

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)

LOCATION: JOLIET, ILLINOIS

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

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: In the Matter of: :
: COMMONWEALTH EDISON COMPANY : Docket No. 50-456
: : 50-457
: (Braidwood Station, Units 1 :
: and 2) :
-----x

Page: 6122-

College of St. Francis
500 North Wilcox
Joliet, Illinois 60431

Tuesday, July 1, 1986

The hearing in the above-entitled matter convened
at 9:00 A. M.

BEFORE:

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

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

JUDGE A. DIXON CALLIHAN, Member,
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
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16 On behalf of the Intervenor:

17 ROBERT GUILD, ESQ.
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	EXHIBIT INDEX	MARKED	RECEIVED
1			
2	Applicant's Exhibit No. 69	6146	
3	Applicant's Exhibits Nos.		
4	70 and 71	6189	
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6	Applicant's Exhibits Nos. 73,		
7	74 and 75	6297	
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TESTIMONY OF WORLEY O. PUCKETT
(Continued)

CROSS EXAMINATION
(Continued)

BY MR. MILLER

6135

1 JUDGE GROSSMAN: The hearing is reconvened.

2 This is the 31st day of hearing.

3 We have some preliminary matters before we get on
4 to Mr. Puckett's examination, the continuation of that.

5 We had an in-camera briefing yesterday by Office of
6 Investigations, and, unfortunately, it was not a
7 complete enough briefing for us to feel that we can do
8 anything dispositive.

9 The investigation itself apparently had been
10 somewhat dormant for awhile.

11 As far as I know, we don't have any present
12 indication as to whether the alleged still seeks
13 confidentiality; and we left it that we would have a
14 further briefing next Monday, either here in Chicago or
15 in Washington -- that is, in Bethesda -- so we won't
16 have hearings scheduled for Monday, and we'll begin our
17 sessions next week on Tuesday morning.

18 Now, I don't want to ask the parties to hold off on
19 anything further.

20 It's my understanding, speaking only as the Board
21 Chairman now, that L. K. Comstock is actively
22 investigating this matter, and so it wouldn't be fair
23 for me to ask any other party to hold off on its
24 investigation.

25 I don't know that I can say anything further about

1 that.

2 So that as far as the Board taking any action, we
3 can't, until at least next Monday.

4 MR. MILLER: Your Honor, from -- if I may
5 just inquire as to what source you learned that Comstock
6 was investigating.

7 JUDGE GROSSMAN: Well, I believe Comstock has
8 been in contact with the allegor, and that's as far as I
9 want to go.

10 You know, there's a thin line as to what is
11 confidence and what isn't.

12 But the only reason I mention that is that we, I'm
13 sure, gave the parties the impression that we were
14 asking them to hold off somewhat on taking further
15 action at least within the hearing or as part of the
16 hearing, and I don't think it would be fair to give the
17 impression that everything is in abeyance now when
18 apparently it isn't.

19 So I've just taken it on myself to indicate that
20 much, and I don't care to say any more about it.

21 MR. MILLER: Your Honor, I would just like to
22 state for the record that attorneys from our firm have
23 been attempting to make contact with the allegor, and
24 that may be the L. K. Comstock investigation to which
25 you refer, although I don't know, and we have an

1 address, and that's about all at this point.

2 JUDGE GROSSMAN: Okay. Off the record.

3 (There followed a discussion outside the
4 record.)

5 JUDGE GROSSMAN: Back on the record.

6 Again, my information was, of course, secondhand,
7 and it may well have been that the attorneys were the
8 ones who contacted the alleged and not L. K. Comstock;
9 that is, the attorneys for Applicant.

10 Mr. Guild.

11 MR. GUILD: Mr. Chairman, we only had the
12 information available that was on the documents that we
13 received, and so it should be apparent that was a pretty
14 old address here in the Braidwood vicinity.

15 We've been unable to get beyond that information;
16 and we would ask that if Applicant has more current
17 information on the whereabouts of the alleged, that they
18 provide that information to us and we, indeed, would
19 like to make an effort to contact the individual
20 ourselves.

21 JUDGE GROSSMAN: Okay. I think that you are
22 entitled, as a discovery request, to have that
23 information, and so we'll direct the Applicant to give
24 you the information.

25 Do you have any objection to that?

1 MR. MILLER: I don't have any objection to
2 it.

3 I think -- well, I'll discuss it with Mr. Guild.

4 My information is that the man is not anywhere very
5 close by at all; and I guess before we -- my own thought
6 is that before Applicant proceeds, we're going to await
7 some further word from the Board as to what your
8 ex-parte briefing tells you about -- about this matter.

9 But I'll be happy to share what information I have
10 with Mr. Guild.

11 (Indicating.)

12 JUDGE GROSSMAN: Okay. And I can't imagine
13 there's anything objectionable to Staff about that.

14 MR. BERRY: No, your Honor.

15 JUDGE GROSSMAN: Okay. So I guess we'll put
16 that matter aside now, and go on to one or two other
17 preliminary matters.

18 There was an objection on Friday, which the Board
19 sustained, and there was a partial answer given to the
20 question, and I just want to make sure that we note that
21 the question and answer are stricken from the record,
22 and that question was on Page 6015, and so was the
23 partial answer. The question starts on Line 4 and the
24 answer -- the partial answer was on Line 16.

25 So that, of course, can no longer be referred to in

1 the findings.

2 The next matter:

3 We had some sparring back and forth with regard to
4 one matter on Friday with regard to whether it's
5 possible that construction or crafts people would go
6 back and redo welds while a QC inspection is in
7 progress, though this not being an in progress -- in
8 process QC inspection, but one on completed work, and it
9 is my recollection this involved inspections that were
10 performed back in 1981, 1982, which involved Mr. DeWald,
11 and I believe, to a large extent, Mr. Martin.

12 Now, I don't want to have findings on what
13 possibilities were.

14 Either the procedure in effect was that as was
15 suggested was possible or it was not; and the two main
16 principals, Mr. DeWald and Mr. Martin, are still with
17 the company, and at least one of them is at least a
18 friendly witness and part of management.

19 So I think by tomorrow we really ought to know
20 whether it's going to be contended that that was the
21 situation or we can let it rest, because I don't think
22 we want to go and ask every witness who has some
23 expertise in that area as to whether it's possible to
24 have that kind of system whereby crafts people, who are
25 working other welds, are called back and rework other

1 welds that are being inspected at that time.

2 I have some skepticism as to how such a system
3 could operate; but I don't think we ought to pursue it
4 if that, in fact, is not what the Applicant is going to
5 contend was in effect at that time.

6 I hope I'm making myself clear, Mr. Miller.

7 MR. MILLER: Yes, you are, Judge Grossman.

8 I have to search the transcript of Mr. DeWald's
9 cross examination.

10 It is my recollection, however, that he did, in
11 fact, address this topic during his cross.

12 I will endeavor to find the transcript reference
13 for you; and certainly Mr. Martin is one of the
14 witnesses identified by Mr. Guild who will be testifying
15 during the Intervenor's direct case; but let me check
16 the transcript as a first step with respect to Mr.
17 DeWald.

18 JUDGE GROSSMAN: It certainly is a first
19 step.

20 I consulted with Judge Cole to see if he recalled
21 anything like that, and neither of us did, and that's
22 the only reason I offered any opinion now as to my own
23 skepticism.

24 If it already had been testified to, then I'll
25 retract any opinion I had -- any premature opinion I had

1 on this subject, and if he did so testify, of course, it
2 would be appropriate for Intervenor to question whether
3 such a system is feasible and for Applicant to buttress
4 the contention that not only was such a system in use,
5 but was actually feasible.

6 So I think it would be appropriate for you to
7 search the record and let us know where we are.

8 MR. MILLER: Okay.

9 JUDGE GROSSMAN: Any problems with that, Mr.
10 Berry?

11 MR. BERRY: No, your Honor.

12 JUDGE GROSSMAN: Mr. Guild?

13 MR. GUILD: No, sir.

14 JUDGE GROSSMAN: No. Okay.

15 That takes care of the preliminary matters that we
16 have.

17 We're still awaiting Mr. Puckett's appearance, and
18 our understanding was that he would be arriving at about
19 this time, and that we would be prepared to take some
20 recess until he actually arrives.

21 Mr. Guild?

22 MR. GUILD: Yes. I have one more preliminary
23 matter, Judge.

24 I might say we've endeavored to put together a
25 tentative order of witnesses and projection of dates

1 that I thought I would read for the record just so that
2 at this stage, in any event, the parties and Board will
3 know where we intend to go.

4 Would you like me to read that at this time?

5 JUDGE GROSSMAN: Yes, please.

6 MR. GUILD: Okay. I have us starting on the
7 14th of July, which I think is a -- Monday or Tuesday?
8 I think it's a Monday afternoon.

9 The order of witnesses I have -- I'll just read
10 last names -- Saklak; Martin; Bossong; Hunter --

11 JUDGE GROSSMAN: Saklak?

12 MR. GUILD: Yes.

13 Martin --

14 JUDGE GROSSMAN: Martin.

15 MR. GUILD: Rick Martin; Larry Bossong,
16 B-O-S-S-O-N-G; R. D. Hunter; Perryman, Larry Perryman;
17 Herschel Stout; Mark Klatchko; Timothy Stewart; Myra
18 Sproull --

19 JUDGE COLE: Could you spell that, please?

20 MR. GUILD: S-P-R-U-L-L, I believe.

21 Larry Phillips; Dan Shamblin, S-H-A-M-B-L-I-N;
22 Michael Wallace; George Orlov, O-R-L-O-V; James
23 O'Connor; Walter Shewski, S-H-E-W-S-K-I; Charles Weil,
24 W-E-I-L; Robert Schulz; and Leonard McGregor.

25 I've omitted from that list of the witnesses that

1 we had previously indicated that we intended to subpoena
2 Mr. Robert Patey.

3 Mr. Patey was not found by Applicants for
4 deposition, and we don't expect any better prospects in
5 tracking Mr. Patey down.

6 He's no longer employed by the company and some
7 distance from the site.

8 We don't need him as a critical witness and
9 basically are abandoning our intention to call Mr.
10 Patey.

11 This, again, is a tentative list and obviously
12 depends on availability, and it may change as we get
13 closer to the time; but I thought I might provide it to
14 the Board and parties at this time.

15 MR. MILLER: One question, if I might, Mr.
16 Chairman.

17 The two expert witnesses --

18 MR. GUILD: Indeed, I left our witnesses off.

19 With the experts, I would hope we could follow the
20 previous practice, and that is agree on a date certain,
21 and now that we have a little closer idea where we are
22 currently, I'll be in touch with them and other counsel,
23 if the Board would accept basically the proposition of
24 trying to fit them in on a date and time certain within
25 the witnesses here.

1 I wouldn't intend to hold them for the end or do
2 them at the beginning unless the Board has other
3 preferences.

4 We will try to fit them in to try to accommodate
5 their schedules.

6 JUDGE GROSSMAN: Well, I don't see why we
7 would interfere with your scheduling of them, anyway,
8 since you will be calling all these witnesses, and you
9 can certainly fit your witnesses in whenever you want.

10 If someone is in the middle of testifying, we've
11 been lenient on that, and we will continue to do that,
12 and make way for the experts and then have the witness
13 that's on complete his testimony afterwards.

14 Now, I understand, before we get to these
15 witnesses, we still have a few that Applicant is
16 calling, including -- well, what I have is a
17 continuation of Mr. Puckett, Mr. Bowman, Mr. Wicks and
18 Mr. Seeders.

19 MR. MILLER: Correct.

20 JUDGE GROSSMAN: Okay. And so it's
21 anticipated that those three-and-a-half witnesses will
22 be completed by the 14th of July or around that time,
23 and that Mr. Saklak will be called immediately after Mr.
24 Seeders, probably.

25 MR. MILLER: Yes.

1 If I might inquire as to whether a subpoena has
2 been issued to Mr. Saklak.

3 MR. GUILD: No. They are going out today;
4 and we just arrived at those tentative dates.

5 You know, no one has been served as of yet.

6 JUDGE GROSSMAN: It's usually appropriate to
7 list the witnesses after the subpoenas have been
8 served, but, be that as it may, we will assume that they
9 will be served sooner or later and they will be here.

10 Okay. With that, we might as well just take our
11 recess now and await Mr. Puckett, so we are in recess.

12 (WHEREUPON, a recess was had, after which
13 the hearing was resumed as follows:)

14 JUDGE GROSSMAN: Okay. We're back in
15 session, and Mr. Miller will continue with his
16 examination.

17 Mr. Puckett, you remain under oath.

18 THE WITNESS: Yes, sir.

19 WORLEY O. PUCKETT
20 called as an adverse witness by the Applicant herein, having
21 been previously duly sworn, was examined and testified as
22 follows:

23 CROSS EXAMINATION

24 (Continued)

25 BY MR. MILLER

1 Q Good morning, Mr. Puckett.

2 At the conclusion of last Wednesday's session, we
3 were -- or you were giving testimony regarding a concern
4 that is found at Page 9 of Applicant's Exhibit 51.

5 I think that should be right on the top of your
6 stack.

7 If you would turn to that, please.

8 A Page 9?

9 Q Yes, sir; the allegation that's recorded as Allegation H
10 there.

11 A Yes.

12 Q Am I correct, Mr. Puckett, that with respect to these
13 welder qualification record inconsistencies, that, in
14 your opinion, it was most likely that -- that the welder
15 had actually performed a good test; is that right?

16 A In some cases, yes.

17 Q Okay. And it was just a question of the paper not
18 reflecting what probably took place; correct?

19 A In some cases, yes.

20 Q Mere typographical error does not mean that a welder is
21 not qualified to do the work; right?

22 A I would say no.

23 Q Okay. Does that mean that a typographical error may, in
24 fact, indicate the welder is unqualified?

25 A Well, that would not be for me to decide.

1 As far as myself, if I knew for a fact that I had
2 objective evidence that it was a typographical error,
3 then there would be no problem with it.

4 Q Right.

5 And that's what you were talking about at the last
6 evidentiary session when you testified you just have to
7 do some additional research to make the determination as
8 to whether or not the test was a good one or, in fact,
9 the welder was unqualified; correct?

10 A In some cases, yes, this is the case.

11 Q All right. Now, the next allegation that deals with
12 welder qualification records is found on Page 10 of
13 Applicant's Exhibit 51. It's Allegation I; and I'd like
14 you to just read it over to yourself, please.

15 Mr. Puckett, is Allegation I an accurate
16 characterization of your concerns regarding this aspect
17 of the welder qualification records?

18 A Pretty much so.

19 If you can understand what is meant by what's
20 written there, yes.

21 Q Well, I'm not sure I do.

22 Let me ask you a question.

23 Was the basic concern that welders had originally
24 been qualified to an E. C. Ernst procedure that
25 referenced welds on pipe and that these qualifications

1 were carried over to Comstock once Comstock became
2 contractor on site?

3 A Yes.

4 Q All right. Is this another instance in which, on the
5 basis of the documentation that you were able to look
6 at, the welder's qualifications were indeterminate?

7 A Yes.

8 Q And that there may very well have been additional
9 documentation, which you just didn't see, which would
10 resolve the issue one way or another?

11 A Possibly.

12 Q All right. I take it that the AWS D1.1 Code authorizes
13 a successor contractor to rely on earlier qualification
14 tests; is that right?

15 A Yes, yes.

16 Q So that aspect of it would -- is not in itself
17 disqualifying for the welder, is it?

18 A No, it isn't.

19 Q Again, it's a question of whether there is a paper trail
20 which indicates that Comstock properly took over, if you
21 will, the E. C. Ernst qualification procedure; is that
22 correct?

23 A Yes.

24 One of my concerns, though, was the fact that
25 originally a welder qualified to 9.2, which was on

1 pipe --

2 Q And that's the E. C. Ernst procedure; correct?

3 A Yes.

4 -- and that had a lower limit to a thickness range
5 and it had an upper range, of course, for a thickness
6 range; and this welder may, for one reason or another,
7 terminate and come back at a later date to requalify.

8 Well, in this case, when he came back to requalify
9 for Comstock, he updated on plate, which is okay, too.

10 However, they give him unlimited thickness, which
11 the 9.2 would not have done, and in some cases, the
12 welder's qualifications was just transferred from an E.
13 C. Ernst qualification card reflecting that he had taken
14 a test, which is 9.2, and he is carrying a qualification
15 card that references Procedure 4.7.1, when really he's
16 never really seen this procedure.

17 Q All right, sir.

18 It's a fact, is it not, that -- that the test for a
19 welder on pipe is a much more difficult test than a test
20 on plate?

21 A Well, a welder that qualifies can weld plate, also, but
22 not vice versa, with the exception of fillet welds.

23 However, I was concerned, again, with the
24 qualification range.

25 Qualifying on pipe, according to D1.1 '75, has a

1 lower range to it; and most of these welders for
2 Comstock would be welding below this lower range if they
3 are welding on any kind of sheet steel.

4 Q All right, sir.

5 Could you turn to the AWS Code. Let me find it.

6 It's Table 5.26.1. It's found at Page 64 of the
7 AWS Code.

8 JUDGE GROSSMAN: Is that Applicant's Exhibit
9 12?

10 MR. MILLER: Yes -- thank you, Mr.

11 Chairman -- it is.

12 BY MR. MILLER:

13 Q All right. Now --

14 MR. GUILD: Could I have the page reference
15 again, counsel?

16 MR. MILLER: Yes; 64.

17 MR. GUILD: Thank you.

18 BY MR. MILLER:

19 Q All right. Mr. Puckett, looking at that table, the
20 second line item from the bottom is -- indicates a type
21 of weld, a groove weld on 6 inch Schedule 80.

22 And that refers to a pipe schedule; does it not?

23 A Yes, it does.

24 Q And it was on that pipe that the E. C. Ernst welders
25 qualified; correct?

1 A Yes, sir.

2 Q All right. Now, the limitation and the minimum is
3 found, I guess, four columns over, and it's the .187
4 minimum --

5 A Yes.

6 Q -- dimension?

7 A Unlimited maximum.

8 Q Right.

9 And, Mr. Puckett, do I understand that it's your
10 opinion that that .187 minimum dimension refers both to
11 the minimum dimension of pipe and plate?

12 A I would say so, with the exception of fillet welds.

13 Q All right. So that, in other words, if a welder who had
14 qualified on 6 inch Schedule 80 pipe was asked to make a
15 groove weld on plate that was less than .187 inches, he
16 would not be qualified?

17 A In my opinion, no, according to what I read here in the
18 code.

19 Q All right. Do you know, Mr. Puckett, what the minimum
20 wall thickness is for 6 inch Schedule 80 pipe that is 4
21 inches in diameter?

22 A 6 inch is the diameter of your pipe. Your Schedule 80
23 is the thickness of pipe.

24 Q I beg your pardon.

25 Do you know -- do you know what the minimum wall

1 thickness is for a 6 inch Schedule 80 pipe?

2 A I do not off the top of my head.

3 Q Okay. Now, I'd like you to turn for just a second, if
4 you would, to Paragraph 5.17.4 of the Code, which is
5 found at Page 58, and I'd like to ask you to read that
6 to yourself.

7 A That's 5.17.4?

8 Q .4.

9 And, actually, I'd ask you to also read 5.17.3.

10 A Yes, sir.

11 Q All right. Now, can we agree that 5.17.3 states the
12 thickness range for a groove weld when a welder
13 qualifies on plate?

14 A Yes, sir.

15 Q And, in fact, that is -- he is qualified for that
16 thickness or any thickness less than the thickness on
17 which he qualifies, no lower limit; right?

18 A No lower limit where plate is involved.

19 Q Right.

20 Now, could you tell me where in 5.17.4 you find a
21 lower limit thickness range for the pipe weld?

22 A Well, in 5.17.4, it says the welder who makes a complete
23 joint penetration groove weld pipe procedure
24 qualification test without backing strip.

25 To the best of my knowledge, their 6 inch schedule

1 pipe was run with backing strip.

2 Q Well, is the fact of the backing strip, then, the
3 characteristic of the test that leads to the thickness
4 limitation that I have -- that you have just described?

5 A 10 different people will give you 4 different
6 interpretations of what the Code will mean.

7 Q I'm sure that's right.

8 A My interpretation is that there was a lower limit to it,
9 and that the welders were welding below that limit.

10 Q Yes, sir.

11 My question to you is:

12 Do you find that limitation expressed in 5.17.4?

13 A I find the paragraph in there that is relating to
14 thickness ranges. It excludes pipe welding with backing
15 strip.

16 MR. MILLER: Mr. Puckett, I don't believe
17 that's fully responsive to my question.

18 Mr. Chairman, I'd request that the Reporter read
19 the question again.

20 I'm happy to have whatever explanation Mr. Puckett
21 wants to make, but I do think I need an answer to the
22 question.

23 JUDGE GROSSMAN: Sure.

24 Would you read that question.

25 (The question was thereupon read by the

1 Reporter.)

2 THE WITNESS: Do I find --

3 BY MR. MILLER:

4 Q The limitation of a minimum thickness range of .187
5 inches expressed in 5.17.4?

6 A No.

7 Q All right. Now, I think you stated earlier that you get
8 10 different people and you get 10 different
9 interpretations of the Code.

10 A Yes.

11 Q And, in fact, in that table that we were looking at
12 earlier on Page 65, there is a -- a minimum thickness
13 specified.

14 When you were employed by Comstock at Braidwood,
15 did you have occasion to consult anybody as to whether
16 this .187 minimum thickness, in fact, applied only to
17 pipe or applied to both pipe and plate?

18 A No, I did not.

19 There appeared to be nobody in the Comstock
20 organization that was familiar with these -- these
21 figures and these codes.

22 Q I see.

23 You didn't -- you knew a man named Vogt, did you
24 not?

25 A Yes, I knew Mr. Vogt.

1 Q He was the corporate Level III Welding Inspector,
2 correct, for Comstock?

3 A No. Mr. Vogt was the corporate weld engineer.

4 Q I see.

5 And did you consult Mr. Vogt at all on these
6 questions?

7 A I do not know if this was brought up to Mr. Vogt or not.

8 I know that almost everything that I brought up to
9 Mr. Vogt and showed him in the Code -- Code he agreed
10 with.

11 (Indicating.)

12 Q I see.

13 But you can't recall whether you specifically did?

14 A I don't recall if this was shown to Mr. Vogt or not.

15 Q All right. Now, Mr. Puckett, I think that you earlier
16 stated that one of your concerns was about whether
17 Comstock had properly succeeded to the E. C. Ernst
18 procedure as a part of this Allegation I that we were
19 looking at?

20 (Indicating.)

21 A Now, will you rephrase that once more, please?

22 Q I'm sorry.

23 I think you stated earlier that one of your
24 concerns was as to whether Comstock properly took over,
25 if you will, the qualifications for the welders that had

1 originally been qualified to the E. C. Ernst procedure;
2 correct?

3 A Well, I was concerned with this, yes.

4 Q All right. Do you know whether or not, at about the
5 time that you were -- had been at the Braidwood site
6 for, oh, a few weeks, there was any identification of
7 this problem by anyone else in the Comstock
8 organization?

9 A None that I'm aware of.

10 MR. MILLER: Okay. I believe the next number
11 is Applicant's Exhibit No. 69 for identification.

12 (Indicating.)

13 I'd like this document, which is a multi-page
14 document -- the cover sheet has the date of August 6,
15 1984. It's from Mr. Simms and Mr. Seltmann to Mr.
16 DeWald and Mr. Rolan -- marked as Applicant's Exhibit
17 No. 69

18 (Indicating.)

19 (The document was thereupon marked
20 Applicant's Exhibit No. 69 for
21 identification as of July 1, 1986.)

22 MR. BERRY: What number is that?

23 MR. MILLER: 69.

24 BY MR. MILLER:

25 Q Mr. Puckett, you are free to look at the entire document

1 I'd like to call your particular attention to the
2 second page, and specifically the -- about half-way down
3 the page, there's a reference to Audit Point 2, and I'd
4 ask you to just read that to yourself.

5 Mr. Puckett, can we agree that the -- this quality
6 assurance audit identified, at least for a welder V.
7 York, the same concern that you identified?

