to make sure that the -- with respect
9 to your conversations with Mr. Brandt, late 1984, who
10 called him? You have testified that there were two such
11 conversations.

12 A Yes.

13 Q And at least as to the second one, you called
14 him?

15 A I called. He was not there. Then he returned
16 my call.

17 Q Okay. The first time that you spoke with him,
18 in October or November of '84, was that the time you had
19 called Comanche Peak and talked to Mr. Vega in an attempt
20 to find out where Mr. Brandt was?

21 A Yes.

22 Q So you were calling him?

23 A Well, I called the second time -- the time I
24 tried to get ahold of him I had to call down there and get
25 a phone number for him. But the first time, Tom called me.

1 Q So -- I don't understand. Was he returning your
2 call both times or did he just call you out of the blue
3 the first time?

4 A He called me out of the blue the first time.

5 Q And this was -- what did you discuss in that
6 conversation? If you can just identify the conversation.

7 A He was interested in what or when I had spoken
8 to Mr. Lipinski.

9 Q When you spoke of the craftsmen not stopping
10 work when ordered to do so by inspectors at Comanche Peak,
11 did you have any examples in mind? Any incidents that you
12 were speaking of?

13 A Just that one time on that wall, where they --
14 it wasn't so much they were ordered not to go. They were
15 told that it wasn't good, the curing wasn't complete. And
16 the craft took it upon themselves to go ahead and do it.

17 Q Despite the fact that an unsat IR had been
18 written?

19 A Or was in the process of being written; yes.

20 MR. WATKINS: Mr. Chairman, that's all we have.

21 JUDGE BLOCH: Thank you.

22 Mr. Gallo?

23 MR. TREBY: No, Mr. Treby.

24 JUDGE BLOCH: Out of order. Mr. Treby.

25 REDIRECT EXAMINATION

1 BY MR. TREBY:

2 Q Mr. Mouser, I would like to take you back to the
3 1983 interview, I believe it was in November, with
4 Mr. Driskill, when you were at the Midland site.

5 A Yes.

6 Q I think you've previously testified that the
7 trip report matter was not his principal purpose for
8 interviewing at that time, but rather it came up rather
9 casually during the interview; is that correct?

10 A I seem to recall that; yes.

11 Q Have I properly characterized your testimony?

12 A I felt as though -- I got this feeling from him
13 that he was there more in the Dunham case, but he did not
14 tell me specifically it was for the Dunham case.

15 Q Okay. And when he discussed the trip report,
16 did he show you a copy of it?

17 A I don't recall seeing it; no.

18 Q Did he indicate how he had come to know about
19 the trip report?

20 A No. I don't think he told me how he did come to
21 know about it; no.

22 Q Did he indicate in any way that he was
23 conducting any investigation with regard to the trip
24 report?

25 A No, he did not. At least I don't recall it.

1 Q Well, what, if anything, do you recall about the
2 conversation between you and him, about the trip report?

3 A That it did exist and he made indication that he --
4 I think he asked me: Do you know of the Lipinski trip
5 report? I told him yes, I did.

6 Q And was that the end of the conversation? Did
7 he ask you -- well, was that the end of the conversation?

8 A I don't recall much more than that; no.

9 Q You don't recall whether he asked you how you
10 became aware of the trip report?

11 A No, I don't.

12 Q And he didn't indicate in any way how he had
13 become aware of it?

14 A No, he did not say anything about that.

15 Q With regard to the discussions you and he had
16 about the Dunham matter, did he ask you whether you wanted
17 any confidentiality with regard to those matters?

18 A I don't recall him saying anything about that;
19 no.

20 Q Did you request any confidentiality?

21 A No, I don't think I did. I don't recall.

22 Q Do you recall signing any document with regard
23 to the question of confidentiality?

24 A No, I don't. I don't recall anything like that.

25 Q In the course of his discussing the Dunham

1 matter, did he discuss with you any information which
2 other employees at the Comanche Peak site may have given
3 him about the Dunham matter?

4 A He had indicated that someone down there told
5 him that I would be able to give him some information
6 about it.

7 Q Did he identify who that person might be?

8 A No, he did not.

9 Q Can you recall in any way how he might have
10 violated anybody's confidences in his discussions with you
11 about the Dunham matter?

