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UNITED STATES NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

DOCKET NO: 50-445-OL2
50-446-OL2

TEXAS UTILITIES GENERATING COMPANY, et al.

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

PREHEARING BRIEFING

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(Comanche Peak Steam Electric
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Docket Nos. 50-445-OL2
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Room 422
Phillips Building
7920 Norfolk Avenue
Bethesda, Maryland

Friday, November 9, 1984

The briefing in the above-entitled matter was convened
pursuant to notice at 9:00 a.m.

APPEARANCES:

On behalf of the Applicants:

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-- continued --

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10 JAMES LANDERS
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13 BRUCE KAPLAN, EG&G Idaho
WILLIAM E. STRATTON, Idaho State University
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NEWTON MARGULIES, University of California, Irvine

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C O N T E N T SWITNESSESEXAMINATION

DR. DAVID BOWERS

by Mr. Hirschhorn

by Mr. Roisman

208

231

BRUCE KAPLAN

WILLIAM E. STRATTON

CHARLES M. RICE

NEWTON MARGULIES

by Mr. Hirschhorn (Resumed)

268

by Mr. Roisman

298

E X H I B I T SEXHIBITSIDENTIFIED

Exhibit 10

208

Exhibit 11

220

Exhibit 12

342

P R O C E E D I N G S

MR. TREBY: We are now going to begin the second day of the briefing session. And, as we had indicated, the schedule for today is that Dr. David Bowers is available for the first two hours to be examined by the attorneys for both the applicant and the intervenors, and will also be available for the final two hours where the rest of the panel is available.

If anybody concludes early and wants to get to the other people, that's quite all right with the staff.

My further understanding is that today the order will be that the applicant's attorneys will go first, and Mr. Roisman will go second. With that, I make Mr. -- or Dr. Bowers available to Mr. Hirschhorn and Mr. DuBoff.

EXAMINATION OF DR. DAVID BOWERS

BY MR. HIRSCHHORN:

Q Good morning. I wonder if we could start by introducing your vitae for the record and marking it as an exhibit. I think I have that one. I'll give it to you.

(Exhibit 10 identified.)

BY MR. HIRSCHHORN:

Q I wonder if you could just give us a brief narrative description of your background, both teaching, researching, and practical background specifically as it relates to organizations like the one that was studied

1 here?

2 A In terms of education I received my bachelor's
3 degree in business administration and my master's of arts
4 in psychology from Kent State University. Then I received
5 my doctorate in organizational psychology from the
6 University of Michigan in 1962.

7 Following that, I remained at the Institute for Social
8 Research at the University of Michigan until -- well, in
9 fact until August 31st, this year, when I took retirement
10 from the university.

11 Between that period and 1978, that is 1962 to 1978, I
12 was a primary research staff person; that is the research
13 faculty of the university. And in that capacity,
14 conducted a number of studies of organizational behavior,
15 organizational development, and other related such
16 problems, all having to deal with organizations, their
17 functioning, their outcomes, and so on.

18 The primary method, I suppose, that I used in those
19 studies, partly because the Institute for Social Research
20 is a large and fairly famous name in the survey area, was
21 the survey; by interviews, sometimes, but principally by
22 paper and pencil questionnaire.

23 I have done a number of such studies. I can't even
24 count how many -- from 1962 on. In the course of that I
25 suppose I developed a fair amount of expertise in the area

1 of organizational diagnosis, that is, diagnosing
2 organizational strengths and weaknesses from the patterns
3 of survey responses particularly.

4 Beginning in 1978 until this last August I split my
5 time, 50/50, between the university where I directed the
6 Institute's organizational development research program,
7 and Rensis Likert Associates, which is a consulting firm
8 outside the university. Rensis Likert was the founder and
9 first director of the institute, was its director for 25
10 years; and on his retirement in 1970 he did something that
11 he always wanted to do, which was to establish an
12 applications entity, essentially free from the constraints
13 of bureaucracy and so on in the university, to apply the
14 findings that he and others had generated over those many
15 years.

16 In 1978 at his request I began to split my time 50/50,
17 and became, in that year, vice chairman and president of
18 Rensis Likert Associates.

19 As I say, I took early retirement in August of this
20 year and am now essentially full-time at Rensis Likert
21 Associates; retired from the university.

22 During my university years I taught. I taught in a
23 variety of kinds of areas. Several times I taught a basic
24 course in personnel psychology, which had to do with
25 issues like selection and so on, which is not particularly

1 my area of preferred work, nor is it my area of greatest
2 expertise. I also taught for, oh, a number of years, my
3 graduate seminar in the theory of organizational
4 development and change. I taught as well, basic courses
5 in the graduate school of business for several years,
6 basic courses in what was called organizational behavior
7 and industrial relations, it was basically organizational
8 psychology but taught in the business school.

9 I have written a number of journal articles, research
10 reports, some books; have done a great deal of research
11 for the U.S. Navy, and I suppose the other salient fact is
12 I was a member of the three-person task force that Drew
13 Lewis, Secretary of Transportation in 1981, appointed to
14 look into the Federal Aviation Administration in the wake
15 of the PATCO strike. And the other two members of that
16 task force authored a two volume report that appeared in
17 early '82.