8 MR. GUILD: Excuse me, counsel.

9 Before the witness answers that question, you
10 directed his attention to Audit Point 2, and I'm trying
11 to read beyond Page 2.

12 JUDGE GROSSMAN: There seems to be a page
13 missing --

14 MR. MILLER: Yes.

15 JUDGE GROSSMAN: -- at least.

16 MR. MILLER: Let me see.

17 It's possible it just didn't get copied, the
18 backside of it just didn't get copied.

19 Well, I agree it appears to be incomplete copying.
20 I apologize to the Board and the parties.

21 We'll get a complete copy and substitute it, if I
22 may.

23 JUDGE GROSSMAN: Is it just one page that's
24 missing; do you know?

25 MR. MILLER: I do not know.

1 JUDGE GROSSMAN: Do you have another one?

2 MR. MILLER: I do not.

3 The one I received --

4 JUDGE GROSSMAN: Oh, none of us have a
5 complete copy?

6 MR. MILLER: No. I'm sorry.

7 BY MR. MILLER:

8 Q Mr. Puckett, can we agree that Audit Point 2 appears to
9 raise the same concern at least with respect to one
10 welder, Mr. York, that you identified?

11 A Yes.

12 Q And the auditor's Recommendation A suggests one method
13 of qualifying Mr. York -- or showing that Mr. York's
14 qualification to the E. C. Ernst procedure, in fact,
15 qualifies him to the Comstock procedures; correct?

16 A If it was correctly done, I would say yes.

17 Q Okay, sir.

18 Now, Mr. Puckett, can we agree that, with respect
19 to Allegation I, that at least insofar as the E. C.
20 Ernst procedure, that this is another area where the
21 welder's qualifications were indeterminate, as far as
22 you were concerned, pending further research on your
23 part?

24 A This was part of the concern, along with all the other
25 things they made up the concern of the welders being

1 indeterminately qualified, yes.

2 (Indicating.)

3 Q And is your answer the same with respect to the test on
4 the 6 inch Schedule 80 pipe that -- that you observed,
5 that further research would be required before you could
6 determine whether or not the welder was, in fact,
7 properly qualified or whether or not there was, in fact,
8 a limitation expressed on his welder qualification card?

9 A Irregardless of whether there was a limitation placed on
10 his welder qualification card or the test card, in the
11 cases I seen, there was no limitation.

12 The Code says that there will be a limitation; and
13 that was my concern.

14 Q All right. So this was one where just based on the
15 research that you have done, you had determined that, in
16 your opinion, based on your interpretation of the Code,
17 the welder was unqualified?

18 A If he welded on a component lesser in thickness than a
19 .187.

20 Q I see.

21 And that had -- in order to make that
22 determination, we would have to go and see just what he
23 had done in the field; correct?

24 A That's exactly right.

25 Q Okay.

1 A That's why I said a welder -- I would not say that they
2 were not qualified, but that their qualification was
3 considered indeterminate.

4 (Indicating.)

5 Q All right.

6 JUDGE GROSSMAN: I'd like to point out that,
7 with regard to the page that's missing, it appears that
8 the corrective action taken might be more extensive on
9 the second option than on the first.

10 MR. MILLER: I agree.

11 JUDGE GROSSMAN: So that we do really need
12 that before we complete our examination here.

13 MR. MILLER: Yes. I'm going to endeavor to
14 get the entire document.

15 JUDGE GROSSMAN: Yes, I know you are going to
16 do it.

17 I just wanted to point it out in the record at this
18 point so that we don't lose track of it later on when we
19 get the corrected copy.

20 MR. MILLER: Okay. Thank you.

21 BY MR. MILLER:

22 Q Then there were a number of allegations that -- or
23 concerns that you brought to the NRC that begin on Page
24 11 and continue on to -- well, there are four
25 allegations made with respect to what the NRC report

1 characterizes as welder qualification records
2 allegations.

3 A Page 11?

4 Q Yes, sir.

5 A Are you talking about right below J, Allegation I?

6 Q Yes, sir.

7 And my first question is:

8 Is that an accurate characterization of your
9 concern?

10 A Yes, it is.

11 Q Now, it is correct, is it not, that if a welder
12 qualifies on one-half-inch thick material, he is
13 qualified for making fillet welds --

14 A Yes, it is.

15 Q Excuse me. I didn't quite finish my question.

16 -- for making fillet welds on material of unlimited
17 thickness?

18 A Yes, it is.

19 Q All right. And is this, once again, a situation in
20 which, as far as you were concerned, additional
21 research, as to whether the limitation to the fillet
22 welds was, in fact, expressed on the records and
23 observed in the welding that the welder was asked to do
24 in the field, would resolve your concern one way or the
25 other?

1 A I would have to have objective evidence that this welder
2 had not done anything other than fillet welds.

3 Q All right, sir.

4 Am I correct, Mr. Puckett, that the vast bulk of
5 the welding work that was done by Comstock was, in fact,
6 fillet welds?

7 A Yes.

8 Q Okay.

9 A Fillet welds and flare bevel.

10 Q Allegation 2, which is found on Page 12, I believe --
11 well, first of all, is that an accurate characterization
12 of your concern?

13 A Yes.

14 However, that was what we discussed in the question
15 before the last.

16 Q Right.

17 I just wanted to make certain that we had already
18 covered the matter --

19 A Yes.

20 Q -- and I want to move on.

21 Then Allegation 3 at the very bottom of Page 12, is
22 that an accurate characterization of your concern?

23 A Yes.

24 JUDGE GROSSMAN: Okay. Could you let the
25 witness also read the follow-up on that?

1 MR. MILLER: Oh, certainly.

2 JUDGE GROSSMAN: Okay.

3 MR. MILLER: I don't mean --

4 JUDGE GROSSMAN: I hate to take more time,
5 but there may be something else in there that would
6 qualify his answer.

7 BY MR. MILLER:

8 Q First of all, Mr. Puckett, I want to direct you to the
9 allegation, but please feel free to review the entire
10 document.

11 JUDGE GROSSMAN: With regard --

12 THE WITNESS: Thank you.

13 JUDGE GROSSMAN: -- to the NRC review and the
14 conclusion thereafter.

15 THE WITNESS: Sure.

16 MR. GUILD: Are you asking the witness to do
17 that for Allegation 2?

18 MR. MILLER: Well, I'm happy to have -- if
19 you want to back up and do it for any of the other
20 allegations, to the extent you haven't done so, feel
21 free to do so now.

22 MR. GUILD: Well, I don't think counsel has
23 asked him to do so in the past, so if -- counsel's
24 questions have been directed only at the allegation.

25 If he wanted to comment on the NRC review or

1 conclusions, I suggest that that should be asked.

2 JUDGE GROSSMAN: No, I'm not suggesting that
3 he comment on that.

4 I'm just suggesting that, by reading the follow-up,
5 he may be more precise in answering the questions posed
6 to him with regard to the allegations.

7 MR. GUILD: Yes.

8 JUDGE GROSSMAN: With regard to anything
9 else, Mr. Guild, you are free to ask whatever questions
10 you want on cross examination.

11 MR. GUILD: Yes.

12 THE WITNESS: I have read them.

13 BY MR. MILLER:

14 Q All right. And let me ask you, now that you have
15 reviewed some further material, as to whether or not
16 what's shown as Allegation 3 at the bottom of Page 12 of
17 Exhibit 51 is, in fact, an accurate characterization of
18 your concern?

19 A Yes, it is.

20 Q Could you turn, Mr. Puckett, to Paragraph 5.29 of
21 Applicant's Exhibit 12. It's Page 67 of the AWS D1.1
22 Code.

23 Have you read over that paragraph, sir?

24 A Yes, sir.

25 I'm very familiar with those paragraphs.

1 Q All right. And it's a fact, is it not, that there are
2 two options expressed as to the retest procedure;
3 correct?

4 A Yes, sir, two options.

5 Q One of them is -- involves two test welds for the welds
6 in which the welder failed and the other is one complete
7 retest after further training or practice?

8 A Yes.

9 Q Now, once again, is this a situation in which the
10 records indicate -- that you looked at, only indicated
11 one retest, and you were unable to determine whether
12 there was any evidence of training or -- or practice?

13 A Yes, that was my concern.

14 The way I interpret the Code here, it says that
15 there is evidence that the welder has further training
16 or practice.

17 Now, that, I would guess, depends on a person's
18 interpretation, but evidence is to me -- on something
19 that a welder done six months or a year ago would, in
20 some way, have to be documented or I could not consider
21 that as evidence.

22 For the welder to say, "Okay. I went and I
23 retrained, I've come back and I want to take the test
24 again," I cannot accept the welder's word for that.

25 Somewhere along the line, there has to be a

1 training program, as we had set up at Zimmer, because at
2 Zimmer we were asked the same question, "Why haven't you
3 been documenting the fact that these welders has had
4 further training," or whatever the case might be.

5 So we were, in fact, required to set up a training
6 facility for welders that were rejected on the test and
7 document the fact that they had had retraining before
8 they would go back and take a test for qualification.

9 (Indicating.)

10 Q All right. It's correct, is it not, that at Zimmer, in
11 at least one instance, a welder substituted for the
12 welder who was supposed to be taking a test? Isn't that
13 right?

14 A That was an allegation that was made, and I don't think
15 that was ever proven.

16 I really don't know. I wasn't personally involved
17 with it.

18 (Indicating.)

19 Q I see.

20 But that was an allegation that was made at the
21 site, at Zimmer; correct?

22 A I think that an allegation of that type was made.

23 Q So that where Welder X was supposed to be taking the
24 qualification test, instead Welder Y would go in and
25 take his test for him?

1 A I really don't know.

2 (Indicating.)

3 That was an allegation that was made, as I said
4 before, and I really don't know what the outcome would
5 be.

6 Maybe the NRC could tell us.

7 Q Well, you know, they will undoubtedly get the chance.

8 Was there ever any allegation like that at
9 Braidwood while you were there?

10 A None that I know of.

11 Q Okay. And was it your understanding that the NRC
12 required some additional procedural controls at Zimmer
13 on the whole test process because of this allegation
14 that one welder was substituting for another in taking
15 these tests?

16 A Well, that's possibly what it may have been over. I
17 really don't know.

18 But then at Zimmer, again, we were working like 30
19 test booths, and in most cases, all of them full,
20 qualifying pipe fitters, electricians, welders,
21 millwrights and heavy equipment operators; whereas at
22 Braidwood, they only had 3 test booths.

23 Q I see.

24 So it was, again, easier to control the process at
25 Braidwood because -- just because you had less going on

1 in terms of numbers of people taking the test?

2 A Well, in the earlier stages of Braidwood, we had the
3 same type of situation and the type of set-up that we
4 had at the -- pardon me -- at the early stages of
5 Zimmer, we had the same kinds of situations that I found
6 at Braidwood, and we were required on down the line that
7 all of these rules be stiffened up; and that was the
8 whole idea when I got to Braidwood -- and I seen the
9 same conditions that I had witnessed at the Zimmer
10 project -- was to try to get these taken care of.

11 Q Okay. Now, let's turn, if we might, to Allegation 4,
12 which is found at Page 13.

13 And in this one, Mr. Puckett, I would ask -- I
14 would ask you to read the -- the paragraph that follows
15 with respect to the NRC review of this matter.

16 A Yes, sir.

17 Q All right. Is the allegation an accurate
18 characterization of your concern?

19 A Yes, it was.

20 Q All right. And, again, with respect to this allegation,
21 you didn't have an opportunity, did you, to go back and
22 do further research on the back-up records that would --
23 might have shed some light on -- on the situation?

24 A No, I did not.

25 Q Okay. In fact, what Mr. Schapker apparently did, by

1 checking the PTL records to see what the situation was,
2 is what you yourself would have done to follow-up on --
3 on this situation; correct?

4 A I eventually would have.

5 My concern at the time was just recording and
6 reflecting what we found.

7 (Indicating.)

8 Q Did Mr. --

9 A Eventually a Non-Conformance Report would have been
10 written, and it would have been dispositioned as to what
11 they wanted to do about this condition; whether it be,
12 you know, a further check or whatever.

13 However, we had problems, again, at the Zimmer
14 project that were basically of this same nature, a
15 thickness range was involved, so forth and so on, and
16 these turned out to be real problems to us, and the NRC
17 did not go to the independent agency and check their
18 test records, and I've often wondered about that; and
19 that's why I used the phrase the other day that it seems
20 like the NRC had been inspecting with two different sets
21 of rules, one for Zimmer and one for Braidwood.

22 Q Mr. Puckett, in your opinion, was the further
23 research -- that is, looking at the independent agency's
24 records -- a proper approach to determining whether
25 there was a real problem here or whether it was just a

1 document --

2 A Yes.

3 Q -- discrepancy?

4 A Yes.

5 Q All right. And so on the basis of your review at the
6 time you left Braidwood, the circumstances, with respect
7 to this Allegation 4 on Page 13, was that the welders'
8 qualification were, in effect, indeterminate pending
9 further review of other records; correct?

10 A Yes.

11 Q Now, let's turn, if we might, to Allegation K -- or it's
12 Subparagraph K of Applicant's Exhibit 51. It begins on
13 Page 14.

14 First of all, is Allegation 1 an accurate
15 characterization of your concern?

16 A Yes.

17 JUDGE GROSSMAN: Did you have sufficient time
18 to read the entire --

19 THE WITNESS: I have previously read this.

20 JUDGE GROSSMAN: Oh, okay, fine.

21 MR. MILLER: All right.

22 JUDGE GROSSMAN: You have to allow the Board
23 a little extra time.

24 THE WITNESS: Yes, sir. I'm sorry.

25 MR. MILLER: I'm sorry. I apologize for

1 that.

2 JUDGE GROSSMAN: I'm sorry.

3 Mr. Miller, you may proceed.

4 MR. MILLER: I beg your pardon.

5 BY MR. MILLER:

6 Q Mr. Puckett, is this, again, another situation where
7 further research into the PTL records would shed light
8 on whether or not there was, in fact, a -- what you
9 characterize as record falsification or whether there
10 was simply the wrong date put down on the form?

11 A When I made this allegation, the allegation I -- that I
12 made, I said that there appeared to be falsification of
13 records, whether intentionally or non-intentionally.

14 Of -- what I was saying basically there was that
15 what the records reflected, there was no possible way
16 that it could have happened.

17 Q And when you used the word "falsification," you weren't
18 necessarily suggesting that somebody had deliberately
19 falsified the record; correct?

20 A No, I was not.

21 Q All right. And let me go back to my question, then.

22 Further research into other records, say, from the
23 independent testing agency, would shed light on whether
24 there was, in fact, a falsification of the records or
25 whether there was simply a missed date or -- or a form

1 was misdated, I should say?

2 A Yes.

3 Well, this basically is the same allegation, I
4 think, that we talked about prior to this.

5 Q I see.

6 A They are related.

7 Q So it is perfectly appropriate, in order to -- to
8 determine whether there is, in fact, an unqualified
9 welder, to do the further research that you described
10 earlier; correct?

11 A Yes.

12 When I was given this assignment to do this
13 research, I asked for help, because I knew it was an
14 impossible task in the length of time that I was given,
15 and I was flat refused. I was told, "There will be no
16 help for you."

17 Q All right, sir.

18 Let's turn to Allegation 2 on Page 15.

19 And is that an accurate characterization of your
20 concern?

21 A Yes, it is.

22 I might add that review that I have done and that
23 we have as Exhibit 68, that was only a partial review.
24 I think I was going alphabetically and only got to the
25 J's.

(Indicating.)

Q Yes, sir.

We'll come back to Exhibit 68, Mr. Puckett.

Is Allegation 2 yet another instance where review of some of the back-up records would determine whether or not this welder was, in fact, unqualified, because it was physically impossible to do what the record said or whether there was simply a -- oh, a mistake made in the dimension that was recorded on the welder qualification records?

A Yes. Possibly if I could have dug into this a little farther, I would have found the test reports reflecting that it was not, in fact, one-inch plate that had the root and face been done on it.

However, again, I hate to keep beating this to death, but at the Zimmer project, we had a welder's qualification test record that just reflected that the welder test had been passed, and it didn't reflect whether it be root or face or whatever the case may be; and this welder's qualification was considered as indeterminate and the welder had to go back to the test facility and requalify.

Q At Zimmer, was there any review of these subsidiary records from the independent testing agency?

A That is what I mentioned a minute ago.

1 It seems to me that at Braidwood, the NRC is going
2 all out to get all the records they can get to research,
3 and at the Zimmer project, they never bothered to do so.

4 Q I see.

5 Mr. Puckett, I take it that, in your opinion, it is
6 a proper way of dispositioning these concerns to do that
7 additional research; isn't that right?

8 A Yes, that is the only way to do them.

9 Q Okay. Now, the third allegation -- the allegation
10 identified as Allegation 3 on Page 15 is that you
11 overheard that an inspector inspected a thousand welds
12 in one day.

13 And I'd like you to look at the -- at the NRC
14 review paragraph on that, if you would.

15 JUDGE GROSSMAN: Now, what page is that?

16 MR. MILLER: Page 15, the last -- Allegation
17 3 on that page.

18 JUDGE GROSSMAN: I'm asking where 2P is.

19 MR. MILLER: Oh, 2P is a -- that's found on
20 the bottom of Page 18.

21 JUDGE GROSSMAN: I must say I'm amused by the
22 fact that they keep this person anonymous until the last
23 sentence here, which gives it all away.

24 MR. MILLER: May I continue?

25 JUDGE GROSSMAN: Yes.

1 BY MR. MILLER:

2 Q Mr. Puckett, this report -- that is, Applicant's Exhibit
3 51 -- indicates that you were reinterviewed on March 12,
4 1985, by Mr. Schapker, the inspector who prepared this
5 inspection report.

6 Now, do you recall that that interview took place
7 in your home?

8 A Would you repeat that question?

9 Q Yes.

10 Do you recall that Mr. Schapker came to your home
11 in March of 1985 to get some further information about
12 certain of the concerns that you raised?

13 A Yes.

14 Q All right. And the statements that are found in the
15 bottom paragraph on Page 15, are they accurate as best
16 you can recall?

17 A I don't recall saying that they were located on the
18 turbine floor. I said they could have been located on
19 the turbine floor, because I'm unsure of exactly where
20 they were located.

21 (Indicating.)

22 The statement that I heard was just as above, that
23 there had been a welder there that had inspected a
24 thousand welds in one day.

25 Q Do you recall the -- the individual who -- who you

1 overheard making that comment?

2 A By name, no, I can't at this time.

3 There must have been a dozen weld inspectors
4 sitting around, and they were discussing something, and
5 one had made a statement to me that he had personally
6 seen an inspection record reflecting that this
7 particular inspector, who I won't mention his name,
8 either, had inspected a thousand welds in one day.

9 Q Mr. Puckett, you don't need to be shy about it. His
10 name has been mentioned first by him and then by a
11 number of other witnesses who have taken the stand.

12 It's Mr. DeWald, isn't it? Isn't that the
13 inspector to whom you were referring?

14 A That's who the conversation was in reference to, yes.

15 Q All right. And was this in the QC Inspectors room where
16 they had their --

17 A Weld inspectors, right.

18 Q Was this just a bunch of inspectors sitting around
19 shooting the breeze about Mr. DeWald and --

20 A I really don't think so. I really believe that this
21 person was serious inasmuch as he spent a lot of time in
22 the vault.

23 Q Oh, yes, I'm sure. I don't mean to suggest otherwise.

24 But was this kind of just shop talk among the
25 inspectors with respect to this?

1 A I don't know how the conversation come up. I wasn't
2 really listening to it until I heard that an inspector
3 had inspected 1,000 welds in one day.

4 Q Then your ears perked up; correct?

5 A My hair stood up and a little bit of everything else.

6 Q Yes, sir.

7 (Laughter.)

8 Now, Mr. Puckett, you were an inspector at the
9 Zimmer facility; correct?

10 A Yes, I was.

11 Q On AWS welding within the structure discipline; correct?

12 A In some cases, yes.

13 Q At the Zimmer facility, was it the practice to fill out
14 an inspection -- a separate inspection report for every
15 component that you inspected?

16 A No, not completely.

17 In some cases, there would be more than one weld
18 listed on a form, but they were there and the inspection
19 requirements were on that form, and you just performed
20 the required inspection. Then you were buying off the
21 weld that was listed; but unless it was like on a Class
22 D system in piping, these, in fact, were individually
23 inspected; and with the -- the AWS D1.1 mostly with the
24 ironworkers that we inspected, they had a weld map
25 reflecting all the welds that was going to be inspected,

1 and they were recorded on a weld map until all the welds
2 were performed, and then the welders' weld form was
3 stamped off and the weld map was stapled to this form as
4 objective evidence to the inspections.

5 (Indicating.)

6 Q On the weld maps where the inspections were performed,
7 did the inspection activities ever run over a period
8 longer than one day at Zimmer?

9 A Yes.

10 Q Over how many days?

11 A Well, each -- each weld there could be dated. In other
12 words, they had a place there to register the heat
13 number of the components that you were welding on,
14 and -- and then it also had a date for each individual
15 weld. You could date for whatever time you done this
16 particular weld.

17 (Indicating.)

18 Q How about on the inspection form itself:

19 On the weld map that you used to perform the
20 inspections, did you have a separate --

21 A On the inspection form or the -- the way our forms were
22 made up, it was referred to as a KE 1 form. It had all
23 the necessary information on there inasmuch as the --
24 the system that you are working on, the components, the
25 mark to mark numbers, the heat numbers, the type of

1 filler material, the size of filler material, your
2 amperage and voltage ranges and all those inspections
3 that were required.

4 This was all on one form, and as well as the
5 identification for the individual welder that had done
6 these welds.

7 Q All right. Let me see if I understand, Mr. Puckett.

8 In other words, there was one form that was a
9 combined weld installation for the welder to fill out
10 and then an inspection form for the inspector to take
11 over and do his inspections?

12 A No. It was all on one form.

13 It had previously been filled out by the weld
14 engineering department. Then it went to the QA
15 Department for them to put the required inspections on
16 the form.

17 This was all signed off by both weld engineering
18 and QA/QC, and then it goes to the field for their --
19 for the installation.

20 However, if a weld map was going to be used, it
21 referenced the weld map and -- and how it was to be
22 used.

23 Q Let me try and be very specific as to the information
24 I'm trying to ascertain.

25 As an inspector, when you performed your

1 inspections at Zimmer that may have taken more than one
2 day for a specific weld map that you were assigned, was
3 there an indication on the form that you filled out that
4 the inspections took longer than one day?

5 A No.

6 Q So you just dated the inspection form with a date that
7 you completed your inspections?

8 A It would be, and it would reference the weld map, which
9 would have the individual dates.

10 Q And those would be the individual dates that the welder
11 performed the weld; correct?

12 A Yes.

13 BOARD EXAMINATION

14 BY JUDGE GROSSMAN:

15 Q Just to make sure:

16 There was no individual date for when each weld was
17 inspected; is that so?

18 A No.

19 But, again, like I say, at most on our weld maps we
20 would be talking about 10, 12, 14 welds.

21 We would never have a weld map that would involve a
22 thousand welds or even a hundred, I don't think.

23 JUDGE GROSSMAN: Okay.

24 BY MR. MILLER:

25 Q Was the procedure at Zimmer ever changed so that if you

1 interrupted your inspection at the end of a day, that
2 you -- when you -- when you resumed the inspection
3 activity the next day, you had a new form to fill out?

4 A No, not that I can recall.

5 Q Okay.

6 A All they had for the next day would be a weld rod
7 withdrawal form, if a welder was performing welding,
8 that would reflect the day that he withdrew his filler
9 material.

10 (Indicating.)

11 Q Mr. Puckett --

12 BOARD EXAMINATION

13 BY JUDGE GROSSMAN:

14 Q Excuse me. I'm not sure we tied this down completely.
15 If the welder -- I'm sorry.

16 If the QC Inspector carried over his inspection
17 from one day to the next, he would still retain the same
18 form, and the only date he would put on it would be the
19 date on which he completed his inspection; is that
20 correct?

21 A That would be when -- when the inspection was -- all the
22 inspections was complete; but there would be a reference
23 on this form referencing it to the weld map, which would
24 give you your individual inspections and your
25 independent -- your individual dates of these

1 inspections; that is, if the inspections was done over
2 a period of days.

