

ORIGINAL

UNITED STATES  
NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

COMMONWEALTH EDISON COMPANY

(Braidwood Station, Units 1 & 2)

DOCKET NO: 50-456 OL  
50-457 OL

EVIDENTIARY HEARING

LOCATION: MARKHAM, ILLINOIS

PAGES: 1885 - 1999

DATE: TUESDAY, MAY 27, 1986

TR.01

0/1

ACE-FEDERAL REPORTERS, INC.

Official Reporters  
444 North Capitol Street  
Washington, D.C. 20001  
(202) 347-3700

8606020037 860527  
PDR ADDCK 05000456  
T PDR

NATIONWIDE COVERAGE

1 UNITED STATES OF AMERICA  
 2 NUCLEAR REGULATORY COMMISSION  
 3 BEFORE THE ATOMIC SAFETY AND LICENSING BOARD  
 4

5 -----x  
 6 In the Matter of: :

7 COMMONWEALTH EDISON COMPANY :

8 (Braidwood Station, Units 1  
 and 2) :

: Docket No. 50-456 OL  
 : 50-457 OL  
 9 -----x

10 Circuit Court of Cook County  
 11 Sixth Municipal District  
 12 16501 S. Kedzie Parkway,  
 Markham, Illinois 60426

13 Tuesday, May 27, 1986.

14 The Hearing in the above-entitled matter reconvened  
 15 at 2:00 P. M.

16 BEFORE:

17 JUDGE HERBERT GROSSMAN, Chairman  
 18 Atomic Safety and Licensing Board  
 19 U. S. Nuclear Regulatory Commission  
 Washington, D. C.

20 JUDGE RICHARD F. COLE, Member,  
 21 Atomic Safety and Licensing Board  
 22 U. S. Nuclear Regulatory Commission  
 Washington, D. C.

23 JUDGE A. DIXON CALLIHAN, Member,  
 24 Atomic Safety and Licensing Board  
 U. S. Nuclear Regulatory Commission  
 Washington, D. C.

25 APPEARANCES:

Sonntag Reporting Service, Ltd.

Geneva, Illinois 60134

(312) 232-0262



1 On behalf of the Applicant:

2 MICHAEL I. MILLER, ESQ.  
3 ELENA Z. KEZELIS, ESQ.  
4 Isham, Lincoln & Beale  
Three First National Plaza  
Chicago, Illinois 60602

5 On behalf of the Nuclear Regulatory  
6 Commission Staff:

7 STUART TREBY, ESQ.  
8 ELAINE I. CHAN, ESQ.  
9 GREGORY ALAN BERRY, ESQ.  
U. S. Nuclear Regulatory Commission  
7335 Old Georgetown Road  
Bethesda, Maryland 20014

10 On behalf of the Intervenor:

11 ROBERT GUILD, ESQ.  
12 DOUGLAS CASSEL, ESQ.  
13 TIMOTHY WRIGHT, ESQ.



1 JUDGE GROSSMAN: The eighth day of hearing is  
2 now in session.

3 Do we have any preliminary matters before we resume  
4 with redirect?

5 MR. GUILD: Yes, sir.

6 JUDGE GROSSMAN: Mr. Guild.

7 MR. GUILD: Mr. Chairman, the two matters  
8 that occur to me that we may take up now or at some  
9 point of this week are a question of anticipating the  
10 scope and preparation for Applicant's rebuttal case, if  
11 any, on which Mr. Miller and I have had some informal  
12 conversation.

13 And, secondly, there is the more general question  
14 of scheduling the balance of the hearings.

15 JUDGE GROSSMAN: Fine. Why don't we have a  
16 discussion of that?

17 MR. MILLER: Your Honor, I would just like to  
18 suggest that, perhaps, a discussion of schedule, indeed,  
19 of our rebuttal case would be more productive toward the  
20 end of this week, once we have some greater sense of our  
21 progress in witnesses that are scheduled.

22 I know we took a little bit longer -- somewhat  
23 longer -- than had been anticipated with respect to Mr.  
24 DeWald. He is still on the stand.

25 But, perhaps, we can move it along more quickly

1 with the subsequent witnesses, and we will all have a  
2 much better basis on which to make predictions about the  
3 scope of the hearing by then.

4 JUDGE GROSSMAN: By the way, we don't have  
5 any amplifier here, so everybody will have to speak up.

6 MR. MILLER: All right. I am sorry if I was  
7 a little soft.

8 JUDGE GROSSMAN: Okay. Unless you have  
9 something immediate, Mr. Guild --

10 MR. GUILD: No, sir. That is fine on the  
11 schedule.

12 In terms of rebuttal for the record, I just would  
13 state that we have undertaken some informal  
14 conversations with Applicant on that subject; and, in  
15 short, our position would be that to the extent that  
16 Applicant anticipates rebuttal, that we have an  
17 opportunity to prepare for that rebuttal by way of some  
18 limited discovery; and that, as I understand, that  
19 rebuttal will be anticipated being in the form of  
20 prefiled testimony to the extent of live witnesses.

21 I think for the time our informal contacts are  
22 sufficient but I certainly wanted to have that before  
23 the Board's attention, and to the extent that we do take  
24 up schedule later in the week we should anticipate what  
25 the scope of rebuttal might be.

1 JUDGE GROSSMAN: Well, I think we can discuss  
2 rebuttal; but I would think that we are going to be  
3 reluctant to afford any discovery on rebuttal, unless  
4 there is some unusual, exceptional reason for allowing  
5 that. It's generally not the case.

6 Is that what is -- is there some dispute as to  
7 whether that ought to be permitted?

8 MR. GUILD: I think that it seemed to me,  
9 Judge, that, in fact, there may be some, at least,  
10 agreement between the Applicant and Intervenors that an  
11 opportunity for discovery on rebuttal should be made  
12 available.

13 I know, for example, in our discussions I  
14 understand Applicant is going to anticipate some  
15 statistical analysis, perhaps, of data that is not in  
16 the record that would require a fairly extensive  
17 presentation, perhaps, from their side and, certainly,  
18 therefore, an opportunity for us to examine that  
19 evidence and anticipate it for surrebuttal purposes  
20 ourselves.

21 I don't think we will have a difficulty in  
22 resolving that matter informally between the parties but  
23 I do see that within the character of discovery.

24 Perhaps discovery is not the right word but at  
25 least some opportunity in advance to have notice of the



1 other side's rebuttal case and prepare for it.

2 MR. MILLER: Your Honor, it's our  
3 anticipation that most, if not all, of any rebuttal case  
4 will be in the form of prefiled testimony.

5 I have discussed with Mr. Guild the broad outlines  
6 of my present thinking on rebuttal, which are subject,  
7 obviously, to change as the hearing continues to unfold.

8 To the extent that there are documents that have  
9 not been previously made available during the discovery  
10 process, I agree, I will make those documents available  
11 and we will provide them to Mr. Guild well in advance of  
12 any rebuttal case.

13 To the extent that discovery contemplates anything  
14 further than simply providing the documents which form  
15 the basis for any rebuttal, we would resist further  
16 discovery at this point.

17 I think your Honor is quite correct, in that it is  
18 not customary to permit further discovery when a  
19 rebuttal case is involved.

20 JUDGE GROSSMAN: Are you planning on having  
21 some expert reports as part of your rebuttal?

22 MR. MILLER: Your Honor, that specific  
23 question I don't think I can answer, because at this  
24 point I really don't know.

25 We have just finished the depositions of

1 Intervenor's experts. Two of the three transcripts are  
2 not available. We are going to be reviewing them and  
3 trying to make a determination very promptly whether we  
4 will call an expert witness of our own.

5 It is also possible that there will be a  
6 presentation of data, that is not in the sense of any  
7 expert compilation, but of records that are ordinarily  
8 maintained at the site that may provide a basis for our  
9 rebuttal case.

10 It is those documents, to the extent that they have  
11 not been previously made available to Intervenor's, that  
12 we would certainly provide as soon as we make the  
13 decision that we are going to go forward with that data.

14 I hope to be in a position to do that some time  
15 this week or early next.

16 JUDGE GROSSMAN: Okay. While the general  
17 rule is that, you know, there is no discovery on  
18 rebuttal, we would ordinarily allow sufficient time to  
19 analyze matters that are presented for the first time,  
20 such as experts' reports with a lot of new data.

21 So if you anticipate that there is going to be that  
22 need for time in analysis, you might just as well  
23 present it informally in advance and not delay the  
24 scheduling whether or not it's considered formal  
25 discovery or not.

1 I am sure the parties will resolve that by  
2 themselves.

3 MR. MILLER: I think we will be able to, your  
4 Honor.

5 JUDGE GROSSMAN: Is there anything from Staff  
6 on this?

7 It doesn't appear as though you are involved in  
8 this.

9 MR. BERRY: No, your Honor, Staff doesn't  
10 have anything extra to add to that, just that we would  
11 oppose formal discovery; but to the extent that new  
12 matters arise, there should be some accommodation from  
13 the parties so that they wouldn't be prejudiced; but  
14 your Honor has summarized that sufficiently.

15 JUDGE GROSSMAN: Excuse me. You are going to  
16 have to raise your voice if we are going to get this on  
17 a transcript. I am having trouble hearing it and I  
18 don't know if the Reporter can take it all down.

19 MR. BERRY: Your Honor summarized pretty well  
20 the Staff's position.

21 JUDGE GROSSMAN: Fine. Was there anything  
22 further, Mr. Guild?

23 MR. GUILD: Nothing further, Judge.

24 JUDGE GROSSMAN: Okay. Mr. Miller.

25 MR. MILLER: Thank you, Judge Grossman.

1 Mr. DeWald, even though there has been a lapse of  
2 two weeks, I remind you that you are still under oath.

3 REDIRECT EXAMINATION

4 (Continued.)

5 BY MR. MILLER

6 Q Mr. DeWald, I would like to direct your attention to the  
7 specific area where I wish to conduct my first Redirect  
8 Examination and ask just some preliminary questions.

9 Do you recall examination by Mr. Guild regarding  
10 Mr. Puckett's concern over the welding of A-446 material  
11 to A-36 material?

12 A Yes.

13 Q And do you recall that there was a procedure qualified  
14 for A-446 to A-500 material?

15 A Yes.

16 Q Now, during Judge Grossman's examination he asked the  
17 following question -- let me just read it again into the  
18 record. It's at Page 1791 of the transcript.

19 The question was as follows: "Sir, if you do not  
20 have a complete QA breakdown, but the construction  
21 people are creating discrepant conditions by a  
22 particular procedure they are using, should you allow  
23 the work to continue so that more discrepant conditions  
24 are being created?"

25 Now, my question to you is: Would you characterize

1 the continuation of welding A-446 to A-36 material under  
2 the circumstance that Mr. Puckett brought to your  
3 attention in the summer of 1984 as creating more  
4 discrepant conditions in the field, as Judge Grossman  
5 characterized it?

6 A The A-446 to be welded to the A-500 versus A-36, the  
7 A-36 and A-500 are both in the same compatible groups in  
8 the AWS; and this was merely a procedural type change.

9 It was not really a discrepant condition in the  
10 field.

11 Q I would now like to turn to Mr. Seeders and his  
12 functions as a calibration inspector.

13 First of all, Mr. DeWald, could you briefly  
14 describe how calibration inspections are performed?

15 A Well, the applicable manufacturers' instruction as to  
16 how the tool would be calibrated has to be used, which  
17 would direct how the calibration was to go.

18 MR. GUILD: Excuse me. I am sorry.

19 I couldn't hear the witness's first phrase of his  
20 last answer.

21 The applicable?

22 A (Continuing.) Manufacturers' instruction as to how the  
23 tool is to be calibrated.

24 MR. GUILD: Thank you.

25 A (Continuing.) Which would give him the go, no go type



1 situations or the plus or minuses, whatever the case  
2 might be.

3 He would then use whatever applicable tools he had  
4 to use, such as pin gauges, measurement tools or  
5 whatever; and these would be used as the standard.

6 Now, this standard is used to calibrate the tool;  
7 and this would be recorded on the Form 23 or the 23-A,  
8 whichever is the one that is applicable to the tool that  
9 he is calibrating, or instrument; and, also, he would  
10 then record whether the tool was out of calibration or  
11 in calibration and when the next required calibration  
12 was to be on the Form 77.

13 During the calibration -- after he found out  
14 whether or not it was in calibration or out of  
15 calibration, at this time he would write the applicable  
16 NCR or ICR, whichever the case might warrant.

17 BY MR. MILLER:

18 Q Mr. DeWald, you referred -- I don't mean to cut you off.

19 Have you completed your answer?

20 A Yes.

21 Q You referred to two -- well, three different kinds of  
22 forms.

23 What is a Form 77?

24 A Form 77 is -- it records all the calibrations that are  
25 pertaining to that tool. It also records whether the

1 tool was in calibration, the day it was calibrated and  
2 has a Remarks Section on it.

3 In the Remarks Section the inspector would put the  
4 remarks of whether the tool was in calibration, out of  
5 calibration, the possibility of writing an NCR, an ICR,  
6 and the number should be recorded in this Remarks  
7 Section.

8 This gives him the checklist, and it's placed in  
9 there by months, so he knows what tools are coming up  
10 for calibration by month and so forth.

11 Q You also referred to a Form 23 and Form 23-A.

12 What are those?

13 A The Form 23 and the Form 23-A, they record the tool  
14 number, the date of calibration, the standard used,  
15 which could be the pin gauge set used to, say, calibrate  
16 a crimper; and it also records whether it's acceptable,  
17 rejectable, signed by the inspector and, I believe, by  
18 the Level 2 Inspector.

19 Q All right. Now, approximately how many tools were there  
20 in the summer of 1984 that required calibration  
21 inspections on a periodic basis at Comstock?

22 A Just a rough guess. I am not positive to the actual  
23 number.

24 I figure around maybe 400.

25 Q All right, sir. Could you just briefly describe for the

1 record what -- I think you referred to crimpers.

2 What other tools required calibration?

3 A We had strippers; thermometers; rod ovens for the weld  
4 rod, which are the portable ones; we had the standard  
5 fixed rod ovens that had to be checked; crimpers; torque  
6 wrenches; I believe there was a micrometer.

7 I think I have named the majority of them.

8 Q There has previously been testimony regarding the  
9 assignment that was given to Mr. Seeders in July of 1984  
10 to conduct a review of certain ICR's.

11 Do you recall that testimony, generally?

12 A Yes.

13 Q Would you describe, please, what was involved in terms  
14 of the review that Mr. Seeders was asked to undertake?

15 A The review that Mr. Seeders was to undertake was merely  
16 going through his Form 77's and if he had a tool that  
17 was out of calibration, to ensure whether or not an ICR  
18 or NCR had been written on this.

19 And if he had any other question as to whether or  
20 not he had written one in that time frame, he could have  
21 went back to the ICR/NCR log around that applicable date  
22 and could have referenced as to whether or not he had  
23 written one for that particular tool or not.

24 Q Who maintains the ICR/NCR logs?

25 A That's a document clerk.

1 Q What is the function of that document clerk with respect  
2 to the issuance of ICR's and NRC's?

3 A She logs the ICR the day it's initiated. She follows it  
4 all the way through the engineering phase, the  
5 construction-fix phase, back into quality control and  
6 the date it's closed out.

7 MR. MILLER: Off the record.

8 (There followed a discussion outside the  
9 record.)

10 MR. MILLER: I am going to examine Mr. DeWald  
11 briefly regarding Intervenors' Exhibit 23, which is the  
12 August 17, 1984, letter from Mr. Seeders to Mr. DeWald.

13 BY MR. MILLER:

14 Q In the third full paragraph of that letter on the first  
15 page, Mr. DeWald, there is a reference to receipt  
16 inspections that Mr. Seeders had been asked to perform a  
17 certain week in August, 1984.

18 You described in general terms the calibration  
19 inspection.

20 Could you describe for the record, briefly, what is  
21 involved in a receipt inspection?

22 A A receipt inspection is done when we get a delivery  
23 truck on site.

24 The inspector is notified. He then goes out with  
25 the material requests, which indicates the quantity, and

1           also he looks at the preservation of the item, checks to  
2           see if the item is damaged, if it's boxed up, has the  
3           carton been damaged and so forth, and also checks the  
4           applicable documentation, such as certificates of  
5           compliance that may be sent with the item if it was  
6           ordered safety related; and he fills out -- he has a  
7           checklist that is within the procedure that he fills out  
8           and turns this in to Commonwealth Edison for their  
9           acceptance and approval.

10       Q     Mr. DeWald, do you know how long it takes to conduct a  
11           receipt inspection?

12       A     It would vary. If there was numerous items, it could be  
13           as high as an hour. If it was one or two items, it  
14           might be 15 or 20 minutes, maybe a half an hour.

15       Q     All right, sir. Now, in Mr. Seeders' letter,  
16           Intervenors' Exhibit 23, there is a reference to cross  
17           training of four different inspectors, two with respect  
18           to receipt inspections and two with respect to  
19           calibration inspections.

20                Could you describe, please, what was involved in  
21           the cross training of those inspectors at that point in  
22           time?

23       A     When the inspector is doing his on-the-job training, he  
24           can also be an aide to the inspector that is giving the  
25           training, because he does the inspection right along



1 with the inspector doing the inspection.

2 He may pick up a deficient item, discuss it with  
3 the inspector, and if he has any questions at the time  
4 about the inspection, the Level 2 Inspector, the  
5 inspector that is doing the training, can also answer  
6 these particular questions at the same time.

7 Q All right. There is a reference, Mr. DeWald, in the  
8 first full paragraph of Mr. Seeders' letter to you,  
9 Intervenors' Exhibit 23 -- I think it's probably the  
10 last line or the next to the last line -- which refers  
11 to falsification of documents in connection with certain  
12 audit review.

13 Do you see that?

14 A Yes, sir.

15 Q What documentation, if any, did you request from Mr.  
16 Seeders with respect to his review of the issuance of  
17 Inspection Correction Reports when tools were found to  
18 be out of calibration?

19 A Just that when he done his review, to list the tools  
20 that had had an ICR on it and also to list the tools  
21 that he had initiated an NCR on and that he had  
22 initiated an ICR on.

23 Q Was that the full extent of your instructions to Mr.  
24 Seeders with respect to documentation of his review?

25 A This initial review that was caused by this audit was

1 solely based on -- from my direction, I needed to know  
2 if the ICR's and NCR's had been generated against  
3 various tools that were out of calibration; and this was  
4 a review just of the ICR or possibly an NCR initiation.

5 Q All right. Well, if anything, was said about  
6 falsification of documents?

7 A Nothing.

8 Q Now, after Mr. Seeders wrote this letter of August 17,  
9 1984, what change, if any, took place in his  
10 responsibilities up to the end of September, 1984?

11 A The change in his responsibilities was that he just  
12 performed the calibration inspections, and the review  
13 portion was then done by two other people or three other  
14 people.

15 Q All right, sir. Was the review that these two or three  
16 other people did the same as the one that Mr. Seeders  
17 had been asked to do?

18 A No, sir. It was enlarged, the whole scope, which  
19 covered the whole calibration program.

20 Q Do you have your prepared testimony before you, Mr.  
21 DeWald?

22 A I believe I do.

23 Q Now, continuing for just a minute with Intervenors'  
24 Exhibit 23, there is a reference in the very first  
25 paragraph to continuous harassment and intimidation, or

1 words to that effect, over the prior six months.

2 Do you see that reference?

3 A Yes, sir.

4 Q What did you understand Mr. Seeders to mean when he used  
5 those words in that letter to you?

6 A I really didn't know what Mr. Seeders meant by those  
7 particular words.

8 Q All right, sir. I think your testimony on Cross  
9 Examination by Mr. Guild establishes that you conducted  
10 an investigation of the statements in Mr. Seeders'  
11 August 17th letter; and if you would turn, just briefly,  
12 to Attachment 5 to your prefiled direct testimony, I  
13 have a few questions on that, also.

14 Will you turn, for example, to the page in the  
15 attachments, No. 5, Bates No., last four digits, 2015  
16 down at the lower right-hand corner, Mr. DeWald, which  
17 was done for consistency.

18 Well, let me share my copy with you, if I may.  
19 That's all right. Let's put this aside.

20 Okay. On that page there is a series of questions  
21 and answers and I believe you testified that you made  
22 notes of your conversations with various individuals.

23 You used the words, "harassment and intimidation,"  
24 in that interview. What definition, if any, of those  
25 words did you provide to the people that you were

1 interviewing in late August and early September of 1984?

2 A I just used that exact statement as it was indicated in  
3 Mr. Seeders' letter, as I really didn't know in what  
4 fashion Mr. Seeders was explaining it to me, so I wanted  
5 to ask the individuals do they know of any intimidation,  
6 harassment and find out if they felt they had been  
7 intimidated or harassed.

8 I was unclear as to the meaning, so I just asked  
9 that blanket statement.

10 Q What type of conduct that would have been described to  
11 you by the people you interviewed would you have  
12 regarded as significant?

13 A I wasn't really looking for areas where or items of  
14 which people were instructed that you do this or else  
15 you do that or else and ensuring that threats weren't  
16 made and that the quality of the project wasn't being  
17 jeopardized.

18 MR. MILLER: Mr. DeWald, I think that on your  
19 Cross Examination by Mr. Guild you were asked about the  
20 original decision that you made to terminate Mr. Seeders  
21 and then ultimately he was transferred.