18 I'm not sure what more to say.

19 BY MR. DU BOFF:

20 Q Could you describe the report you did for the
21 Department of Transportation?

22 A Basically the task force was charged by the
23 Secretary with going into the agency and looking into
24 management practices -- management and employment
25 practices, I believe the title of it was, in the agency.

1 It was a very broad mandate, but they were concerned that
2 that incredible event had happened, and what kinds of
3 conditions had caused essentially 12,000 people to break
4 the law against overwhelming odds, walk out and not come
5 back. And, as a task force, we decided to do essentially
6 three things.

7 The three of us visited many facilities, talked to a
8 large number of people. So we had interviews, relatively
9 informal interviews; not structured ones.

10 We also did a survey of practices and opinions and
11 attitudes of people working in the facilities and people
12 in the regional offices, the Washington headquarters, and
13 also a parallel sample, which I organized, of the PATCO
14 strikers in matched facilities.

15 Then we retained McKinsey and Company to do an analysis
16 of more formal systems, things like traffic variability
17 and peaks and valleys and so forth.

18 Volume 1 of the report contains the basic findings from
19 the task force's effort, both our conclusions and
20 recommendations as a task force, and a report of the
21 survey results. I directed the survey operation. And
22 also an account of the McKinsey findings.

23 Volume 2 contains other analyses and essentially backup
24 data that were not central to Volume 1, but we thought
25 should be presented.

1 BY MR. HIRSCHHORN:

2 Q What kinds of conclusions did you reach about
3 the problems or lack of problems in the FAA?

4 A Basically we concluded that the FAA's management
5 practices and style were atrocious; that the treatment
6 they accorded people was punitive, autocratic, arbitrary,
7 and that in at least one analysis that was reported in
8 Volume 2, that a basic cause of the strike was, indeed,
9 the treatment that those people had received. So we came
10 down very negatively against the agency.

11 Q In describing your work with the Institute, you
12 indicated that you used surveys as your primary research
13 tool?

14 A That's right.

15 Q And that they typically were written questions
16 and answers?

17 A Typically paper and pencil questionnaires; more
18 often closed end questions, where you check a response
19 category.

20 Q So that in your view, face to face interviewing
21 is not an essential component of finding out what's going
22 on in an organization?

23 A In an organization, no. The difference is that --
24 well, there are two differences between the use of an
25 interview and the use of a paper and pencil questionnaire,

1 in my judgment. If you are going to go to respondents who
2 have no particular stake in the outcome, for example you
3 want to do a national cross-sectional survey of attitudes
4 toward refrigerators, you could -- and, indeed, many
5 Congressmen do mail out 200,000 paper and pencil
6 questionnaires most of which go to a waste basket, send
7 out 200,000, get back 500 and conclude something -- well,
8 that doesn't do anything.

9 If you want a reliable sample of opinion from some, you
10 know, population that has no reason otherwise to provide
11 it to you, then you almost always have to go to an
12 interview. Because there's no other way that you can get
13 the attention of the respondent.

14 The other is if you don't totally know the content in
15 advance, you know the areas but you are not quite certain
16 what fleshes out the area, there you may need optional
17 probes and so on, which means that to get that kind of
18 elaboration you have to go to an interview.

19 Interviews are basically much more expensive per bit of
20 information than are questionnaires, but interviews
21 provide more flexibility and detail whereas questionnaires
22 permit you to collect standard data from a larger number
23 of people.

24 Q I'm curious about how you interacted with the
25 rest of the team that prepared this report. I gathered

1 from the discussion that we all had yesterday that the
2 team members, at least Dr. Margulies and Mr. Rice, read
3 raw data and then the team would meet and then they would
4 go back and read more data. We'll clarify later whether
5 that's correct, but that's the sense I got.

6 Did you participate in the same way or are you working
7 entirely separately and producing only a written document?

8 A I was working separately producing a written
9 document. I had, I think, a telephone conversation or two
10 of a sort of minor type with Mr. Kaplan, and similarly
11 couple of phone conversations with Mr. Stratton, and a
12 couple of administrative kinds of calls around contract
13 issues and so on, with Mr. Obenchain and a Ms. Rydalch.

14 But other than that I had, let's call it an
15 encapsulated task, a very definite task, and I did that
16 and did not interact with the other team members.

17 Q You didn't compare notes as you went or anything
18 like that?

19 A No. No.

20 Q The final report notes on page 30, and I think
21 that probably was taken pretty directly from your report,
22 that the 1983 survey, "was constructed specifically for
23 you in the QA/QC organization and was also specifically
24 constructed around" -- specified categories. And then the
25 four categories mentioned are: Supervision, attitudes of

1 top management, relationship between QC and craft, and
2 attitudes of craft personnel.

3 In terms of the inquiry that you, and ultimately the
4 team were asked to make, would you consider these
5 appropriate target categories?

6 A Yes. I believe I would.

7 Q And in terms of adequacy of the sample, I take
8 it you would consider that -- I guess the word used here
9 was "valid responses" -- or "usable responses" of 139
10 questionnaires out of 150 that were sent out is a pretty
11 good and pretty high result?

12 A I would say that that's -- yes. That's a fairly
13 high and adequate sample.

14 BY MR. DU BOFF:

15 Q Dr. Bowers, I don't know a great deal about
16 statistics, and that's probably going to become evident in
17 a moment or two.

18 Could you turn to appendix C, please? On page C-7,
19 could you explain the acquiescence response tendency?
20 That term, a little bit more, for us?