12 A One name did come up in the conversation, a
13 gentleman by the name of Ambrose.

14 Q Did you tell me how that name came up in the
15 course of the conversation?

16 A It might have been that had said -- told
17 Mr. Driskill that I might have something to say about it.
18 I don't recall. I remember Dave's name came up but I
19 don't recall the context it was in. I also said Dave was
20 a friend I knew.

21 Q What job did Mr. Ambrose have at the Comanche
22 Peak site?

23 A He was a coatings inspector that worked for me.

24 Q Mr. Dunham was also a coatings inspector; is
25 that not correct?

1 A Yes, he was.

2 Q Did Mr. Ambrose have anything to do with the
3 Dunham matter, as it related to the Department of Labor?

4 A Not to my knowledge; no.

5 Q Do you think there was any -- well, at the time,
6 do you recall any concern that Mr. Ambrose' name was
7 mentioned to you?

8 A No, I don't.

9 Q Had you ever had any other discussions with
10 Mr. Driskill?

11 A I had talked to him at the plant if you mean
12 that?

13 Q Yes.

14 A I talked to him down at Comanche Peak.

15 Q How many times had you talked to him down at
16 Comanche Peak?

17 A It was not so much myself. I was in with a
18 group of three of us that talked to him. There was one
19 gentleman that did all the talking. And that was the one
20 time he came -- or, I guess twice he came up there. Two
21 days in a row, I should say.

22 Q And what was the subject matter of that
23 discussion?

24 A The subject matter of that discussion centered
25 around the design change documents we were working on.

1 And some of the hanger inspection work that some of the
2 other groups was doing, the as-built group was doing. And
3 the discussion centered around documentation problems we
4 were running into. And that's basically the big thing I
5 could remember from that conversation.

6 Q Did Mr. Driskill state the purpose of that
7 discussion at the time you and these two other people were
8 meeting with him?

9 A State the discussion -- of what we were going to
10 talk about?

11 Q Right.

12 A It is kind of on the basis of, he was there and
13 we talked to him. And it's -- we have something to tell
14 you about the design change area that -- things that we
15 have found, things that we know of.

16 Q Did you seek him out or had he sought you?

17 A We seeked him out, talked to him.

18 Q The three of you together?

19 A Yes.

20 Q At that time do you recall whether you had asked
21 for confidentiality?

22 A I don't think we did.

23 Q Did you sign any statement with regard to the
24 question of confidentiality?

25 A No, I don't remember anything.

1 Q Do you know whether the other two people who
2 were with you requested confidentiality in your hearing?

3 A That I don't have any way of knowing.

4 Q Did you observe them signing any documents?

5 A No, I did not.

6 Q And during that conversation you provided
7 Mr. Driskill with whatever information the three of you
8 had to provide to him?

9 A Yes.

10 Q During that conversation, did he raise any
11 information that he had heard on that subject from any
12 other people at the Comanche Peak site?

13 A I don't think he did. I don't recall anything.

14 Q Did you have any or do you have any reason to
15 believe that any of the information that you or the two
16 other people gave him became known to other persons?

17 A By talking with other inspectors and by talking
18 to this other gentleman who was with us, the third man in
19 the group, he said that some of the things that he had
20 thoughts -- was in the as-built group, I had nothing to do
21 with the as-built group -- some of the things that he had
22 brought to Mr. Driskill's attention were, indeed, brought
23 to management personnel's attention also.

24 Q But was that the same information that occurred
25 during your meeting with Mr. Driskill?

1 A That I don't -- that I'm not able to recall.

2 Q Did the person who told you that indicate that
3 he had requested confidentiality?

4 A At one time this gentleman did address it as
5 confidentiality with Mr. Driskill. The time that he told
6 me the information had surfaced was a time later on after
7 he had left the site.

8 Q Did he ever indicate to you that he had executed
9 any document with regard to confidentiality?

10 A Yes, he did.

11 Q During the time that you were a QC lead
12 inspector, or supervisor in the coatings area, did you
13 ever hear of a notice of violation and a civil penalty
14 being imposed against the Comanche Peak facility for
15 actions of Harry Williams?