3 (Indicating.)

4 Q Well, okay.

5 That seems to be inconsistent with the answer you
6 gave before.

7 And now it appears that you are saying there was a
8 date for each inspection on this weld map?

9 A On the weld map itself; but they had a -- what we
10 referred to as a hard card or a KE 1 card.

11 This card just gave your information saying on the
12 components that you were going to be welding on, whether
13 it be a structure beam or whatever, and it gives you
14 your mark to mark or your two pieces that will be
15 fitting together, the weld map number that you are going
16 to be using, and gives you a procedure to weld by, and
17 it tells you the type of filler material.

18 And this is all filled out with the weld
19 engineering department; and it gives you, of course,
20 your reference to your drawing numbers that are
21 involved, and then below that the QC Department fills
22 out the inspections that needs to be performed on these
23 welds.

24 They have a copy of the weld map, they see where
25 the welds are and what type of welds that are involved,

1 and they assign the inspection.

2 (Indicating.)

3 The actual inspection is done on the weld maps and
4 stamped off on the weld maps, and once all the work is
5 done on this -- that -- that is referenced on this one
6 card, then that card is signed off and dated and as the
7 final inspection; but it references back to the weld
8 map.

9 (Indicating.)

10 Q And the weld map does, then, have the date of each
11 individual inspection?

12 A Yes.

13 JUDGE GROSSMAN: Okay.

14 BY MR. MILLER:

15 Q Mr. Puckett, at -- when you were at the Braidwood site,
16 did you ever hear of a practice where inspectors in the
17 early 1980's used to record their inspections informally
18 in little notebooks, and when they had completed a
19 number of days' inspections, would record them on a
20 single inspection report?

21 A No, I had not.

22 Q Did you ever discuss with Mr. DeWald this question of
23 whether or not he had inspected a thousand welds in one
24 day?

25 A No, I did not.

1 Q Did you ever hear Mr. DeWald refer to the fact that he
2 had inspected a thousand welds in one day in his
3 conversations with you or with any Level II Weld
4 Inspector?

5 A No, I did not.

6 Q Did any other member of Comstock supervision ever say,
7 in effect, "If Irv DeWald could do a thousand welds in
8 one day, there's no reason why you guys can't hurry up
9 and get more done"?

10 A I never heard that said.

11 MR. MILLER: Mr. Chairman, this is a good
12 time if you want to take a break.

13 JUDGE GROSSMAN: Fine.

14 We'll take a 10-minute recess.

15 THE WITNESS: Thank you.

16 JUDGE GROSSMAN: Mr. Puckett, again, if you
17 want a recess at any time, just ask for it.

18 MR. MILLER: Just tell us.

19 (WHEREUPON, a recess was had, after which
20 the hearing was resumed as follows:)

21 JUDGE GROSSMAN: We're back in session.

22 BOARD EXAMINATION

23 BY JUDGE GROSSMAN

24 Q By the way, Mr. Puckett, in answer to the last two
25 questions relating to whether Mr. DeWald had mentioned

1 the thousand welds and perhaps extorted persons to match
2 his performance there, I noticed that you smiled for
3 both answers.

4 Do you recall that?

5 A No, sir.

6 THE WITNESS: Is this thing on?

7 (Indicating.)

8 JUDGE GROSSMAN: I think so.

9 MR. MILLER: It's all dead.

10 I'm not going to touch it.

11 MR. BERRY: I notice you said "extorted."

12 JUDGE GROSSMAN: Exhorted.

13 Did I say extorted?

14 I'm sorry. Exhorted.

15 MR. MILLER: Now he's smiling.

16 JUDGE GROSSMAN: That was the mike that was at
17 fault for that.

18 Okay. If you don't recall that, then, then I don't
19 want to put any words in your mouth.

20 THE WITNESS: The only reason that I was
21 smiling is because a statement like that to me is so
22 ridiculous.

23 I mean, I know that there is no way that a man
24 could inspect and document a thousand welds in one day,
25 whether it be in the area where it would be safety

1 related or not.

2 (Indicating.)

3 JUDGE GROSSMAN: Okay. That's fine.

4 I just wanted to see if there was anything further
5 beyond that, and there isn't, and I'll let Mr. Miller
6 proceed.

7 BY MR. MILLER:

8 Q And, in fact, just to follow up on your -- your last
9 answer, Mr. Puckett, any experienced weld inspector
10 would know that it was ridiculous to suggest that you
11 could do a thousand welds in a day; isn't that right?

12 A Yes, sir.

13 Q Mr. Puckett, the welder qualification records issues
14 that you have addressed in your testimony, some last
15 Wednesday and then here this morning, are at least, in
16 part, taken from your review of the records that's
17 reflected in Applicant's Exhibit 68; isn't that correct?

18 A Yes, sir.

19 This is a partial review. I didn't get the review
20 completed.

21 I believe that most of the names on mine have been
22 marked through for some reason.

23 Q It's a highlighting, and I can't tell you who's
24 responsible for that.

25 A Whatever the case, the typed page that is enclosed in

1 here was a -- just a preliminary, quick review of the
2 current welders on the project. That was just the
3 current welders, the ones that were at that time
4 employed by -- by Comstock and was welding.

5 I was more concerned with them than I was the
6 others, because the others was no longer there, and if
7 there was a problem, it could be a long-standing problem
8 that, even though old, we would have to address.

9 Q Okay. But it wasn't going to get any worse because they
10 were currently -- they weren't currently welding on the
11 site?

12 A Yes, sir.

13 Q Okay. And you, in fact, made this list in response to a
14 direction from Mr. Seltmann that he gave you some five
15 days or so prior to the time you left the Braidwood
16 site; correct?

17 A Yes, sir.

18 Q You worked over the weekend, at least on Saturday, to do
19 your best to review the welder qualification records?

20 A Thursday afternoon; 12 hours on Friday; I think 12 hours
21 on Saturday; and then on Monday, it was about 2:00
22 o'clock in the afternoon, and I think I got to a Mr.
23 Johnson or something, in the J's, when I was called to
24 the office, yes.

25 Q All right.

And when you were called to the office, you were informed that your employment with Comstock was terminated; correct?

A Yes, sir.

Q And at that time you took this list, Applicant's Exhibit 68, with you when you left Comstock?

A Yes, I did.

At my exit interview with Mr. DeWald and Mr. Seese, they asked me if I had any records or anything I wanted to turn over to them, and I said that any records or papers that I wanted to turn over to them I would want NRC to be present. They would not have NRC there, so I turned over no records.

(Indicating.)

Q All right. So you left the site with Applicant's Exhibit 68 in your possession and did not leave a copy with Mr. DeWald or Mr. Seese; correct?

A No, I did not.

Q All right. So that when you left the site, Comstock management was uninformed as to what your partial records review of welder qualification records showed; correct?

A Well, yes -- yes and no.

I had mentioned to Irv once before, and showed him a copy of the typed form showing, "This is the problems

1 that I'm finding with the current welders'
2 qualification. There's a good possibility that the
3 older welder qualification could be as bad or even as
4 worse" -- "even worse."

5 (Indicating.)

6 Q Do you recall at about what date --

7 A No, I do not.

8 Q -- what month you showed this typed sheet?

9 A Dates and names I have very hard problems with.

10 (Indicating.)

11 Q I'd now like to turn, Mr. Puckett, to what's identified
12 as Allegation L. It's at the top of Page 16 of
13 Applicant's Exhibit 51.

14 And once again, I'd like to ask you whether that is
15 an accurate characterization of your concern?

16 A Pretty much so.

17 I don't remember just exactly what it was at that
18 time. I was speaking off the top of my head.

19 It was either -- it could be that 123 and the 23 is
20 inverted. It could be the other way around there.

21 However, I do remember checking for a welder's
22 identification stamp, and I found it, and in further
23 looking into the records, I found that it had also been
24 assigned to other welders, and at least two of these
25 welders seemed to be currently employed at the time with

1 Comstock.

2 (Indicating.)

3 Q All right.

4 Mr. Puckett, is there any requirement in the AWS
5 Code that a -- well, before we start on that, let me ask
6 you to describe for the record what the master hammer
7 log is.

8 A The master hammer log is a log that is maintained that
9 reflects a uniquely identifying number or symbol for a
10 welder, one in which he would stamp each individual weld
11 that he done with to reflect that, in fact, he had done
12 it and identify the weld to himself.

13 (Indicating.)

14 Q Is there -- now let me ask the question.

15 Is there any requirement, that you are aware of, in
16 the AWS Code that there be such a unique identifying
17 number or symbol assigned to each qualified welder?

18 A Not that I'm aware of off the top of my head, no.

19 Q All right. Was there a Comstock procedural requirement,
20 of which you were aware, that required the use of a
21 unique identifying number or symbol for each welder?

22 A The best I can recall, they did have a procedure that
23 addressed this, but it didn't have a whole lot to say
24 about it, other than the fact that the welders would be
25 assigned a unique identifying number.

1 (Indicating.)

2 Q All right. Now, take a look at the NRC review paragraph
3 for that allegation, if you would.

4 A I have no problem with that, if, in fact, that was the
5 finding.

6 Q All right. I take it that at the Zimmer facility every
7 welder got, in fact, a unique symbol assigned to him or
8 her, and that if that individual left the site, that
9 symbol was permanently retired, if you will?

10 A Yes.

11 Q All right. At Braidwood, for Comstock, there were
12 numbers --

13 A Pardon me.

14 It was -- it was retired, or if this welder ever
15 hired back in, he would receive the same stamp, unless,
16 of course, he changed crafts.

17 (Indicating.)

18 Q I see.

19 A And they did that sometimes, they changed crafts. Then
20 they may get another number.

21 Q Okay. At Braidwood, the same number might be assigned
22 consecutively to two different welders?

23 That is, Welder A is a signed No. 23, let's say.
24 That welder leaves the employment of Comstock, and
25 Welder B arrives on site some time after that and is

1 assigned, again, Stamp No. 23.

2 Is that basically the way the system worked as you
3 understood it?

4 A Yes.

5 However, my concern with this -- this method would
6 be -- if this is the way they are going to do it and if
7 this is suitable to NRC, then I guess it's okay.

8 But my concern would be if somewhere down the line
9 a welder's qualification was considered indeterminate,
10 the welder was later found not to be qualified, and all
11 the welds that he had done would have to be identified,
12 this could be an enormous project trying to identify
13 what this unqualified welder had done and to address
14 those items.

15 Q All right. In such a circumstance, Mr. Puckett, at the
16 Zimmer facility, what you would have to do would be to
17 look for that welder's unique symbol on weld
18 installation reports, or whatever the equivalent was at
19 Zimmer, in order to determine what components he had
20 welded on; correct?

21 A Yes, you could do that.

22 You could find it, of course, in many ways:

23 On the component itself; on his weld rod withdrawal
24 logs, if he was welding; and on the finished forms.

25 But I might say that involved in these forms there

1 could be many, many thousand forms that would have to be
2 reviewed looking for a particular welder's symbol.

3 Q Right.

4 And, of course, reviewing the work in the field is
5 a little bit impractical, isn't it?

6 You wouldn't search the plant from top to bottom
7 simply looking for a specific welder's stamp?

8 A Well, it would be addressed on a Non-Conformance Report,
9 I would think, if it was found to be a problem, and this
10 would have to be addressed through engineering and
11 dispositioned, and the disposition acceptable to all
12 concerned on the project, and finally to the Nuclear
13 Regulatory Commission.

14 Q Yes, sir. You may not have understood my question.

15 But in order, at Zimmer, to determine where this
16 welder, whose qualifications were not proper, had
17 welded, you just wouldn't simply start out in the field
18 looking for his symbol on welds, would you? You would
19 check the records?

20 A No, we would not.

21 Q Okay. Now, at Braidwood, in the same situation, where
22 you had a welder whose qualifications were inadequate
23 for some reason, he would have been assigned a number,
24 correct, in the master hammer log?

25 A Yes.

1 Q And in addition, to make certain that there was no
2 possibility that another welder with the same number was
3 involved, you would have to check the dates of
4 employment and qualification for the welder whose
5 qualifications were suspect; correct?

6 A Yes.

7 But as I mentioned earlier, when you first
8 mentioned this, when I was looking at these stamps --
9 and I don't remember how the name -- numbers were
10 arranged, whether it was 23 and 123 or vice versa, 123
11 and 23, but the numbers that I was looking at, it
12 appeared that two welders had the same stamp and both
13 welders were on the project at the same time.

14 (Indicating.)

15 Q Well, was the number -- was the same welder assigned 23
16 and 123?

17 A I don't recall just how it was. I don't recall just how
18 the numbering was at this point.

19 You know, it's been quite some time ago --

20 (Indicating.)

21 Q I know.

22 A -- and this was just one of many things that, you know,
23 I was involved in doing research on.

24 Q All right. Mr. Puckett, did you ever have the
25 opportunity, while you were at Braidwood, to go beyond

1 the master hammer log itself; that is, to look at the
2 dates of employments of the welders or their dates of
3 qualifications to check it against the master hammer
4 log?

5 A I never got an opportunity to do this; and the reason
6 that I was looking at this master hammer log in the
7 first place was in the procedure that they had for this
8 master hammer log and for the issuing of the welders'
9 stamps or hammers, whichever you prefer to call it, it
10 had a note in there that when a welder was terminated,
11 that his welder's qualification card and that his weld
12 hammer or stamp would be turned in to QC.

13 Well, I could find nobody in the QC Department that
14 was responsible for receiving this and recording this.

15 However, the procedure reflected that it would be
16 received by QC and that it would be put into the hammer
17 log that the man had terminated and that this hammer was
18 no longer -- longer in use.

19 My concern was, there, that there was nobody made
20 responsible for receiving this and putting it in the
21 hammer log; and there was a -- a case where I noticed a
22 hammer and a set of stamps that had been laying on a
23 desk for some three days, and when I inquired about
24 them, they said, "Well, the steward turned them in. The
25 man terminated," and nobody had taken them to the vault

1 and made these entries.

2 I made the entries myself; and I put out a memo and
3 I talked to the steward and -- for Comstock and told him
4 from there on, any time that a welder was terminated for
5 one reason or another, that was -- that he was to turn
6 in his welder's qualification card and hammer to me so I
7 could assure that it was being entered as it should be.

8 Q In your review of the master hammer log, did you see any
9 indication for any welder, prior to the time that you
10 were there, that he had, in fact, been terminated and
11 his hammer turned in?

12 A I really never looked for any other than that.

13 Q I see.

14 This is, again, another instance in which
15 additional research should be necessary to determine the
16 extent of the problem and -- and what the corrective
17 action, if any, was necessary to deal with it?

18 A Possibly so.

19 Q Let's move on to Allegation M, which is also on Page 16.
20 I'd like to ask you to look at that, please.

21 Is that an accurate --

22 A That is basically what I said, yes.

23 Q All right. And how many Level II Quality Control
24 Inspectors were assigned to the welder test booth at
25 Comstock at Braidwood?

1 A Of those that I am aware of, there had been one prior to
2 myself; and, of course, I worked in the test booth
3 myself, and I qualified two other Level II Inspectors to
4 run the test facility.

5 Q All right. And do you remember the name of the two
6 individuals you qualified?

7 A It seems to me that it was a Mr. Winters, and the other
8 name slips me now, but he was the one that wrote the
9 Non-Conformance Reports for myself.

10 Q That's Mr. Miner?

11 A Mr. Miner, yes; Mr. Miner and Mr. Winters.

12 Q All right. I'm not certain that there is a Mr. Winters
13 employed as a QC Inspector.

14 Mr. Wicks?

15 A Wicks had been the Level II Inspector that had the test
16 lab before myself.

17 Q I see.

18 Now, once again, to your knowledge, Mr. Puckett, is
19 there any requirement in the AWS Code that there be
20 someone full time -- a QC Inspector full time in the
21 weld test facility?

22 A No, there is not.

23 Q All right. In fact, at Zimmer, that had been a
24 requirement directed by the Nuclear Regulatory
25 Commission; correct?

1 A Yes; at a late date in the project, yes.

2 Q And --

3 A My concern was there were certain requirements of the
4 Code -- when you are running a welder's qualification
5 without having a representative from the QC Department
6 there to witness this, it would be hard put for me to
7 say that I could not witness a test and later sign a
8 test saying that all the rules had been complied with
9 when I hadn't actually witnessed the test myself.

10 Q I see.

11 So it was your position that there had to be a QC
12 Inspector continuously in the welder test booth while a
13 welder was qualifying; right?

14 A Not continuously, no. They could be in the shop and the
15 test booth. The test booth was located inside of the
16 shop.

17 I was not opposed to this man being there where he
18 could monitor the test and occasionally walk in.

19 My concern was with the one inspector that had been
20 running the test facility, and he was required to leave
21 the building altogether and do additional inspections in
22 the field, which could take hours.

23 MR. MILLER: Might I have just a second, your
24 Honor?

25 JUDGE GROSSMAN: Sure.

1 MR. MILLER: I'd like the Reporter to mark,
2 as Applicant's Exhibit 70 for identification, a document
3 that is three pages. It is not titled, and its heading
4 is -- I'm not sure it is a word, "I-N-D-O-C-T-O-R-I-N-E
5 for Weld Test Facility."

6 THE WITNESS: Indoctrination is what it was
7 supposed to have been.

8 MR. MILLER: All right. Thank you.

9 And then a two-page document which is also undated,
10 and it's entitled, "Rules, L. K. Comstock Test
11 Facility."

12 JUDGE GROSSMAN: I take it that second one is
13 marked --

14 MR. MILLER: 71.

15 JUDGE GROSSMAN: -- as Exhibit 71?

16 MR. MILLER: Yes, please.

17 (The documents were thereupon marked
18 Applicant's Exhibits Nos. 70 and 71 for
19 identification as of July 1, 1986.)

20 BY MR. MILLER:

21 Q Mr. Puckett, you have before you documents that have
22 been marked Applicant's Exhibit 70 and Applicant's
23 Exhibit 71.

24 Can I ask you first as to whether or not either of
25 these two documents were the rules or the procedures

1 which controlled the weld test facility prior to the
2 time that you arrived at Braidwood?

3 A Yes, the one that has "Indoctorine for Weld Test
4 Facility" on it.

5 Q All right. That was prepared by some other individual
6 prior to the time that you arrived at Braidwood; is that
7 correct?

8 A Yes.

9 Q All right. I take it, then, that Applicant's Exhibit 71
10 are the rules for the facility that you put together;
11 correct?

12 A Yes, sir.

13 MR. MILLER: Hold on for just a second.

14 BY MR. MILLER:

15 Q Now, Mr. Puckett, looking at the third page of
16 Applicant's Exhibit 70, there are, in fact, identified
17 tasks for the QC Inspector to accomplish during the
18 course of the test process; is that correct?

19 A You are talking about 15?

20 Q I guess it starts with 15 and -- and then runs
21 through --

22 A Is it all right if I read the rest of these?

23 Q Oh, by all means, please.

24 A Sure.

25 Yes, sir, I've read it.

1 Q All right. And can we agree that Steps 15 through 20
2 really set forth the points in the process where a QC
3 Inspector is to provide verification of the process;
4 correct?

5 A Yes, sir.

6 Q All right.

7 A This tells him at points where he should -- that it's
8 mandatory that he check these areas.

9 MR. GUILD: Mr. Chairman, the first page of
10 the document also prescribes steps that the QC Inspector
11 apparently is to perform.

12 MR. MILLER: I'm sorry.

13 I didn't mean to suggest that there were not other
14 assignments to the QC Inspector.

15 BY MR. MILLER:

16 Q But once the weld test has begun, these were the -- the
17 steps that -- that is, 15 through 20 -- this was the
18 steps that the QC Inspector was to be involved in;
19 correct?

20 A Yes, sir.

21 Q Now, in Step 15 -- 15D, there is a -- a reference to the
22 welder tack welding his coupon to the test fixture in
23 the designated position?

24 A Yes, sir.

25 Q Could you describe for us what that step involves?

1 A It involves -- they have a holding device in the fixture
2 that you put the coupon in and then you use a small --
3 deposit a small tack weld, the coupon to the fixture, to
4 prevent this from being turned in the -- in the test
5 fixture while being welded.

6 Q So, in other words, that's a precaution to make certain
7 that a welder who is supposed to be qualified in the
8 vertical position doesn't take his coupon and switch it
9 to the flat position, let's say?

10 A Yes, sir. With correct monitoring, if you have it tight
11 in the jig, this could not happen.

12 JUDGE GROSSMAN: We'll take a five-minute
13 recess now.

14 (WHEREUPON, a recess was had, after which
15 the hearing was resumed as follows:)

16 JUDGE GROSSMAN: We're back in session.
17 Please continue, Mr. Miller.

18 MR. MILLER: I'm sorry.

19 Could I have the last question and answer, Mr.
20 Reporter, please.

21 (The question and answer were thereupon
22 read by the Reporter.)

23 MR. MILLER: All right.

24 BY MR. MILLER:

25 Q And, in fact, Paragraph 19 states -- that is,

1 Applicant's Exhibit 70 -- states that the QC Weld
2 Inspector's responsibilities between the root inspection
3 and further steps are to, among other things, monitor
4 the in-process welding; correct?

5 A Yes.

6 Q Do you know who the author of Applicant's Exhibit 70
7 was?

8 A The one that we've been discussing?

9 Q Yes, sir.

10 A No, I do not.

11 Q And, to your knowledge, Mr. Puckett, was this procedure
12 generally followed in the weld test facility?

13 A To the best of my knowledge, it was followed after I was
14 there.

15 This is a pretty good procedure, and -- and I like
16 what it says here; but my concern was with the -- the
17 weld inspector that had previously been assigned to the
18 test facility for inspections -- he was very concerned
19 himself because he was assigned work to do in the field,
20 and he could not do what he considered was the required
21 monitoring of the test facility; not the way he would
22 have liked to, anyway.

23 Q And that was Mr. Wicks; correct?

24 A Yes, it was.

25 Q All right. Now, Exhibit 71 is -- are the rules for the

1 test facility that you -- that you authored; correct?

2 A Yes, sir.

3 Q And you identify, in Paragraph 6 of Applicant's Exhibit
4 71, certain mandatory hold points, and those are -- are
5 roughly equivalent to the requirements for QC inspection
6 that are found in Paragraphs 15 and 19 and 20 on
7 Applicant's Exhibit 70; correct?

8 A Yes, sir.

9 However, the ones that I wrote was a set of rules
10 that the individual welder was going to read and sign,
11 reflecting that he had read this and that he understood
12 it.

13 (Indicating.)

14 The set of rules that we just discussed prior was
15 for the inspector in the test facility to read and to
16 direct these people to do these things. They never
17 actually read this themselves.

18 (Indicating.)

19 Q I see.

20 You say they never actually read this themselves?

21 A To the best of my knowledge.

22 Q You mean the welders never actually read Applicant's
23 Exhibit 70?

24 A No.

25 There was one copy of that, and I was -- I was

1 informed that this existed, and I had to go to the
2 office to get a copy of it.

3 JUDGE GROSSMAN: The question is:

4 Who didn't read that, the person monitoring the
5 test or the welder or --

6 THE WITNESS: The individual welder that would
7 be taking the test.

8 The difference between the two is the one that I
9 authored, the welder would read this and he would sign
10 it at the bottom documenting that he had read it and
11 that he understood this test was to be put into the test
12 jig and that it was to be tacked in there and it was to
13 be kept in the fixed position; because I know there has
14 been cases where, at Zimmer, we would catch a welder,
15 and he would have his coupon out of the jig, and he
16 says, "Well, I was unaware that I couldn't take it out
17 to grind on it."

18 So I wanted to assure that this type of thing did
19 not happen at Braidwood; thus, the reasoning for my set
20 of rules and the fact that I would require that the
21 welder read these and it be part of his required reading
22 and that he sign saying that he understood these rules.

23 BY MR. MILLER:

24 Q And these were also the rules that -- that is,
25 Applicant's Exhibit 71 -- that were to guide the QC

1 Inspector?

2 A To guide the QC Inspector on how he was to run the test
3 facility and what the welder's responsibilities would be
4 while they were there.

5 Q All right. Mr. Puckett, in Exhibit 71, is there any
6 direction to the inspector that he monitor the welder
7 test as it is taking place?

