

ORIGINAL

UNITED STATES NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

DOCKET NO: 50-456 OL
50-457 OL

COMMONWEALTH EDISON COMPANY

(Braidwood Station, Units 1 & 2)

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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 :
9 and 2) :
10 -----X

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

11 College of St. Francis
12 500 North Wilcox Street
13 Joliet, Illinois 60435

14 Thursday, June 26, 1986.

15 The hearing in the above-entitled matter reconvened
16 at 9:00 A. M.

17 BEFORE:

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

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

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

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1 JUDGE GROSSMAN: The hearing is reconvened.
2 This is the 29th day of hearing.

3 Do we have any preliminary matters before we get to
4 the next witness?

5 MR. CASSEL: I would only note, Judge, that
6 we have just served on the Board and on the parties --
7 and it's on Miss Chan's table there, although I don't
8 know that she's seen it -- a motion asking that the
9 Board, following its session in camera in connection
10 with the OI documents, grant full disclosure of the
11 documents in accordance with the Commission's policy
12 statement.

13 JUDGE GROSSMAN: Fine. We've received that.

14 Mr. Gallo, would you call your next witness?

15 MR. GALLO: Your Honor, I'd like to call Mr.
16 Terry Gorman at this time. He's at the witness table.

17 JUDGE GROSSMAN: Mr. Gorman, would you stand,
18 please, and raise your right hand?

19 (The witness was thereupon duly sworn.)

20 JUDGE GROSSMAN: Please be seated.

21 MR. GALLO: Mr. Gorman, my name is Joe Gallo,
22 and I'm one of the lawyers for Commonwealth Edison.

23 To my left is Mr. Guild, who represents the
24 Intervenors. To my right is Miss Chan and Mr. Berry,
25 who represent the NRC Staff, and the three members of --

1 the three individuals in front of me are members of the
2 Board.

3 We all will be asking you questions during the
4 course of this morning. I will start first, Mr. Guild
5 will go second, then the NRC Staff, and then the Board
6 will likely have questions.

7 MR. GUILD: Mr. Gallo, I might just say that
8 Mr. Cassel is here at table, and he's going to conduct
9 the examination of Mr. Gorman.

10 This is Mr. Cassel.

11 (Indicating.)

12 MR. GALLO: I stand corrected.

13 TERRY LEE GORMAN

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

16 DIRECT EXAMINATION

17 BY MR. GALLO:

18 Q Would you state your full name for the reporter, please,
19 and business address?

20 A My name is Terry Lee Gorman, and I work at the
21 Commonwealth Edison Nuclear Plant in Braidwood,
22 Illinois.

23 Q Are you currently employed by BESTCO?

24 A Yes, sir.

25 Q Were you employed by BESTCO on about July, 1985?

- 1 A Yes, sir.
- 2 Q Do you work at Braidwood as a QC Inspector?
- 3 A Yes, sir.
- 4 Q Are your inspection duties involved with the electrical
- 5 work performed by Comstock?
- 6 A Yes, sir.
- 7 Q Did you work for Comstock prior to the time that you
- 8 were employed by BESTCO?
- 9 A Yes, sir.
- 10 Q When did you join Comstock, to the best of your
- 11 recollection?
- 12 A October of 1983.
- 13 Q And who was your employer prior to joining Comstock?
- 14 A I worked for General Foods Corporation.
- 15 Q And how long did you work for them?
- 16 A 14 years.
- 17 Q While you were working at General Foods, did any of your
- 18 duties involve quality assurance or quality control
- 19 activities?
- 20 A Yes, sir.
- 21 Q Which one or both or -- was it both?
- 22 A Quality control, mostly.
- 23 Q Can you describe what your quality control duties were?
- 24 A For General Foods I was a Quality Control Supervisor for
- 25 quite a period of time.

1 Previous to that, I was a laboratory technician,
2 analyzing -- we did some maintenance work on specific
3 equipment that was installed in the plant.

4 Q When you were Quality Control Supervisor, did you
5 supervise inspectors?

6 A Yes, sir.

7 Q Did they have -- did they designate their inspectors as
8 Level I, Level II or Level III?

9 A No, sir.

10 Q Was there a standard or -- an industry standard that
11 controlled the discharge of their duties?

12 A I don't understand your question.

13 Q Okay.

14 Are you familiar with the ANSI standard that
15 governs inspection activities for the nuclear industry?

16 A Yes, sir.

17 Q Is there a similar standard that exists with respect to
18 the General Foods activities that you were involved in?

19 A There were some government standards we had to adhere to
20 at one time because we made products for the government.

21 Q What did you and your inspectors inspect?

22 A Pet foods.

23 Q I'm sorry?

24 A Pet foods.

25 Q And what was the purpose of the inspection?

1 A To make sure the quality of the product was acceptable
2 for the consumers who purchased them.

3 Q And prior to the time that you worked for General Foods,
4 were you employed in another capacity or have I backed
5 you up to school?

6 A That's quite a while ago.

7 I worked at several different jobs prior to that.

8 Q Did you have any QC, quality control, experience prior
9 to your employment with General Foods?

10 A No.

11 Q All right.

12 Now, what were your duties at the time of joining
13 Comstock?

14 A When I first joined Comstock, I was assigned to document
15 review.

16 Q And was this in October of 1983?

17 A Yes, sir.

18 Q And where did you conduct this document review work?

19 A We were basically assigned in the vault area.

20 Q What was your position?

21 A Level II -- well, not at that time. I was just hired in
22 as a doc reviewer, and then later I became a Level II
23 Inspector.

24 Q So you were hired in initially as a document reviewer?

25 A More or less, yes.

1 Q And is it fair to say that as a document reviewer, you
2 worked in the Comstock vault?

3 A Yes, sir.

4 Q Who was your supervisor at that time?

5 A I think we reported directly to Mr. Seese at that time.

6 Q This would be in October of 1983?

7 A Yes, sir.

8 Q Now, how long did you work in the vault with respect to
9 document review activities?

10 A Approximately six to eight months, I believe it was.

11 Q Was Mr. Seese your supervisor during all that time?

12 A I believe so, most of the time; and then -- it was
13 either he or Mr. DeWald.

14 There were some organizational changes to where we
15 reported our -- we were directly reporting to Mr. Seese
16 and then Mr. DeWald.

17 Q Do you recall whether you ever reported directly to Mr.
18 DeWald or was it always through Mr. Seese?

19 A I think it was through Mr. Seese at that time.

20 Q Well, I'm talking about the six to eight months' time
21 that you were in the vault.

22 A I'm not really sure. I can't remember that far back.

23 Q Now, what certifications did you qualify for after you
24 joined Comstock?

25 A The first certification I believe was in conduit

1 inspection.

2 Q Can you remember when that was?

3 A No, sir.

4 Q Was it -- do you remember perhaps the year?

5 Was it 1984 or 1985?

6 A I believe it was '84, sir.

7 Q Do you remember whether it was the early part of the
8 year or the later part of the year?

9 A I believe it was somewhere in the early part; January or
10 February, somewhere in that area.

11 Q January or February of 1984?

12 A Yes, sir.

13 Q Did you qualify for any other -- strike that.

14 What is a conduit -- what are the duties of an
15 inspector when he inspects conduit?

16 A To make sure that the conduit installation is installed
17 properly; that it is installed where there should be
18 hangers; make sure there's no damage to it.

19 There's certain criteria that we have to
20 specifically look for: make sure that the attachments
21 that it goes to are properly installed, all connections
22 are tight.

23 Q Do you inspect against an installation drawing?

24 A An installation drawing?

25 Q Yes.

1 A We utilize installation drawings to show us where the
2 conduit is, but we have a procedure that we go by for
3 inspection purposes.

4 Q Did you qualify for any other certifications?

5 A I qualified in configurations.

6 Q Do you remember approximately when that was?

7 A No, sir.

8 Q Well, was it in 1984, do you think?

9 A I believe so, yes.

10 Q The first part or the latter part of the year?

11 A I don't remember.

12 Q All right.

13 And what are the duties of an inspector who
14 inspects configurations?

15 A Configuration inspectors are responsible for going out
16 and making sure that the specific hangers that will hold
17 like conduit or cable pan are properly installed and in
18 the correct location.

19 Q Did you qualify for any other certifications?

20 A Yes, sir: receiving of materials on-site.

21 Q And what are the duties of that particular activity?

22 A Receiving duties -- we receive materials on-site that
23 are nuclear-grade materials, and our responsibility is
24 to check them and make sure that they are the proper
25 materials that were ordered on-site for installation in

1 the plant.

2 Q Do you recall when you received that certification?

3 A No, sir; sometime in the year 1984, I believe it was.

4 Q In 1984?

5 A I'm not really sure on that one. I can't remember.

6 Q Were you ever certified in cable pan?

7 A Yes, sir.

8 Q What are the duties of a cable pan inspector?

9 A A cable pan inspector's duties are to make sure that the
10 cable pan is properly installed at the specific location
11 per the drawings.

12 Q Do you recall when you became certified as such an
13 inspector?

14 A I trained in it previously, and my certifications didn't
15 come until quite a while later. I'm not specifically
16 sure when that happened.

17 Q Do you recall the year?

18 A No, sir.

19 Q Now, you've indicated that you're qualified in conduit
20 -- certified, I should say, in conduit, cable pan,
21 configurations, receipt and receiving.

22 Did you ever actually perform those duties as an
23 inspector at Comstock?

24 A Yes, sir.

25 Q Which ones?

1 A I believe I did conduit and configurations for -- when I
2 was employed by Comstock and possibly receiving, also, I
3 believe.

4 Q Now, I don't mean by my question to limit your
5 employment activity while you were employed by BESTCO,
6 so let me ask the question differently.

7 During the time that you were employed by Comstock
8 or BESTCO, did you ever conduct, in fact, conduit
9 inspections?

10 A Yes, sir.

11 Q And did you ever conduct cable pan inspections?

12 A Yes, sir.

13 Q For any particular length of time, do you recall?

14 A No.

15 Q How about receipt and receiving inspections? Did you
16 ever perform those?

17 A Yes, sir.

18 Q And finally configuration inspections? Did you ever
19 perform those at Comstock?

20 A Yes, sir.

21 Q Now, you indicated to me that you first became employed
22 at Comstock in October of '83, and you worked in the
23 vault for six to eight months.

24 A Yes, sir.

25 Q Now, did these inspections that we have been discussing

1 -- did they come during that time you were at the vault
2 or afterwards?

3 A They were after the time I was at the vault.

4 There was a period of time in there while I was in
5 the vault that I was pulled out to train in the area,
6 and then off and on you were -- you would do inspections
7 in the field.

8 Q But in the main, during the six to eight months you were
9 assigned to the vault, that was the primary work
10 responsibility that you had?

11 A Yes, sir.

12 Q You stated that when you first came aboard at Comstock
13 in October, 1983, that you were a document reviewer.

14 Did you have occasion to progress any higher in
15 terms of your responsibilities at -- while you worked at
16 the vault?

17 A Yes, sir.

18 Q Can you tell me what those responsibilities were and the
19 job titles?

20 A After a period of time, I became a Lead in the vault and
21 was responsible for running the vault.

22 Q A Lead Inspector?

23 A Yes.

24 Q Do you remember approximately when that was?

25 A No, I can't remember specifically.

1 Q Well, it had to be sometime in the six- to eight-month
2 period that you worked in the vault; right?

3 A Yes.

4 Q That's only an eight-month period.

5 Do you think it was in the early part of the
6 eight-month period, six to eight months, or was it in
7 the latter part?

8 A No. It was in the latter part.

9 Q The latter part?

10 A Yes, sir.

11 Q So that would likely be sometime in early 1985?

12 A No. I believe it would be '84.

13 JUDGE GROSSMAN: Excuse me.

14 Do you have the year right?

15 THE WITNESS: I started in '83, sir.

16 MR. GALLO: Yes, yes, yes.

17 I'm sorry. I should have said "the early part of
18 1984."

19 A (Continuing.) I should say the middle part -- well,
20 somewhere around there, yes. I don't specifically
21 remember the exact time.

22 BY MR. GALLO:

23 Q Now, Mr. Gorman, do you know a Mr. Saklak?

24 A Yes, sir, I do.

25 Q Was he ever your supervisor?

1 A No, sir.

2 Q While you worked -- during the time you worked at
3 Comstock and while he was working there as well, did you
4 have occasion to observe his behavior in the workplace?

5 A Yes, sir.

6 Q Did you observe his behavior towards the QC Inspectors?

7 A Yes, sir, on one occasion I did -- well, I should say on
8 several occasions, but the one that stands out most in
9 my mind was a situation.

10 Q All right.

11 Can you describe for me your perception of his
12 behavior?

13 A Well, his behavior at the time of -- that I observed
14 that stands out most in my mind was he was very -- he
15 was very upset with an inspector and became very
16 belligerent with him and used extreme profanity towards
17 the individual.

18 Q Did he shout and yell at him?

19 A Yes, sir.

20 Q Did he gesture angrily towards him in any way, do you
21 recall?

22 A He was very upset. I guess he was kind of angry, and he
23 was upset with the individual and tried to -- I don't
24 know how you'd say it.

25 He was more or less trying to get the individual to

1 be quiet, but he was doing it very --

2 Q Was he abusive?

3 A Yes.

4 Q Now, was that your perception generally of Mr. Saklak's
5 behavior towards QC Inspectors or was that only just
6 this one instance?

7 A Just the one instance that I had a chance to observe.

8 I wasn't in contact with him that much. He -- most
9 of the QC Inspectors' area was upstairs, above the vault
10 area; and on occasion Mr. Saklak would come to the vault
11 for certain papers or whatever.

12 Q Are you aware of an argument in August of '84 between
13 Mr. Saklak and Mr. Seeders, John Seeders?

14 A No, sir.

15 Q Did you hear about such an argument?

16 A Yes, sir.

17 Q How was it that you heard about it?

18 What were the circumstances that caused you to
19 learn about this incident?

20 A I don't really remember; just at that time it was
21 discussed by several of the inspectors, and it was
22 second-hand from all the individuals that I heard the
23 information from.

24 Q Was this -- would you characterize it as "shoptalk"; you
25 learned it through that mechanism?

1 A Yes, sir.

2 Q And what was the shoptalk with respect to Mr. Saklak's
3 behavior towards Mr. Seeders?

4 A I don't recall at this time what it was. It was quite a
5 while ago.

6 Q Do you recall whether his behavior was characterized as
7 abusive?

8 A Yes. I heard that as shoptalk.

9 Q And do you recall whether it was characterized as a
10 situation where he was shouting at Mr. Seeders?

11 A Yes, sir.

12 Q Are you aware of an argument between Mr. Saklak and Mr.
13 Franco Rolan that occurred in November of 1984?

14 A No, sir.

15 Q Had you had occasion to hear about it during the course
16 of your work at Comstock?

17 A Possibly, yes. I don't remember the specific instance,
18 though.

19 Q Well, let's take it a step at a time.

20 Do you recall hearing about it through shoptalk?

21 A I don't remember.

22 Q Well, have you ever become aware of an argument between
23 Mr. Rolan and Mr. Saklak?

24 A Possibly at one time it was shoptalk, but I -- the only
25 one I specifically remember was the one with Mr.

1 Seeders.

2 Q All right.

3 Did you become aware of an argument between Mr.
4 Saklak and Mr. Snyder?

5 A Yes, through shoptalk.

6 Q And how was Mr. Saklak's behavior characterized to you
7 through this shoptalk, in terms of his interaction with
8 Mr. Snyder?

9 A In what way do you mean, sir?

10 Q Well, was Mr. Saklak's behavior characterized as
11 abusive?

12 That is, to Mr. Snyder.

13 A Through shoptalk, yes.

14 Q And through the shoptalk, was his behavior characterized
15 as being one of shouting at Mr. Snyder?

16 A I don't know if there was a shouting match.

17 I -- I'm not really sure what transpired at that
18 time. It was just that there were some statements that
19 Mr. Saklak made that were kind of derogatory towards Mr.
20 Snyder.

21 Q And it was your general impression that he was abusive
22 towards Mr. Snyder?

23 A Possibly, yes.

24 Q I mean, is that what you heard through the shoptalk?

25 A Yes, yes, sir.

1 Q All right.

2 Now, you mentioned one incident that you yourself
3 witnessed; is that correct?

4 A Yes, sir.

5 Q And who was the inspector involved with Mr. Saklak?

6 A Joe Hii, Jr.

7 Q And is Mr. Hii -- or was at the time Mr. Hii a QC
8 Inspector at Comstock?

9 A Yes, sir.

10 Q And can you explain -- and did you witness this
11 incident?

12 A Yes, sir.

13 Q Can you explain what you saw?

14 A Well, the incident took place down at the vault area
15 where I was working at at the time, and I think Mr. Hii
16 approached Mr. Saklak to tell him some specific
17 information. I'm not really sure what it was at this
18 time.

19 Mr. Saklak became very outraged with him and
20 continually told him to shut his mouth and became very
21 loud and obnoxious.

22 Q Do you remember what the substance of the discussion was
23 about?

24 A No, sir, I don't remember specifically.

25 Q Did you know it at the time when you heard it and you've

1 since forgotten it? Is that it?

2 A No.

3 The only thing I remember was what transpired; that
4 the inspector was trying to tell him something, and he
5 just practically refused to listen.

6 Q Well, how did the incident end?

7 A I think Mr. Hii just walked away. He finally just left.

8 Q Did you talk to Mr. Hii about the incident afterwards?

9 A I don't believe so, no. I just --

10 Q Did you and Mr. Saklak ever interact during the
11 performance of your duties at Comstock?

12 A We had occasion to work together in certain instances.
13 He would come to the vault, as I was a Lead, and want
14 specific information on stuff that might be in the
15 vault.

16 Q This is -- he would come to the vault at the time you
17 were the Lead Inspector for the vault?

18 A Yes, sir.

19 Q And explain for me briefly just how the vault works.

20 Can anybody just walk into the vault and get
21 whatever they want or are there some controls imposed?

22 A There are controls imposed.

23 There's a list on the door of people who have
24 authorized access to the vault area. At the time I was
25 in charge as a Lead in the vault, it was my

1 responsibility to make sure that program was followed.

2 If a person was not given access to the vault by
3 Mr. DeWald in a written memo -- either verbally or by
4 small written memo -- he would give permission for that
5 individual to have access to the vault for that day.

6 Q Well, could an individual just come up to the vault door
7 and ask for a specific document and request that you
8 retrieve it for him?

9 A Yes, sir.

10 Q Could anybody do that or did that require specific
11 authorization?

12 A No. Anyone that was available could do that:
13 Engineering, QC Inspectors. Commonwealth Edison did it
14 for audits.

15 Q Were the documents checked out and kept track of if they
16 were given out?

17 A Most of the time we never let them leave the vault area.
18 They were given access to look at them there. In
19 specific instances Mr. DeWald would give permission to
20 have them signed out or sign them out himself.

21 Q But if an individual wanted to come in the vault and
22 look for himself at whatever documents he was interested
23 in, that had to be cleared by Mr. DeWald first; is
24 that --

25 A Correct.

1 Q -- correct?

2 A Yes, or his Assistant Manager, who was Mr. Seese at that
3 time.

4 Q And when Mr. Saklak came to the vault while you were the
5 Lead Inspector, did he have occasion to request
6 documents?

7 A He would request them and look at them, yes,
8 specifically.

9 Q Did he ever want to go into the vault to find his own
10 documents?

11 A On certain occasions I believe he did come into the
12 vault to look for certain things, but someone would
13 assist him in some way.

14 Q Was he a -- one of the individuals that was authorized
15 on a routine basis by Mr. DeWald to enter the vault?

16 A I can't remember specifically.

17 Q Well, during this activity, did you ever have occasion
18 to refuse Mr. DeWald's -- I'm sorry; Mr. Saklak's
19 request for documents?

20 A If he wanted documents to take with him, yes, I would
21 refuse him until I had prior permission to take them out
22 of the vault or make copies of any type.

23 If he wanted to look at them at the vault, no, I
24 never refused him.

25 Q All right.

1 Well, did he ever request of you the opportunity to
2 carry documents away from the vault for his use?

3 A For his own personal use?

4 Q Yes.

5 A I don't think so.

6 Q Well, for his use in his work activities.

7 A Like I say, he had to have prior written permission
8 before he could take those with him.

9 Q I understand that.

10 Well, did he ever request them of you without
11 having the prior approval?

12 A I'm sure he did at times, but I wouldn't give him access
13 until he had gotten written permission or verbal
14 permission from Mr. DeWald.

15 Q What I'm trying to zero in on is if you recall at any
16 time that he requested documents of you and the
17 requisite approval from Mr. DeWald was not present.

18 Do you recall any instances like that?

19 A I don't remember.

20 Q In your dealings with Mr. Saklak, did he ever become
21 loud or abusive to you?

22 A No, sir.

23 Q What about when you refused to give him documents he
24 wanted? Did he ever become loud and abusive then?

25 A No, he never did.

1 I think there were times that he was about to.

2 Q Can you explain that?

3 A Well, just the way he would come across. He would want
4 the documents, and I would refuse him until he got
5 permission from Mr. DeWald or Mr. Seese.

6 Q So you remember an occasion where he wanted documents
7 and he didn't have the authorization from DeWald, and
8 you refused to give it to him; right?

9 A I refused to let him take it from the vault area, yes.

10 Q Okay.

11 A He was quite free to see it at the vault; but to take it
12 out of the vault area, it was my responsibility to make
13 sure that nobody did that without permission.

14 Q And on occasion Mr. Saklak asked to do that even though
15 he didn't have the requisite approval from DeWald?

16 A Yes, sir.

17 Q Do you recall how often that might have occurred?

18 A No, sir.

19 Q And, now, you mentioned in your testimony that while he
20 wasn't loud and abusive to you -- I don't want to
21 mischaracterize your testimony, but you seemed to
22 indicate that maybe he was close to becoming in that
23 fashion.

24 A Yes.

25 Q Do you recall -- can you explain better just what his

1 behavior was?

2 What made you think that, that he was about to --
3 I'll use the word "erupt"?

4 A Well, his expression on his face would become -- I don't
5 know how to really explain it; just by the expression on
6 his face, and he seemed to get kind of red in the face.

7 Q He looked like he was getting mad; is that it?

8 A Yes.

9 Q But he held his temper; is that correct?

10 A Yeah.

11 Q Now, let me see if I understand your testimony.

12 You were aware of the Seeders incident by this
13 time --

14 A Yes.

15 Q -- is that true?

16 A Uh-huh.

17 Q You were aware of his general reputation of losing his
18 temper and being abusive; is that correct?

19 A Yes.

20 MR. CASSEL: You said -- excuse me.

21 You said "his general reputation," and the witness
22 answered "yes."

23 Just so the record is clear, are you referring to
24 Mr. Saklak or Mr. Seeders?

25 MR. GALLO: I'm referring to Mr. Saklak.

1 BY MR. GALLO:

2 Q Is that how you understood my question?

3 A Yes, sir, that's how I interpreted this.

4 Q Thank you.

5 Nevertheless, despite this knowledge, when he
6 requested to carry away documents without the proper
7 approval, you refused to give it to him --

8 A Yes, sir.

9 Q -- is that correct?

10 Weren't you intimidated by his presence?

11 A Yes, sir, to some extent; but it was my job to make sure
12 that that didn't happen.

13 Q And is that what you did?

14 A Yes, sir.

15 Q When you say you were intimidated by Mr. Saklak, how
16 would you characterize your feelings at the time?

17 A Well, the feelings were as he was a Quality Control
18 Supervisor and I was a Lead in that respect and he had a
19 lot more authority than I did, but yet my direction came
20 mainly from the Assistant QC Manager or the Manager.

21 Q Well, did his -- did his demands for the documents make
22 you nervous?

23 A In a way, yes.

24 Q Were you worried that perhaps you might get in trouble
25 for refusing him?

1 A No.

2 I just was kind of afraid that he might even lose
3 his temper or become abusive with me.

4 Q Were you afraid of physical violence?

5 A No, sir.

6 Q You just -- you were just afraid of the argument, the
7 confrontation?

8 A Kind of a nervous situation, yes.

9 Q All right.

10 Do you know a Mr. Marino?

11 A Yes, sir.

12 Q Did you ever have occasion to work with him while you
13 were discharging your duties at Comstock?

14 A Did I occasionally work with him --

15 Q Yes.

16 A -- or meet with him and talk with him?

17 Q Work with him, first.

18 A Not specifically work with him.

19 He came on-site several times.

20 Q Can you tell me the occasion that you might have met
21 with him?

22 A Oh, he would come around and introduce himself as Mr.
23 Marino and talk to the different individuals in the
24 different areas.

25 Q Who is Mr. Marino?

1 A I think he was Quality Assurance Manager at the time for
2 Comstock -- Commonwealth -- I'm sorry; Comstock, out of
3 the corporate office.

4 Q Do you know where the corporate office was?

5 A I believe it was in Pennsylvania. I'm not really sure
6 of the city.

7 Q Did Mr. Marino ever shout at you or abuse you in any way
8 during your meetings?

9 A No, sir.

10 Q Did you ever feel intimidated by him?

11 A No, sir.

12 Q Do you know Mr. Seltmann?

13 A Yes, sir.

14 Q Did you have occasion to work with Mr. Seltmann during
15 the time of your duties -- performing your duties at
16 Comstock?

17 A Yes, sir.

18 Q Can you explain the occasions?

19 A Again, in the same type -- similar situation.

20 In the vault area, Mr. Seltmann would -- as QC
21 Manager, would need access to the vault; and he would
22 come in and look at specific items or records or
23 whatever he needed to do his audits.

24 Q Did he ever ask to carry away documents without the
25 requisite approval from Mr. DeWald?

1 A No, I don't believe so.

2 He wasn't in the vault that much; just on certain
3 occasions he would come in and look at certain items.

4 Q Did you have occasion to become familiar with Mr.
5 Seltsmann's management style?

6 A Yes, sir.

7 Q Can you describe it for me?

8 A I thought Mr. Seltsmann was very well organized in his
9 different -- his style of management.

10 He was a fairly easy individual to get along with.
11 I never had any problems with him. He was very
12 cooperative on anything that he might want or how he
13 would address me in wanting things.

14 Q Was he ever your supervisor?

15 A No, sir.

16 Q When you say he was "organized" -- or "very well
17 organized," can you explain better for me what you mean
18 by that?

19 A Well, he seemed to know what he wanted when he came to
20 the vault to perform a specific audit. He knew exactly
21 what he wanted.

22 Q Was he calm in his manner?

23 A Yes, sir.

24 Q Well, did he ever have occasion to shout at you or abuse
25 you?

- 1 A No, sir.
- 2 Q Did you ever feel intimidated by Mr. Seltmann?
- 3 A No, sir.
- 4 Q Did you ever feel harassed by Mr. Seltmann?
- 5 A No, sir.
- 6 Q Do you know Mr. Seese?
- 7 A Yes, sir.
- 8 Q I believe you testified that he was your supervisor
- 9 while you worked in the vault.
- 10 A Yes, sir.
- 11 Q Did you become familiar with his management style?
- 12 A Yes, sir.
- 13 Q Can you describe that for us?
- 14 A I believe Mr. Seese was also very well organized in
- 15 everything he done.
- 16 I had close contact with him there for quite a
- 17 while because I reported directly to him. He gave me a
- 18 lot of directions on questions that I would have
- 19 pertaining to the vault area or on situations where I
- 20 needed assistance in making a decision.
- 21 Q How would you describe his manner?
- 22 A Very calm, collected.
- 23 Q Did he ever establish deadlines for the completion of
- 24 work for you?
- 25 A I don't remember.

1 I'm sure he did; at some times there were specific
2 items that he wanted something done with.

3 Q By a certain time?

4 A Yes.

5 Q Did he -- how did he indicate to you that he wanted it
6 done by a certain time?

7 A Sometimes I believe he would send me memos or he would
8 verbally tell me that he needed something by this date
9 or to try and track it down.

10 Q And how did you feel about getting these memos?

11 Did you feel nervous or threatened by them?

12 A No, sir.

13 Q Did you have occasion to -- strike that.

14 At the time when Mr. Seese might have established a
15 deadline either orally or in writing, did you have
16 occasion to afterwards discuss with him whether or not
17 it was feasible to achieve the deadline?

18 A I don't really remember.

19 Q Did you ever -- do you recall not meeting one of his
20 deadlines?

21 A I don't remember. Possibly I may have; I may not have.

22 Most of the time I tried to meet all the deadlines
23 that I could in any way possible.

24 Q Well, were you always successful?

25 A Oh, no, not always.

1 Q Now, we're talking about Mr. Seese.

2 Can you recall perhaps circumstances when you
3 didn't meet one of his deadlines?

4 A No, sir.

5 Q Do you recall whether or not he ever shouted at you or
6 abused you in any way for failing to meet a deadline?

7 A No, sir.

8 Q Did he ever have occasion to shout at you generally?

9 A No, sir.

10 Q Do you recall ever being abused by Mr. Seese generally?

11 A No, sir.

12 Q Did you feel harassed or intimidated at any time by Mr.
13 Seese?

14 A No, sir.

15 Q Now, I think in your testimony -- at least I'm unclear
16 as to -- my recollection of it is a little unclear in my
17 mind at least as to whether or not Mr. DeWald ever was
18 your direct supervisor or not.

19 A Yes, he was.

20 Q He was?

21 A Yes. I reported direct -- directly to him for a period
22 of time when I was the Lead in the vault.

23 Q Oh, is that right?

24 A Yes, sir.

25 Q I see.

1 So you started out as a doc reviewer in October of
2 '83 and at that time generally reported to Mr. Seese?

3 A I believe he was in charge of the vault at that time.

4 Q Then you became a Lead Inspector for the vault in early
5 to mid 1984.

6 Is that about the time when you began to report
7 directly to Mr. DeWald?

8 A No, sir. At that time I was still reporting to Mr.
9 Seese. He was in charge of the vault at that time.

10 At a later period of time, for which I can't
11 specifically identify a date, the organizational chart
12 was changed and Mr. Seese was relieved of those
13 responsibilities and I did report directly to Mr.
14 DeWald.

15 Q And at this time did you work in the vault --

16 A Yes, sir.

17 Q -- as the Lead?

18 A I was the Lead in the vault.

19 Q All right.

20 And did you have occasion to observe the management
21 style of Mr. DeWald at this time?

22 A Yes, sir.

23 Q How would you describe Mr. DeWald's management style?

24 A I would say his management style kind of reminded me of
25 being in the military.

1 Q Well, did you think he was --

2 JUDGE GROSSMAN: Excuse me.

3 Did you finish your answer?

4 MR. GALLO: I didn't mean to cut you off.

5 THE WITNESS: That's all right. I'm sorry.

6 Go ahead.

7 MR. GALLO: If you'd like to add to that,
8 feel free.

9 THE WITNESS: No. That's fine.

10 MR. GALLO: I was going to follow up anyhow.

11 THE WITNESS: Go ahead.

12 BY MR. GALLO:

13 Q You say that he was -- his management style seemed to be
14 as if he was in the military.

15 I believe I read in your deposition -- I recall you
16 using the term that he was "militaristic."

17 A Yes.

18 Q What did you mean by that term?

19 A Well, the military style is, in my opinion -- in certain
20 instances in the military when one person messes up and
21 does something wrong, they use a type of mass
22 discipline.

23 His management style was along those similar lines.

24 Q Did you feel that he was too authoritative?

25 A Yes.

1 Q Too demanding?

2 A In some instances, yes.

3 Q What instances do you have in mind?

4 A Just my own personal feelings that sometimes he would
5 demand more work out of individuals as a mass.

6 Instead of approaching individuals on a one-on-one
7 basis and saying that they were not doing enough work or
8 accomplishing what they were specifically assigned to
9 do, he would bring the whole group totally together and
10 tell everybody they were messing up and weren't doing
11 enough work.

12 Q Let's start first with Mr. DeWald's management style as
13 it affected you when you were the Lead Inspector in the
14 vault.

15 Was he demanding in making assignments to you
16 during that time?

17 A Yes, sir.

18 Q Would he request you to do specific work by a certain
19 deadline?

20 A Yes, sir.

21 Q And how did you -- how do you believe that that activity
22 was a demanding activity?

23 A Just by the impression of how he would come across to
24 give you the assignment to do it.

25 Q Can you explain better how he came across -- how he came

1 across to you?