16 A Yes, I did. I was told by Mr. Driskill while I
17 was at -- when he talked to me in Michigan, that that had
18 happened.

19 Q Were you aware of that, at any time while you
20 were at the Comanche Peak site?

21 A No, I was not.

22 JUDGE BLOCH: Mr. Treby, you used the word
23 "imposed." Was it imposed or proposed?

24 MR. TREBY: Proposed. If I said "imposed" I
25 meant "proposed." As far as I know there has never been

1 any passage of money.

2 BY MR. TREBY:

3 Q When Mr. Driskill discussed that matter with you,
4 did he indicate that there had been an investigation done
5 by the NRC's Office of Investigation?

6 A Yes, he did. He indicated that there had been a
7 very thorough investigation done and that, indeed, the NRC
8 had -- was giving them a penalty, and that Mr. Williams
9 had, indeed, signed an affidavit indicating intimidation.

10 Q Did he indicate that during the course of this
11 investigation they had spoken to QC inspectors?

12 A Yes, he did.

13 Q Did he give you any idea of how many QC
14 inspectors they had spoken to?

15 A No, he did not.

16 Q Did he indicate that -- whether it was one or
17 two or a larger number than that?

18 A I took it that it was a large number.

19 Q Given that information, do you find it
20 surprising that QC inspectors at -- in the coatings
21 department, indicated they had had conversations with the
22 NRC?

23 A I feel that they did.

24 Q Do you know whether those conversations related
25 to that investigation or related to other discussions they

1 may have had?

2 A I'm not able to indicate that but it could have
3 been; yes.

4 Q Do you have any personal knowledge one way or
5 the other?

6 A No, I do not.

7 Q Do you recall a time in December, approximately
8 December 13th, when I had a telephone conversation with
9 you and inquired whether you had selected an attorney?

10 A Yes, I do.

11 Q And did you advise me you had selected an
12 attorney?

13 A Yes, I did.

14 Q Subsequent to that date, did you or I ever have
15 any other conversations?

16 A No. Nothing that I remember.

17 Q Subsequent to that date did you have
18 conversations with any other lawyers in this room?

19 A Yes. Mack Watkins had called, and told me that
20 they were in the process of trying to locate a lawyer for
21 me, under the conditions that I had talked to Ms. Garde
22 about.

23 Q Right.

24 A And that I should not freely speak to anyone
25 other than my lawyer and let him handle all of the work.

1 The same thing -- basically the same thing I told -- you
2 know -- that we talked about.

3 Q And did you have any further conversations with
4 Mr. Watkins?

5 A No. I did not have any conversations with
6 Mr. Watkins but there was a gentleman from Mr. Watkins'
7 firm called and told me that, I guess it's after -- this
8 is after I talked to you. And told me that they were
9 still looking for some -- for a lawyer. And at that time
10 I indicated that I had selected Mr. Sims.

11 Q Did you ever have any conversations with
12 Mr. Gallo?

13 A No. I never met the man before.

14 MR. GALLO: Yesterday.

15 THE WITNESS: Excuse me; Thursday.

16 BY MR. TREBY:

17 Q Did you have any conversations with Ms. Garde or
18 Mr. Roisman after that -- after you selected Mr. Sims as
19 your attorney?

20 A I think Mr. Roisman placed a couple of calls to
21 my house but I was not there. And I don't recall having
22 any conversations with Ms. Garde. If I did, I probably
23 indicated to her to talk to my lawyer also.

24 Q There was an indication that a transcript was
25 sent to you by Ms. Garde?

1 A Yes.

2 Q Was that before or after Mr. Sims was selected
3 as your attorney?

4 A Before.

5 Q Did you request her to send you that transcript?

6 A She said she could send me a transcript of the
7 trial if I was interested and I said: Yes, send it to me.
8 I'll look at it.

9 Q Was this at the time that she had called you to
10 tell you about their offer to get you an attorney?

11 A No, this was prior to that time.

12 MR. TREBY: All right. I have no further
13 questions.

14 JUDGE BLOCH: I am about to take my leave. May
15 I ask though, before I go -- let's go off the record and
16 discuss the schedule.