21 A Okay. What that refers to in this report is the
22 tendency of a person, if they were to feel intimidated, to
23 give essentially a favorable -- to the organization, the
24 company or whatever -- response. Which, since, as I
25 pointed out in the report, some of the items were worded

1 in the negative, where mostly "no" would be favorable to
2 the company; and others were worded in the positive, where
3 mostly "yes" would be, then the issue is: Is there a
4 discernible and kind of persuasive tendency for people to
5 answer "mostly no" to the negatives more often than they
6 would answer "mostly yes" to the fairly low threat,
7 innocuous ones. That's the kind of issue that refers to.

8 Q Okay. This survey was submitted in an anonymous
9 form, was it not?

10 A It's my understanding that it was. At least I
11 know nothing of who these individuals were and it's my
12 understanding that there was no way that individuals were
13 identified.

14 Q And how does that affect your ability to draw
15 conclusions from the data?

16 A The anonymity?

17 Q Yes, the anonymity?

18 A It doesn't affect it.

19 Q How would it be different -- would your
20 conclusions be any different if the respondents were
21 identified, or could have been identified?

22 A If the respondents had been, for example,
23 required to put their names on their questionnaires, or
24 sign their questionnaires, that certainly would affect any
25 pattern of responses. Not only around the issue of

1 intimidation, but around substantive issues.

2 Q Another term that I'm not entirely clear on is,
3 on the top of page C-8, "systematic referrent differences."
4 Would you explain that a bit for us?

5 A The referrent, the term "referrent" means what
6 did the question refer to, topically.

7 For example, were all of the high threat items -- did
8 all of the high or most of the high threat items refer to
9 supervision and most of the low threat items refer to
10 craft? In other words, were there differences like that?
11 And were there systematic differences among the "threat"
12 categories, in terms of what the items referred to.

13 Q Could you give me -- I'm not sure I follow that.
14 Could you give me an example? I guess I understand what
15 you mean by "referrent" but not how it relates to your use
16 of the "systematic"?

17 A Well, "systematic" means something other than a
18 random pattern. In other words, were they systematically
19 different.

20 In other words -- whenever there was a high threat item,
21 did it refer to something supervision did? But whether
22 they wanted to talk about low threat items, did they refer
23 to craft, or management, or policies?

24 Q I see. Thank you.

25 BY MR. HIRSCHHORN:

1 Q Obviously you had some more knowledge of the
2 situation you were looking at than was just contained in
3 the four corners of the questionnaires. I wonder if you
4 could tell us the source of it and what it consisted of?

5 A It really consisted of a letter which I received
6 shortly after agreeing to undertake this analysis, that
7 said basically -- well, basically outlined the issue; that
8 there were these questionnaires that had been collected
9 from QA/QC personnel; that the issue was one of -- well,
10 the question of intimidation, and was there evidence in
11 the questionnaire responses of intimidation? That the
12 site was a nuclear plant under construction. I believe on
13 another letter, a more administrative one, it identified
14 it as Comanche Peak; about which I, frankly, knew nothing.
15 I had heard the name probably referred to in a news
16 article a couple of years before. I wasn't even certain
17 where it was. That's about what I knew.

18 I did not -- for example, the questionnaires were
19 clumped into clusters with names, with a name on it like
20 "Smith" or "Jones." I assumed that these were some sort
21 of organizational clusters, but that's about all that I
22 knew.

23 Q I would like to show you a document and ask you
24 if this is the letter you are speaking of -- a copy of the
25 letter, since it seems to be an internal one?

1 A Yes. Yes.

2 MR. HIRSCHHORN: Shall we mark that, please, as
3 number 11.

4 (Exhibit 11 identified.)

5 BY MR. HIRSCHHORN:

6 Q You said you had a couple of telephone
7 conferences, I guess, with Mr. Kaplan and Dr. Stratton.
8 I assume you had some discussion with somebody before
9 you agreed to. I guess what I'm asking is, I would really
10 like you to go through step by step --

11 A How it happened.

12 Q -- in addition to the letter, how it happened
13 and what information you got at what point, so we can have
14 as full an idea as possible of what you were and were not
15 told in connection with your evaluation of these surveys.

16 A Okay. My typical pattern in the summer is to
17 spend about six weeks on a working vacation at my place in
18 northern Michigan. This was where I was when a member of
19 my university -- then university office staff, called me
20 and said that she had received an inquiry from Mr. Kaplan.
21 And the issue was a nuclear plant under construction.
22 There were some questionnaires. It was an issue of
23 intimidation. And would I be interested in, essentially,
24 analyzing those questionnaires around an issue of
25 intimidation.

1 I told her I had many things to do up there, but, yes,
2 I could probably undertake that if they wanted me to. I
3 believe she called Mr. Kaplan back and passed that along
4 to him.

5 As I recall, I don't believe at that point Mr. Kaplan
6 and I had talked on the phone, I believe, by the time this
7 transpired he was on vacation and I had had a couple of
8 telephone calls well, of an administrative type, with
9 Mr. Obenchain, and I believe a call or two with Mr.
10 Stratton. But that was basically how it happened. The
11 questionnaires, copies of the questionnaires plus the -- I
12 want to say -- the nondisclosure statement. It may have
13 been some other document like that -- were sent to my
14 office and then sent by my assistant up to me at the lake.
15 That was -- that, plus in one of those conversations a
16 discussion about the tight time constraints involved, was
17 essentially what went on before my undertaking it
18 literally.