2 A Well, my impression was there was no options; you met
3 his deadline.

4 Q So he was kind of inflexible?

5 A Yes.

6 Q Was that the appearance that he had?

7 A Yes, yes.

8 Q Did you ever protest when he established a deadline and
9 say, "Look. It can't be done by that time"?

10 A Yes.

11 Q How did he react to that?

12 A He really didn't want to hear that.

13 Q He just wanted it done --

14 A Right.

15 Q -- by whatever the deadline was?

16 A Yes.

17 Q Now, you make reference to these "mass meetings."

18 A Yes.

19 Q Can you just tell me what -- what you mean by the term
20 "mass meetings"?

21 A Well, the inspectors were called in to the main office
22 at several times. They were always on a Friday or
23 whatever. They were set up, and there would be a memo
24 sent out. For a period of time, I think we always had
25 them on a Friday at 4:00 o'clock.

1 Certain items would be discussed pertaining to
2 whatever was going on or --

3 Q Who would call the meetings?

4 A Mr. DeWald.

5 Q I see.

6 Did you attend these meetings?

7 A Yes.

8 Q And what was there about Mr. DeWald's style at these
9 meetings that you didn't approve of?

10 A Well, again, like I said, he would have a specific
11 problem with an individual, but he would address the
12 issue with the whole group.

13 Instead of going one-on-one with the individual
14 that he had a problem with, he would more or less tell
15 everyone they were having -- he was having problems with
16 all of them.

17 Q So would he identify the individual at the mass
18 meetings?

19 A I don't recall any such instance.

20 Q So if I understand your testimony, if he had a
21 particular problem with one or more inspectors, he
22 tended to generalize it and discuss it generally at
23 these meetings --

24 A Yes.

25 Q -- is that right?

1 A Yes.

2 Q Kind of suggest that everybody was --

3 A Yes, sir.

4 Q Let me finish the question.

5 He was kind of suggesting that everybody was I'll
6 use the term "guilty" of whatever offense that he
7 believed had occurred; is that correct?

8 A Yes, sir.

9 Q And you didn't appreciate that?

10 A No, sir.

11 Q Was that because you yourself didn't feel guilty with
12 respect to these circumstances?

13 A Yes, sir.

14 Q Then you believe instead that Mr. DeWald ought to seek
15 out whoever the individual or individuals were and
16 discuss it with them privately?

17 A Yes, sir.

18 Q Well, how would you compare DeWald's management style
19 with the style of Mr. Seese?

20 A If Mr. Seese had a problem with something I was doing,
21 he would -- he would address it with me directly as a
22 one-on-one individual.

23 Q Did he handle the work assignments any differently than
24 Mr. DeWald --

25 A No, I don't believe so.

1 Q -- in terms of establishing deadlines?

2 A No, I don't think so.

3 Q Did you ever have occasion to protest to Mr. Seese that
4 you couldn't get the work done by a certain time?

5 A Yes, sir.

6 Q And how did he react to that?

7 A I think on occasions he'd say, "Well, try to do the best
8 you can. Meet the deadline if you can."

9 Q All right.

10 A It all depended on what priority it had.

11 If it was a priority-type situation where they had
12 to have it, he would express it to me that it was a very
13 dire need and to drop everything else I was doing and
14 research whatever I had to to get the information to
15 him.

16 Q Did you consider Mr. Seese's style to be demanding?

17 A Not really, no.

18 Q Did you consider him to be militaristic --

19 A No, sir.

20 Q -- or too authoritative?

21 A No, sir.

22 Q Did you consider Mr. DeWald's management style, as you
23 described it in answer to my questions, intimidating to
24 you?

25 A Yes, sir.

1 Q Well, did he -- again while he was supervising you when
2 you were the Lead in the vault, did he have occasion to
3 shout at you at any time?

4 A No.

5 Q Did he ever abuse you in any way in a manner similar to,
6 say, Mr. Saklak?

7 A No.

8 JUDGE GROSSMAN: Excuse me.

9 Was that question "in any way" or "similar to Mr.
10 Saklak"?

11 Did he abuse you in any way?

12 THE WITNESS: Mr. Seese or Mr. Saklak?

13 JUDGE GROSSMAN: Mr. DeWald.

14 Were we talking about Mr. DeWald?

15 MR. GALLO: Yes.

16 JUDGE GROSSMAN: Did Mr. DeWald abuse you in
17 any way?

18 THE WITNESS: Some derogatory remarks, yes,
19 in certain instances.

20 JUDGE GROSSMAN: Okay.

21 I thought I saw him answering, and then you
22 added --

23 MR. GALLO: You asked the question, Judge,
24 that I didn't ask, but I'm glad you asked it.

25 JUDGE GROSSMAN: Mr. Gallo, if you look back

1 in the transcript, you'll see you asked two questions in
2 one.

3 Could you read the question back again, please?

4 (The record was thereupon read by the
5 Reporter.)

6 JUDGE GROSSMAN: It's either "in any way" or
7 "similar to Mr. Saklak," and we got two different
8 answers.

9 MR. GALLO: Well, I thought that was one
10 question. All right.

11 BY MR. GALLO:

12 Q Now, you said that Mr. DeWald was -- had -- was
13 derogatory -- that is, made some derogatory comments
14 towards you; is that correct?

15 A Yes, sir.

16 Q Do you recall the circumstances when that was?

17 A No, sir.

18 Q But you recall that he made some derogatory comments?

19 A He used some abusive language in some instances where he
20 -- in some cases, yes, which -- I thought it was
21 uncalled for and unwarranted at the time.

22 Q Do you remember now the occasion where he used the
23 abusive language?

24 A No.

25 Q Well, did he use abusive language in your discussions

1 over the reasonableness of the deadlines he set?

2 A I believe at times he did, yes.

3 In some instances where I didn't think it was
4 feasible to meet the deadline, he would use the language
5 that he under any circumstances wanted it done by that
6 time.

7 Q Okay.

8 He would say to you that, "Regardless of your view,
9 I want it done by that time"?

10 A Yes.

11 Q Well, did he ever swear at you or curse at you?

12 A Yes.

13 Q What did he say?

14 A I don't specifically recall what he did say. He did use
15 language that was -- I thought was unbecoming a manager.

16 Q I see.

17 Do you remember on how many occasions --

18 A No, sir.

19 Q -- this might have been?

20 Was it more than once?

21 A I don't recall.

22 Q Could it have been only once?

23 A I don't remember specifically.

24 Q All right.

25 Now, when you worked in the vault under Mr.

1 DeWald's supervision as the Lead, did you have any
2 assistance at that time?

3 A In what way do you mean "assistance"?

4 Q Well, was there somebody else in the vault working with
5 you to help you out?

6 A There was several people in the vault that worked.

7 I did mostly the document review every day that
8 came into the vault before it went into the storage
9 cabinets.

10 Q I'm sorry. Go ahead.

11 Are you finished?

12 A I'm finished.

13 Q Did you have anybody to assist you in this activity?

14 A Not for a period of time, no. I did most of it myself.

15 Then later on they assigned another inspector into
16 the vault area to help me review.

17 Q Was this during the time that Mr. DeWald was your
18 supervisor --

19 A Yes.

20 Q -- direct supervisor?

21 Did you ever go to Mr. DeWald and say that you
22 needed help in the vault and that --

23 A Several times, yes.

24 Q Did he provide it?

25 A No.

1 Q What were the circumstances that you finally did get
2 this assistance?

3 A I don't really recall. It's just that after a period of
4 time, I guess he got tired of hearing me complain about
5 it and provided me some assistance.

6 Q So he ultimately did provide it?

7 A After some period of time.

8 Q Do you recall how long you had to nag him before he
9 provided the assistance?

10 A I don't remember.

11 MR. CASSEL: Objection.

12 BY MR. GALLO:

13 Q Was it longer than a month?

14 A Yes.

15 Q Was it longer than two months?

16 A Possibly three or four months.

17 Q How did he react to your initial request for help?

18 A I didn't need it.

19 Q Did he -- did he explain to you why he believed that?

20 A No.

21 Q Now, when you were working in the vault as a Lead, what
22 were your primary duties at that time?

23 A I was responsible for all the file clerks and all the
24 document review of documents that came into the vault on
25 a daily basis; researching specific projects that needed

1 to be done; assisting people at the vault door that
2 needed help with anything, wanted to see documents;
3 controlling access to the vault.

4 Q Are you finished?

5 A Yes.

6 Q Were you the only person doing the document review?

7 A Yes, sir, for a period of time, I was.

8 Q Were you the only person doing the research for these
9 special research assignments?

10 A It all depends if I was directly given them or if
11 someone else would research them.

12 They would give access to certain individuals to
13 come into the vault to do research.

14 Q And did Mr. DeWald have occasion to give you assignments
15 in addition to your normal work duties?

16 A Yes, sir.

17 Q Was it for these assignments that he established
18 deadlines that you felt were unreasonable?

19 A Yes.

20 Q Well, how did you get your work done if you had these
21 special assignments and you had your normal work to do?

22 A A lot of it built up or backed up, and I had to rush to
23 get it done.

24 Q Did you establish your own priorities as to which came
25 first?

1 A More or less it was established for me by Mr. DeWald,
2 the way he would come across and say how he wanted it
3 done and when he wanted it done.

4 Q So if he gave you an assignment and said he wanted it
5 done rather quickly, did you put that at the top of the
6 pile?

7 A Yes, sir.

8 Q And did you re-arrange your priorities with respect to
9 your other tasks?

10 A Yes, sir.

11 Q Did you have occasion to work overtime to address this
12 workload?

13 A We worked primarily ten hours a day.

14 Q How many days a week?

15 A Normally five, and an eight-hour Saturday.

16 Q Is that all straight time or is that overtime, some of
17 it?

18 A Well, anything over eight hours is overtime, and
19 Saturday, of course, was overtime.

20 Q Now, was the overtime mandatory or was it permissive?

21 A I think most of it -- the ten-hour days were mandatory.

22 Saturday was the kind of a deal that if they wanted
23 you, they assigned you to come in.

24 Q And were you ever assigned to come in on Saturday?

25 A Yes.

1 Q Did you object to that assignment?

2 A Most of the time, no.

3 Q Now, did you always meet the deadlines set by Mr.
4 DeWald?

5 A I tried to meet them as best I could. I'm not sure if I
6 did meet them all. I can't remember specifically.

7 There were a lot of deadlines that he would give
8 me. I would try to meet them. Like I say, they would
9 be my primary issue to do at that time.

10 Q I'll accept the proposition that you tried your best to
11 meet his deadlines, but were you always successful?

12 A No.

13 Q Do you remember what his reaction was when you failed to
14 meet one of his deadlines?

15 A Well, he wasn't very happy about it.

16 Q Do you recall how often it happened that you didn't meet
17 one of his deadlines?

18 A No.

19 Q Was it more than once?

20 A I can't recall. I don't remember.

21 Q How did he find out that you didn't meet a deadline?

22 Did you seek him out and tell him or did he find
23 out some other way, do you know?

24 A Sometimes he'd put it in a memo form; and if he had the
25 memo and it became due that date and I didn't have it,

1 he'd come and find me and ask me why I didn't have it
2 done or he would verbally give me an order and he'd want
3 to do know why I didn't get it done at that time.

4 Q Were -- do you recall ever going to him and telling him
5 that, "The deadline is today, and I'm just not going to
6 get it done. I need a time extension"?

7 A I don't remember.

8 Q You don't recall ever doing that?

9 A No.

10 Q Now, when you missed one of these deadlines and he
11 confronted you with it, did he yell at you then?

12 A No.

13 Q Did he abuse you in any way, use derogatory language?

14 A Yes.

15 Q What did he do? Did he -- at that point?

16 Did he give the work to somebody else?

17 A No, sir.

18 Q What did he do?

19 A He just wanted me to get it done at that time.

20 Q Did he -- well, the time now had passed.

21 Did he extend the deadline?

22 A You mean extend it further or --

23 Q Yes.

24 A He would -- I don't recall.

25 I think he wanted it right then. He wanted me to

1 drop everything I was doing and do it right now.

2 Q But now we're at a point where the deadline has come and
3 passed.

4 Would he take the work away from you and give it to
5 somebody else or would he give you more time to finish
6 it?

7 A He would just give me more time to finish it.

8 Q Now, were you ever disciplined by Mr. DeWald for failure
9 to meet these deadlines?

10 A I don't believe so.

11 Q Did he ever put a warning in your file because of it?

12 A I don't know.

13 Q Are you aware of the practice at Comstock that if a
14 warning is put in an inspector's personnel file, that a
15 copy is given to the individual involved?

16 Are you aware of that practice?

17 A No, sir.

18 Q To your knowledge, you were not given a warning?

19 A As far as I know, sir.

20 Q Were you threatened in any way with being fired?

21 A No.

22 JUDGE GROSSMAN: Excuse me.

23 Were you afraid at the time that you might be
24 fired?

25 THE WITNESS: Possibly, yes.

1 BY MR. GALLO:

2 Q Now, despite your ability to apparently get extensions
3 of time to meet these deadlines set by DeWald -- strike
4 that. Let me ask you a different question.

5 Did Mr. DeWald ever discuss with you and urge you
6 to get the other work done that you -- that you had on
7 the back burner because you were doing his special
8 projects?

9 A No, sir.

10 Q He did not -- was he aware that you essentially were
11 letting your everyday work slide to do his special
12 projects?

13 A My belief was he wanted it done that way; he wanted his
14 work Priority No. 1. Everything else was to be let go
15 until it was accomplished.

16 Q And he was aware of that, to your knowledge?

17 A I would say so, yes.

18 Q And did he ever discipline you or threaten you because
19 your normal everyday work was backing up?

20 A No, sir.

21 Q Now, despite Mr. DeWald's willingness to extend the
22 deadlines that you missed and to accommodate the
23 situation because you had so much work to do --

24 MR. CASSEL: I'm going to object to that
25 characterization.

1 JUDGE GROSSMAN: Yes. It is objectionable.

2 I believe the witness indicated that Mr. DeWald,
3 when he didn't meet the deadline, would tell him to do
4 it right then.

5 Isn't that correct?

6 THE WITNESS: Yes, sir.

7 MR. GALLO: All right.

8 BY MR. GALLO:

9 Q Well, I want to be clear on this point.

10 At the time that the deadline had come and passed,
11 did you request an extension specifically, do you
12 recall?

13 A I don't recall. I can't remember.

14 Q But it's your memory that DeWald gave you more time to
15 finish the job?

16 A Well, it depends on what you're talking about as far as
17 amount of time: a day, a week or, you know, a few
18 minutes.

19 It was demanding. He wanted it done now and not
20 tomorrow.

21 Q But he still gave you additional time?

22 JUDGE GROSSMAN: Well, Mr. Gallo, I don't
23 think that's a fair question.

24 The time had already passed, so what the witness is
25 saying is any time past that is additional time, and he

1 wanted it done right then.

2 So if you look at "a few minutes" as being
3 additional time, as the witness says, the answer would
4 be yes.

5 But I don't think you can carry it further than
6 that, and I think the witness has been pretty clear as
7 to what was required.

8 BY MR. GALLO:

9 Q At the time when the deadline had come and passed and
10 Mr. DeWald was asking you whether or not the work was
11 completed and you said no, did you have occasion to
12 discuss how much additional time was needed to complete
13 the particular job?

14 A There was no discussion. He demanded that it be done
15 yet.

16 Q He demanded it to be done now, but did he, in fact,
17 expect it to be done in the next few minutes?

18 A More or less, yes.

19 Q Was it feasible to do any of your jobs that were
20 incomplete in the next few minutes?

21 A Possibly, yes. I don't remember.

22 Q Well, did Mr. DeWald tell you that he wanted it done as
23 soon as possible and that was his way of getting the
24 message across to you?

25 He didn't literally expect you to get it done in

1 the next few minutes?

2 A That was my impression: that he wanted it done in the
3 next few minutes. He wanted it done now; not tomorrow,
4 but now.

5 Q Now, you've testified that you found Mr. DeWald
6 authoritative and militaristic and that he was too
7 demanding, as you've explained, and that he didn't
8 engage in sufficient one-on-one meetings with people.

9 A Yes, sir.

10 Q Is that a fair characterization of your testimony?

11 A Yes, sir.

12 Q You found his behavior to be intimidating to you; is
13 that correct?

14 A Yes, sir.

15 Q Mr. Gorman, I have here a dictionary, and it's Webster's
16 Ninth New Collegiate Dictionary. It's stuck together --
17 the pages.

18 Webster defines "intimidate" as "to make timid or
19 fearful; frighten; to compel or deter by or as by
20 threats."

21 Did Mr. DeWald's management style make you
22 fearful --

23 A Yes, sir.

24 Q -- and timid?

25 A Yes.

1 Q Did it make you timid?

2 A Yes.

3 (Indicating.)

4 JUDGE GROSSMAN: The witness is nodding "yes"
5 to the second question.

6 BY MR. GALLO:

7 Q Did it frighten you?

8 A Yes, sir.

9 Q And in what way did it frighten you?

10 A It frightened me in the manner that I thought he might
11 fire me.

12 Q All right.

13 And did his management style compel you to do
14 anything in the discharge of your duties that you
15 normally wouldn't have done but for that behavior by Mr.
16 DeWald?

17 A In what way do you mean?

18 Q Well, did you -- in conducting your document reviews,
19 did you attempt -- did you conduct them in a less
20 careful manner because of Mr. DeWald's behavior?

21 A In some instances, yes.

22 Q You did?

23 And did you -- can you explain to me just the
24 instances you have in mind and how you did that?

25 A Well, in instances where he would be demanding and want

1 something at this time, I would have to lose my
2 concentration on what I was previously doing and
3 concentrate on what he needed.

4 It would become disturbing and upsetting sometimes,
5 the way he demanded it, the way he came across that he
6 wanted it.

7 It was hard to go back and really concentrate on
8 what I was doing after that.

9 Q You mean whatever assignment he gave you?

10 A Not always every assignment; certain specific ones.

11 Q Can you bring one to mind?

12 A No, sir; just -- no.

13 JUDGE GROSSMAN: Excuse me. Mr. Gallo, I
14 think you misunderstood the answer.

15 He's saying not trouble concentrating on the
16 assignment that Mr. DeWald gave him, but concentrating
17 on what he was working on before Mr. DeWald came in with
18 that assignment.

19 Isn't that so?

20 MR. GALLO: I don't think that's the witness'
21 testimony.

22 THE WITNESS: No, sir.

23 JUDGE GROSSMAN: Maybe I'm wrong. I thought
24 that's what he said.

25 MR. GUILD: I heard it the same way, Judge.

1 MR. CASSEL: I heard it both ways, Judge.
2 Maybe we can clear it up right now.

3 JUDGE GROSSMAN: Well, it's Mr. Gallo's
4 option.

5 BY MR. GALLO:

6 Q Let's go back over this ground.

7 I thought I heard you say that you became nervous
8 and upset with respect to the direction to change your
9 work assignment.

10 A Yes.

11 Q And did that feeling that you had cause you to do your
12 new work assignment in a less careful manner?

13 A You mean the specific assignment that he wanted done at
14 that time?

15 Q Yes.

16 A No.

17 Basically it would be afterwards where I would go
18 back and have to do my work that I was previously doing.

19 Q You'd have to return -- when you returned to your --

20 A Yes.

21 Q -- the job that was interrupted?

22 A Yes.

23 Q Now, would this be some -- some hours or days later that
24 you returned to the job that was interrupted?

25 A Basically the same day.

1 Q The same day.

2 But it was after some period of time?

3 A Yes.

4 Q Now, what was there -- if I understand your testimony,
5 you were able to do the DeWald assignment that caused
6 the interruption reasonably carefully; is that correct?

7 But when you returned to your original assignment,
8 then you were upset and not able to exercise the same
9 care; is that correct?

10 A Yes.

11 Q Can you explain --

12 A It put me behind in my daily work.

13 Every day there was a certain amount of documents
14 that would come in. It was my responsibility to get
15 them reviewed on a daily basis.

16 Q It put you behind --

17 A Yes.

18 Q -- on doing this work?

19 A Yes.

20 Q And you tried to catch up; is that it?

21 A Yes.

22 Q And in what fashion, then, were you less careful?

23 A I would probably go over them a lot quicker than I
24 normally would if I had more time to do it.

25 Q I see.

1 So you'd just go through the documents more
2 quickly?

3 A Yes.

4 Q Do you recall any incident afterwards where you had
5 overlooked something that was brought to your attention
6 later?

7 A Yes. Some of the clerks would find some of the things
8 when they would file them, and they would show me that I
9 had missed something.

10 Q Now, were these instances where you were feeling these
11 feelings of being rushed or were these instances when
12 you weren't being rushed?

13 Do you know the difference between the two?

14 A Yeah; possibly both instances -- both ways. It can
15 happen in both ways, yeah, basically because when I
16 would be given an assignment, I would rush to catch up
17 for that day.

18 The next day I'm further behind. The next day I'm
19 further behind. One just -- it snowballs. It leads to
20 a snowballing effect. It just continues to build.

21 Q Well, essentially it's your testimony that you were
22 getting further behind because of the need for
23 assistance or because of these interruptions by Mr.
24 DeWald?

25 A Both.

1 Q Both.

2 Now, when you -- you say you were getting further
3 behind, and this caused you to not be as careful as you
4 might.

5 A Yes, sir.

6 Q And the clerks brought examples to your attention, and
7 it might have been in either case: when you had these
8 feelings of being rushed or under normal circumstances;
9 is that correct?

10 A Yes, sir.

11 Q Now, what caused these feelings of being rushed?

12 I thought it was your testimony that Mr. DeWald
13 never jumped on you for having this work backlogged.

14 Couldn't you have taken your time if you had wanted
15 to?

16 A My impression was I wasn't going to get any assistance.
17 It was all my job to do, and there was not going to be
18 any assistance in the next X amount of days or any time
19 period.

20 Q Well, did Mr. Seese or Mr. DeWald say you had to get
21 that everyday work done every day without fail before
22 you went home?

23 A No. It was implied.

24 Q But isn't it a fact that your feelings of being rushed
25 were really self-induced?

1 A Yes.

2 JUDGE GROSSMAN: Was that because you saw the
3 work piling up and were worried that sooner or later
4 something would catch up with you?

5 THE WITNESS: Yes, sir. At a future time
6 period, unbeknown to me, he might come down and just
7 chew me out for being so far behind.

8 BY MR. GALLO:

9 Q Did he ever do that?

10 A No.

11 Q We're talking about Mr. DeWald.

12 A Yes, sir.

13 Q All right.

14 Did Mr. Seese ever do that?

15 A No, sir.

16 Q Now, was this the DeWald behavior you complained about
17 when you went to the NRC on March 29, 1985?

18 A Yes, sir.

19 Q Do you recall that there were two meetings that day
20 between the inspectors and the NRC resident inspectors?

21 A No, sir.

22 I only attended one. I think it was in the
23 afternoon.

24 Q You went to the afternoon -- there was a meeting in the
25 afternoon.

1 You went to that?

2 A I believe -- yes. We went right over there after lunch.

3 Q You attended that meeting?

4 A Yes, sir.

5 MR. GALLO: Judge Grossman, at this time I'm
6 going to ask a number of questions from the in-camera
7 exhibit, Intervenor's 42-A.

8 I suppose, if you please, you might want to give
9 the Reporter instructions with respect to this part of
10 the transcript.

11 JUDGE GROSSMAN: Right. Okay. I think the
12 Reporter is familiar with that.

13 We'll probably have some names mentioned that are
14 confidential, and so we'll have to correct the
15 transcript or conform it to the practice that we've
16 adopted here, so you're on notice of that, Miss
17 Reporter.

18 BY MR. GALLO:

19 Q Mr. Gorman, I show you what has been introduced and
20 marked for identification as Intervenor's 42-A.

21 MR. GUILD: Excuse me. I want to make
22 certain that all those present in the room are presently
23 signatories of the nondisclosure.

24 JUDGE GROSSMAN: I believe that's the case,
25 Mr. Guild.

1 MR. GUILD: Thank you, Mr. Chairman.

2 BY MR. GALLO:

3 Q It's a letter dated April 5, 1985 -- or, actually, a
4 memorandum written from a fellow by the name of Weil,
5 W-E-I-L, from the NRC, to his director.

6 I'll show it to you and ask you if you've ever seen
7 it before.

8 (Indicating.)

9 Take your time. It's three pages.

10 You don't have to read it in its entirety. I'll
11 point to a specific question.

12 My question right now is whether you've ever seen
13 it before.

14 A I don't believe I've ever seen it, no.

15 MR. GUILD: Mr. Gallo, he might not recognize
16 it with the brackets around it. That's not the form he
17 got it in.

18 MR. GALLO: Okay.

19 BY MR. GALLO:

20 Q Counsel for the Intervenors has been kind enough to
21 point out that perhaps you might have seen it in a form
22 that did not include the brackets around the names.

23 THE WITNESS: Can I look it over, please?

24 MR. GALLO: Sure, sure. I didn't mean to
25 rush you before. Take your time. I didn't mean to rush

1 you before.

2 Perhaps maybe a short recess would --

3 JUDGE GROSSMAN: That's why I was going to
4 suggest it. I didn't want to interrupt your
5 questioning, though. Let's take ten minutes now.

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

8 JUDGE GROSSMAN: Okay. We're back in
9 session.

10 Mr. Gallo, would you continue, please?

11 MR. GALLO: Thank you, your Honor.

12 BY MR. GALLO:

13 Q Did you have occasion during the recess, Mr. Gorman, to
14 look at Exhibit 42-A?

15 A Yes.

16 Q Do you recognize it now after having more time to look
17 at it?

18 A Yes, I do believe I recall seeing it, reading it.

19 Q Do you remember the circumstances through which you
20 received the document?

21 A I think I received it from the BPI group.

22 Q And when you saw the document, do you recall whether or
23 not it had brackets around these names?

24 (Indicating.)

25 A I don't think it -- no, I don't think it did. I'm

1 pretty sure it didn't.

2 Q Do you recall whether the names were in any way blocked
3 out or was the document unaltered?

4 A It was unaltered, I believe.

5 MR. GUILD: If I could ask for -- if I could
6 consult with counsel for one moment before he continues
7 his examination --

8 JUDGE GROSSMAN: Sure.

9 Off the record.

10 (There followed a discussion outside the
11 record.)

12 JUDGE GROSSMAN: Back on the record.

13 MR. GUILD: Mr. Chairman, for the record, BPI
14 sent copies to counsel and the others that had all the
15 names blacked out and simply informed the addressee that
16 his name was among the names that had been blocked out,
17 without identifying in particular which one it was or
18 what the other names were contained in the document.

19 If counsel doesn't mind, it's my belief that the
20 NRC originally sent all of the inspectors, including Mr.
21 Gorman, the document with the names included in the
22 text.

23 JUDGE GROSSMAN: Okay. That's fine.

24 You don't have any reason to doubt that was said,
25 do you?

1 THE WITNESS: No.

2 I received that letter from the NRC, I received
3 memos from you and letters, and I also received them
4 from the NRC; one or the other, okay.

5 I do recall one copy was blacked out and the other
6 one did have the names, and I can't distinguish which
7 one I received.

8 JUDGE GROSSMAN: That's fine.

9 BY MR. GALLO:

10 Q Is it your understanding -- and if you need your
11 understanding refreshed, just say so -- that what this
12 document does is to report to Mr. Norelius the excerpts
13 of the QC Inspectors' discussions with the NRC residents
14 that occurred in the afternoon meeting on March 29th?

15 Is that your understanding?

16 A Yes, sir.

17 Q Okay.

18 If we turn to Page 3 of that memorandum, your name
19 appears near the bottom of the page, does it not?

20 A Yes.

21 Q And it indicates that Saklak -- strike that.

22 One of the things that appears -- the first
23 sentence that appears after your name is that, "Saklak
24 berates inspectors."

25 Did you tell that to the NRC resident inspectors?

1 Is that a fair characterization of your discussion
2 with them?

3 A I don't specifically remember what I did say. I know I
4 did say the last part of it.

5 I don't remember saying that the -- the part about
6 Saklak. I possibly could have.

7 Q You don't remember at this time?

8 A No, I don't.

9 Q Let's go to the next sentence that appears in the
10 letter: "Many inspectors have been discriminated
11 against at one time or another by Irv DeWald, Comstock
12 QA Manager."

13 Do you recall saying that to the NRC resident
14 inspectors?

15 A I think I did, yes.

16 Q "DeWald's attitude," it goes on to say, "is," quote,
17 "'How can I hang you,' not, 'How can I help you?'"

18 Do you recall saying that?

19 A Yes.

20 Q Now, when you made this statement to the NRC inspectors
21 that DeWald had discriminated against many inspectors at
22 one time or another, did you include yourself in that
23 category?

24 A I can't really recall what my reasoning was that day I
25 said that. That's been a long period of time, and I

1 don't really recall what my thoughts were at that time
2 when I said that.

3 Q Let me ask you again.

4 This sentence uses the words "discriminated
5 against."

6 It's not "intimidate" or "harass"; it's just --

7 A I'm not even sure I used the word "discriminated." I
8 can't recall if I used that word or "intimidated."

9 Q You don't recall at this time?

10 A No.

11 Q Do you recall what other inspectors you had in mind when
12 you made the statement?

13 A Not at this time I don't recall. I can't remember.

14 Q But you recall making the statement to the NRC resident
15 inspectors?

16 A Yes.

17 But like I said, I'm not sure if I used
18 "discriminated" or "intimidated." I don't remember
19 using that specific word.

20 Q All right.

21 Did you have perhaps some of the other inspectors
22 that had worked in the vault in mind when you made this
23 statement?

24 A I don't -- at that time there were no other inspectors
25 in the vault. I was the only inspector per se.

1 Q This is March 29, 1985, we're talking about now.

2 A I don't remember. I can't recall the exact date that
3 they did assign another inspector to the vault.

4 We had an individual in there, a young lady, who
5 was training in the field to become a Level I inspector;
6 and they assigned Mr. Connors at a specific time.

7 I don't remember when this all took place. I can't
8 remember the specific dates.

9 Q Was it prior to -- to your knowledge, prior to March 29,
10 1985?

11 A I don't remember. I really can't recall.

12 Q Do you recall any incident where Mr. DeWald
13 discriminated against the young lady that was assigned
14 to the vault or the other gentleman you've just
15 mentioned?

16 A I can't recall. I don't remember.

17 Q How about if I changed the question to "intimidate"?

18 Do you recall any instance where Mr. DeWald
19 intimidated either the young lady or the gentleman whose
20 name you just mentioned?

21 A Not that I know of.

22 Q For the record, who was the gentleman that you've
23 referred to?

24 A Mr. Kevin Connors.

25 Q Kevin Connors?

1 A Yes.

2 Q All right.

3 Well, when you made this statement to the NRC
4 resident inspectors that many inspectors have been
5 discriminated or perhaps intimidated against by Mr.
6 DeWald, did you have any of the inspectors in mind that
7 did the Level II inspections out in the field?

8 A I think that's what I was basically talking about, was
9 that all the inspectors per se -- not the clerks or
10 anything, but a lot of the inspectors I felt were being
11 intimidated by Mr. DeWald.

12 Q Do you remember -- did any particular inspector ever
13 tell you that, that you can recall?

14 A No, I can't remember.

15 Q Do you think they may have told you that?

16 A I don't remember. I don't recall.

17 Q Was this a judgment that you just perhaps formed on your
18 own, based on your own experience?

19 A From my observations, yes, possibly.

20 Q From attending these mass meetings --

21 A Yes.

22 Q -- where instead of dealing one-on-one, he just
23 attributed the things he thought were going wrong to
24 everyone?

25 A Yes.

1 Q Now, do you recall saying that, "DeWald's attitude is,
2 'How'" -- quote, "'How can I hang you,' not, 'How can I
3 help you?'"

4 Do you recall saying that to the residents?

5 A Yes, something similar to that.

6 I'm not sure that that's the exact words that I
7 used at that time. I don't remember.

8 Q That's a pretty colloquial statement; it's a pretty
9 unique statement; would you agree?

10 A Uh-huh.

11 Q Let me ask you again whether you think you made a
12 statement along those lines or not.

13 A Yes, I did.

14 Q What did you mean by it?

15 A Well, he was constantly trying to pick at individuals
16 for different things. He was always trying to find ways
17 to get rid of individuals, it seemed, in my impression.

18 Certain individuals he didn't care for, he didn't
19 like, so he'd constantly watch them.

20 Q Do you have any individuals in mind that you're aware
21 that Mr. DeWald was trying to get rid of?

22 A I can't really say, no; just --

23 Q This was just a feeling you had?

24 A Yes.

25 Q Do you think Mr. DeWald liked you?

1 A I really don't know. His disposition was such that you
2 never knew if the guy liked you or not.

3 Q Did you develop any impression yourself as to whether or
4 not he liked you?

5 A Sometimes I thought he did. It all depended on what his
6 mood was. He was a very moody person.

7 Q Were there times that you thought he didn't like you?

8 A Oh, yeah, sure.

9 Q Did he ever make a move to get rid of you?

10 A I don't know. He may have at some time.

11 Q But --

12 A Not directly -- not directly to me.

13 Q To your knowledge?

14 A No.

15 Q All right.

16 Mr. Gorman, do you recall telling the NRC resident
17 inspectors on the 29th of March that you thought
18 Comstock was lacking in management ability?