17 (Discussion off the record.)

18 JUDGE BLOCH: Mr. Reporter, let the record
19 indicate that I have left the deposition.

20 CROSS-EXAMINATION

21 BY MR. GALLO:

22 Q Mr. Mouser, going back to that day in 1983 when
23 you made a copy of the Lipinski trip report, the one that
24 he gave you to read, Judge Bloch asked you a series of
25 questions about the operation of the Xerox machine,

1 Thursday; whether it had automatic feed and that sort of
2 thing.

3 My question to you is, when you arrived at the Xerox
4 machine to make the copy, was it on?

5 A Yes, it was.

6 Q When you returned after making the copy, and
7 returned Lipinski's copy of the trip report to him, were
8 the other people in the conference room still there?

9 A I think they were.

10 Q Were those people conducting business separate
11 and apart from Lipinski and you or were they part of the
12 same general meeting? Or what were the circumstances, as
13 you recall?

14 A I think they were separate and apart from him.

15 Q Do you remember how many there were, roughly?

16 A I'd say half a dozen -- four, five, six,
17 something --

18 Q Were they talking and conversing?

19 A Yes, they were.

20 Q In normal tones or loud tones; do you remember?

21 A You could hear them. I don't know if it was
22 loud or what, but you could hear them.

23 Q All right. You testified today that during a
24 conversation with Lipinski, you were led to understand
25 that he was concerned about his job at Cannon. I assume

1 that this conversation, as best as you can remember,
2 happened in the Christmas timeframe, about, of 1983.

3 Did he come right out and tell you that? Did he say
4 something to the effect that, gee, Evert, this situation
5 has really gotten to me and I'm worried about my job?

6 A Yes. Basically that, yes.

7 Q He came out and said that?

8 A Yes.

9 Q Did you ask him that question or did he
10 volunteer it?

11 A No. I think he volunteered it.

12 Q Did he elaborate any as to just what his concern
13 was?

14 A No, not really.

15 Q Just said he had a concern?

16 A Yes. He had a concern; yes.

17 Q And it was attributable, as best you understand
18 it, to the trip report itself and its release?

19 A Yes, I'd have to assume that; yes.

20 Q Did he mention to you the possibility that he
21 might get fired? Did he use those words?

22 A I don't think he used those words. I think he
23 was just concerned about his job.

24 Q What did you understand those words to mean?

25 A That, indeed, he might get fired. You know, I

1 assumed that -- that would be the one way to lose your job.

2 MR. GALLO: That's all I have.

3 RE CROSS EXAMINATION

4 BY MR. ROISMAN:

5 Q Mr. Mouser, the difference between the QA/QC
6 program as you observed it, participated in it at WPPS and
7 at Comanche Peak, was it much more the attitude taken
8 toward QA/QC, and problems that they might raise that
9 formed the basis for the difference than it was any
10 particular specific procedure?

11 A I don't understand. I don't understand your
12 question.

13 Q Well, you have indicated that there were
14 differences between WPPS and Comanche Peak. And you
15 remember Mr. Watkins went over in great detail with you:
16 Did they have this standard there? Was that the same
17 standard they had at Comanche Peak and so forth.

18 My question is, irrespective of whether standards were
19 the same, when you testified earlier about things being
20 different, was a principal, or the principal difference
21 between Comanche Peak and WPPS, the whole attitude toward
22 QA/QC, and how management responded to problems that were
23 being raised and how QA/QC were treated than it was some
24 particular procedural differences?

25 A Yes. I think that's what it was. It was the

1 attitude that management had toward QA/QC, and the
2 attitude they took when the problem did arise; yes.

3 Q Now, you indicated that there were certain
4 feelings. I don't remember your exact words, but again in
5 reference to a question from Mr. Watkins about feelings
6 that existed at the site, that you felt that if bad news
7 came up, people would be treated differently if they were
8 the source of that bad news. Do you remember that
9 discussion?