8 A Now, is this the one that I authored?

9 Q Yes, sir.

10 A No, there is not.

11 The individual inspector -- this was for the welder
12 himself to read and sign.

13 Q Was it --

14 A The individual inspectors were instructed by this one
15 and by myself as how they were to conduct theirselves in
16 the test facility.

17 (Indicating.)

18 Q So, in other words, Applicant's Exhibit 70 continued in
19 force as instructions to the QC Inspector?

20 A It was, in fact, I think, authored for the QC Inspector.

21 Q And then your change to the approach was to add
22 Applicant's Exhibit 71, which was to be signed by the
23 welder; correct?

24 A Yes, reflecting that he understood and that he would
25 obey these rules.

1 I also had a copy of it posted inside the test
2 facility for ready reference.

3 Q Now, Mr. Puckett, just one more question on -- on these
4 forms.

5 In Applicant's Exhibit 71, would you look at
6 Paragraph 16, please.

7 A 16?

8 Q Yes, sir.

9 A Yes.

10 Q Yes.

11 Did you regard that as adequate control of the
12 welder's filler material used in the -- in the test?

13 A Control of his filler material?

14 Q Yes, sir.

15 The fact that anything was unused could be left in
16 the portable electrode oven overnight?

17 A Oh, let me read this.

18 16, the way I read it, it says, "The QC welding
19 inspector will verify all the aforementioned prior to
20 welding."

21 I have to go back and read all the aforementioned
22 to see --

23 Q I'm sorry. I meant 71.

24 JUDGE GROSSMAN: Yes, you did say 71. He was
25 looking at the wrong exhibit.

1 On your rules; it's 71.

2 THE WITNESS: This is reflecting the weld test
3 coupons --

4 JUDGE COLE: Are you on the right exhibit,
5 Mr. Puckett, Applicant's Exhibit 71?

6 THE WITNESS: I see 16. It's below that.
7 I was reading 15. I'm sorry.

8 JUDGE COLE: Okay.

9 A Yes, this is the way the procedure read at the time.
10 BY MR. MILLER:

11 Q And, in your opinion, that was adequate control of the
12 welder's filler material overnight?

13 A Well, in the -- in this facility, because it was -- it
14 was inside the electrical fab shop, which would be
15 locked up, and inside the weld test facility, which
16 would also be locked up, and this would be monitored
17 prior to and on the return of the QC Inspector each day
18 to see that these were all hooked up and that the
19 electrode was hot.

20 Q All right. When you were at --

21 JUDGE GROSSMAN: Excuse me.

22 I point out that 17 --

23 MR. MILLER: 17, in fact --

24 JUDGE GROSSMAN: -- takes care of the
25 possibilities of a malfunction, which --

1 MR. MILLER: Yes.

2 JUDGE GROSSMAN: -- is the other reason for
3 the testimony that we heard with regard to controls not
4 being adequate.

5 MR. MILLER: Yes. .

6 BY MR. MILLER:

7 Q Well, let me just ask you:

8 Were there three shifts working in the weld test
9 facility at Braidwood while you were there?

10 A No, there was not. The welders that I seen qualified
11 only qualified during the daytime.

12 Q Okay. So even under this procedure, Mr. Puckett, at the
13 conclusion of the day shift, the weld electrode -- the
14 portable electrode oven would be plugged in, but the QC
15 Inspector really wouldn't come back for another, oh, 14,
16 15 hours; isn't that right?

17 A Well, he was there at the end of the shift to assure
18 that it, in fact, was plugged in and there was power to
19 it.

20 Q All right.

21 A And at the next day, he would check it to see that --
22 during the night that the electrode oven had not
23 malfunctioned or that possibly somehow the rod had been
24 exposed to ambient temperature; possibly a water line
25 break or something, and -- and saturate the electrode

1 with moisture.

2 (Indicating.)

3 Q Well, if there was a power outage, for example, that
4 occurred from 10:00 P. M. till 3:00 or 4:00 in the
5 morning, and then power was restored and the oven heated
6 up again, when the inspector came back the next morning,
7 the oven would still be on, and he wouldn't know, would
8 he, per this procedure, that the weld rod had been
9 exposed to ambient temperatures for a period exceeding
10 four hours?

11 A I would say that he would not.

12 Q In your judgment, Mr. Puckett, with the addition of the
13 rules for the welder that you developed, was the
14 procedure in place adequate to control the weld test
15 facility?

16 A The procedure that governed the running of the test --
17 the actual test procedure for welder's qualification is
18 the 4.7.1.

19 This was just an indoctrination for the individual
20 Weld Inspector that was going to be doing the inspection
21 in the test facility.

22 (Indicating.)

23 Q Did you personally ever observe an inspector assigned to
24 the weld test facility being assigned to do inspections
25 in the field while a weld -- welder qualification test

1 was in process?

2 A No, I did not.

3 I would not allow that to happen after I was there.

4 Q Did anyone ever attempt to assign an inspector assigned
5 to the weld test facility to field inspections while you
6 were at Braidwood?

7 A No. It was very well known by Mr. DeWald and to the
8 rest of management people that it was my contention that
9 there should be someone in or near the test facility at
10 all times while welder's test was being -- taking place.

11 Q All right. They never crossed you on that?

12 A No, they did not.

13 Q So your concerns arose from statements that were made by
14 Mr. Wicks, who was in charge of the weld test facility
15 before you got there?

16 A Yes.

17 The way this all come about is I wanted Mr. Wicks
18 to work with me in the test facility to set-up the new
19 program, and he was so opposed to it -- and actually, on
20 a construction site, I would say that one of the easiest
21 positions that you might have would be running a test
22 facility, so that's what prompted me to ask him, "Well,
23 why wouldn't you want this job? It will be a gravy job
24 once we get the program all set-up"; and then he went on
25 to tell me how it was done before and what he was

1 required to do before, and he said he just wanted to
2 completely get away from it.

3 (Indicating.)

4 Q Let's go on to Allegation N, which is on Page 17 of
5 Applicant's Exhibit 51.

6 First of all, again, is that an accurate
7 characterization of the concern that you expressed?

8 A I don't think that I said that the corporate Quality
9 Assurance Manager intimidated anybody.

10 When I held this discussion -- and I don't know
11 where it was at, Glen Ellyn or with the NRC Inspector
12 that came to my house -- what I said is, "I don't know
13 whether you would consider this intimidation," but then
14 I went on to say that the corporate QC Manager
15 supposedly had told him the Lead Inspectors in -- in all
16 the different categories there at Braidwood, inasmuch as
17 welds inspection and terminations and configurations and
18 all -- they were having some problems and they were
19 discussing with them, and he told them if they wanted to
20 walk out, that he had 20 people to replace them.

21 (Indicating.)

22 Q All right. This was not a conversation that you
23 personally overheard?

24 A No, I did not.

25 Q Do you recall the name of the individual who related

1 this conversation to you?

2 A It seemed like to me that his name was Ron Frisby.

3 Q Okay, all right.

4 A He was one of the -- he was a Lead Inspector for one of
5 the groups there.

6 Q He was the --

7 A Management -- they had a problem, and they had to call
8 management, and management came right out from
9 Pittsburgh because of the problems that the QC
10 Inspectors were having.

11 (Indicating.)

12 And they didn't have a general meeting where all QC
13 Inspectors would attend. They had a meeting where the
14 Leads would attend this meeting with Mr. Marino and then
15 they would pass on to the individual inspectors that
16 information that he had; and this is one of the things
17 that they passed on.

18 Q All right. This was a meeting that took place while you
19 were on site?

20 A Yes.

21 Q Is Mr. Frisby a Weld Inspector?

22 A I'm thinking that he was into something else; but he was
23 a Lead at the time.

24 (Indicating.)

25 Q All right. Do you know whether this same comment was

1 relayed by any of the other Lead Inspectors in -- in the
2 welding area, for example?

3 A There was at least two.

4 The other -- the other Lead that was there, I don't
5 recall what his name was at the time, but he concurred
6 with it at that time, and then a little later, on at a
7 meeting we did have, I heard several of them, of the
8 Leads, talking, and they were discussing this item.
9 They were pretty upset about it.

10 Q All right. I think in a previous answer you said that
11 there were problems and Mr. Marino came out from
12 Pittsburgh to address the Leads.

13 What problems are you referring to?

14 A They were labor problems mostly, and the fact that in
15 order for a inspector to get an increase in salary
16 there, they wanted him to do an additional
17 qualification. In other words, the more things that you
18 qualified for, the more money that you would get; but
19 their concern was these qualifications were more or less
20 being held over their head and put off from time to time
21 for individual inspectors, and new people would come in
22 and be more or less appointed to go through this
23 training when there had been people waiting there to go
24 through this training so they could get the additional
25 qualification and the money; but it was -- it had to do

1 with labor and the qualification bit.

2 (Indicating.)

3 MR. MILLER: All right. Mr. Chairman, I'm
4 willing to go as long as you wish.

5 This is a convenient breaking time.

6 JUDGE GROSSMAN: Okay, fine.

7 We'll break for lunch, then.

8 We'll come back at 1:15.

9 (WHEREUPON, the hearing was continued to
10 the hour of 1:15 o'clock P. M.)
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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 : Docket No. 50-456 OL
 8 (Braidwood Station, Units 1 : 50-457 OL
 9 and 2) :
 -----x

10 Met pursuant to recess.

11 Tuesday, July 1, 1986.
 12 1:15 P. M.
 13

14 JUDGE GROSSMAN: We're back in session.

15 Mr. Miller, please proceed.

16 MR. MILLER: I'd like to have the record
 17 reflect that my partner, Mr. Gallo, has distributed
 18 Applicant's response, in opposition to Intervenor's
 19 motion to admit late-filed contentions, to all the
 20 parties and the Board.

21 BY MR. MILLER:

22 Q Mr. Puckett, I'd now like to move on to Allegation o,
 23 which is found at Pages 17 and 18 of Applicant's Exhibit
 24 51.

25 First of all, Mr. Puckett, as before, is this an

1 accurate characterization of your concern?

2 A Yes, sir.

3 Q Could you describe what a full penetration weld is for
4 us, please?

5 A That is when you take two pieces and weld them together
6 and make a full penetration weld, a weld that penetrates
7 through the entirety of the two pieces of metal that is
8 being welded together.

9 Q And that is unlike a fillet weld, which just joins the
10 surfaces of two pieces of metal?

11 A Yes.

12 Q Did you personally observe any full penetration welds
13 within Comstock's scope of work?

14 A I seen the components in the fabrication shop laying on
15 the bench. They were beveled, and they were tacked up
16 to have full penetration welds performed on them.

17 I went back and I read the procedure dealing with
18 the inspections, and our procedure did not deal with any
19 inspection other than visuals.

20 Q When you say "our procedure," you're talking about --

21 A Comstock's.

22 Q That's 4.8.3 --

23 A I think that was the number of it.

24 Q -- the inspection procedure?

25 A Right.

1 So I go to L-2790 and I think it was Form 1701 and
2 checked their requirements for this, and they reflected
3 that a full penetration weld needs either mag particle
4 inspections or UT's or radiographs.

5 Q Do you recall the components that you observed being fit
6 up in the fabrication shop?

7 A They were some kind of an alarm system. I have no idea
8 where they were to be installed, but it was some kind of
9 an alarm system.

10 The bracket evidently was -- was too long, and they
11 shortened it and was putting it back together. There
12 were several of these components.

13 Q Mr. Puckett, do you have in front of you what has been
14 marked as Applicant's Exhibits 9 and 16?

15 They are the Form 1701 and the Sargent & Lundy
16 specification L-2790.

17 A They may be here. I don't know how easy or difficult
18 it's going to be to find them.

19 Q Mr. Puckett, I place before you copies of Applicant's
20 Exhibits 9 and 16.

21 (Indicating.)

22 Let's turn first to Exhibit 16, which is the
23 Sargent & Lundy specification L-2790. I'd ask you to
24 turn to Page 4.3 of that exhibit, if you'd just look
25 yourself at Paragraph 401.19 and then 401.19.1.

1 Mr. Puckett, can we agree that those paragraphs in
2 the specification L-2790 address the field welding
3 inspection requirements for Comstock's scope of work?

4 A How many of these are you referring to?

5 Q I'm referring to 401.19 and then 401.19.1.

6 A Yes, pretty much so.

7 Q And can we agree that there is nothing specifically in
8 the specification that deals with the inspection
9 requirements for full penetration groove welds?

10 A I do not see nothing here.

11 Q All right.

12 Let's go now -- it does refer to the requirements
13 of Form 1701, does it not?

14 A Yes.

15 Q All right.

16 Let's turn to Applicant's Exhibit 9 in evidence,
17 and again I call your attention to numbered Page 5 of
18 the exhibit.

19 A Was that Page 9?

20 Q Page 5, sir.

21 A Oh, okay.

22 Q And that page refers you to the table that follows to
23 determine the requirements for examination of --
24 nondestructive examination of welding; is that correct?

25 That's Table --

1 A I'm still reading it.

2 Q I beg your pardon.

3 Mr. Puckett, have you gotten through 1701 at the
4 place I indicated and the table that follows?

5 A Yes.

6 Q And this is the form to which you had reference when you
7 said you believed that --

8 A I think this was the form, yes.

9 Q -- that required radiographic testing of full
10 penetration groove welds?

11 A Yes.

12 Q Looking at Table 01-2, which begins at Page 6, can we
13 agree that the materials on which full penetration
14 groove welds were performed within Comstock's scope of
15 work were not structural steel?

16 A I do not know.

17 Like I say -- or like I said earlier, the
18 components that I seen were on the bench in the shop. I
19 have no idea where they were to be located at that time.

20 However, the following day, when I was at
21 Pittsburgh Testing Laboratories, having a welder's test
22 coupons evaluated, I asked a gentleman in Pittsburgh
23 Testing, who at that time seemed to be the Lead there --
24 he was the person that everybody was coming to -- I
25 asked him, other than a visual inspection, what kind of

1 inspection did PTL do for Comstock.

2 He said other than weld test coupons, they had done
3 no other inspections on partial penetration or full
4 penetration welds of any kind.

5 It's possible Comstock didn't do any other than the
6 ones that I seen on the bench.

7 Q All right.

8 Well, can we agree that the ones that you saw on
9 the bench were not built-up girders and columns, as --

10 A I would say that they weren't that.

11 Q All right.

12 Were they rolled beams and columns?

13 A I have no idea what the purpose was for. It was some
14 type of an alarm system, and I have no idea where they
15 were to be installed.

16 Q All right. Well, let me just press on with looking at
17 this table.

18 I take it, then, your answer would be the same;
19 that they were not as shown on -- or as described on
20 Page 7: chimney steel liners, steel stacks, steel coal
21 bunkers, silos, steel tanks?

22 A I would say that it's nothing that I -- I would say that
23 it's nothing that I see reflected on Page 6.

24 Q I take it they were not welding studs, as reflected on
25 Page 8?

1 A No, it was not studs.

2 Q Then if we turn to Page A-2, which is Table 01-3 of this
3 Exhibit 9, I take it you can also agree that as far as
4 you knew, they were not containment liners, pool liners,
5 sacrificial shield wall liners --

6 A No. Comstock had nothing to do with the pool liners or
7 sacrificial shields unless they were making an
8 attachment to it.

9 Q Well, I realize it's been a long time since you looked
10 at Form 1701, Mr. Puckett.

11 If you can identify any of the components that you
12 believe had full penetration groove welds done by
13 Comstock that are within the scope of this, I'd like you
14 to take your time and describe them for us.

15 A I cannot describe -- I mean, I cannot identify the
16 components.

17 I know that I brought it to the attention of Mr.
18 DeWald, and later I went to Sargent & Lundy.

19 The gentleman over there -- he was in their Welding
20 Department. They called him Stu Klevens. I can only
21 assume that his name was Stuart Klevens.

22 He confirmed to me that yes, in fact, full
23 penetration welds should have additional inspection
24 other than a visual.

25 Q That was full -- Mr. Klevens said that with respect to

1 full penetration groove welds --

2 A Yes.

3 Q -- within Comstock's scope of work?

4 A Within Comstock's scope of work.

5 Q Is this another area, Mr. Puckett, where if you had been
6 able to, you would have wanted to do additional research
7 into just what type of components these were to
8 determine just how they fit in with Form 1701?

9 A Well, one of my basic concerns was -- with anybody I
10 talked to in management and the one person I talked to
11 in Sargent & Lundy -- I thought that was as far as it
12 would have to go.

13 Nobody within the Comstock organization had any
14 knowledge of any full penetration welds, and they had no
15 knowledge that there was further inspection required if
16 there were full penetration welds.

17 Q After your conversation with Mr. Klevens, did you
18 document your concern to Comstock management in any way?

19 A The components were still on the bench in the
20 fabrication shop when I was terminated. I never got an
21 opportunity to do anything with them.

22 But they were still trying to decide what they were
23 going to do with them. They hadn't welded them out.
24 They just had them tacked together.

25 Q You say "they."

1 This is the Comstock personnel?

2 A Yes.

3 Q So that was the welders and --

4 A Yes.

5 I finally convinced Irv that they ought to hold up
6 on it until they find out if, in fact, additional
7 inspection was required before they welded them out.

8 Q Mr. DeWald was ultimately accepting of that suggestion?

9 A Well, he stopped them from any further work on them
10 until such time -- I don't know what was done after I
11 left.

12 Q This was towards the end of your stay at Braidwood?

13 A Yes.

14 Q So at least as far as you knew when you left the site,
15 Comstock management -- Mr. DeWald, specifically -- was
16 being responsive to your concerns about the inspection
17 requirements on these welds?

18 A Based on past performance, I -- I did not know if they
19 would do anything at all with them.

20 Q But they had, in fact, stopped the fabrication process
21 as a result of your concerns?

22 A Yes, sir.

23 Q Okay.

24 A If nothing else, I achieved something.

25 Q Let's go on to Allegation p, Mr. Puckett. That's the

1 bottom of Page 18 of Applicant's Exhibit 51.

2 You may wish to look at the next paragraph on the
3 top of Page 19, because I'm going to have a few
4 questions about that as well.

5 A Did you ask me to look at something else on this page?

6 Q Yes, sir: the first paragraph at the top of Page 19,
7 Mr. Puckett.

8 First of all, is the sentence at the bottom of Page
9 19 an accurate characterization of your concern?

10 A Yes, it is.

11 But the NRC review on the other page I don't think
12 deals with this at all, because my statement to him was
13 that I had been on tour in the building with Mr. DeWald.
14 This was one of the earlier tours. I'm not just sure
15 where we were at in the building. We had been up and
16 down several floors and things.

17 Mr. DeWald had pointed out welds to me and said, "I
18 inspected these welds." It was on a large hanger there.
19 I just more or less glanced at the welds, and I saw
20 welds that he said he had accepted that I would not have
21 accepted.

22 Q So this was actually based on your personal observation
23 on a tour with Mr. DeWald?

24 A Yes, it was; but at the time I'm not sure where we were
25 at in the building.

1 Q All right.

2 And you don't recall now whether it was in a
3 safety-related or nonsafety-related --

4 A No, I do not.

5 Like I say, I hadn't been on the project but for a
6 matter of days when I made the first tour of the
7 building with Mr. DeWald.

8 Q Mr. Puckett, how close were you to the welds when Mr.
9 DeWald pointed them out?

10 A Well, some of them started at the floor, and they went
11 on up; that is, the hanger came down to the floor. It
12 was kind of like in a corner, and they came down to the
13 floor.

14 The welds started at the floor, and they moved all
15 the way up the hanger to the ceiling. I was observing
16 welds that were close enough to look at.

17 (Indicating.)

18 Q Within a few feet?

19 A Yes.

20 Q Were the welds in a painted or unpainted condition?

21 A The best I can recall, they were unpainted.

22 Q Did you say anything to Mr. DeWald at that time?

23 A No, I did not.

24 Q All right.

25 I take it you didn't get out a fillet weld gauge or

Q Would you agree that acceptability of a weld is something that's within limits within the range of an individual inspector's judgment?

Q And that what may be rejectable to you may be acceptable to another inspector and vice versa?

A I would not have an inspector working for me that would have accepted some of the welds that I seen.

Q And what was the specific defect that you observed?

A Well, I could see that there was undercut; there was excessive spatter; there was slag; there was cold lap or overlap, whichever you prefer to call it; and there was areas in the crater that were below the nominal wall, excessive craters.

Q Did Mr. DeWald specifically identify the welds that he said he had accepted or did he just point generally in the direction of the hanger and say --

A He said that he had -- he said, "I've inspected all of these welds," and he was referring to all the electrical welds in the area, of course.

(Indicating.)

MR. MILLER: If I might just have one second,

1 please.

2 JUDGE GROSSMAN: Sure.

3 BY MR. MILLER:

4 Q Do you know, Mr. Puckett, whether or not any of the
5 welds had been reworked and reinspected since the time
6 that Mr. DeWald was an inspector at Braidwood?

7 A Well, there was a couple of the welds that was down low
8 that he had pointed to his acceptance stamp on.

9 I would assume if the welds had been reworked, they
10 would also have removed his acceptance stamp.

11 Q At your deposition, Mr. Puckett, you said you were --
12 you were sure that some of the welds were located on the
13 turbine floor; is that correct?

14 A We had been -- we were all through the building. He
15 showed me several locations, and some of them was, in
16 fact, on the turbine floor.

17 Q And that --

18 A I mean, I can remember him identifying, you know, "This
19 is the turbine building," and he was reflecting that he
20 had done a lot of inspection in there as well.

21 Q But outside of the turbine building, you don't recall
22 any location for these welds?

23 A Not the locations. We had been all the way from the
24 bottom of the reactor all the way up.

25 Q And he had identified welds in each location for you?

1 A Not every location, but there were locations where he
2 did do work.

3 Q Mr. Puckett, I think you said that this occurred very
4 early in your tenure at the Braidwood site.

5 Did you ever call these welds to the attention of
6 any of the Level II QC Inspectors?

7 A No, I did not. I felt that these welds would have been
8 identified and something would have been done about them
9 once I was qualified.

10 Until such time that I was qualified, there was not
11 a lot that I could personally do about them.

12 Q All right.

13 You didn't --

14 A The other inspectors were already having their problems
15 with Mr. DeWald, so I -- I'm sure that they didn't want
16 to get involved with it.

17 Q Well, at least Mr. Miner was willing to write -- or sign
18 Nonconformance Reports for deficiencies that you
19 identified; correct?

20 A Yes. That was later on, yes.

21 Q But you never took Mr. Miner back to these welds and
22 asked him to verify that they were, in fact, rejectable?

23 A I don't even know if I could have found my place --
24 myself back to that area then because of the direction
25 we went into the buildings and the different route

1 changes and things that we took in the process.

2 Given time, I could go back to the area; I could
3 find the area again. But I mean, just to walk directly
4 to it -- I couldn't do that.

5 Q I see.

6 But you never -- in any event, you never went with
7 Mr. Miner or any other QC Inspector to look at those
8 welds?

9 A No, I did not.

10 JUDGE GROSSMAN: Excuse me.

11 Did the NRC inspectors ever ask you to do that, to
12 go back to the building and see if you could point out
13 those locations?

14 THE WITNESS: I really had no contact with
15 the NRC inspectors while at Braidwood, other than just a
16 cordial hello and things like that.

17 JUDGE GROSSMAN: I meant after you had made
18 these allegations.

19 THE WITNESS: No. They did not ask me to go
20 back and identify anything.

21 MR. MILLER: Could I just take another
22 minute, please?

23 JUDGE GROSSMAN: Sure.

24 BY MR. MILLER:

25 Q Mr. Puckett, let's move on to Allegation r -- well, one

1 last question on Mr. DeWald's welds that you would have
2 rejected:

3 Did Mr. DeWald tell you what his welder's stamp
4 number was?

5 A Sir?

6 Q Did Mr. DeWald tell you what his welder's stamp number
7 was?

8 A No, he did not.

9 It was a symbol. He just pointed, and he said,
10 "That's my weld stamp."

11 Q Let's move on to Allegation r, which is found at Page
12 20.

13 Now, first of all -- well, you ought to read the
14 first paragraph under "NRC review" as well.

15 First of all, Mr. Puckett, is the allegation, as
16 stated and as amplified in your interview with Mr.
17 Schapker, an accurate characterization of your concern?