19 A Yes, sir.

20 Q Do you recall telling them that you thought Comstock's
21 management lacked leadership?

22 A Yes, sir.

23 Q Who did you have in mind when you made that statement?

24 A Mr. DeWald.

25 Q Did you have Mr. Seese in mind?

1 A No, sir.

2 Q Mr. Seltmann?

3 A No, sir.

4 Q Mr. Marino?

5 A Mr. Marino I didn't think was directly involved in
6 management on-site.

7 Q So it was just Mr. DeWald?

8 A Yes, sir.

9 JUDGE GROSSMAN: Mr. Gallo, can I make sure
10 that everyone in the courtroom now has signed the
11 protective agreement?

12 MR. MILLER: That gentleman has not.

13 JUDGE GROSSMAN: NRC or -- I don't recognize
14 you.

15 MR. DEMOS: I had asked, when I came in, if
16 we were in camera.

17 MR. SMITH: We weren't at that point.

18 MR. GALLO: I don't think, Judge Grossman,
19 that I'm going to pursue this line much longer, so the
20 gentleman can come back in when --

21 JUDGE GROSSMAN: Okay, sure.

22 It's just that there are some names that are
23 confidential, and we want to make sure that they remain
24 so.

25 MR. GALLO: May I have a moment?

1 JUDGE GROSSMAN: Sure.

2 MR. GALLO: In fact, Judge Grossman, I'm
3 going to change the line; so if that gentleman wants to
4 come in, it's -- it's perfectly acceptable.

5 JUDGE GROSSMAN: Mr. Smith, we're not --
6 we've been informed by Mr. Gallo that nothing now is
7 going to be confidential, and so that gentleman can
8 return.

9 MR. SMITH: Thank you, sir.

10 BY MR. GALLO:

11 Q Let's turn, Mr. Gorman, to these mass meetings that you
12 described.

13 A Yes, sir.

14 Q I think you pointed out that certainly one purpose of
15 the meetings was to provide Mr. DeWald the opportunity
16 to point out the shortcomings that he perceived among
17 one or more inspectors; that's true, isn't it?

18 A Yes, sir.

19 Q Do you know whether or not there were other purposes to
20 these mass meetings?

21 A To convey information to the inspectors that they may or
22 may not need know, pertaining to their work in the
23 field, or announcements of some type or whatever he
24 thought was valuable to the inspectors to know.

25 Q Did he ever at these meetings, to your knowledge -- I'm

1 talking about Mr. DeWald -- complain that not enough
2 inspections were being performed by the inspectors?

3 A Yes, sir.

4 Q Can you recall the circumstance when he did that, what
5 he said?

6 A I can recall vaguely, in my own words, that there was
7 instances where he said that too many people were
8 sitting in the office and that he didn't want people
9 sitting in the office; that they needed to be out in the
10 field performing more inspections; not enough work was
11 being accomplished.

12 That's my own words from what I --

13 Q I understand, I understand.

14 When you say that he indicated that too many people
15 were sitting in the office, did you understand that to
16 mean that too many QC Inspectors were sitting in the
17 office?

18 A Yes, sir.

19 Q What office are you referring to?

20 A The upstairs office where the inspectors were assigned
21 to sit at specific desks.

22 Q What was the -- are you aware of what work might be
23 performed by inspectors in that office?

24 A Mainly research would be performed in the office on
25 prints.

1 Q All right.

2 A Getting your information that you needed to go out and
3 perform an inspection.

4 Q Did Mr. DeWald ever complain that inspectors were
5 loafing in that office?

6 A Yes.

7 Q He did?

8 You recall him saying that or indicating words to
9 that effect?

10 A Yes, yes.

11 I don't specifically remember the word "loafing,"
12 but the impression came across that too many people were
13 sitting in the office.

14 Q And not doing work?

15 A Right.

16 Q Did you ever develop an impression in that direction?

17 A Impression in what direction, are you saying?

18 Q Let me rephrase the question.

19 Did you ever develop an understanding that some of
20 the QC Inspectors were -- and I'll use the word now --
21 loafing up in the workroom -- up in the office?

22 A My main area was assigned down at the vault, and I very
23 seldom ever went upstairs.

24 On occasion I'd go up to talk to Mr. Seese or an
25 inspector that I needed to make a correction on a

1 document or whatever or address a specific issue and to
2 explain it to me so that I understood it a little
3 better, because I didn't quite have the understanding.

4 I --

5 Q Well -- go ahead.

6 A I didn't go up and make specific observations of
7 individuals loafing in the office.

8 Q Well, when you made these trips for the purposes you
9 indicated, did you have occasion to see anybody loafing?

10 A Possibly, yes.

11 I don't -- I really don't -- I don't know if I'd
12 say I made that observation.

13 People sitting around, yes. Whether they were
14 loafing or working or sitting back -- we had flexible
15 time at that time. We could drink coffee at our desks,
16 kind of sit back and relax a minute -- I take that back;
17 not "we." I was not an inspector in that area at that
18 time.

19 The inspectors in the area were kind of flexible on
20 what they did.

21 How you interpret "loafing" is an individual's
22 observation.

23 Q Well, I'm talking about your observation.

24 Do you recall observing such --

25 A Like I said, I was just up and down through there, and I

1 really didn't make observations of people loafing. That
2 was not really what I was up there for.

3 I'm possible -- I'm sure some of my observations
4 could have been, yeah, some guy was loafing; but I
5 really didn't have that knowledge of whether he was
6 loafing or not.

7 I don't know what he was doing. I never asked him.
8 It wasn't my job to ask an individual if he was working
9 or loafing.

10 I wasn't a particular part of management, so again
11 I didn't draw those conclusions of inspections --
12 inspectors.

13 Q Would you agree that it was proper for management to
14 determine whether or not these inspectors might be
15 loafing?

16 A I believe, yeah, as management personnel, it was their
17 -- their job to make sure the work got done.

18 Q What about in the vault?

19 Did you ever have occasion to witness any loafing
20 going on in the vault among the clerks and other
21 workers?

22 A Yes, sir.

23 Q Did you have occasion to loaf yourself?

24 A Yes, sir.

25 Q Did Mr. Seese or Mr. DeWald ever become aware of this

1 loafing on your part, to your knowledge?

2 A I don't recall.

3 Q Did they ever reprimand you for loafing on the job?

4 A Oh, they might have said something to me about it; that
5 I wasn't -- well, I can't remember. I take that back.

6 Q All right. Let me divide the question up.

7 First of all, did Mr. Seese ever reprimand you with
8 respect to loafing on the job?

9 A I don't recall any instance, no.

10 Q How about Mr. DeWald?

11 Did he ever reprimand you with respect to his
12 notion that you were loafing on the job?

13 A Not directly.

14 Maybe he would say certain words that would give me
15 the impression that he thought I wasn't performing the
16 best I could as far as getting the work done.

17 Q But do you understand that to be the same as being
18 reprimanded for loafing?

19 A Well, when you say "reprimanded," are you talking about
20 a specific write-up that he addressed me with?

21 Q Either in writing or verbally reprimanded you --

22 A No.

23 Q -- for whatever --

24 A No, I can't recall any such issue.

25 Q But you do recall on occasion having loafed on the job?

1 A Oh, yes.

2 Q And to the extent that you were loafing on the job, were
3 you getting further behind in your workload?

4 A Possibly; more than likely, yes.

5 It all -- let me define this. Let me say what's
6 "loafing," okay? I'll go back to the same situation
7 where we were flexible and able to sit back and have a
8 cup of coffee.

9 You can determine that as being "loafing," or you
10 can sit in the office for a period of time, three hours,
11 and consider that "loafing."

12 My impression of loafing is yeah, I'm sitting back,
13 drinking a cup of coffee for a few minutes or talking to
14 someone to kind of relax for a minute.

15 It all depends how you want to define "loafing."

16 Q All right.

17 A The person that defines "loafing" -- if you're loafing
18 for three hours in the office, that's different.

19 If you're sitting back, drinking a cup of coffee
20 and taking more than a ten-minute break, yeah, I've
21 loafed.

22 Q Let me see if I understand your testimony.

23 When I asked you whether or not you were ever --
24 whether you ever loafed on the job, I didn't intend to
25 include the coffee-break situation or the casual

1 conversation.

2 I was thinking more of a situation where you simply
3 spent time not doing your work but doing something else
4 for a period longer than ten minutes.

5 Did you ever loaf, based on that kind of a
6 definition?

7 A Yeah.

8 Q All right.

9 During these meetings, these mass meetings that Mr.
10 DeWald chaired -- or I guess he held.

11 He was in charge of the meeting; right?

12 A Yes, sir.

13 Q You indicated that he urged the inspectors to do more
14 inspections.

15 Do you recall him ever establishing a quota or a
16 norm of inspections that he expected to be completed in
17 a day?

18 A Not that I can recall, no.

19 Q Does eight or ten inspections jog your memory on that?

20 Do you recall him ever saying that he expected
21 people to complete eight or ten inspections a day?

22 A I don't recall those specific numbers, no.

23 Q Do you recall any numbers?

24 A No, sir.

25 Q Do you recall Mr. DeWald ever complaining to the

1 inspectors about a lack of quality in their inspections
2 and that they might have -- they would have to improve
3 their performance?

4 A No, sir.

5 Q You don't recall that?

6 A Uh-uh.

7 Q Now, Mr. Gorman, I take it sometime after early '84 or
8 mid '84, you left the vault and then became a Level II
9 QC Inspector in the field; is that correct?

10 A No.

11 I went out and trained to become a Level II
12 Inspector, and then I was assigned back to the vault as
13 the Lead.

14 Q As the Lead?

15 A Yes. I was in the vault for approximately a year as the
16 Lead.

17 Q And do you remember approximately when you left that
18 position?

19 A I believe it was February of '85.

20 Q February of '85.

21 Well, let me digress for a minute.

22 Then in your earlier testimony, would it be -- you
23 may have said something different in your earlier
24 testimony, and I want to clarify that.

25 Would it be fair to say that you worked in the

1 vault generally -- perhaps sometimes you didn't when you
2 were trained and that sort of thing, but you worked
3 generally from October of '83 until February of '85?

4 A Yes, sir.

5 Q All right.

6 Now, what were your inspection duties after you
7 left the vault in February of '85?

8 A I was assigned to the field to do conduit inspections.

9 Q Again, what was the -- can you describe for me the work
10 environment within which you did these inspections at
11 that time?

12 A Can you elaborate on that?

13 Q Sure.

14 A What do you mean, "work inspections," "work
15 environment"?

16 Q Yes. I agree. It's a vague question. Let me see if I
17 can sharpen it.

18 At the time in February and March of '85, did you
19 have the freedom and the flexibility to conduct thorough
20 inspections?

21 A Yes.

22 Q And did that situation maintain up to the present time?

23 A Up until now?

24 Q Yes.

25 A Yes, sir.

1 Q Were you able to conduct research of the documentation
2 whenever you thought it was necessary?

3 A Yes, sir.

4 Q And during any of this time, did you ever -- I'm talking
5 about from February of '85 to the present -- did you
6 ever knowingly compromise the quality of your
7 inspections?

8 A No, sir.

9 Q Did you ever knowingly overlook a defect that you knew
10 was a defect but you didn't mark it on the checklist?

11 A No, sir.

12 Q Did you -- do you think perhaps that you may have
13 overlooked something because you were feeling nervous,
14 similar to the way you described your feelings when you
15 worked in the vault?

16 A Up until this time?

17 Q From about February of '85 to the present.

18 A I don't recall. I don't -- I didn't feel the pressure
19 of doing an inspection like I was -- it was in the
20 vault.

21 It wasn't as demanding. There was no amount of
22 inspections that we had to do per day to accomplish our
23 work.

24 It was very free; and if you got ten done a day,
25 that's fine. If you had problems and you had to

1 research one, it was fine.

2 There was no specific time limit put on how much
3 work I had to do in the field.

4 Q So your inspection activity from about February, '85, to
5 the present -- it was less demanding than your work in
6 the vault; is that correct?

7 A My feeling, yes.

8 Q There was less pressure?

9 A Yes, sir.

10 Q And you felt you were able to conduct your inspection
11 activity reasonably carefully; is that correct?

12 A Yes, sir.

13 Q Now, you had indicated in the prior testimony -- in your
14 prior testimony that you may have, because of the
15 pressure or your feeling of nervousness, overlooked
16 matters in conducting your document review.

17 Do you recall that testimony?

18 A Yes, sir.

19 Q Now, wasn't it a fact that during this period of time,
20 you were calling to Mr. DeWald's attention problems with
21 the documents that you were reviewing?

22 A Yes, sir.

23 Q And what were those problems, just generally?

24 A The problems seemed to be that some of the paperwork was
25 not sufficient enough to stand on its own as to what was

1 in the field.

2 Q And what time frame are we talking about?

3 A I don't remember.

4 Q Well, let's see if I can be helpful to you.

5 You started the vault -- working in the vault in
6 October of 1983, you became the Lead in the spring or
7 summer of '84, and you left the vault in February or so
8 of 1985.

9 A Yes, sir.

10 Q Now, when -- when did you first encounter these document
11 problems that you've testified to?

12 A Well, when I was first assigned to the vault as a doc
13 reviewer, we were having a specific program to go
14 through and review documentation to make sure that it
15 was acceptable and would stand on its own as a primary
16 inspection of what was in the plant itself.

17 There were occasions where specific things were
18 pointed out to Mr. DeWald that did not stand on its own.

19 Q And did you do the pointing-out to Mr. DeWald?

20 A On a -- on a specific occasion that I do recall, yes.

21 Q All right.

22 Now, to your knowledge, what corrective action, if
23 any, was taken with respect to the shortcomings in the
24 documentation that you've just described?

25 A At that time we specifically addressed the issues which

1 we called the Phase 1 part of the program. We wrote up
2 the deficiencies on a separate paper.

3 Then it went into -- at a later date after
4 everything was reviewed, it was to go into a Phase 2
5 program, where certified inspectors would make
6 corrections on the papers or address issues that were
7 wrong or reinspect specific problems that were
8 identified as needing reinspection because the paperwork
9 would not stand on its own.

10 Q If I understand your testimony, during Phase 1 of this
11 document review program, the deficiencies were
12 identified and noted; is that correct?

13 A Yes.

14 Q Was it done on NCR's --

15 A No.

16 Q -- or some other document?

17 A There was a specific document that we used. I can't
18 recall what it was. It was an attachment that we put
19 with the paperwork.

20 Q But it was -- the deficiencies were documented; is that
21 correct?

22 A Yes.

23 Q And then during Phase 2, corrective action was taken
24 with respect to those identified deficiencies; is that
25 your testimony?

1 A Yes, by certified inspectors that would look over the
2 checklist themselves and identify the problems that were
3 identified by the individuals doing the review or other
4 things that they may pick up, as a certified inspector,
5 that we did not.

6 Q Now, at the time that you were feeling this pressure
7 because you were falling behind in your work and you
8 thought you might have made mistakes and were less
9 careful, was that during Phase 1 of the doc review
10 program?

11 A No.

12 Q When was that?

13 A Basically what I was doing was -- it was later on. I
14 can't recall specific dates. It might have been late in
15 '84, the fall of '84, or over a period of time whenever
16 he gave me an assignment to do.

17 I didn't only review Phase 1 or Phase 2. I was
18 involved with every document that went into the vault.

19 Q I understand.

20 And when was Phase 2 of this document review
21 program initiated, do you recall?

22 A No, sir.

23 Q Was it in '85?

24 A It was initiated at the time I was in the vault, because
25 I do specifically remember that I did review a lot of

1 Phase 2 work.

2 As Lead in the vault, I was giving direction to
3 make sure that all corrections were made properly and
4 sign off the memos saying yes, they did address the
5 issues.

6 Q Were other people working on this Phase 2 document
7 review program as well, besides yourself?

8 A In what way; as an inspector, certified inspector --

9 Q Yes.

10 A -- reviewing?

11 Q Yes.

12 A Yes.

13 Q Yes?

14 A Yes.

15 Q Do you recall how many people there were?

16 A There was several. I don't recall how many.

17 There were two different programs set up. The
18 first one was a Phase 1-Phase 2 type of situation.
19 After a period of time, it was addressed that the
20 program was not properly completed.

21 There was a decision made -- and I'm not really
22 absolutely positive who made it, whether it was with
23 Comstock or Commonwealth Edison -- they made a decision
24 to go back and completely do it all over again.

25 After several issues had been addressed with

1 quality problems, the paperwork not standing on its own,
2 a decision was made to go back and completely review
3 every document that was in the vault again.

4 This was after I had left the vault.

5 Q This was done after you had left the vault?

6 A Yes.

7 Q And so this review would have included any documents
8 that you had reviewed initially but when you were
9 working in the vault --

10 A Yes, sir.

11 Q -- is that correct?

12 Then you --

13 A The only thing that I --

14 Q Let me finish my question.

15 I think it was your testimony that Commonwealth
16 Edison had ordered or directed that all the documents in
17 the vault be reviewed again; is that correct?

18 A I believe so.

19 Q And it was done after you had left the vault?

20 A Yes, sir.

21 Q All right.

22 So the review must have occurred after that time?

23 A Yes, sir.

24 Q And would that have included the documents that you
25 yourself reviewed in the first instance when you worked

1 in the vault?

2 A Yes, sir.

3 Q So to the extent that any mistakes were made by you
4 because of the pressure or other nervous feelings that
5 you were experiencing, this review may have caught
6 them --

7 A Yes, sir.

8 Q -- is that correct?

9 A Can I explain something quickly?

10 Q Sure. Go ahead.

11 A When you're talking review of the documents, my basic
12 job as reviewer was to make sure all appropriate areas
13 were addressed.

14 In other words, if it was to have a checkmark in
15 that box, if it was to have N/A, if it was to have a
16 specific rev -- all areas were addressed on that
17 checklist. That was my document review.

18 I made no corrections in any other capacity. If I
19 found a problem, I would go directly to the inspector
20 that did the inspection and address him and say, "Hey,
21 is this right," or, "Should you change this," or, "Would
22 you change it," or something like that.

23 My specific assignment was to make sure the
24 checklist was complete in all areas.

25 Q And when you said -- testified earlier that you may have

1 made mistakes in that document review, what kind of
2 mistakes did you have in mind?

3 A Possibly overlook a date not being proper or a line-out
4 and it not being -- a write-over not being lined out and
5 initialed and dated; something along these lines.

6 Q And were those the kinds of deficiencies that the latter
7 program was addressed to try to uncover; that is, the
8 one --

9 A Along with other specific items.

10 Again, I wasn't involved with the program at a
11 later date, so I can't specifically say what items they
12 were addressing.

13 The program we set up before was to make sure that
14 the checklist was complete; that it was inspected and
15 properly addressed as being that hanger hanging in the
16 -- in the plant or whatever it may be, whatever item, a
17 junction box, a cable properly pulled or whatever.

18 Q Well, wasn't it your understanding that the program that
19 was initiated by Comstock, after you left the vault,
20 with respect to the document review was for the purpose
21 of searching for and correcting errors in the
22 documentation?

23 A To some extent, yes; to also review and make sure the
24 correct rev was used for the inspection.

25 Q All right.

1 A Again, this was done as a certified inspector. I was
2 put back into the area after the document review had
3 been completed by individuals.

4 It was our job to research and make sure the
5 correct data was on the checklist; that it would stand
6 on its own for an inspection.

7 They identified specific problems that an inspector
8 was not certified or whatever.

9 MR. GALLO: May I have a moment?

10 JUDGE GROSSMAN: Sure.

11 BY MR. GALLO:

12 Q When you had indicated to me, Mr. Gorman, that on
13 occasion you went to other inspectors with respect to
14 questions you had on the documents you were reviewing --

15 A Yes.

16 Q -- did the procedure specifically permit that activity
17 and encourage it, require it?

18 A What's that?

19 Q The procedures that you were working against for your
20 document review process.

21 A 4131, I believe it was, for the document review?

22 Q Yes.

23 A I don't really recall at this time.

24 Like I say, I've been out of there for almost two
25 years. I can't remember what the -- I may have been

1 given verbal permission by Mr. Seese or Mr. DeWald to go
2 to the inspector to have it corrected at that time.

3 Q You don't recall whether the procedure specifically
4 directed that activity?

5 A No, sir, I don't remember.

6 Q Let's return to March 29, 1985, and the meeting with the
7 NRC resident inspectors.

8 JUDGE GROSSMAN: Excuse me, Mr. Gallo.

9 Are we now going to be talking about confidential
10 names?

11 MR. GALLO: No.

12 JUDGE GROSSMAN: Okay.

13 MR. GALLO: No, your Honor.

14 BY MR. GALLO:

15 Q How did you become aware that there was going to be a
16 meeting at noon on March 29th?

17 A Mr. Bossong informed me that there was going to be a
18 meeting.

19 Q Did he invite you to attend?

20 A He said it was my discretion whether I wanted to go or
21 not; there were several inspectors going over.

22 Q What did he tell you the purpose of the meeting was?

23 A Just that they were going to the NRC and talk to them
24 about specific issues.

25 I don't recall exactly what his words were why they

1 were going over there. It's just --

2 Q What was your -- I'm sorry. I interrupted you.

3 A It's just that if you had any problems that you wanted
4 to address to the NRC, they were all going. They were
5 just more or less letting everybody know.

6 Q When you say "problems," what kind of problems?

7 A Anything: quality problems, problems with management;
8 any type of problem that you wanted to go over and
9 specifically point out to the NRC that could be
10 addressed.

11 Q Was it your understanding that the NRC resident
12 inspectors were essentially a forum for general
13 complaints?

14 A No.

15 Q Well, you had indicated in your earlier answer that one
16 of the reasons for going to the NRC was to complain
17 about management.

18 A Management was related to the problems with quantity
19 versus quality inspections under their direction.

20 Management was giving direction to the inspectors
21 that they wanted more quantity instead of quality, and
22 if -- as far as I'm concerned in my interpretation,
23 management was a problem.

24 Q Now, how did you -- what was the basis for -- what is
25 the basis for your judgment that at the time prior to

1 March 29, '85, Comstock management was stressing
2 quantity over quality?

3 A The general meetings.

4 Q These general meetings again --

5 A Uh-huh.

6 Q -- these mass meetings?

7 What was there about the meetings that caused you
8 to form that judgment?

9 What was said?

10 A Well, in the meetings they addressed issues that there
11 wasn't enough work being done. They wanted people out
12 in the field more often, getting out of the office.
13 "You're not doing enough inspections. You're not
14 getting enough work done."

15 Q And you interpreted this as emphasizing quantity over
16 quality?

17 A Yes, sir.

18 Q What was there about working in the office that you felt
19 would be compromised if they went out in the field and
20 did their instructions, if anything?

21 A I don't understand your question.

22 What do you mean?

23 Q All right. Let me restate it.

24 I thought your earlier testimony was that Mr.
25 DeWald was encouraging these inspectors to get out of

1 the office and do their inspections.

2 Is that correct?

3 A Encouraging them?

4 Q Urging them.

5 A That's a better word, yes, sir.

6 Q "Urging them" -- is that a fair characterization of your
7 testimony?

8 A Demanding them to get out of the office.

9 Q Demanding them to get out of the office?

10 A Right.

11 Q Now, what was there about that direction that you felt
12 was a situation where quantity was being emphasized over
13 quality?

14 A Well, it's not necessarily the getting out of the
15 office.

16 It's the -- the basis of the meetings was to get
17 out and do more inspections.

18 Q In other words, to get more work done?

19 A Yes.

20 Q Well, did you believe that that was an improper
21 prerogative of management to urge that more work be done
22 by the inspectors?

23 A It all depends on how you -- how you perceive the
24 impression from the individual talking.

25 You can use words in a -- in a way that they can be

1 very demeaning or mandatory of making you get out and do
2 something, or you can come across in a different manner.

3 You can get more production out of a person by a
4 choice of words instead of saying -- an example, I would
5 say -- there's different ways to talk to different
6 individuals.

7 Q Such as the style used by Mr. Seese?

8 A Yes.

9 Q If Mr. Seese had, in his style, been urging that more
10 inspections be performed, would you have felt he was
11 emphasizing quantity over quality?

12 A I can't remember any specific issue where he addressed
13 that.

14 Again, like I said, it's a choice of words and your
15 observation of how the person is using those words to
16 get it from you.

17 Q So DeWald was authoritative, is that right, in his --

18 A Yes.

19 Q -- demands for more inspections?

20 A The problem was he wouldn't address specific people. He
21 was telling everybody they were lazy and lackadaisical
22 and loafing.

23 Instead of addressing the one individual one-on-one
24 and saying, "I have a problem with you," it would be the
25 whole body; and that's not a fair evaluation of other

1 individuals.

2 An individual that's out there doing a good job
3 gets the impression then that he's -- he's screwing up;
4 he's not doing a good job.

5 Q All right.

6 So you've testified that you disagreed with that
7 management approach?

8 A Yes, sir.

9 Q Is that what led you to conclude that Mr. DeWald was
10 emphasizing quantity over quality, that management
11 approach?

12 A To some extent, yes, with the general meetings that
13 demanded that more work get done.

14 JUDGE GROSSMAN: Excuse me, Mr. Gorman.

15 Do you know that Mr. DeWald had particular
16 individuals in mind or was he perhaps exhorting everyone
17 to go out and do more?

18 THE WITNESS: I can't specifically pinpoint
19 anyone, but why would he address -- okay.

20 No, I can't specifically pinpoint any one
21 individual.

22 JUDGE GROSSMAN: I just want to establish
23 whether you know that that's what he had in mind or --

24 THE WITNESS: My impression, being in a
25 general mass meeting, was that, yeah, everybody -- if he

1 -- that's my impression, again, as to he was saying
2 everybody was loafing instead of specifically -- he had
3 been -- I take that -- that was my interpretation of how
4 he was coming across to each individual.

5 Shoptalk would go on after that.

6 JUDGE GROSSMAN: Okay.

7 So what you know is that -- or what you understand
8 is that he was trying to get everyone to do more?

9 THE WITNESS: Yes.

10 JUDGE GROSSMAN: Okay.

11 Now, do you or do you not know, when he was saying
12 that, whether he had in mind that some individuals were
13 doing less or are you just speculating that that's what
14 brought this about?

15 THE WITNESS: I would say speculation, yes.

16 JUDGE GROSSMAN: Okay.

17 BY MR. GALLO:

18 Q Now, when you went to the NRC on March 19th, did you
19 tell -- I'm talking about you now, Mr. Gorman -- did you
20 tell the residents that you thought that Mr. DeWald was
21 emphasizing quantity over quality?

22 A I don't specifically remember me addressing it.

23 I think some of the other inspectors in the room
24 did.

25 Q You don't recall doing it?

1 A I don't remember.

2 Q Okay.

3 Was there any other reason, besides what you've
4 indicated with respect to Mr. DeWald's behavior, that
5 caused you to go to the NRC on the 29th of March?

6 A What do you specifically mean; the problems with what I
7 had identified in the vault as not being substantial to
8 stand on their own as far as paperwork?

9 Q No, I don't mean that.

10 Were you aware of the union activities going on at
11 that time?

12 A No. To my recollection, I don't -- I don't remember any
13 union activities going on at that time until a later
14 date.

15 Q You don't recall that Mr. Bossong was a union organizer
16 at that time?

17 A No, sir.

18 Q Had you developed a position with respect to the union
19 at that time, whether you favored it or --

20 A Yeah.

21 I was against it.

22 Q You were against it?

23 A Yes, sir.

24 At that time -- I shouldn't say "at that time."

25 I didn't -- when it came about at a later date and

1 things started to transpire, then I was against it.

2 At that specific date, I don't even remember being
3 in contact with anyone about the union.

4 Q Did anyone suggest to you, Mr. Bossong or anyone else,
5 that at the time prior to going to the meeting at noon
6 on the 29th, that going to the NRC was one way of
7 getting even with L. K. Comstock's QC management?

8 A No, sir.

9 Q Was that the reason you went?

10 A No, sir.

11 I thought there were specific problems with the
12 management and the quality of the paperwork that was in
13 the vault.

14 Q Well, isn't it true you didn't like Mr. DeWald's
15 management style?

16 A Yes, sir.

17 Q Isn't it true that you thought he lacked management
18 ability?

19 A Yes, sir.

20 Q Isn't it true that you thought he lacked leadership?

21 A Yes, sir.

22 Q Isn't it true that he passed you up for a promotion?

23 A Not at that time, no. That happened later.

24 Q That happened after the 29th?

25 A Yes, sir -- or wait a minute. I'm sorry. I take that

1 back.

2 No. That was prior to the 29th. Yes, it was.

3 Q It was prior to the time that you left the vault?

4 A Yes -- no. It was after the time I left the vault.

5 Q That's right.

6 So isn't it true that he had passed you over for a
7 promotion?

8 A Yes, sir.

9 Q You were hoping to become supervisor of the vault, and
10 he didn't give you that job?

11 A He had told me that I would become supervisor of the
12 vault.

13 Q And he didn't give you that job, did he?

14 A No, sir.

15 Q You basically just didn't like the man?

16 A Oh, I liked him. I got along well with him at the time
17 I was in the vault. I had no problems with him -- I
18 shouldn't say, "I had no problems with him."

19 I did have problems with him. I mean, I wasn't to
20 the point where I hated the man. I didn't specifically
21 like his management style, but I didn't hate him.

22 Q All right.

23 So you didn't like his management style and he had
24 passed you over for a promotion, but you liked the man
25 nevertheless; is that your testimony?

1 Isn't that the reason you went to the NRC: You
2 just wanted to get even with him?

3 A No, sir.

4 Q One last question about the meeting at the NRC:

5 Do you recall whether the complaints that were made
6 on the 29th were complaining that the actual quality of
7 the work that the QC Inspectors were doing was being
8 adversely affected?

9 Do you recall complaints to that effect?

10 A I don't specifically remember.

11 Q Do you recall whether or not the complaints were in the
12 nature of concerns that if something wasn't done, the
13 quality may in the future become adversely affected?

14 A I don't remember.

15 Q All right.

16 You testified that in your dealings with Mr.
17 DeWald, you were intimidated and that you were afraid of
18 him; one reason was because you thought he might fire
19 you.

20 Do you recall that testimony?

21 A Yes, sir.

22 Q Are you afraid that you might be fired as a result of
23 your testimony here today?

24 A I don't know. I hope not.

25 Q But I'm asking you --

1 A I really don't know. I can't draw that conclusion.

2 I don't think I will, no.

3 Q Well, are you fearful of that eventuality as you sit
4 here right now?

5 A No.

6 MR. GALLO: That's all the questions I have.

7 BOARD EXAMINATION

8 BY JUDGE GROSSMAN

9 Q When you testified that you loafed on the job, do you
10 believe that every individual loafes at some time or
11 another?

12 A Yes, sir.

13 Q Did you consider that you loafed more than the usual
14 amount of loafing that the average individual does?

15 A No, sir.

16 Q Going to that meeting with the NRC on March 29th, you
17 testified that you recall that some individuals were
18 saying that Mr. DeWald was stressing quantity over
19 quality.

20 A Yes, sir.

21 Q Did you agree with that statement or those statements,
22 if more than one individual made those statements?

23 A Did I agree with them myself --

24 Q Yes.

25 A -- as far as -- from my own interpretation, yes, from

1 talking to other inspectors, from the mass meetings,
2 general mass meetings, that he was wanting more quantity
3 than quality.

4 Q Did the NRC give you an opportunity to express
5 disagreement with any statements being made?

6 A No, I don't believe so.

7 At that time? At that meeting?

8 Q Yes, at that meeting.

9 A No.

10 Q Now, returning to those Friday meetings that were had
11 with management, what was the -- do you recall what the
12 feelings were that you had and perhaps feelings
13 expressed by other QC Inspectors to you when they heard
14 that a meeting was to take place?

15 A No, I don't remember or recall any specific
16 conversations with any inspectors.

17 They were just mainly a general meeting every
18 Friday.

19 Q Okay.

20 What I'm trying to get at is: Was there any
21 feeling of apprehension or were the meetings just taken
22 as a matter of course?