22 I would like to mark as Applicant's Exhibit 2 for  
23 identification a memorandum from Mr. DeWald to Mr.  
24 Seeders. It's got parentheses, file, close parentheses  
25 on it.

1           It's dated September 27, 1984. The subject is:  
2 Termination, substandard work practices.

3                   (The documents were thereupon marked  
4                   Applicant's Exhibit No. 2 for  
5                   identification as of May 27, 1986.)

6 BY MR. MILLER:

7 Q     Mr. DeWald, I have handed you a document that has  
8        previously been marked as Applicant's Exhibit 2 for  
9        identification and ask if you prepared that document or  
10       had it prepared on or about September 27, 1984?

11 A     Yes, sir, I prepared it.

12 Q     There is some handwriting across the front of the first  
13        page of the document.

14                Could you read that into the record for us?

15 A     "Void. Never issued. Transferred to L. K. Comstock and  
16        Company, Incorporated."

17 Q     Is that in your handwriting, sir?

18 A     Yes, sir.

19 Q     When did you put that on the document?

20 A     9-28-84.

21 Q     Did you show that document to Mr. Seeders?

22 A     Yes, I did.

23 Q     Did you discuss its contents with him?

24 A     I told Mr. Seeders that I had drafted this up earlier  
25        with the intentions of terminating him and that through

1 another meeting we had arranged for a transfer down to  
2 construction.

3 MR. MILLER: At this time, Judge Grossman,  
4 and the Board, I would move the admission of Applicant's  
5 Exhibit 2.

6 JUDGE GROSSMAN: Mr. Guild.

7 MR. GUILD: No objection, your Honor.

8 MR. BERRY: The Staff has no objection.

9 JUDGE GROSSMAN: Received.

10 (Applicant's Exhibit No. 2 for  
11 identification was thereupon received in  
12 evidence as Applicant's Exhibit No. 2.)

13 BY MR. MILLER:

14 Q Mr. DeWald, you were examined by Mr. Guild regarding the  
15 documentation of, I think it was, 551 weld inspections  
16 on one weld inspection report.

17 Do you recall that examination generally?

18 A Yes.

19 Q Then at a subsequent point in the examination you were  
20 shown a chart that had a projected number of weld  
21 inspections to complete a backlog.

22 Do you recall that examination?

23 A Yes, sir.

24 Q That, I think, projected at about five weld inspections  
25 per day.



1 Now, over approximately how many days were your  
2 inspection activities, that is you personally, that led  
3 to the documentation of the 551 weld inspections on a  
4 single inspection report?

5 A It was over a period of several days.

6 Q All right, sir. What is the maximum number of days that  
7 the --

8 JUDGE GROSSMAN: Excuse me.

9 Didn't we already have these questions asked and  
10 answered?

11 MR. MILLER: Well, we may have, your Honor.

12 If so, I will --

13 JUDGE GROSSMAN: Okay. If we haven't, I  
14 don't want to stop that questioning.

15 My recollection was that the witness didn't know  
16 and thought that it could have been over several days.

17 MR. MILLER: Okay. That may be right.

18 JUDGE GROSSMAN: And that's how it was left.

19 MR. MILLER: Yes. These are really  
20 preliminary. I don't mean to --

21 JUDGE GROSSMAN: Oh, okay.

22 BY MR. MILLER:

23 Q In any event, can we agree that substantially more weld  
24 inspections per day were accomplished by you in 1981,  
25 more than five?

1 A Yes.

2 Q My question is: What conditions, if any, changed  
3 between 1981 when you were a weld inspector and 1984  
4 when you were projecting five per day?

5 A The congestion conditions weren't as they were two years  
6 later in 1984.

7 You could move from one end of the room without  
8 running into various obstacles, having to climb over a  
9 tray, maybe conduit or something of this and you could  
10 pull a ladder down the aisle or right along the item of  
11 what you was trying to inspect.

12 Q All right, sir. Now, Mr. Guild asked you about your  
13 knowledge of the conversation between Mr. Saklak and Mr.  
14 Hii.

15 Do you recall generally that conversation -- that  
16 examination?

17 Let me get the specific page, if I may. I am going  
18 to have to review a copy of the testimony from you.

19 You were asked whether it ever came to your  
20 attention that Mr. Saklak, regarding Mr. Hii, to the  
21 effect that if Mr. Hii weren't on the plant site, I  
22 would kill him, Saklak would kill him. That's at Page  
23 1547 of the transcript.

24 My question, sir, first is: How many individuals  
25 named Hii are employed by Comstock at the Braidwood

1 site?

2 A Two.

3 Q All right, sir. I think you identified one as an  
4 inspector.

5 Was the other one also an inspector?

6 A No, sir. He was the project engineer.

7 Q All right. I take it these two gentlemen are related?

8 A Yes; father and son.

9 Q The son is the inspector?

10 A Yes.

11 Q Did you ever observe Mr. Saklak and Mr. Hii, Jr., ever  
12 having a disagreement?

13 A No.

14 Q Did you ever observe Mr. Saklak and Mr. Hii, Sr., having  
15 a disagreement?

16 A Yes, they have had disagreements, probably construction  
17 practices -- excuse me, practices versus procedure  
18 requirements and so forth.

19 Q Could you describe the nature of the disagreement a  
20 little bit more explicitly between those two men?

21 A On some occasions or occasions that I can remember Mr.  
22 Hii had written a memo, which was just a little bit  
23 outside of the procedure, which Mr. Saklak would have  
24 discussions with him about.

25 Q Is there any instance in which Mr. Saklak raised his

1 voice or otherwise was boisterous with Mr. Hii, Sr.?

2 A He had the occasion to raise his voice.

3 Q All right, sir. And Mr. Hii, Sr., was he employed  
4 within the quality control group?

5 A No. He was the project engineer for construction.

6 Q Now, I believe it was the very last series of questions  
7 by Mr. Guild that referred to a personnel evaluation  
8 which you performed on Mr. Saklak in January of 1985.

9 The words that were found in the evaluation, as  
10 found on Page 1760 of the transcript, your description  
11 of Mr. Saklak was, "Aggressive, energetic and quality  
12 minded, striving for a quality product."

13 My question to you, sir, is: On what did you base  
14 that evaluation?

15 A Mr. Saklak was a type of individual that was -- he knew  
16 what was going on in this area, in this area, in this  
17 area of his responsibility; and he was quick to bring  
18 attention to any deviation that construction might be  
19 going into or doing. He was quick to bring attention to  
20 try to get this particular item solved.

21 (Indicating.)

22 I felt through this he was quality minded.

23 Q I am jumping all the way back to the beginning of Mr.  
24 Guild's examination, where he asked you about a  
25 conversation that you had with Mr. Cosaro shortly before

1 -- shortly after you took your position as Quality  
2 Control Manager in August of 1983.

3 I believe you were asked about some questions and  
4 answers you gave in your deposition and so forth.

5 Would you tell us in your own words, Mr. DeWald,  
6 whether -- first of all, did you understand that Mr.  
7 Cosaro was being critical of Mr. Corcoran?

8 A I believe he was.

9 Q Would you describe for us, please, what you understood  
10 those criticisms to be?

11 MR. GUILD: Asked and answered. Objection.

12 JUDGE GROSSMAN: I am sorry?

13 MR. GUILD: I asked the same question of the  
14 witness and it was answered; and that was, what did Mr.  
15 Cosaro say to you and what did you understand. I think  
16 the witness answered the question.

17 I think it's improper over a two-week break to put  
18 the same question to him and, presumably, hope you get a  
19 different answer.

20 MR. MILLER: First of all, my question is  
21 different. I am asking him what were the criticisms,  
22 not just what did Mr. Cosaro say; and I intend to try to  
23 develop what the context of the statements was that Mr.  
24 Guild examined Mr. DeWald on very early in this  
25 proceeding.

1 I believe it's proper Redirect Examination.

2 MR. GUILD: Your Honor, I don't have a  
3 problem with probing that subject matter; but I did hear  
4 the question to be close to or identical as the question  
5 that was asked previously; and that was, what did Mr.  
6 Cosaro say.

7 It seems to me that you have to take what the  
8 witness's original answer to that question in substance  
9 is already.

10 MR. MILLER: No, sir. I believe my question  
11 is: "What did you understand?"

12 I asked whether there were any criticisms of Mr.  
13 Corcoran; and my question to him now is what did he  
14 understand those criticisms to be. I think that's very  
15 different.

16 JUDGE GROSSMAN: Well, I don't see how it's  
17 different. I would think that Mr. Guild's question  
18 covered the waterfront; but, now, I just don't recall  
19 the exact question and the exact answer now.

20 If you are moving, I think we will allow it, with  
21 your motion to strike, Mr. Guild; and if we find that  
22 that question was asked and answered, we will disregard  
23 the subsequent answer if it varies from it in our  
24 findings.

25 But you do see, Mr. Guild, what problems are caused



1 by your timing, so that we have redirect strung out over  
2 a two-week period.

3 MR. GUILD: You are correct, Judge.

4 JUDGE GROSSMAN: But continue. The witness  
5 can answer the question.

6 A I think his criticisms was that he didn't know the  
7 actual nuts and bolts or didn't understand the method or  
8 the progress of installations in the construction and  
9 that he was not getting his particular projects done,  
10 such as the document review, and that he didn't really  
11 know where he was at as to the inspection status of the  
12 job.

13 BY MR. MILLER:

14 Q Now, in response to Mr. Guild's question you stated that  
15 Mr. Corcoran was quality oriented?

16 A I feel that Mr. Cosaro was --

17 MR. GUILD: Objection. There is no question.

18 He did, in fact, state that; but there is no  
19 question pending. The witness was volunteering an  
20 answer to something that is not a question.

21 BY MR. MILLER:

22 Q What did you understand Mr. Cosaro's comment with  
23 respect to Mr. Corcoran's quality orientation to mean?

24 A I feel it was a plus. It was an item for him instead of  
25 against him or a criticism.

1 JUDGE COLE: I am sorry. I didn't hear your  
2 answer, sir.

3 A I feel it was a plus towards him instead of an item of  
4 criticism.

5 JUDGE COLE: All right, sir. Thank you.

6 BY MR. MILLER:

7 Q Finally, Mr. DeWald, Page 1397 in the transcript, you  
8 were examined by Mr. Guild with respect to your  
9 knowledge of the beliefs of certain of your Quality  
10 Control Inspectors that visited the NRC in late March  
11 and early April of 1985.

12 The question and answer that you were asked --  
13 well, the question you were asked was, "Do you doubt  
14 that 24 of your inspectors held the belief that was  
15 expressed in the April 5th NRC memo?"

16 Your answer was, "Do I doubt the belief?"

17 Mr. Guild said "yes" and indicated that that was  
18 the question.

19 Your answer includes the sentence, "My belief --  
20 there are two dashes and, "I know that I never put  
21 quality over quantity."

22 My question to you, sir, is: Is that an accurate  
23 expression of your approach to quality control?

24 A I think I might have twisted my words up there.

25 I have never put quantity over quality.

1 MR. MILLER: I have no further questions of  
2 Mr. DeWald.

3 JUDGE GROSSMAN: Let's go off the record for  
4 a second.

5 (There followed a discussion outside the  
6 record.)

7 JUDGE GROSSMAN: Why don't we just go back on  
8 now and we will finish discussing this later on.

9 MR. GUILD: Your Honor, could we take a  
10 five-minute recess?

11 I anticipate some Recross questions. I guess I am  
12 next in line.

13 JUDGE GROSSMAN: Yes, okay, fine. Why don't  
14 we take a five-minute recess.

15 (WHEREUPON, a recess was had, after which  
16 the proceedings were resumed as follows:)

17 JUDGE GROSSMAN: Back on the record.

18 Mr. Guild, your Recross examination.

19 MR. GUILD: Thank you, Mr. Chairman

20 RECROSS EXAMINATION

21 BY MR. GUILD

22 Q Mr. DeWald, Mr. Miller asked you a question about the  
23 conditions under which it would be appropriate to stop  
24 work on an activity where that activity was discrepant.  
25 Do you recall the use of the term "discrepant" in

1 Mr. Miller's question?

2 A I think so.

3 Q Is the term "discrepant" a term used in the Comstock  
4 Quality Assurance Program at Braidwood?

5 A I believe it is.

6 Q Can you tell me where that term is defined, a procedure  
7 or a --

8 A I believe it's defined in 4.11.1 and 4.11.2.

9 Q Is that for control of nonconforming conditions?

10 A One is the ICR and one is the nonconforming questions.

11 Q Under which procedure is the category of work  
12 denominated discrepant conditions controlled?

13 A I think the ICR.

14 Q So the ICR procedure contains a definition of discrepant  
15 conditions; is that your testimony?

16 A I believe it addresses a deficiency or discrepancy.

17 Q Well, my specific question is the specific term  
18 "discrepant" and "discrepancy."

19 Are those terms -- those specific terms -- defined  
20 in a Comstock procedure, to your knowledge?

21 A I am not sure of the exact terminology.

22 Q Well, the terminology is important, Mr. DeWald, for  
23 purposes of the question that your lawyer put to you  
24 and, presumably, also, important for the purposes of the  
25 question the Judge put to you.

1 Do you define in your program the term  
2 "nonconforming condition?"

3 A I believe the term "nonconforming condition" is defined  
4 in 4.11.1.

5 Q And that is the procedure governing nonconforming  
6 conditions?

7 A Nonconformances, yes.

8 Q And under that procedure, one initiates a nonconformance  
9 procedure or NCR --

10 A Yes.

11 Q -- for a nonconforming condition?

12 A Yes.

13 Q Isn't a nonconforming condition defined simply as a  
14 condition that fails to conform with applicable  
15 specifications or procedures?

16 A I think it's adverse to quality, which would -- it would  
17 impair the operation of the plant and would be something  
18 to the effect that it would be detrimental to the safety  
19 of possibly the public.

20 I am not sure of the exact wording of the  
21 procedure.

22 Q All right, sir. Is there a lower order than a  
23 nonconforming condition then as defined within the  
24 Comstock Quality Assurance Program, one that doesn't  
25 meet that standard but meets, nonetheless, a standard of



1           being otherwise nonconforming with applicable  
2           procedures, specifications?

3       A     I really don't understand your question.

4       Q     Let me try to rephrase it.

5           I understood your definition of a nonconforming  
6           condition to sound like a very serious matter.

7           Is that an accurate understanding?

8       A     Yes.

9       Q     You certainly deal with matters that are nonetheless  
10           nonconforming but are of a less serious character, do  
11           you not?

12      A     Yes, there is such a procedural violation.

13      Q     Or a violation of workmanship that doesn't rise to the  
14           standard that you have just defined?

15      A     Yes, sir.

16      Q     And both procedural violation and a violation of  
17           workmanship standards that aren't life threatening, if  
18           we accept my paraphrase, are conditions that have to be  
19           controlled under your program, are they not?

20      A     Yes.

21      Q     And controlling those conditions under your program  
22           means that not only you identify them and correct them  
23           but that you control them after you have identified  
24           them; is that --

25      A     Yes.



1 Q And controlling them means that you prevent this from  
2 being covered in concrete, for example, if you are  
3 talking about a weld or something that is embedment in a  
4 concrete structure.

5 Is that an example of a situation where you would  
6 control nonconforming conditions?

7 A You would use the NCR, yes, sir.

8 Q Or you would use an ICR if it were a lesser condition  
9 but just the same was going to be covered in concrete?

10 You would tag it, for example, would you not?

11 A Yes.

12 Q You would tag it and have someone evaluate the condition  
13 before you allowed the condition to be obscured by  
14 pouring concrete over it, for example?

15 A Yes.

16 Q And that's an aspect of control, is it not, that is  
17 required under your Quality Assurance Program?

18 A Yes.

19 Q Now, again, your belief is the term "discrepancy" is  
20 defined in the procedure governing ICR's?

21 A I believe it's ICR's.

22 Q And are those terms -- those terms, "discrepancies," are  
23 they to be controlled under your program?

24 A Yes.

25 Q And does this mean preventing the continuation of such a

1 discrepant condition after it's been identified?

2 A They don't -- if you are -- I think this is what you are  
3 asking.

4 We tag that condition, even on an ICR, yes, to stop  
5 any further work.

6 Q All right, sir. If a welder is using a welding machine  
7 that is in a discrepant condition, do you tag that  
8 machine so that it will not be used for subsequent work  
9 until the nonconforming condition has been evaluated?

10 A If it's out, yes, it would be tagged.

11 Q And it would be tagged so that someone wouldn't continue  
12 to use that tool that is not appropriately calibrated  
13 for further work; correct?

14 A Yes.

15 Q And that control, in effect, stops work using that  
16 particular tool or machine, does it not?

17 A It would stop the work with that particular machine,  
18 yes.

19 Q And that's a key aspect of your program, to prevent  
20 continued work with that discrepant tool?

21 A Yes.

22 Q Well, isn't it also a key element in your program to  
23 stop discrepant work using an unqualified procedure?

24 A It would be a procedural violation, yes. There would be  
25 a nonconformance put on it.

1 Q And you would stop continued work using that procedure  
2 until that nonconforming condition had been  
3 appropriately evaluated, would you not?

4 A Not necessarily. It would depend upon the situation.

5 Q Well, someone has to determine what the situation is,  
6 don't they, and, in the meantime, isn't it a key aspect  
7 of your program that you control the use of that  
8 nonconforming procedure in the meantime while the  
9 evaluation is being performed?

10 A Yes.

11 Q In the case of Mr. Puckett's issue involving the welding  
12 of A-36 to A-446 steel, you agreed with him, did you  
13 not, that continued use of the procedure that he  
14 believed was not properly qualified should stop until  
15 there had been an evaluation of the nonconforming  
16 condition?

17 MR. MILLER: Your Honor, I believe that these  
18 questions were asked and answered on Mr. Guild's  
19 original Cross Examination of this witness.

20 JUDGE GROSSMAN: But then it was brought up  
21 again on Redirect.

22 I am not sure. Is this a preliminary question, Mr.  
23 Guild?

24 MR. GUILD: Yes, sir.

25 I think, in fairness, if the witness is allowed to

1 be asked the same question again, raise the same subject  
2 again, for purposes of taking up the question of whether  
3 or not this is a discrepant condition and, therefore,  
4 one we should concern ourselves with or some other -- I  
5 am sorry. Whether it is a discrepant condition or  
6 another condition, one we shouldn't concern ourselves  
7 with, then it's fairly within the scope of proper  
8 Recross.

9 JUDGE GROSSMAN: The witness can answer the  
10 question.

11 Do you want to have that repeated by the Reporter?

12 THE WITNESS: Yes, please.

13 JUDGE GROSSMAN: Please.

14 (The question was thereupon read by the  
15 Reporter.)

16 A Yes, until evaluation was taken.

17 BY MR. GUILD:

18 Q Such an evaluation did take place, in which Mr. Puckett  
19 and you participated?

20 A Yes.

21 Q As a result of that evaluation, it was then determined  
22 that pursuant to your QA program, with the concurrence  
23 of Mr. Gieseke of Commonwealth Edison Company, welding  
24 could continue?

25 A Correct.

1 Q But that determination was made only after the  
2 nonconforming condition was properly evaluated; correct?

3 A Yes.

4 Q Your counsel asked you about how calibration inspections  
5 are performed; and I believe, in part, you stated that  
6 when calibrating a tool, one would utilize applicable  
7 manufacturers' instructions for that tool.

8 A Yes.

9 Q Now, were you talking about the point in time when Mr.  
10 Seeders was doing the calibrations work and up until  
11 fall of '84 or were you talking about now?

12 A This would also apply back at that time.

13 There was no -- they had the manufacturers'  
14 instructions which would give the dimension check or  
15 whatever the case might be to reference to.

16 Since then the Engineering Department has put in a  
17 series of guidelines as to how the tool has to be  
18 calibrated.

19 Q And those guidelines didn't exist when Mr. Seeders was  
20 given responsibility for the calibration inspections;  
21 correct?

22 A I believe they were available.

23 Q I am sorry?

24 A They were available.

25 Q The manufacturers' instructions may have been available

1 but you didn't have any engineering guidelines on how to  
2 interpret those instructions or requiring that you use  
3 those instructions, did you?

4 A Not from engineering, no.

5 Q That was an enhancement, shall we say, of your  
6 calibrations program that came after Mr. Seeders' time,  
7 did it not?

8 A I believe.

9 Q And, in fact, it addressed some of the problems in the  
10 calibrations program that you identified at the point  
11 where you transferred Mr. Seeders or shortly thereafter,  
12 I will say?

13 A Would you state the question again?

14 Q Yes, let me try again. I was unclear on that.

15 You, in fact, identified the need to take certain  
16 corrective actions in your calibrations program as a  
17 result of a review of calibrations records, which took  
18 place just prior to and after Mr. Seeders' transfer?

19 A Yes.

20 Q And among those corrective actions was requiring the use  
21 of manufacturers' instructions for purposes of tool  
22 calibration?

23 A I believe so.

24 Q Now, you told John Seeders that he was to perform a 100  
25 percent review of his calibrations records, didn't you?



1 A Not 100 percent.

2 Q You didn't?

3 A I told him I wanted the ICR's and the NCR's reviewed,  
4 which was the audit concern, as to whether or not ICR's  
5 or NCR's had been issued against out of calibration  
6 tools. That was the extent of that review.