18 A Pretty much so, yes.

19 Q All right.

20 Why don't you turn to Page 89 of Applicant's
21 Exhibit 12, which is the AWS code.

22 Figure 8.8.5 is the condition that you observed --
23 the type of weld that you observed in the fabrication
24 shop; correct?

25 A Of the same type, yes.

1 Q All right.

2 And as I understand it, the dashed lines along the
3 right- and left-hand sides of the figure indicate that
4 the weld filler material is deposited underneath --

5 A Yes.

6 Q -- and the --

7 A That is to represent the area of weld.

8 Q Right.

9 And then the uninterrupted kind of diagonal lines
10 along the top of the diagram indicate that the weld
11 filler material is deposited on the top of that surface;
12 is that correct?

13 A Yes, it is.

14 Q And break is to occur at the corners; correct?

15 A According to the drawing as reflected here, I would say
16 yes.

17 Q Is the size of the break specified?

18 A It is not specified there.

19 We had this same problem at the Zimmer project.

20 Q Well, do you know what the reason -- the technical
21 reason is, if any, for this interrupted --

22 A I do not. I do not know all of the engineering
23 evaluations for reasons for this.

24 I did read the code, and I noticed that this was
25 being done. I know that this same type of joint design

1 had caused us problems at Zimmer.

2 So I brought it to the attention of management
3 inasmuch as I showed them the picture in the book, as
4 you see here; and I also went and got a sample and
5 brought it to them.

6 At that time they were in concurrence that, yes, in
7 fact, this is wrong that we should be doing this. This
8 weld should be interrupted at the corner.

9 Q What happened then?

10 A Nothing.

11 Q Well, how long prior to your -- at what point in your
12 time at Braidwood --

13 A I asked about this again, and Mr. DeWald said that he
14 would be asking Sargent & Lundy about it.

15 Q All right.

16 And I think the allegation that's stated here in
17 Applicant's Exhibit 51 says that you first noticed it
18 within three days after you started working there.

19 A Yes.

20 During the period of time that I was there, I also
21 addressed it to Mr. Paserba, and I showed him the
22 drawing and I showed him a sample weld.

23 His statement to me was, "This is the type of thing
24 that we hired you to do. Keep up the good work."
25 However, nothing was ever done about it.

1 Q Were these -- this type of a welded connection -- how
2 many of them were there created while you were at the --
3 at the Braidwood site?

4 A It was a weld that was real frequently being done, quite
5 often being done.

6 Q Did you ever observe anywhere that there was an
7 interruption at the corner?

8 A No, I did not, not none of these particular type of
9 welds, I did not.

10 Q So that every one that you saw was just continuous
11 across the plane?

12 A All the way around.

13 JUDGE GROSSMAN: Excuse me.

14 The first one you brought this to the attention of
15 was Mr. DeWald?

16 THE WITNESS: Yes -- pardon me.

17 The first person that I brought it to the attention
18 of was Mr. Saklak, and he never mentioned anything to
19 Mr. DeWald about it. So I mentioned it to Mr. DeWald on
20 the same day, yes.

21 JUDGE GROSSMAN: Okay.

22 That was not clear in the record.

23 BY MR. MILLER:

24 Q Then you mentioned it to Mr. Paserba, and then you
25 mentioned it to Mr. DeWald again; correct?

1 A Yes.

2 Q And Mr. DeWald indicated to you that Sargent & Lundy was
3 looking into the issue?

4 A No. He said that they would have to check with Sargent
5 & Lundy on it.

6 If this was ever done, I don't know.

7 Q All right.

8 This diagram is, in fact, found in Chapter 8 of the
9 code that deals with design of welds; "Design of New
10 Buildings" is the chapter?

11 A Yes, it is.

12 Q But it's a design chapter, isn't it?

13 A Yes. We were building a new building.

14 Q Well, did you understand that this was a feature that
15 ought to be considered by the architect-engineer?

16 A I knew it was a feature that was of great concern at the
17 Zimmer project and that I didn't want it to be a problem
18 with us there at Braidwood.

19 Q So the same thing had happened at Braidwood; is that
20 right?

21 A Yes, sir.

22 Q There had been an uninterrupted --

23 A Yes, sir.

24 Most of the things that I have related in the whole
25 transcript is things that I have seen that really gave

1 us problems at Zimmer and contributed to our closing.

2 I did not want that to happen at Braidwood.

3 Q Mr. Puckett, do you know what the resolution of this
4 specific issue was at the Zimmer facility?

5 A I don't really recall.

6 I think there was a Nonconformance Report written
7 on it, but I don't recall seeing any disposition. This
8 was in the later part of the project as well.

9 I know that they started the welders -- from that
10 time on, I know that they were doing the welds and they
11 were interrupting them at the corner after this concern
12 was brought up.

13 Q Well, why don't you look at the NRC review, the further
14 paragraphs on this allegation, Mr. Puckett.

15 Does Mr. Schapker's review indicate to you that at
16 least the welds he looked at didn't have the continuous
17 characteristic that you observed?

18 A My understanding of what Mr. Schapker is saying here is
19 that the welds that he looked at complied with the
20 drawing, which I agree with.

21 The drawing, however -- I looked at several
22 drawings reflecting this particular type of weld, and it
23 just reflected the area that -- fillet welds was
24 supposed to go on both sides and at the top. It just
25 reflected the area that was to be welded with fillets.

1 JUDGE GROSSMAN: Excuse me.

2 Are you saying, then, that the drawings were okay;
3 it's just the application in the field that was
4 improper?

5 THE WITNESS: No, sir. The drawings were
6 unclear.

7 The drawings reflected that there would be a
8 quarter-inch fillet weld on both sides and a
9 quarter-inch fillet weld at the top, but with no
10 reference as to whether it should be all the way around
11 the component or not.

12 It was just reflecting that there was a fillet weld
13 that went there.

14 JUDGE GROSSMAN: Oh, I see.

15 THE WITNESS: The only thing that I found
16 which addressed this particular type of weld was the
17 code.

18 JUDGE COLE: Mr. Puckett, did you happen to
19 see welds of this type where they were not interrupted
20 at the corner or did you just see it on the drawing?

21 THE WITNESS: I seen the actual welds.

22 I took a sample weld that had been done in the shop
23 and was going into the field to be installed and showed
24 it to management people, and I also showed them the
25 drawing.

1 JUDGE GROSSMAN: And the weld you showed to
2 management people was not interrupted at the corner?

3 THE WITNESS: No, sir. It was welded up each
4 side, but they welded up around the corner on it.

5 Now, it would be pretty difficult to make a weld on
6 a component like this without breaking at the corners,
7 but they should have left a clearance at each corner.

8 They picked up the weld there and welded up and
9 around these corners.

10 MR. MILLER: Go ahead.

11 JUDGE COLE: Mr. Puckett, why did they have
12 an interruption at the corner?

13 THE WITNESS: I really don't know, sir.

14 I would think that it has to do with some type of
15 stresses.

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

17 BY MR. MILLER:

18 Q Let me understand, Mr. Puckett.

19 From your response to Judge Grossman's or Judge
20 Cole's questions, it is, in fact, quite difficult for
21 the welder to make a continuous weld up and around that
22 corner without interrupting his arc at some point in
23 time; isn't that correct?

24 A Yes, sir, it very well could be, unless he was welding
25 with one hand and using the other hand and doing the

1 weld in the flat position, just kind of turning it as he
2 goes. He could do it, but it would not be the practical
3 way to do the weld. They would weld up each side across
4 the top.

5 However, they were also connecting the corners,
6 which they should not have done.

7 Q I see.

8 There was a separate pass made to connect the
9 corners, from what you observed?

10 A Yes.

11 Q Well, the last sentence in Mr. Schapker's review of this
12 allegation says that he went and looked at 50 cable pan
13 hangers with the reference weld orientation.

14 A And he said it complied with the drawings.

15 Q Yes, sir.

16 A And I agree. The drawings reflected that there was a
17 certain size fillet weld there.

18 But neither the drawings nor the procedures that
19 were provided for the inspectors addressed this
20 particular type of weld.

21 The only reference that I could find was in the
22 code, and I know this had been a problem at the Zimmer
23 project. That's why I went to the code.

24 Q Well, the drawing itself just showed a fillet weld the
25 length of the material?

1 A Yes. It just reflected with the arrow pointing to where
2 the fillet weld went on each side and on the top of the
3 common plane.

4 Q And so it was left to the individual welder to determine
5 whether he would just make those fillet welds or then
6 would go on and join them across the common plane?

7 A Yes.

8 Q All right.

9 And when you left Braidwood, you didn't know what,
10 if anything, Sargent & Lundy was going to be doing about
11 this; correct?

12 A No, I did not.

13 But Sargent & Lundy, I'm pretty sure -- I don't
14 know how it was involved, because I just got bits and
15 pieces of it, as I was working at that time with the
16 Historical Weld Department at Zimmer.

17 But Sargent & Lundy had to address this -- this
18 same problem and supposedly make changes to their --
19 their specification at the time.

20 I can't remember what the number of their
21 specification was at Zimmer.

22 Q Do you know whether or not they had to go back and
23 actually cut out any of these welds?

24 A No.

25 There was a Nonconformance Report written, as I

1 said, and I'm not sure what the disposition was on it.

2 JUDGE GROSSMAN: Excuse me.

3 Mr. Berry, I take it you are making notes on all of
4 these things that NRC can fill us in on.

5 I don't want to have to make a special Board
6 request for everything, but I would hope that you will
7 fill in the holes when it's appropriate.

8 MR. BERRY: Yes, your Honor. The Staff
9 witnesses will be prepared to address these matters.

10 MR. MILLER: Excuse me for one second.

11 BY MR. MILLER:

12 Q Mr. Puckett, in the very first part of your examination
13 in this proceeding, you described your experience at
14 Zimmer and that, at a certain point in time, Mr.
15 Goedecke came on as the Project Weld Manager, I believe.

16 A Yes, sir.

17 Q After the Zimmer project was canceled and you were laid
18 off, you maintained your contact with Mr. Goedecke, did
19 you not?

20 A Well, I had found out through a friend where he had
21 gone, yes.

22 Q And that --

23 A And he contacted me, I think, the best I can recall.

24 Q So this would have been in the -- in the late winter or
25 early spring of 1984, the first contact?

1 A Possibly. I don't remember when the first contact was.

2 Q All right.

3 Well, he was attempting to assist you in finding
4 another position, was he not?

5 A No, not really.

6 I told him to keep me in mind; but at the time
7 prior to applying for work at Comstock, I was more or
8 less taking a break from 20 years in the military and
9 nine years at Zimmer hardly without a vacation.

10 Q I see.

11 What was the occasion for your getting in touch
12 with Mr. Goedecke after you left the Zimmer plant?

13 A I admired the man's knowledge greatly.

14 Q All right.

15 It's a fact, is it not, that from time to time
16 after you became an employee of Comstock at Braidwood,
17 you would call Mr. Goedecke to discuss some of the
18 issues that were of concern to you there?

19 A Yes, sir.

20 Q And do you recall how many different times you called
21 Mr. Goedecke?

22 A No. There was two or three times. I'm not at all sure.

23 Q All right.

24 A But these were things that I was fairly sure of, but
25 there was a possibility that I might be misinterpreting

1 something in the code.

2 I know, with him being a member of the committee,
3 that he would know if, in fact, I wasn't -- was using
4 the correct interpretation.

5 So on these things that I was concerned with, I
6 would call him; and each of the times that I did call
7 him, he concurred with what I already had suspected.

8 Q Okay.

9 And was one of the items that you called him about
10 whether or not the AWS D1.3 code was mandatory for use
11 on thin-gauge material?

12 A Well, no. I -- I did not call to ask him if it was
13 mandatory.

14 I knew, at the end of the project at Zimmer, that
15 we had gone to the D1.3 code; and he at that time was
16 the one that implemented this. I wanted to find out
17 just what our problems was at Zimmer and see if the same
18 type of thing may relate to the Braidwood project.

19 He concurred to me then that yes, there really
20 should be a requalification; and if you're going to do
21 that, it should be in accordance with the D1.3 code.

22 Q The reason he said there should be a requalification was
23 what, sir?

24 A He didn't give a reason other than the fact that you
25 have a revision of the code; and I would assume, as

1 evidently he knows, that they have a reason for that.

2 It must be a better method of doing things.

3 Q I see.

4 And did you tell him in that conversation what
5 edition of the AWS D1.1 code you were using?

6 A I did at the time. I think I did, yes.

7 I don't really recall, you know, if I did discuss
8 that with him or not.

9 Q Well, Mr. Puckett, I'd like to show you Page 226 of your
10 deposition in this proceeding.

11 The question was asked, "Can you recall the subject
12 matter of any of the four or five telephone
13 conversations you had with Mr. Goedecke?"

14 The answer was, "I recall one in particular, and it
15 had to do with a Nonconformance Report that was written.
16 It had to do with the A446 material, galvanized material
17 and the procedure we had. We had qualified it in
18 accordance with AWS D1.1.

19 "I confirmed with him that it should have been
20 qualified in accordance with AWS D1.3. He concurred to
21 me verbally, of course -- this was in a telephone
22 conversation. He concurred that, in fact, if you change
23 a type C grade of material, that a procedure has got to
24 be requalified."

25 Now, in this same conversation that you had with

1 Mr. Goedecke about the D1.3 code applicability, did you
2 also discuss the question of joining A446 to A36
3 material and whether a specific procedure qualifying the
4 welding of those two materials was required?

5 A I remember talking to him about it, and I just don't
6 know. It was a five- or ten-minute phone conversation,
7 and I don't really recall offhand just -- just what it
8 was all about, you know.

9 I do know that we were discussing this A446 to A36;
10 and he mentioned that, in fact, if you change a type or
11 grade of material, that the procedure should be
12 requalified.

13 Q All right.

14 And you understood that to mean that there should
15 be a specific procedure qualification for the A446 to
16 A36 material; correct?

17 A I personally thought so, yes.

18 Q And did you tell Mr. Goedecke that there was a qualified
19 procedure for joining A446 to A500B material?

20 A No, I did not.

21 Q During this same time period, did you -- this is
22 obviously the summer of 1984, because you were already
23 -- you were an employee of Comstock at the time; is that
24 correct?

25 A Yes.

1 Q Did you ever discuss welder qualification records with
2 Mr. Goedecke?

3 A I think if I did, it may have been something to the
4 effect that, "I'm finding problems with the welders'
5 qualifications, and they're basically the same type of
6 problems that we had at the Zimmer project."

7 Q Did you ever discuss with Mr. Goedecke whether or not a
8 stop-work order ought to be issued at the Braidwood
9 site?

10 A I don't really recall ever talking to him about that.

11 Q Did you ever discuss with him your concerns about weld
12 rod filler material?

13 A Yes.

14 I told him that I thought that their weld rod
15 filler material control procedure and the actual control
16 of filler material in the Comstock organization was
17 rather lax.

18 Q Do you recall what his response to you was?

19 A No, I don't.

20 Q Did you make that observation about weld rod filler
21 material to Mr. Goedecke in connection with any action
22 that you yourself were planning on taking?

23 A No, no; just on things that I had witnessed.

24 Q I see.

25 You were just observing to him what you were

1 finding as you were --

2 A No. I wasn't observing anything.

3 I just made a statement to him, and that statement
4 I related to you.

5 Q At this same time period, Mr. Puckett, were you in
6 contact with Mr. Vogt on any of these issues?

7 A I don't recall talking to Mr. Vogt about these
8 particular things.

9 I didn't get to see him that often. He was out
10 there maybe three times during the three-month period I
11 was there; and a couple of the times he was there, he
12 was only there for like a day or so.

13 He was working on requalification of a procedure
14 and I had welders in the test facility, so I got to see
15 him but for a few minutes at any of the times that he
16 was actually out there.

17 Q All right.

18 Do you recall calling Mr. Vogt about some of these
19 issues?

20 A No. I don't recall ever having a phone conversation
21 with Mr. Vogt.

22 Q Okay.

23 Mr. Puckett, you were present in the inspectors'
24 office in mid August, 1984, when Mr. Saklak got into a
25 -- well, a shouting match, if you will, with another QC

1 Inspector; is that correct?

2 A Yes, sir.

3 Q All right.

4 Can you tell us the name of that other QC
5 Inspector?

6 A I know the name just about as well as mine, but it just
7 doesn't come to the top of my head.

8 (Laughter.)

9 Q Mr. Seeders?

10 A Mr. Seeders, yes, Mr. Seeders.

11 Q Can you tell us, as best you can recall today, what
12 happened?

13 A Mr. Seeders was sitting behind his desk. It was just an
14 open desk, kind of like this, and he had paperwork laid
15 out all over it. He had paperwork in his hand.

16 (Indicating.)

17 I walked up and was talking to him about something;
18 and I don't even recall what it was about now, because
19 this happened and it kind of startled me. Mr. Saklak
20 walked into the room, and there was a half a dozen
21 inspectors in the room.

22 He hollered at Mr. Seeders and told him, "You
23 haven't got time to hold bullshit sessions. I want you
24 to do your work."

25 Mr. Seeders stood up, and he had some paperwork in

1 his hand. He said, "What?" He says, "I told you I
2 don't want you holding bullshit sessions. You got work
3 to do."

4 He says, "I have my work right here in my hand."
5 Mr. Saklak got a little bit belligerent with him and
6 starting screaming and hollering and told him to come to
7 his office with him; he was going to write him up. They
8 left the room.

9 Q Did you observe Mr. Seeders raise his voice back to Mr.
10 Saklak?

11 A No, sir. He did not.

12 Q And that was the last -- that was the extent of your
13 observation of --

14 A Of what I observed, yes.

15 Q Mr. Seeders was a calibration inspector; correct?

16 A To the best of my knowledge, he was, yes.

17 Q All right.

18 And was he talking to you about calibration
19 inspections?

20 A I don't think so, no.

21 Like I say, I don't recall. It was something that
22 I walked up and said to him, and he just responded.

23 Q Now, following that, you were interviewed by Mr. DeWald;
24 isn't that right?

25 A No, sir; Mr. Seese.

1 Q Mr. Seese. I see.

2 Excuse me. I don't have the right document.

3 I'd like to show you a document. It is Attachment
4 5 to Mr. DeWald's prepared testimony.

5 MR. GUILD: Mr. Chairman, may I look on?

6 I don't happen to have my copy.

7 BY MR. MILLER:

8 Q I'm looking at a document that has the Bates stamp in
9 the lower right-hand corner. It's No. 2016.

10 (Indicating.)

11 Now, Mr. Puckett, it's your recollection that --
12 well, having looked at the document, do you recall the
13 interview?

14 A I did not have an interview with Mr. DeWald.

15 Q Okay.

16 Your recollection is that it was an interview with
17 Mr. Seese; correct?

18 A Right.

19 This evidently was passed on from Mr. Seese to Mr.
20 DeWald, and he's writing it down the way he understood
21 it.

22 Q Well, do you recall that, by and large, those were the
23 questions that were asked of you, Mr. Puckett?

24 A It wasn't anything -- it wasn't anything like that.
25 Some of these words I don't even know.

1 However, the conversation that I had with Mr. Seese
2 is he asked me what I thought caused all of this. I
3 don't -- and I reflected to him that I did not know,
4 unless there was some kind of a personality clash
5 between the two.

6 At that time I did not know. I did not know at
7 that time that Mr. Seeders would at a later date accuse
8 Mr. Saklak of trying to get him to do things that were
9 not in accordance with the code.

10 MR. MILLER: I'm sorry. May I have the last
11 portion of the answer read back, please?

12 (The answer was thereupon read by the
13 Reporter.)

14 BY MR. MILLER:

15 Q Which code are you referring to, Mr. Puckett?

16 A Well, procedural codes; a slip of the tongue.

17 Q My precise question to you now, Mr. Puckett, is whether
18 or not that is an accurate reflection of what you told
19 Mr. Seese.

20 A Well, neither one of us -- Mr. Seeders was seated; I was
21 standing. I was not holding a conversation with various
22 people; I was holding a conversation with Mr. Seeders.

23 I had been there for approximately five to seven
24 seconds prior to Mr. Saklak walking through the door and
25 this all starting.

1 Q Any other things that are not quite accurate in either
2 the questions that were asked or the responses that you
3 gave?

4 A I mentioned -- when they asked me, you know, "What do
5 you think caused this," I says, "I don't know, unless
6 there's a great dislike or unless they have a
7 personality conflict."

8 At this time I did not know either Mr. Saklak or
9 Mr. Seeders that well. I mean, you know, they weren't
10 people that I dealt with every day.

11 Q Well, were you asked the question in substance, "Do you
12 feel there is harassment and intimidation being
13 practiced in the QC Department?"

14 A I said that I hadn't witnessed any.

15 Q Did you say that, "I personally don't see that Mr.
16 Saklak is harassing or intimidating the people, as I
17 haven't witnessed such action"?

18 A Like I say, I had known him for a short period of time,
19 and I had known this to be the case.

20 Q Did you say to Mr. Seese that, in your opinion, he was
21 just doing his job?

22 A No, I did not. I said, "In my opinion, there is a
23 personality clash between the two."

24 That was before I knew either one. It was later
25 that Mr. Seeders, I guess, accused Mr. Saklak of

1 intimidation or something. I don't know.

2 Q But based on your observation of this incident and your
3 stay at the Braidwood site for, oh, it was approximately
4 ten weeks then, you had not observed Mr. Saklak
5 harassing or intimidating QC Inspectors; isn't that
6 right?

7 A I hadn't been working around him. Mr. Saklak had an
8 office out in the building as well and a group of
9 inspectors out there.

10 I don't know that he did. I do not know that he
11 did. I heard inspectors say that he had later on, but I
12 never witnessed any of this, no, I didn't.

13 Q All right.

14 Well, did you tell Mr. Seese, when he interviewed
15 you, that, as far as you could tell, Mr. Saklak was just
16 doing his job?

17 A I don't recall saying it that way, no.

18 Q Now, Mr. Puckett, when your deposition was taken
19 February 6th, I asked you some questions about this
20 document, as follows.

21 "I show you" -- this is a question by me, Mr.
22 Puckett.

23 "Q I show you Page 4 of this memo."

24 MR. GUILD: How about a page reference,
25 Counsel?

1 MR. MILLER: Page 232.

2 BY MR. MILLER:

3 Q It says:

4 "You are free to read the whole thing, if
5 you wish.

6 "Page 4 purports to be a
7 summarization or perhaps a verbatim
8 recitation of questions and answers
9 between you and either Mr. Seese or Mr.
10 DeWald."

11 Then there's an indication that you were perusing
12 the document.

13 "Q First of all, do you recall having some
14 questions asked of you along the lines
15 that are --"

16 You answered, "Yes. These were along the lines."

17 "Q Did you give in substance the answers
18 that are set forth on that document?

19 "A Pretty much so. Yes, it's pretty much
20 like this.

21 "Q Is there any changes to it that you can
22 recall that you think were not quoted
23 accurately?

24 "A Well, up here in response to the first
25 question, I said," quote, "'I feel there

1 is a personality clash between these
2 two," close quote, meaning Mr. Seeders
3 and Mr. Saklak.

4 "Down here at the bottom in the
5 summary, it says," quote, "'Mr. Puckett's
6 opinion: a very heavy dislike and
7 personality clash,'" close quote.

8 "I don't know where those words came
9 from. I never used them.

10 "Q You never used the words," quote, "'very
11 heavy dislike'?" Close quote.

12 On Page 233:

13 "A No. In fact, I said I hadn't seen any
14 intimidation by Mr. Saklak, which I
15 hadn't.

16 "Q You did say you felt there was a
17 personality clash?

18 "A I thought -- that is the only thing I
19 thought it could be. It seemed like the
20 two people didn't like each other."

21 Did I ask those questions and did you give those
22 answers?

23 A Yes. That's the way I answered them.

24 I thought that was the way I answered it today
25 here, too.

1 Q So the answers you gave in your deposition are correct?

2 A Pretty much so, yes.

3 Q Now, of course, Mr. Puckett, at the Zimmer facility,
4 there were other allegations of harassment and
5 intimidation while you were there, weren't there?