23 A Yes, just a matter of course.

24 JUDGE GROSSMAN: Okay.

25 Mr. Cassel?

1 MR. CASSEL: Thank you, Judge.

2 Mr. Gorman, are you doing okay?

3 Do you need a break?

4 THE WITNESS: No. I'm fine.

5 CROSS EXAMINATION

6 BY MR. CASSEL:

7 Q At the March 29th meeting with the NRC, do you recall
8 one of the NRC people asking for a show of hands as to
9 whether people agreed with statements that quality --
10 quantity was being emphasized over quality, at the
11 particular meeting you attended?

12 A I don't remember.

13 MR. CASSEL: I'm about to ask about the
14 in-camera document here. I'll try to keep my questions
15 on that limited, sir.

16 BY MR. CASSEL:

17 Q Mr. Gorman, I'm showing you again a copy of the document
18 that Mr. Gallo showed you earlier, the April 5th memo.

19 On Page 3, next to the name of Mr. Herschel Stout,
20 the memo indicates, "Inspector productivity overrides
21 the quality of the inspection."

22 Then there's a parenthetical note, apparently from
23 the author of the document, stating, "(At that point a
24 show of hands was done. The resident inspectors
25 indicated that the Comstock inspectors agreed 100

1 percent with that statement)," unquote -- or end of
2 parentheses.

3 Does that refresh your recollection as to whether
4 there was a show of hands taken at the meeting that you
5 attended?

6 A I really can't recall. I can't remember.

7 Q Is it possible that that happened and you just don't
8 recall?

9 A Yes, it is possible.

10 I just can't recall what transpired at the meeting.

11 Q Thank you.

12 At the meeting with the NRC on the 29th, did you
13 feel free to -- if you disagreed with anything you heard
14 being said, did you feel free to speak up and tell the
15 NRC that you disagreed with it?

16 A Yes.

17 Q And did you, in fact, indicate to the NRC that you
18 disagreed with anything that was said at the meeting?

19 A I don't believe so, no.

20 JUDGE GROSSMAN: Excuse me.

21 Do you recall anything being said with which you
22 actually disagreed at that meeting?

23 THE WITNESS: I don't -- again, after -- we
24 read the memo and the day -- it was a year or so ago;
25 and I can't really recall what actually transpired as

1 far as who said what without reading the memo again and
2 specifically -- no.

3 MS. CHAN: Excuse me. Could I have Mr.
4 Cassel's question read back?

5 I did not hear --

6 JUDGE GROSSMAN: Miss Reporter, please?

7 MS. CHAN: -- the earlier question.

8 (The record was thereupon read by the
9 Reporter.)

10 MS. CHAN: Thank you.

11 BY MR. CASSEL:

12 Q Now, Mr. Guild -- excuse me; Mr. Gallo asked you about
13 whether Mr. Seltsmann or Mr. Seese harassed or
14 intimidated you.

15 You did not report, did you, to Mr. Seltsmann?

16 A No, sir. He was QA Manager.

17 Q And you and the other QC Inspectors reported to the QC
18 Manager through your chain of command; is that correct?

19 A Yes, sir.

20 Q And you indicated that for a time, you reported directly
21 to Mr. Seese and he did not harass or intimidate you; is
22 that correct?

23 A No, sir.

24 Q Is it the case that most QC Inspectors for Comstock
25 reported not to Mr. Seese but, rather, to Mr. Saklak or

1 other supervisors for the field inspectors?

2 A Yes, sir.

3 Q You also testified that, as I recall -- and whenever I
4 make a statement like that, if I misstate it, please
5 correct me.

6 As I recall, you also testified to the effect that
7 once you went into the field and left the document room,
8 beginning at about February of 1985, from that point on,
9 you did not recall being pressured and having -- and
10 getting nervous and having that effect on the care with
11 which you did your work; is that correct?

12 A Yes.

13 Q How long were you in the field all together before you
14 went back to document review responsibilities, if you
15 recall?

16 A (No response.)

17 Q Let's see.

18 Do you recall approximately when you went back
19 to --

20 A I think I went back into document review to do the
21 document review again in November of '85.

22 Q So you were in the field from approximately February to
23 November of '85?

24 A Yes, sir.

25 Q And almost that entire period occurred after the March

1 29th incident where the inspectors went to the NRC?

2 A Yes.

3 Q Now, while you were in the field, to whom did you
4 report?

5 A Mr. Tuite.

6 Q Now, was he your Lead --

7 A No.

8 Q -- or was he your supervisor?

9 A He was my supervisor.

10 My Lead at that time was Ash Parulekar.

11 Q Who?

12 A Ash Parulekar.

13 MR. GALLO: You might want to spell that.

14 MR. CASSEL: For the Court Reporter, if you
15 can.

16 THE WITNESS: Okay. P-A-R-U-L-E-K-A-R.

17 BY MR. CASSEL:

18 Q And with what other inspectors did you do conduit
19 inspections while you were in the field?

20 A Oh, gosh. I think I was involved with Jim Embog, and I
21 think -- I can't specifically remember who else.

22 Q At any point did you work directly for Mr. Saklak?

23 A No, sir.

24 Q You testified in response to Mr. Gallo's questions about
25 the Phase 1-Phase 2 document review program.

1 Was that one of your duties beginning when you
2 arrived at Comstock in October of '83?

3 A Yes, sir.

4 Q And were you told at all what the reason for the program
5 was at that time?

6 A I'm sure I was, but I can't recall specifically what was
7 said.

8 Q Can you recall what your general understanding of the --
9 of the reason for the program was?

10 A I think the program was to make sure that all the
11 documentation was correct and would stand as a viable
12 inspection sheet on its own as to what was in the plant.

13 Q And were you told why it was thought necessary to have
14 such a program?

15 A I don't remember.

16 I'm sure there were some problems with it that
17 people had identified previously, and the program was
18 set up to correct those problems that previous
19 individuals had identified that were problems.

20 Q When you say that, is that based on some information you
21 were given at the time?

22 A No. That's just my own conclusion.

23 Q Were you aware of any backlog in connection with that
24 program at the time you arrived?

25 A Backlog of inspections?

1 Q Backlog of document review work to be done in connection
2 with the Phase 1-Phase 2.

3 A When that started -- it initially started when I arrived
4 here -- or had just gotten underway after I had started
5 there.

6 Q How about a backlog with respect to documentation of
7 inspections that were ongoing?

8 A Yeah. I think -- I think there was a considerable
9 backlog of inspections that needed to be done.

10 Q Mr. Gorman, I'm going to show you a letter which is part
11 of Intervenor's Exhibit 18, which has previously been
12 marked.

13 It's a letter dated December 14, 1984, addressed to
14 Mr. Ken Worthington, Assistant QA Manager of Comstock,
15 from an inspector by the name of Daniel Asmussen.

16 I just want to ask you to take a look at that and
17 ask you first whether you have ever seen that letter.

18 (Indicating.)

19 A No, sir.

20 MR. MILLER: Did you say December 18th?

21 MR. CASSEL: December 14th. It's
22 Intervenor's Exhibit 18.

23 BY MR. CASSEL:

24 Q Would you take just a moment to read through it?

25 Then I'll ask you if you are familiar with the

1 subject matter discussed in it.

2 MR. GALLO: You don't mind if I look over his
3 shoulder, do you?

4 MR. CASSEL: No.

5 JUDGE GROSSMAN: Should we take a five-minute
6 recess now or --

7 MR. CASSEL: That would be fine with me,
8 Judge.

9 JUDGE GROSSMAN: Okay. Why don't we do that.
10 (WHEREUPON, a recess was had, after which
11 the proceedings were resumed as follows:)

12 JUDGE GROSSMAN: We're back in session.

13 Mr. Cassel?

14 BY MR. CASSEL:

15 Q Mr. Gorman, during the break, did you have a chance to
16 review the letter there that's a part of Exhibit 18?

17 A Yes, sir, I did.

18 Q Okay.

19 And having reviewed that now, were you familiar in
20 that time frame with the -- any of the concerns being
21 raised in that letter?

22 A Yes, sir.

23 I had never seen the letter previously, but I did
24 have knowledge of it from talking with Mr. Asmussen and
25 Mr. Blake, who were doing the review.

1 Q I see.

2 And which of the information or concerns in the
3 letter were you familiar with at the time?

4 A Well, only through discussion with them was hearing of
5 the welds that were completed in one day, the total
6 amount of welds.

7 Q Specifically what in the letter are you referring to
8 there?

9 A Well, the letter telling about zero percent reject rate
10 on welds inspected for that day, and it lists 1,166
11 welds for the -- for that day, for a one-day inspection.

12 Q And did you -- were you told or did you have any
13 knowledge of who it was who had -- who had performed
14 that 1,166 welds referred to there?

15 A What do you mean; informed by Mr. Asmussen or by --

16 Q Did you have any way of knowing who the inspector was
17 who had supposedly inspected 1,166 welds?

18 A Oh, yeah. I reviewed a lot of this paperwork. I've
19 seen -- I've seen a lot of this paperwork like this.

20 Like I say, I was in charge of the -- as a matter
21 of fact, if you look back here to this last page, I did
22 review this document paperwork.

23 (Indicating.)

24 Q I'm referring specifically, though, to the 1,166 welds
25 and whatever inspector it was who did that.

1 Did you know at the time who it was or were you
2 ever told?

3 A No.

4 JUDGE GROSSMAN: Do you know now who it was?

5 THE WITNESS: Yes, sir, after reading it.

6 JUDGE GROSSMAN: Oh.

7 JUDGE COLE: Well, who was it, Mr. Gorman?

8 THE WITNESS: Mr. Yanketis, I believe.

9 BY MR. CASSEL:

10 Q Now, in addition to that -- now, in addition to the
11 1,166 welds in one report by Mr. -- what was the name?

12 A I thought it was Yanketis.

13 Q -- Yanketis, were you also aware of other inspection
14 reports involving more than 1,000 welds in a single
15 inspection report?

16 A I don't know specifically offhand of 1,000 or more, but
17 I -- there were several.

18 Q And do you recall who some of the inspectors were who
19 had performed those?

20 A I believe Mr. DeWald had, Rick Martin, and I believe
21 Mike Kast also had done some.

22 JUDGE GROSSMAN: Excuse me.

23 You said "maybe not more than 1,000, but several."
24 I'm not sure what you mean by "several."

25 If they're not over 1,000, what did the "several"

1 contain?

2 THE WITNESS: Oh, I'd say above 100.

3 JUDGE GROSSMAN: Above 100?

4 THE WITNESS: Uh-huh.

5 JUDGE GROSSMAN: Okay.

6 THE WITNESS: As a figure I pulled out of the
7 air. I'm not really positive.

8 I know they were considerable as to what
9 inspections required -- what they do nowadays compared
10 to back then.

11 JUDGE COLE: What do they do nowadays on the
12 average, sir?

13 THE WITNESS: I would say between eight to
14 ten to -- somewhere in that number.

15 JUDGE COLE: Thank you.

16 BY MR. CASSEL:

17 Q And whatever the specific number was in connection with
18 Mr. DeWald, how did you become aware of that?

19 A By review of paperwork.

20 Q And do you recall approximately when you became aware of
21 Mr. DeWald signing off a large number of welds on one
22 report?

23 A No. It was during doc review that we did it. We
24 identified them in doc review. We had seen them in doc
25 review.

1 Q And did you ever discuss what you found with respect to
2 Mr. DeWald with other inspectors and Comstock QC
3 employees?

4 A I'm sure I have. Everyone, I think, has talked about it
5 at one time or another.

6 I can't specifically say, "The date that I seen it,
7 I talked to so-and-so."

8 It was shoptalk around the plant -- or around the
9 area for quite a while.

10 Q Did you ever discuss it with Mr. DeWald?

11 A No.

12 Q Did he ever discuss it with you?

13 A No.

14 Q And what about the inspection sheet with the large
15 number of welds by Mr. Kast?

16 How did you become aware of that?

17 A Through the document review.

18 JUDGE GROSSMAN: Excuse me.

19 What was the nature of the shoptalk about these
20 inspection reports with large numbers of welds on them?

21 THE WITNESS: It was impractical to do that
22 many weld inspections in one day and do them
23 quality-minded or accurately.

24 JUDGE CALLIHAN: Excuse me, Mr. Cassel.

25 MR. CASSEL: Sure, Judge.

1 JUDGE CALLIHAN: There has been, during these
2 proceedings, considerable discussion of this point: 100
3 or more or 1,000 or more welds listed on a single sheet,
4 presumably bearing a single date.

5 From your experience and knowledge, particularly
6 regarding the handling of records in the vault, is there
7 a mechanism of paper handling -- is there a flow of
8 paper such that, as an example, an inspector is
9 compelled to turn in the record of his accomplishments
10 on a daily basis or, coming to the point in question, is
11 there a likelihood or a possibility, even, that an
12 inspector may truly, over a period of several days, do
13 that many inspections and then collect them in one place
14 on one piece of paper so that there is an inspection
15 report, if that's the proper term for the document we're
16 speaking to -- collect his several days' worth on a
17 single report so that if one went no further than that
18 one piece of paper, there is a strong appearance that
19 the 1,000 or more or several hundred, as the case might
20 be, were truly done in one day?

21 Now, I've made that a very long sentence, and I'll
22 go back and break it down if you don't understand it.
23 So criticize my statement first.

24 THE WITNESS: Well, the requirements are,
25 today and for the time period I've been there, as an

1 inspector, what you inspect today and you make out a
2 checklist for -- you turn it in at the end of the day
3 with your status report. There is a status report made
4 out.

5 The time period of doing 1,000 welds, 500 welds --
6 I can't say. I wasn't there at that time. I don't know
7 what the requirements were.

8 Possibly, yes, they could have done a whole week's
9 work, combined it onto one sheet and turned it in.
10 Again, I can't speak for what they did at that time.

11 All I know is since I've been there, the
12 requirement is you do an inspection and sign off a
13 checklist today, and you turn it in at the end of the
14 day to your Lead, to your supervisor, whoever it may be.

15 JUDGE CALLIHAN: There appears even in this
16 most recent -- most recently discussed document, the
17 letter from Mr. Asmussen to somebody -- to Mr. DeWald --
18 to Mr. Worthington, in connection with our discussion --
19 reading that, it appears in here someplace -- perhaps
20 it's in Mr. DeWald's reply -- that -- and I quote --
21 "inspections written on one check sheet."

22 Is that what we're speaking of?

23 I called it an "inspection report."

24 THE WITNESS: Yes.

25 JUDGE CALLIHAN: Sometimes it is a check

1 sheet?

2 THE WITNESS: A checklist.

3 JUDGE CALLIHAN: It could possibly be a total
4 of several days' work?

5 THE WITNESS: Possibly.

6 JUDGE GROSSMAN: That's the point I was
7 addressing; and as you say, from your current
8 experience, they truly do represent -- such sheets truly
9 do represent a day's work --

10 THE WITNESS: Yes, sir.

11 JUDGE CALLIHAN: -- at present, is your
12 statement, I believe.

13 THE WITNESS: Yes, sir.

14 You may do X number. There's no requirement that
15 you have to do 1,000 or whatever.

16 But today if you do one inspection, okay, you make
17 out one checklist for that specific inspection.

18 JUDGE CALLIHAN: And you are not really in a
19 position to discuss the 1985 procedures -- or late 1984?

20 THE WITNESS: Not welding, sir. I was never
21 in welding.

22 JUDGE CALLIHAN: Thank you.

23 JUDGE GROSSMAN: Excuse me.

24 There were two points made in this letter, at
25 least: one being the total number of inspections made

1 on one checklist, and the second being with regard to
2 the zero percent reject rate.

3 Was that also a matter of shoptalk?

4 THE WITNESS: Yes, sir.

5 JUDGE GROSSMAN: Okay.

6 JUDGE CALLIHAN: One further question
7 following: What was kept in your vault, if I may so
8 characterize it?

9 You slowed me down a moment ago, and you said you
10 had nothing to do with welding.

11 Were there not -- were there records of welding
12 inspections in your vault that passed through your
13 hands?

14 THE WITNESS: Yes, sir, but my statement
15 there was I was not a welding inspector.

16 I can't specifically say how many welds you can do
17 in a day. I can only go by shoptalk or hearsay. I was
18 never a weld inspector.

19 JUDGE CALLIHAN: I think we understand. I
20 did not address the function and activity of a welder.

21 THE WITNESS: Right.

22 JUDGE CALLIHAN: I was speaking to you only
23 on the basis of your experience with handling paper.

24 THE WITNESS: I see.

25 JUDGE CALLIHAN: I think we've agreed.

1 Thank you very much.

2 BY MR. CASSEL:

3 Q Now, Mr. Gorman, in responding to some of the Judges'
4 questions, do I understand your testimony correctly that
5 the requirement that the inspection sheet for the
6 inspections done that day be turned in at the end of the
7 day has been in effect since you arrived on-site?

8 A As far as I can remember, yes. Ever since I've been an
9 inspector, that has been the requirement, yes.

10 Q You arrived on-site in October of 1983?

11 A Yes, but I didn't go to the field until a later date
12 because I was in the vault area until -- what was it? --
13 February of 1985, I believe; somewhere in that time
14 zone.

15 So I officially went out to the field -- I did
16 previous inspections, okay; but when I officially went
17 out to the field to start doing inspections every day,
18 then it was a one-on-one situation.

19 Q While you were in the vault reviewing documents
20 beginning in the fall of 1983, were you aware of any
21 procedure that called for the inspections done in a
22 particular day to be written up at the end of the day?

23 A I wasn't in contact that much with the procedures. I
24 don't remember. I don't recall.

25 Q From your review of weld reports that came into the

1 document vault beginning in October of 1983, did you
2 have any --

3 A I wasn't reviewing documents that came into the vault as
4 of October, 1983.

5 That came about later when I made Lead.

6 Q I see.

7 A I think it was in the early part of the spring of '84.

8 Q Well, then, from your review of --

9 A I'm sorry; the summer of '84.

10 Q From your review of the documents that you were
11 reviewing in October of 1983, did you have any way of
12 detecting from the document whether there was a practice
13 involving the reporting of inspections at the end of the
14 day they were done?

15 A Not first-hand; just by coming into the vault on a daily
16 basis, I reviewed them and they were one inspection, one
17 checklist.

18 Q Coming in daily from each inspector?

19 A Into the vault.

20 The inspectors were responsible for turning them in
21 to their Lead, the Lead gave them to the supervisor, the
22 supervisor transmitted them to the Status Department --
23 and I believe that was the system -- and then the Status
24 Department gave them to me for review for filing in that
25 vault.

1 Q So your understanding, from your review of documents
2 beginning in October of 1983, was that there would be a
3 report for each inspector for each day?

4 A As far as I know, yes, as far as I can recall.

5 Q Now, do you know when Mr. DeWald had arrived at the
6 site?

7 A Well, he was there two different times. He was there
8 previously as an inspector. He was on-site before I got
9 there, so he was the QC Manager before I came on-site.

10 Q Are you aware that he had arrived as QC Manager of the
11 site only shortly before you began your work there?

12 A Yes, sir.

13 I don't know exactly what time it was. I believe
14 it was in August or something, September; somewhere
15 around that time period.

16 JUDGE CALLIHAN: Mr. Cassel, before you
17 finish this point, I have another question --

18 MR. CASSEL: Absolutely, Judge.

19 JUDGE CALLIHAN: -- at whatever time is
20 convenient.

21 MR. CASSEL: It's okay now.

22 JUDGE CALLIHAN: I'm a little confused about
23 this time frame.

24 The most recent instance -- the most recently
25 discussed instance within these proceedings concerns a

1 letter of December 14, 1984, which Mr. Cassel showed to
2 you a few moments ago.

3 THE WITNESS: Yes, sir.

4 JUDGE CALLIHAN: Now, what were you doing on
5 or about December 14, 1984?

6 THE WITNESS: I was the Lead in the vault,
7 reviewing paperwork. That was my --

8 JUDGE CALLIHAN: So that the --

9 THE WITNESS: -- specific responsibility.

10 JUDGE CALLIHAN: I'm sorry. I apologize.

11 Did you get his statement?

12 THE NOTARY: Yes.

13 JUDGE CALLIHAN: At that time, then, what, to
14 your knowledge, was the practice of turning in
15 checklists by the inspectors?

16 Was it on a daily basis then?

17 THE WITNESS: Yes, sir.

18 JUDGE CALLIHAN: Thank you.

19 BY MR. CASSEL:

20 Q Judge Grossman pointed out to you a few minutes ago, Mr.
21 Gorman, that in this December 14th letter, there were
22 really two problems raised -- one was the large number
23 of welds, and the other was the zero percent reject rate
24 -- concerning the report that you believe was done by
25 the gentleman whose name begins with Y.

1 With respect to the other reports involving large
2 numbers of inspections that you referred to a few
3 minutes ago by Mr. DeWald and Mr. Kast -- and was there
4 one other?

5 I don't recall.

6 A And Mr. Martin.

7 Q -- and Mr. Martin, do you recall whether those reports
8 also involved zero percent reject rates?

9 A I don't remember.

10 Q Do you recall whether you knew at the time you first
11 learned of them?

12 A No.

13 Q Was the -- I believe you testified a few moments ago
14 that there was shoptalk concerning the report by Mr.
15 DeWald.

16 Did that shoptalk talk at all about the reject
17 rate, if any --

18 A No.

19 Q -- in Mr. DeWald's report?

20 A I think all the shoptalk pinpointed was the total amount
21 that were completed at one time.

22 Q Mr. Gorman, further on in Intervenor's Exhibit 18 is a
23 document which -- it's the next to the last page of
24 Exhibit 18, which I will now show you.

25 (Indicating.)

1 It's a -- some form of written communication from
2 Sally Campbell to I. DeWald; and it has a line in the
3 lower right-hand corner marked "supervisor," with a
4 signature above the name "supervisor."

5 Is that signature your signature, sir?

6 A Yes, sir.

7 Q And there's certain information about deficiencies noted
8 on the document.

9 Can you explain what the -- what the nature of
10 deficiencies were that you were attempting to detect
11 with reference to this document?

12 A The individual reviewed the paperwork, and she
13 identified these as, like it specifically says, the unit
14 number on the drawing was missing, the rev was missing
15 on the -- the rev of the drawing was missing, and there
16 was no welder ID.

17 Q And were these the only types of deficiencies that your
18 review was intended to detect or were there others?

19 A That was basically all of it.

20 Not only -- not those specifically; but along those
21 lines, if we found anything that was missing, missing
22 information, we detected it and noted it on that sheet.

23 Q And was it in the course of that review, looking for
24 those kinds of defects, that you came across these
25 reports by Mr. DeWald and Mr. Kast and the others?

1 A Yes.

2 Q Now, following the December 14, 1984, letter to Mr.
3 Worthington from Mr. Asmussen, were you made aware at
4 the time of whether there was any response to that
5 letter from Mr. DeWald?

6 A No, sir.

7 Q Were you made aware of any corrective action taken in
8 response to the concerns raised in that letter?

9 A No, sir.

10 Q Did you have any discussions with Mr. Asmussen
11 concerning what response, if any, he got from management
12 to his letter?

13 A No, sir.

14 Q Did you have any discussions with anyone concerning what
15 response, if any, was made to that letter?

16 A No, sir.

17 Q As of today, are you aware whether there was any
18 response to that letter?

19 A No, sir.

20 Q Or any corrective action taken in response to it?

21 A No, sir.

22 Q And when you found these deficiencies in your
23 documentation, were the deficiencies limited to
24 inspections in a particular area, such as cable pans or
25 welding, or did they relate to all areas of Comstock QC

1 inspection work?

2 A It was -- it covered all the areas. We reviewed all
3 documents in the vault.

4 Q And did you find deficiencies in all areas?

5 A I didn't. I didn't specifically review all -- review
6 all the documents. I only did specific areas.

7 Some of the other people reviewed other areas, and
8 I -- they found errors, I'm sure.

9 Q Are you aware of any areas in which deficiencies were
10 not found?

11 A No.

12 Q Now, you testified earlier that you perceived an
13 emphasis on quantity over quality, based on a number of
14 factors.

15 Do you recall any other inspectors complaining to
16 you that they had been pressured to emphasize quantity
17 over quality?

18 A I don't specifically remember any --

19 Q Do you recall --

20 A -- certain person.

21 Q Do you recall Danny Holley complaining to you that he
22 had been pressured while --

23 A I can't recall. He might have.

24 Q Okay.

25 Let me ask you, Mr. Gorman: Do you recall your

1 deposition being taken in this case --

2 A Yes.

3 Q -- on May 13th?

4 Do you recall being asked in your deposition about
5 whether Mr. Holley had said anything to you about being
6 pressured?

7 A I don't remember --

8 Q Okay.

9 A -- specifically what -- there were so many questions
10 that day, I can't remember.

11 Q Okay. Let me see if we can refresh your recollection by
12 referring you to Page 66 of your deposition, Mr. Gorman.

13 Let me just ask you to take a moment to read the
14 discussion concerning Mr. Holley on Pages 66 and 67.

15 (Indicating.)

16 A Yeah, that's possible. I think I remember saying that
17 now.

18 Q Having read that now, Mr. Gorman, does that refresh your
19 recollection as to Mr. Holley telling you that he was
20 being pushed to produce quantity over quality?

21 A I believe at the time I was training with him, he did
22 state to me that he thought he was being pushed to get
23 more quantity out than more quality.

24 Q And approximately what time frame were you in training
25 with him, if you can recall?

1 A I don't remember. I don't really recall.

2 Q Would it have been during the period when you were
3 working in the vault or afterwards when you went out
4 into the field?

5 A No. It was the period when I was in the vault.

6 Q So that would have been sometime during the period
7 between October, 1983, and February of 1985?

8 A Yes, sir.

9 Q And do you recall that it was in approximately the
10 spring of 1984 when the push for additional training
11 began?

12 A I don't recall the specific time period.

13 Q And it is correct, isn't it, Mr. Gorman, that you
14 remained in the vault until at least the end of
15 February, 1985?

16 A It was -- it was February of '85, is all I remember. I
17 don't remember the specific date.

18 Yeah, I think it was towards the end of the month.

19 Q What kind of training were you doing with Danny Holley?

20 A Configuration inspection.

21 JUDGE GROSSMAN: Why don't we take a break
22 for lunch now, unless I'm interrupting a line of
23 questioning, Mr. Cassel.

24 What would you prefer?

25 MR. CASSEL: Only that I'm pretty close to

1 being through, but we can have him pretty close to being
2 through right after lunch as well.

3 JUDGE GROSSMAN: Well, Mr. Gorman would have
4 to come back after lunch anyway, so we'll return at
5 1:15, then.

6 MR. CASSEL: Thank you, Judge.

7 (WHEREUPON, the hearing was continued to
8 the hour of 1:15 o'clock P. M.)
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1 JUDGE GROSSMAN: We're back in session.

2 Mr. Gorman, you are still being examined.

3 Mr. Cassel, please continue.

4 MR. CASSEL: Thank you, Judge.

5 BY MR. CASSEL:

6 Q Mr. Gorman, Mr. Gallo asked you this morning about
7 Comstock executive Mr. Marino and whether he had ever
8 harassed you.

9 Do you recall Mr. Marino ever being on site while
10 you were there?

11 A Yes, sir.

12 Q On approximately how many occasions?

13 A Oh, I imagine three or four times.

14 Q Do you recall in particular a meeting in approximately
15 the spring of 1984 when Mr. Marino spoke to the
16 inspectors as a group?

17 A Yes, sir.

18 Q And what was the essence of that meeting, if you recall?

19 A I think at that meeting -- I'm not really sure.

20 I think he gave several meetings when he came on
21 site spring of '84. I believe in April he came on site;
22 and he was discussing all the upgrading of the pay with
23 the individuals, bring them up to a certain level for
24 pay.

25 Q You referred to several meetings.

1 Did you also attend other meetings at which Mr.
2 Marino spoke?

3 A I think there were a couple others. I can't
4 specifically pinpoint when.

5 I think he did come in a couple times, and I think
6 he did give one other meeting -- oh, yes, prior to the
7 union vote. He came in a couple days prior to the union
8 vote and gave a speech.

9 Q And did you have any one-on-one dealings with Mr.
10 Marino?

11 A Oh, yes. When I was in the vault, I had one-on-one
12 dealings with him.

13 He would come to the vault and I would talk with
14 him or we would discuss items that he wanted to talk
15 about or whatever he may want to discuss.

16 (Indicating.)

17 Q What were the nature of the discussions you had with Mr.
18 Marino in the vault one on one?

19 A Oh, basically he'd come in and ask me how things were
20 going and what things were going on, just different
21 typical questions of that sort; how things were going in
22 the vault.

23 (Indicating.)

24 He'd come in and look the vault over; kind of
25 overview different things.

1 Q And did you ever tell him about any of the problems you
2 were having in terms of backlog and need for additional
3 resources in the vault?

4 A No, sir.

5 Q Did you ever tell him about any of the incidents you had
6 with Mr. DeWald?

7 A No, sir.

8 Q Now, in the Phase 1 portion of the document review, when
9 you detected some shortcoming in a document such that it
10 required reinspection, is it correct that you would
11 attach a separate piece of paper to the document you
12 were reviewing indicating that a reinspection would be
13 needed?

14 A No. I believe most of the -- it was done on the one
15 sheet that had my name on them that -- like the one you
16 showed me Miss Campbell had.

17 I believe it was written on that sheet that it
18 needed the reinspection.

19 Q Now, that was not actually the document that was
20 reviewed? That was a sheet relating to the document
21 you reviewed; is that correct?

22 A Yeah.

23 Q And when reinspection was recommended, were there any
24 problems in terms of the reinspection note that you put
25 on the document, on the separate piece of paper, not

1 being addressed?

2 A There was instances, yes, that it wasn't being addressed
3 properly, and I did bring it to management's attention.

4 Q You also talked about an incident or two involving Mr.
5 Saklak during this morning's testimony.

6 Did you have a perception, Mr. Gorman, that Mr.
7 Saklak's behavior toward Mr. Hii, for example, was
8 strictly a matter of Mr. Saklak's own personality or,
9 instead, that it reflected pressure he was receiving
10 from his superiors?

11 A I feel at the time with Mr. Hii, my own observations, it
12 was his personality.

13 Q How about in general, though?

14 A I think at times Mr. Saklak had a lot of upper-echelon
15 pressure on him; my own observation.

16 Q And by upper-echelon pressure on Mr. Saklak, who in the
17 upper echelon are you referring to?

18 A I would say Mr. DeWald.

19 Q And what type of pressure are you referring to?

20 A To really get the job -- to get more of the job done,
21 get more things done. He wasn't getting enough
22 accomplished.

23 Q And, likewise, with respect to Mr. DeWald, was it your
24 impression that the statements he made, which you
25 interpreted to stress quantity over quality, were

1 strictly a result of Mr. DeWald's own management view or
2 that they, too, reflected pressure that he was receiving
3 from above?

4 A You mean Mr. DeWald was facing?

5 Q Mr. DeWald; right.

6 A I don't know if he was under any pressure to get
7 anything accomplished or not.

8 Q Did you --

9 A I never observed any instances where that may have
10 happened.

11 (Indicating.)

12 Q Did you have a perception that he was under pressure
13 from CECO to increase production?

14 MR. GALLO: I object; asked and answered.

15 He said he didn't know whether Mr. DeWald had
16 experienced any pressure or not.

17 Doesn't that answer this question as well?

18 MR. CASSEL: I think the witness has given a
19 more elaborated testimony in his deposition, and I'm
20 leading up to refreshing his recollection here, Judge.

21 JUDGE GROSSMAN: Overruled, then.

22 A I can't recall.

23 BY MR. CASSEL:

24 Q Mr. Gorman, let me show you Page 38 of your deposition
25 and ask you to review the question beginning at Line 4

1 and your answer to that question, and then after you've
2 had a chance to review that, I'll ask you a question.

3 (Indicating.)

4 A Yeah, it was my -- my own opinion. I did say that,
5 yeah.

6 Q Okay. We need to -- just so the record is clear, you
7 were asked, "Based on the fact that you did report to
8 Mr. DeWald for some time directly, in any other contact
9 you may have had with him, did you have an opportunity
10 to form an opinion as to whether or not he was quality
11 minded," and you answered, "Again, I thought he was. My
12 impression is that he wanted a lot more work done. He
13 was -- again, this is my own opinion. I feel that he
14 was under the pressure of CEC, Commonwealth Edison, to
15 get some things done and that he felt uncomfortable with
16 the amount of work that was being done," and it goes on
17 from there.

18 Do you -- is that your opinion as you -- as you sit
19 here today?

20 A Yeah, that was my own viewpoint at that time when the
21 question was asked me before.

22 Again, that's my opinion as to I thought he might
23 have been under pressure to get some stuff done.

24 (Indicating.)