19 Q I take it, then, that subsequent to receiving
20 this letter -- did the questionnaires come with this
21 letter which has been marked as Exhibit 11? ...

22 A No. I believe the questionnaires were sent
23 separately.

24 Q And subsequent to receiving this letter and
25 before beginning your review of the questionnaires, did

1 you have any further conversations with any of the team or
2 anyone else from the prime contractor, about the study?

3 A I remember a conversation. It was not with
4 Mr. Kaplan. It may have been with Dr. Stratton. It may
5 have been with Mr. Obenchain. I'm not just certain who it
6 was.

7 The question I was putting forward -- one that most
8 concerned me was intimidation. Was the issue: Did the
9 substance of the responses reflect intimidation? Or, did
10 the pattern of responding? Which was the focus, or both?

11 And, as I recall, whoever I talked to said: Well,
12 that's a good question. It could be either one or both, I
13 suppose. And I said: Well, that's what I think, too.
14 And that essentially directed my analysis to looking at
15 both substance and the pattern of responding.

16 Q And the conclusion that you reached, then,
17 includes your conclusions as to both?

18 A Yes. Yes.

19 Q And during the course of examining these
20 questionnaires and before your final report was
21 transmitted -- which I guess was August 2nd -- did you
22 have any other conversations with members of the team?

23 A As far as I can recall, I did not.

24 Q So that you never spoke at all, then, with
25 Dr. Margulies?

1 A Never.

2 Q Or with Mr. Rice?

3 A Never. In fact -- not during the preparation of
4 this at all.

5 Q And you were never advised of the state of the
6 team's -- or their individual reviews?

7 A No.

8 BY MR. DU BOFF:

9 Q Another term, if you will bear with me. On page
10 C-8, if I can find it -- it's the third bullet paragraph
11 there: "5 percent confidence interval"?

12 A Right.

13 Q Can you define that for me?

14 A In a statistical test, the question is: What
15 are the odds of finding something, simply by chance? And
16 the way this is done is in terms of a probability
17 distribution. And a very common one used in the social
18 sciences is what's called the 5 percent level of
19 confidence. That means you would expect a difference that
20 large or larger to occur only 5 percent of the time by
21 sheer chance.

22 So it's a kind of convention, although there are other
23 levels that are sometimes used, a common convention is to
24 say we will accept something as real if it would occur by
25 chance only 5 percent of the time or less. And, so, in

1 the case of this particular thing, the question is: What
2 distance on either side of the percentage would occur --
3 could occur by chance 5 percent of the time. So that's
4 what that refers to.

5 Q I wonder, does that in any way relate to "confidence
6 band" that you referred to on page C-9, I believe?

7 A Yes. That's essentially the band -- the band is
8 that area.

9 Q The same -- the range?

10 A Right. Right.

11 MR. DU BOFF: Thank you.

12 BY MR. HIRSCHHORN:

13 Q Now, we know that you did not design this survey.

14 A That's correct.

15 Q But, given what it was and what it contained,
16 what was asked and what was answered, and given what you
17 were asked to examine it for, would you say that it was
18 useful?

19 A Yes. I would say that it was useful for
20 examining the question that I was asked to look at.

21 Q And that is the question as set forth in Exhibit
22 11, of July 27 --

23 A I'm sorry, I didn't understand.

24 Q And the question that you were asked to examine
25 was --

1 A Oh, yes. Yes. Right.

2 Q -- I guess it's the first paragraph of page 2;
3 is that correct?

4 A That is the overall question, I gather, that is
5 being addressed in all of this. My part of it, of course,
6 was to see whether that -- there was any evidence that
7 that was true in the survey in the questionnaires -- in
8 the questionnaire survey.

9 MR. KAPLAN: Could you say, just for the record,
10 what was true? You were pointing to something there. I
11 didn't know what you were saying.

12 WITNESS BOWERS: Page 2 says, "The basic
13 question which you are to attempt to answer is: Did
14 management by its actions create an atmosphere of
15 intimidation for the QA/QC inspectors such that they
16 performed their duties in a way that there is some
17 likelihood of impact on the safety and quality of the
18 plant." It was not that question in all its possible
19 ramifications, but that question as it applied to the
20 questionnaire survey results. That was my task.

21 MR. KAPLAN: Thank you.

22 BY MR. HIRSCHHORN:

23 Q Given the content of the survey, if the answer
24 to the basic question that you just read us were in fact
25 "yes," what is the likelihood that that would fail to show

1 up in a survey of this kind?

2 Did I have too many double negatives in that question?

3 A You had quite a few of them. Try it again.

4 Q In view of what the questionnaire was, and what
5 kinds of questions it asked --

6 A Right.

7 Q -- assume, if the answer to the question the
8 team was examining -- that is to say whether there was an
9 atmosphere of intimidation such that there is some
10 likelihood of impact on the safety or the quality of the
11 plant -- assuming the answer to that question were "yes,"
12 what would you consider the likelihood, stated either way,
13 that evidence of that would or would not show up in a
14 survey of this kind?