7 Q So you didn't tell Mr. Seeders that you wanted him to do  
8 a 100 percent review of all of his calibration records?

9 A Not of all the records, no, sir.

10 Q Did you tell him that in a written instruction so that  
11 it was clear exactly what the scope of Mr. Seeders' 100  
12 percent or whatever review was to be?

13 A I did not personally tell Mr. Seeders.

14 I don't recall whether I told Mr. Saklak or his  
15 lead, Mr. Phillips.

16 Q So you don't know personally exactly what Mr. Seeders  
17 was told, since you didn't tell him?

18 A Correct.

19 Q Mr. Seltmann, Page 11 of his prefiled testimony,  
20 Question 9, states, "Mr. John Seeders was assigned to  
21 perform a 100 percent review of calibration records by  
22 Mr. DeWald."

23 Now, that's not exactly what you did, is it? You  
24 didn't tell him anything?

25 A I didn't tell him anything.

1 Q You told someone else?

2 A I told someone else to tell him that I needed the review  
3 of the ICR's and NCR's that he may or may not have  
4 issued against the various tools that were out of  
5 calibration. That was the audit finding.

6 Q Did Mr. Seeders ever write you a memo back saying what  
7 he interpreted his charge to be?

8 A (No response.)

9 Q Did he write you back stating, "I understand I am  
10 instructed to review 100 percent of only my Form 77's,"  
11 for example?

12 A I don't remember if he wrote anything or not.

13 Q What is a Form 8 as used in the calibration procedure,  
14 Mr. DeWald?

15 A It's like a cover sheet that gives the manufacturer's  
16 name, calibration date, the date of purchase and so on.

17 Q What is a manufacturer's certification as the term is  
18 used within the calibration inspection program?

19 A That is a certification that comes from the  
20 manufacturer.

21 Q And the Form 30 is an ICR?

22 A I believe the Form 30 is an ICR.

23 Q Did you review the report that Mr. Seeders prepared of  
24 the calibrations review that he had performed as of July  
25 28, 1984?

1 A I am not sure whether I did or not.

2 Q I show you the document. It has been previously  
3 identified as Seeders' Deposition Exhibit 25. It's a  
4 handwritten document of several pages in length and  
5 provides a listing of Mr. Seeders', presumably,  
6 findings.

7 I show you the document, and can you recall whether  
8 you saw that, Mr. DeWald?

9 A I don't know whether I seen this one or not.

10 Q You need to keep your voice up, sir.

11 A I don't remember whether I seen this one or not.

12 Q Do you know who Mr. Seeders reported to in the results  
13 of his<sup>e</sup> calibration review if not to you?

14 A I believe it was Mr. Saklak and then Mr. Seltmann got  
15 them, I believe.

16 Q So as you understand the reporting relations on Mr.  
17 Seeders' work, he would have provided the results of  
18 such a review to Mr. Saklak and Mr. Seltmann?

19 A Yes. Mr. Seltmann had to answer the audit finding.

20 Q All right, sir. Who normally performed the receipt  
21 inspection activity at the time Mr. Seeders was  
22 performing calibrations?

23 A Mr. Phillips.

24 Q All right. Mr. Phillip was Mr. Seeders' lead; correct?

25 A Correct.

1 Q And it was Mr. Phillips who was on funeral leave, I  
2 believe, during the period of time when Mr. Seeders  
3 raised concerns about the number of tasks that he was  
4 expected to perform?

5 A I believe so.

6 Q What other duties did Mr. Phillips perform at the time  
7 he performed receipt inspections?

8 A He performed cable pan surveillance for cleanliness.

9 I believe he also performed inspections of the  
10 drawings at the various documentation -- drawing  
11 stations out in the field.

12 Q Can you estimate what proportion of Mr. Phillips' time  
13 he devoted to receipt inspection at that period of time,  
14 summer or fall, '84?

15 A No, sir. I can't give you an estimate.

16 Q Did he perform more receipt inspections than other work?

17 A I really couldn't give you an answer. I don't know.

18 JUDGE GROSSMAN: Excuse me. Are you off that  
19 deposition exhibit?

20 MR. GUILD: Yes, I am.

21 JUDGE GROSSMAN: Does that exhibit indicate  
22 that Mr. Seeders reviewed matters other than ICR's and  
23 NCR's?

24 MR. GUILD: It indicates that he reviewed the  
25 number of forms; Judge, and the forms were the forms

1           that I asked the witness about prior, showing him the  
2           exhibit.

3           Would you like me to hand the document up? I  
4           expect I will return to this subject later; but since  
5           the witness can't recall having seen the document, I  
6           didn't pursue it further.

7           JUDGE GROSSMAN:    Okay. Thank you.

8           BY MR. GUILD:

9           Q    You stated in response to a question of Mr. Miller that  
10           one hour was the outside limit on what it would take to  
11           do a receipt inspection.

12           Is that your opinion?

13           A    I didn't give an outside figure. I said it may take an  
14           hour.

15           Q    What is an outside limit? How much time would it take?

16           A    I really wouldn't know. It would depend on how much  
17           quantity or how much there was to check during the  
18           inspection.

19           Q    Are you certified as a Level 3 on receipt inspection?

20           A    Yes.

21           Q    Did you ever perform receipt inspection other than in  
22           the process of being certified?

23           A    No, because I can't do those because of the union.

24           Q    Well, at the time in August of 1984 when Mr. Seeders was  
25           complaining about these various tasks, could you have

1 performed -- were you qualified to perform receipt  
2 inspections?

3 A Yes.

4 Q Had you at that time?

5 A No.

6 Q Do you know whether it would take longer than one hour  
7 to perform a receipt inspection?

8 A Again, it would vary, depending on what they had to  
9 check when the shipment came in.

10 Q I am sure it would, Mr. DeWald; but do you know of your  
11 own personal knowledge how long it would take to do a  
12 receipt inspection?

13 A Again, sir, I really couldn't give you an exact number  
14 or figure as to the time.

15 Q All right. Now, you stated that, in effect, when  
16 someone was responsible for cross training others, that  
17 that was providing the inspector responsible for cross  
18 training some additional help in inspecting?

19 A Yes, sir. He could use him for additional help, "Look  
20 at this," or, "Count this."

21 It also gives or affords that inspector that is  
22 training the opportunity to perform the inspection  
23 itself.

24 Q Well, isn't it a fact, Mr. DeWald, that in addition to  
25 -- that while a trainee may be of some assistance to a



1           trainer, to the inspector who is responsible for the  
2           cross training, that performing adequate cross training  
3           may, in fact, take more time than it would normally take  
4           in performing the inspection work that was being used as  
5           part of the on-the-job cross training?

6           A     I would say yes.

7           Q     So having someone to cross train may not be of a help at  
8           all; it might be a hindrance, might it not?

9           A     Very possible.

10          Q     You stated that you didn't understand what Mr. Seeders  
11          meant when he used the word falsification in his August  
12          17, 1984, letter; is that right?

13          A     Correct.

14          Q     Isn't it plain, Mr. DeWald, from simply looking at the  
15          context of the way Mr. Seeders uses the terms, that he  
16          was directing his complaint to two things:

17                 First, the notion that he would allow other  
18          inspectors to do his leg work for him and simply sign  
19          off documents, indicating inspection results that he  
20          personally himself had not performed.

21                 Did you understand that Mr. Seeders was talking  
22          about that --

23          A     No.

24          Q     -- first as the subject of his falsification memo?

25          A     No.

1 Q And, second, that he understood that he was to complete  
2 the results of his calibrations document review,  
3 regardless of the merits of that review and simply to  
4 sign the matter off and get it done with, and that he  
5 was saying that he would not falsify that document,  
6 those documents?

7 A I didn't understand it, not like that.

8 Q You don't think that those two subjects are a fair  
9 reading of simply the text of Mr. Seeders' August 17th  
10 letter?

11 A No, I don't.

12 Q Did you ask Mr. Seeders what he meant when he used the  
13 word "falsification"?

14 A I don't recall whether I did or not when I talked to  
15 him.

16 Q Do you recall investigating the subject of  
17 falsification?

18 A Yes, I think I did.

19 Q Then how did you know what to investigate if you didn't  
20 understand what he meant?

21 A I asked various questions. I don't recall exactly what  
22 questions I asked when I investigated.

23 Q When you interviewed the inspectors about Mr. Seeders'  
24 complaints, you asked them, as you stated in response to  
25 Mr. Miller, in effect, did they have any knowledge of

1 harassment and intimidation; correct?

2 A Yes.

3 Q And I think I understood your answer to Mr. Miller to  
4 say that you didn't try to put a definition on the terms  
5 harassment and intimidation when you asked that  
6 question?

7 A No, sir, I didn't.

8 Q You just used those words; right?

9 A Yes, sir.

10 Q And you did that because, as you probably observed  
11 sitting through a week of this hearing, those terms are  
12 not susceptible to very precise definition; correct?

13 A Would you rephrase that question?

14 Q When you used harassment, you did not define harassment  
15 and intimidation because there is no real clear  
16 definition of those terms, except in, perhaps, the eye  
17 of the beholder?

18 A Now you are talking about when I talked to the other  
19 inspectors?

20 Q Right.

21 A I wanted to find out what their view of harassment and  
22 intimidation was.

23 Q That's right.

24 That's why you didn't define the terms for them?  
25 You just asked them what they thought, if there had been

1 harassment and intimidation?

2 A Yes, sir.

3 Q And elicited from them a response to those words?

4 A Yes.

5 Q That would presumably reflect their understanding of  
6 those words; correct?

7 A Yes.

8 Q Since you didn't define them?

9 A Right. I just asked the open question.

10 Q Right. And to that open question, you got a number of  
11 inspectors of a small sample that you asked telling you  
12 that they thought there had been harassment; correct?

13 A I am not sure I put it -- it may have been that way,  
14 yes.

15 Q And I think you testified earlier on Cross Examination  
16 that you performed no further investigation of  
17 harassment concerns that were raised by these inspectors  
18 at the Seeders' interviews?

19 A I don't recall what I said.

20 Q Well, my question doesn't go so much to what you said  
21 but did you, in fact, perform any additional  
22 investigation in August or September of 1984 when the  
23 inspectors you interviewed regarding Seeders' complaints  
24 stated that, in effect, they believed there had been  
25 harassment?

1 A There is one specific one in there, I believe, Miss  
2 Lobue -- I think the name is Lobue -- had mentioned  
3 another individual; and I went and I talked to this  
4 individual.

5 Q Did you investigate any more generally than that one in  
6 the case?

7 A No, sir.

8 Q Now, Mr. Miller asked you the question on this same  
9 line, in effect, what were you looking for when you  
10 asked about harassment and intimidation; and I  
11 understood your answer to be you weren't looking at just  
12 any kind of pressure on, say, a QC Inspector by a  
13 supervisor to do this or do that; correct?

14 You weren't looking for that?

15 A I wasn't looking for pressure to do their job.

16 I was looking for pressure: Has anybody threatened  
17 you because you refused to sign something off, something  
18 that would be adverse to quality?

19 Getting up and telling the individual to go to work  
20 I feel was part of his job or would not be a threat or  
21 intimidation, asking for eight hours' pay -- eight  
22 hours' work for eight hours' pay.

23 Q Okay. You were looking for conduct -- this is your  
24 answer again, my notes of your answer.

25 You were looking for conduct that was significant;

1           that's what you said?

2           A     Yes.

3           Q     Well, did you tell that to these inspectors when you  
4                 asked about harassment and intimidation?

5           A     I wanted to hear it in their own words as to what they  
6                 felt, if they had been harassed or intimidated and what  
7                 their reasoning was.

8           Q     Uh-huh.

9           A     I didn't want to put any type of words in their mouth or  
10                to bring an answer forward that they thought I might  
11                want to hear. I wanted to hear what they had to say.

12          Q     I take it no one said to you that they, as a result of  
13                harassment or intimidation, violated a procedure or  
14                performed or approved deficient work?

15          A     I didn't hear any of that sort of statements from the  
16                individuals.

17          Q     And in the absence of such a statement from an inspector  
18                that they had actually performed deficient work as a  
19                result of harassment, you pursued the matter no further?

20          A     Correct.

21          Q     Mr. Miller asked you about 551 welds that you documented  
22                on a single inspection report in the days when you  
23                yourself were a Level 2 Quality Control Welding  
24                Inspector.

25                Do you recall that?



1 A Yes, sir.

2 Q Now, let's see if we can get our numbers straight here.

3 Five a day doesn't mean five welds a day, does  
4 it --

5 A No.

6 Q -- as you are using the term five for planning purposes  
7 and status these days; correct?

8 A Correct.

9 Q It means five installations, does it not?

10 A Yes.

11 Q Five installations may themselves each have a number of  
12 welds?

13 A Correct.

14 Q And they may have only one weld or they may have some  
15 larger number; correct?

16 A Correct.

17 Q And I think we may have covered this ground before; but  
18 just for clarity:

19 Is four welds per installation a reasonable  
20 approximation of a typical installation?

21 A It's hard to say what would be actually typical.

22 You have them ranging from four, eight, 12, 16.  
23 There are various numbers. I would hate to say what a  
24 typical is.

25 Q Well, let's say it was ten. If it was ten welds per

1 installation as a typical figure -- that is on the high  
2 range, isn't it, really?

3 A Again, I really can't put a number on a typical.

4 Q But let's assume it was ten.

5 If it were ten welds per installation back in 1981  
6 when you were doing the inspections, 551 welds would be  
7 55 installations; correct?

8 A I don't think you can go by the number of welds per the  
9 number of installations.

10 You may have a hanger that might have 100 welds on  
11 it.

12 Q Do you have hangers that have 100 welds?

13 A I believe there are a few out there.

14 Q Was that a typical installation?

15 A No, it isn't.

16 Q Is a typical installation more on the order of ten?

17 A I don't know what a typical would really be.

18 Q Well, let's just accept for questioning purposes -- and  
19 I understand what your answer is. I am not trying to  
20 force you to accept a different view of the facts; but I  
21 ask you to accept ten as a typical figure.

22 If ten was typical, then in 1981 when you did your  
23 Level 2 inspections, the 551 welds would have  
24 represented 55 installations. Now, that's just a matter  
25 of math.

1 MR. MILLER: Your Honor, excuse me.

2 I am going to object unless there is some  
3 representation by Mr. Guild that he is going to  
4 establish from some other witness what a typical number  
5 of welds per installation are.

6 This witness has not provided that foundation  
7 through his testimony so far.

8 MR. GUILD: He hasn't, Judge; and we will  
9 certainly establish that ten is an upward bound as a  
10 typical installation.

11 I don't mean to make that the thrust of the  
12 questioning. It's not. I am not trying to prove --

13 JUDGE GROSSMAN: The thrust of the question  
14 is that it looks like a preliminary question now getting  
15 the terminology straight as to what the numbers mean,  
16 with the ten being supplied by Mr. Guild.

17 So I think the witness can answer that question.

18 BY MR. GUILD:

19 Q I ask you to assume that ten is -- ten welds per  
20 installation is -- typical.

21 If you assume that, then 551 welds that you  
22 documented on a single inspection report in 1981, Mr.  
23 DeWald, would represent the inspection of 55  
24 installations. That's the way the math works.

25 A You could assume that.

1 Q All right. Now, 55 installations in 1981, if you assume  
2 my math, my number for welds per installation, how long,  
3 in your opinion, based on your experience as a Level 2  
4 and the Quality Control Manager, would it take to  
5 reasonably have done 55 installations under the  
6 circumstance applicable in 1981?

7 A Would you rephrase that?

8 Q How long would it take you to do 55 inspections in 1981?

9 A It would be over a period of days.

10 Q How many days?

11 A Three, four.

12 Q Okay. Let's assume it was five days, if you want to be  
13 conservative.

14 You would have been doing then on the average of  
15 more than ten installations, more than ten inspections  
16 during a single day?

17 A If you used the ten figure, yes.

18 Q Now, at that point in time in 1981, given the conditions  
19 that there were out there, in your opinion, would it  
20 have been reasonable to do ten weld inspections a day?

21 A I think so.

22 Q Which might have contained 100 welds if ten welds per  
23 installation is the typical figure?

24 A It may have taken longer if you had 100 welds on a  
25 hanger.

1 Q Now, the difference between doing those welds, the 551  
2 welds, then in five days in 1981 and doing them in ten  
3 days in 1985-1986 at the rate of five a day is accounted  
4 for, as you just testified, because of increased  
5 congestion?

6 A Yes, sir.

7 Q Is that the only reason why you could do only half the  
8 amount of work in today's terms or in 1985 terms that  
9 you could do in 1981 terms?

10 A It would all depend on the complexity, if something has  
11 changed, something is revised.

12 Q That's what I want to focus on, Mr. DeWald.

13 Isn't it a fact that a number of other things have  
14 changed at the Comstock QC program aside from just the  
15 congestion of the nuclear plant?

16 A Sure. The whole program is continuously changing.

17 Q And aren't those changes also significant in reducing  
18 the number of weld inspections that an inspector could  
19 be reasonably expected to perform in a single day?

20 A It could have a bearing on it, yes.

21 Q Well, isn't it really true, Mr. DeWald, that you just  
22 don't do things in 1985 and 1986 the way you did them in  
23 1981?

24 A That's true.

25 Q And aside from the congestion issue, there has been

1 considerable enhancement, to use a term of Comstock, in  
2 the QC program at Comstock that accounts for the reduced  
3 production rates in weld inspection, among other things?

4 A Would you repeat that?

5 Q All right. Aside from simply congestion in the plant,  
6 there have been a number of enhancements in the QC  
7 program at Comstock that account for the reduced  
8 production rates that are reasonable in 1985 or 1986 as  
9 compared to 1981?

10 A I think so.

11 Q And you do a better job in 1985 and 1986 than you did in  
12 1981; isn't that true?

13 MR. MILLER: Objection.

14 "Better job," definition.

15 BY MR. GUILD:

16 Q Do you do a better job in 1985 and 1986 than you did in  
17 1981?

18 A I feel that the same quality that was in 1981 is the  
19 same quality that is in 1985 and 1986.

20 Q So your testimony is there has been no change in quality  
21 from 1981 through 1986?

22 A I don't believe there has.

23 Q There are two Mr. Hiis that work at Comstock. Mr. Hii,  
24 Sr., the project engineer or former project engineer;  
25 and Mr. Hii -- is it junior?



1 A No, it's not junior.

2 Q They are not both Joe?

3 A They are both Joe but it's not junior.

4 Q Mr. Hii, the younger, is a QC Inspector?

5 A Yes, sir.

6 Q He is a supervisor?

7 A Yes, sir.

8 Q Are you sure that Mr. Saklak didn't refer to the younger  
9 when he -- assuming he did -- used the threatening terms  
10 that I asked you about?

11 A Again, I don't know whether it was him. I am assuming  
12 that it was Mr. Hii, Sr., because they used to get in  
13 quite a few heated arguments.

14 Q So you know about the heated arguments that Mr. Saklak  
15 and Mr. Hii, Sr., the project engineer, used to get  
16 into; you just don't know about the heated arguments, if  
17 any, involving Saklak and the younger Mr. Hii?

18 A Not for that particular statement, no, sir.

19 Q Well, do you know about any arguments that Mr. Saklak  
20 got in with the younger Mr. Hii?

21 A Not that I can remember right now.

22 Q Well, can you recall whether there have been any within  
23 your knowledge?

24 A Not that I can recall of.

25 Q Now, do you agree, Mr. DeWald, that there is a basic

1 conflict in a QC program, not just at Comstock but  
2 generally, between meeting quantity goals and meeting  
3 quality goals?

4 A A conflict?

5 Q Yes.

6 A Would you restate your question?

7 Q Yes.

8 Do you believe that as a general matter in a  
9 quality control program there is a basic conflict  
10 between quality goals and quantity goals?

11 A I really don't think there is. It could be construed  
12 as, I would imagine; but I don't think there is a  
13 conflict there.

14 Q Well, do you believe, Mr. DeWald, that there is  
15 inherently cost and schedule pressure that operates in  
16 the environment of a nuclear power plant quality  
17 assurance setting?

18 A Oh, I believe there is a cost on everything that is in a  
19 nuclear environment, quality, construction, the whole,  
20 the whole group.

21 Q So you agree that there are inherently cost and schedule  
22 pressures on quality assurance at a nuclear construction  
23 job?

24 A There is a -- there is a possibility, I guess.

25 Q Don't you understand, in fact, Mr. DeWald, that a

1 requirement of Appendix B, Criterion 1, Organization, is,  
2 that you structure a Quality Assurance Program  
3 explicitly to protect the quality assurance functions  
4 from what is an inherent cost and schedule pressure?

5 A Yes.

6 Q And you try to meet those requirements at Comstock,  
7 don't you?

8 A We do.

9 Q But you are always under pressure to meet cost and  
10 schedule requirements, are you not?

11 A I think even as any good manager, you have got to take  
12 and establish a base line or a point in time when you  
13 are going to be finished with something.

14 I don't think pressure of a cost and scheduling is  
15 so much as are you doing progress, and I think that's  
16 the name of the game as far as getting the job  
17 completed.

18 Q Well, you are aware of the cost consequences of issuing  
19 NCR's, are you not?

20 A Yes.

21 MR. MILLER: Your Honor, excuse me.

22 I think this is going beyond the scope of my  
23 Redirect. Indeed, it has to do with matters that were  
24 covered by Mr. Guild's original Cross Examination.