25 Q And were you also aware, at any time during your

1 employment at Comstock, of rumors that Comstock was in
2 danger of losing its contract at the site?

3 A Shop talk, yes.

4 MR. CASSEL: No further questions, Judge.

5 BOARD EXAMINATION

6 BY JUDGE GROSSMAN:

7 Q I believe you indicated earlier that you are not fearful
8 of testifying here; is that correct;?

9 A Yes, sir.

10 Q I take it you've discussed the prospect of testifying
11 here with others who are under call to testify here,
12 have you, sir?

13 A That have been here previously or --

14 Q Well, I'm just saying that -- no; ones that are expected
15 to be called to testify.

16 Have you, in general, discussed with anyone the
17 fact that they -- not the specifics of what they are
18 going to say, but the fact that they might be called to
19 testify?

20 A Possibly just maybe mentioning it with some of the
21 others that got a subpoena, asking, "Yeah, I'm going,"
22 or, "You're going? "

23 Q Okay.

24 A These people --

25 Q My question is a real easy one.

1 I just wanted to find out if anyone has expressed
2 any apprehension about being called here to testify.

3 A No.

4 Q Okay. What do you think would happen to a QC Inspector
5 if he were to come here and testify that he had ever
6 deliberately overlooked an inspection defect for any
7 reason?

8 A I think he would be terminated if he had -- if he said
9 he did do that deliberately.

10 Q How about if he were to come here and say that he had
11 overlooked a defect because of the press of work?

12 A I really don't know. I don't --

13 Q Do you think he might be in danger of losing his
14 position?

15 A I -- I wouldn't think so today, no.

16 (Indicating.)

17 JUDGE GROSSMAN: Okay.

18 BOARD EXAMINATION

19 BY JUDGE COLE:

20 Q Just a couple questions, Mr. Gorman.

21 In response to a question earlier today, you
22 indicated that the records in the vault were -- I forget
23 your exact words, but, in effect, they were in a mess.

24 Do you recall saying that, sir?

25 A Not specifically.

1 I may have said that, yeah, but I don't recall
2 exactly.

3 Q Well, there were some significant problems with the
4 records --

5 A Yes, sir.

6 Q -- in the vault?

7 A Yes, sir.

8 Q What did you mean by that, sir?

9 A The problems of -- I'm trying to remember what that
10 specific issue we were talking about was.

11 The paper work wasn't complete or possibly items
12 left open or the checklist not stating specifically what
13 they had inspected. In other words, not being a
14 checklist that would stand on its own as a total
15 inspection of the particular item.

16 (Indicating.)

17 Q All right, sir.

18 Now, who was responsible for making sure that that
19 was not the case and that the records were in order?
20 Who's responsibility was that?

21 A Making sure the checklists were properly filled out or
22 they were the proper inspections of the items?

23 I'm --

24 Q Yes.

25 Well, you indicated that there was a problem with

1 the records in the vault?

2 A Yes, sir.

3 Q And if all things were done properly, there should be no
4 problems with the records in the vault?

5 A Yes, sir.

6 Q And who's responsible for making sure that there are no
7 problems with the records in the vault?

8 A Well, there's several people involved:

9 The inspector themselves that fills out the
10 checklist; the Level II Inspector who signs it as saying
11 that the checklist is complete.

12 Totally, I guess Comstock management would be
13 responsible to make sure everything is complete.

14 Q I believe you indicated you had document review
15 responsibilities?

16 A Yes, sir.

17 Q You get the records from the inspectors prior to the
18 time they go into the vault?

19 A From the supervisor after they have reviewed them and
20 transmitted them to me.

21 Q All right, sir.

22 So are you the last one who handles the documents
23 before they go into the vault area?

24 A Yes, sir, I was at that time.

25 Q Well, in what way are you responsible for the status of

1 the records in the vault?

2 A The status?

3 Q Did all this happen before you got there?

4 A Yes, a lot of it happened prior to me coming there.

5 My responsibility, again, like I said, was to make
6 sure the checklist was completely filled out.

7 I wasn't responsible for inspection itself, making
8 sure that it was done, explained exactly, the item in
9 the field.

10 I was responsible to make sure that all of the
11 blanks were filled in; that I was trained to make sure
12 they were properly filled out; all -- everything was
13 signed, dated; no check marks were left out of the boxes
14 that should have check marks; writeovers or something of
15 that sort was properly addressed.

16 (Indicating.)

17 Q And do you feel that you accomplished the task that you
18 were supposed to be doing during the time period that
19 you were responsible for this, sir?

20 A Yes, sir.

21 Q And the problems that you found there -- could you tell
22 me again what kinds of problems they were and what time
23 periods might be involved?

24 A Oh, gosh.

25 I just looked at the -- almost every piece of paper

1 that came in there.

2 There would be lineouts or writeovers or dates
3 missing or something of that sort; they would leave off
4 a drawing -- a drawing number; different things of that
5 sort.

6 There were many, many items that could be wrong
7 with it. It's hard to address a specific one.

8 Q The problems that you found, what time period were they,
9 particularly with respect to the time that you were
10 responsible for documents getting into the vault?

11 A It was all the time that I was a Lead Inspector there in
12 the vault for approximately a year, I believe it was, or
13 somewhere around that time period.

14 Q So they were documents that were generated before both
15 and during your tenure in that position?

16 A Yes.

17 JUDGE COLE: All right, sir.

18 Thank you.

19 JUDGE GROSSMAN: Mr. Berry.

20 MR. BERRY: Miss Chan will represent the
21 Staff.

22 CROSS EXAMINATION

23 BY MS. CHAN:

24 Q Mr. Gorman, I'd like to show you an exhibit labeled
25 Applicant's Exhibit 39. It's a notice to employees by

1 the U. S. Nuclear Regulatory Commission.

2 (Indicating.)

3 I'd like you to look at it and see whether or not
4 you remember seeing that posted around the site.

5 A Yes, I believe I've seen this before.

6 Q In your previous testimony, you said that you did not
7 fear any retaliation, such as firing, for appearing in
8 this hearing.

9 You'll note here, if you can read that --

10 A Uh-huh.

11 Q -- one paragraph says, "Can I be fired for talking to
12 the NRC," and another paragraph says, "May I talk with
13 an NRC Inspector without fear of retaliation?"

14 When you went to the NRC, were you aware of your
15 protections under this?

16 A I don't remember. I don't recall that I was, no.

17 That may have been posted around the area and I
18 just never really read it that thoroughly.

19 Q I see.

20 MR. GUILD: Mr. Chairman, for the record, as
21 noted previously when counsel raised this document with
22 a prior witness, the record still does not establish
23 which version of the form this is.

24 We're awaiting some clarification from Applicants
25 on that point.

1 MR. GALLO: Applicants?

2 BY MS. CHAN:

3 Q Mr. Gorman, did you understand generally that you
4 couldn't be fired for going to the NRC to discuss any of
5 the matters you discussed with them?

6 A No, not at the time that I went to the NRC. I wasn't
7 really sure.

8 Q Had anyone told you, like Mr. Bossong, when he asked you
9 to come along?

10 A No.

11 Q Do you recall a meeting with NRC Inspector Mr. Mendez?

12 A Yes, ma'am.

13 Q And at the time of that meeting, which lasted -- did
14 that last about 20 -- excuse me -- 30 or 40 minutes, as
15 you recall?

16 A I don't remember the exact time.

17 Q At that time, did he assure you -- were you talking one
18 to one with him?

19 A Yes, ma'am.

20 Q And did you feel free to speak to him --

21 A Yes, ma'am.

22 Q -- honestly?

23 JUDGE COLE: Did you answer that last
24 question?

25 JUDGE GROSSMAN: After she said "Honestly," I

1 take it the answer is yes?

2 THE WITNESS: Yes.

3 BY MS. CHAN:

4 Q And were you aware that no punitive action could be
5 taken against you for anything you said to the NRC
6 Inspector?

7 A I don't specifically recall the conversation Mr. Mendez
8 and I had at that time.

9 I don't remember if he pointed that out or what.
10 I wasn't aware that I couldn't be fired.

11 Q I see.

12 You -- were you aware that the NRC was
13 investigating the concerns brought up by the inspectors
14 who had gone to the NRC on March 29th?

15 A Yes, ma'am.

16 Q And that a report was to be written based on the
17 investigations of this inspector, and that information
18 you were supplying to him at this time would be used in
19 his report?

20 A Yes, ma'am.

21 Q And did you feel the responsibility to cooperate and be
22 truthful --

23 A Yes, ma'am.

24 Q -- in that interview?

25 Did Mr. Mendez ask you about your relationship with

1 Mr. DeWald at that time?

2 A I don't remember.

3 Q Do you recall telling him about Mr. DeWald?

4 A Yes, I believe I did.

5 Q Early in your testimony, you had -- I believe it was Mr.
6 Gallo had brought to your attention Intervenors' Exhibit
7 42A, which was a letter from Chuck Weil, Mr. Weil, of
8 the NRC, that set forth some of the information about
9 the inspectors' allegations brought up at the March 29th
10 meeting?

11 A Yes, ma'am.

12 Q And you said -- and you said that you had received a
13 copy of that --

14 A Yes, ma'am.

15 Q -- from the NRC?

16 I'd like to show you a cover letter dated April 8th
17 from Charles Weil addressed to you at 317 North
18 LeVesseur Avenue --

19 (Indicating.)

20 A Uh-huh.

21 Q -- in Bourbonnais, Illinois.

22 Do you recall receiving that?

23 A I possibly could have. I don't remember at this time
24 that I did get it.

25 I didn't keep it if I did.

1 MS. CHAN: All right. I'd like to mark this
2 Staff Exhibit No. 4, please.

3 (The document was thereupon marked
4 Staff Exhibit No. 4 for identification as
5 of June 26, 1986.)

6 BY MS. CHAN:

7 Q If you can look at the last paragraph in this letter and
8 read it to yourself, that last paragraph requests that
9 if you have any additional information or corrections to
10 the enclosure, or any questions, that you contact Mr.
11 Weil.

12 Do you recall contacting Mr. Weil about any
13 comment on the enclosures?

14 A No, ma'am.

15 Q Early in your testimony, you discussed deadlines that
16 Mr. DeWald had imposed on assignments he had given you.

17 Can you describe what kind of work assignments
18 these were?

19 A Information that he would need to give for auditors or
20 give to Commonwealth Edison.

21 Q Was it something like locating a particular document?

22 A Yes, ma'am.

23 Q Did he ever ask you to review large quantities of
24 documents and report to him within a short period of
25 time?

1 A No, I can't remember of any specific instance.

2 Q So the deadlines he gave you for identifying or locating
3 a particular document for them -- for him were just
4 times that he would like to have you find a document by;
5 is that correct?

6 A Yes.

7 Q Do you see any problem with a manager giving you a time
8 at which he needed certain material so that he could --

9 A No; if it's a reasonable time, if -- if I can accept it
10 as a reasonable time.

11 If I --

12 Q Did you finish your answer?

13 A Yeah.

14 Q So do I understand your testimony that you found that
15 the time that Mr. DeWald gave you to identify or locate
16 a particular document was unreasonable?

17 A In some instances, yes, and to complete my daily work.

18 Q If Mr. DeWald had not given you a particular deadline by
19 which to find a certain document, when would you do it?

20 A Well, I -- I would set it in my priorities as to what
21 was to be done first.

22 I would still try to meet the deadline, but in a
23 different manner.

24 Q You mentioned that Mr. DeWald -- if he didn't give you a
25 time by which he needed the document, would you just

1 decide in your own mind how it would fit with your daily
2 schedule and how much you had to do and then do it at a
3 time that was convenient for you?

4 A I would rearrange my priorities to where I could, yes --

5 Q Isn't the --

6 A -- do it.

7 Q Isn't -- the assignment of a deadline, doesn't that help
8 you set priorities as to when it should be done?

9 A To some -- some extent, yes; but you also have deadlines
10 of your own work to do every day to meet as well as
11 priorities of other items.

12 Q You've testified that you thought Mr. DeWald was
13 somewhat militaristic in that he held mass meetings for
14 mass discipline and you thought this was unfair.

15 Do you recall any time when one of the suggestions
16 at the mass meetings might have been directed to you if
17 it were on a one-to-one basis?

18 A No. I just felt that it was directed at everyone at the
19 meeting.

20 Q But no one time, when Mr. DeWald was giving one of his
21 disciplinary meetings, did you feel that that particular
22 comment was addressed to you in particular?

23 MR. GALLO: Objection; form of the question;
24 use of the term "disciplinary"; no foundation.

25 JUDGE GROSSMAN: I'm sorry.

1 What is the objection?

2 I didn't hear it all, Mr. Gallo.

3 MR. GALLO: Form of the question; the use of
4 the word "disciplinary"; lack of foundation for that
5 characterization.

6 MS. CHAN: I'll rephrase the question.

7 BY MS. CHAN:

8 Q Did any of the comments that Mr. DeWald made at one of
9 these mass meetings -- did you feel that that applied to
10 you as an individual?

11 A Yes, I think it applied to everybody at the meeting.

12 It all depends how the individual takes it in
13 context.

14 Q But did you feel that any of those were justifiably
15 addressed to you as a -- as opposed to Mr. DeWald's
16 general address to all the inspectors?

17 A No.

18 Q You've testified that you were afraid that you might be
19 fired if you missed a deadline that Mr. DeWald had set
20 for you.

21 Can you please elaborate on the basis for your --
22 for that fear?

23 A The interpretation I got of how he came across to -- for
24 me to do the -- the --

25 Q So it was his attitude or --

1 A Yes, the impression I formed of him of how he came
2 across.

3 Q He didn't threaten you with firing, did he?

4 A No.

5 Q Do you know if anyone has been disciplined or written up
6 for failure to meet a deadline set by Mr. DeWald?

7 A No.

8 Q Do you know if anyone has been fired for failure to meet
9 a deadline set by Mr. DeWald?

10 A No.

11 MS. CHAN: I have no further questions for
12 the witness at this time.

13 Thank you, Mr. Gorman.

14 JUDGE GROSSMAN: Mr. Gallo, redirect.

15 REDIRECT EXAMINATION

16 BY MR. GALLO:

17 Q One follow-up question to counsel's questions.

18 Did you feel, during any of these general meetings
19 which Mr. DeWald was conducting, that you -- even though
20 he was talking to the masses generally of inspectors,
21 that you yourself was being singled out for criticism?

22 A No.

23 Q In answer to one of Mr. Cassel's questions, you
24 indicated that -- I believe it was your testimony that
25 you returned to work in the vault in November of 1985.

1 Do you remember that testimony?

2 A Yes, sir.

3 Q All right. And what did you do exactly at that time
4 when you returned to the vault?

5 A I didn't really go back into the vault.

6 We were assigned as document reviewers of specific
7 areas that we were certified in, and there was several
8 individuals involved in this, and I was picked as one
9 individual to do the research on items that had
10 identified problems.

11 (Indicating.)

12 Whatever they may be, it was my job to take that
13 document and make it right, correct it to the specific
14 problems that were identified by other individuals who
15 had done the document review.

16 (Indicating.)

17 Q Did you ever return to the field after November, '85, to
18 do inspections?

19 A Yes, sir.

20 Q Do you remember approximately when that was?

21 A March of this year, I believe.

22 Q March of '86?

23 A Yes, sir.

24 Q You were showed Intervenors' Exhibit 18 by Mr. Cassel,
25 and in particular, I believe you looked at a -- an

1 inspection checklist by a Mr. Yanketis.

2 Do you recall that?

3 A Yes, sir.

4 Q First of all, you testified with respect to the present
5 practice of -- of recording inspection results.

6 I believe it was your testimony that generally the
7 results of one day's inspections are supposed to be
8 recorded by the inspector on the checklist after that
9 day is over; is that correct?

10 A If he's completed with that inspection and signs off the
11 checklist, yes.

12 Q And is that a -- a rule established by Mr. DeWald; do
13 you know?

14 A I believe it was, yes.

15 Q Now, do you know, from your review of -- of inspection
16 checklists, how the -- the inspected welds are recorded
17 on the checklist?

18 Is it by hanger?

19 A It all depends what you are inspecting.

20 If you are inspecting a hanger, you do the welds
21 that are on that specific hanger, yes, sir.

22 Q You would report that particular -- you would show that
23 particular hanger --

24 A Yes, sir.

25 Q -- on the checklist?

1 A Yes, sir.

2 Q And if you did two hangers that day, you would show both
3 of them on the checklist?

4 A No, sir.

5 Q How would you reflect that?

6 A You would fill out separate checklists for each
7 individual one you inspected.

8 Q All right. Now, returning to the checklist that is part
9 of Intervenor's 18, the one signed by Mr. Yanketis, can
10 you tell me, from looking at the checklist, when that
11 was signed off by Inspector Yanketis?

12 A It looks like it was signed off 5/8/79.

13 Q 1979?

14 A Yes.

15 Q And is this the checklist that shows 1,166 welds
16 inspected?

17 A This doesn't -- well, yes, 1,166 welds.

18 (Indicating.)

19 It doesn't specifically say welds. "Quantities of
20 weld this grid, 1,166," yes.

21 Q "Quantities of weld this grid, 1,166"?

22 A Uh-huh.

23 Q Now, what does that mean, if you know?

24 A I don't really know. I'm not a Weld Inspector.

25 Q Are you aware of -- of the use of the designation,

1 within a particular area, of grids for purposes of weld
2 inspection?

3 A No, sir.

4 Q Do you know how many hangers would be in a grid?

5 A Several. I'm not really familiar with how many would be
6 in there.

7 I would say there are -- there could be a hundred,
8 200 in there.

9 Q What, hangers?

10 A Yes, sir.

11 Q Well, then, you are familiar, to some extent, of what a
12 grid means or --

13 A Yes, sir.

14 Q -- or what it describes in terms of this checklist; is
15 that correct?

16 A Yes, sir.

17 Q Well, can you help me and give me that understanding,
18 please?

19 A Basically, a grid could be a whole area of a room, one
20 specific room.

21 Q It's kind of an arbitrarily-designated area --

22 A Yes, sir.

23 Q -- in the room?

24 And from looking at this checklist, can you tell
25 whether or not the 1,166 welds represents a

1 particular -- or not a particular, but a grid area?

2 I'll give it back to you if you would like to look.

3 (Indicating.)

4 A I can basically go by the checklist that is represented
5 by the cover sheet that tells you how many hangers he
6 did within that specific area.

7 Q And how many is that?

8 A Do you want me to count them all?

9 Q No.

10 It's several, isn't it?

11 A Yes.

12 Q It speaks for itself, yes.

13 The witness is referring to the sheet dated May 8,
14 1979, in front of the checklist that I asked him
15 questions about, all of which is a part of Intervenor's
16 Exhibit 18.

17 Can you tell, from the documentation in front of
18 you, for certain whether or not those hangers were all
19 inspected in one day?

20 A No, sir.

21 Q But it's clear from looking at the exhibit, in the
22 sheets I showed you of Exhibit 18, that at least in --
23 in 1979, the practice was other than what you were
24 familiar with and testified to; is that correct?

25 A Yes, sir, yes, sir.

1 Q Instead of showing -- reflecting the results of
2 inspection on one hanger per checklist, it was several
3 hangers per checklist?

4 A As far as I know.

5 Q I believe you testified that you were familiar -- in
6 answer to Mr. Cassel's questions, that you were familiar
7 with several other instances, involving other people
8 besides Mr. DeWald, of large numbers of welds being
9 inspected and -- and that being shown on a particular
10 checklist.

11 Do you recall that?

12 A Yes, sir.

13 Q I'm going to show you a document that's part of
14 Intervenor's Exhibit 19. It's from -- well, part of it
15 is whited out or not reproduced; but, anyhow, it's to a
16 Mr. Smitana at Pittsburgh Testing Lab from what looks
17 like -- from an individual whose first part of the name
18 I can recognize as Brown.

19 (Indicating.)

20 A Uh-huh.

21 Q Do you recognize that individual? Can you help me with
22 who that is?

23 A I think he was QC Manager on site at that time for L. K.
24 Comstock.

25 That is before my time.

1 Q His name was Brown?

2 A Robert Brown.

3 Q All right. What I'm referring to is this memorandum
4 dated March 12, 1981, and ask if you had seen this
5 particular document before this time.

6 You can look at the second page as well.

7 (Indicating.)

8 A I possibly could have seen it before.

9 I reviewed thousands of pieces of paper, and I
10 can't recall.

11 Q You can't recall this particular one?

12 A No, sir.

13 Q Does this show -- can you tell from this document who
14 the inspector was that reported the results of the -- of
15 his inspections?

16 A It looks like Mr. DeWald was the inspector.

17 Q Could you see from the document the total number of
18 welds that he inspected?

19 A Yes.

20 Q What is that number?

21 A According to the document, it says 551.

22 Q Can you tell from the documents in front of you whether
23 it's -- those inspection results are reported on a grid
24 basis or not?

25 A I would say yes.

1 It's from the grid of Q to V 10.7 to 15 area.

2 Q What does that mean?

3 A Oh, it's a specific area within the plant that he did
4 inspections there.

5 Q And that would be one of these so-called grid areas?

6 A Yes.

7 Q Do you recall -- do you recall or know when the -- the
8 practice at Comstock was changed for reporting
9 inspection results of welds on a -- on a -- multiple
10 inspection results on one inspection checklist versus
11 just one particular hanger on one checklist?

12 A I think that was already a practice at the time when I
13 started with Comstock. I'm not really positive.

14 Q You believe it was in October of '83?

15 A I think it was.

16 Q Do you know whether it was in -- it was a practice that
17 was being implemented prior to your coming to the site?
18 Do you recall?

19 A I don't know, I don't recall, I don't remember.

20 Q Returning to Exhibit -- Intervenors' Exhibit 18, you
21 were showed a letter in that exhibit written by Mr.
22 Asmussen to Mr. Cassel.

23 Do you recall being shown that letter?

24 A Yes, I saw it from him.

25 Q And he asked you a number of questions about whether or

1 not you were aware of -- of any corrective action that
2 was taken and whether or not Mr. Asmussen was given any
3 advice with respect to any corrective action.

4 Do you recall those questions?

5 A Right.

6 Q I believe you indicated that you -- you were not aware?

7 A I don't recall being aware of it.

8 Q Can you tell, from the front page of Exhibit 18, whether
9 or not Comstock management made Mr. Asmussen aware of
10 the corrective action -- of any corrective action?

11 Yes, that's two pages; and take your time.

12 A From looking at this, it seems that Mr. DeWald answered
13 his letter and sent him a copy of it.

14 His name is mentioned in here to get a carbon copy
15 of it.

16 Q Who are you referring to?

17 A Mr. Asmussen.

18 Q All right, all right.

19 Do you know whether or not Mr. Asmussen took any
20 further action with respect to this matter after he
21 received this memorandum -- a copy of this memorandum
22 from Mr. DeWald?

23 A No, sir.

24 Q Do you know whether he did any further inspections?

25 A Further inspections in the field or --

1 Q No.

2 A -- researched it further?

3 Q Inspections with respect to the matter he was referring
4 to in his letter there.

5 A I don't know.

6 Q You don't know?

7 A I really don't know.

8 Q Have you ever seen -- to your recollection, have you
9 ever seen any inspection reports -- they are Form 19,
10 aren't they? Isn't that what they are called, Form
11 19's?

12 A There are several forms.

13 Form 19's a welding inspection, yes, sir.

14 Q Yes.

15 Have you ever seen any Form 19's signed by Mr.
16 DeWald showing more than 551 welds being inspected?

17 A I can't recall.

18 Q I believe you testified that -- that Mr. DeWald was on
19 site at two different times?

20 A Yes, sir, to my knowledge, he was.

21 I wasn't there when he was there the first time.

22 Q Well, do you know when he was there the first time?

23 A No, sir.

24 Q Do you know what year he -- he came on site the first
25 time?

1 A No, sir.

2 Q Do you know when he left?

3 A I believe it was -- I can't say for sure. I think it
4 was 1981. I'm not really positive.

5 Q Do you know what he did when he was on site during that
6 first time?

7 A Welding inspector.

8 Q And then when did he come on site the second time, to
9 your recollection?

10 A He was there before I got there in 1983, October. I
11 believe he was there in August or September.

12 Q All right. At these mass meetings that you attended, do
13 you ever recall Mr. DeWald saying something like, when
14 he was urging these inspectors to do more work, "By
15 golly, if I could do a thousand welds in a day, you
16 ought to be able to do much more than what you are
17 doing," words to that effect?

18 A I don't recall any specific instance, no.

19 Q Now, I believe you testified that --

20 JUDGE GROSSMAN: Excuse me.

21 Mr. Gallo, are you on a different topic than
22 Exhibit 18 now?

23 MR. GALLO: Yes.

24 JUDGE GROSSMAN: Do you mind if I ask one or
25 two questions here so we can get you back on redirect?

1 MR. GALLOW: Go ahead.

2 BOARD EXAMINATION

3 BY JUDGE GROSSMAN:

4 Q Mr. Gorman, Mr. Gallo asked you a question referring you
5 to the inspection report on Intervenors' Exhibit 18, and
6 asked you whether, from looking at that report, you can
7 tell when the inspection was performed, and I think you
8 said no, you couldn't.

9 Could you take another look at that document now?

10 MR. GALLO: Your Honor, I think I asked him
11 if he could tell when it was signed off, and he did give
12 me an answer to that question.

13 THE WITNESS: Yes, he asked me.

14 He asked me, also, if I could tell him if all those
15 inspections were done over a period of time or on one
16 day.

17 JUDGE GROSSMAN: Well, I think the question I
18 heard was whether you could tell, from looking at the
19 inspection report, what date the inspection was
20 performed on.

21 Did you ask that question, Mr. Gallo?

22 MR. GALLO: Well, go ahead and ask it, Judge.

23 JUDGE GROSSMAN: Well, I will ask you.

24 BY JUDGE GROSSMAN:

25 Q Can you, from looking at the form?

1 A No, that's not the form I looked at, sir.

2 Q Oh, okay.

3 A It was this one here I looked at.

4 (Indicating.)

5 That's a PTO overview of the inspection of what he
6 turned in.

7 JUDGE GROSSMAN: Well, then I'm sorry I
8 interrupted your questioning, Mr. Gallo.

9 JUDGE CALLIHAN: While you are interrupted,
10 Mr. Gallo, may I ask a question?

11 (Laughter.)

12 BOARD EXAMINATION

13 BY JUDGE CALLIHAN:

14 Q Mr. Gallo showed you Exhibit 19, which, if I may --

15 MR. GALLO: Yes.

16 BY JUDGE CALLIHAN:

17 Q -- we'll also bring to your attention.

18 (Indicating.)

19 Tell us what that front page shows; will you
20 please?

21 There are a number of items, most of which, at any
22 rate, are prefixed by an H --

23 A Yes, sir.

24 Q -- listed.

25 What do those tell you?

1 A It tells me that they are specific hangers in the field.

2 The designation H means it is a cable pan hanger,
3 and that of all those cable pan hangers that he
4 inspected, there was 515 -- I'm sorry -- 551 total
5 welds.

6 Q On all the hangers.

7 So these are not individual welds; these are the
8 hangers --

9 A Yes, sir.

10 Q -- that are listed?

11 A Yes, sir.

12 These hangers may have as many as 15, 20 welds on
13 each one --

14 JUDGE CALLIHAN: Yes.

15 Thank you very much.

16 A (Continuing.) -- or more.

17 I'm not really sure.

18 (Indicating.)

19 BY MR. GALLO:

20 Q I believe you were asked by Mr. Cassel whether or not it
21 was your perception that Mr. Saklak was being pressured
22 by his -- his upper echelon, was the term I believe you
23 used, and you clarified that to mean Mr. DeWald; is that
24 correct?

25 A Yes, sir.

1 Q And I think you indicated that you thought he was; is
2 that correct?

3 A Yes, sir.

4 Q How did you learn of -- of this pressure of Mr. DeWald
5 upon Mr. Saklak?

6 A Just my own personal observation of how Mr. Saklak was.

7 Q Did Mr. Saklak ever discuss it with you?

8 A No.

9 Q He didn't complain to you that Mr. DeWald was on his
10 back and, therefore, something had to be done?

11 A No.

12 Q Did Mr. DeWald ever discuss it with you?

13 A No, sir.

14 Q Did any of your fellow inspectors indicate to you that
15 they had heard such a thing?

16 A No, sir.

17 Q Is it fair to say that your judgment that Mr. Saklak was
18 being pressured by Mr. DeWald was just an inference you
19 drew based on what you observed and the way Mr. Saklak
20 behaved?

21 A Yes, sir.

22 Q You also testified that you thought that Mr. DeWald was
23 being pressured by CECco.

24 Do you recall that testimony?

25 A I thought that -- I thought that may be -- there may --

1 he may be being pressured by Commonwealth Edison to get
2 work caught up and done. That was my own feelings.

3 Q It was your own feeling that he may be pressured?

4 A Right.

5 Q Did you know, in fact, that he was being pressured?

6 A No.

7 Q Did Mr. DeWald ever complain to you about that?

8 A No.

9 Q Did you ever observe a situation where it was clear to
10 you that some member of Commonwealth Edison was
11 pressuring DeWald?

12 A No.

13 Q You had indicated that you had heard through shop talk
14 that it was possible that Comstock might lose the
15 contract for the work at Braidwood.

16 A Yes, sir.

17 Q Was that just the QC inspection work or was that the
18 contract as a whole; do you recall?

19 A The contract as a whole.

20 Q Was that because -- the shop talk was because production
21 was behind schedule?

22 A You mean as far as QC Inspectors or are you talking
23 production people?

24 Q Yes, production people.

25 A I'm not really sure why, what the reasons were.

1 Q Now, Mr. Cassel asked you a couple questions about Mr.
2 Holley --

3 a Yes.

4 Q -- and he referred to the deposition transcript at Pages
5 66 and 67.

6 I'm going to show them to you in a minute for
7 purposes of refreshing your memory as to whether or not
8 you had ever been told by Mr. Holley that he had
9 experienced a situation where DeWald or QC management
10 emphasized quantity over quality.

11 Do you recall that series of questions by Mr.
12 Cassel?

13 A Yes.

14 Q And he showed you -- at first you answered that you
15 didn't -- you couldn't recall.

16 Do you recall that?

17 A Right.

18 Q Then he showed you the transcript and that refreshed
19 your memory?

20 A Yes, sir.

21 Q Now, I want to show you the -- we'll start on Page 66.
22 Mr. Holley's name is -- is mentioned for the first time
23 on this page at Line 19; and I'll read the -- the
24 question -- well, the two prior questions.

25 "All right" -- this is a question -- I guess the

1 questioner is Ms. Kezelis.

2 "Q All right. This is while you were training
3 people or when you were being trained?"

4 "A When I was being trained

5 "Q And these were people who were training you
6 that were telling you that they got pushed, some
7 individuals?

8 "A Some individuals; not all of them.

9 "Q Of the names that you gave me earlier today,
10 can you recall who they might have been?

11 "A Danny Holley.

12 "Q Danny Holley. Okay.

13 Anybody else?

14 "Not that I recall," is the answer.

15 "Q Do you recall what you said to Mr. Holley
16 when he said that to you?

17 "A No. I just more or less listened to him to
18 see what he had to say.

19 I could have made some comments back. I
20 don't remember.

21 "Q Did he ever tell that you a particular number
22 of inspections were imposed upon him; that he was
23 required to perform a particular number?

24 "A No.

25 "Q Did he ever tell you that any kind of quota

1 was being imposed upon him?

2 "A No.

3 "Q Okay. Did he ever tell you what the basis
4 was for his feeling of pressure to perform more
5 inspections?

6 "A No.

7 "Q Did he ever tell you that he had been
8 instructed to ignore the quality of his inspections for
9 quantity or words to that effect" -- I'll repeat that
10 question.

11 "Q Did he ever tell you that he had been
12 instructed to ignore the quality of his inspections for
13 quantity or words to that effect?

14 "A Not that I can recall.

15 "Q Did he ever identify who he thought was
16 pressuring him?

17 "A I think it was Mr. Saklak at that time."

18 And then there's a series of questions on Page 68
19 that go on about the relationship between Saklak and
20 Holley.

21 Now, the question is:

22 Mr. Gorman, what was there about these two pages
23 that you read in answer to Mr. Cassel's question that
24 refreshed your memory that Mr. Holley had told you that
25 he felt that QC management was emphasizing quantity over

1 quality?

2 If you want to take some time to look at this,
3 that's all right.

4 A Just the way he was discussing things with me when I was
5 training, that they wanted more work put out.

6 Q Well, was there anything on Pages 66 or 67 that
7 refreshed that memory --

8 A No.

9 Q -- or is this just something that you recall?

10 A Well, I recalled it after I seen it there, what I had
11 said at the deposition.

12 (Indicating.)