15 A I think evidence of it -- I think it's highly
16 likely that evidence of it would show up. And the reason
17 is because it is not necessary -- not just evidence in any
18 single respondent's questionnaire, but the pattern across
19 all respondents.

20 I'll give you an example of what I mean. With a
21 pattern, perhaps like the one that's here, where
22 prevailing opinion appears to be positive, or favorable
23 toward the company, but not universally so; where negative
24 views are not concentrated among a tiny number of people
25 but are spread across a large number of people; where

1 there is no necessary pattern of a person being negative
2 on one and also negative on another; and to put it across
3 139 respondents and to produce a plausible pattern of
4 nonintimidation of that kind, would require interpersonal
5 collusion by 139 people. That is, the likelihood of that
6 ever being pulled off is very, very low.

7 Q May I take it, then, that given the portion of
8 the team's work that you conducted, that you have a pretty
9 high level of confidence in the conclusions of the overall
10 report as well as your own conclusions?

11 A I have a high level of confidence in the overall
12 conclusions and in my conclusions about the 1983 survey;
13 yes.

14 Q And do you have -- well, let's see if I can
15 clarify that a little.

16 Do you have a fairly high level of confidence that
17 those conclusions reflect the facts, even though you were
18 not on-site, did not have interviews, et cetera?

19 A I have a high level of confidence they reflect
20 the facts as seen and interpreted and analyzed by other
21 team members. Facts other than the 1983 survey, of course,
22 are things that I did not analyze, have in hand, or
23 anything, when I did my specific piece of this. But the
24 fact that other things appear to be consistent with what I
25 saw in the limited piece I did gives me confidence that it

1 is essentially correct.

2 BY MR. DU BOFF:

3 Q You worked independently as you said before; is
4 that correct?

5 A That's correct.

6 Q And as you were doing your own analysis, you
7 were not influenced by the fact, I take it, that your
8 colleagues had reached very similar conclusions looking at
9 a different data base; is that true?

10 A That is absolutely the case. Because I had no
11 conversations with most of them, and, in fact was, I guess
12 at the time, unaware of the existence of two of them.

13 Q You could not have been influenced?

14 A That's right.

15 Q Okay. Thank you.

16 MR. KAPLAN: Could I just -- they hadn't been
17 hired. What's that?

18 MR. TREBY: I was going to suggest that you are
19 taking into their time --

20 MR. DU BOFF: Oh, that's fine. It's fine if he
21 wants to ask questions.

22 MR. KAPLAN: Just a quick comment, just for
23 David, we really hadn't talked too much. They hadn't
24 actually been hired at the time we talked.

25 BY MR. DU BOFF:

1 Q On page 31 of the report, under the paragraph
2 that begins "level 1: Simple analysis responses," the
3 first sentence of that paragraph is -- reads as follows.
4 I'm quoting: "The questionnaire permits specific
5 identification of the attitudes and concerns of people in
6 the QC organization." Could you elaborate on that for us
7 just a bit?

8 A Well, the questions in the questionnaire dealt
9 with a variety of perceptions, attitudes, possible
10 concerns, substantively as distinct from the patterning of
11 responses. And that's what that -- that sentence
12 essentially says.

13 Q And did you feel that there was an opportunity
14 for a very broad expression of these attitudes? Is that
15 also part of what you are saying?

16 A Yes. I think so. Yes.

17 BY MR. HIRSCHHORN:

18 Q I take it, by the way, that your lack of
19 communication with the rest of the team continued after
20 you submitted your report; is that right?

21 A That is correct, until, I guess, last week, I
22 had a conference call. Other than periodic telephone
23 calls from, I guess it was Mr. Kaplan, asking when I could
24 come in and give a deposition, I had no such contact after
25 submitting the report.

1 Q So you had no involvement in any of the drafts,
2 et cetera, a stack of which we were looking at earlier?

3 A No.

4 BY MR. DU BOFF:

5 Q Was a major aspect of your analysis to determine
6 whether the 1983 survey responses were distorted in a way
7 that could have masked feelings of intimidation? That
8 level -- I'm really thinking of your level 2 analysis.

9 A I hesitate about the term "masked."

10 Part of my charge, as I saw it, was to determine
11 whether feelings of intimidation were reflected in the
12 responses, in ways that produced what one would suspect
13 was a distorted response. In that sense, yes, masking.
14 would be an appropriate term.

15 Hypothetically, for example, people did feel
16 intimidated but were so intimidated that they wanted to
17 give a squeaky clean case that they weren't. In that
18 sense masking is appropriate.

19 Q So an important part of your analysis was to
20 examine whether that had taken place, and you concluded
21 that it had not?

22 A That's correct.

23 (Discussion off the record.)

24 BY MR. DU BOFF:

25 Q On page C-10 -- this is a real tough question --

1 in the two footnotes --

2 A Right.

3 Q -- should those be correct to read "category 3"
4 and "category 4," instead of 4 and 5?

5 A Let's see here. Yes, they should.

6 MR. DU BOFF: I think that's all we've got.

7 Thank you.

8 MR. TREBY: ^{why} ~~We~~ don't we take a break.

9 (Discussion off the record.)

10 BY MR. ROISMAN:

11 Q Doctor, when you got the July 27th letter, what
12 was your understanding of what it was that you were to be
13 looking for? What did you understand you were to be
14 looking for?