25 JUDGE GROSSMAN: I think that is probably the

1 case now.

2 MR. GUILD: If I can --

3 JUDGE GROSSMAN: Why don't you ask another  
4 question?

5 MR. GUILD: If I can tie it up, Mr. Chairman,  
6 I will move onto something.

7 BY MR. GUILD:

8 Q Commonwealth Edison in the person of Mr. Shamblin, for  
9 one, certainly let you know when you were not meeting  
10 expected schedule requirements with regard to the  
11 backlog of Comstock QC inspections and document review  
12 work?

13 MR. MILLER: Again, your Honor, I don't  
14 believe I inquired at all with respect to Mr. Shamblin.

15 JUDGE GROSSMAN: Except I believe there were  
16 some Board questions on this that Mr. Guild is now  
17 asking about.

18 BY MR. GUILD:

19 Q You heard from Edison when you were not meeting your  
20 schedule requirements with regard to the QC inspection  
21 backlog and the quality document review at Comstock?

22 A Yes.

23 Q You had to meet with him on a weekly basis for a time  
24 and report on your results of meeting those schedule  
25 requirements?

1 A Yes.

2 Q All right. Now, you understood that Mr. Corcoran, your  
3 predecessor, had been replaced by Commonwealth Edison  
4 Company.

5 At the point where you became QC Manager at  
6 Comstock, didn't you understand, in effect, Mr. DeWald,  
7 that when Mr. Corcoran faced that conflict between  
8 quality and quantity, that Mr. Corcoran failed to strike  
9 the appropriate balance and instead emphasized quality  
10 to the detriment of meeting cost and schedule  
11 requirements?

12 A It may have been, yes.

13 Q And Edison, in effect, told you that your job in the new  
14 regime as QC Manager at Comstock was to more  
15 appropriately strike that balance in favor of quantity,  
16 meeting cost and schedule requirements?

17 A No, sir, not in that. It was to establish a method or  
18 to status out the job so I could give an estimated  
19 completion date to show progress as to how we are doing.

20 MR. GUILD: I see. Those are all my  
21 questions.

22 JUDGE GROSSMAN: Do you need a few more  
23 minutes now, Mr. Guild?

24 MR. GUILD: That is all I have Mr. Chairman.  
25 That concludes my questions.

1 JUDGE GROSSMAN: The Staff's Redirect -- I am  
2 sorry -- Recross.

3 RECROSS EXAMINATION

4 BY MR. BERRY

5 Q Mr. DeWald, I would like to direct your attention to  
6 Page 35 of your testimony, Answer 25, the first sentence  
7 of your Answer 25 in particular.

8 Do you see that?

9 A Yes.

10 Q I believe Mr. Guild asked you a question as to whether  
11 you had asked Mr. Seeders to perform a 100 percent  
12 inspection of calibration records.

13 I believe your testimony was that you did not.

14 A I think it was.

15 What I meant here when I wrote it, 100 percent  
16 review of the records to identify whether ICR's or NCR's  
17 had been issued for production work or inspection using  
18 instruments found to be out of calibration.

19 This would entail 100 percent of the Form 77's.

20 Q You will have to speak up.

21 A This would have entailed 100 percent review of the Form  
22 77's.

23 MR. BERRY: That is all I have. No further  
24 questions.

25 BOARD EXAMINATION



1 BY JUDGE GROSSMAN:

2 Q Mr. DeWald, if an inspector ever told you that he had  
3 signed off on some item that contained nonconforming or  
4 otherwise discrepant condition, wouldn't that have been  
5 grounds for his being fired?

6 A If he himself came and asked me, sir, or told me?

7 Q No.

8 If you had asked an inspector if he had ever signed  
9 off on some item that had a nonconforming condition on  
10 it because someone had told him to, wouldn't that have  
11 been grounds for that QC Inspector to be fired?

12 A I think I would have looked into it to see what the  
13 circumstances was and why he was told that or --

14 Q What if the circumstance was that it was a nonconforming  
15 condition for which he should have written an NCR where  
16 instead he just signed off on that nonconforming  
17 condition and let it pass; wouldn't that have been  
18 grounds for his being fired?

19 A Yes, sir, I think it would be.

20 Q And wouldn't it be the same with a condition that  
21 required an ICR rather than an NCR? Wouldn't that also  
22 have been grounds for his being fired?

23 A I think I would have to look at the situation, sir, as  
24 to what exactly the discrepant condition would be.

25 If it's out and out where the inspector did not

1 really look at the item but yet signed off on it and had  
2 a nonconforming condition, yes, sir, that would be  
3 grounds.

4 Q What if it was an item that he should have written an  
5 ICR on but instead he passed it; that would be grounds  
6 for his being fired, wouldn't it?

7 A I believe so.

8 Q Would you even have a choice as to whether to fire him  
9 or not if he told you that?

10 A I think I would have to take and review the situation  
11 and see exactly what the situation actually was, whether  
12 or not he might have overlooked something because of a  
13 revision change or something of this, that the revision  
14 change wasn't available to him at the time or he didn't  
15 have it.

16 I would have to look at something like this, too,  
17 before I would pass judgment to terminate the  
18 individual.

19 JUDGE GROSSMAN: Do you have any questions?

20 JUDGE CALLIHAN: Yes, I have one question.

21 I am not sure if this is the place in the  
22 proceedings to put it. Let me try and get your  
23 response; and if you think that somebody a little later  
24 can address it more completely, don't hesitate to say  
25 so.

## BOARD EXAMINATION

BY JUDGE CALLIHAN

Q This has to do with calibration of your torque wrenches and instruments and things like that. There were some statements somewhere that even though a torque wrench, we will say, I believe it was -- it really doesn't matter -- was out of calibration and it hadn't been or maybe it had not been recalibrated, at any rate, it was suspect, yet it had been issued to the field in the interim since the deficiency was first observed.

Am I remembering correctly thus far?

A I think so.

Q All right. Then let's suppose it were recalibrated and found to have been out of calibration during this interval.

What did you all do about it? Did you go back and look at all the things on which it had been used and recheck?

A We would trace back the installation reports for the installations that we used for, say, that torque wrench and we would have to go back and do a re-torque on whatever that tool was used on.

Q Do you think that was done in all instances --

A No, I don't.

Q -- that came to your attention?

1 A I think it was, that came to my attention; but I don't  
2 think in all instances it was.

3 That's part of the problem that we have in the  
4 calibration program that we have right now.

5 Q Do you have that great a confidence in your record  
6 keeping that, if this particular item had gone to the  
7 field in this period of suspect calibration, that you  
8 think that your records are sufficiently complete that  
9 you can go out and say that this bolt was torqued with  
10 that wrench and this one was not?

11 Are your records that good and that complete and  
12 that detailed under normal conditions?

13 A Today I would say yes.

14 JUDGE CALLIHAN: All right. Thank you.

15 JUDGE GROSSMAN: Re-recross on matters that  
16 have been brought up on Redirect, Recross and Board  
17 questions.

18 MR. GUILD: Just briefly, Judge.

19 RECROSS EXAMINATION

20 (Continued.)

21 BY MR. GUILD

22 Q You said today your records are sufficient but they  
23 weren't sufficient at the time --

24 A It was --

25 Q -- at the time Mr. Seeders was responsible for

1 calibrations, were they?

2 A It was to the point you could track those back to the  
3 installation report, I believe, yes.

4 Today they refined them where you can get a little  
5 bit closer in a faster period of time, such as they have  
6 a torque wrench trailer which is attached right to the  
7 torque wrench; and when the sheet is filled, it comes in  
8 and goes in the I. B. M., I believe.

9 Q Well, close only counts in horseshoes, Mr. DeWald.

10 How can you actually trace it to a specific bolt if  
11 you don't have a record that specifically ties the  
12 torque wrench that was found to be out of calibration to  
13 the specific bolt?

14 A You had your installation you go by; and in the cases  
15 where the torque wrench is used, I believe they do put a  
16 torque wrench number down there and also our inspection  
17 reports does reflect the torque wrench number that was  
18 used.

19 Q Were there any times when your records were insufficient  
20 to trace a specific torque wrench to a specific torqued  
21 item, to a bolt, say?

22 A I believe there has been.

23 Q In those instances, if it was later discovered that that  
24 torque wrench was out of calibration, you would be  
25 unable with certainty to track that out of calibration

1 wrench to a specific bolt?

2 A In some cases, yes.

3 Q Judge Grossman asked you whether it was a firing offense  
4 to sign off on an ICR -- I am sorry.

5 Whether it was a firing offense to approve a  
6 discrepant condition, one that should have required the  
7 initiation of an ICR or an NCR and you said it was.

8 A I think it is, if the individual is knowledgeable of  
9 that particular condition, if there hasn't been any  
10 revision or something on it that he wasn't aware of.

11 Q Is it also a firing offense if that approval of  
12 deficient work is caused not by negligence or  
13 inattention to detail but by succumbing to intimidation?

14 In other words, it results from a supervisor  
15 pressuring you to falsely approve the deficient work?

16 A I don't think I would fire an individual if he was  
17 intimidated to do something that was wrong that was not  
18 quality.

19 Q All right. So your testimony is in that case it would  
20 not be a firing offense?

21 A I think I would fire the supervisor.

22 Q Well, have you ever applied that hypothetical situation  
23 to real life facts at Comstock, where the inspector  
24 actually approved deficient work as a result of  
25 intimidation?



1 A No, sir. I have never come across something like that.

2 Q So you are speaking hypothetically about what you would  
3 do if such a case was presented to you?

4 A Yes.

5 MR. GUILD: That is all I have.

6 JUDGE GROSSMAN: I am sorry, Mr. Miller. I  
7 skipped you on Re-redirect.

8 Did you have any questions?

9 MR. MILLER: That's quite all right.

10 Mr. Guild took care of one of the subjects that I  
11 wanted to cover. Just one other question.

12 REDIRECT EXAMINATION

13 (Continued.)

14 BY MR. MILLER

15 Q You were asked by Mr. Guild with respect to the  
16 nonconforming condition and the stopping of work while  
17 that nonconforming condition was evaluated.

18 Do you recall Mr. Guild's question to you, Mr.  
19 DeWald?

20 A Something to that effect.

21 Q He asked you about procedural deficiencies or  
22 discrepancies. I can't remember the exact word he used.

23 My question to you is: Has it been your experience  
24 that a stop work is ordered every time a procedural  
25 irregularity is observed?

1 A No, sir.

2 Q Why not?

3 A Some NCR's that are written addresses a procedural  
4 violation which does not impact the hardware in the  
5 plant. It's a matter of possible training or something  
6 of this nature, where the quality of the plant and the  
7 hardware haven't been impacted at all.

8 MR. MILLER: I have no further questions.

9 JUDGE GROSSMAN: Staff?

10 MR. BERRY: Nothing further, your Honor.

11 JUDGE GROSSMAN: Mr. Guild on that last  
12 question by Mr. Miller, nothing?

13 MR. GUILD: Nothing.

14 JUDGE GROSSMAN: Fine. Thank you, Mr.  
15 DeWald.

16 We can call the next witness.

17 (Witness excused.)

18 MR. CASSEL: Judge, could we address the room  
19 point at a break some time soon?

20 MR. MILLER: Could we have a short break?

21 I will have to retrieve the witness from upstairs.

22 JUDGE GROSSMAN: Fine. Why don't we take ten  
23 minutes now.

24 (WHEREUPON, a recess was had, after which  
25 the proceedings were resumed as follows:)

1 MR. MILLER: I am ready to proceed.

2 JUDGE GROSSMAN: We are back in session.

3 Mr. DeWald has been excused. Mr. Miller, would you  
4 call your next witness, please?

5 MR. MILLER: Yes. I would like to call  
6 Robert V. Seltmann to the stand, please.

7 JUDGE GROSSMAN: Sir, would you stand and  
8 raise your right hand.

9 (The witness was thereupon duly sworn.)

10 JUDGE GROSSMAN: Would you please be seated?

11 ROBERT V. SELTMANN

12 called as a witness by the Applicant herein, having been  
13 first duly sworn, was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. MILLER

16 Q Mr. Seltmann, would you state your name for the record,  
17 please?

18 A Robert V. Seltmann.

19 Q What is your current employer?

20 A Comstock Engineering.

21 Q What position do you hold with Comstock Engineering?

22 A I am the QA Manager at the Braidwood power plant.

23 Q What is your business address, Mr. Seltmann?

24 A The Braidwood Station in Braidwood, Illinois.

25 Q Mr. Seltmann, do you have before you a document that

1 consists of a cover sheet and 27 typed pages, the cover  
2 sheet of which bears the legend, "Contention 2.C.  
3 testimony of Robert V. Seltmann"?

4 A Yes, I do.

5 Q That document consists of stated questions and answers.

6 By whom were the answers prepared, sir?

7 A Myself.

8 Q Are they accurate and complete to the best of your  
9 knowledge?

10 A Yes, they are.

11 Q Are there any changes or corrections you wish to make to  
12 your testimony at this time?

13 A No.

14 Q Mr. Seltmann, there are two attachments to your prepared  
15 testimony.

16 Was the memorandum that is Attachment 2-C, Seltmann  
17 1, prepared by you on or about the date it bears?

18 A Yes, it was.

19 Q Was the memorandum that is Attachment 2-C, Seltmann 2,  
20 prepared by you on or about the date it bears?

21 A Yes, it was.

22 MR. MILLER: Your Honor, at this time I move  
23 that Mr. Seltmann's prepared testimony, together with  
24 the attachments, be incorporated into the record as if  
25 read.

1 MR. GUILD: Mr. Chairman, if we can agree  
2 that, subject to later motion to strike founded on Cross  
3 Examination, if there be any, we have no objection to  
4 this admission.

5 JUDGE GROSSMAN: Is that agreeable to you,  
6 Mr. Miller?

7 MR. MILLER: Yes, sir.

8 JUDGE GROSSMAN: Staff, no objection?

9 MR. TREBY: We have a concern. There is a  
10 third attachment, called Seltmann 3.

11 MR. MILLER: I beg your pardon.

12 MR. TREBY: Is that being offered at this  
13 time, also?

14 MR. MILLER: Just one minute.

15 JUDGE GROSSMAN: Certainly.

16 MR. MILLER: I beg your pardon. I have  
17 miscounted my own attachments.

18 Now, continuing with my examination, just briefly,  
19 if I may.

20 BY MR. MILLER:

21 Q Turning to Attachment 2-C, Seltmann 3, Mr. Seltmann, by  
22 whom was that document prepared?

23 A Myself.

24 MR. MILLER: Your Honor, it occurs to me that  
25 I offer all of Mr. Seltmann's prepared testimony except

1 Question and Answer 5; and if I may, I would like to  
2 explain the circumstances under which I do not offer  
3 that question and answer at this time.

4 Mr. Seltmann's testimony was prepared at a time  
5 subsequent to this Board's ruling on summary disposition  
6 but prior to the Commission's ruling with respect to the  
7 scope of the quality assurance contention.

8 Perhaps anticipating this Board's ruling with  
9 respect to Subcontention Item 14.B.2, which was, in  
10 fact, the summary disposition motion which was based on  
11 an affidavit by Mr. Quaka of Mr. Commonwealth Edison  
12 Company, Mr. Seltmann's Question 5 and his answer were,  
13 if you will, an effort to provide the necessary  
14 foundation for some of the statements made in Mr.  
15 Quaka's affidavit.

16 Had we gone forward with pleaded contention 14.B.2,  
17 that question and answer would have been pertinent and  
18 it would have tied in, I think, with Mr. Quaka's  
19 testimony.

20 I don't believe that -- well, it was not intended  
21 to have anything to do with the harassment and  
22 intimidation Subcontention.

23 JUDGE GROSSMAN: So you are withdrawing  
24 Question 5 and the answer to Question 5?

25 MR. MILLER: Yes, sir.



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter Of:	)	
	)	
COMMONWEALTH EDISON COMPANY	)	
	)	Docket Nos. 50-456
(Braidwood Station, Units 1	)	50-457
and 2)	)	

CONTENTION 2.C.  
TESTIMONY  
OF  
ROBERT V. SELTMANN

April 1986

Contention 2.C.  
Testimony of Robert Seltmann

Q.1. Please state your full name, employer and present position.

A.1. My name is Robert V. Seltmann. I am employed by Comstock Engineering, Inc. as its Quality Assurance Manager at Commonwealth Edison Company's ("CECo") Braidwood Project in Braceville, Illinois.

Q.2. Please describe your professional and educational qualifications.

A.2. I have an Associates Degree in Specialized Technology and have acquired certifications as a Lead Auditor in accordance with ANSI N45.2.23 (1978), and as a Level III QC Inspector in accordance with ANSI N45.2.6 (1978). These certifications were acquired during the course of my employment with Comstock. I have been employed by Comstock Engineering, Inc. since February of 1978. I was transferred to Braidwood in September of 1983 to fill the position of Quality Assurance Engineer and held that position until November 1984 when I was promoted to Quality Assurance Manager. For the next year, my responsibilities encompassed only the Quality Assurance Department. After November of 1985, the Quality Assurance Manager position was upgraded. My position now encompasses full responsibility for the development and

implementation of Comstock's Quality Assurance/Quality Control Program at Braidwood.

Prior to my transfer by Comstock to Braidwood, I was assigned to Detroit Edison's Enrico Fermi II Nuclear Project with Comstock Engineering, Inc. I spent a total of 5-1/2 years at the site in the QA/QC Department as a Level II QC Inspector, QC Supervisor, Assistant QC Manager and finally as Quality Assurance Engineer. Prior to my employment with Comstock Engineering, Inc., I was employed at the Bettis Atomic Power Laboratory which is operated by Westinghouse Electric Corporation, in several nuclear-related positions for 4-1/2 years. Overall, my past twelve years of employment have been in the nuclear industry. Of those twelve years, ten have been in quality assurance areas.

Q.3. What are your current responsibilities with respect to the Braidwood project, and when did they commence?

A.3. L.K. Comstock and Company, Inc. along with Comstock Engineering, Inc. are responsible for the implementation of Sargent & Lundy Specification L-2790. This specification deals with Braidwood's electrical installations (cable trays, conduits, electrical equipment, cables, etc.). Our responsibilities include providing the Quality Assurance/Quality Control efforts to support this specification.

My personal responsibilities began at Braidwood in September 1983 as Quality Assurance Engineer ("QAE"). At that time the Comstock program incorporated only one QAE position. My transfer to Braidwood was to fill the QAE position created in May of that year and to replace our Regional QA/QC Manager (Central Region) who was temporarily holding this position.

As the sole QAE, my main responsibility at that time was the implementation of an Internal Audit Program. I held no personnel supervisory responsibilities until November 1983 when a second QAE position was created. The QA Department began to grow and to obtain additional responsibilities, including: procedure writing, auditing, external audit responses, etc. We acquired a third QAE position in June 1984. As "Lead" QAE, I was responsible for the overall direction of this group.

In November 1984 the position of QA Manager was introduced, which in turn began a transition in the QA Department. I was promoted to this position and also assumed a joint responsibility as "Licensing Coordinator" for Comstock, which included direct interface with CECs on Braidwood licensing issues. The Quality Assurance Department grew to six individuals by November 1985, at which time the QA/QC

organization was restructured, and my position as QA Manager assumed full responsibility for both the Quality Assurance and Quality Control Departments.

At the present time, as QA Manager, I am responsible for the supervision and management of a Quality Assurance staff of nine individuals and a Quality Control staff of over 130 individuals, primarily QC inspectors. During my entire 2-1/2 years at Braidwood, I have reported to Comstock's Regional Manager, QA/QC Services located in our Chicago office.

Q.4. Which contention does your testimony address?

A.4. Rorem, et al. Contention 2 as amended by Attachment B to the Prehearing Conference Order dated August 1, 1985. As admitted, this Contention, which deals with allegations of harassment of L.K. Comstock quality control inspectors, states:

Contrary to Criterion I, "Organization" of 10 C.F.R. Part 50, Appendix B, and 10 C.F.R. Section 50.7, Commonwealth Edison Company and its electrical contractor, L.K. Comstock Engineering Company have failed to provide sufficient authority and organizational freedom and independence from cost and schedule as opposed to safety considerations to permit the effective identification of and correction of quality and safety significant deficiencies. Systematic and widespread harassment, intimidation, retaliation and other discrimination has been directed against Comstock QC inspectors and other employees who express safety and quality concerns by Comstock management. Such misconduct discourages the identification and correction of deficiencies in safety related components and systems at the Braidwood Station.

Instances of harassment and intimidation include at least the following:

1. At various times since at least August 1984, including in March 1985, more than twenty five (25) Comstock QC inspectors have complained to the NRC about harassment and intimidation by Comstock supervisors. Such harassment and intimidation has been carried out or participated in by QC Manager Irv DeWald, Assistant QC Manager Larry Seese, QA Manager Bob Seltman and QC Supervisor R.M. Sakalac. (sic)

Such harassment included widespread pressure to approve deficient work, to sacrifice quality for production and cost considerations and to knowingly violate established quality procedures. Harassment and retaliatory treatment included threats of violence, verbal abuse, termination of employment, transfer to undesirable jobs or work in areas where quality deficiencies could not be noted, assignments to perform burdensome or menial "special projects" and other adverse treatment. Such discriminatory action was taken because of the victim's expression of quality or safety concerns. Former Level II QC inspector John D. Seeders has knowledge of these widespread instances of harassment. By letter of August 17, 1984, Seeders complained to the NRC, Edison and Comstock management regarding instances of harassment directed against him. Subsequently, Mr. Seeders was involuntarily transferred to the position of Engineering Clerk in retaliation for his expression of quality concerns. Such assignment was intended by Comstock to keep Mr. Seeders away from sensitive work areas. Although QC Supervisor R.M. Sakalac was finally terminated in 1985 for his mistreatment of QC inspectors and other misconduct, the effects of his harassment remain uncorrected and systematic harassment continues at Comstock to the present. (sic) The existence of widespread harassment impugns the integrity and effectiveness of on-going corrective action programs designed only to address other widespread QA failures at Comstock.