13 Q So you recalled your conversation with Mr. Holley at
14 that time; is that right?

15 A Yeah.

16 Q Okay. And, I mean, you recall now your conversation
17 with Mr. Holley?

18 A Right.

19 Q And Mr. Holley told you that he thought there was an
20 emphasis on quantity versus quality; is that correct?

21 A Yes.

22 Q And that was during the training exercise?

23 A Yes, sir.

24 Q Okay. Did he explain to you the basis for his opinion?

25 A I don't recall that, no.

1 Q Did you ask him?

2 A I don't think so.

3 Q Do you recall your reaction to his statement?

4 A I just -- like I said in the statement there in the
5 deposition, I just kind of listened to him to see what
6 he had to say.

7 (Indicating.)

8 Q I'm going to show you Pages 66 and 67 again, and in
9 particular, the questions and the answers on Page 67.

10 (Indicating.)

11 My question is:

12 If I were to --

13 JUDGE GROSSMAN: I'm sorry.

14 Is there a pending question?

15 MR. GALLO: The witness is reading the next
16 page that I am going to direct my question to.

17 I'm waiting for him to finish.

18 MR. GUILD: The next page?

19 MR. CASSEL: Which page is that, Joe?

20 MR. GALLO: He's now on Page 69.

21 MR. CASSEL: Which page do you want to ask
22 about?

23 MR. GALLO: 66.

24 MR. CASSEL: 66.

25 BY MR. GALLO:

1 Q Okay. Have you finished?

2 A Yes, sir.

3 Q Actually, it's 67.

4 Now, Mr. Gorman, looking at Page 67, if I were to
5 ask you the same questions that were asked of you during
6 your deposition and the questions as they are reflected
7 on this page, would your answers be the same?

8 A Yes.

9 Q Take your time and look -- check your answers.

10 (Indicating.)

11 If you want to change any of the answers, feel free
12 to do so.

13 Would your answers be the same?

14 A Basically, I think so, yeah.

15 Q Did you ever consider going to the NRC and complaining
16 about Mr. DeWald prior to March 29, 1985?

17 A No, sir.

18 Q When did you have your meeting with Mr. Mendez?

19 A I don't remember.

20 Q Was it after --

21 A It was after that, I believe, yes.

22 Q After March 29th, after March 29th?

23 A Yes, yes, I'm pretty sure it was.

24 Q As part of your duties when you were in the vault, did
25 you routinely or otherwise review the welder

1 qualification records looking for discrepancies?

2 A In what area are you talking about?

3 As far as if they're qualified?

4 Q Yes.

5 A We reviewed them -- I can't remember.

6 Q Take your time.

7 A Yes, I think we did do that when we did document review,
8 to make sure that an individual that did do inspections
9 was qualified -- certified at the time of his
10 inspection.

11 Q Yes. My question wasn't clear enough.

12 What I meant to say was:

13 Did you review welder qualification records looking
14 for --

15 A No, sir.

16 Q -- discrepancies?

17 A No, sir.

18 I thought you meant weld inspectors. I'm sorry.

19 Q No. My question was not clear.

20 In answer to one of Mr. Grossman's questions, I
21 believe you -- you indicated that -- that you didn't
22 believe that if someone testified in this proceeding
23 that they had overlooked a defect during an inspection
24 or during a document review -- and you correct me if I'm
25 characterizing your position wrong -- that you didn't

1 believe that if that was disclosed in this hearing, that
2 that individual would be fired; is that a fair
3 statement?

4 JUDGE GROSSMAN: Excuse me.

5 I said "deliberately," and so that if someone
6 testified that he had deliberately overlooked a defect
7 for any reason, that he would be fired.

8 MR. GALLO: All right.

9 BY MR. GALLO:

10 Q I thought that Judge Grossman also asked you whether or
11 not you would be fired if just because you testified you
12 overlooked a defect because of the press of work.

13 Do you recall that testimony?

14 A No, I don't remember.

15 JUDGE GROSSMAN: Well, I'll recall it for
16 you.

17 The witness didn't answer in the affirmative there.

18 He said he didn't know what would happen.

19 BY MR. GALLO:

20 Q Does that now refresh your memory?

21 A (Indicating.)

22 Q All right. Do you know what would happen if -- if it
23 was disclosed that a discrepancy was overlooked because
24 of pressure from a supervisor to get work done?

25 Do you think an inspector might be terminated in

1 that event?

2 A Possibly.

3 Q You testified, in answer to one of Mr. Grossman's
4 questions, that -- that you thought they would be
5 terminated if they testified that they deliberately
6 overlooked a -- a defect.

7 Do you recall that?

8 A Yes.

9 Q Now, I asked you earlier this morning whether or not you
10 had over -- ever purposely overlooked a defect during
11 either your document review days or when you were an
12 inspector in the field and I believe your answer was no.

13 Do you recall that testimony?

14 A Yes; not to my knowledge.

15 Q Yes.

16 Well, I -- I'm talking about knowingly doing it,
17 deliberately.

18 And you said no; is that correct?

19 A Correct.

20 Q And that's still your testimony right now?

21 A (Indicating.)

22 Q Now, you understand that you are under oath, do you, Mr.
23 Gorman?

24 A Yes.

25 JUDGE COLE: Mr. Gorman, the question before

1 last, you just nodded your head.

2 That might not come across in the transcript. You
3 have to answer yes or no.

4 THE WITNESS: Okay.

5 Yes.

6 MR. GALLO: Okay. Let's start it again.

7 BY MR. GALLO:

8 Q Do you recall your earlier testimony that you had not
9 knowingly overlooked a defect during your document
10 review days in the vault or when you were inspecting in
11 the field?

12 Do you recall that testimony?

13 A Yes.

14 Q And you said no?

15 A To the best of my knowledge, yes.

16 Q Right.

17 And is that your testimony right this instant?

18 A Yes.

19 Q Now, are -- are you giving me that answer because you
20 fear that you are going to be fired or because you
21 believe it to be true?

22 A I believe it to be true, sir.

23 Q What do you think would happen to a supervisor if it was
24 disclosed in these hearings that he had urged and
25 pressed QC Inspectors to overlook quality in favor of

1 quantity?

2 Do you think he would be fired.

3 A I can't answer that question. I'm not in that position
4 to say whether the guy would be fired or not.

5 Q You don't know?

6 A I don't know.

7 Q Do you know what happened to Mr. Saklak?

8 A I've heard several stories on what has happened to him.

9 Q Are you aware he was fired?

10 A No, sir. I was aware that he was laid off until further
11 investigation of the allegations against him.

12 Q Has he -- has he returned to the site to work?

13 A I don't know.

14 Not -- to my knowledge, I haven't seen him.

15 (Indicating.)

16 MR. GALLO: I have no further questions.

17 JUDGE GROSSMAN: By the way, just to clarify
18 the record, I think, in response to that question I
19 asked, rather than the witness saying he didn't know, I
20 believe he said that he didn't think so.

21 MR. GALLO: That's right.

22 JUDGE GROSSMAN: And so I apologize for
23 putting the wrong answer. My recollection was wrong at
24 the time.

25 Mr. Cassel.

1 RE CROSS EXAMINATION

2 BY MR. CASSEL:

3 Q Mr. Gorman, when we were earlier discussing the 1,166
4 welds on one report document, Judge Grossman pointed out
5 that there were two concerns raised in the letter that
6 Mr. Asmussen wrote about that; one being the number of
7 inspections and the other being the fact that there were
8 no defects found.

9 And then Mr. Gallo showed you Intervenors' Exhibit
10 19, indicating on one inspection report that Mr. DeWald
11 had reviewed 551 welds.

12 Can you tell, Mr. Gorman, from that inspection
13 report, whether Mr. DeWald found any defects in the 551
14 welds he inspected?

15 A I'd rather not say, because I'm not a Weld Inspector and
16 I don't know. I can't tell by looking.

17 As far as the checklist, it looks like he accepted
18 everything.

19 Q So he found -- perhaps I asked the question wrong.

20 Can you tell from that inspection checklist whether
21 Mr. DeWald accepted every one of the 551 welds?

22 A I would say yes.

23 Q Is there anything on there that indicates that he
24 rejected even a single one of the 551 welds?

25 A No, sir.

1 Q Now, if you don't have enough knowledge to answer this
2 question, Mr. Gorman, just please feel free to say so.

3 But do you know whether it is reasonable to expect
4 551 welds and not find a single one that's rejectable?

5 A I have no knowledge of that. I'm not a Weld Inspector
6 and I couldn't make that determination.

7 Q In the letter from Mr. Asmussen in Intervenor's Exhibit
8 18, Mr. Asmussen stated -- and let me show you the
9 letter again -- with respect to the 1,166 welds, "I
10 cannot accept a zero percent reject rate for that many
11 welds inspected."

12 (Indicating.)

13 Do you have any basis or expertise sufficient to
14 agree or disagree with that statement by Mr. Asmussen?

15 A He's pertaining -- he's speaking basically about
16 welding, and I know nothing about welding, so I can't
17 make any judgment on that at all.

18 Q Okay. Now, I believe Mr. Gallo asked you whether Mr.
19 DeWald had ever said anything about receiving pressure
20 from CECO, and I believe you answered that you -- you
21 didn't recall him saying anything about that?

22 A No.

23 Q With reference to the mass meetings that occurred on
24 Friday afternoons, do you recall Mr. DeWald ever saying
25 that, with reference to getting the work done, that CECO

1 wanted to make sure that more work was done?

2 A No.

3 Q Is it possible that he said something like that and you
4 just don't remember it?

5 A I don't know. I don't think so. I don't ever recall
6 it.

7 (Indicating.)

8 I wasn't at every meeting. There was days that I
9 missed.

10 It could have happened, it may not have.

11 (Indicating.)

12 Q Miss Chan asked you, when you went to the NRC in March
13 of 1985, whether you were aware if you could be fired
14 for going to the NRC, and you answered that you weren't
15 really sure.

16 At the time you went to the NRC, did you know --
17 had you known an individual named John Seeders?

18 A Yes.

19 Q Were you aware that John Seeders had previously gone to
20 the NRC?

21 A I'm not sure if I was aware or I had heard through shop
22 talk that he had written a letter to the NRC; one or the
23 other.

24 Q And regardless of whether you knew it or had heard it
25 through shop talk, were you aware of what happened to

1 Mr. Seeders after he went to the NRC?

2 A Yes, sir.

3 Q And what was that?

4 A He was transferred out of the QC Inspector group.

5 Q Now, at the time you went to the NRC in March of 1985,
6 were you -- were you -- had you also known an individual
7 named Worley Puckett?

8 A I don't specifically remember when Mr. Puckett was there
9 on site. He was on there for a limited period of time.

10 I did know the individual, yes, when he was there.

11 Q And did you know whether or not Mr. Puckett had made any
12 complaint to the NRC?

13 A No, sir.

14 Q Had you heard shop talk to that effect?

15 A I had heard that -- he had made complaints to management
16 is all I knew, had knowledge of.

17 Q And did you know what happened to Mr. Puckett after he
18 made those complaints?

19 MR. GALLO: Objection; form of the question.
20 It's vague. In particular, the reference to "those
21 complaints."

22 Does counsel mean those complaints to Comstock
23 management?

24 MR. CASSEL: They are the complaints.

25 JUDGE GROSSMAN: That's what the witness

1 testified to.

2 Overruled.

3 BY MR. CASSEL:

4 Q Do you know what happened to Mr. Puckett after he made
5 his complaints to management, whether he remained on
6 site or in the employ of Comstock?

7 A He was terminated from Comstock.

8 If it was for those specific reasons, I don't know,
9 because he complained to the NRC.

10 There was rumors going around that he had flunked
11 his test, that he wasn't qualified.

12 (Indicating.)

13 Q Were there also rumors and shop talk that he was fired
14 for complaining?

15 A Yes, I believe there was.

16 Q Now, Miss Chan asked you some questions about what it
17 was that Mr. DeWald asked you to do when he gave you
18 deadlines that you regarded as inflexible or
19 unreasonable, and one example that she asked you about
20 was where he would ask you to look for a particular
21 document and find it by a certain date.

22 Was that the only kind of task Mr. DeWald ever
23 asked you to do with a deadline or were there other
24 kinds of tasks as well?

25 A Mainly being in the vault as the Lead, yes, that's --

1 all it concerned was documents within the vault that he
2 needed information on or something that he needed by a
3 specific date.

4 Q Did it sometimes involve more than one document?

5 A Yes.

6 Q Mr. Gallo asked you a number of questions about Page 66
7 of your deposition testimony, Mr. Gorman.

8 One of the questions and answers on Page 66 appears
9 at Lines 14 through 16, and the question is.

10 "And those were people who were training you that
11 were telling you that they got pushed," and the answer
12 is, "Some individuals, yeah; not all."

13 If you were asked this same question today, would
14 your answer be the same?

15 And if that's not clear to you, I'll -- I'll
16 rephrase the question.

17 A I probably wouldn't say some individuals. It's kind of
18 a generalization.

19 I can't really recall any specific instances except
20 with Danny Holley that this happened.

21 When I say "some individuals," I trained with
22 several people, and I can't remember everything that was
23 said with those individuals.

24 (Indicating.)

25 MR. CASSEL: I have no further questions.

1 JUDGE GROSSMAN: Miss Chan.

2 MS. CHAN: Staff would like to move Staff
3 Exhibit 4 into evidence at this time.

4 JUDGE GROSSMAN: Any objections?

5 MR. GALLO: No objection.

6 MR. CASSEL: No objection.

7 JUDGE GROSSMAN: Received.

8 (The document was thereupon received into
9 evidence as Staff Exhibit No. 4.)

10 MS. CHAN: I have one question for Mr.
11 Gorman.

12 RECROSS EXAMINATION

13 BY MS. CHAN:

14 Q Mr. Gorman, do you have any personal knowledge of Mr.
15 Seeders' visit to the NRC?

16 A No, ma'am.

17 Q Do you have any personal knowledge of the reasons why
18 Mr. Seeders was transferred?

19 A No, ma'am.

20 MS. CHAN: Thank you.

21 A (Continuing.) Only hearsay, shop talk.

22 MS. CHAN: Thank you.

23 JUDGE GROSSMAN: Mr. Gallo, within the scope
24 of.

25 MR. GALLO: Yes, your Honor.

REDIRECT EXAMINATION

(Continued)

BY MR. GALLO:

Q Was some of the shop talk you heard with respect to Mr. Seeders' transfer to the effect that he was not qualified for his job? Did you hear that?

A No, sir.

Q Did you hear that, as part of that shop talk, that he had messed up the records for the -- in the calibration area?

A Yes, sir.

MR. GALLO: No further questions.

JUDGE GROSSMAN: Anything further, Mr. Cassel?

MR. CASSEL: No, Judge.

JUDGE GROSSMAN: Staff?

MS. CHAN: No further questions.

JUDGE GROSSMAN: Thank you, Mr. Gorman.
You are excused. Thank you very much for testifying.

THE WITNESS: You are welcome.

MR. MILLER: The usual instruction, your Honor?

JUDGE GROSSMAN: Oh, yes.

Please don't discuss the testimony with anyone

1 else.

2 THE WITNESS: Yes, sir.

3 JUDGE GROSSMAN: Fine.

4 Okay.

5 JUDGE COLE: Thank you very much.

6 (Witness excused.)

7 MR. GALLO: Can we have 10 minutes before the
8 next witness?

9 JUDGE GROSSMAN: Sure.

10 (WHEREUPON, a recess was had, after which
11 the hearing was resumed as follows:)

12 JUDGE GROSSMAN: We're back in session.

13 Ms. Kezelis, would you call your next witness,
14 please.

15 MS. KEZELIS: Thank you, Judge Grossman.

16 The Applicant calls, pursuant to subpoena, Mr. Dean
17 Peterson to testify.

18 JUDGE GROSSMAN: Okay. Mr. Peterson, would
19 you stand, please, and raise your right hand.

20 (The witness was thereupon duly sworn.)

21 JUDGE GROSSMAN: Please be seated.

22 MS. KEZELIS: Mr. Peterson, my name is Elena
23 Kezelis. I'm one of the attorneys for Commonwealth
24 Edison Company in this proceeding.

25 DEAN LE VERNE PETERSON

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

3 DIRECT EXAMINATION

4 BY MS. KEZELIS:

5 Q Would you state your full name for the record, please,
6 and spell your last name?

7 A Dean LeVerne Peterson, P-E-T-E-R-S-O-N.

8 MS. KEZELIS: Mr. Peterson, to my left is Mr.
9 Bob Guild, who represents the Intervenors in this
10 proceeding; to my far right is the NRC Staff Counsel,
11 Ms. Elaine Chan; and seated across from me are the three
12 judges of the Licensing Board in this proceeding.

13 BY MS. KEZELIS:

14 Q By whom are you currently employed, sir?

15 A BESTCO.

16 Q And that is at the Braidwood Station; is that correct?

17 A Yes.

18 Q And in what capacity are you employed by BESTCO?

19 A Quality Control Inspector.

20 Q Okay. Have you attained a particular level in that
21 capacity?

22 A I currently work as a Level II Welding Inspector,
23 Raceway Inspector and Concrete Expansion Anchor
24 Inspector.

25 Q Have you been dispatched by BESTCO to perform

1 inspections for any particular contractor at Braidwood?

2 A I'm currently working for Newberg.

3 Q How long ago did you start working for Newberg?

4 A Approximately December 14th last year, 1985.

5 Q Okay. And the areas of certification that you just
6 described are those at Newberg; is that correct?

7 A Correct.

8 JUDGE COLE: Excuse me.

9 Mr. Peterson, could you put the microphone on,
10 please?

11 BY MS. KEZELIS:

12 Q Prior to the -- well, when were you first employed by
13 BESTCO, if you recall?

14 A Somewhere around July 24, 1984.

15 Q All right. Does 1985 sound more possible than 1984?

16 A I'm sorry.

17 '85, yes.

18 Q Okay. And prior to the time of your employment with
19 BESTCO, by whom were you employed?

20 A Comstock.

21 Q And when were you first employed by Comstock?

22 A Give or take a couple days, December 12, 1983.

23 Q Was that at Braidwood Station as well?

24 A Correct.

25 Q Okay. Prior to your employment by Comstock at

1 Braidwood, can you describe for us briefly what your
2 employment history had been?

3 A For approximately seven, eight years, I had worked for
4 two different independent testing labs as a Level II
5 Radiographer, Mag Material Inspector and Die Penetrant
6 Inspector.

7 Q That was seven to eight years; is that correct?

8 A Yes.

9 Q Can you describe for us what the nature of those
10 inspections consisted of?

11 A Well, it varied quite a bit.

12 Being that I worked for an independent lab, we went
13 to many different local construction sites.

14 I worked on many different projects: Coal plants,
15 oil plants, tanks, water towers.

16 Most of my work consisted of X-raying welds.

17 Q Were any of the sites that you visited nuclear-related?

18 A Just once I went to the Genoa Station in La Crosse,
19 Wisconsin.

20 Q During the course of your employment by Comstock at
21 Braidwood during the period of December, '83, through
22 July or so of 1985, was there any particular area in
23 which you performed the majority of your inspections?

24 A Weld inspections.

25 Q Weld inspections.

1 Can you roughly estimate what percentage of your
2 time was occupied with weld inspections?

3 A Approximately 70, 80 percent, I'd say.

4 Q Let me direct your attention now, Mr. Peterson, to the
5 events of March 29, 1985.

6 I'll represent to you that that's the day that a
7 group of QC Inspectors from Comstock visited the NRC.

8 You were one of the inspectors who visited the NRC;
9 correct?

10 A Correct.

11 Q All right. And you were in the group that went over
12 during the noontime hour --

13 A Correct.

14 Q -- is that correct?

15 How did you first learn that a group of inspectors
16 was going to be visiting the NRC on that date?

17 A A fellow inspector, whom I can't remember, had said
18 that -- had explained the incident with Rich Snyder, and
19 had stated that the NRC had said if anybody else had any
20 concerns or wanted to go over there to say anything else
21 about Saklak or anything else going on, that they would
22 like them to go over at that time.

23 Q But you can't recall at this time who the inspector was
24 who told you about it?

25 A No, I can't.

1 Q What was your personal reason, sir, for visiting the NRC
2 on that date?

3 A Part of the reason was to show support for Rich Snyder
4 having gone over there and another part was because I
5 had myself been a witness to the intimidation done -- by
6 Rick Saklak done to another inspector.

7 JUDGE GROSSMAN: Excuse me.

8 Ms. Kezelis, you are not expecting to conclude your
9 direct today, are you?

10 MS. KEZELIS: Oh, I think there's a chance I
11 will, yes.

12 JUDGE GROSSMAN: Continue.

13 MS. KEZELIS: Is there a problem with that?

14 JUDGE GROSSMAN: And you are not prepared to
15 cross-examine; is that correct, Mr. Guild?

16 MR. GUILD: No, sir, I'm not.

17 JUDGE GROSSMAN: It's not a problem.

18 It's just an eventuality that we hadn't considered;
19 but continue.

20 MS. KEZELIS: Excuse me, Judge Grossman.

21 I believe I had understood that yesterday there was
22 an agreement that if Mr. Guild was capable, he would
23 conduct his cross examination tomorrow morning. That
24 was the understanding that I had had.

25 And in the event I finish much before 5:00 P. M.,

1 then obviously we can break at that point and Mr. Guild
2 can use the remainder of the day to prepare for tomorrow
3 morning.

4 JUDGE GROSSMAN: That was not my
5 understanding.

6 But is that okay with you, Mr. Guild?

7 MR. GUILD: I think Mr. Miller browbeat me
8 into accepting that I would make my best effort to be
9 prepared in the morning.

10 JUDGE GROSSMAN: Okay. That's fine.
11 I wasn't party to that understanding.

12 MR. GUILD: And I said I would do so, Judge.
13 I have not had a chance to complete Mr. Peterson's
14 deposition at this point.

15 I have no objection to going forward with Edison's
16 direct questioning under the circumstances; and as I
17 said, I would burn the oil tonight.

18 JUDGE GROSSMAN: The understanding I had was
19 you weren't decided as to whether you could --

20 MR. GUILD: That's true.

21 JUDGE GROSSMAN: -- cross.

22 MR. GUILD: That's true.

23 JUDGE GROSSMAN: But now you are saying that
24 if the direct is concluded this afternoon, that you will
25 go ahead with cross tomorrow morning?

1 MR. GUILD: Well, I'm still not decided.

2 I told Mr. Miller I'd make my best effort. That
3 was what I had assured him privately; and if the Board
4 directs me to, of course, I will go forward when my turn
5 comes.

6 JUDGE GROSSMAN: Okay, fine.

7 Continue, Ms. Kezelis.

8 MS. KEZELIS: Thank you.

9 BY MS. KEZELIS:

10 Q Do you recall if it was Mr. Snyder who might have told
11 you what had transpired that would cause the inspectors
12 to visit the NRC on that date?

13 A No, it wasn't.

14 Q It wasn't Mr. Snyder?

15 A No.

16 Q Okay. Do you recall if it was Mr. Bossong?

17 A No, it wasn't.

18 Q Okay.

19 JUDGE GROSSMAN: Excuse me.

20 It was or it wasn't?

21 THE WITNESS: It was not.

22 MS. KEZELIS: It was not.

23 BY MS. KEZELIS:

24 Q Do you recall whether it was an individual who had --
25 who told you that he himself had witnessed the incident

1 between Mr. Snyder and Mr. Saklak?

2 A To be perfectly honest, I can't -- I really don't
3 remember.

4 It was awhile ago. I have no idea.

5 You could list everybody's name there and I would
6 keep saying no.

7 Q Okay. In other words, I have exhausted your
8 recollection as to that particular discussion?

9 A I can't remember who it was. I just went.

10 Q Another reason that you testified about a few moments as
11 your reason for visiting the NRC on that date was that
12 you had yourself witnessed an incident regarding Mr.
13 Saklak; is that correct?

14 A Correct.

15 Q All right. Can you descibe for us what, in fact, you
16 had witnessed?

17 A As I had stated in the Chicago hearings, Rick Saklak had
18 asked Mike Mustered to sign off an ICR. Mustered said
19 he wasn't able to do that because there apparently
20 hadn't been a proper ECN or a drawing rev or whatever
21 issued in order to -- for Mike to accept this item.

22 I'm not sure what the item was. I don't know.

23 Saklak told Mustered that they had had a meeting
24 with S & L; that the matter was going to be resolved;
25 just go ahead and sign off the ICR.

1 To the best of my recollection, Mustered told him,
2 well, more or less, "Just because you had a meeting
3 doesn't really mean anything. I have to see something
4 in black and white." Then Saklak told Mustered, "Well,
5 there shouldn't be a problem. They will get it taken
6 care of. Just go ahead and sign it off."

7 Mike continued to tell him no, and the more he said
8 no, the -- the madder that Rick Saklak got.

9 Finally, it just ended up where Saklak was just --
10 well, was looking down at him -- pointing his finger
11 down at him and saying, "Just sign it off, sign it off,
12 sign it off," to which Mike responded -- to the best of
13 my recollection, he stated to Saklak, "Well, if that's
14 how you feel, why don't you sign it off," being that
15 Saklak was the supervisor at the time. Saklak responded
16 that, "Well, I can't because I'm not certified in that
17 area." Mike merely said, "I rest my case," and walked
18 out the door.

19 (Indicating.)

20 Q And you witnessed the entirety of this incident; is that
21 correct?

22 A Yeah.

23 Q Did you talk to Mr. Mustered about it afterwards?

24 A Yes, I did.

25 Q All right. Can you describe for us what the substance

1 of your conversation with him was?

2 A Basically, I just told Mike that, you know, I was a
3 witness to it.

4 There were other people in the room at the time. I
5 felt other people had thought it was just a joke. To me
6 it was not a joke. I didn't appreciate Saklak's
7 behavior at all; and I just let Mike know that, you
8 know, if he needed a witness or support, that I would be
9 willing to do so.

10 (Indicating.)

11 Q What was Mr. Mustered's reaction to what you have just
12 testified about?

13 A We didn't talk at length on it. He just said, "Well,
14 that's good to hear," or whatever, and that was about
15 it, really.

16 Q One of the statements you made just a few moments ago is
17 that some people regarded it as a joke.

18 Do you recall saying that?

19 A Yeah.

20 Q All right. Who, in your understanding, regarded that
21 incident as a joke?

22 A I'll tell you people that were there.

23 I'm not going to make assumptions as far as name
24 wise.

25 Q Well, start with --

1 A Let's say at the time there were certain people
2 laughing.

3 I can't say exactly -- remember exactly who was
4 laughing. I just remember there were some people there.

5 Q Okay.

6 A I'm not going to say who was laughing or who wasn't.

7 Q Is that because you can't recall at this point?

8 A Not accurately, no.

9 Q Okay. Would you identify for us who was there?

10 A There were a gentleman there by the name of Mike
11 Lechner, Dave Soberski, Bob Tuite.

12 That's all I can remember offhand right now.

13 It was awhile ago.

14 Q Okay. Do you recall approximately when this incident
15 took place?

16 A No, I don't.

17 Q All right. In relationship to your visit to the NRC on
18 March 29, 1985, can you pinpoint roughly how far in
19 advance of that date that the incident had taken place?

20 A All I can say is it had to be that -- they had a fire
21 at -- in the QC office at one time. We had to move into
22 the building, the Leads, and I was a Lead at the time.

23 The Leads had moved into the Aux Building at that
24 time into a certain room, and we were in that room at
25 that time.

1 So some time between the fire and March.

2 Q Okay,. Did you say that you were a Lead at that time?

3 A I think at that time I was, yeah.

4 Q Okay.

5 A Well, I'm -- I was a Lead at that time, yeah.

6 Q Okay, all right.

7 Had you witnessed any other incident with respect
8 to Mr. Saklak other than the one you have just testified
9 about involving Mr. Mustered?

10 A None that I can recall right now.

11 Q Okay. You testified that those were the two reasons why
12 you went to the NRC on March 29, 1985.

13 During the course of your visit, did you have an
14 opportunity to make any statements yourself?

15 A Yes, I did.

16 Q All right. And did you identify these two concerns to
17 the NRC as you have identified them to us today?

18 A Well, I didn't actually say, you know, "I'm here in
19 support of Rich Snyder," or anything like that.

20 I did identify the situation with Saklak and Mike
21 Mustered.

22 Q Okay. Do you recall any other statements that you might
23 have made to the NRC on that date?

24 A I -- there were -- there was something else I had said.
25 I believe it was concerning -- it was concerning the

1 amount of work that was being done and how our -- our --
2 our Leads at the time and supervisor were -- how shall I
3 say -- pushing us as to the amount of -- quantity of
4 work we were doing.

5 Q So you were not a Lead at that time; is that correct?

6 A Correct.

7 Q Do you recall at what point you no longer became a Lead?

8 A Not really.

9 I was only a Lead for about a couple months. It
10 was more like a fill-in-type thing.

11 You know, it was like I walked in one day and they
12 needed somebody to take care of a certain thing, and
13 then it was over -- after awhile it was over and then I
14 just went to do my other stuff.

15 Q Okay. Can you be more specific about the statement you
16 just made regarding the amount of -- the quantity of
17 work that your Leads were asking you to do or having you
18 to do?

19 A Again, let me -- give me a second to recall here.

20 Q Okay.

21 A Okay. I was called into the room -- into a room by John
22 Walters, who was my Lead at the time, and Ken
23 Worthington, who was my supervisor at the time, and they
24 had talked to me that they were concerned about the
25 amount of work I was getting done.

1 They showed me a daily production sheet of
2 inspectors; that some inspectors were doing -- they
3 would flash those up and then they would -- they would
4 flash mine at me and said, "You are not getting near the
5 work that our" -- "that the other people are done," and,
6 "I can't warrant overtime for this amount of work,"
7 something to that effect.

8 (Indicating.)

9 At that time I tried to explain to them -- once
10 again, I should add -- tried to explain to them I was
11 taking quite a bit of time trying to get paint off the
12 welds, and that if -- if the weld had been cleaned
13 effectively, that my production would probably have at
14 least doubled, at least.

15 (Indicating.)

16 Q Now, do you recall when this incident took place?

17 A I can't give you an exact date on that, no.

18 Q All right. It was some time before your visit to the
19 NRC on March 29, 1985; is that correct?

20 A Right.

21 Q Okay. Do you recall approximately when -- and let me
22 set this out for you so we might be able to pinpoint
23 better when this took place.

24 Do you recall approximately when Quality First
25 conducted its site-wide interviews of QC Inspectors?

1 A I couldn't even give you a month on that.

2 Q All right. Do you recall that you participated in
3 that --

4 A Yes.

5 Q -- process?

6 All right. If I represent to you that that took
7 place some time between February and the middle of March
8 of 1985, does that help pinpoint when this incident
9 would have taken place?

10 Well, let me try it another way; and I'll withdraw
11 the prior question.

12 Do you recall whether this incident took place
13 before you went through the interview process with
14 Quality First or after?

15 A I'm sorry. I can't recall.

16 Q All right, all right.

17 Do you recall whether the incident took place some
18 time in 1985?

19 A I believe it did.

20 Q Okay. Do you recall whether it took place some time
21 after the union vote in November of 1984?

22 A I'm pretty sure it did happen after that.

23 Q Okay. You said that you had explained to them again or
24 that you tried to explain again that there was paint on
25 the welds that you were inspecting?

1 A Correct.

2 Q Had you made such a statement to your Lead or your
3 supervisor or both before this incident?

4 A Yeah. As a matter of fact, we all had, all the
5 inspectors; and they had -- they did have a team of
6 people that were working ahead of us cleaning the paint
7 off, so there was an effort being made to take all the
8 paint off the welds.

9 Unfortunately, the type of welds that I was looking
10 at was on a galvanized area, and with a galvanized spray
11 paint, depending on how you shine the flashlight on the
12 weld will depend on whether or not you see the paint.

13 There are certain areas we worked in where you
14 could shine a flashlight directly at the weld and not
15 see any paint, and then you hold the flashlight sideways
16 to the weld and then you would see the paint in what
17 they call the toe of the weld.

18 Q The toe, T-O-E, of the weld?

19 A Yes.

20 And that was -- where I was having my major problem
21 was digging all the paint out of there.

22 (Indicating.)

23 Q All right. Would you explain for us, please, what the
24 significance is of having paint on a weld, in the first
25 place, in terms of performing your inspection?

1 A Well, you can't do an accurate visual inspection of a
2 weld when there's paint on it, because this could be
3 covering up certain discontinuities.