15 A I understood I was looking for evidence of
16 intimidation in the questionnaire responses.

17 Q And what did you understand "intimidation" was?

18 A An excellent question. I went to the large
19 dictionary I kept up there at the lake, and looked up
20 "intimidation." And from that I concluded that the
21 intimidation would be defined as behavior, either --
22 behavior either avoiding doing something or going ahead to
23 do something specific, as a result of acts which create an
24 emotion of fear or apprehension in the individual to whom
25 they are directed -- in other words, fear of punishment or

1 adverse consequences. So there were three components in
2 my mind: One was the overall phenomenon of the behavior;
3 the second was the act, verbal or behavioral that was
4 directed toward the subject individual; and the third part
5 was the feeling or emotion of the individual itself.

6 Q Now, when you looked at the questionnaires, if
7 you did not find all those elements then, as to a
8 particular answer to a particular question, did you then
9 draw the conclusion that that did not represent
10 intimidation?

11 A No. I think as I stated in my report at some
12 point here -- excuse me just a moment until I find it -- I
13 said in there that --

14 Q Which page are you looking at, Doctor?

15 A This is on page C-4. That "the survey results
16 in this report" -- analyzed in this report -- "can contain
17 no direct reading on possible acts of intimidation." That
18 is, you would not, as you would if it were some sort of 24-hour
19 a day video taping, you would not be able to literally see
20 the act of intimidation. Nor can you get a direct reading
21 on the feeling or the emotion that is inside the
22 individual's head.

23 What you can get from it is evidence that a behavior
24 occurred on the part of the respondent, behavior in
25 responding to the questionnaire, that produces a pattern

1 suggesting that the emotion felt was that of intimidation.
2 That's what I was able to look at.

3 Q So, in other words, what you really were looking
4 at was whether or not the persons felt intimidated about
5 answering the questionnaire?

6 A That's correct -- intimidated in answering the
7 questionnaire, I suppose I would say.

8 Q For instance, if the whole 139 answers had been
9 written as though these people were working for the lord
10 himself, you would have been suspicious: and if all 139
11 answers had come back and had said -- no answer at all,
12 you would have been suspicious.

13 A Yes.

14 Q You were looking for that kind of a pattern in
15 the answers?

16 A Yes. Though not necessarily that extreme to
17 arrive at those conclusions.

18 Q I understand.

19 A Yes.

20 Q I take it if the questionnaire hadn't been
21 designed and hadn't asked anything particularly about the
22 workplace, but had simply been a questionnaire to ask the
23 people about -- if it had been to find out how they liked
24 lunch, you know --

25 A Yes.

1 Q -- it could have served the same purpose that
2 you were interested in? You were trying to find out did
3 they feel comfortable about answering questions which
4 might have elicited from them some negative response, and,
5 if they did, then you would expect to see it in the
6 answers to the questionnaires?

7 A Yes. If the questionnaire had contained nothing
8 about, let's say, innocuous items having little to do with
9 any real -- say, work-related thing -- having to do with
10 issues of quality, issues of inspection, those kinds of
11 things; but, rather, dealt with the parking lot, lunch,
12 what do you think -- what is your -- what do your friends
13 and family think about the fact that you work here, stuff
14 like that. Then I would have said, if I were to find some
15 pattern which suggested intimidation on that, I wouldn't
16 have known what to make of it. Maybe they were very
17 suspicious persons or something. But it was evidence of
18 intimidation around those issues, on the questionnaire.

19 Q How would your conclusions differ if you
20 believed that the questioned people felt that their
21 identities would be known?

22 A If I believed that these people felt that their
23 identities would be known? Let me think about that for a
24 moment.

25 Considering the pattern of responses, I suppose what it

1 would lead me to conclude is that there is even less
2 feeling of intimidation -- and there's practically none
3 here now -- because in the face of that, they still come
4 through with this sort of portion that's, I don't know, 20
5 to 25 percent of whatever is there, that is negative.

6 Q Negative about what kind of thing? What were
7 you finding that they were negative about, that wasn't
8 intimidation?

9 A Well, negative about whatever the issue was. I
10 don't have a copy of the questionnaire in front of me.
11 But negative about practices of management; negative about
12 policies of the company; negative about one's supervisor,
13 and so on.

14 So, if I believed that these people did not feel that
15 their identities were protected, I suppose I would feel
16 that there must be even -- must be remarkably little
17 intimidation because they certainly felt free to say what
18 they said.

19 Q But the issue was whether they were intimidated
20 about reporting nonconforming conditions at the plant.
21 And they didn't -- you found that they didn't say very
22 much about that; right? What they did was they talked
23 about practices of management that they didn't like.

24 Now, isn't it true that you could have a group of
25 people who were intimidated against reporting safety

1 problems, but not intimidated about grouching and bitching
2 about management?

3 A I suppose it is possible. But I think it would
4 be highly unlikely. I'm trying to consider your question
5 carefully here.

6 As I understand it, the purpose of the questionnaire
7 was to elicit perceptions and views and opinions from the
8 QA/QC people, about matters having to do with their
9 ability to perform their reporting function. And the
10 questions -- some of them, as I recall -- dealt rather
11 directly with the issue of your willingness or ability or
12 whatever to report some particular problem. Others,
13 perhaps, had less directly to do with it. But all were
14 around the issue of how free do you feel to speak up in
15 some sense, or to do your job. I'm not sure where I'm
16 taking that at this moment. Would you ask me your
17 question again?