2. Comstock management, including QC Manager Irv DeWald and Corporate QA Manager Bob Marino harassed, discriminated and retaliated against, and ultimately terminated Level III QC Inspector Worley O. Puckett because Mr. Puckett made numerous complaints about safety and quality deficiencies which he identified in the course of his duties at Braidwood.



Mr. Puckett was hired by Comstock in May 1984 in the newly created position of Level III QC Inspector whose duties included conducting a review of Comstock procedures, tests requirements for the more than 50 Level II QC Inspectors, review of the Level II's inspection work, and the resolution of inspection disputes. Mr. Puckett was highly qualified with 20 years' nuclear Navy and nine years' nuclear power experience. See, Resume, Exhibit B. During the course of his employment with Comstock Mr. Puckett was shocked by the widespread deficiencies in procedures, qualifications and workmanship. He identified numerous instances of improper construction procedures, improper qualification of welders, and material traceability deficiencies. He ultimately recommended a complete stop work order for all welding activity to permit effective corrective action. See, Memos of August 10 and August 17, 1984, Exhibits C and D.

Finally, he warned QC Manager Irv DeWald that "we are approaching a complete breakdown in our QC program." August 22, 1984 Memo, Exhibit E. Puckett was subjected to harassment and retaliation because he raised these safety and quality concerns and was terminated on August 27, 1984 by DeWald on the pretext that he should have scored higher than his 86% on a qualification test. He filed a complaint with the U.S. Department of Labor, alleging violation of the employee protection provisions of the Energy Reorganization Act, 42 USC 5851. Letter, September 5, 1984, Exhibit F. The U.S. Department of Labor Area Director sustained Mr. Puckett's complaint finding unlawful discrimination by Comstock against Puckett and ordered relief. Notes of Decision, November 6, 1984, Exhibit G. Mr. Puckett presented his case at a hearing before an Administrative Law Judge on Comstock's appeal. See, Complainant's Pre-Hearing Exchange, Exhibit H. Comstock settled Mr. Puckett's claim before putting on its case. The terms of settlement are subject to a non-disclosure agreement between Comstock and Mr. Puckett.

Q.5. Please describe the conditions in the Quality Assurance Department at Comstock in 1983 when you became Quality Assurance Engineer at Braidwood.

A.5. My immediate concern upon my arrival at Braidwood was to re-activate Comstock's Internal Audit Program and to maintain and complete the 1983 audit schedule.

The NRC had issued a notice of violation (Severity Level IV) because of Comstock's failure to adhere to its audit schedule. (NRC Reports 50-456/83-09; 50-457/83-09). After becoming familiar with site requirements and the project, I performed my first Internal Audit on October 24, 1983, and the 1983 Internal Audit program continued throughout the remainder of that year. In December of 1983, and again in June of 1984, we revised and refined the Internal Audit program. The NRC reviewed the corrective actions taken by Comstock relating to the violation and subsequently closed the item. This item was the subject of Contention 14.B.2.

Q.6. Please describe the process by which revisions to LKC's Quality Program procedures are initiated and made effective.

A.6. The LKC Quality Program is defined by procedures which are divided into three (3) categories:

- 1) Quality Assurance Manual, Sections 1.0-3.2;
- 2) Quality Control Manual, Sections 4.1-4.15; and
- 3) Work Instructions.

The Quality Assurance Manual Sections are developed and revised by the Quality Assurance Department personnel. Once a draft revision has been completed, it is reviewed by the Site Quality Assurance Manager. When found to be satisfactory, copies of the procedure are submitted to Comstock's

General Manager, QA/QC Services (Pittsburgh Office) for review and approval. Additional copies are submitted to CECo Corporate Quality Assurance. When all comments have been considered and resolved by both parties, the comments are incorporated into the procedure and signed by the Comstock General Manager, QA/QC Services together with the index to that QA Section of the Manual. Once received on-site, the signed procedure is submitted back to CECo Corporate Quality Assurance for final approval. Final approval is issued by CECo in letter form to the LKC Site Quality Assurance staff via the Comstock Engineering Inc. Manager, QA/QC Services (Chicago Office). When approval is received on-site, the new procedure is distributed in accordance with Procedure 3.1.2 "Manual Distribution and Control".

The second aspect of LKC's Quality Program consists of its Quality Control Procedures. These procedures are developed and revised by both the site QA staff and LKC site Engineering staff, depending on the nature of the procedure involved. Procedures relating to construction or engineering activities are the responsibility of the Project Engineer, while all others are the responsibility of the QA staff. Quality Control personnel may offer suggestions or may be requested to develop or revise inspection procedures because of their expertise in the area

(i.e., Level III Weld Inspector for Welding Procedures). Once a procedure is revised it is submitted to the Quality Assurance Department for review and finalization. The revised paragraphs are bracketed for ease of review and the procedure is assigned a revision letter and corresponding date. It is then submitted to the LKC Project Manager, Project Engineer, Quality Control Manager, Quality Assurance Manager, CEC Co PCD and CEC Co Site Quality Assurance for review prior to a review board analysis by LKC. After the review board meeting, the procedure is submitted to CEC Co Project Construction Department (PCD) and Site Quality Assurance for their review. If the revision is satisfactory, PCD issues an "Interim" approval of the procedure. Upon receipt of this approval, LKC Quality Assurance distributes the procedure in accordance with Procedure 3.1.2. The "Interim" approved procedure is then submitted to Sargent & Lundy (S&L) by CEC Co Site Quality Assurance for its review and approval. S&L then evaluates the procedure revision. If S&L finds it fully acceptable, it designates the procedure as a "Status 1", which means its approval is unconditional. If S&L's evaluation is conditional, but work using that procedure with the S&L condition is allowed, then the procedure is accompanied by S&L's "Status 2 Comments." These

comments accompany and become part of the procedure, and LKC has 30 days within which to revise the proposed revision to officially incorporate S&L's comments. The re-revised procedure is then resubmitted through the approval cycle again. Once final approval is granted by S&L, CEC Co PCD forwards the S&L approval to LKC Quality Assurance for final procedure distribution.

The third aspect of LKC's Quality Program involves Work Instruction. Work Instructions are generated in the LKC Quality Program to further define procedural requirements or address special projects. These documents are controlled by the LKC Project Engineer and are developed by qualified personnel within the Comstock organization. They are internally reviewed by LKC management prior to submittal to CEC Co but are not subject to the review board process. Once finalized by Comstock, the Work Instruction is routed to CEC Co for final approval by PCD and Site QA. Unlike QA and QC procedure revisions, S&L approval is not required for Work Instructions. Approval signatures are incorporated into the cover page of the Instruction. Work Instructions are then distributed by Engineering via the LKC Document Control Department



and are identified by the procedure to which they pertain, together with a sequence number and revision letter assigned by Engineering.

Q.7. Please describe your role, if any, in the decision that a change be made in the pay scale for Comstock QC Level II inspectors in April, 1984.

A.7. I had no involvement in that decision.

Mr. Irving DeWald's testimony describes the events leading to that change and its consequences.

Q.8. Please describe your role, if any, in the election of a labor union and negotiation of a labor contract with Local 306.

A.8. I personally did not have any involvement in the election or the negotiation of a labor contract with Local 306. These activities were handled by LKC Corporate Administration and its legal staff.

Q.9. One of the specific allegations in this contention is that Mr. John Seeders was harassed and later retaliatorily transferred because of "his expression of quality concerns" in an August 17, 1984 letter. Please describe your dealings with Mr. Seeders prior to August 17, 1984.

A.9. Mr. John Seeders was assigned to perform a 100% review of calibration records by Mr. DeWald in response to Commonwealth Edison Quality Assurance Audit QA-20-84-528, Audit Finding #2, Item 3. This finding identified situations where a calibrated tool/instrument was found out of calibration with no accompanying evaluation of prior inspections performed with the uncalibrated item. The required evaluation



is accomplished by initiating an Inspection Correction Report ("ICR") or a Nonconformance Report ("NCR") to Engineering in accordance with LKC Procedure 4.9.1.

The purpose of Mr. Seeders' review was to research whether ICR's/NCR's were lacking for any other tools/instruments found to be out of calibration. CECo had requested us to assure that no additional deficiencies of this type existed in a letter dated July 3, 1984, and had set July 20 as a response date.

Q.10. Did you discuss Mr. Seeders' progress on his calibration document review assignment with him, and if so, what was said?

A.10. Yes, I did. On July 20, 1984, I asked Mr. Seeders about the status of his work because our response to CECo was due that day. Mr. Seeders told me that Mr. DeWald had directed him to perform the 100% review of all calibration records and that he and Mr. Rick Snyder were scheduled to work on Saturday, July 21 to initiate that review. I stated that while a sample might produce the information we needed, Mr. Seeders should go ahead and start the 100% review Mr. DeWald had directed him to perform, and that I would talk to Mr. Seeders on Monday, July 23 to obtain the results of Saturday's work. Mr. Seeders agreed to this.

On the afternoon of Monday, July 23, I contacted Mr. Seeders to obtain the information we had discussed on Friday. Mr. Seeders was sitting at a table in the welding room of the QC office. He stumbled for an answer and said he was not done with his review. It appeared to me that Mr. Seeders wasn't aware of our discussion on Friday and acted as though it had not occurred or that he didn't remember it. I then told him that since our response was already late by two days, and since Mr. Seeders' Saturday review was not ready, my only alternative was to issue a response indicating that a complete review had been initiated, that its completion date was indeterminate, and that an updated response would be issued on or before August 13, 1984. I then prepared and issued a memo to CECO that day reflecting this commitment. That memo identified Mr. Seeders as the individual performing the review; I sent Mr. Seeders a copy of the memo to ensure that he was aware of the commitment date. A copy of it is attached as Contention 2.C. (Seltmann-1).

On August 14, 1984, Mr. Rick Saklak handed me a handwritten package prepared by Mr. Seeders. The package documented only a partial review of calibration records. I expressed my dissatisfaction to Mr. Saklak and he arranged for Mr. Seeders to meet with us. Mr. Seeders was very arrogant and at one point, said that Mr. DeWald and I had "created" the

problem and that we were responsible for the original problem. (The CEC0 audit finding). I became angry, and told Mr. Seeders to leave and get back to work. Mr. Seeders smirked and left the office.

Later that day I issued a memo to CEC0 indicating that Mr. Seeders' review was partially complete and that his final report was expected by August 24. I again sent a copy of this memo to Mr. Seeders. A copy of that memo is attached as Contention 2.C. (Seltmann-2).

Q.11. Did you discuss Mr. Seeders' progress on his calibration document review assignment with Mr. DeWald, and if so, what was said?

A.11. I recall discussing the calibrations' review with Mr. DeWald on several occasions, but I do not recall specifically what was said.

I do recall that one of our conversations took place on or around July 20, that we discussed my conversation of that day with Mr. Seeders, and that I told Mr. DeWald that I had directed Mr. Seeders to continue with a 100% review while we awaited his initial results to determine whether a partial review could give us confidence that the remaining records were without deficiencies.

I also recall discussing with Mr. DeWald sometime around July 23 the results of my conversation on that date with Mr. Seeders, (that Mr. Seeders was told to

continue with a 100% review), and that Mr. DeWald concurred.

Q.12. Please describe the events leading to the decision that a meeting be held with you, Mr. Larry Seese, Mr. Rick Saklak and Mr. Seeders on August 17, 1984.

A.12. Prior to the meeting we had that day, Mr. Seese, Mr. Saklak and I had developed increased awareness of problems in Mr. Seeders' performance, conduct and quality of work. My personal involvement in Mr. Seeders' work performance was related to his calibration document review assignment.

Mr. Seese's testimony describes his involvement in the decision to issue Mr. Seeders a written warning on August 17. I agreed to, and did, attend the meeting as a witness; Mr. Seese conducted it as the acting QC Manager in Mr. DeWald's absence, who was away on vacation. I have reviewed Mr. Seese's testimony regarding the events of that meeting and to the best of my recollection, it is accurate.

Q.13. Did you participate in a meeting on September 28, 1984 with CEC Co and the NRC regarding Mr. Seeders, and if so, what was your role in that meeting?

A.13. Yes, I attended that meeting, together with Mr. D. Shamblin, and Mr. J. Gieseke of CEC Co PCD; Mr. DeWald; and Mr. Robert Schultz of the NRC. The meeting was held to discuss concerns about the calibration records; Mr. Seeders' letter of August 17, 1984; and Mr. Worley Puckett's termination and his allegations. I discuss Mr. Puckett below.

My role in this meeting was to represent L.K. Comstock's Quality Assurance Department and to describe my involvement with Mr. Seeders as a result of the CECo audit and the calibration records. The calibration records review had been turned over to QC Inspectors D. Coss, R. Snyder, and M. Sproull for completion. I was the Comstock individual who was giving updated status reports to CECo on the progress of that review. Additionally, I assisted Mr. DeWald in representing LKC's position on the meeting's subject matter in relation to the programmatic impacts of the calibration records review.

Q.14 Did you have occasion to evaluate the calibration records before this meeting, and if so, what was the result of your evaluation?

A.14 Yes. I had evaluated the tool calibration program before the meeting on September 28; my findings and conclusions were documented in a memo to Mr. DeWald dated September 25th, and are attached to my testimony as Contention 2.C. (Seltmann-3). Briefly, I found that Mr. Seeders had been given a refresher training class on June 9, 1984 to ensure that he was aware of LKC Procedure 4.9.1, Para. 3.3.7.1, which requires issuance of ICR's to evaluate the validity of inspections conducted with tools found to be out of calibration. Nevertheless, Mr. Seeders continued to fail to issue ICR's.

For example, a torque wrench was found to be out of calibration on September 7, 1984, and Mr. Seeders documented that. However, it was subsequently discovered that Mr. Seeders had not issued an ICR or NCR for it, and this was brought to his attention on September 13. Another two days passed before Mr. Seeders issued an NCR. At least another ten torque wrenches were discovered which Mr. Seeders similarly had failed to document with ICR's after his refresher course on June 9th. In situations where ICR's and NCR's were written, evaluations were not always made to determine the validity of prior inspections involving those uncalibrated tools.

Another example of the problems we had discovered involved the torque wrench I discuss above. An ICR had been issued for it on June 6, 1984 when it was found to be uncalibrated. An NCR had been issued on June 23, 1984, when it was found to still be uncalibrated. The wrench continued to be used in the field and was found to be out of calibration again on July 18, 1984. Mr. Seeders did not issue an ICR or NCR for this discrepancy until September 15, two days after it was pointed out to him in a CECO General Office audit. Further research indicated that in spite of and since the June 6 ICR, the wrench was nevertheless released to the field for use seventeen



times. It was Mr. Seeders' responsibility to ensure that such tools were not released to the field.

These and other problems I documented in my September 25 memo led me to have serious concerns about the calibration program and the quality of Mr. Seeders' work. Mr. DeWald's testimony describes his reaction to my memo and the action he took thereafter.

Q.15. Were you involved in the decision to terminate Mr. Worley Puckett, and if so, what was your role in that decision?

A.15. No, I was not involved in the decision to terminate Mr. Worley Puckett.

I did have some contact with him over the course of his probation period. I recall telling him in casual conversations to feel free to talk to me about any concerns he might have. I also recall telling him that he should document any problems he might find.

Finally, I recall walking over with Mr. Puckett to a weld procedure meeting held on August 22, 1984 regarding the dispositioning of NCR 3099, which documented the welding of A-36 material to A-446 material. On our way over, I remember encouraging him by saying something like "Worley, if you feel there is a problem with this [A-36 and A-446], stick to your guns." At this meeting, all of us present, including

Mr. Puckett, appeared to reach agreement that at best, a minor procedural technicality was involved, and that the AWS D1.1 code, which governs LKC's welding work at Braidwood, plainly allowed such weldments. Mr. Gieseke either offered to issue a speedy memo conditionally authorizing this type of welding to resume, pending the QC procedure revision process I described earlier, or asked Mr. Puckett what action would satisfy him. Mr. Puckett indicated that he would be satisfied with a speedy memo from Mr. Gieseke. I was shocked, because Mr. Puckett had been so adamant before the meeting about this weldment. Mr. DeWald, Mr. Seese and I discussed it afterwards, and I recall thinking how surprised I was that Mr. Puckett backed off so easily on his concerns at the meeting itself.

Q.16. Please describe your role, if any, in the events leading to Mr. Saklak's termination.

A.16. My position with LKC at the time of Mr. Saklak's termination was as the Quality Assurance Manager. My involvement in the incident which led to Mr. Saklak's termination began on March 28, 1985 at approximately 4:30 p.m., when QC Inspector Rick Snyder entered my office to discuss a problem concerning the issuance of an ICR for a welding machine found out of calibration. Mr. Snyder was accompanied by his lead, R. Nemeth and by LKC's General Supervisor, A. Simile.

Mr. Snyder and Mr. Nemeth appeared to be upset because of a discussion with their immediate supervisor, Mr. Saklak. Their discussion had involved the fact that the welding machines had been removed from LKC's Procedure 4.9.1 "Control of Measuring and Test Equipment" Revision D, but the procedure was not yet approved. Therefore, they felt an ICR had to be written in accordance with the then current 4.9.1 procedure, Rev. C paragraph 3.3.7. The main concern in their view was that their supervisor, Mr. Saklak wanted them to make an evaluation-type statement on the ICR and then subsequently close out the document.

Mr. Snyder felt that he could not make the evaluation and that such action was engineering's responsibility. Mr. Nemeth agreed with this, and I told them I agreed with them. Mr. Simile then stated that since LKC's Weld Inspection Procedure 4.8.3 Revision G covered the weld machine check in paragraph 3.24.2.1, and since the Weld Procedures (4.3.3 and 4.3.3.1) had already been revised and approved, and the Calibration Procedure (4.9.1) had been submitted for approval to CECO with the proposed change removing welding machines from calibration cycles, an ICR would not be necessary. I disagreed with that statement and so informed Mr. Simile.

I then explained to all three of them that it was Comstock's philosophy that welding machines would not be calibrated within the scope of Procedure 4.9.1 once Rev. D was approved. I also explained that due to the delay in approval of Revision D, Revision C of that procedure was still in effect and an ICR had to be written and sent to Engineering, and that Mr. Snyder did not have the authority to do what apparently had been requested of him by Mr. Saklak. I then instructed them to write an ICR and process it as usual to Engineering for corrective action. All three individuals then left my office.

A short time later I met Mr. Simile in the hallway of the QC office. He explained that the ICR would be written and sent to Engineering and that he and LKC Engineer R. Rudge had the situation worked out. Mr. Simile agreed then that mine was the correct way to handle the problem. It was later that day that I was informed by Mr. Nemeth of Mr. Saklak's threat to Mr. Snyder.

On March 29, 1985 at 3:00 p.m. I attended a meeting in Mr. Shamblin's office. At the meeting we discussed that approximately 29 LKC QC Inspectors had gone to the NRC with allegations. From this point until the actual termination of Mr. Saklak, I assisted

in Comstock's investigation into the matter and in the corrective action we took.

Q.17. What resolution or corrective action did LKC execute after Mr. Saklak's termination and the group QC inspector visit to the NRC?

A.17. CEC Co had recommended a seven-part plan of action to LKC. Mr. DeWald's testimony describes LKC's execution of six of the seven items. I was responsible for the remaining item, which was a recommendation that LKC initiate a corporate level procedure to formalize its current method of investigating concerns, and that all LKC personnel be advised of the procedure.

It was my opinion that if such a procedure was to be implemented, that it should be site-wide rather than unique to LKC. I also felt that other avenues already existed - i.e., the NRC, Quality First, and others I describe later. CEC Co responded in agreement and closed the issue.

Q.18. Please describe your observations of Mr. Saklak.

A.18 My observation of Mr. Saklak until his termination was that he was very devoted to his job. He was continually striving to question fellow management personnel in their areas of expertise and knowledge in an effort to educate himself as a better supervisor. On occasion, Mr. Saklak and I would discuss such items. He prided himself on being

up-to-date in his area of responsibilities, and he had a strong sense of what was right in relation to his responsibilities. He also had a tendency to create "cliques" within the group of inspectors he supervised, which were developed by quality work and conscientious performance by these individuals.

Mr. Saklak did have a temper that on occasion would get the better of him. It is my opinion that his temper was compounded due to his frustrations on the job. Nevertheless, I believe he was a quality-minded and conscientious supervisor.

Q.19. This contention alleges, among other things, that you personally carried out or participated in harassment and intimidation, the nature of which included "pressure to approve deficient work, to sacrifice quality for production and cost considerations and to knowingly violate established quality procedures . . . and threats of violence, verbal abuse, termination of employment, transfer to undesirable jobs or work in areas where quality deficiencies would not be noted, assignments to perform burdensome or menial 'special projects' and other adverse treatment. Such discriminatory action was taken because of the victim's expression of quality or safety concerns."