6 A Yes.

7 At the end there was a whole lot of allegations,
8 and the only intimidation that I'm really aware of that
9 there was any push on was when one of the craftsmen
10 threw a bucket of dirty water on a QC Inspector that
11 happened to be a lady.

12 (Laughter.)

13 Q Well, in any event, the terms "harassment" and
14 "intimidation" were not new to you when you had your
15 conversation with Mr. Seese at the Braidwood site?

16 A No.

17 MR. MILLER: Your Honor, I'm about to launch
18 into a line that may take a while. I'd like to go
19 continuously.

20 Perhaps we could take our break right now.

21 JUDGE GROSSMAN: That's fine. We'll take a
22 ten-minute break.

23 MR. MILLER: Thank you.

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

1 JUDGE GROSSMAN: We're back in session.

2 MR. MILLER: Thank you.

3 BY MR. MILLER:

4 Q Mr. Puckett, during the course of the time you spent at
5 Braidwood with Comstock, you had an occasion -- you had
6 occasions, really, to observe the performance of some of
7 the Level II Quality Control Inspectors, did you not?

8 A Yes, sir.

9 Q And you formed an impression that they were
10 professional, highly-motivated individuals, did you not?

11 A Yes, sir.

12 Q That --

13 A The ones that I was associated with and that I observed
14 their work, yes, I did.

15 Q And you never saw a Quality Control Inspector being
16 asked to sacrifice the quality of his inspections in
17 order to produce greater numbers of inspections, did
18 you?

19 A Not in those terms, no, sir, not directly in any way.

20 Q In fact, you never saw an inspector compromising the
21 quality of his inspections in order to get more
22 inspections done --

23 A No, sir.

24 Q -- isn't that right?

25 Now, I'd like to return for just a moment to

1 Applicant's Exhibit 56, which is your memorandum to Mr.
2 DeWald of August 22, 1984.

3 I believe you testified earlier that when you wrote
4 this memorandum to Mr. DeWald, which you I think
5 characterized as a "personal letter," you were trying to
6 encourage Mr. DeWald to sit down with you and discuss
7 the problems that you were finding; right?

8 A Yes.

9 Q You were concerned that what you were seeing at
10 Braidwood was similar to what you had observed at the
11 Zimmer facility; is that right?

12 A No, sir.

13 Q Was there any --

14 A They had no problems with morale of the QC people at
15 Zimmer that I can recall.

16 Q I see.

17 So there was that difference; in that sense, the
18 Braidwood situation was perhaps a little bit worse than
19 at Zimmer, in your opinion?

20 A In some cases, I thought so.

21 Q When you used the word "morale," you were really
22 referring to the inspectors' dissatisfaction with their
23 pay and the cross-training, were you not?

24 A Not entirely that.

25 The fact that they were working in some cases seven

1 days a week -- it was mandatory that they be there; and
2 they were told, "If you aren't here, you'd better have a
3 good reason as to why you are not."

4 Some of these inspectors were commuting 130, 140
5 miles one way to and from work; and if they couldn't get
6 home on the weekends, they didn't get home at all.

7 They were concerned with the fact that they were
8 given schedules and it was suggested to them how many
9 inspections they should perform over an inspection day.

10 Q But once again, you didn't observe that as causing the
11 inspectors to compromise the quality of their
12 inspections, did you?

13 A I don't believe a good inspector would under any
14 circumstances.

15 Q Putting aside the morale problem you've just described,
16 you had, in fact, observed conditions with the
17 procedures and so on that were comparable, in your mind,
18 to what had taken place at Zimmer; correct?

19 A Yes.

20 Q You were trying to head off, if you will, at Braidwood
21 what had happened at Zimmer; correct?

22 A That was my full intent.

23 Q That is, the NRC themselves finding some of these
24 discrepancies -- I think the words that you used in your
25 deposition were, "It would be as bad as a heart attack,"

1 as far as the NRC was concerned and would perhaps lead
2 to shutdown of the work and perhaps eventually
3 abandonment of the facility; correct?

4 A Based on these same type of findings that contributed to
5 the closing of the Zimmer project, yes.

6 Q And so your August 22nd memo to Mr. DeWald was basically
7 an effort, if you will, as one very experienced weld
8 inspector with a Navy background to another to talk this
9 out and to -- I think the words you used were --

10 A Keep it in-house.

11 Q -- keep it in-house and sit down and develop lines of
12 defense; correct?

13 A That and address the problems that we had; that it would
14 be better for us to address them than for NRC to find
15 these items out.

16 Q As I recall your testimony, though, you didn't really
17 expect that on the basis of this memorandum, Mr. DeWald
18 would stop the work; correct?

19 A No, I really didn't.

20 Q You thought that what this would do would be to
21 stimulate a conversation man to man, if you will,
22 between the two of you and --

23 A And maybe bring somebody up from the management office.

24 Q So you could scope the situation, see just what was
25 required; perhaps a stop-work would be required, but

1 perhaps there was something else that could be done;
2 right?

3 A Well, not at this time. It would have took a lot of
4 research to determine just what the magnitude of our
5 problems was.

6 As I said here, I wanted to find out just how bad
7 we were, because it was my observation that every time
8 that I had a problem and I tried to find -- to solve
9 this problem or find justification for it, in the
10 process I would find two or three things that was just
11 as bad.

12 Q And yet, as you say, you didn't expect Mr. DeWald to
13 just act and shut down the entire job on the basis of
14 this memorandum?

15 A No, I did not.

16 Q All right.

17 Now, I think you've previously testified at some
18 length, under examination by me, as to what your
19 perception was of the concerns that you testified to; on
20 some of them, as I think you just said, your research
21 was not yet complete.

22 So the situation was indeterminate; it was going to
23 take a lot more work before you knew whether you, in
24 fact, had a nonconforming condition or whether, through
25 additional research, the particular item -- such as, for

1 example, weld rod control or welder qualifications --
2 was adequate; isn't that right?

3 A I don't recall saying that they were adequate.

4 I had a lot of problems with them. These are
5 problems that, had I been given time, I would have taken
6 care of those problems that I could have and I would
7 address the ones for further evaluation that I could not
8 have taken care of.

9 Q Right.

10 Well, I didn't mean to suggest that it was your
11 prior testimony that the welder qualification issue or
12 the weld rod control issue was adequate.

13 What I said was that it was your feeling in the
14 summer of 1984 that, as to those issues, the status of
15 them was indeterminate?

16 A Indeterminate.

17 Q And that you'd need additional research before you could
18 reach a conclusion one way or the other as to whether or
19 not you had a nonconforming condition or whether your
20 additional research would indicate that, in fact,
21 everything was as it should be; correct?

22 A Correct.

23 Q All right.

24 And on some of these issues, you really didn't even
25 suggest that an NCR be written, because you don't write

1 an NCR when you think you've got a nonconformance; you
2 want to be more positive than just having a suspicion;
3 isn't that correct?

4 A I would - I would think so, yes.

5 Q All right.

6 Now, other of the issues that you identified had,
7 when you wrote this August 22nd memorandum to Mr.
8 DeWald, already led to stop-work orders.

9 The one on the A36 to A446 welding -- that was a
10 concern, was it not?

11 A Yes, it was.

12 Q And there had been a stop-work ordered there.

13 There was also a concern with the stainless steel
14 welding that you had identified in terms of the
15 procedure qualification, and a stop-work order had been
16 issued on that one; correct?

17 A Yes, sir.

18 Q All right.

19 And I think you testified just this afternoon that,
20 with respect to the inspection requirements for full
21 penetration groove welds, that the fabrication of those
22 welds had, in fact, been stopped by Mr. DeWald at your
23 insistence; correct?

24 A Yes, sir.

25 Q All right.

1 Now, again you had identified other inconsistencies
2 in the weld procedures.

3 I think you referred to the multiple technique
4 sheets for the same positions and that, again, that made
5 those procedures indeterminate --

6 A Yes, sir.

7 Q -- in your opinion?

8 Now, other issues that you had identified during
9 the course of your time at Braidwood were, in fact,
10 being, I think you said, properly tracked. The weld
11 preheat issue, for example -- there were NCR's being
12 written.

13 I think you even said that you and Mr. DeWald had a
14 chuckle over the fact that the engineer attempted to
15 qualify the procedure without having QC involvement;
16 isn't that right?

17 A Yes, sir.

18 Q And when you made changes to the welder qualification
19 test booth procedures and prohibited the QC Inspector
20 from making field inspections, no one challenged you or
21 crossed you on that action that you took, did they?

22 A No, sir.

23 At this point I was getting pretty angry with all
24 of this stuff being shoved on the back burner.

25 Q All right.

1 And in this same time frame, this August 22nd time
2 frame, you had reported five days earlier or so to Mr.
3 Seese that, as far as you knew, there was no harassment
4 or intimidation of QC Inspectors that was taking place?

5 A By Mr. Saklak.

6 Q By Mr. Saklak?

7 A Right. I knew of no intimidation, Mr. Saklak
8 intimidating any inspectors.

9 Q All right.

10 At this point in time --

11 A I did not even consider what happened to me when I left
12 the Braidwood project as being intimidation.

13 Q I see.

14 A Since then, it's been brought up that I was intimidated
15 against.

16 I never thought of it as that when I left. I
17 thought of it as an unjust termination.

18 Q Well, I want to show you a document that's Applicant's
19 Exhibit 3 in evidence. It's the stop-work procedure.

20 I think we can get out your required reading list
21 and find it was one of the documents you read when you
22 processed in to the site.

23 (Indicating.)

24 MR. GUILD: Are you asking him to do that,
25 Counsel?

1 BY MR. MILLER:

2 Q Look at Applicant's Exhibit 50 in evidence.

3 You'll see, on the last page of the exhibit, that
4 you reviewed Section -- QA Manual, Section 4.11.3, Rev.
5 A, on July 5, 1984; correct?

6 (Indicating.)

7 A Yes, sir.

8 Q And that procedure references, does it not, in part, in
9 Paragraph 2.5, that a typical operation in which work
10 stoppage may be considered -- one of them, Paragraph
11 2.5.2, is nonconforming material or equipment being
12 installed without an approved conditional release.

13 Do you see that, Mr. Puckett?

14 A Yes, sir, I can see that.

15 Q Okay.

16 And if you'll look --

17 A Is it all right to read the whole thing?

18 Q Oh, certainly. I'm sorry. Take your time.

19 Mr. Puckett, can we agree that the procedure that's
20 set forth in Paragraph 3.1 of Applicant's Exhibit C
21 requires the QC Manager -- in this case, Mr. DeWald --
22 to coordinate the request to stop work with his
23 higher-ups based on conditions adverse to quality
24 identified previously on an Inspection Correction Report
25 or a Nonconformance Report; correct?

1 A Yes, sir.

2 Q And with respect to the two items as to which there was
3 a stop-work order -- the A36 to A446 and the stainless
4 steel weld -- there were, in fact. Nonconformance
5 Reports initiated; correct?

6 A Yes, sir.

7 MR. GUILD: Let me note an objection at this
8 point.

9 Counsel is using the term "stop-work order." He's
10 using the words "stop-work order," as I understand, to
11 reflect some use of it as a term of art with reference
12 to this particular procedure.

13 That is not a fact in evidence. In fact, there's
14 evidence to the contrary. If counsel is suggesting that
15 those are stop-work orders pursuant to this procedure, I
16 think that's objectionable.

17 MR. MILLER: I certainly didn't intend to so
18 characterize them.

19 BY MR. MILLER:

20 Q There were, in fact, stop-works ordered -- that is,
21 directed -- by Mr. Rolan, the project manager for
22 Comstock, with respect to the A446 to A36 material and
23 the stainless steel welding; correct?

24 A Yes, sir.

25 JUDGE GROSSMAN: Excuse me.

1 Refresh my recollection, Mr. Guild, as to what the
2 -- unless it's going to --

3 MR. MILLER: I think I can help.

4 JUDGE GROSSMAN: Oh, okay.

5 MR. MILLER: Mr. DeWald testified that the
6 forms that are attached to this procedure and so on were
7 not filled out in connection with the stop-work.

8 MR. GUILD: And they made no reference to
9 this procedure when they took those actions. None of
10 the parties did.

11 JUDGE GROSSMAN: All right.

12 BY MR. MILLER:

13 Q Now, the last paragraph, Mr. Puckett, of Applicant's
14 Exhibit 56 speaks about the fact that, "We" -- meaning
15 "I" -- "assume Comstock QC" -- "we're dangerously
16 approaching a complete breakdown in our QC program."

17 Do you see those words?

18 A Yes, sir.

19 Q And it's correct, is it not, that your statements in the
20 preceding paragraph that, "I strongly recommend that all
21 welding be stopped," and that, "We're dangerously
22 approaching a complete breakdown," were really an
23 attempt by you to break through to Mr. DeWald to get him
24 to sit down and talk with you about the problems that
25 you were experiencing; isn't that right?

1 A I wanted him to, and, of course, the inspectors
2 themselves -- the attitude of the inspectors,
3 threatening a mass walk-out, a walk-off of the project
4 -- those type of things bothered me.

5 I thought that Mr. DeWald was aware of it, but I
6 wanted to make him known -- I wanted to make known to
7 him just how serious this was getting to be, yes.

8 Q I think I was flippant earlier when I was asking a
9 question about analogizing to hitting a mule over the
10 head with a 2-by-4.

11 But you did really want to get his attention so you
12 could have this discussion on a broad range of issues
13 that were troubling you; is that right?

14 A Yes, sir.

15 Q That discussion never took place, did it?

16 A No, it did not.

17 The discussion that took place over this was kind
18 of detrimental to myself. It was through Mr. Seltmann,
19 which I was supposed to have no contact with, as he was
20 in the QA Department.

21 But he was the one that read me the riot act and
22 let me know in no uncertain terms that Mr. Marino in the
23 home office was very displeased with me even writing a
24 letter or anything like this.

25 Q Well, you never had -- you never were able to have your

1 discussion with Mr. DeWald or with Mr. Seltmann or with
2 Mr. Marino or with Mr. Seese; isn't that right?

3 A The discussion that I had with Mr. Seltmann -- like I
4 said, he told me that Mr. Marino was very displeased
5 with me; and then he told me, "You think that these" --
6 what is the term here?

7 I'm not thinking too clearly, but these reviews
8 that needed to be done -- that I was to do them; that
9 this was Thursday, and by the following Thursday, I was
10 to go to the QC vault and I was to review all the
11 welders' qualification withdrawal forms that had been
12 issued on the project since it had started; that I was
13 to do a review on all the welders' qualification test
14 forms; and that I was to do a further review on all of
15 the procedures and make the required changes in them,
16 and I had a week to do this.

17 I told him -- I said, "You know this is physically
18 impossible. There is no way I can do this." He said,
19 "That's what you're requested to do." I said, "Will I
20 have any help with this?" He said, "There will be no
21 help."

22 Q So you --

23 A So I put in a request to Mr. DeWald to give me open
24 access to the QC vault so I could start this review.

25 Q And that was the extent of your conversation with Mr.

1 Seltmann?

2 A A conversation that I should not have been having with
3 Mr. Seltmann. He should not have been pressuring me
4 whatsoever, as he was in QA, a separate department from
5 the QC Department.

6 Q But in any event, you didn't have the type of
7 conversation in any respect that you had hoped to have
8 in terms of a free exchange with Comstock management
9 about the problems that you were seeing and trying to
10 map out a course of action in-house to deal with it?

11 A No, I did not.

12 Q Now, as far as Mr. DeWald was concerned, since you never
13 had the discussion with him, all he had available to
14 him, in terms of an expression of your concerns, was the
15 memorandum itself; correct?

16 A Yes, this and the things that we had discussed verbally,
17 procedural problems and the stop-work orders that had
18 already been issued.

19 Q All right.

20 Now, I'm correct, am I not, that you never had any
21 discussion about your concerns -- that is, that you
22 thought there ought to be a sit-down meeting to kind of
23 review the range of problems that you believed you had
24 found -- with Mr. Gieseke or anybody else from
25 Commonwealth Edison Company?

1 A No, I did not.

2 I only met Mr. Gieseke a couple of times; and the
3 last words he said to me was, "Shut up. I don't want to
4 hear no more about it."

5 Q That was at the August 22nd meeting?

6 A Yes, sir.

7 Q So you didn't regard him as anybody who was likely to be
8 very sympathetic to your -- to sit down and talk about
9 the range of problems that you believed you had found
10 with respect to Comstock?

11 A No, sir.

12 Q Now, can we agree, Mr. Puckett, that if one just reads
13 the memorandum, there is, in fact, the words from you,
14 "I strongly recommend that all welding be stopped"?

15 That's what the words say, isn't it?

16 A Yes, sir.

17 Q And from reading this memorandum, without the oral
18 explanation, for example, that you gave when I asked you
19 about the applicability of the AWS D1.3 code to that
20 material, one would never know, would they, just from
21 reading the memo, that, in fact, it's your position that
22 use of the D1.3 code is not mandatory but, under
23 Comstock's specification, it was optional?

24 THE WITNESS: Are you asking me to answer
25 that "yes" or "no"?

1 The way you asked the question --

2 MR. MILLER: I don't mean to be confusing.

3 THE WITNESS: I get two or three questions
4 into one thing there.

5 JUDGE GROSSMAN: Well, that's correct.
6 You're asking him if, just from reading a letter, one
7 could come to a conclusion that you haven't asked him,
8 to begin with.

9 So if you want to ask him his conclusion first and
10 then ask if it's reflected in the letter, you have two
11 questions.

12 MR. MILLER: All right.

13 I believe that the witness' prior testimony
14 establishes that, in fact, it was his position, when he
15 wrote this memorandum, that the use of the AWS D1.3 code
16 was not mandatory; and I can get out the transcript
17 reference if --

18 THE WITNESS: It is not mandatory. I didn't
19 know -- the question that I was getting didn't sound
20 like what you just said.

21 MR. MILLER: No. I'm backing up just a bit.

22 BY MR. MILLER:

23 Q Can we agree, however, that just from looking at what
24 the words in this memorandum say, "There are at least
25 five other procedures that were incorrectly qualified.

1 The aforementioned procedures were qualified using the
2 criteria of AWS D1.1-1975, and it should never have been
3 done" -- then you go on to say, "All of our procedures
4 that involve A446 should have been qualified using the
5 criteria of D1.3, which has a completely different set
6 of test requirements and a completely different set of
7 essential variables."

8 Now, Mr. Puckett, you've explained on the record --
9 and I think I understand your testimony -- that what you
10 were saying was that, "Since there are inconsistencies
11 in the procedures, if all the procedures are going to be
12 requalified, let's consider at least requalifying the
13 procedures to D1.3."

14 My question to you, sir, is: From the face of this
15 document alone, isn't it clear that the words that are
16 used suggest that the procedures for thin material that
17 had been qualified to AWS D1.1 were, in fact,
18 incorrectly qualified?

19 MR. GUILD: Objection; irrelevant.

20 The witness has fully explained exactly what the
21 basis was for his opinion, and he's fully explained that
22 this memo was not, in isolation, the only information
23 that was communicated to the addressee of the memo.

24 Therefore, what the memo, standing alone by itself,
25 might or might not suggest to Mr. Miller, as a reader,

1 is really irrelevant to the subject matter of the
2 proceeding.

3 JUDGE GROSSMAN: Well, what you say may be
4 so, Mr. Guild, but I think Mr. Miller is still entitled
5 to get the answer to that question as to whether,
6 standing alone -- what the interpretation of that letter
7 would be.

8 Now, I think you ought to repeat the question.

9 MR. MILLER: Repeat the question.

10 JUDGE GROSSMAN: I'm overruling the
11 objection.

12 (The question was thereupon read by the
13 Reporter.)

14 A There was other inconsistencies that we discussed the
15 other day.

16 I didn't really go through the procedure and get to
17 dig any of these out, other than the fact that there was
18 numerous qualification forms in the back there, when
19 there should have only been four; this type of thing.

20 This was not the only problem, the fact of the 446
21 and A36. There was other inconsistencies within the
22 procedures themselves, and --

23 MR. MILLER: Mr. Puckett -- I'm sorry. I
24 don't mean to interrupt you. Please continue.

25 A (Continuing.) I might add that some of these

1 procedures that we're talking about here -- the master
2 copy of them, the first draft of these procedures and
3 the record of the qualification of the procedure itself
4 were supposed to be readily accessible in the QC vault,
5 and I did not find this to be the case.

6 I personally tried to get the people in the QC
7 vault to produce these documents for me, and they could
8 not.

9 I went into the QC vault myself, and I searched for
10 these documents in the area where they were supposed to
11 have been kept; and I could not find the great majority
12 of these documents showing when and who qualified the
13 procedure in the first place.

14 BY MR. MILLER:

15 Q Mr. Puckett, I'm going to ask you to put yourself in the
16 position of being the Quality Control Manager at
17 Comstock, and you've had a person, who was hired as a
18 Level III welding engineer, over a period of some months
19 raise concerns from time to time about various aspects
20 of the program, all right?

21 In other words, I'm asking you to put yourself in
22 Mr. DeWald's position.

23 After about 10 or 11 weeks, you receive a
24 memorandum that says, "The procedures for thin material
25 were qualified to the criteria of D1.1, and it should

1 never have been done. All of our procedures that
2 involve A446 should have been qualified using the
3 criteria of D1.3."

4 Now, just taking those words alone, isn't it clear
5 that the statement that's being made says that the D1.3
6 code was the only code that was applicable to the
7 qualification of weld procedures for thin material?

8 A No, it wasn't meant to be that way.

9 Q I know it wasn't meant to be, Mr. Puckett, but I'm
10 asking you: Just looking at the words --

11 A I know what you're saying.

12 MR. GUILD: Objection, argumentative.

13 MR. MILLER: I'm not arguing with the
14 witness, your Honor.

15 MR. GUILD: The document speaks for itself.

16 If Mr. Miller's position is that this is the way he
17 understands this -- and that's really the way I hear him
18 saying it -- he's arguing with the findings.

19 But asking the witness to essentially put himself
20 in Mr. Miller's shoes, when the witness has said for the
21 second time it's not his intent or his reading, I think
22 is impermissible argument.

23 JUDGE GROSSMAN: That's one thing, and I tend
24 to agree with that, Mr. Guild.

25 But now, Mr. Miller, since you indicate that he

1 ought to put himself in Mr. DeWald's place -- the prior
2 objection that Mr. Guild had was, I assume, that this
3 letter could be -- that your question could have
4 referred to others reading the letter, other than Mr.
5 DeWald.

6 But if you're going to refer specifically to Mr.
7 DeWald, I don't know that it's fair to ask the witness
8 to divorce himself from everything else or to divorce
9 Mr. DeWald from everything else that the witness had
10 said to him along the line that he has so far testified
11 to.

12 So I'll have to agree with Mr. Guild's prior
13 objection if you're going to specify Mr. DeWald just
14 receiving this letter.

15 MR. MILLER: Well, the reason I put it in
16 those terms is I wanted to ask Mr. Puckett to look at
17 just the words in this letter in his capacity, his own
18 capacity, as an experienced individual involved with
19 procedures and ask him, if he were just looking at the
20 words, whether he wouldn't agree that the words say,
21 "You should have qualified your procedures to D1.3, and
22 the qualifications of those procedures to D1.1 means
23 that they are incorrectly qualified."

24 BY MR. MILLER:

25 Q That's what the words say, isn't it?

1 A It was not meant to be that way.

2 If I was to put myself in Mr. DeWald's place and I
3 received a letter like this from one of my employees,
4 the moment that I got it -- the following moment, he
5 would be in my office and we would be discussing it.

6 Q I think we've established that that never happened.

7 Did you exaggerate your statement of the
8 applicability of these two codes just to get Mr.
9 DeWald's attention?

10 A I don't think so.

11 Q Again, Mr. Puckett, it would be -- just looking at the
12 words, aren't you saying that it is the D1.3 code that
13 applies to the welding of thin material and the D1.1
14 code, does not?

15 A No, sir.

16 That's not what I am saying.

17 Q What do the words, "incorrectly qualified" --

18 MR. GUILD: Objection.

19 Mr. Chairman, he did get that answer, that was at
20 least the third time; and I would ask where this might
21 go.

22 JUDGE GROSSMAN: I suggest that, you know,
23 this is appropriate for the brief; you can use the
24 answers for impeachment or you can use your own
25 argument.