18 Q Let me try again in a different vein. Where did
19 you get your understanding of what the reason was for the
20 survey? How did you obtain that understanding?

21 A I obtained that from the -- well, from two
22 places: From the July 27th letter, and from a telephone
23 conversation which my assistant at the office had had
24 initially with Mr. Kaplan. And, in that telephone
25 conversation, I can recall talking to my staff member when

1 she called me, I asked, "intimidation about what?" And
2 she was not clear at that point. And the letter clarified
3 it.

4 Q No, that's a different question. My question is:
5 How did you know what this survey was designed to uncover?
6 Not how did you know what you were supposed to look for in
7 the survey. How did you know what the author of the
8 survey intended to find out with the survey?

9 A At the time I received -- at the time I agreed
10 to do this, I had no idea what the author of the survey
11 intended to look at. As I looked at the content of the
12 questions after I received the questionnaires, it became
13 clear that the author of the survey wanted to ask these
14 QA/QC people about the climate that existed in a number of
15 areas, supervision, management practices, policies,
16 whatever -- the climate that existed that could
17 conceivably affect their ability or their feeling of
18 freedom to do their job in the best possible way. It
19 became apparent when I saw the content of the questions.

20 Q That's what you perceived was the motivation of
21 the questionnaire. Not that you got any information
22 regarding what that person stated was the motivation or
23 intent?

24 A I distinguished between the person, author of
25 the survey's motivation, and what he or she proposed to

1 measure by getting responses about it.

2 The distinction I'm making is that the individual who
3 designed this survey may have had many, many motives in
4 mind for designing the survey. You know, to collect the
5 information, to get a promotion -- anything. I couldn't
6 say anything about the person's motivation. But I could
7 look at the content of the questions and determine what it
8 was the individual was attempting to measure.

9 Q It may merely be semantic but it seems -- you
10 don't mean what he intended. You mean what you perceived
11 what, if you had written the survey, you would have
12 intended. You have no idea what he intended. No one
13 shared his testimony --

14 A You are quite correct. I have no reading on
15 that individual's intent. I am inferring the intent from
16 what I saw from the questionnaire.

17 Q Right. Now, were you aware that with regard to
18 the "Williams" group, the 12-people group, that sometime
19 prior to the time the survey was done, that most if not
20 all of those people had been personally interviewed by the
21 man who was there, the ultimate boss under whom these
22 people who answered the questions worked, for the purpose
23 of finding out what complaints they had about Harry
24 Williams?

25 A I was not aware of that at all at the time. Not

1 at all.

2 Q Assuming for a moment that that's correct, does
3 that alter in any way your judgment about the willingness
4 of them to express on the written questionnaire any
5 problems that they had with Harry Williams, if they had
6 already had a meeting at which they discussed those issues
7 with the man who initiated the survey?

8 A I don't think my reading on it would be much
9 affected by that, because one could imagine almost
10 offsetting consequences from that. In other words, people,
11 as a result of that, might feel that they had ventilated
12 whatever was in their minds and therefore they didn't have
13 to put it on paper. Some might feel that way. Others
14 might feel it was now legitimate to respond negatively
15 about Williams, or whatever, so there would be no, in my
16 mind, no clear impact that I would expect that to have.

17 Q Wouldn't it confuse the Williams results for the
18 purpose of your analysis of whether or not people were
19 freely being critical in the surveys, as indicative of
20 their lack of a feeling of intimidation? Would it make
21 the Williams data somewhat confusing?

22 A Not really.

23 Q So you'd feel just as solid about the Williams
24 data, even though the people who are talking about
25 Williams have previously expressed those concerns

1 personally to the supervisor, under questioning from the
2 supervisor?

3 A If what you describe were what I knew, the
4 answer to your question is: Yes, I would still feel about
5 that as I do.

6 MR. TREBY: Could you keep your voice up?

7 WITNESS BOWERS: Okay.

8 BY MR. ROISMAN:

9 Q Now, in doing the analysis that you did, how did
10 you factor in the substantive answer that indicated a
11 dissatisfaction with management practices? Did you count
12 that as a sign of a lack of a feeling of intimidation
13 because the people were willing to say that in the
14 questionnaire?

15 A To me, that was evidence that, indeed, there was
16 not some strong feeling of intimidation. They were
17 willing to, in those instances where they did, to say so.

18 Q I take it that if they believed that it was
19 anonymous, and that no one would know who said it, that
20 would give them a little more leeway to say it than it
21 would have if he knew that their names would be known;
22 isn't that true?

23 A Yes. I would agree with that.

24 Q How did you deal -- we talked about this a
25 little bit yesterday -- with what we called the Catch-22

1 phenomenon in this survey? If they don't say anything is
2 wrong it could either mean that nothing is wrong or they
3 are afraid to speak up. If they do indicate a problem,
4 then it either indicates that there's a problem or that
5 there is not a problem because they are not afraid to
6 speak up.