Have you ever carried out or participated in any such harassment or intimidation?

A.19. No, I have not participated in any such activities of harassment or intimidation.

Moreover, Comstock management never has and never shall harass, intimidate or retaliate against any individual because of his or her expression of a quality or safety concern. To the contrary, Comstock management pursues quality or safety concerns to



assure that they are properly resolved within programmatic guidelines and that the responsible management organization is notified. In this respect Comstock has developed and implemented several programs and policies over the years and has encouraged our employees to exercise these policies.

Quality concerns related to plant hardware are reported to management via Procedure 4.11.1 "Nonconforming Items" and 4.11.2 "Corrective Action." Through these procedures, an NCR or ICR is issued and hold tags are applied to prevent inadvertent use of or modification to the deficient item so documented.

Procedural concerns and suggestions for our QA/QC Program can be submitted to any LKC employee in accordance with Procedure 3.1.1 "Revisions to the Quality Assurance/Control Program" utilizing Attachment A "Procedure Suggestion Form." Section 3.2 of this procedure provides as follows:

3.2.1 Suggested revisions to the procedure will be submitted to the L.K. Comstock QA Department or Engineering as applicable by memorandum (Attachment A). The memorandum shall indicate the problem or unsatisfactory situation pertinent to the topic, proposed remedial action and the expected results.

3.2.2 All persons responsible for the implementation of the QC Program may make suggested changes to the program.

In situations where quality related activity is not procedurally addressed, or where the activity may cause damage or deterioration, or inadvertent operation may cause further deficiencies, the QC inspectors have been directed to "Stop Work" until management attention can be obtained or the item can be remedied. "Stop Work" actions are described in Procedure 4.11.3. These actions have been enforced in the past and have resulted in satisfactory corrective action to alleviate deficiencies.

Since the reorganization that occurred at Braidwood with the LKC QC Inspector union organizing effort, and the reassignment of inspectors to Bestco, the inspectors and clerical staff have gained an additional avenue in which to pursue administrative concerns by reporting them to their respective shop stewards in the form of grievances.

During employee exit interviews conducted upon a resignation, termination, etc., it is a policy of Comstock Engineering, Inc. to discuss with the individual how the company will finalize the benefits due to the employee. As part of this exit interview, a formalized letter is presented to the individual.

Contained in this letter is a statement asking if he/she is aware of any reportable conditions that have not been reported the under regulations of 10 CFR 50, Appendix B, 10 CFR Part 21, or 10 CFR 50.55(e). In the past, this policy has always been exercised and all statements received are thoroughly investigated by Comstock.

Furthermore, all Comstock employees and employees under our management and supervision have been instructed that Commonwealth Edison's "Quality First" program is available to them if they deem necessary. Comstock also has an established open door policy to the Nuclear Regulatory Commission (NRC) if an inspector feels that this is a necessary step. In the past, this policy has been suggested to the inspectors to assist them in the resolution of problems they might have.

Finally, L.K. Comstock has initiated and incorporated into Procedure 4.1.2 "Position Delineation" the position titled Safety Director. This individual is responsible for the safety of Comstock personnel at Braidwood.

He coordinates with CECo to assure compliance with applicable codes, standards, and regulations relating to safety of personnel. This position was developed on September 17, 1984 and in November it was .

agreed at a general QC meeting that Mr. Saklak would be the main contact in the department QC for reporting safety concerns to the safety director.

All of these programs and policies are exercised continually by Comstock management for matters of quality and safety. In addition, all of us have an open door policy: personnel feel free to, and do come to us for a variety of reasons.

Finally, it is the responsibility of all employees of Comstock to report quality deficiencies, whether by issuing an ICR or NCR, or by reporting it to the quality or engineering departments for them to issue the document. Responsibility for quality rests with all Comstock personnel; I believe that Comstock's Quality Program is effective and that our personnel are committed to quality work.

Q.20. Does this complete your testimony?

A.20. Yes.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter Of:	)	
	)	
COMMONWEALTH EDISON COMPANY	)	
	)	Docket Nos. 50-456
(Braidwood Station, Units 1	)	50-457
and 2)	)	

ATTACHMENTS TO  
CONTENTION 2.C.  
TESTIMONY  
OF  
ROBERT V. SELTMANN

April 1986



# Comstock Engineering, Inc.

## Memorandum

To: E. Mazor

Office: Braidwood

From: R. Seltmann

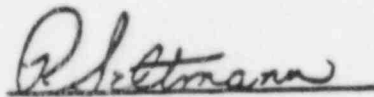
Subject: QA-20-84-528 BRD #12,362

Date: 7-23-84

Control No: 84-07-24-01

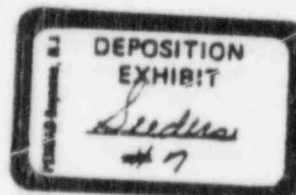
In response to your follow-up letter (BRD #12,362) dated 7/3/84, concerning Audit QA-20-84-528, Finding #2, Item 3, L. K. Comstock has initiated a review of our calibration records to determine if other situations arise similar to the items found in referenced finding. The review is being performed by J. Seeders, QC Inspector, as directed by I. F. DeWald.

The review was started on 7/21/84 and is indeterminate at this time to establish a completion date. An updated response will be issued by 8/13/84 if review has not been completed as of that date.

  
R. Seltmann  
QA Engineer

RS/jmb

cc: F. Rolan  
I. DeWald  
L. Seese  
J. Sumrow ✓  
T. Ronkoske  
J. Seeders  
QC file





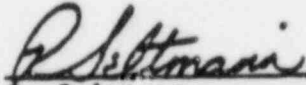
Comstock Engineering, Inc.  
Memorandum

To: E. Mazur  
From: R. Seltmann  
Subject: QA-20-84-528. Finding #2 (Item 3)  
Control No: 84-08-14-02

Office: Braidwood

Date: 8/14/84

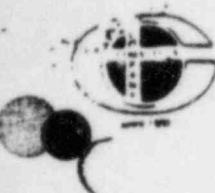
At this point in time, the review of our tool calibration records is partially completed. Mr. Seeders has issued a preliminary report of his review and will submit a final report when completed. This report is expected by 8/24/84. I will forward a response on or before that date.

  
R. Seltmann  
QA Engineer

RS/jmb

cc: I. DeWald  
L. Seese  
R. Saklak  
T. Ronkoske  
J. Seeders  
QC file





# Comstock Engineering, Inc.

## Memorandum

To: I. F. DeWald

From: R. Seltmann

Subject: Tool Calibration Program

Office: Braidwood

Date: 09/25/84

Recently I have been involved in conversations concerning the issuance of Inspection Correction Reports (ICR's) for calibrated tools found to be out of calibration during routine scheduled checks. These conversations were conducted with D. Felz who was performing an audit in conjunction with the Commonwealth-Edison General Office (G.O.) Audit during the time period of 9/10 thru 9/14/84.

Mr. Felz's concerns were related to how L. K. Comstock evaluates items, previously installed in the plant with "calibrated" tools, when the tools are found to be out of the respective tolerances and are deemed rejectable per established standards.

At the time the question was presented to myself, Mr. Felz was in conversation with QC Inspector, J. Seeders at our QC Records Vault. This was on 9/13/84. I was in the vault at that same time talking with J. Busaytis about status of the Wang implementation when Mr. Felz consulted me concerning his audit question. Mr. Felz stated to me what his problem was and the information he needed to answer this particular audit question.

At this particular time, Mr. Felz had already established that L. K. Comstock's Procedure 4.9.1, Revision C had answered his initial question that concerned, what method we utilized for evaluation purposes for tools out of calibration. Procedure 4.9.1 states:

3.3.7 Equipment found to have an expired calibration date and/or found to be outside the acceptable tolerances will require the initiation of an "Inspection Correction Report" (Form 30). The Inspection Correction Report will identify the items which have not been calibrated, denote the date of calibration expiration, and direct the Project Manager to remove the equipment from service and to return the equipment immediately to the warehouse for storage.

3.3.7.1 For equipment noted on the Inspection Correction Report (Form #30) exceeding the acceptable tolerances, an evaluation shall be made and validity of previous inspections or test results determined.



His concern, asked to Mr. Seeders first and then myself, was related to his further investigation into the audit point that was determining if LKC was properly implementing the procedural requirements stated above. In this survey of our calibration records, Mr. Felz stated that out of his sample taken, a forty percent (40%) rejection rate was identified in violation of 4.9.1, Paragraphs 3.3.7 and 3.3.7.1. His question to Mr. Seeders and then to myself asked:

- 1) Was Comstock Quality Control aware of this situation?
- 2) What was being done for corrective action and action to preclude repetition?

I immediately responded to Mr. Felz's question by stating a CECO QA on site audit had previously identified the same item in Audit QA-20-84-528, Finding #2, Item 3. This audit was performed on 5/8 thru 5/16/84. As a result of this finding, LKC Quality Control had initiated a full records review program of our calibration records to ascertain how extensive the problem identified in the finding was. I was very surprised and concerned when the question was brought to my attention since this was the review originally assigned to Mr. Seeders that was incorrectly handled by Mr. Seeders and partially attributed to the formal written warning letter issued on Mr. Seeders on 8/17/84.

Mr. Felz and myself reviewed his findings of the five (5) items he discovered in his survey. In our discussion it was determined that the LKC calibration records review, now being performed by QC Inspectors R. Snyder, M. Sproull, and D. Coss, had already identified 4 of the 5 discrepancies noted in his survey. It was later determined that the 5th item (Torque A1367) found out of calibration on 9/7/84 was documented by Mr. Seeders on Non-Conformance Report 3286. This NCR had to be returned to Mr. Seeders due to the fact that he had stated in the NCR that the evaluation attached was complete, but the document did not contain an evaluation as stated. It is important to note that NCR 3296 was written on 9/15/84, two (2) days after the item was brought to Mr. Seeder's attention. A review of LKC's NCR Log revealed that four (4) of the items (including torque wrench A1367) were all written on 9/15/84 on NCR's 3294, 3295, 3296, and 3297.

Mr. Felz was satisfied that the LKC calibration review had already addressed these circumstances. In the audit exit held on 9/14/84, these items were addressed by Mr. Felz's summarization of his audit responsibilities but they were not issued as a finding or observation.

As a result of the deficiencies noted above, I was very concerned that new items of the same nature identified in CECO Site Audit (QA-20-84-528) were being noted. I recall Mr. Felz stating how prevalent the discrepancies were and how noticeable they were even through his limited survey.

I took it upon myself to establish a history of the past events and determine how many times, if any, that a tool was found out of calibration and an ICR was not generated. It begins with the Audit 528 issued 5/21/84

On 5/8 thru 5/16/84, CECO QA performed Audit QA-20-84-528. Contained in this audit is the Finding #2, Item #3 which states:

"Contrary to L. K. Comstock Procedure 4.9.1, Paragraph 3.3.7.1, Inspection Correction Reports were not generated to evaluate the validity of previous inspection or test results for all instruments/gauges found out of calibration."

#### CORRECTIVE ACTION

Four items were identified. These were corrected by Mr. Seeders through the issuance of NCR 2199 and ICR's 4855 and 4854.

#### CORRECTIVE ACTION TO PREVENT REPETITION

Mr. Seeders received a documented training class, conducted by R. Saklak on 6/9/84 in relation to QA-20-84-528, Finding #2, Item 3. (Form 101 attached)

As of 6/9/84, Mr. Seeders was aware, if not already, of the procedural requirements of 4.9.1 stated earlier in this letter. Since then he has failed to adequately comply with the procedural requirements of 4.9.1, Paragraphs 3.3.7 and 3.3.7.1.

During our calibration records review, a total of eleven (11) torque wrenches alone had the same problem as stated in the original finding since the subsequent training occurred. The torque wrenches and dates when the wrenches were found out of calibration are listed below:

<u>TORQUE WRENCH #</u>	<u>DATE OUT-OF-CALIBRATION</u>	<u>REMARKS</u>
A1687	06/18/84	No ICR
A9702	06/18/84	No ICR
A1367	07/18/84	No ICR
A917	07/13/84	No ICR
A904	07/09/84	No ICR
A902	07/03/84	No ICR
	08/22/84	No ICR
A1366	07/13/84	No ICR
A985	08/02/84	No ICR
A872	06/29/84	No ICR
A835	07/02/84	No ICR

From a quality assurance aspect, these findings raise some serious concerns. Having been written-up on a previous CECO QA Finding, these continued violations of Procedure 4.9.1 requirements cannot be tolerated.

Other items identified in the records review as reported by the individuals responsible for this review are as follows:

1. Calibration Reports are missing from files in the LKC Vault.
2. ICR's are not being written for all calibrated tools that are found to be either out of calibration or overdue for calibration. Reference 4.9.1 Revision C, Paragraph 3.3.7.
3. When ICR's and NCR's are written, evaluations are not always made to determine the validity of previous inspections or test results. Reference 4.9.1 Revision C, Paragraph 3.3.7.1.
4. Missing Tool Reports (Form #45) are not generally written by the Craft General Foreman, and not being followed up with ICR's. Reference 4.9.1 Revision C, Paragraph 3.2.6.2.
5. LKC Procedure 4.9.1 Revision C, Paragraph 4.1 gives a tolerance of  $\pm 4\%$  or 1 lb. for calibrated torque wrenches. Torque wrenches are being accepted up to  $\pm 10\%$  per S & L BY/BR/CEA.

Torque wrenches are not only used for torquing of CEA's but also conduit hangers, cable pans, and hangers, etc.

The above items are detailed in the review supplied by the QC Inspectors involved in this project.

What appears to be the single most distinct problem is traceability of a tool throughout it's life on the jobsite and the evaluation, and possible rework of installed items when the tool is found out-of-calibration. In many cases tools are presently listed on "Open" ICR's or NCR's and are being used in the field instead of being on hold pending a disposition.

An example of this would be torque wrench A1367. This torque wrench is presently listed on ICR 5663 issued 6/6/84 and NCR 2695 issued 6/23/84, both of which are "open" documents. The tool continued to be used while listed on these two (2) documents and was found out of calibration again on 7/18/84. Mr. Seeders did not document this on an ICR/NCR until it was found during a CECO General Office Audit on 9/13/84. NCR 3296 was issued and states the wrench was on hold since 6/7/84 but research indicates (Form #3) that it was issued to the field for use seventeen (17) times since the issuance of these documents.



Mr. Seeders also wrote an NCR (3250) on 9/7/84 when the tool failed another calibration check on that date. LXC torque wrench is at this time listed on three (3) NCR's and one (1) ICR and the wrench is still in the field accessible for use.

Further research to determine the extent of this program was performed to ascertain the scope of the problem. Three (3) currently open Nonconformance Reports (NCR) and one (1) Inspection Correction Report (ICR) were reviewed in order to status the tools listed on these documents. This was done to obtain knowledge that the tools are placed on "hold" until formal dispositioning and closure of the ICR/NCR.

The documents utilized in this research were:

- 1) ICR 5663 - issued 6/6/84
- 2) NCR 2695 - issued 6/23/84
- 3) NCR 3006 - issued 7/25/84
- 4) NCR 3007 - issued 8/2/84

The results of this survey are as follows:

- 1) ICR 5663/NCR 2695 - These are grouped together because they document the same problem and same torque wrenches.

Twenty-five torque wrenches listed as being out of calibration. Of these 25 a total of 19 have been issued to the field for use as many as 23 times since the issuance of these documents.

- 2) NCR 3006 - Twenty-seven (27) torque wrenches tested during CECO QA Audit QA-20-84-538. Eleven (11) of these wrenches were out of calibration during this check. Of these 11 wrenches, 6 have been issued to the field as many as 18 times since the NCR was issued.
3. NCR 3007 - Twenty-eight (28) torque wrenches were documented on this NCR. Of these, eleven (11) have been issued to the field since the issuance of the NCR. Individual tools have been issued to the field as many as 25 times.

The information contained above was obtained using the "LXC Tool and Instrument Sign-Out Log" (Form 3) as required by Procedure 4.9.1. This log is kept by the Tool Crib Attendants in order to track tool usage.

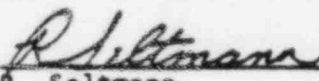


As a result of the information obtained in this report, I have strong concerns surrounding our calibration program as I would suspect you would also. My concerns stem from actions taken by QC Inspectors, J. Seeders, and his implementation of our calibration Procedures 4.9.1 and 4.9.4.

The above concerns are not meant to appear as isolated cases. Numerous other problems were identified as a result of our calibration records review. At this time, I would strongly recommend that corrective action be taken immediately to resolve the discrepancies noted from reoccurring in the future. I feel this requires your utmost attention in order to get this program back on track.

Please review these findings. We can discuss them at your earliest possible convenience.

---

  
R. Seltmann  
QA Engineer

RS/jmb

Attachment

cc: R. Marino  
D. Shamblin  
T. Trumble  
F. Rolan

## PERSONNEL INSTRUCTION LOG

BY LARRY G. Seese Asst. AC MANAGER 6-9-84  
Name Title Date  
CECA Audit QA2024-28 Procedure 4.9.1 11-83  
Topic Specification Revision

No. of hours 10 Mins.

Audit Finding #2 items 3 only  
CONTROL OF MEASURING AND TEST EQUIPMENT

[illegible]

LEVEL II REVIEW 2/87

PREPARED RAS	APPROVED RR	REVISED SES	TITLE Personnel Instruction Log	ORIG. DATE 4-9-80	REV. DATE B 8/02/83	FORM NO. 101
-----------------	----------------	----------------	---------------------------------------	----------------------	---------------------------	-----------------



Comstock Engineering, Inc.  
Memorandum

To: R. Saklak

Office: Braidwood

From: L. G. Seese

Subject: Calibration ICR's

Date: 09/21/84

Control No.: 84-09-21-08

The attached two (2) ICR's completed by John Seeders were submitted to me for review. I can not approve them because they violate Procedure 4.11.2, Rev. B, Paragraph 3.2 in that Corrective Action Taken has been signed off prior to requesting an ICR number. Please have this corrected and resubmit the ICR's to me for approval.

Sincerely,

L. G. Seese  
Assistant Quality Control Manager

LGS/tdr

cc: Mr DeWald  
R. Saltmann  
QC Vault File



00002000

## INSPECTION CORRECTION REPORT

System N/A

No. \_\_\_\_\_

Shr. 1 of 2From: John SEEDERS To: FRANK ROLANPENDINGSpec. No. L-2790Dwg No. N/AReviewed by \_\_\_\_\_  
Quality Control Manager  
or DesigneeProcedure No. 4.9.1-COther N/A

Location: LKC CRIB #4 ASSIGNED TO FOREMAN OSCAR LARSON.  
DATE OF LAST CALIBRATION 8-16-84.  
Description: LKC #41647 WIRE STRIPPER. REPORTED MISSING  
FROM WORK AREA 9-14-84. ALL RESEARCH COMPLETED.  
SEE ATTACHED SHEETS E.C. John W. Seeders Date 9-17-84.

Corrective Action Taken: ALL RESEARCH COMPLETED. LKC #41647 NOT USED IN  
THE FIELD SINCE DATE OF LAST CALIBRATION.

Action Completed Oscar Larson Date 9-17-84  
Construction Representative

Corrective Action Cannot Be Completed Because: \_\_\_\_\_

\_\_\_\_\_  
Construction Representative

Recommended Corrective Action:

Comstock Engineer \_\_\_\_\_ Date \_\_\_\_\_

Client Disposition:

\_\_\_\_\_  
Client Representative

Date \_\_\_\_\_

Verification by QC:

Accepted ( )

Not Accepted ( )

Explain Action To Be Taken For Action Not Accepted:

Close Out: \_\_\_\_\_ Date \_\_\_\_\_

Quality Control Representative

PREPARED	APPROVED	REVISED	TITLE	ORIG. DATE	REVISION	FORM
MRW	ATT	LYD	PROCEDURE	5/2/79	3 1/5/84	30

00002001



JCR #

2 of 2

MISSING TOOL REPORT

**FOR REFERENCE ONLY**

DATE OF REPORT

9-14-84

TYPE OF TOOL MISSING

STRIPPER

COMSTOCK TOOL NO.

LKC A 1647

BRAND

IDEAL

TOOL SERIAL NO.