10 Now, when you were explaining how it was that you
11 thought or believed that Mr. Merritt could have, or might
12 have been the source of complaints about you to these
13 contracting people, did you have in mind that the -- that
14 your association with the whole Lipinski matter and the
15 trip report was the kind of association with bad news
16 which, based on your experience at Comanche Peak, could
17 get one in trouble?

18 A Yes.

19 Q And was that equally the case with the failure
20 to turn out the troops for the barbecue? That that was
21 the kind of association with an event that didn't go right
22 which, in your experience, could get one in trouble? And,
23 on the bad side of management at Comanche Peak?

24 A Yes.

25 Q You mentioned that there was a paint foreman who

1 had had a painter who was not qualified apply paint that
2 you had learned about, and subsequently the paint was
3 removed from the wall and the work was redone.

4 A Yes.

5 Q Do you know what happened, if anything, to
6 either the painter or the foreman, as a result of that
7 event?

8 A I think the foreman was fired.

9 Q And how about the painter?

10 A I don't remember what happened to the painter.
11 I think the foreman was fired.

12 Q You were asked by Mr. Watkins about the
13 procedures that had been implemented for writing IRs and NCRs.
14 Was it your understanding that the -- that once that
15 procedure -- some time I think in August -- had been
16 implemented, that the only way that a paint coatings
17 inspector could write an NCR was with the approval of his
18 supervisor and could not do it on his own?

19 A Yes.

20 Q And when you became the lead, were you one of
21 those people who could have authorized that? Or did it
22 actually have to go all the way up to Mr. Williams?

23 A I took it on myself to be the one to authorize
24 that.

25 Q And was that consistent with your reading of the

1 procedure for IRs and NCRs? Or were you just taking the
2 authority without something explicitly in the procedure?

3 A I was taking the authority.

4 Q On a number of occasions you have mentioned with
5 respect to Mr. Brandt, and then once today with regard to
6 Mr. Tolson, that your perception of them is that they were
7 people who wanted to get the job done. I think words
8 close to that.

9 A Yes.

10 Q At other times you have talked about the bad
11 atmosphere at the site regarding the bringing of bad news.

12 Do you think that the wanting to get the job done
13 attitude, along with the negative attitude toward the
14 receipt of bad news, were consistent in the -- or
15 inconsistent concepts contained in these men?

16 A I think you need to go over that question again
17 so I understand it.

18 Q At one time I think you have indicated that
19 these are men who wanted to get the job done. And at
20 other times you have indicated that there seemed to be a
21 general management attitude that they didn't like to hear
22 bad news, that they acted negatively toward bad news, were
23 very inquisitorial toward the person who brought the bad
24 news.

25 Are those consistent attitudes? In other words, can

1 you want to get the job done and be consistent in saying:
2 But I don't want to hear any bad news from anybody and I'm
3 going to be real tough on the people who bring me bad news?

4 A I think I have to say on that that generally
5 Mr. Tolson was consistent in that. Mr. Brandt was not.

6 Q And in what way was Mr. Tolson consistent and in
7 what way was Mr. Brandt not?

8 A Mr. Tolson consistently got upset. As in the
9 tone of -- as I described in earlier testimony. That's
10 basically the way he got upset.

11 And Mr. Brandt was not that way. Mr. Brandt would say:
12 That's basically not what I want to hear but we got a
13 problem -- fine.

14 Q My question was slightly different, just in this
15 context.

16 A I'm --

17 Q I'm sorry.

18 A I'm trying to grasp the total question. I don't
19 really understand.

20 Q If somebody wants to get the job done, when you
21 make that statement do you include in that that they want
22 to get the job done at all costs, regardless of some
23 impediment, some bad news that would get in the way of
24 getting the job done?

25 A No. I don't think that was totally that

1 direction; no.

2 Q Okay. That's what I'm trying to understand.

3 If they didn't want to hear the bad news -- or let's
4 just focus on Mr. Tolson for a moment, if he didn't want
5 to hear the bad news and he was very -- and reacted very
6 negatively to getting it, then, when you say of him he
7 wanted to get the job done, did you mean he wanted to get
8 the job done even if somebody was keeping quiet about some
9 problem that might later make it appear that the job,
10 while done, hadn't been done right?