4 Q You can't; is that correct?

5 A Correct.

6 Q Okay. Is that something that's pretty well known --

7 A Yes.

8 Q -- among the welding inspector work force?

9 A I hope so, I hope so, yes.

10 Q Is there any requirement on the Form 19's to identify
11 the condition of the weld with respect to paint or
12 covering up the discontinuities?

13 A Yeah, I believe it was. One of the first items on the
14 Comstock Form 19's was asked that the -- the -- the weld
15 were covered with -- free of form material or paint or
16 something to that effect.

17 Q Okay. Let's return to the -- this incident.

18 How did it come to be that you had to explain to --
19 well, first of all, the first time that you brought up
20 this problem of paint on welds, was it to Mr. Walters or
21 Mr. Worthington or both?

22 A I would have to assume that it was Mr. Walters, since he
23 was my Lead and I would go to him first.

24 Q All right. And you -- how did the first such discussion
25 about this situation take place, come about?

1 Did you go to him or did he come to you?

2 A I don't really recall.

3 I just know that I was daily finding problems with
4 trying to find welds that were totally clean, and I just
5 mentioned to him that, you know, maybe he could see to
6 it that they had tried to do a little better job of
7 cleaning up the welds or use flashlights after they
8 cleaned them to make sure they had gotten them all
9 clean.

10 See, the problem was they were cable pan welds, and
11 some of them were fairly hard to get to when you had
12 pans above and below you, and if people would reach in
13 there, cleaning them off, they thought they had them
14 clean, you know, but they weren't looking at them real
15 closely to make sure they were clean.

16 (Indicating.)

17 Q Okay. With respect to the specific incident that you
18 described for us a few minutes ago when Mr. Walters and
19 Mr. Worthington flashed individuals' work at you and
20 then flashed yours at you, what was it that they were
21 flashing?

22 A Daily production sheets.

23 Q Okay. Are you referring to the status sheets handed in
24 by individual inspectors?

25 A Yes.

1 Q All right. Had you -- well, could you identify that, in
2 fact, one of yours was being shown to you?

3 A To the best of my memory, he -- Worthington showed me
4 somebody else's sheet -- I don't know whose --

5 Q Okay.

6 A -- and then he just -- I believe he showed me mine.

7 Q Okay.

8 A You know, it was just done, you know, like in a matter
9 of five seconds.

10 Q All right. And this sheet has -- is a form, is it not?

11 A Correct.

12 Q And the more filled out it is is reflective of the
13 number of inspections --

14 A Correct.

15 Q -- is that correct?

16 Okay. So you saw one that had more material filled
17 out on it?

18 A Correct.

19 Q And then you saw what you thought was -- was yours,
20 perhaps?

21 A Yes.

22 Q Which had less filled out on it --

23 A Yes.

24 Q -- is that correct?

25 Okay. When he flashed the more-filled-out form,

1 did he give you an opportunity to see who the inspector
2 was who had handed that one in?

3 A No. It was -- like I say, it was done in a matter of
4 seconds, so I --

5 Q Okay, okay.

6 A I mean, it didn't matter to me, because I knew there
7 were a few other guys that were getting more done than
8 me.

9 Q How would you characterize the speediness or slowness
10 with which you were performing inspections at that time?

11 A I really don't understand how you mean that.

12 Q Okay. How would you characterize -- you yourself now,
13 Mr. Peterson, characterize how fast or how slow you were
14 in performing your own inspections during that time
15 period?

16 A Due to the amount of time I had to spend to take the
17 paint out -- off the welds, I would say it was a very
18 low amount of work compared to what I could have done
19 had the welds be cleaned.

20 Q Had the welds been cleaned?

21 A Yes.

22 Q You can't inspect a weld if it's painted, can you?

23 A Right.

24 Q What was Mr. Walters', or Mr. Worthington's reaction,
25 for that matter, when you explained to them that there

1 was paint on the welds that you had been sent out to
2 inspect?

3 A I guess, to the best of my recollection, they had merely
4 said that they had gone out, looked at some, and they
5 didn't think they looked that bad.

6 Q Okay. Did you explain to them what you have just
7 explained to us about the angle in which you hold a
8 flashlight as making a difference?

9 A I can't remember if I did or not.

10 I probably did, but I -- I can't say I did.

11 Q Did either of them give you any impression or
12 understanding, by what they said or how they acted, that
13 they wanted you to accept painted welds?

14 A No.

15 Q Okay. Did either of them give you any impression or
16 understanding, by either word or action, that they
17 wanted you to ignore, in any respect, the paint on the
18 welds?

19 A No.

20 Q Okay. How, if at all, did that incident affect the
21 manner in which you performed your weld inspections
22 thereafter?

23 A None at all.

24 Q All right. Did it affect in any respect the time that
25 you took on each individual inspection thereafter?

1 A Not really.

2 I just did my job. I just did it the way I felt I
3 should do it and --

4 Q All right. Did you continue to run into problems
5 thereafter with paint on welds?

6 A For -- during the duration of that project, it was --
7 they had a different group of people doing it.

8 That was the main thing until -- I would say until
9 the end of that project, yeah.

10 Q All right.

11 A Till I was involved -- till I was moved to another area.

12 Q Okay. And what was your practice typically when you
13 came upon a weld that you were to inspect that had paint
14 on it?

15 A I -- I had a small pick-like item and -- and a small
16 wire brush, and I would use the wire brush to clean the
17 cover of the weld and -- and take the pick in the toe of
18 the weld and try to pick out all the paint.

19 Q And you would then perform an inspection of it?

20 A Yes.

21 Q Do you have any understanding, Mr. Peterson, as to how
22 it came to be that you were assigned to perform an
23 inspection of welds that were painted when there was at
24 the same time a team going around cleaning off these
25 welds?

1 A As I believe I stated before, they would go ahead of us
2 and take the paint off.

3 Sometimes they didn't do quite a complete job of
4 getting the paint off as what was needed to do the
5 inspection.

6 Q And this was a special project that you had been
7 assigned to; is that correct?

8 A Yes.

9 Q What was the nature of the project or did it have a
10 commonly known name?

11 A It was just commonly known as the cable pan holddown
12 weld project.

13 Q Who was supervising that project, if anybody in
14 particular was?

15 A The majority of it was Dave Soberski, and then after
16 some months John Walters took over the welding part of
17 it.

18 Q Did you have an opportunity to discuss with any of your
19 fellow inspectors who were performing the same types of
20 inspections about the problems you had been running into
21 with paint on welds?

22 A I am sure I did, yes.

23 Q Okay. To the best of your recollection, were they
24 running into the same kind of problem?

25 A I can't really say, offhand. I don't know.

1 Q You just don't recall at this point?

2 A Yes.

3 Q Okay. Do you have any reason to believe that any of
4 your fellow inspectors who were performing this type of
5 inspection work would disregard paint or accept a weld
6 that had paint on it?

7 A To the best of my knowledge, no.

8 Q You also testified that one of these two individuals --
9 and I don't recall right now whether it was Mr. Walters
10 or Mr. Worthington -- said that he could not warrant
11 overtime for you?

12 A Correct. It was Mr. Worthington.

13 Q It was Mr. Worthington, okay.

14 Can you recall specifically what it was Mr.
15 Worthington said to you?

16 A Basically, just what you said.

17 Q Did he say it in a loud or threatening voice?

18 A No. We were just in normal conversation.

19 Q Had you been working overtime immediately prior to this
20 conversation with Mr. Walters and Mr. Worthington?

21 A I can't recall.

22 Q Do you recall whether immediately after that incident
23 you were working overtime?

24 A I can't recall.

25 Q Do you recall whether you at any time thereafter worked

1 overtime?

2 A Well, yes, I have worked many hours overtime.

3 Q Did you have any understanding as to whether Mr.
4 Worthington had the authority to determine whether or
5 not you could work overtime?

6 A I believe he did, yes.

7 Q All right. What do you base that belief on?

8 A Well, being that he was supervisor and he did tell me
9 that they had, I guess, Wednesday overtime meetings and
10 that's when they decided what the overtime was going to
11 be and who would work it.

12 Q Okay. So in that time period, in other words, everyone
13 wasn't working overtime; is that correct?

14 A Not everybody. There were some groups that were,
15 depending upon how hot of a project they were working
16 on.

17 Q Overtime, to the best of your understanding, appeared to
18 be assigned on the basis of needs in particular areas of
19 work?

20 A Yes.

21 Q All right. When Mr. Worthington made that statement to
22 you about overtime, did you feel threatened by it in any
23 respect?

24 A I felt pressured, I guess you could say.

25 It was quite obvious what he was saying.

1 Q What did you understand him to be saying?

2 A That if I wanted to assure myself of overtime in the
3 future, I should deliver more work.

4 Q Did that feeling of pressure itself cause you to become
5 more lax in your inspection work?

6 A Never, never.

7 Q You seem very confident in that?

8 A You bet.

9 Q Would you amplify, please?

10 A I --

11 MR. GUILD: Objection.

12 Ask a question directly. You just can't turn a
13 witness loose and say, "Tell us anything you want to
14 tell us."

15 THE WITNESS: I guess the reason why I --

16 MR. GUILD: Excuse me, Mr. Peterson.

17 I have an objection.

18 JUDGE GROSSMAN: I will let the witness
19 answer.

20 MS. KEZELIS: You may answer.

21 A I guess I am just saying that irregardless of all the
22 hassles and everything that went on there over the last
23 couple of years, I myself never let it affect my work.

24 BY MS. KEZELIS:

25 Q Do you take pride in your work?

1 A You bet.

2 Q Did Mr. Worthington give you at that time or at any
3 other time any indication that he expects you to perform
4 a certain number of inspections per day?

5 A No. That was really the only time we have ever had any
6 conflict that I can recall at this time.

7 Q Okay, okay. Did anybody within Comstock management or
8 supervision ever give you any impression that you were
9 expected to perform a certain number of inspections per
10 day?

11 A Well, nobody that would come right out and say you have
12 to do a set amount a day.

13 Even Comstock wasn't that stupid.

14 Q No one ever gave you a quota as to the amount of work
15 that you had to perform; is that correct?

16 A No, no.

17 Q Did you ever have an understanding that there was an
18 implied quota, even though nobody may have come out and
19 said -- have said one specifically?

20 A I can't -- no, I don't really want to say yes to that,
21 because there is -- I don't want to confuse implied
22 quota with merely an employer expecting you to do a
23 day's work.

24 Q All right. Was your understanding as to any pressure
25 that you did feel merely that of an employer expecting

1 his employees to give a day's work for a day's pay?

2 MR. GUILD: Objection.

3 Mr. Chairman, this is really leading beyond fair
4 proportions.

5 The witness, obviously, has an opinion. He should
6 be asked to state the opinion directly instead of having
7 the opinion supplied by counsel.

8 JUDGE GROSSMAN: Well, Ms. Kezelis, I have
9 heard that phrase used by you before and I think it is a
10 leading phrase. It suggests an answer and it's a little
11 too much like a jingle here.

12 I think, you know, that it's possible to ask more
13 neutral questions.

14 MS. KEZELIS: I do believe that the witness
15 initiated it himself; but what I propose to do is
16 withdraw that question and ask the Court Reporter to
17 read the last answer to me because I think that's where
18 I heard it.

19 JUDGE GROSSMAN: That's fine.

20 (The answer was thereupon read by the
21 Reporter.)

22 BY MS. KEZELIS:

23 Q Mr. Peterson, what did you mean when you used the term,
24 "an employer expecting an employee to do a day's work"?

25 A Well, merely that, you know, they are paying you a

1 salary.

2 They, obviously, expect you to perform the function
3 that you are there for.

4 Q What was the understanding that you had of your
5 employer's expectations of you?

6 A That I was there to do weld inspections or whatever
7 other type of inspections that I was certified to do.

8 JUDGE GROSSMAN: Excuse me. You contrasted
9 an implied quota with a day's work.

10 Were you then saying that what was expected of you
11 was one or the other? If so, which one was it?

12 THE WITNESS: No. I am just saying it's easy
13 to confuse the two together.

14 JUDGE GROSSMAN: Oh, okay.

15 BY MS. KEZELIS:

16 Q Which one did you feel you were operating under?

17 A The majority of the time that they just expected you to
18 do a day's work for a day's pay.

19 Q Okay. Now, let's move to the minority of the time.

20 What did you feel then?

21 A As far as that, I can't really give you any specifics.

22 I guess the only time I really had a problem with
23 them -- a real problem with them -- as far as amount of
24 work was the situation we were talking about before with
25 the cable pan welds.

1 Q The incident with Mr. Walters and Mr. Worthington and
2 yourself?

3 A Yes.

4 Q Okay. And that's the only thing that you can recall
5 that would fall within the minority of the time that we
6 just discussed?

7 A Offhand.

8 Q Or can you recall any others?

9 A Offhand, yeah.

10 Q Some time after your visit to the NRC on March 29, 1985,
11 you received a copy of an April 5th memo from the NRC
12 summarizing what your allegations and other inspectors'
13 had been; is that correct?

14 A I believe so, yes.

15 Q At this time I am going to be moving into some
16 potentially in-camera topics.

17 Mr. Peterson, let me show you what has been marked
18 and admitted into evidence as Intervenors' Exhibit 42-A
19 for identification.

20 For the record, it's a copy of the unexpurgated
21 version of the April 5, 1985, memo from Mr. Weil to Mr.
22 Norelius.

23 Mr. Peterson, I will ask you to take a look at that
24 and tell me if you have seen that document before?

25 A Yes, I have.

1 As a matter of fact, now I remember. The day after
2 I received this, I went over to the NRC during my lunch
3 hour and explained to them that they had -- there were
4 two incorrect items in here.

5 Q All right.

6 A No. 1, they had my name wrong; and, No. 2, I was never
7 told that I would lose my job.

8 Q Are you referring to Page 2 of this document, Mr.
9 Peterson?

10 A Yes, the bottom paragraph, Page 2.

11 Q When you said that your name was wrong, what were you
12 referring to?

13 A It says, "Gene Peterson," on the bottom there.

14 The person they are referring to is me, Dean
15 Peterson.

16 Q You understood that that paragraph under "Comment" was
17 to be attributed to you and was your statement, in
18 effect, but that the name was wrong; correct?

19 A Correct.

20 Q You identified a second item that was inaccurate to the
21 right of your name.

22 Can you explain to us more fully what that was?

23 A It states here that John Walters, Peterson's lead, and
24 Ken Worthington, Peterson's supervisor, told Peterson
25 that he would lose his job if he did not hurry up and

1 produce more inspections.

2 That's totally incorrect. I never said that and I
3 went back to them immediately the next day, so that they
4 would change that, because I felt it was -- there is
5 quite a difference. That's quite an extreme case there.

6 Q Now, you just said that you never said that.

7 Did anybody ever make that threat to you at
8 Comstock?

9 A Never.

10 Q Okay.

11 A You would have heard about it before if they had.

12 Q Okay. Do you recall who you spoke to at the NRC about
13 that, the two inaccuracies that you have just identified
14 to us?

15 A I know it wasn't Bob Shultz.

16 Q Would it have been Mr. McGregor?

17 A I believe. I am going off memory here but I believe it
18 was Mr. McGregor.

19 Q Would it have been one of the resident inspectors at
20 that time?

21 A Yes. I think at that time there were two of them, Mr.
22 Shultz and Mr. McGregor; and I think it was Mr.
23 McGregor.

24 Q Let's turn to Page 3, if you will, Mr. Peterson.

25 There are two additional paragraphs before we reach

1 another name for attribution on Page 3 of this document.

2 Are the two top paragraphs also attributable to
3 you, sir?

4 A Yes, they are.

5 Q All right. With respect to the first paragraph, can you
6 tell us, please, what you had in mind when you made that
7 allegation to the NRC?

8 A That paragraph is the one we had talked about previously
9 with Rick Saklak and [REDACTED].

10 Q Okay. And the third paragraph also is attributable to
11 you?

12 A The one where it says, "Comstock wants us to work with
13 blinders on"?

14 Q Yes, sir.

15 A Yes, it is.

16 Q What did you mean when you made that allegation?

17 A Well, I would like to state that nobody at Comstock ever
18 told me that they expected that out of me.

19 I guess at the time it was just a summary of my
20 feelings as far as what the Comstock management was or
21 what they expected.

22 Q What were your feelings at that time?

23 A That they wanted us to work with blinders on.

24 Q Can you explain to us --

25 A I am not trying to be smart here.

1 Q I understand. It's probably my questioning.

2 Can you explain to us, Mr. Peterson, what you meant
3 with respect to the term, "working with blinders on"?

4 A Okay. Well, I guess the thing is when you work for
5 somebody -- I believe at that time it had been a
6 year-and-a-half, right around there -- you form an
7 opinion of somebody; and when asked of an opinion, you
8 use summaries or examples and you can't always -- if
9 somebody says, "How come you feel this way or exactly
10 why did you come upon this opinion", you can't always
11 reach out and grab things out of the top of your head
12 and say, "This is exactly why, because this happened on
13 such and such a date and this happened on such and such
14 a date."

15 It's a summary --

16 JUDGE GROSSMAN: Mr. Peterson, I think -- I
17 am sorry.

18 A (Continuing.) I was going to say: It's just a summary
19 of my own personal feelings.

20 JUDGE GROSSMAN: I don't think Ms. Kezelis is
21 asking you the basis for your feelings.

22 I think she is trying to find out exactly what you
23 meant by, "work with blinders on."

24 What does that connote or denote? What does that
25 mean?

1 A (Continuing.) Well, pretty much just to do exactly
2 what your inspections are set out to do and, basically,
3 don't worry about anything else that you might possibly
4 stumble upon, although I have to add that nobody had
5 ever actually said that to me. I am just going off my
6 own personal opinion.

7 BY MS. KEZELIS:

8 Q Such an incident, to the best of your recollection
9 today, never had taken place?

10 A Correct.

11 Q Okay.

12 JUDGE GROSSMAN: When you say anything that
13 you might stumble on, you mean some defects that you
14 might see?

15 THE WITNESS: (No response.)

16 JUDGE GROSSMAN: I am not trying to lead you
17 into any answer, but we are trying to find out exactly
18 what you mean; and if that is not it, say it's not it
19 and see if you can say what is it.

20 THE WITNESS: I guess all I can say is that
21 we just had the opinion that their attitude was, you
22 know, "Do exactly what we are telling you to do as far
23 as the work you are to look at and don't worry about the
24 other stuff, because it will be taken care of."

25 JUDGE GROSSMAN: What other stuff do you

1 mean?

2 THE WITNESS: I am not trying to imply that
3 there are other things out there that, you know, we
4 passed up; or if we saw a crack in a wall or something
5 like that, that we wouldn't say anything.

6 I am just trying to think, offhand. Now, there are
7 times that, you know, we would come up to them and say,
8 "What about this? We think this might be a problem in
9 the future as far as paper work or the way they were
10 doing things."

11 We were constantly told not to worry about it. It
12 would get taken care of during walkdown or it will get
13 taken care of during another inspection process. Just
14 don't worry about it.

15 From being continually told that, you more or less
16 just got the attitude: Stick to what your daily routine
17 is and don't worry about any of the other stuff.

18 JUDGE GROSSMAN: Okay. I am sorry, Ms.
19 Kezelis. I didn't mean to interrupt your questioning.

20 MS. KEZELIS: That is quite all right.

21 BY MS. KEZELIS:

22 Q With respect to blinders on, do you ever recall having
23 an understanding or an impression that Comstock might
24 want you to ignore other contractors' problems and
25 concentrate on your own inspection activities?

1 A As far as me personally, no. I know that -- I believe
2 -- I think it's in this memo here somewhere, that
3 another inspector had seen a problem.

4 Q Are you referring to [REDACTED]

5 A I believe that's who it was.

6 Q Okay. So with respect to other contractors' work, such
7 an incident or impression had never occurred to you nor
8 had you ever had such an understanding; is that correct?

9 A As far as other contractors' work, nothing that had
10 affected me personally.

11 Q How about with respect to other QC Inspectors' work?

12 A Just from what I know, the problem that [REDACTED]
13 had.

14 Q I am just trying to focus in on blinders, Mr. Peterson;
15 and that's where I am coming from.

16 Do you recall ever having any exchanges with Mr.
17 Saklak that would lead you to feel that Comstock
18 expected you to work with blinders on?

19 A Just one example I can think of, offhand, now was one
20 time I was working in the vault and I had seen some old
21 paper work that, to me, didn't seem to be very traceable
22 or be a very good reflection as to what would be out in
23 the field.

24 And I pointed this paper work out to him; and I got
25 the typical response of, "Don't worry about it at this

1 time. We will catch it during walkdown."

2 Q All right. Could that be what you had had in mind when
3 you made the statement to the NRC that Comstock wanted
4 you to work with blinders on, if you recall?

5 A Yeah, yeah.

6 Q Do you recall how old that paper work was that you
7 pointed out to Mr. Saklak?

8 A Oh, I would say -- I would have to venture to say at
9 that time -- I am guessing -- three to four years old.

10 It was quite old.

11 Q Ok.

12 A It was the old system that they used of the paper.

13 Q What old system is that?

14 A One of the original checklists that they had come up
15 with.

16 Q All right. Do you recall whether it was a Comstock
17 documentation or E. C. Ernst documentation?

18 A (No response.)

19 Q If you don't recall, that's all right.

20 A I believe it was Comstock. It could have been Ernst.

21 We had a lot of the Ernst stuff, also; and that was
22 just --

23 Q Do you recall what kind of paper work it was or what
24 type of inspections the paper work was reflecting?

25 A I believe it was for weld inspections.

1 Q What was it about that old paper work that you were
2 dissatisfied with?

3 A I think it was the first time I had gotten into the
4 vault, I believe; and -- it wasn't the first time I was
5 in the vault but the first time I got to look at some of
6 the old, old paper work.

7 I was a little dismayed of the fact the old paper
8 work was just pretty much a blank check, just a small
9 heading and people were putting on many, many various
10 hangers on the old paper work.

11 Then they would put on grid lines. As far as
12 location of the hangers, they would merely put like grid
13 lines 21 and 26 L to P, for example, which, you know,
14 for one thing, it didn't point to exactly which hanger
15 they had done.

16 They had the hanger number, but in many cases there
17 are the same hanger numbers in the same room, so you had
18 no way of knowing if it was Hanger 1 on one side of the
19 room or Hanger 1 on the other side of the room.

20 Q And your understanding was that these were inspections
21 performed on the grid basis; is that correct?

22 A Well, that's how they reported them on the paper work.

23 They would write down, "Inspected in grid lines 21
24 to 26 L to P," for example.

25 Q All right. Did you ever talk to anybody other than Mr.

1 Saklak about those types of inspection reports?

2 A Oh, yes.

3 Q Do you recall with whom?

4 A Probably everybody. It was quite a conversation piece
5 with all the inspectors there.

6 Q Do you recall anybody specifically with whom you might
7 have had a conversation about that type of paper work?

8 A As far as the old paper work, I can almost guarantee we
9 have all talked to everybody about it.

10 It was just something we have all looked at and
11 joked about.

12 Q Okay. Mr. Peterson, you just testified that it was
13 something all of you talked about and that it was
14 something of a joke.

15 Do you recall making that statement?

16 A Well, we ourselves probably laughed at the style of the
17 old paper work, because we felt it was very crude,
18 really not very traceable, didn't reflect a true
19 understanding of exactly what was inspected.

20 We just felt they could have come up with a lot
21 better system.

22 Q Okay. And that was the manner in which you referred to
23 it as a joke?

24 A Yes.

25 Q Okay. Can you recall what the parameters or the nature

1 of the inspection checklists were when you began
2 performing weld inspections for Comstock at Braidwood in
3 1983?

4 A Okay. They were somewhat better than what the old forms
5 were.

6 They had a heading, which would ask for specific
7 hanger number, it would ask for location, drawing
8 details and then below that they had all the different
9 types of weld discontinuities that could occur; and then
10 you would have to mark whether they were acceptable or
11 rejectable or N/A.

12 Q Have those forms continued to change over time, to the
13 best of your knowledge?

14 A There have been revisions made to them, yes.

15 That's just a common thing.

16 Q Do you recall seeing more than a thousand welds
17 documented on any individual inspection report?

18 A Oh, yeah.

19 Q Do you recall when you first came across such a document
20 or documents?

21 A Some time during my employment with Comstock is all I
22 can say.

23 It's just -- I have seen it a couple of times.

24 JUDGE GROSSMAN: Excuse me. A couple meaning
25 two times?

1 THE WITNESS: To the best of my knowledge, at
2 least twice, if not more.

3 BY MS. KEZELIS:

4 Q This is one document that you had seen twice or two
5 separate documents that you saw?

6 A I have seen a couple, a couple of different documents,
7 some with -- I have seen a couple with, like, say, 800
8 welds on them and I believe one was around a thousand to
9 1,200 welds.

10 Q Do you recall where these documents were when you saw
11 them?

12 A They were in the vault; and I think the first time I saw
13 them was when I was doing research on a hanger that I
14 was possibly looking at, trying to check up on what the
15 old paper work was on it and I had seen that.

16 I believe the other time somebody else had it in
17 their hand and was making a comment about it.

18 Q Do you recall what hanger or what drawing number or what
19 location it was that you were performing research for
20 when you ran into one of them?

21 A No, I can't. I have looked at so many different hangers
22 and drawings out there that --

23 Q Do you recall who had it in his or her hand, who had
24 such a document in his or her hand and showed it to you?

25 A No, I can't, offhand, no.

1 Q What kind of research were you performing on the hanger
2 when you came across it?

3 A Well, when I say I was performing research, I am merely
4 saying that, to the best of my memory, that's probably
5 what I was doing that would bring me to the vault to
6 happen upon that paper work.

7 Q And why --

8 A I am not sure that's exactly what I was doing there.

9 Q If that's what you were doing there, why were you
10 performing research on a particular hanger?

11 A Well, see, a lot of times you get old NCR's or such,
12 ICR's, that you are closing out or trying to close out
13 on hangers.

14 Then you would perform research to get all the
15 background on it, to see what has been inspected and
16 accepted already, because if it's already been accepted
17 on certain parts, then you would move onto the other
18 things that had to be looked at.

19 Q Did you at any time perform reinspections?

20 A As far as --

21 Q As far as the welds on given hangers.

22 A Things that were already inspected?

23 Q Yes, sir.

24 A Oh, yes, definitely.

25 Q Do you recall the date or dates or roughly the years of

1 either of these two documents that you have been talking
2 about?

3 A No.

4 Q Do you recall the identity of any inspector who had
5 signed such a document?

6 A Just one of them I remember. The inspector was Irv
7 DeWald.

8 Q Do you recall the number of inspections that appeared on
9 that or the number of welds that appeared on that
10 particular report that you are referring to now?

11 A To the best of my knowledge, it was a minimum 800,
12 possibly a thousand welds.

13 Q When you say to the best of your recollection, it was a
14 minimum of 800 to a thousand welds, Mr. Peterson, is
15 your recollection quite certain on this point?

16 A Yes, it is. I can't give you an accurate number; but,
17 you know, I was shocked enough when I saw it that that
18 stuck in my mind.

19 Q Is the one that you saw, which had been signed by Mr.
20 DeWald, the one that you identified earlier which
21 reflected 800 welds or the one that you identified
22 earlier that reflected 1,000 to 1,200 welds?

23 A I -- I can't recall. I can't honestly say which one it
24 is.

25 Q Let me show you two documents at this time, Mr.

1 Peterson. They are Intervenor's Exhibits 18 and 19 in
2 this proceeding.

3 Let me ask you first if you have ever seen Exhibit
4 18, and, in particular, the two pages immediately
5 preceding the PTL documentation?

6 A (No response.)

7 Q I will ask you to take a look, Mr. Peterson, at the
8 couple of pages immediately preceding and immediately
9 following the sheet that I have open to you and I will
10 also ask you to take a look at Exhibit 19 at the same
11 time.

12 MR. GUILD: Mr. Chairman, I believe there is
13 a pending question, which is to identify one page of the
14 multi-page documents that she put in front of him.

15 MS. KEZELIS: I had thought I asked him to
16 take a look at them.

17 I don't think I asked him a question at that point.

18 JUDGE GROSSMAN: At all of Exhibit 18?

19 MS. KEZELIS: No, sir. Just the few pages
20 immediately surrounding, the pages immediately preceding
21 the PTL documentation, the page before it as well.

22 BY MS. KEZELIS:

23 Q With respect to the five or so pages that you have
24 looked at in the middle of Intervenor's Exhibit No. 18,
25 Mr. Peterson, do you recall ever having seen copies of

1 those documents before?

2 A I don't believe I have ever seen these actual documents
3 right here before.

4 Q Okay, all right. And with particular reference to the
5 number of welds identified by Mr. Yanketis in that
6 series of documents in Intervenor's Exhibit 18, the
7 quantity of welds in that grid appear to have been
8 1,166; is that correct?

9 A Yes.

10 Q Do you recall whether you had seen a figure like that
11 before in any of the documents that you had reviewed?

12 A Offhand, no.

13 Q Let me direct your attention now to Intervenor's Exhibit
14 No. 19 and ask you to take a look at that two-page
15 document, sir.

16 A Okay. This type of form looks a lot more familiar to me
17 now.

18 This is how a lot of the older paper work was
19 filled out, with various hanger numbers in the body of a
20 form.

21 The inspector had to fill out drawing and the area
22 and the total amount of welds. It was not asked for on
23 the form.

24 It was pretty much like a blank sheet.

25 Q Is this the type of paper work that you had been

1 referring to when you described the statements you had
2 made to Mr. Saklak a few minutes ago, generally the type
3 of paper work you had been referring to?

4 A It could have been. I can't really recall offhand.

5 And now that I think about it, you asked me before
6 if it could have possibly been Ernst paper work, it
7 might have been Ernst paper work, too, that I was
8 looking at.

9 MR. GUILD: Mr. Chairman, for clarity, the
10 witness is looking at a two-page document, Intervenors'
11 19, and it refers to the form.

12 Could the witness clarify whether he is looking at
13 the first page or the second page of that exhibit?

14 THE WITNESS: I am familiar or have seen
15 forms like these, both forms.

16 MR. GUILD: Thank you.

17 BY MS. KEZELIS:

18 Q Was one or the other form more similar to the paper work
19 you had mentioned to Mr. Saklak or were they both the
20 type of paper work?

21 A Oh, I am sure it was more like the top form here, the
22 pretty much blank one.

23 Q The first sheet than the second sheet?

24 A Yes, definitely the first sheet.

25 Q Do you recall -- and I realize this is a difficult

1 question.

2 Do you recall whether this might have been a
3 document that you had seen, Mr. DeWald's, reflecting a
4 large number of inspections on the single sheet of
5 paper?

6 A I can't -- I can't say that this was an exact piece of
7 paper that I had in my mind. I can't say that.

8 All I can say is I had something that was, in
9 effect, something like this with his name on it.

10 Q Okay. Have I pretty well exhausted your recollection,
11 Mr. Peterson, with respect to the identity or location
12 or specifics of any document you may have seen
13 documenting 800 to a thousand or so inspections on a
14 single report signed by Mr. DeWald?

15 A At this time, yes.

16 Q Did you ever talk to Mr. DeWald about such a document?

17 A No.

18 Q All right. Why not?

19 A I had very little conversations with him.

20 Q Did Mr. DeWald ever discuss such an inspection report in
21 your presence?

22 A No.

23 Q Did Mr. DeWald ever say words to the effect in your
24 presence of, "Hey, guys, I have been able to perform so
25 many inspections per day when I was here as an

1 inspector. You can do the same"?

2 A I don't recall him saying that, no.

3 Q Do you have any understanding as to the manner in which
4 inspections were performed and subsequently documented
5 during, say, 1981 by Comstock at Braidwood?

6 A I -- are you getting at as far as --

7 Q Have you ever had an opportunity to discuss with any
8 other inspector the manner in which inspections were
9 performed back in 1981 in terms of inspection and
10 subsequent documentation of that inspection or
11 inspections?

12 A (No response.)

13 Q If you --

14 A Nothing I can recall, offhand.

15 Of course, after working there for a while and
16 seeing the paper work, we had talked about how things
17 probably were back then, what things were probably like;
18 but it was just assumption on our part.

19 Q What was your understanding as to how things were done
20 then?

21 A Well, I can only give you an assumption as far as my
22 feelings. I can't give you anything as far as concrete,
23 as I was told.

24 Q I don't want you to speculate.

25 If you don't recall speaking with anybody who would

1 have known how inspections were performed during that
2 time period, I don't ask you to speculate in any
3 respect.