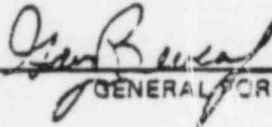
DATE MISSED

9-14-84

AREA TOOL MISSING FROM

Gang box Control Room 451

REMARKS

  
GENERAL FOREMAN  
FOREMAN

Rev. 10/11/82 Form No. 45

**FOR REFERENCE ONLY**

00002002

## INSPECTION CORRECTION REPORT

System N/A

No. \_\_\_\_\_

Sht. 1 of \_\_\_\_\_From: JOHN SEEDERS To: FRANK ROLAN

REFERENCE

Spec. No. 6-2790Dwg No. N/A

Reviewed by \_\_\_\_\_

Procedure No. 4.9.1Quality Control Manager  
or DesigneeOther N/ACONDITION DID NOT EFFECT CALIBRATION, BUT TOOLS NEVER USED IN THE FIELD SINCE LAST CALIBRATION.Location: LKC FORKMAN FACCHINA (DATE OF LAST CALIBRATION 8/10)Description: LKC # A852 "HOLD TAG APPLIED"  
LKC # A853 T+B CRIMPERS FOUND TO HAVE BROKEN HANDLE LOCKS 9-14-84. ALL RESEARCH COMPLETED. Q.C. John W. Seeders Date 9-14-84Corrective Action Taken: "ALL RESEARCH COMPLETED" NEVER USED IN THE FIELD SINCE DATE OF LAST CALIBRATION.Action Completed FRANK ROLAN Date 9-17-84

Construction Representative

Corrective Action Cannot Be Completed Because: \_\_\_\_\_

\_\_\_\_\_  
Date \_\_\_\_\_\_\_\_\_\_  
Date \_\_\_\_\_\_\_\_\_\_  
Date \_\_\_\_\_

Recommended Corr \_\_\_\_\_

Comstock Engine \_\_\_\_\_

\_\_\_\_\_  
Date \_\_\_\_\_\_\_\_\_\_  
Date \_\_\_\_\_

Client Dispositi \_\_\_\_\_

\_\_\_\_\_  
Date \_\_\_\_\_\_\_\_\_\_  
Date \_\_\_\_\_\_\_\_\_\_  
Date \_\_\_\_\_\_\_\_\_\_  
Date \_\_\_\_\_

Verification by \_\_\_\_\_

Not Accepted ( )

Explain Action To Be Taken For Action Not Accepted:

Close Out: \_\_\_\_\_ Date \_\_\_\_\_

Quality Control Representative

54  
55

00002003

PREPARED	APPROVED	REVISED	TITLE	ORIG. DATE	REVISION	FORM
MRW	ACT	IFD	PROCEDURE	5/2/79	3 1/5/84	30



1 JUDGE GROSSMAN: That's fine. The Board will  
2 allow that.

3 Of course, whatever is in there can be used for  
4 impeachment or admissions --

5 MR. MILLER: Certainly.

6 JUDGE GROSSMAN: -- if either of the other  
7 parties intends to see something favorable in there; but  
8 the motion is granted to withdraw that question and  
9 answer.

10 MR. MILLER: Thank you.

11 I thank Mr. Treby for calling my attention to the  
12 fact that I missed one of the attachments.

13 I now ask that all of Mr. Seltmann's testimony and  
14 the attachments be incorporated in the transcript at  
15 this point.

16 JUDGE GROSSMAN: Is there any objection?

17 MR. BERRY: No objection.

18 MR. GUILD: On the same basis that we stated  
19 previously.

20 JUDGE GROSSMAN: Fine. With the  
21 understanding that Mr. Guild indicated to the Board, we  
22 will admit the testimony.

1 MR. MILLER: I have no further questions of  
2 Mr. Seltmann at this time.

3 JUDGE GROSSMAN: Mr. Guild.

4 MR. GUILD: Mr. Chairman, we would ask that  
5 Question and Answer 5, as they appear in the prefiled  
6 testimony, be treated as an admission of the company.

7 I can state the question to the witness and ask if  
8 he subscribes to the answer as stated in his prefiled  
9 testimony, if that procedure would be appropriate.

10 JUDGE GROSSMAN: I think the shortened  
11 procedure you just mentioned would suffice.

12 Do you subscribe to that, sir?

13 MR. GUILD: It's Page 6, Mr. Seltmann,  
14 Question and Answer 5.

15 THE WITNESS: Yes, I do.

16 MR. GUILD: Mr. Chairman, Counsel, co-counsel  
17 brought to my attention a matter.

18 Before we proceed with Mr. Seltmann, I would like  
19 to bring to the Board's attention a motion dated May 27,  
20 1986, entitled, "Motion to admit additional late-filed  
21 harassment and intimidation contentions," has been  
22 served upon the Board and the parties.

23 Mr. Cassel is present and he is responsible for the  
24 document. If the Board would entertain or would like to  
25 hear any discussion of this document at this time, it's

1           been distributed.

2                   JUDGE GROSSMAN:   Well, I don't think that we  
3 would want a discussion at this time, until we have had  
4 a chance to read this, which we haven't; but, of course,  
5 it's now in the record that we have received it.

6                   MR. GUILD:   Fine. Thank you.

7                   JUDGE GROSSMAN:   And we will admit, unless  
8 there is objection, Question 5 and the answer to 5.

9                   Is there any objection?

10                  MR. MILLER:   Well, no, sir.

11                  Although it may be an admission of the company, I  
12 am not sure that it has any relevance to the scope of  
13 the proceedings currently.

14                  JUDGE GROSSMAN:   Okay, fine. Proceed, Mr.  
15 Guild.

16                  MR. GUILD:   Thank you, Mr. Chairman

17                               CROSS EXAMINATION

18                               BY MR. GUILD

19       Q       Mr. Seltmann, on Page 1 of your prefiled direct  
20 testimony, you state, in part, that in November of 1985  
21 your position as Quality Assurance Manager was upgraded.  
22 The term "upgraded" is yours.

23               In fact, you were given significant additional  
24 duties and responsibilities as of that date; correct?

25       A       Yes.

1 Q Upgraded means, I guess, in the sense that the job has  
2 become a bigger one since you took on those additional  
3 responsibilities; right?

4 A Yes.

5 Q You supervised previously a small department of the  
6 number of about six other persons, is that correct,  
7 quality assurance engineers and associated people?

8 A At that time it would have been six. It's nine now.

9 Q Nine now, all right.

10 And with the new duties that you received in the  
11 upgrade of your position in November of 1985, you  
12 became, in effect, Mr. DeWald's superior and took on  
13 supervision of all of the Quality Control Inspectors?

14 A That's true.

15 Q Mr. DeWald -- Mr. Seltmann, excuse me, you appear to be  
16 a rather young man, in relative terms. I guess it's all  
17 relatively.

18 Can you state your age, please?

19 A I am 33.

20 Q Was the upgrading of your position, the change that put  
21 you in place over Mr. DeWald, in a direct supervisory  
22 position over all of the Quality Control Inspectors,  
23 through Mr. DeWald, a result of the identification of  
24 any deficiencies in work performance on the part of Mr.  
25 DeWald?

1 A No, it wasn't.

2 Q How do you know that to be a f.

3 A Well, the position was developed upon a request by  
4 Commonwealth Edison to develop two organizations within  
5 Comstock, a Unit 1 and a Unit 2 organization; and our  
6 corporate management decided to go the route of the two  
7 QC managers and the QA Manager taking over both those or  
8 overlooking those two positions.

9 It was finally decided that I would stay as the QA  
10 Manager and the organization would be broken down  
11 beneath DeWald into two general QC supervisors over Unit  
12 1 instead of 2.

13 Q When you say finally decided having one QC Manager, that  
14 would be Mr. DeWald, with two supervisors under him?

15 A Exactly.

16 Q When you say Unit 1 and Unit 2, you are speaking of  
17 respective units of the Braidwood Station?

18 A Yes, I am.

19 Q Well, in fact, does Comstock have the full scope of  
20 electrical work for Unit 2 at Braidwood?

21 A No. We had lost Unit 2 containment to the Gust K.  
22 Newberg organization but we do have the aux building and  
23 the wing wall areas.

24 Q So you have a portion of Unit 2, not the containment  
25 building?

1 A Exactly.

2 Q So, in fact, the Comstock scope of work has been reduced  
3 when Newberg took on the containment of Unit 2?

4 A Yes, it was.

5 Q But, nonetheless, the Quality Control Department at  
6 Comstock was divided between the two units as you have  
7 described?

8 A Yes, separate organizations reporting to Irv DeWald.

9 Q Can you give me an approximation of how many QC people  
10 you have assigned to Unit 2 as compared to Unit 1?

11 A Oh, I would say there is 15 inspectors in Unit 2 and  
12 Unit 1 would be right around 90, approximately 90.

13 Q Does that represent a significantly increased number of  
14 QC personnel above those who originally reported all to  
15 Mr. DeWald and then, in turn, off site before you took  
16 the enhanced position?

17 A I don't believe I follow the question.

18 Q All right. I am sorry. Let me try again.

19 Have you increased any people, increased the number  
20 of QC Inspectors above the number in place prior to your  
21 taking the enhanced position?

22 A I would say yes, we have.

23 Q Is it a significant increase in number?

24 A No.

25 Q A few more?



1 A A few more.

2 Q Approximately 100 now, 105 now?

3 A There is 105 now, and at that time I couldn't give you  
4 an actual number but I would say 95, somewhere around  
5 that number.

6 Q Did you discuss with anyone Mr. DeWald's work  
7 performance at the time that you took the new position?

8 A I don't recall so.

9 Q Or before you took it?

10 A No, I don't recall so.

11 Q Who was responsible for assigning you to the new  
12 position?

13 A Our corporate management, which would be Tom Paserba and  
14 Bob Marino from our Pittsburgh office.

15 Q You don't recall any discussion with either Messrs.  
16 Marino or Paserba on the subject of Mr. DeWald's prior  
17 work performance?

18 A No, sir, I don't.

19 Q Now, when you first came to Braidwood in the fall of  
20 '83, you came on as the first quality assurance  
21 engineer; correct?

22 A Yes.

23 Q And didn't you, in effect, come on because there had  
24 been identified deficiencies in the Comstock audit  
25 program effectiveness?

1 A Yes, there was.

2 Q And wasn't that, in fact, the basis for your being  
3 assigned to the site, to address those deficiencies?

4 A Yes, that was part of it.

5 Q Now, can you state for the Board, please, Mr. Seltmann,  
6 what is the essence of the auditing function within the  
7 Quality Assurance Program at a new plant under  
8 construction?

9 A Well, the auditing program, basically, assures that the  
10 procedures that are written are being properly  
11 implemented and you do that through a performance of  
12 audits.

13 Q Are you familiar with the audit requirements of 10 CFR  
14 Part 50 Appendix B Criterion 18? \*

15 A Yes, I am.

16 Q Does that embody the fundamental principles that govern  
17 the performance of audits within a QA program?

18 A It gives you basic guidelines.

19 Q And do I understand correctly that that basic guidance  
20 of Criterion 18 of Appendix B is to the effect that the  
21 fundamental purpose of auditing is to determine the  
22 effectiveness of the existing Quality Assurance Program?

23 A That's true.

24 Q It's, in essence, to identify programmatic deficiencies  
25 and see if those deficiencies, if they exist, are

1 corrected?

2 A That's true.

3 Q And that was your job?

4 A Correct.

5 Q It remains your job today, too?

6 A That's correct.

7 Q Now, help me understand just fundamentally: Quality  
8 control is a subset of quality assurance, is it not?

9 A That's true.

10 Q And it's, in essence, the verification, witnessing and  
11 inspecting the inspection function?

12 A Correct.

13 Q It involves what we think of as weld inspection, looking  
14 at a weld against various acceptance criteria to  
15 determine that the work meets quality standards?

16 A That's true.

17 Q The auditing function -- the QA function, rather, is  
18 auditing the surveillances and not inspection?

19 A That's true.

20 Q Essentially, the QA function oversees and measures the  
21 effectiveness of the quality control function, does it  
22 not?

23 A Yes, it does.

24 Q Now, I asked you about auditing.

25 What is a surveillance, generally, as you used the

1 term, in nuclear QA?

2 A Surveillance, for layman's terms, would be a small  
3 audit. It would be more a specific paragraph out of the  
4 procedure.

5 Instead of doing an audit out of the entire  
6 procedure, you can do a surveillance on one aspect of  
7 that procedure; and your surveillance would encompass  
8 probably going out in the field and checking something.  
9 It's a -- it's similar to an audit but it's on a smaller  
10 scale.

11 Q Is it in the nature of a -- is the surveillance in the  
12 nature of a spot-check?

13 A Yes, it could be.

14 Q Well, isn't it a fact that now, Mr. Seltmann, you are  
15 wearing both hats, the quality assurance audit and  
16 surveillance hat, if you will, as well as the quality  
17 control hat, the QC function that reports to you through  
18 Mr. DeWald?

19 A Well, Irv DeWald would be responsible for the QC, the  
20 implementation of the program.

21 Q Yes; but, in effect, you are the manager of the program  
22 that you are performing audits and surveillances on, the  
23 quality control program at Comstock?

24 A That's true.

25 Q And do you believe, as you state in your testimony, that

1           that reflects an enhancement of your position?

2           A     Yes, I think it does.

3           Q     Now, in your prefiled direct testimony, the portions  
4           that were withdrawn, Question and Answer 5, you allude  
5           specifically to one NRC inspection and that was an  
6           inspection that is identified as 83-09; correct?

7           A     Yes.

8           Q     Now, just for clarity in the record, there the NRC  
9           identified an item of noncompliance against Comstock in  
10          auditing and that item had formerly been a portion of  
11          the Intervenor's amended QA contention, Subcontention  
12          14.B.2; correct?

13          A     That's right.

14          Q     In essence, the NRC in that inspection performed a  
15          special quality assurance inspection at Braidwood; is  
16          that correct?

17                   MR. MILLER:    Your Honor, I am going to  
18          object.

19                   The question and answer have been introduced into  
20          the record as an admission and it stands for whatever it  
21          stands for, but that does not in and of itself make it  
22          relevant to the harassment and intimidation  
23          Subcontention that is before the Board.

24                   MR. GUILD:    I intend to tie it together, Mr.  
25          Chairman; but I think that fundamentally I want to

1 establish what the scope of Mr. Seltmann's duties were  
2 as Quality Assurance Manager, because, obviously, it  
3 relates to identifying problems such as harassment and  
4 intimidation, since --

5 JUDGE GROSSMAN: Continue then.

6 BY MR. GUILD:

7 Q You are aware that 83-09 was a special quality assurance  
8 inspection at Braidwood by the NRC?

9 A Yes, I am.

10 Q And that looked at a number of contractors that are not  
11 material to the contention now but it looked at the four  
12 principal contractors, among which was Comstock that had  
13 the electrical scope of work.

14 You understand that to be the case?

15 A Yes.

16 Q And it found deficiencies, items of noncompliance, in  
17 each of those contractor's work and it found them in  
18 Comstock's work, items of noncompliance associated with  
19 Comstock?

20 A That's true.

21 Q And those items were in addition to the 14.B.2 item, the  
22 audit item?

23 MR. MILLER: Now, your Honor, I do object.

24 He is beyond 14.B.2 into some general position with  
25 respect to purported 83-09.



1 MR. GUILD: I don't intend to pursue the  
2 specifics; but I want to establish, Mr. Chairman, which  
3 I do believe is relevant, that it wasn't just a question  
4 of the audit violation but the reason there was an audit  
5 violation was because there were substantive items of  
6 noncompliance that had not been previously identified by  
7 Comstock's audits.

8 MR. MILLER: Your Honor, that may or may not  
9 be the case.

10 How that relates to harassment and intimidation has  
11 not been even suggested by Mr. Guild.

12 JUDGE GROSSMAN: This is certainly all  
13 background. We are not going to be trying the issues of  
14 14.B.2 and the others.

15 Why don't we just finish, get our preliminary  
16 questions in and move on?

17 MR. GUILD: All right.

18 BY MR. GUILD:

19 Q Isn't it the case, Mr. Seltmann, that, in fact, there  
20 were, if you will, substantive items of noncompliance  
21 identified in 83-09 against Comstock, in addition to the  
22 audit violation?

23 A I don't recall all of the problems, but I think there  
24 were other problems besides this 14.B.2 item.

25 Q All right. Do you accept the view, Mr. Seltmann, that

1 the existence of substantive items of noncompliance of a  
2 certain level of seriousness itself is indicative of  
3 inadequacies in the implementation of the audit  
4 requirements of the QA program?

5 A It would show that there were places in the audit  
6 program that we failed to address implementation  
7 problems, yes.

8 Q Maybe I am not being clear; but, essentially, what  
9 auditing is supposed to do, auditing and surveillance,  
10 the QA function as distinct from the QC function, is to  
11 identify and correct -- self-correct -- programmatic  
12 deficiencies before the NRC identifies them; right?

13 A Yes, that's true.

14 Q And the identification by the NRC of substantial,  
15 significant -- I am trying to use a term of art that  
16 denotes important items of noncompliance -- is  
17 indicative of the failure of the program itself to  
18 self-identify and self-correct through the QA function?

19 A Audits don't always produce every problem within the  
20 implementation of that procedure.

21 Q And that was the point of my searching for a term to  
22 distinguish between the important and unimportant.

23 You would agree that the important weaknesses,  
24 deficiencies, items of noncompliance, should have been  
25 self-identified through your self program and not wait

1 until the NRC identified them?

2 A It's to our benefit to do them that way, yes.

3 Q Isn't that the measure of the effectiveness of your  
4 audit program?

5 A Yes.

6 Q By that I mean finding them yourself if they are  
7 important?

8 A That's what the goal is, yes.

9 Q And you should measure effectiveness of your audits  
10 program against that goal; correct?

11 A Yes, that's true.

12 MR. GUILD: Mr. Chairman, I would like to ask  
13 counsel to make available to the witness what has been  
14 received into evidence as Intervenor's Exhibit No. 22.

15 BY MR. GUILD:

16 Q Mr. Seltmann, do you have before you Intervenor's  
17 Exhibit 22?

18 A Yes, I do.

19 Q This is a cover page, this is an April 29, 1985, letter,  
20 from Edison to Comstock.

21 It includes a number of recommendations resulting  
22 from Edison's investigation of the March 29, 1985, QC  
23 Inspector complaints, does it not?

24 A Yes, it does.

25 Q You were responsible for addressing one of those seven

1 items in your capacity as Quality Assurance Manager,  
2 were you not?

3 A Yes.

4 Q And you were responsible for looking into Item No. 1,  
5 Page 2 of 3, of the recommendations, of the document,  
6 "LKC should initiate a corporate level procedure which  
7 formalizes their current method for investigating  
8 concerns brought through their organization. All LKC  
9 personnel should be advised of that procedure"?

10 A Yes, that one was my responsibility.

11 Q Now, that attempts to address, does it not, the fact  
12 that 24 or 26 -- at least 24 of your QC Inspectors were  
13 sufficiently -- strike that.

14 This recommendation by Edison addresses the fact  
15 that 24 inspectors went off site, outside Comstock,  
16 outside Edison, to the NRC to raise quality and safety  
17 concerns; correct?

18 A That's correct.

19 Q And Edison's recommendation was that you should have a  
20 procedure that in-house should have pre-identified those  
21 concerns, in effect; correct?

22 A That was their recommendation, yes.

23 Q Well, isn't it a fact, Mr. Seltsmann, that that is one  
24 recommendation out of the seven that Comstock chose to  
25 reject on your recommendation?

1 A That's true.

2 Q You, in short, didn't believe that it was necessary that  
3 Comstock do anything more than it had been doing to  
4 provide for a Comstock procedure for the airing and  
5 investigation of Quality Control Inspector concerns;  
6 correct?

7 A That's true.

8 Q And your evaluation then and position in communicating  
9 that position to Mr. Shamblin of Commonwealth Edison  
10 Company is included in a document attached to 22, a  
11 portion of 22, dated August 14, 1985. It has Bates No.  
12 B19474 and following pages.

13 Q Correct?

14 A Yes, it is.

15 Q Isn't it, in essence, what your position is that  
16 pre-existing channels were adequate for the purpose?

17 A If they were utilized, yes.

18 Q Well, that sort of begs the question, does it not, Mr.  
19 Seltmann?

20 They weren't utilized and that was why Edison was  
21 making the recommendation, does it not?

22 A I can't remember for sure why actually Edison made the  
23 recommendation.

24 My follow-up to that item was in reflection to the  
25 programs that we did have in place at the time.

1 Q All right.

2 A And I listed those in my response.

3 Q I don't mean to interrupt. I am sorry.

4 A I said I listed those in my response.

5 Q Yes. Well, one of those programs that you identified  
6 was the Comstock pre-existing policies for identifying  
7 and processing nonconforming items; right?

8 A Yes.

9 Q Another one was the Comstock procedure for corrective  
10 action; right?

11 A That's correct.

12 Q And your position was that the Comstock inspectors who  
13 had complaints, such as the 24, <sup>6</sup> could have utilized  
14 either or both of those two procedures to have brought  
15 their concerns to the attention of Comstock management?

16 A That was part of the recommendation in my response.

17 You would have to utilize the entire response to  
18 handle the problems of the inspectors.

19 Q Yes. I am moving to the rest of it; but those were two  
20 vehicles you identified as pre-existing and, in part,  
21 the basis for your position that no further mechanism  
22 was necessary?

23 A That's true.

24 Q You further state that procedure 3.1.1, revisions to the  
25 quality assurance control program, was available and



1           that a procedure suggestion form could be used to air  
2           grievances; correct?

3           A    Related to procedures, yes.

4           Q    And that, too, was a portion of the reasons why you  
5           believe that no additional vehicles were necessary to  
6           provide for the areas of concerns?

7           A    That was part of the response, yes.

8           Q    You talk about how a QC Inspector -- I am looking at the  
9           next page now -- has the freedom to seek a stop work of  
10          activity which is of concern; correct?

11          A    Yes.

12          Q    That's the second page of your memo?

13          A    Yes.

14          Q    And you cite to us a specific memorandum that Mr. DeWald  
15          authored May 2, 1984 -- it's an attachment -- making the  
16          point that all QA/QC personnel, while performing  
17          actions, shall have authority to stop work, et cetera?