11 A That's a judgment I'm not able to make. I don't
12 think I can make that judgment.

13 MR. ROISMAN: Okay. Your witness, Mr. Watkins.

14 RECROSS EXAMINATION

15 BY MR. WATKINS:

16 Q Mr. Treby asked you a series of questions about
17 to whom you talked before or after you retained Mr. Sims.
18 And I believe you testified that I talked with you after
19 you had retained Mr. Sims.

20 A No. A gentleman from your law firm.

21 Q Okay. I had talked with you before?

22 A Yes.

23 Q The other lawyer from my firm, when he called
24 did you inform him that you had retained counsel?

25 A I think I did at that time.

1 Q And was the conversation discontinued?

2 A Other than personal matters; no.

3 MR. SIMS: Did you mean "yes," it was terminated?

4 THE WITNESS: It was terminated on the lawyer
5 bit. But then we continued with personal matters.

6 BY MR. WATKINS:

7 Q Is this someone you had known personally before?

8 A Yes, it was.

9 Q Was it Mr. Walker?

10 A Yes, it was.

11 Q Regarding Mr. Roisman's question to you about
12 the difference in attitude between WPPS 2 and Comanche
13 Peak, was that difference in attitude the same difference
14 about which you testified earlier, that at WPPS 2 the
15 attitude was: We'll overinspect it, we'll inspect it to
16 perfection? While at Comanche Peak we'll do neither more
17 nor less than the job requires?

18 A At WPPS we were told to inspect the job and do a
19 thorough job of it. And at times there was
20 overinspection, and indeed there was times that we got
21 told we were doing overinspection.

22 As for Comanche Peak, they did what was required to be
23 done.

24 Q Is that part of the change, the difference in
25 attitude?

1 A Yes, that would probably be a lot of it.

2 Q Mr. Roisman asked you a question about the
3 barbecue as an example of getting in trouble. Was a
4 craft/QC barbecue itself a bad idea? Or just the way the
5 attendance was handled?

6 A The barbecue was a good idea, in my eyes. But
7 the way they did attendance was totally wrong.

8 Q When you referred to Mr. Tolson reacting
9 negatively to bad news, you earlier testified about the
10 two instances during the period you were in the design
11 change verification group.

12 How many times after you to the coating department did
13 you personally observe Mr. Tolson having a bad reaction,
14 or reaction to bad news?

15 A I observed Mr. Tolson having a reaction to --
16 not so much quality bad news but the news of the T-shirt
17 incident. He was quite upset about that. And I think
18 that's -- I think that's probably the only incident I can
19 think of right offhand.

20 Q You are probably not aware of it, but "T-shirts"
21 is quite a busy word in this proceeding. To which T-shirt
22 incident are you referring?

23 A The Junior Haley incident.

24 Q And who was the inspector in that incident?

25 A Mr. Tom Miller.

1 Q How did that incident come up?

2 A Mr. Miller came to work with a T-shirt on that
3 said "J.R. Who?" on it. And Mr. Haley took objection to
4 that, and said that that was referring to him.

5 MR. WATKINS: No further questions.

6 (Whereupon, at 5:20 p.m., the hearing was
7 adjourned.)

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CERTIFICATE OF OFFICIAL REPORTER

This is to certify that the attached proceedings before the UNITED STATES NUCLEAR REGULATORY COMMISSION in the matter of:

NAME OF PROCEEDING: TEXAS UTILITIES GENERATING COMPANY,
et al.

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

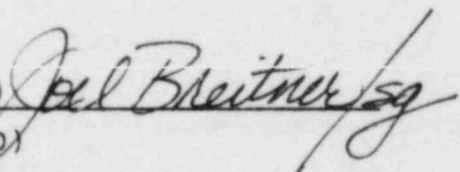
DEPOSITION OF EVERT MOUSER (CONTINUED)

DOCKET NO.: 50-445-OL, 50-446-OL

PLACE: BETHESDA, MARYLAND

DATE: SATURDAY, JANUARY 5, 1985

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission.

(sig) 

(TYPED)

Joel Breitner

Official Reporter

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