1 As far as the letter goes, I don't see what more
2 you can get from the witness, accept the same kind of
3 answer another few times. .

4 MR. MILLER: Well, if I may just ask --

5 JUDGE GROSSMAN: Sure.

6 MR. MILLER: -- one more question along this
7 line.

8 BY MR. MILLER:

9 Q When you used the words, "incorrectly qualified," the
10 third sentence in the letter, what does that mean?

11 A It was a summation to me.

12 My thoughts behind this whole thing, had these
13 procedures been qualified in accordance with with D1.3
14 and, in fact, we were going to requalify those
15 procedures, we would do it in accordance with D1.3, that
16 we would be a whole lot better off.

17 Mr. DeWald, as I said, did not have any reaction to
18 this at all.

19 To this day, I am -- I am still puzzled as to why
20 he never called me to see what these concerns were
21 really about --

22 Q Well --

23 JUDGE GROSSMAN: Excuse me.

24 A (Continuing.) -- or to ask me to clarify the letter.

25 JUDGE GROSSMAN: Excuse me.

1 Could I get your whole answer starting from the
2 beginning? I am not sure that you used the right code,
3 and I just want to make sure that you did.

4 So I will ask the Reporter to read your answer.

5 (The answer was thereupon read by
6 the Reporter.)

7 JUDGE GROSSMAN: Back on the record.

8 I just wanted to make sure you understood you
9 wanted to use D1.3 both times at the beginning of your
10 answer.

11 Did you?

12 THE WITNESS: Yes, sir.

13 JUDGE GROSSMAN: Okay. That's fine.

14 BY MR. MILLER:

15 Q You say just "be better off."

16 Just better off in terms of satisfying the Nuclear
17 Regulatory Commission, Mr. Puckett?

18 A Just being better off in -- in complying with the codes.

19 Q But --

20 A I think the codes are meant for when a new addition
21 comes out, you know, that there is a reasoning for it,
22 that it -- it's got to be better, if there were some
23 additions made to a procedure that's incorporated, and
24 and issued as a new procedure.

25 I think it would be better off for all concerned.

1 There evidently was reasoning behind coming out
2 with a D1.3 code.

3 I haven't done any evaluations or anything on it;
4 but I know in looking at the criteria required for --
5 for qualifying a procedure to D1.1, with the thin-gauge
6 materials and qualifying the procedure in accordance
7 with D1.3 with a thin-gauge material, there was a great
8 variance in the essential variables and the test that
9 was required, some a little more stringent, some not so
10 stringent.

11 Q But being better off does not mean, does it, that the
12 procedure qualified to D1.1 was incorrect?

13 A No, sir.

14 Q Okay. Now, Mr. Puckett, do you believe that the
15 preparation and sending of this memorandum led to your
16 termination as an employee of Comstock?

17 A I think that it contributed to it.

18 Q I think you have previously testified that Mr. DeWald
19 received this memorandum. I think he's testified on
20 this record that he read it, and if he just read it
21 without your explanation that you have given us in
22 testimony here today, he didn't fully understand, did
23 he, what your concerns were or whether you were, in
24 fact, for example, actually recommending that work be
25 stopped immediately or that you simply wanted to sit

1 down and talk with him?

2 MR. GUILD: Objection.

3 A I do not know.

4 MR. GUILD: Excuse me, Mr. Puckett.

5 Mr. Chairman, obviously the witness can't speculate
6 on what Mr. DeWald did or did not understand.

7 If that's -- that is the essence of Mr. Miller's
8 pending question.

9 MR. GUILD: About what Mr. DeWald understood?

10 MR. MILLER: I just wanted to establish that
11 he was never able to explain to Mr. DeWald what --

12 THE WITNESS: Basically, what I was going to
13 say is:

14 I didn't know what Mr. DeWald had thought.

15 Being that he never called me into his office, I
16 thought he was doing the same as he had done with so
17 many verbal requests that I had made of him: shove it
18 on the back burner.

19 BY MR. MILLER:

20 Q But shutting down the complete work was a really quite a
21 drastic recommendation, wasn't it, Mr. Puckett?

22 A Yes, sir.

23 Q And not one that could likely be ignored?

24 A I didn't know whether to ignore it or not, to get some
25 response at a later date to the home office.

1 Q Well --

2 A If it achieved any purpose whatsoever, I will have to
3 say I considered it worth it.

4 Q But, in fact, when you wrote the memorandum, you didn't
5 expect that the work would be shut down at all, did you?

6 A I did not know. I thought it was something that they
7 would think was serious enough that it would at least
8 require a discussion.

9 Q The answer to my question is:

10 At the time you wrote this memo, you really didn't
11 expect that your recommendation was going to be
12 followed, and didn't put it forward on that basis?

13 A I did not think that this letter would do it.

14 Q And, in fact, after the discussion, it might be that the
15 consensus among you and Mr. DeWald and others, was that
16 a stop work was not, in fact, necessary?

17 A That's a possibility.

18 Q Can we agree that, because Mr. DeWald and you never
19 discussed the means that you wanted to communicate to
20 him about this letter that you sent him, this personal
21 letter, as you characterized it, that there was, in
22 fact, what I would call truly a failure to communicate
23 on this issue between you and Mr. DeWald?

24 A Well, I really don't know.

25 I do know that those items that was addressed to

1 Mr. DeWald, by nonconformance report, that he had to
2 answer to, he answered to and agreed with at the time
3 they were written.

4 Q And there was --

5 A This letter I got no response from whatsoever.

6 Q There were certain other items that you had raised, that
7 you had been responsive to as well?

8 A Verbally, yes.

9 Q So it wasn't just a non-conformance report, was it?

10 A No.

11 Q All right. Now, to the extent that your termination was
12 based on this letter --

13 A Okay. Partially.

14 Q Partially, yes, I said to the extent that it was.

15 -- and we -- I think we have established that you
16 and Mr. DeWald never -- never communicated as to the
17 explanations that you wanted to give orally to him about
18 what your meaning was with respect to the statements
19 that you were making and the recommendations about stop
20 work and so forth, it's a fact, isn't it, Mr. Puckett,
21 that your termination was really based on what I think
22 you yourself characterized as a debatable situation, as
23 a failure to communicate between you and Mr. DeWald on
24 the concerns that underlay this letter; isn't that
25 right?

1 A No.

2 Q In other words, you believe that you were terminated in
3 part because you made this recommendation; correct?

4 A In part because I made the recommendation, yes.

5 Q The recommendation --

6 A Possibly -- the recommendation, as you say, is a little
7 strong. It was written to -- to attract strong
8 attention, but from within the organization, within QC,
9 and Comstock.

10 I didn't expect that -- that I would ever see it
11 again, really, I mean, you know, other than to discuss
12 it there.

13 For it showing up again here, it's -- I won't say
14 that it's a surprise, after seeing all these other
15 documents; but at the time I wrote it, I never expected
16 it to still be around.

17 Q Why is that? You expected Mr. DeWald to destroy it?

18 A Well, I didn't know what he would do with it; but I
19 didn't -- I didn't write it on paper that was meant to
20 be retained in any kind of file or anything. It was a
21 personal letter between him and I.

22 Q And that was because you really wanted to keep it within
23 the Comstock organization to get these problems
24 resolved?

25 A Yes, I did.

1 Q Well, this was on the same day, Mr. Puckett, that you
2 had the meeting with Mr. DeWald, Mr. Gieseke, and to
3 discuss the stop work on the A36 to A446 welding;
4 correct?

5 A I don't really remember if it was on the same day or
6 not.

7 Q Okay.

8 A It may have been.

9 Q And that was a situation in which not only Comstock but
10 Commonwealth Edison and Sargent & Lundy, the architect
11 engineer, were involved in attempting to resolve the
12 concerns that you had expressed; isn't that right?

13 A They attempted to, yes, sir.

14 Q And on the very same day -- and I think the record will
15 establish that it was the same day that this meeting was
16 convened -- you wrote Mr. DeWald this memorandum that
17 suggested that all the work, including the work A36 to
18 A446 material, be halted?

19 A Well, I am not sure it was on the same day or not.

20 I wrote this up in handwriting, and I gave it to
21 one of the clerk typists to type, and I don't recall --
22 this could have been prior to or it might have been on
23 the same day, I am not at all sure.

24 Q Well, Mr. Puckett, you were -- as you were terminated on
25 August 29th, and after you were let go by Comstock, I

1 think your parting words to Mr. DeWald and Mr. Seese
2 were that you were going to the NRC and to a lawyer;
3 correct?

4 A I said I was going to a lawyer. I think I might have
5 said that, "You will be hearing from me, I am going to a
6 lawyer."

7 As I mentioned earlier, when I left the project, I
8 did not consider any intimidation against me whatsoever;
9 I thought that I was just being unjustly -- unjustly
10 terminated.

11 Later along the line, the word "intimidation" came
12 up from other people, maybe Mr. -- the NRC inspector.
13 I'm sorry, I forget the name --

14 Q Schapker?

15 A It might have been Mr. Schapker, it may have been the
16 people from the Labor Department, that possibly I was
17 intimidated against at the time I was terminated.

18 I did not consider it that, and I never thought of
19 it as that method.

20 Q That is, you always felt that you were able to raise
21 these safety concerns to Mr. DeWald. Perhaps his -- he
22 wasn't as responsive as you would have liked, but at
23 least you felt free to raise them; correct?

24 A I hoped to, yes.

25 Q And, in fact, in this -- in this memo, perhaps you

1 overstated your concerns just a little bit to get his
2 attention, correct; that is, in your recommendation, for
3 example, to stop work?

4 A Possibly the language was a little strong.

5 Q All right. Right after you were terminated, you called
6 Mr. McGregor, the NRC inspector, did you not?

7 A No, sir, Mr. McGregor called me.

8 Q I see.

9 Do you know how Mr. McGregor got your name?

10 A He said that one of the other inspectors came to him --
11 I think this was the way that I got it -- one of the
12 other inspectors had came to him and -- and told him
13 that he should contact me and talk to me.

14 I had been driving all night the night before. I
15 drove back to Ohio, which is approximately 350 miles,
16 and he called me the next morning and he asked me what
17 had taken place; and I told him what I thought the
18 problem was there, the same things, that I thought that
19 I had been unjustly terminated, and he was the one that
20 recommended the Labor Department for me.

21 MR. MILLER: I see.

22 I would like the Reporter to mark as Applicant's
23 Exhibit 72 for identification, a memorandum from Mr.
24 McGregor to Mr. Weil at the NRC dated August 28, 1984.

25 (The document was thereupon marked

1 Applicant's Exhibit No. 72 for
2 identification * as of the 1st day of
3 July, 1986.)

4 BY MR. MILLER:

5 Q Mr. Puckett, this is a document that was produced by Mr.
6 McGregor during the course of your deposition.

7 You may recall that.

8 Does this represent an accurate characterization of
9 what you told Mr. McGregor on the telephone call that
10 took place on August 28th?

11 A It's pretty close, it's pretty close.

12 Q Now, about, oh, seven or eight lines up from the bottom
13 of the first page, when you describe to Mr. McGregor the
14 circumstances under which you were terminated by Mr.
15 Seese and Mr. DeWald, you say, "I had predicted it
16 because I had written a letter to Irv DeWald," and can
17 we agree that --

18 A Okay. By predicting it, I had kind of knew it, I kind
19 of expected it; but the fact that management didn't want
20 to talk to me, and because they were grading tests of
21 mine and losing tests of mine and making me go back and
22 take retests and calling them not qualified or that
23 there was no rejectable items on a particular test, and
24 it was pretty obvious to me that they were trying to
25 find reason not to qualify me, and I kind of felt in

1 myself that they were planning on terminating me.

2 Q Well, but you state, or Mr. McGregor reports that you
3 stated because it was you had written a letter to Mr.
4 DeWald?

5 A I mentioned that I had written a letter to Mr. DeWald,
6 yes.

7 Q And can we agree that it's Applicant's Exhibit 56, your
8 August 22, 1984 --

9 A Yes.

10 Q -- letter you that refer to there?

11 A Yes.

12 Q Now, did you tell Mr. McGregor in this interview at any
13 point in time that you had not expected Mr. DeWald to
14 act on your request to stop work, but simply to call you
15 in for a discussion?

16 A He never asked.

17 Q And you didn't volunteer?

18 A No.

19 It's -- like I say, this was the following morning,
20 and I think he's got it down here around 8:30, around
21 9:00 o'clock. I had been driving all night long, and he
22 called me the next morning and I was a little bit tired.

23 Q And you --

24 A And I may have been just a little bit bitter as well.

25 Q A little angry at being terminated?

1 A I was probably angry at being terminated as well; but
2 that had nothing to do with all the things that -- that
3 we have covered here.

4 Q Do you recall whether you told them that -- to use your
5 words -- that the recommendation in your August 22,
6 1984, letter, to all -- that your strong recommendation
7 that all welding be stopped, was perhaps a little
8 strong?

9 A I didn't tell him anything; in fact, I believe this is
10 almost word for word what I said, with a few
11 typographical errors in the typing. I think that he may
12 have taped this, taped our conversation, and then typed
13 what was said.

14 The grammar here is real poor. That sounds just
15 exactly like me.

16 Q But you don't -- in any event, you don't recall having
17 stated to him that your recommendation of stopping work
18 was a little strong?

19 JUDGE GROSSMAN: Mr. Miller, when you get the
20 answer to the question, one time is enough.

21 MR. MILLER: All right.

22 BY MR. MILLER:

23 Q Now, after this telephone interview with Mr. McGregor,
24 you traveled to Region II Headquarters in Glen Ellyn,
25 did you not, to --

1 A At a later date I was contacted by Region III in Glen
2 Ellyn and requested to come up, yes.

3 Q In fact, that was an interview that was transcribed by a
4 Court Reporter and you were sworn to tell the truth and
5 so on; isn't that right?

6 A Yes, sir.

7 Q And do you recall whether in that interview at any point
8 you stated that you had recommended the stop work in
9 order to stimulate a conversation with Mr. DeWald that
10 you didn't expect him to act on the recommendation?

11 A I can only recall, I think that I said that this was not
12 to have been a quality document, but just a personal
13 letter from myself to Mr. DeWald.

14 I did not reflect of them that I expected Mr.
15 DeWald to do anything, because I don't know what he
16 might have done.

17 I was hoping that he would call me in for a
18 conversation.

19 MR. MILLER: Well, may I have the answer read
20 back, please.

21 I need the question and the answer.

22 (The question and answer were
23 thereupon read by the Reporter.)

24 MR. MILLER: Well, other than --

25 THE WITNESS: Can I go to the bathroom?

1 MR. MILLER: Why, certainly.

2 JUDGE GROSSMAN: Let's take 10 minutes.

3 (WHEREUPON, a recess was had, after
4 which the hearing resumed as follows:)

5 JUDGE GROSSMAN: Back in session, Mr. Miller.

6 BY MR. MILLER:

7 Q Before the break, Mr. Puckett, I think we were
8 discussing your interview in Glen Ellyn, that followed
9 after some -- some time, it was -- the transcript that I
10 have indicates it was Tuesday, September 11, 1984,
11 again, within a relatively short time after you left the
12 Braidwood site.

13 My question to you is:

14 Do you recall in that interview whether or not you
15 told the NRC inspectors that your August 22nd memorandum
16 to Mr. DeWald was a personal letter designed to
17 stimulate conversation and that you didn't expect Mr.
18 DeWald to act on your recommendation?

19 A I am not really sure that I mentioned it to Region III,
20 per se; if I did, I told him that it was meant as a
21 pertinent letter to DeWald, and not meant to be a
22 memorandum or a quality document, something that would
23 go on file.

24 Q All right. Mr. Puckett, I want to show you a copy of
25 the transcript of your interview of Tuesday, September

1 11th, and I want you to look at the questions and
2 answers that appear on Page 100, and feel free to look
3 at the other pages as well, if it will help in putting
4 it in context; but if you will start with your answer on
5 Line 3 of Page 100 of that transcript, that's what I
6 would like to specifically direct your attention to.

7 MR. GUILD: Mr. Chairman, I don't have a copy
8 of the document. I will look over the witness'
9 shoulder, if it's all right.

10 JUDGE GROSSMAN: That's fine.

11 I may join you there, since I don't have the
12 document, either.

13 THE WITNESS: This starts here.

14 MR. GUILD: Okay.

15 Just the portion relating to the memo.

16 MR. MILLER: Yes. That's all I would like.

17 THE WITNESS: Okay. From the answer or right
18 down to the bottom; is that right?

19 MR. MILLER: Yes.

20 BY MR. MILLER:

21 Q My question, first, is:

22 Having looked at the transcript of this interview,
23 Mr. Puckett, do you recall whether or not you at least
24 showed and perhaps left with the NRC Staff in Glen Ellyn
25 a copy of the August 22, 1984, memorandum?

1 A I don't remember if I did or didn't.

2 Q Having looked at this transcript, does this indicate
3 that you showed it to them at least?

4 A I don't -- I don't think it does. I mentioned it.

5 Okay. I said yes, this is the letter; so,
6 evidently, I did have a copy of the letter, yes.

7 Q And do you recall now whether or not you left a copy
8 with them or not?

9 A I don't recall if I did or did not.

10 Q All right.

11 A More than likely, it seemed like to me that most of the
12 documents that I had they -- they copied them.

13 Q I see. I see.

14 Can we agree that, at least at that page of the
15 transcript of your interview, when you showed the letter
16 to them, that is the August 22nd memorandum, you did not
17 state to them, to the NRC Staff, that the letter was
18 really a stimulus to Mr. DeWald or to try to get him to
19 have a discussion with you, and that you didn't expect
20 him to act on your recommendation to stop work?

21 A No, they did not ask, and I did not volunteer any
22 information.

23 JUDGE GROSSMAN: By the way, the witness, I
24 take it, understands when you say, "act on a
25 recommendation," you mean act to stop work?

1 MR. MILLER: Yes.

2 JUDGE GROSSMAN: Okay. That's fine.

3 That's the way I understood his answers to be, and
4 not just act in general.

5 MR. MILLER: Yes. I'm sorry.

6 MR. GUILD: And, Mr. Chairman, the fact of
7 the matter, when the first predicate question was asked
8 some time ago, he explained that stop work was one
9 possibility, but they expected an intervening discussion
10 to transpire before any further action was taken.

11 I take it that every time a summary question is
12 asked again, the witness is referring back to the whole
13 series of events he expected?

14 MR. MILLER: There is a prior reference in
15 the transcript -- and I believe that my question can be
16 interpreted along that prior reference, and we will
17 argue the time point in our findings.

18 JUDGE GROSSMAN: Oh, but I just want to make
19 sure that every time the witness agrees with you on
20 acting, that he means immediately stop work.

21 MR. MILLER: Yes.

22 JUDGE GROSSMAN: And that's -- okay. That's
23 fine.

24 MR. GUILD: I am refraining from objecting
25 each time on the understanding that the witness is

1 referring back to his prior detailed answer to the line
2 of questioning.

3 BY MR. MILLER:

4 Q Mr. Puckett, I would like to show you a document, which
5 is Intervenor's Exhibit No. 25 in evidence, and ask you
6 if that letter to the Department of Labor is in your
7 handwriting?

8 A No, sir, it is not.

9 It's in my wife's handwriting.

10 Q I see.

11 A She corrects my grammar and my writing.

12 Q Okay. She wrote this at your suggestion or direction?

13 A Yes.

14 Q You essentially told her how to -- what you wanted to
15 say; is that right?

16 A Yes, sir.

17 Q And then the copy I have doesn't have your signature,
18 but you did sign it and send it off to the Department of
19 Labor; correct?

20 A Yes, sir, I did.

21 Q All right.

22 JUDGE GROSSMAN: I'm sorry.

23 What document is that now?

24 MR. MILLER: It's Intervenor's Exhibit 25,
25 your Honor.

1 MR. CALLIHAN: (Indicating.)

2 JUDGE GROSSMAN: Thank you.

3 BY MR. MILLER:

4 Q Mr. Puckett you are free to read the entire document.

5 A It's been awhile. I would like to read it.

6 Q Okay. All right.

7 A I hadn't received a letter from my wife since I got out
8 of the Navy.

9 Q Mr. Puckett, in the paragraph on the second page, it's
10 the second full paragraph that begins with the words,
11 "In a review of L.K. Comstock procedures and
12 documentation," do you see that?

13 A Yes.

14 Q And this was the letter that began your Department of
15 Labor proceedings; correct?

16 A Yes.

17 Q All right. And in the paragraph that I just directed
18 you to, there is the statement, I find, related through
19 a memo, that "working stopped before any action was
20 taken."

21 And, again, the reference to the recommendation
22 through a memo that work be stopped was reference to
23 Applicant's Exhibit 56, your August 22, 1984,
24 memorandum?

25 A I don't think -- I don't -- I don't really remember at

1 the time; but I don't think I was referring to those
2 memos, I was referring to the handwritten memos on the
3 A36 and A446 that later resulted in a non-conformance
4 report.

5 This letter that I wrote Irv DeWald is not really a
6 memo, and I don't think that I was referring to that. I
7 would have to read this a little closer. The words are
8 not exactly my own, but let me look at it just for a
9 moment, please.

10 I was -- at the time this was written I was
11 referring to the handwritten memo that has a heading of
12 "memo" on them that I sent to Irv. I think they
13 resulted in non-conformance reports and -- and this
14 letter at a later date.

15 (Indicating.)

16 Q Well --

17 A Excuse me.

18 Q Is there any other memo besides -- or writing, I should
19 say -- besides this August 22, 1984, memorandum, that
20 recommended that work be stopping, generally?

21 A It -- it's been awhile since I wrote those memos, but I
22 did have some handwritten memos that I addressed to Irv
23 regarding the procedures on stainless steel and -- and
24 on the A446 to A36, and later, this already was written,
25 when I was talking nere. When I wrote this down, I may

1 have been referring to a combination of memos and the
2 letter and all.

3 Q All right. Well --

4 A I -- I cannot very well write in this length of time,
5 you know, everything that -- that occurred with me there
6 at the Braidwood project.

7 Q So it's your testimony today that you can't tell if --
8 looking at your letter to the Department of Labor
9 whether -- if that paragraph that I mentioned to you you
10 are referring to this August 22nd memorandum or some
11 other memorandum; is that correct?

12 A Just to this memorandum. It could have been a
13 combination of those.

14 This is more or less just an outline of what took
15 place.

16 Q Mr. Puckett, do you recall --

17 A Incidentally, the Labor Department did go to Braidwood
18 and -- and do a review on this.

19 Q Do you recall ever -- and I am going to go back to
20 dealings with the Nuclear Regulatory Commission Staff
21 and you were terminated -- do you recall ever telling
22 any representative of the Nuclear Regulatory Commission
23 that, when you wrote the August 22, 1984, memorandum to
24 Mr. DeWald, that you hoped that it would cause or result
25 in a conversation between you and that you did not

1 expect it to result in an immediate stop work?

2 MR. GUILD: Objection.

3 Now, this clearly is a point where, if counsel is
4 purporting to recite the witness' prior testimony, and
5 intends to rely on the question as accurately
6 summarizing that testimony, that summary is inaccurate,
7 and that the question is objectionable, unless counsel
8 concedes that what he's doing is referring back to --
9 referring the witness back to his prior answer where he
10 explained the tale of a series of events that he hoped
11 his August 22nd memo would spur.

12 JUDGE GROSSMAN: We will assume that Mr.
13 Miller means it in that context, in which the witness
14 explained exactly what he wanted done, and that Mr.
15 Miller is just tying all the loose ends now.

16 He's already asked this question with regard to the
17 discussion with Mr. McGregor, and he asked the question
18 with regard to a further discussion, and now you are
19 just tying the ends, as far as I can see, with regard to
20 the entire NRC at any later time; is that correct, Mr.
21 Miller?

22 MR. MILLER: In fact, I would call the
23 Board's attention to the transcript, Page 5465, where
24 the question was asked to Mr. Puckett, "Did you or did
25 you not expect Mr. DeWald, on the basis of this written

1 communication to, as you say, quote, 'all welding be
2 stopped,'" close-quote. Answer, "I did not expect
3 that," and that is the basis for my question.