4 A I would just as soon not comment on that at this time.

5 Q That's fine, that's fine.

6 Did you ever show the documents that you have
7 spoken to us about today to anybody else?

8 A Concerning the amount of welds done by Irv DeWald in one
9 day?

10 Q Yes, sir.

11 A At the time I had seen them, I don't believe I showed
12 them to anybody else.

13 I have talked to other people about it.

14 Q You say the amount of welds done by Irv in a single day.

15 Did you mean --

16 A Well --

17 Q Let me ask you a question.

18 Did you have an understanding that the number of
19 welds you saw were, in fact, all inspected on a single
20 day by Mr. DeWald?

21 A I can't say that, no.

22 That's what I was going to say. I should have
23 stated that a little bit differently: The amount of
24 welds that were put on the form and dated with one date.

25 Q But your prior answer was, yes, in fact, you did talk to

1 other people; is that correct?

2 A Yes.

3 Q Do you recall with whom?

4 A As far as that type of paper work, just about everybody
5 there.

6 Q Do you recall, generally, what types of statements you
7 would make about it?

8 A Just that we thought it was very, very lax as far as the
9 type of forms, the old forms.

10 We were pretty disappointed that they couldn't have
11 come up with anything better than that as far as an
12 inspection form.

13 Had they had a better form, they certainly wouldn't
14 be having a lot of the problems they are having now.

15 Had they had a better form, they wouldn't have to
16 worry about a thousand welds appearing on one sheet.

17 Q Do you have any reason to believe, Mr. Peterson, that
18 Mr. DeWald would have falsified such an inspection
19 report?

20 A I have no reason to believe that, no.

21 Q You made the statement, "Problems that they are having
22 now."

23 I believe you had already testified that you
24 haven't worked at Comstock since December of 1985; is
25 that correct?

1 A Yes.

2 Q All right. Then what were you referring to when you
3 said, "problems that they are having now"?

4 A I just meant as far as the old paper work more or less
5 coming back to haunt them now.

6 Q All right. Did you ever participate in the document
7 review programs that Comstock undertook?

8 A As far as the paper work document review?

9 Q Yes.

10 A There was one area I was in -- partially involved in.
11 It was the cable pan weld re-inspection program.

12 Q Did you have an understanding as to whether that was an
13 inspection being performed in order to undertake and
14 resolve deficiencies in the old paper work that had
15 existed?

16 A Yes.

17 Q That was your understanding?

18 A As far as that, yes. We were looking over a lot of the
19 old paper work from the cable pan welds and deciding
20 what we felt would be traceable, and what wasn't we
21 would put on a list for re-inspection.

22 Q Did you have an understanding as to when Mr. DeWald
23 became QC Manager for Comstock at Braidwood?

24 A As far as the exact date, no.

25 Q Had he already been QC Manager, to the best of your

1 recollection, when you came on site?

2 A He was QC Manager when I started there, yes.

3 Q Did you have an understanding of how long he had been
4 there when you came on in December of 1983?

5 A I assumed for about a year. I am not exactly sure of
6 the exact time.

7 Q Okay. Your understanding was that he had been there
8 since, perhaps, the end of 1982 as QC Manager?

9 A Possibly, yes.

10 JUDGE GROSSMAN: Ms. Kezelis, whenever you
11 want to take a break.

12 MS. KEZELIS: I was just going to suggest
13 one.

14 JUDGE GROSSMAN: All right. We will take ten
15 minutes.

16 MS. KEZELIS: Thank you.

17 (WHEREUPON, a recess was had, after which
18 the hearing was resumed as follows:)

19 JUDGE GROSSMAN: We are back in session.

20 BY MS. KEZELIS:

21 Q Mr. Peterson, have you ever had occasion to observe
22 bimetallic welds within Comstock's scope of work; and by
23 that term I mean the welding of carbon steel to
24 stainless steel as base metals?

25 THE WITNESS: I didn't catch quite all you

1 said in the first part there. I am sorry.

2 Would you repeat that?

3 MS. KEZELIS: Would you read the question
4 again?

5 (The question was thereupon read by the
6 Reporter.)

7 A No, I haven't.

8 BY MS. KEZELIS:

9 Q Have you ever had occasion to inspect stainless steel
10 junction boxes?

11 A Not while I was employed with Comstock, no.

12 Q Have you seen any bimetallic welds, as I have just
13 defined them, during the course of any of your
14 inspection for Newberg?

15 A No, I haven't.

16 Q Have you ever had occasion to inspect stainless steel
17 junction boxes?

18 A I have inspected junction boxes for Newberg, yes.

19 Q Have they been stainless steel junction boxes?

20 A (No response.)

21 Q If you recall.

22 A None that I can recall offhand.

23 I mean, they were junction boxes that matched the
24 model and type that were called for by design.

25 As far as if they were stainless and painted over,

1 I don't know. They could have been.

2 Q Do you recall how it was that they were physically
3 attached or installed?

4 A Quite a few of them are attached by concrete expansion
5 anchors.

6 Q And the rest?

7 A Would be attached by a stand. They are attached with
8 cap screws to a unistrut and the unistrut is welded to a
9 stand on the floor or the ceiling.

10 Q So that the junction box physically itself is not welded
11 to another component?

12 A Correct.

13 Q Any of the junction boxes that you have had occasion to
14 inspect?

15 A Correct.

16 Q Let me turn now to the topic of the status reports which
17 came up some time before the break.

18 What specifically did you understand those status
19 reports to be?

20 A I would imagine, depending on the project they were
21 working on, to keep track of exactly what was done, so
22 that the lead person could tally what work was done,
23 keep everything up in his logs and to, basically, see
24 what the amount of work is that each person is doing a
25 day.

1 Q When you say, "basically to see the amount of work each
2 person is doing each day," what did you mean by that?

3 A That's an assumption on my part. I am assuming what I
4 would feel was in their thoughts with those status
5 sheets.

6 You know, nobody from Comstock management ever said
7 to me, "We are going to keep track of, you know, exactly
8 how much work you are doing."

9 Q You testified earlier today that you were a lead for a
10 time period; is that correct?

11 A Yes.

12 Q Were status sheets ever handed in to you?

13 A Oh, yes.

14 Q What did you do with them?

15 A Boy, I believe we used them at that time to compile a
16 log, which we would give to a secretary-type person, who
17 is -- who had a huge log of all NCR's that were being
18 closed or ICR's that were being closed and exactly how
19 many conduit hangers were being inspected and cable pan
20 hangers that were being inspected.

21 Q Do you recall personally creating or filling out a log
22 of the total number of inspections your inspectors
23 working under you had performed?

24 A I believe we -- yeah, we had some sort of form blank, a
25 form that we would add up the total of all work done by

1 the guys.

2 Say you had five guys working for you. You would
3 add up the total of conduit hangers done, put it down on
4 the form under conduit total, total amount of ICR's
5 closed and NCR's, something to that effect.

6 Q Mr. Peterson, did you personally review the individual
7 status sheets turned in to you when you were the Lead
8 Inspector in order to determine the amount of work
9 performed by an individual inspector on a daily basis?

10 A No.

11 Q All right. Did you have an understanding as to whether
12 there was a particular individual responsible for the
13 overall status report system at Comstock?

14 A To the best of my understanding, it was Larry Seese.

15 Q Did you ever have an occasion to discuss with Mr. Seese
16 the status reports or the impressions about them that
17 you have just testified to today?

18 A Not that I can recall, no.

19 Q Did you ever have occasion to talk to any other Lead
20 about what he might have been doing with these status
21 reports being turned in to him?

22 A As far as what they were doing with them? As far as --

23 Q Yes, sir, as far as what they were doing.

24 A Not really. I mean, it was just a matter of keeping
25 track of logs so they could keep a total account of how

1 much work was getting done.

2 Q To the best of your recollection, was this during the
3 course of the -- strike that. Let me try again.

4 During that time period, do you recall whether or
5 not there was a backlog of inspections to be performed
6 overall for Comstock at Braidwood?

7 A There usually was, so I am sure during that time there
8 was.

9 Q Okay. Did you have any understanding as to the
10 relationship of the status reports to the reduction of
11 the backlog effort?

12 A Just that, you know, when we got them in, that they
13 wanted them to be statused as soon as possible, just so
14 they could get an idea of how much was being done,
15 because they were, obviously, interested in getting the
16 backlog trimmed down as quickly as possible.

17 Q Okay. Did you have an understanding during the course
18 of your employment either with BESTCO for Comstock or
19 with Comstock itself as to whether or not the overall
20 backlogged inspections for Comstock had ever been caught
21 up to?

22 A That we had caught up the backlog?

23 Q Yes, sir.

24 A Yes, we did.

25 Q Do you recall approximately when that was?

1 A No, I don't.

2 Q When you said earlier that you almost always had a
3 backlog, were you referring to something other than the
4 completion of the backlog you have just testified about
5 now?

6 A I merely meant they usually had a backlog of inspections
7 as a whole in most all areas.

8 Q All right. What is your definition of backlog, let's
9 try that?

10 A Simply, that they are behind on their inspections as far
11 as the amount of work that craft had done that hadn't
12 been inspected yet.

13 Q Did you have an understanding that the definition of
14 backlog by Comstock was an installation performed more
15 than 30 days before without inspection having taken
16 place in that time?

17 A Yes, I believe 30 days was the limit.

18 Q And you, nevertheless, testified that the backlog --
19 quote, unquote backlog -- for Comstock at Braidwood was
20 completed; is that correct?

21 I guess I am a little confused.

22 A There was a time when they had had a big deal going on
23 where they, Comstock, was supposedly worried that they
24 were going to get kicked off site because they had such
25 a bad backlog problem.

1 Larry Seese gave us a speech that things were
2 looking very critical as far as Comstock. They needed
3 to get the backlog taken care of and everybody's efforts
4 would be appreciated, you know, that type of thing.

5 And, eventually, that work that he was talking
6 about at the time, eventually, that did get done.

7 Q Is that the backlog that was eventually completed that
8 you are referring to?

9 A I believe so, yes.

10 Q When you said earlier that there was always a backlog,
11 did you, in fact, mean that some areas of inspection
12 would be lagging; whereas, others might be caught up to
13 date --

14 A Yes.

15 Q -- as in a normal course of business?

16 A Yes.

17 Q Do you recall the circumstances in which Mr. Seese made
18 that speech to you?

19 A What do you mean as far as circumstances, the date or --

20 Q Was this at a general meeting or had he called together
21 a special meeting?

22 A Yes. Not everybody there was. There was maybe a dozen
23 people there at the time.

24 Q Do you recall whether or not you were being assigned to
25 a special project in connection with the completion of

1 the backlog at that time?

2 A Yeah, I believe at that time I was working on a project
3 where we would take the old, what they called HIR's and
4 CIR's -- they are Hanger Installation Reports and
5 Conduit Installation Reports.

6 What they were trying to do was get them all
7 organized, so they knew exactly what work that they had
8 to do that wasn't done yet.

9 They had a whole pile of them, and nothing was
10 organized, nothing was filed; and it was up to us to get
11 them organized, do research on them.

12 We would take an HIR, which would tell us that such
13 a hanger was installed, we would go in the vault, dig
14 through the vault, see if the hanger was installed --
15 excuse me, see if it was inspected.

16 If it was inspected, see if it was weld inspected
17 and accepted; and then go through the configuration
18 files and see if it was configuration inspected and
19 accepted; and if it was, that would be marked as done
20 and then we would continue on with the next HIR or CIR.

21 Q I take it then or it would be fair to say that Mr. Seese
22 was supervising this particular project, if you recall?

23 A I -- he possibly was at that time.

24 I think Ken Worthington had it for the most part.

25 Q In the event that a documented weld inspection or a

1 documented configuration inspection could not be
2 located, what, if anything, did you do then?

3 A They were stamped -- let's see.

4 Well, they were put in a file. There was a special
5 file that they were put in.

6 And in that case, then, they were put in a file by
7 drawing number -- okay? -- as work to be done, so then
8 on a daily basis that work in those files would be
9 handed out to inspectors to do on a daily basis.

10 Q Were you one of the inspectors who would then go out to
11 the field and inspect what needed to be inspected?

12 A No, not at that time. I was the Lead, so I was the one
13 trying to take care of all the paper work and then
14 handing out the work during the day.

15 Q Were you a Lead for this special project, if you recall?

16 A I am not just sure. It was only like a month or two
17 that I was and I can't really -- I know I was -- you
18 know, I had a major portion to do with that project as
19 far as the filing of the paper work and the research.

20 I can't remember exactly if I was Lead at that time
21 or not.

22 Q That's fine.

23 Do you recall approximately when this took place?

24 A No, I do not.

25 Q Okay. Let's see if I can pinpoint it.

1 A I knew you were going to do that.

2 Q Do you recall that Comstock changed the salary structure
3 for QC Inspectors some time in April of 1984?

4 A To the best of my recollection, yes, that was.

5 Q All right. And that thereafter, in order to attain
6 salary raises or increases, one needed to obtain an
7 additional certification; is that correct?

8 A Correct.

9 Q Do you recall where in relationship to that change in
10 salary structure did this special project take place?

11 A Offhand, I just -- I just can't remember.

12 Q Okay. Do you recall whether or not this project may
13 have affected the manner in which you were being or
14 would be scheduled into cross-training for additional
15 certifications?

16 A No.

17 Q You don't recall?

18 A No.

19 Q Okay. Do you recall ever seeing or receiving a memo
20 from Mr. Worthington regarding this special project?

21 A I don't really understand what you are saying.

22 A memo as far as what, though?

23 Q Let me see if I can refresh your recollection.

24 I will show you what has been previously marked and
25 received into evidence as Applicant's Exhibit 42.

1 For the record, that's a copy of a memo dated
2 August 24, 1984, from Mr. Worthington and Mr. Seltmann
3 to the backlog weld and configuration inspectors.

4 Do you recall having seen a copy of that document
5 before, Mr. Peterson?

6 I realize it's been a while.

7 A No, I don't, because, you see, what I was involved in
8 was getting the backlog set up. We were more or less
9 getting the file ready so they knew exactly what had to
10 be done.

11 Q For the backlog and weld inspectors to then go ahead?

12 A Configuration.

13 Q Excuse me. All right.

14 A Once we had the files all straightened out and it was
15 for once all organized and they knew exactly what needed
16 to be done, I believe the files were then given to other
17 people, because -- now that is coming back to me.

18 I believe that's when I started getting involved in
19 the cable pan weld project, I think.

20 Q Okay.

21 A So as far as this, I think this was more or less
22 involving another group of people.

23 (Indicating.)

24 Q Who were to perform inspections for packages that you
25 and others put together; is that correct?

1 A Yes, yes.

2 Q Okay. Well, let me ask you this: Do you know a man
3 named R. Seltmann?

4 A Robert Seltmann, yes.

5 Q Yes, okay. How do you know him or how did you know him?

6 A He was working for QA for Comstock.

7 Q All right. Let me ask you this: Are you quite certain
8 that, to the best of your recollection, it was Mr. Seese
9 who made the statement that he did about the project
10 rather than Mr. Seltmann, perhaps?

11 A No, because at that time Bob was strictly working QA.

12 It wasn't until much later in my employment with
13 Comstock that he became more or less elevated to a
14 management position.

15 Q Okay. When Mr. Seese made the statement to you that he
16 did about the -- and the others, about the -- backlog
17 and that things were looking critical and that
18 everyone's effort would be appreciated or words to that
19 effect --

20 A Something to that effect, yes.

21 Q Okay.

22 -- did you feel pressured in any respect to be lax
23 in terms of the quality of the work that you would be
24 doing --

25 A No, not at all.

1 Q -- in order to -- let me finish my question, please.

2 -- in order to accommodate his request to --
3 accommodate his request that everyone's effort would be
4 appreciated?

5 A No, not at all.

6 Q Do you recall anything else about this meeting that Mr.
7 Seese had called or no?

8 A No. It wasn't really anything out of the ordinary.
9 They knew that they were in a critical stage and they
10 knew that the work had to be done.

11 Q Did anything Mr. Seese said to you cause you to change
12 in any respect the manner in which you performed your
13 own work?

14 A No.

15 Q Did you ever have occasion to observe QC Inspectors
16 loafing around or goofing off?

17 A Not to an extreme, no. I think in anybody's workday,
18 they might see an occasional joke being told or
19 something like that; but as far as -- are you talking
20 hours or what?

21 I mean, you know, it's --

22 Q When you said "extreme," what would be an extreme to you
23 in terms of loafing around or goofing off?

24 A I suppose five, ten, more minutes.

25 Q Five, ten or more minutes?

1 A Yes. I have never seen anything like that.

2 Q How about you personally, Mr. Peterson; did you ever
3 have occasion to loaf around or goof off during the
4 course of your employment with Comstock at Braidwood?

5 A How do you really think I am going to answer?

6 Q Yes, sir, I would like you to.

7 A Of course not.

8 Q Do you know a man by the name of John Seeders?

9 A Yes, I do.

10 Q How do you know him?

11 A He was a QC Inspector at Comstock while I was employed
12 there.

13 Q Did there come a time when he was no longer a QC
14 Inspector for Comstock?

15 A Yes. He was transferred to the Engineering Department.

16 Q Did you have occasion to discuss the circumstances
17 surrounding his transfer with Mr. Seeders?

18 A I believe once or twice I had talked to John concerning
19 his allegations with Saklak and his transfer.

20 Q What did you understand his allegations to be?

21 A As far as I can recall -- I can't really remember the
22 exact circumstances.

23 I just know that there was a situation between him
24 and Saklak and I think Worley was a witness to it or
25 something; and Saklak had said something to him that he,

1 apparently, didn't like.

2 Q That Mr. Seeders didn't like?

3 A Yes.

4 Q And that is what Mr. Seeders allegations were, to the
5 best of your recollection at this point?

6 A Yes.

7 Q Did you have occasion to discuss with Mr. Seeders his
8 transfer out of QC and into the other department?

9 A As far as I can recall, the only conversation I had with
10 him was just to ask him how he liked the transfer and if
11 he was just more or less happy where he was.

12 That's the total extent of it.

13 Q What was your understanding of his satisfaction or
14 dissatisfaction with the transfer?

15 A Well, I think he was glad to be out of the reign of Irv
16 DeWald. Of course, anybody would be.

17 As far as how it affected his career, I don't
18 really know. I think he was happier overall to be out
19 of there.

20 Q Did Mr. Seeders lead you to have any understanding as to
21 the reason for his transfer?

22 A That whole situation there, really, is very vague with
23 me right now. I really can't comment much on that.

24 Q Did you have any understanding as to whether Mr.
25 Seeders' allegations were oral or in writing?

1 A I don't know. I just -- that was a while back.

2 Q Did Mr. Seeders ever show you a letter he wrote to Irv
3 DeWald containing allegations about his experience with
4 Mr. Saklak?

5 A No.

6 Q You never saw a letter --

7 A I never saw a letter.

8 Q -- like that?

9 Let me just show you to make sure that you have
10 never seen this letter.

11 For the record, I am going to show the witness what
12 has been previously marked as Intervenors' Exhibit 24
13 and admitted as such into evidence.

14 Just take a quick look at that, Mr. Peterson.

15 Do you recall ever having seen a copy of a letter
16 such as that before?

17 A No, I have never seen this before.

18 Q Okay. Did Mr. Seeders ever give you any understanding
19 of audits that were being performed of the Calibrations
20 Department?

21 A I believe shortly after his incident with Saklak and, to
22 the best of my knowledge, when he had made allegations
23 to the NRC, I believe they then started performing an
24 audit on all the previous work that was done by him.

25 Q And was this understanding based on something that Mr.

1 Seeders told you?

2 A Let me think now.

3 Yes, yeah, because I remember now the comment John
4 had made was it seemed funny to him that after the years
5 of doing that, they suddenly now were finding things
6 wrong with his program, the way it was set up, and that
7 QA was telling him, "Well, this is wrong, this is wrong.
8 Why did you do it this way," and he was more or less
9 saying, "Well, where have you been for the last few
10 years? Why now all of a sudden have you got an audit
11 and why are you finding things wrong? This is the way
12 things have been carried out for quite some time."

13 Q Was it your understanding that the audit was performed
14 after Mr. Seeders had made his allegations about Mr.
15 Saklak?

16 A I believe that is correct.

17 Q And that is what Mr. Seeders led you to understand so
18 far as you recall?

19 A Yes.

20 Q You made a reference to Worley earlier on.

21 Were you referring to Mr. Puckett?

22 A Yes.

23 Q Before I get to the topic of Mr. Puckett, you made a
24 statement to the effect of, "out of the reign of Irv
25 DeWald."

1 I think you said something like, "Anybody would be
2 happy to be out of the reign of Irv DeWald."

3 A Yes.

4 Q Do you recall saying that?

5 A Yes.

6 Q What did you mean when you said that, Mr. Peterson?

7 A Well, let's just say I have worked for better, much
8 better.

9 Q In what respect did you find Mr. DeWald to be lacking?

10 A What would this -- can I held for libel for anything I
11 say here or what?

12 (Laughter.)

13 MR. MILLER: Truth is a defense.

14 MS. KEZELIS: All we want from you is the
15 truth, Mr. Peterson.

16 JUDGE GROSSMAN: No, you can't be held --

17 THE WITNESS: I can give you a personal
18 opinion.

19 JUDGE GROSSMAN: No, you can't be held in
20 libel for that opinion.

21 THE WITNESS: Okay. Could you ask the
22 question again then?

23 MS. KEZELIS: Would you read the question,
24 please, Mr. Reporter?

25 (The question was thereupon read by the

1 Reporter.)

2 A Every.

3 BY MS. KEZELIS:

4 Q Can you be more specific, Mr. Peterson?

5 A To put it honestly, I couldn't have a lower opinion of
6 him. I don't know how else to put it.

7 Q Do you mean as to Mr. DeWald as a person or as to Mr.
8 DeWald as a manager of QC Inspectors or do you mean as
9 to his interpersonal skills with employees?

10 Does that help you at all?

11 A D, all of the above.

12 I can handle the personality problem, that's no
13 problem to me; but when you top it off with seemingly
14 ignorance in the field and non-managerial skills, it
15 just --

16 Q Does that -- excuse me.

17 A -- makes for bad feelings.

18 Q Did you have occasion to specifically observe what you
19 understood to be ignorance of Mr. DeWald in field
20 matters?

21 A Some, just based upon things that have been said over
22 the years, some just on the fact that I worked for the
23 guy for two years; and, obviously, after two years you
24 get an idea of just what sort of knowledge a person has,
25 or lack of knowledge.

1 Q Did you have occasion to go to Mr. DeWald with questions
2 you had about conditions you found in the field?

3 A Not anything specific I recall, offhand.

4 If I had any questions, he would probably be the
5 last person I would go to.

6 Q Would it be fair to say that you didn't like Mr. DeWald?

7 A Yes.

8 Q Was Mr. DeWald the individual who hired you?

9 A No, he was not.

10 Q Do you recall who did?

11 A I believe it was a personnel man out of their office,
12 out of the Comstock office in Chicago.

13 As far as -- well, the way it was set up, you would
14 call there and send in a resume and then call the guy
15 again and he would more or less just tell you if you
16 were hired or not.

17 As far as who actually looked over the resumes and
18 decided who got hired, I have no idea.

19 Q Can you give us any specific examples of any of your
20 experiences with Mr. DeWald that would lead you to have
21 formed the opinion that you have of him?

22 A Offhand -- you know, I didn't take notes over the last
23 two years of everything that he did or said.

24 Q I understand.

25 A All I can give you is just my feelings after working for

1 him for two years, just on a daily basis.

2 Q You had mentioned Mr. Puckett earlier, Mr. Peterson.

3 Did you know Mr. Puckett -- how did you know Mr.
4 Puckett, I will put it this way?

5 A I just -- I had very little to do with him at the time
6 he was there. I was working in another area, so --

7 Q You were not working with the welding area while Mr.
8 Puckett was there?

9 A I was -- you see, the cable pan weld project was
10 different than the hanger weld project. So he was
11 involved in a separate deal than I was.

12 Q Did you have enough contact with him or did you have
13 enough of an opportunity to observe him in order to be
14 able to form an opinion as to his competency?

15 A No, I can't formulate any opinion on him.

16 Q Did you have any understanding as to what position he
17 was hired to fill?

18 A I believe it was a position as a Level 3.

19 Q After Mr. Puckett left -- well, strike that.

20 Did you have any understanding as to the
21 circumstances surrounding Mr. Puckett's departure from
22 the site?

23 A Just through hearsay; no firsthand knowledge.

24 Q What, generally, did that hearsay say?

25 A From what I had heard, it was basically he had issued a

1 stop work order on the welding -- exactly why, I don't
2 know -- and the fact that the Comstock management,
3 apparently, felt that it wasn't warranted and fired him
4 because of it.

5 But, like I say, that's just hearsay.

6 Q Do you recall when you first heard this?

7 A No.

8 Q Have you read any newspaper articles about that topic or
9 about this proceeding generally?

10 A I have read newspaper articles, yes.

11 Q Do you recall whether any of them dealt with Mr.
12 Puckett?

13 A I am sure they have, yeah.

14 Q Do you recall whether you heard anything around the time
15 period that he was terminated, and I will represent for
16 you that that was in August of 1984?

17 A I don't recall.

18 Q Okay. Since August of 1984, which is, as I represented
19 to you, when Mr. Puckett was terminated from employment
20 by Comstock at Braidwood, did you have occasion to
21 observe any changes in the welding program?

22 A That's a pretty broad term there, "changes."

23 Changes in what?

24 Q In the --

25 A You know, there were changes made over the couple of

1 years that I was there, fortunately, a lot of them for
2 the better as far as their forms and the way they
3 started doing certain things.

4 They initiated a WIR program, Weld Installation
5 Report, which I thought was much needed.

6 Q Did you have an understanding as to who was responsible
7 for those changes that you have just identified?

8 A I know there were a lot of changes made after Tony
9 Simile came into effect. A lot of the changes that were
10 made were changes that a lot of the inspectors were
11 trying to get management to make.

12 They finally got somebody in there that,
13 apparently, they would listen to, Tony, and that,
14 apparently, had enough power in the organization to get
15 things changed.

16 MS. KEZELIS: I have no further questions.

17 JUDGE GROSSMAN: Okay. You don't want to go
18 ahead now, do you?

19 MS. CHAN: I can ask some of my questions now
20 and then follow Mr. Guild's examination tomorrow if you
21 wish.

22 I only have a couple of questions.

23 JUDGE COLE: Why don't we do that? We have
24 got some time.

25 JUDGE GROSSMAN: All right. Proceed.

CROSS EXAMINATION

BY MS. CHAN

Q Mr. Peterson, I would like to show you a Notice to Employees. It's published by the NRC. It sets forth the protections afforded employees who bring matters to the attention of the NRC.

Have you seen this posted on the site?

A Oh, yes.

Q Were you aware of this at the time you went to the NRC in March?

A Yes.

MR. GUILD: Mr. Chairman, one more time, we are not certain what version of the notice that document is.

If counsel could identify the number for the record, please, the exhibit number?

MS. CHAN: It's Applicant Exhibit 39.

MR. GUILD: Thank you.

BY MS. CHAN:

Q Mr. Peterson, did you have occasion to meet with Mr. Neisler of the NRC?

He is an NRC investigator.

A You are talking about the fellow right there next to you?

(Indicating.)

1 Q Yes, sitting to my right.

2 A Yes, I did.

3 It was a scheduled appointment that they had made,
4 not me.

5 Q At the time that you met with Mr. Neisler, were you
6 aware that the NRC was conducting an investigation based
7 on the allegations that were raised in the March 29th
8 meeting that you attended?

9 A No, I wasn't.

10 I just received a phone call to go to the Quality
11 First trailer and see a gentleman from the NRC, and that
12 was the only knowledge that I had had that anything was
13 going on.

14 Q In the meeting you had with Mr. Neisler, did he discuss
15 the allegations that you had brought up in that meeting?

16 A Yes, we did.

17 Q Would you like to tell me what allegations you had
18 brought up in the meeting?

19 THE WITNESS: You are concerning the
20 allegations in Exhibit 63?

21 MS. CHAN: 42-A.

22 MS. KEZELIS: It is 42-A.

23 MR. MILLER: 42-A.

24 THE WITNESS: This right here?

25 (Indicating.)

1 MS. KEZELIS: Yes.

2 BY MS. CHAN:

3 Q It was the one in which your name was misspelled?

4 A Yes, correct.

5 Q Do you recall discussing any of those concerns with Mr.
6 Neisler at the time?

7 A Yes, I believe we did.

8 Q Did you realize that Mr. Neisler was going to rely on
9 the information that you were giving him in his
10 investigation?

11 A I hadn't thought about it, no. I --

12 (Indicating.)

13 Q Mr. Peterson, at that time around the beginning of
14 April, the end of March, 1985, were you residing at 18
15 Richards Street, Kankakee, Illinois?

16 A Yes.

17 MS. CHAN: I would like to show you a
18 document and I would like to mark this Staff Exhibit for
19 identification --

20 JUDGE GROSSMAN: 5.

21 MS. CHAN: -- 5.

22 (The document was thereupon marked Staff's
23 Exhibit No. 5 for identification as of
24 June 26, 1986.)

25 BY MS. CHAN:

1 Q Mr. Peterson, in your earlier testimony you had said you
2 received a copy of the April 5th letter from Charles
3 Weil marked as Intervenors' Exhibit 42-A and that you
4 had noticed that your name had been misspelled and you
5 went to the NRC the next day to correct an error in the
6 spelling and also an error about your understanding that
7 you were not threatened that you would lose your job if
8 you did not increase your efficiency.

9 I am showing you a letter, which was the cover
10 letter to the document you received from the NRC.

11 In the first paragraph -- if you could take a
12 moment to read that.

13 A Okay.

14 Q Does it say there that the NRC is conducting an
15 investigation and will provide you with the results of
16 that?

17 A Yes, it does.

18 Q Does looking at that letter refresh your recollection as
19 to the follow-up of the correspondence that you received
20 from the NRC?

21 A I believe I do recall receiving that letter, yes.

22 MS. CHAN: At this time I would like to move
23 Staff Exhibit 5 into evidence?

24 JUDGE GROSSMAN: Is there any objection?

25 MS. KEZELIS: Applicant has no objection.

1 JUDGE GROSSMAN: Received.

2 (The document was thereupon received into
3 evidence as Staff's Exhibit No. 5.)

4 BY MS. CHAN:

5 Q Mr. Peterson, do you recall receiving some time
6 thereafter a document from the NRC, which was fairly
7 thick, that discussed your allegations and the
8 conclusions of the NRC Staff?

9 A I believe I did, yes.

10 Q Does that refresh your memory that an investigation was
11 actually conducted and included the information that you
12 had supplied to Mr. Neisler?

13 A I believe so.

14 Q I believe you testified earlier that Mr. Walters and Mr.
15 Worthington had a meeting with you and in that meeting
16 they compared your productivity with that of another
17 unidentified inspector in an effort to explain why they
18 didn't feel they could justify giving you overtime.

19 Do you recall that in your testimony?

20 A Yes.

21 Q Do you agree that if all inspectors were doing the same
22 quality of work, that it might be -- excuse me -- that
23 management might prefer to allocate its overtime funds
24 to workers with the highest productivity?

25 A At that particular time, yes.

1 MS. CHAN: Staff has no further questions at
2 this time.

3 JUDGE GROSSMAN: Let's go off the record.

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

6 JUDGE GROSSMAN: Let's go back on the record.

7 We will recess then until tomorrow morning at 8:30.

8 Now we are adjourned.

9 MS. KEZELIS: The instruction to the witness,
10 please, Judge.

11 JUDGE GROSSMAN: Yes. Please don't discuss
12 your testimony with anyone, not just today but after
13 tomorrow's testimony, too.

14 THE WITNESS: Okay. You bet.

15 JUDGE GROSSMAN: We will recess then until
16 tomorrow morning at 8:30. Now we are adjourned.

17 (WHEREUPON, at the hour of 4:55 p. m., the
18 hearing of the above-entitled matter was
19 continued to the 27th day of June, 1986,
20 at the hour of 8:30 A. M.)

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CERTIFICATE OF OFFICIAL REPORTER

This is to certify that the attached proceedings before the UNITED STATES NUCLEAR REGULATORY COMMISSION in the matter of:

NAME OF PROCEEDING: COMMONWEALTH EDISON COMPANY
(Braidwood Station, Units 1 & 2)

DOCKET NO.: 50-456 OL; 50-457 OL

PLACE: JOLIET, ILLINOIS

DATE: THURSDAY, JUNE 26, 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) Nancy J. Hopp
(TYPED) Nancy J. Hopp

Official Reporter

Reporter's Affiliation