18          A    That's true.

19          Q    And to you that stop work authority represented a  
20          vehicle that existed for inspectors to air concerns?

21          A    That was part of my response, yes.

22          Q    The existence of which obviated the necessity for a new  
23          procedure or vehicle as Edison suggested?

24          A    Yes, that's true.

25          Q    You talk about the union contract or contractual

1 provisions that allowed for airing grievances.

2 You talk about -- that's one of the items, correct,  
3 pre-existing?

4 A Yes.

5 Q Actually, it didn't pre-exist the QC Inspector concerns  
6 in March of 1985; it came after the concerns; right?

7 A Yes, around July, '85.

8 Q And that really addresses more working conditions, pay  
9 benefits, contractually governed complaints within the  
10 scope of the labor agreement, does it not?

11 A I don't feel it's limited to just that, no.

12 Q Well, does your labor contract with the local union have  
13 provisions regarding the airing of safety or quality  
14 concerns through the grievance procedure?

15 A No, it doesn't do that, no.

16 Q It relates primarily to pay and working conditions, does  
17 it not, the grievance procedure?

18 A Yes.

19 Q And then you cite the practice of having inspectors or  
20 personnel generally undergo exit interviews as they  
21 leave the site, at which time they are given the  
22 opportunity to verify that they have no reportable  
23 concerns; correct?

24 A Yes.

25 Q In fact, they are requested to sign a statement saying,

1 "I do hereby state that I am unaware of any reportable  
2 conditions and/or defects that have not been properly  
3 reported to this company's management"; correct?

4 I am reading from the form that is attached to your  
5 memo.

6 A Yes. To answer that, I think I would have to see the  
7 form.

8 Q It should be attached to your memo there. It's  
9 attachment -- it has a Bates number.

10 A Are you reading from the middle of that document?

11 Q Yes, from the middle, "I do hereby state."

12 A Yes.

13 Q And you ask and expect employees to either endorse their  
14 signature under that statement or to follow the  
15 following instructions if they can't sign that  
16 statement; right?

17 A Yes.

18 Q Mr. Puckett, for one, declined to sign that statement  
19 and made a commitment that he would otherwise  
20 communicate his concerns to the NRC, in effect; right?

21 A That's my understanding.

22 Q And, lastly -- strike that.

23 And your belief was that the use of this form in an  
24 exit interview was an effective means for identifying  
25 quality or safety concerns in the pre-existing Comstock

1 program?

2 A It assisted in that, yes.

3 Q Lastly then in your memo, you identify the existence of  
4 Edison's Quality First Program as a vehicle for  
5 inspectors to air their quality or safety concerns?

6 A Yes.

7 Q Weren't you aware at the time you wrote your August, '84  
8 -- August, '85, memo, Mr. Seltmann, that one of the  
9 complaints by a number of the QC Inspectors to the NRC  
10 was that the Quality First Program itself was  
11 unresponsive and ineffectual in addressing their  
12 concerns?

13 A No.

14 Q You weren't aware of that fact?

15 A No.

16 Q Are you aware of that fact today?

17 A I do recall that, yes, not when I wrote this, though.

18 Q Well, did you inquire into whether the Quality First  
19 Program at the time you wrote your August, '85, memo  
20 was, indeed, an effective vehicle for permitting the  
21 airing of quality or safety concerns?

22 A No, I didn't.

23 Q Did you perform any investigation, Mr. Seltmann, of  
24 whether the existing vehicles that you identify in your  
25 August, 14, 1985, memo were, indeed, effective vehicles

1 taken serially or all together for the identification of  
2 quality and safety concerns?

3 A I feel as a unit, they are, yes.

4 Q Well, isn't it a fact --

5 A Not any one individual, no.

6 Q So taken together, your belief was they were effective?

7 JUDGE GROSSMAN: Excuse me.

8 I don't think you answered the question as to  
9 whether you performed any investigation into that.

10 MR. GUILD: Yes. That's the question.

11 THE WITNESS: Could you restate the question?

12 MR. GUILD: Sure.

13 BY MR. GUILD:

14 Q Did you perform any investigation to determine whether  
15 the vehicles you identify in your August memo were,  
16 indeed, effective vehicles for the identification and  
17 airing of quality and safety concerns?

18 A No, I didn't.

19 Q Well, isn't it a fact, Mr. Seltmann, that the fact that  
20 24 of your QC Inspectors in March of 1985, having went  
21 to the Nuclear Regulatory Commission with a wide range  
22 of quality concerns -- isn't that fact itself evidence  
23 that there was a fundamental problem with the existing  
24 vehicles for identifying and addressing quality and  
25 safety concerns at Comstock?

1 A I believe to properly answer that you have to understand  
2 the situation in the QA/QC Department at that time.

3 In writing this letter, it was a letter that  
4 described what is available to these individuals.

5 If the individuals did not bring them to  
6 management's attention through the proper vehicle or  
7 just verbally to us, then writing a new policy just  
8 against Comstock -- I felt my main concern here was that  
9 if their concern was this type of procedure, then the  
10 procedure should be requested from all contractors.

11 Q By "their" you mean Edison's?

12 A Edison's, yes.

13 Q Does that complete your answer?

14 A Yes.

15 Q Is it fair to say that your answer, in substance, is  
16 that the 24 inspectors resort to the NRC, in your  
17 judgment, was not evidence of deficiencies in the  
18 existing program for identifying and addressing  
19 concerns?

20 A Of all their allegations?

21 I guess I am not reading your question correctly.

22 Q Okay. Well, there is no correct way to read it. If  
23 it's not intelligible, I appreciate your bringing it to  
24 my attention and I will try to rephrase it.

25 Did you take the March 29, 1985, incident, 24



1 inspectors go to the NRC with the complaints that they  
2 made that are documented, as evidence that there were  
3 any deficiencies in your existing system for identifying  
4 and addressing quality or safety concerns?

5 A Well, I think the mere fact that they didn't bring it  
6 directly to our management.

7 We requested that they do bring these problems to  
8 their supervision, to management, and if they failed to  
9 do that, I can't stop them. It's an avenue they have to  
10 pursue; and if somebody doesn't want to talk to me, I  
11 don't force them to talk to me.

12 Q I appreciate your view. I am trying to get a responsive  
13 answer to the question as asked. Really, it's a very  
14 simple question.

15 I don't mean to limit the scope of your answer or  
16 any explanation you might want to give; but it really  
17 calls for an affirmative or negative answer and that is  
18 -- and I will try again.

19 Did you view the March 29th incident as evidence of  
20 deficiencies in the existing system for identifying  
21 problems?

22 A No, I didn't.

23 Q Is it your view, Mr. Seltmann, that there were  
24 identified significant deficiencies in the calibrations  
25 inspection program through the process of reviewing the

1 calibration documents before and after Mr. Seeders'  
2 transfer?

3 A Yes.

4 Q Now, Mr. Seeders performed calibration inspections for a  
5 period of years, did he not?

6 A Yes, he did.

7 Q And you were the Quality Assurance Manager at Comstock  
8 in charge of audits and surveillances of the  
9 effectiveness of the QA program beginning in the fall of  
10 '83; correct?

11 A That's true.

12 Q You didn't identify through your quality assurance  
13 audits or surveillances, did you, the existence of  
14 significant deficiencies in the calibrations inspection  
15 program prior to Mr. Seeders' transfer, did you?

16 A I noted deficiencies, yes.

17 Q Did you identify significant deficiencies in the  
18 program?

19 A I don't know if they were deemed significant but I  
20 identified deficiencies.

21 Q Well, I guess the question, rather pointedly, Mr.  
22 Seltsmann, is:

23 If you stand by the position that you identified  
24 deficiencies, did you adequately correct the  
25 deficiencies that you identified in the calibration

1 inspection program before you transferred Seeders?

2 A I felt that the deficiencies I identified were  
3 corrected, yes.

4 Q Well, you were wrong in that feeling, weren't you?

5 A I didn't address every deficiency in the calibration  
6 program, no.

7 Q In short, you failed to identify what you now  
8 characterize as significant deficiencies in the  
9 calibration inspection program at the time those  
10 deficiencies were continuing over a period of years?

11 A In the audits that I performed, like I say, I did not  
12 identify all the deficiencies. Somehow I didn't.

13 Q Well, you didn't identify all the deficiencies; and, in  
14 fact, by your own measure, Mr. Seltmann, the existence  
15 of significant deficiencies in the calibration  
16 inspections program that were not identified by you  
17 through the on site Comstock audits and surveillances  
18 itself is evidence that you were not effective in  
19 performing those audits and surveillances?

20 A I don't believe that to be true.

21 When I arrived on site, I had to reactivate the  
22 internal auditing program, re-establish it.

23 When the deficiency was identified, it was in May  
24 of '84. To perform a complete audit program within that  
25 short period of time that I was there, it couldn't have

1           been done. We didn't audit all the procedures by May.

2           Procedure 491 was one of the procedures that I did  
3           audit and, like I said, I did find deficiencies.

4       Q   Well, you didn't find them earlier as a result of lack  
5           of time; is that what you are saying?

6       A   From my standpoint, yes.

7       Q   How about lack of manpower, resources; does that account  
8           for your failure to identify them earlier?

9       A   From the quality assurance aspect?

10      Q   Yes.

11      A   I think that was part of it, yes.

12      Q   Not enough auditors?

13      A   Well, that's what subsequently led to the NRC problem.

14      Q   Yes; but was part of the reason you didn't identify the  
15           calibration deficiencies earlier the fact that you  
16           didn't have enough auditors to conduct the full scope of  
17           audits that you needed earlier?

18      A   Well, the auditing program: The individual that was  
19           assigned prior to myself had quit and the audit program  
20           virtually stopped for several months, so the lack of  
21           manpower was a problem.

22      Q   When you came on in the fall of '83 as Quality Assurance  
23           Manager, did you familiarize yourself with the  
24           organizational structure within the Quality Control  
25           Department?

1 A Yes, I did.

2 Q Were you aware, for example, that Mr. Seeders reported  
3 to Mr. Saklak in the performance of his calibration  
4 inspections through Mr. Phillips, who was his lead?

5 A I do recall that, yes.

6 Q And that, in turn, Mr. Saklak reported to Mr. DeWald,  
7 the Quality Control Manager?

8 A That's correct.

9 Q Were you aware that neither Mr. Phillips nor Mr. Saklak  
10 were certified in the area of calibrations, the area in  
11 question?

12 A At that time, no.

13 Q So you were not aware at the time that you -- let me try  
14 it again.

15 When did you become aware of the fact that neither  
16 one of those gentlemen were certified in the area of  
17 calibrations?

18 A I couldn't recall.

19 Q Is it of recent time?

20 A No. I would say it was in the '85 area, 1985.

21 Q Let me put it this way: Did you identify the fact that  
22 Mr. Saklak and Mr. Phillips were neither certified in  
23 the area of calibrations before you transferred Mr.  
24 Seeders out of the calibration QC area?

25 A I don't recall if it was before or after.

1 Q How about at the time you wrote your memo evaluating Mr.  
2 Seeders' work, the memo that is dated September 25,  
3 1984, tool calibration program, Seltmann 3?

4 A Well, that was the same time period you just asked me.  
5 That was when he was transferred.

6 Q Yes. So at that time you didn't know that -- well,  
7 actually, I will put it this way:

8 Mr. Seeders was transferred effective the 1st of  
9 October, 1984; correct?

10 A I believe so, yes.

11 Q So you wrote this just days before Mr. Seeders was  
12 transferred?

13 A Yes.

14 Q And this was, in part, the basis for Mr. Seeders'  
15 transfer, was it not, this, your memo?

16 A I believe so, yes.

17 Q At the time that you performed this evaluation of the  
18 character of Mr. Seeders' work that was the basis for  
19 his transfer, did you identify the fact that neither of  
20 his supervisors, neither Mr. Phillips nor Mr. Sakiak,  
21 were certified in calibrations?

22 A No, I didn't.

23 Q Do you recall that Mr. Seeders brought that subject to  
24 your attention in his August 17, 1984, letter?

25 THE WITNESS: If I could review that



1 document?

2 MR. GUILD: Counsel, make available a copy.  
3 It's Exhibit 23 in evidence.

4 THE WITNESS: Could you point that out, in  
5 which paragraph?

6 MR. GUILD: I am trying to read along with  
7 you, Mr. Seltmann.

8 BY MR. GUILD:

9 Q Let's look at the third paragraph, first page, after  
10 talking about Mr. Phillips not being around because of  
11 funeral leave.

12 "At that time, being the only person certified in  
13 calibration and receipt, I was confronted by R. M.  
14 Saklak and told that I would complete and do the work in  
15 both areas," et cetera.

16 At least in those words, Mr. Seltmann, didn't you  
17 already have -- hadn't you already heard Mr. Seeders  
18 complaining that he was essentially the sole person at  
19 Comstock who was certified in calibration?

20 A Yes.

21 Q And he was, in fact, the only person that was performing  
22 calibrations work at the time, wasn't he?

23 A It is my belief that he was the only one actually  
24 performing calibrations at that time.

25 Q There may have been one other person, perhaps Miss

1 Spruel, who has actually certified in the area and  
2 hadn't done work in the area in a long time as of August  
3 of '84; correct?

4 A I believe she was certified at that time, also, yes.

5 Q And do you agree with the rest of my summary, that she  
6 hadn't performed calibrations in some time prior to  
7 August of '84?

8 A I can't be sure by reading this document here.

9 I am pretty sure she was certified prior to the  
10 issuance of this letter.

11 Q I think the record will reflect that she was indeed  
12 certified; but my question was more narrow and that was:  
13 Had she been performing calibrations work?

14 A I don't believe she was actually performing work at that  
15 time, no.

16 Q You are aware generally that she took the position that  
17 in order for her to undertake to do the calibrations  
18 work, even though certified, she would require some  
19 refresher training and indoctrination; correct?

20 A Sometimes that is necessary if they hadn't been working  
21 directly in the area for some time.

22 Q And Miss Spruel herself brought that point to  
23 management's attention with regard to her personal  
24 qualifications to actually perform calibration work?

25 A I do recall a document that stated that.

1 Q So, in fact, Mr. Seltmann, John Seeders brought to his  
2 management's attention, in the August 17th memo -- his  
3 letter, rather, prior to you transferring him on the  
4 basis of his work deficiencies that he was not getting  
5 adequate support in his calibrations work?

6 MR. MILLER: I will object to the form of the  
7 question.

8 Mr. Seltmann has been examined as to what the  
9 letter says in some detail. Now there is some sort of  
10 general wrap-up question with a characterization of the  
11 letter.

12 I think the question has been asked and answered.

13 JUDGE GROSSMAN: The question had nothing to  
14 do with the letter. That was a question as to what Mr.  
15 Seltmann knew at that time.

16 Overruled.

17 MR. GUILD: Could you answer the question,  
18 please, Mr. Seltmann?

19 A Well, I think Mr. Seeders was asking for assistance  
20 during an absence of Mr. Phillips because of a vacation  
21 and subsequent funeral leave, I think, at the same time.

22 This was documented by Mr. Saklak on the actual  
23 dealings of that situation.

24 I wasn't aware at that time of that situation, no.

25 BY MR. GUILD:

1 Q You weren't aware when you wrote your September 25th  
2 memo that Mr. Seeders had brought to his management's  
3 attention the need for more support on the calibrations  
4 work; is that your testimony?

5 A I may have been by virtue of these letters and the  
6 subsequent follow-up to these letters.

7 My main concern in the issuance of that 9-25-84  
8 letter was the noncompliance to the Procedure 491.

9 Q Mr. Phillips wasn't certified in calibrations, Mr.  
10 Saklak wasn't certified in calibrations.

11 Do you know if anyone in Mr. Seeders' chain of  
12 command was certified in calibrations inspection?

13 A At that time, I couldn't say. I really couldn't.

14 Q In your opinion --

15 A That was --

16 Q I am sorry. Complete your answer.

17 A There would have been -- excuse me. There would have  
18 been Irv DeWald and Larry in calibration.

19 Q So they were certified as Level 3 inspectors in  
20 calibrations as far as you know?

21 A They would have been in August, '84, yes.

22 Q And did they supervise Mr. Seeders?

23 A Well, they were over Mr. Seeders.

24 Q That's a fact.

25 A Would they have supervised him, yes.

1 Q In your opinion, Mr. Seltmann, did Mr. Seeders receive  
2 adequate supervision in the performance of his  
3 calibration inspection work?

4 A I feel he did.

5 JUDGE GROSSMAN: Excuse me.

6 Did Mr. DeWald supervise Mr. Seeders in the  
7 performance of his calibration inspections?

8 THE WITNESS: He would have been ultimately  
9 responsible. You would have had Mr. Seeders, then his  
10 Lead Inspector, the Supervisor and then Irv DeWald as  
11 manager.

12 BY MR. GUILD:

13 Q Do you know whether or not Mr. DeWald ever performed a  
14 calibration inspection aside from in the process of  
15 getting certified?

16 A I can't recall if he did. It would have been in his  
17 certification process.

18 Q Did you apprise yourself of whether or not Mr. DeWald  
19 actually supervised Mr. Seeders when you wrote your  
20 September 25, 1984, memo that was the basis for Mr.  
21 Seeders' transfer in part?

22 A Well, we had contact with Mr. Seeders because of the  
23 calibration records review program.

24 Q So you did apprise yourself of the fact and extent of  
25 Mr. DeWald's supervision of Mr. Seeders in calibrations?

1 A Well, it would have been indirect supervision.

2 Q That's really not the question.

3 Did you apprise yourself of those facts at the time  
4 you wrote your September 25th memo?

5 A No, I didn't.

6 Q In that memo, you make the point, do you not, Mr.

7 Seltmann, that of particular significance was the fact  
8 that Mr. Seeders had been re-trained in the calibration  
9 procedure as a portion of the corrective action for the  
10 CECa audit that identified calibration record  
11 deficiencies?

12 A Yes, I did.

13 Q At the time you wrote your September 25, 1984, memo, on  
14 which basis Mr. Seeders was transferred, were you aware  
15 of the scope and extent of that training that was given  
16 to Mr. Seeders?

17 A The training was related to the audit finding itself and  
18 there is a training session documented on that.

19 Q Yes. At the time of your September 25th evaluation of  
20 Mr. Seeders, were you aware of the scope and extent of  
21 that training? That's the question.

22 A Yes, I was.

23 Q You were aware of that training consisting of ten  
24 minutes, as reflected in the personnel instruction log,  
25 ten minutes by Mr. Seese?



1 A Yes, I was.

2 Q In your opinion, that ten-minute training was adequate  
3 to apprise Mr. Seeders of any deficiencies in  
4 interpretation of the Comstock calibration procedures?

5 A It was not designed to do that.

6 It was designed to refresh him on a particular item  
7 within that program. The --

8 Q He --

9 A -- the issuance of ICR's for tools found out of  
10 calibration.

11 Q You do attach particular significance, do you not, in  
12 your evaluation of Mr. Seeders' work to the fact that he  
13 had been given retraining, do you not?

14 A Yes, I did.

15 Q A ten-minute retraining and that you believe was  
16 adequate?

17 A I would like to review the form audit.

18 Item finding No. 2, Item 3 only, control measuring  
19 and test equipment. That finding was relative to two  
20 paragraphs in the procedure.

21 Q Were you present during that training?

22 A No, I wasn't.

23 Q What sources of information did you have when you  
24 evaluated that training as adequate to apprise Mr.  
25 Seeders of his deficiencies in calibration inspection?

1 A Well, I felt the individuals who gave the class could  
2 adequately describe the paragraph to him and what it was  
3 about.

4 Q The question really was not to justify why you felt that  
5 way. It was what the basis was of that opinion, Mr.  
6 Seltmann.

7 Was it anything more than the personnel instruction  
8 log that we have before us as an attachment to your  
9 testimony, a piece of paper?

10 A For the training, yes.

11 JUDGE GROSSMAN: Excuse me.

12 Mr. Miller has suggested that we quit some time  
13 between 5:00 and 5:30, which is about now.

14 Whenever it's appropriate, I think we ought to --

15 MR. GUILD: If I could have about two minutes  
16 to reflect.

17 JUDGE GROSSMAN: Oh, sure.

18 (There followed a discussion outside the  
19 record.)

20 MR. GUILD: Mr. Chairman, I think this is an  
21 appropriate stopping point.

22 JUDGE GROSSMAN: Why don't we reconvene  
23 tomorrow at 9:00 o'clock, same place. We are in recess  
24 now.

25 (WHEREUPON, the hearing of the

1 above-entitled matter was continued to  
2 the 28th day of May, 1986, at the hour of  
3 9:00 A. M.)  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATE OF OFFICIAL REPORTER

NO PAGE NUMBER

This is to certify that the attached proceedings before the UNITED STATES NUCLEAR REGULATORY COMMISSION in the matter of:

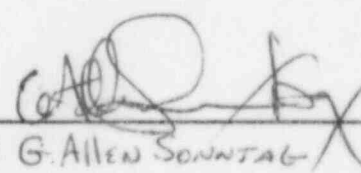
NAME OF PROCEEDING: COMMONWEALTH EDISON COMPANY  
(Braidwood Station, Units 1 & 2)

DOCKET NO.: 50-456 OL; 50-457 OL

PLACE: MARKHAM, ILLINOIS

DATE: TUESDAY, MAY 27, 1986

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) G. ALLEN SONNTAG

Official Reporter

Reporter's Affiliation