4 MR. GUILD: Let's look at prior questions and
5 the following questions, Mr. Miller, because, in fact,
6 the witness was asked the question again today, and you
7 shouldn't have asked and shouldn't have been allowed to
8 ask it, and his answer was in greatly more elaborate
9 terms than simply the answer that you have simply read
10 from the transcript.

11 JUDGE GROSSMAN: Well --

12 THE WITNESS: But it seems like, to me, that I
13 am getting the same question over and over again, and
14 he's looking for different answers to the same question.

15 JUDGE GROSSMAN: Well, yes, that's improper
16 and I really shouldn't -- it's improper for me to allow
17 the same question to go on again and again, because each
18 answer generally is going to be a little different,
19 depending on the context, it all ought to mean the same
20 thing; but you can't expect that everyone is going to
21 say each word the same way.

22 MR. MILLER: Oh, I don't, and I am not
23 attempting to impeach the witness at all.

24 Since his testimony has the understanding of what
25 the recommendation was, he has -- he has indeed

1 testified fully as to the context in which the
2 recommendation was made, and how he meant it. That's
3 what his --

4 JUDGE GROSSMAN: Okay.

5 And your question is designed to elicit from the
6 witness whether at any later time, other than the two
7 meetings you have already covered, did he give that full
8 meaning to the NRC, that he didn't expect an immediate
9 stop work action to be taken just as a result of his
10 sending this letter to Mr. DeWald?

11 MR. MILLER: Correct. That's exactly my
12 question, your Honor.

13 JUDGE GROSSMAN: Okay.

14 MR. MILLER: Mr. Puckett, do you have that in
15 mind?

16 THE WITNESS: I don't recall telling anybody
17 in NRC that this letter was meant to stop work order --
18 I mean, you know, to stop work.

19 (Indicating.)

20 I don't recall ever telling anyone in the NRC that
21 that -- this letter, as we have been discussing, was
22 meant to stop work.

23 JUDGE GROSSMAN: Okay. But the question
24 really is, whether you told anyone at NRC that you
25 didn't expect that the letter would result in an

1 immediate stop work action by Mr. DeWald.

2 Did you?

3 THE WITNESS: I did not tell anybody in NRC
4 that I expected it to.

5 JUDGE GROSSMAN: Or that you didn't expect it
6 to?

7 THE WITNESS: Or that I didn't expect it to
8 make an immediate stop.

9 MR. MILLER: All right.

10 BY MR. MILLER:

11 Q Now, I think you previously testified, Mr. Puckett, that
12 you and Mr. DeWald never had any discussion about the
13 memorandum --

14 A About the letter.

15 Q -- I'm sorry, I keep on calling the memorandum -- that's
16 my word. Your word is "letter."

17 This personal communication --

18 A Yes.

19 Q -- Applicant Exhibit 56.

20 A Yes.

21 Q And at the time you left the site after your close-out
22 interview with -- or during your close-out interview
23 with -- Mr. DeWald and Mr. Seese, at that point in time,
24 did you make any effort to tell them that, when you
25 wrote this letter, that you were hoping to have a

1 discussion with them on the subject of it?

2 A No; I have -- really, from the time I wrote the letter,
3 I was doing a review, when Mr. Seltmann called me in and
4 he put me on a review, which was on a Thursday, in the
5 vault down there; and during that period of time, I
6 really didn't have contact with anybody other than the
7 people that was in the vaults there.

8 I was usually in there in the morning as soon as
9 they opened, and one of last people out, doing these
10 reviews; and I didn't see Mr. DeWald again until I was
11 called in for termination.

12 Q I see.

13 And at that time you didn't discuss the subject of
14 this --

15 A No, I did not.

16 Q -- letter?

17 A No, I did not.

18 MR. MILLER: Okay. I would like the Reporter
19 to mark as Applicant's Exhibit -- I believe we are up to
20 73; is that correct --

21 MR. COLE: Yes.

22 MR. MILLER: -- Comstock Procedure 4.7.1,
23 Revision A, and as Applicant's Exhibit 74, Comstock
24 Non-conformance Report 3276, and as Applicant's Exhibit
25 75, a copy of a page from the Comstock Welder

1 Qualification Test Log.

2 (The documents were thereupon marked
3 Applicant's Exhibits Nos. 73, 74 and 75
4 for identification as of the 1st day of
5 July, 1986.)

6 BY MR. MILLER:

7 Q Mr. Puckett, first of all, I would ask you to look at
8 Applicant's Exhibit 73, which is Procedure 4.7.1, and
9 ask you whether you have ever reviewed that procedure
10 before?

11 A Yes, I have.

12 Q Okay.

13 A Let me see. This one was approved on 10/19/84, maybe
14 not this copy. I better look at it and see.

15 JUDGE GROSSMAN: No, I'm sorry, this copy was
16 approved 9/18/84, looking at the top. You are looking
17 at the revision, superceded by Revision B.

18 MR. MILLER: There is an indication that the
19 final approval on this revision was actually April 18,
20 1984, the middle of the page, and the third page of the
21 exhibit indicates an effective date of April 18, 1984.
22 I imagine.

23 A (Continuing.) I think this was probably the one that I
24 seen, then.

25 BY MR. MILLER:

1 Q Well, again, if we look at Exhibit 50, it indicates that
2 you reviewed Revision A of Section 4.7.1, on June 1,
3 1984; correct?

4 A Yes.

5 Q Mr. Puckett, again you're free to review the entire
6 document, but I would ask that you look specifically at
7 Paragraph 3.10 on Page 5 of 10.

8 JUDGE GROSSMAN: By the way, Mr. Miller,
9 could you explain again to me why those dates are
10 different? The top date says Revision A and under that
11 it says, 9/18/84; but further down it says, 4/18/84, and
12 then 5/10/84 for the implementation day.

13 Do you know what that 9/18/84 date is?

14 MR. MILLER: Let me consult, if I may.

15 (There followed a discussion outside
16 the record.)

17 JUDGE GROSSMAN: Okay. Let me point out that
18 what Judge Cole has just shown me here, and that is that
19 there are some brackets and "A" written in through the
20 body of this, and what it suggests to me is that we have
21 the original procedure, 4.7.1, with a Revision A,
22 revisions marked out in the body of the procedure, but
23 that only suggests -- and I don't know if that's so --
24 and that the Revision A took place on 9/18/84, and that
25 the original version was implemented on 5/10/84, and,

1 so, if that's true, I suppose one could look through the
2 body of this; and as long as there isn't any bracket
3 with an "A" next to it, can assume that it was in effect
4 and to begin at 5/10/84.

5 MR. MILLER: I -- again, I just -- I can't
6 answer that the question. The page that I have specific
7 reference to does not have any brackets and it shows a
8 revision as of July 18, 1980.

9 JUDGE GROSSMAN: (Indicating.)

10 BY MR. MILLER:

11 Q And, Mr. Puckett, are you with me on Page 5 of 10 at the
12 document?

13 A Yes, I know what you are referencing to, yes.

14 Page 5 of 10; right?

15 Q Yes.

16 And is there a provision with respect to the
17 witnessing of welds made for the purpose of welder
18 qualification?

19 A Yes, sir.

20 Q Okay. And it says that an LKC QC Inspector must be
21 present to witness the welding process, position of
22 weld, electrode used and so forth; is that correct?

23 A Yes, sir.

24 Q And since you never qualified as a Level III Quality
25 Control Inspector, you were not a QC Inspector within

1 the meaning of this paragraph; is that right?

2 A No, sir. This was one of the inconsistencies that I was
3 concerned with in the procedure.

4 Because this particular note would allow any QC
5 Inspector to do this inspection in the test facility
6 even if he was not a qualified weld inspector, he could
7 be a termination inspector, he could be a configuration
8 inspector, and this was one of the inconsistencies, and
9 I see that it still remains in the procedure.

10 MR. MILLER: Well, I don't believe you
11 answered my question.

12 I would like the Reporter to --

13 A (Continuing.) No, sir. The Code -- I mean the
14 procedure did not permit me to -- to witness this test
15 in the test facility.

16 However, I was directed to qualify people to
17 witness this test in the test facility; so it only
18 seemed natural to me that if I was qualified --
19 qualified to instruct people on how this test and
20 inspection was supposed to do -- to be, that I was also
21 qualified to do the inspection myself or witnessing the
22 inspection.

23 MR. MILLER: All right.

24 A (Continuing.) However, the Code does not require that a
25 QC Inspector has to witness a test, it just reflects

1 that the test be witnessed.

2 BY MR. MILLER:

3 Q All right. But as the procedure states, the procedure
4 does, in fact, require that there been a QC Inspector --

5 A Yes, yes.

6 Q -- witnessing the test?

7 A Yes.

8 Q I would like you to turn to Applicant's Exhibit 74,
9 which is NCR 3276.

10 I would ask you to turn to the 4th page of the
11 exhibit, and that's your signature about halfway down
12 the page, is it not, on that?

13 A Yes, it is.

14 Q Okay. And that's the witnessing of the test that's
15 referred to in paragraph 3.10 of the weld -- I'm sorry
16 -- of Procedure 4.7.1?

17 A Yes.

18 Q And if we look at the last page of the Applicant's
19 Exhibit 74, that we find your signature again in the
20 same location, do we not?

21 A Yes, sir.

22 Q All right.

23 A Again, this was to witness a test that was ultimately
24 determined by Mr. Meredith of PT & L, he had the final
25 disposition on the test, and the final concurrence by

1 Mr. DeWald, that this was an OK test; in other words
2 when Mr. DeWald looked at this paper, if he had a
3 problem with me signing these papers, it should have
4 been brought to my attention at that time, and not at a
5 later date.

6 Q Well, --

7 A He was concurring with what is on this paper.

8 (Indicating.)

9 Q And ultimately, of course, this nonconformance report
10 was written to disposition the fact that you witnessed
11 those tests; correct?

12 MR. GUILD: Well, objection.

13 The witness has been shown a document. The
14 document is certainly not something that the witness can
15 speak to, since it's dated after his departure from the
16 site.

17 It may be Counsel's position as to want to
18 establish this through another witness, but the witness
19 certainly is not competent to respond to the question.

20 MR. MILLER: Well, this is a witness who was
21 onsite for 90 days, and has demonstrated some
22 familiarity with non-conformance reports.

23 MR. GUILD: Mr. Miller, I can testify, too.

24 I have looked at the document; but the fact of the
25 mater is --

1 JUDGE GROSSMAN: Well, Mr. Miller, I assume
2 that was a foundation question and it's unnecessary.

3 If you had a further question in which you want to
4 pose a hypothetical, I will let the witness assume
5 something.

6 You may proceed.

7 MR. MILLER: All right.

8 THE WITNESS: I would like to assume
9 something.

10 I would like to assume that this non-conformance
11 was written after I left the project, to justify my
12 termination.

13 BY MR. MILLER:

14 Q In other words, it's your position, Mr. Puckett, that a
15 procedural violation by you should have been ignored by
16 Mr. DeWald and the others and no non-conformance report
17 issued; is that correct?

18 A When I brought this up to Mr. DeWald, he told me that I
19 should not be signing these forms.

20 I had taken a form to him.

21 And Mr. DeWald -- at this time he had been signing
22 these forms and found no problem with them, with my
23 signature on them.

24 I went to Mr. DeWald with a paper with my signature
25 on it, and asked him to sign it, and he said, "I won't

1 do it. You're not qualified to witness this test." I
2 said, "What do you mean?" He said, "You will have to
3 take this back and get somebody else to sign it." I
4 told him, "If I had somebody else to sign this document,
5 as witnessing the test, when I myself had actually
6 witnessed the test, that would be falsification of
7 documentation and I won't do it."

8 He signed it. He was all in a huff about it. He
9 signed it; and this non-conformance report, it's the
10 first time I have ever seen it.

11 Q So again, Mr. Puckett, do you believe that Mr. DeWald
12 should have overlooked the procedural violation by
13 having you sign this and not initiate a non-conformance
14 report?

15 MR. GUILD: Objection.

16 Asked and answered.

17 MR. MILLER: I don't believe he answered the
18 question at all.

19 MR. GALLO: No, he didn't.

20 MR. GUILD: He gave you a full explanation of
21 the circumstances that are within his knowledge,
22 Counsel, and I don't believe it's proper now to put a
23 document before him that clearly post-dates the man's
24 termination and ask him to speculate about the
25 circumstances under which it was written.

1 JUDGE GROSSMAN: Excuse me.

2 But let me ask: Mr. Miller, what relevance does
3 that have as to whether he believes that or not?

4 MR. MILLER: Your Honor, we have heard a lot
5 of testimony from the witness with respect to the
6 circumstances under which non-conformance reports should
7 have been issued by Mr. DeWald, that Mr. DeWald
8 poo-pooed his concerns and shrugged his shoulder and so
9 on; and now I am just asking him whether it is his
10 position with respect to this non-conforming condition,
11 as to when he was an actor, that Mr. DeWald should have
12 not issued a non-conformance report, and he has
13 volunteered a statement which justifies the situation,
14 but he has not answered that question.

15 JUDGE GROSSMAN: But the question I have is:
16 What relevance it has?

17 What if you gave him another example of a
18 non-conformance report and asked him what it has to do
19 with him, and asked him whether he believes it should
20 have been written, what is the relevance, why this is
21 any more relevant?

22 MR. MILLER: Because he has just testified,
23 your Honor, that it was -- that this was a
24 non-conformance report that was issued after his
25 termination to provide an after-the-fact justification

1 for it.

2 JUDGE GROSSMAN: Well, there was an objection
3 to the whole line of questioning, and maybe it should
4 have been sustained; but in view of the fact that he did
5 answer that, I take it -- I will overrule the objection
6 and let him answer this further question.

7 However, I think we are going beyond what is
8 relevant and so we will get that one answer and move on;
9 and the question I take it is:

10 Assuming that this is a procedural violation,
11 should Mr. DeWald have -- well, he didn't institute
12 this, or should a non-conformance report have been
13 instituted?

14 A Yes. A non-conformance report should have been
15 instituted, and I think that I would even go along with
16 the recommended disposition, because that's what I have
17 been saying all along.

18 It's not really a requirement that you be qualified
19 to witness a test, when you have a third party, an
20 independent agent, that's going to do the final
21 acceptance of this test.

22 BY MR. MILLER:

23 Q Finally, Mr. Puckett, take just a look at Applicant's
24 Exhibit 75. It's the single sheet.

25 Can we agree that it's your signature that appears

1 in the column, "Tested by QC," for all but the last 2
2 entries on the page?

3 A It appears to be so, yes.

4 MR. MILLER: If I might just consult, I think
5 that concludes my examination.

6 (There followed a discussion
7 outside the record.

8 BY MR. MILLER:

9 Q Mr. Puckett, other than the review of the procedures
10 that you have been able to look at during the course of
11 your testimony here, since your deposition, have you had
12 occasion to look at Comstock procedures that are
13 currently in effect?

14 A Just a quick review of some of the procedures that you
15 have put in front of me, and I am not sure whether they
16 are a current revision or an old revision.

17 Q All right. So other than this examination and your
18 deposition, you haven't had occasion to look at any
19 Comstock weld or weld inspection procedures?

20 A No.

21 MR. MILLER: No further questions.

22 THE WITNESS: You're kidding.

23 MR. MILLER: I wouldn't kid about something
24 like that.

25 JUDGE GROSSMAN: Mr. Guild, are you prepared

1 to begin now?

2 MR. GUILD: Mr. Chairman, if the Board
3 please, it's 20 minutes until 5:00, and I think I can,
4 if I have an opportunity to review my notes, my
5 examination will be shortened a good deal, and I would
6 ask, if it suits the Board and parties, that we recess
7 at this point and begin tomorrow morning.

8 THE WITNESS: I second the motion.

9 JUDGE GROSSMAN: By the way --

10 MR. MILLER: Oh, I have to move --

11 JUDGE GROSSMAN: You haven't offered some of
12 the exhibits into evidence.

13 MR. MILLER: That's correct.

14 JUDGE GROSSMAN: But just to continue this
15 discussion, Mr. Guild, I take it you don't want to have
16 to bring Mr. Puckett -- Mr. Puckett back; is that
17 correct?

18 MR. GUILD: No more than Mr. Puckett would
19 like to come back, I am sure.

20 JUDGE GROSSMAN: That's right; and so we only
21 have a day-and-a-half.

22 MR. GUILD: I understand, Judge.

23 JUDGE GROSSMAN: Okay.

24 MR. GUILD: My expectation is that it's going
25 to be brief, and it's a matter of simply assembling my

1 notes.

2 I don't expect to take long.

3 THE WITNESS: I kind of feel committed for
4 the duration, whatever it might be now.

5 JUDGE GROSSMAN: Okay. That's fine. So we
6 won't worry too much about that.

7 Now, you wanted to offer some exhibits, I take it,
8 Mr. Miller.

9 MR. MILLER: That's correct.

10 I am not offering at this time Applicant's Exhibit
11 69.

12 MR. COLE: We need also Page 2 of that, if
13 you are ever going to offer that.

14 JUDGE GROSSMAN: That's why you are not
15 offering it.

16 MR. MILLER: I don't think this is the proper
17 witness to offer it through any.

18 JUDGE GROSSMAN: Okay.

19 MR. MILLER: But I do offer Exhibit 70 and
20 71, 72, 73, 74 and 75.

21 MR. BERRY: Could I have those numbers again?

22 MR. MILLER: 70 through 75.

23 JUDGE GROSSMAN: I take it, Mr. Guild, you
24 have objections to 74?

25 MR. GUILD: Yes, 74 and 74 alone, your Honor.

1 I don't object to the receipt in evidence of the
2 other documents.

3 Applicant's 74, obviously lacks foundation, and
4 it's a document that Mr. Puckett can't sponsor, and to
5 the extent it's being offered to prove that, in fact,
6 this was action taken, Mr. Puckett is not competent to
7 so testify.

8 He can answer the question in a hypothetical vein,
9 which he, if this were the disposition, "Will you think
10 about it," and he said what he thought about it.

11 If Counsel wants to prove what Applicant did, he
12 needs to put up someone who is competent to testify.

13 JUDGE GROSSMAN: Well, Mr. Berry, what's your
14 position?

15 MR. BERRY: Well, I believe, on Exhibit 74, I
16 mean, the Board has previously addressed this type of
17 situation and sustained the Intervenor's position, so
18 the Staff will accept that.

19 JUDGE GROSSMAN: Well, if I have addressed --
20 I have sustained whose position it was, and if there is
21 no foundation, we can't admit the document.

22 MR. BERRY: And this strikes me that this is
23 the same. The same issue arose before in the previous
24 -- and the previous exhibit, and the Board ruled,
25 basically, to the effect that Intervenor has addressed,

1 is arguing now, and the Staff is not going to -- the
2 Staff accepts that ruling and consequently has no
3 objection to Exhibits 70 through 75 and -- with the
4 exception, if 74 would follow, we endorse the
5 Intervenors' position.

6 MR. GUILD: Well, your Honor, I think that
7 the witness' testimony has satisfied the points I wished
8 to make with respect to this.

9 JUDGE GROSSMAN: I was going suggest that,
10 and you don't need the document.

11 MR. MILLER: The only thing is that there are
12 attachments to it that are in his handwriting that he
13 did authenticate, and they are two of the weld
14 qualification test records that are attached to the NCR.

15 I would ask that the document be admitted for the
16 limited purpose of demonstrating only that an NCR was
17 written on September 12, 1984, which is the date that,
18 again, he observed and that the two pages of the
19 attachment that bear his signature are admitted for the
20 truth of the matter stated, that is, that he signed
21 them, as Mr. Puckett signed them, on or about the date
22 they bear.

23 JUDGE GROSSMAN: Well, the only -- the latter
24 part we can accept; but as far as the first point, being
25 the NCR was written, I don't think that it's -- that you

1 have foundation for that; and so if we admit it, it will
2 only be for the two qualification test records that Mr.
3 Puckett signed; and if you wish to bring someone else in
4 to supply the foundation for the NCR having been
5 written, we will accept it at a later time.

6 MR. MILLER: Your Honor, I would -- well,
7 okay. I understand the Board's ruling. I respectfully
8 except to it. I think this is a business record and
9 should come in on that basis; but we have already had an
10 argument on that and I have lost, so --

11 JUDGE GROSSMAN: Well, it's not as though
12 it's an insurmountable problem.

13 MR. MILLER: No, it isn't; but it simply -- I
14 don't believe that there is any realistic dispute on Mr.
15 Guild's part that this is, in fact, an NCR that was
16 written in the normal course of business and processed
17 in accordance with Comstock's QC procedures.

18 MR. GUILD: Mr. Chairman, the fact of the
19 matter is that the witness surmises that the document
20 was only originated to document a case to terminate him,
21 and I think the circumstances of its production is,
22 indeed, suspect. That underscores all the more the
23 reason why it shouldn't simply come in without a
24 sponsor. It's Applicant's obligation to demonstrate
25 that it's -- it was prepared in the normal course.

1 We think this is reasonable to question.

2 JUDGE GROSSMAN: I don't mean to have a
3 prolonged discussion on this, Mr. Guild; but he does not
4 have to supply that much foundation that you could
5 attack what you are attempting to attack now.

6 All he has to do, basically, is bring in some
7 witness, other than Irv DeWald, to supply the
8 foundation; so you wouldn't have the opportunity you
9 think you would have.

10 MR. GUILD: My only point, Judge, is that
11 subclause of that rule, the business record rule, the
12 Federal version of the business record rule, does allow
13 the challenger, the adversary, to offer that there are
14 conditions that undermine the reliability of the
15 document, and that's exactly what's in issue here is the
16 reliability.

17 JUDGE GROSSMAN: Well, that is correct.

18 And we have made our ruling; and so we will accept
19 the document only with regard to the two pages that have
20 Mr. Puckett's signature on it, and the rest is not
21 received, but those two pages are received, and we will
22 take the whole document in to go along with the record.

23 MR. GUILD: I don't --

24 JUDGE GROSSMAN: And we are receiving those
25 other exhibits, 70 through 75, accept for 74, which we

1 are receiving only a limited portion of.

2 (The documents that were marked
3 Applicant's Exhibits Nos. 70 through 75
4 for identification, were thereupon
5 received inevidence as Applicant's
6 Exhibits Exhibits 70 through 75 in
7 evidence as of the 1st day of July,
8 1986.)

9 MR. GUILD: Mr. Chairman, I just would note
10 that, with respect to 74, the document was put to the
11 witness and he was asked to read it and express -- he
12 expressed an opinion and his opinion was on the basis of
13 reading the text of the disposition.

14 I take that to be in the form -- of more or less --
15 a hypothetical question; would you agree with this; and
16 essentially he said he would, and if the document is in,
17 as the Chairman has ruled, for the limited purpose for
18 which it's in, at least the witness' testimony should be
19 understood in light of the language that appears on the
20 face of the document.

21 JUDGE GROSSMAN: Okay. That's fine.

22 You now, we will adjourn -- whatever all that means
23 -- we will adjourn until tomorrow morning.

24 MR. MILLER: I think Mr. Guild was, in a
25 sense, a little sorry he made the objection in the first

1 place.

2 MR. GUILD: That's not at all the case.

3 It's just if I could have read -- or the document
4 -- or you should have the witness read the language that
5 is put to him, but doesn't establish that you originated
6 the NCR on that particular date.

7 JUDGE GROSSMAN: Okay. We will adjourn until
8 tomorrow morning at 9:00 o'clock.

9 (WHEREUPON, at 4:50 o'clock P.M., the
10 hearing was recessed to the 2nd day of
11 July at the hour of 9:00 o'clock 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:

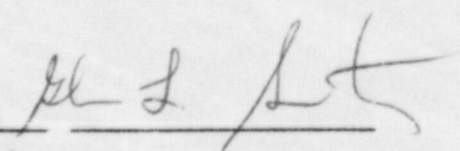
NAME OF PROCEEDING: Braidwood Station
Units 1 & 2
Commonwealth Edison Company
(Evidentiary Hearing)

DOCKET NO.: 50-456/457-OL

PLACE: Joliet, Illinois

DATE: Tuesday, July 1, 1986

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission.

(sig) 

(TYPED)

Glenn L. Sonntag

Official Reporter

Reporter's Affiliation