7 How do you deal with that in the context of this survey
8 and giving an analysis of it?

9 A If they say there is a problem -- I'm just
10 repeating back what you said. If they say there is a
11 problem, it's either that there is a problem or there is
12 not a problem because they are --

13 Q Willing to say there is a problem.

14 A That was the statement you made.

15 Q That's right. When the problem is intimidation,
16 that's what makes it the potential Catch-22 problem.

17 A I guess my answer to that is, if you were asking
18 questions directly about intimidation, I mean referring
19 directly to intimidation, I would say that would be
20 perplexing. But if you are asking questions about other
21 things, things conceivably related to intimidation, then
22 it seems to me it's less a problem because if -- and also
23 you have to take into account how many people, you know,
24 what proportion of them rather than any single one. But
25 if, in large numbers they are willing to describe the

1 existence of problems and are not universally positive, or
2 something, it suggests that there is that freedom to
3 express it.

4 On the other hand, if the large majority of them are in
5 large part favorable and selectively negative, that
6 collective pattern to me indicates an absence of
7 intimidation.

8 I'm not sure whether I have answered your question or
9 not.

10 Q You have done -- I mean I think you've answered
11 what I think is about all that one can say on that.

12 If you had been called in by Comanche Peak in 1983 and
13 asked to design a survey of the workforce to determine
14 whether or not they felt inhibition in reporting safety
15 problems, how would you have gone about doing that? What
16 would your technique have been for developing a survey and
17 how close to what you would develop is this survey?

18 A I suppose the first thing, if I had been called
19 in to do that, the first thing I would have done, because
20 it's the first thing I do in a generation of surveys that
21 are to be applied to a unique site, is to do some
22 relatively unstructured interviewing around the
23 organization, making it clear that I am an outsider; that
24 whatever they say is confidential and will not be revealed
25 as their response to anyone; but, get from them issues,

1 descriptions, or -- descriptions of situations or
2 practices or whatever that they would consider to be
3 intimidating.

4 I would not go around and say, or ask them if they had
5 been intimidated, because I think then you are getting
6 into the whole problem that we are talking about here.
7 But I would ask them, probably, for the kinds of things
8 which, if a person in Comanche Peak felt intimidated, the
9 kinds of things that would produce that intimidation. And
10 from that I would then generate survey questions.

11 Q And how -- these survey questions, would you say
12 that this survey is the one you would have generated?

13 A I would say that the questions that were asked
14 in this questionnaire could well have emerged from that
15 process; yes. Since I did not do that process, I don't
16 know what whoever did it, assuming they did it, or
17 something analogous to it -- I don't know what
18 materialized from that. But these questions would be --
19 are very plausibly things that would be in a questionnaire
20 that would result; yes.

21 Q In that kind of a questionnaire, would the style
22 of question, the "mostly yes" "mostly no" approach be the
23 kind that you'd probably use?

24 A Personally I probably would not opt for that.
25 It's adequate. But sort of at root is the trade-off

1 between the fineness of discrimination that's required and
2 the amount of information that is lost. That is, a
3 5-point scale is perhaps optimal because if you go beyond
4 that in numbers of categories of response, you gain very
5 little information while confusing the respondent. And as
6 you go down from 5 toward 2, you lose this fineness of
7 discrimination, in that sense some information. But if
8 all you are really after is an overall answer of "yes" or
9 "no," this would probably be adequate. I probably would
10 have gone to some larger number of scale points, maybe 5.

11 Q How much is the answers to the questions
12 distorted by the "mostly" in there, which implies that it
13 must be at least 51 percent of the time the condition
14 described exists, and thus the person who says: Yes, it's
15 happened but doesn't happen all the time -- how would this
16 survey distort away that data point?

17 A Well, the "mostly yes"/"mostly no" two-response
18 category thing essentially forces the individual to throw
19 it one way or the other or else not respond.

20 If they are truly torn -- well, there are some things
21 I've seen in things like that before too, it wasn't
22 necessarily that. They responded -- they checked both
23 boxes. Or they write something in the margin saying: Yes,
24 sometimes, but not all the time. Or whatever. I didn't
25 find that, really.

1 It forces them to judge one way or the other on the
2 basis of some combination of the frequency and the
3 significance of it. So it's not just how often it happens,
4 but how large it is in their minds, how important it is in
5 their minds, in combination with frequency, that causes
6 them to leap one way or the other.

7 If -- would having it that way cover up significant
8 acts of intimidation, significant incidents of
9 intimidation? I guess that's the thrust of your question.

10 Q Yes.

11 A It might. But I think my feeling would be it
12 probably wouldn't, or would do so rarely. Because if the
13 intimidation were truly significant to a significant
14 number of people, I would think it -- that feeling, and
15 not just the frequency of it -- would push them toward
16 whatever the other category is.

17 Let's say it was one of the positive worded items, it
18 would tend to push them towards "mostly yes" -- "mostly no."

19 Q What is your understanding of the nature of the
20 kind of work that these people were doing which they might
21 or might not have been intimidated from doing right?

22 A My understanding, I suppose, is that they are
23 responsible for checking, inspecting the quality of
24 various aspects of construction as it occurs, whether it
25 amounts to welding something or to putting pipes on

1 hangers, or whatever. Something like that. It could be
2 concrete. It could be anything. Wiring.

3 Q Was it your understanding that most of their
4 work involved fairly objective -- this is either right or
5 it's not right? They had to say either it's okay or not
6 okay, on a very objective evaluation basis?

7 A I suppose it would be my expectation or
8 understanding, knowing the rather stringent requirements
9 that the NRC generally puts in these areas, that there are
10 fairly definite, clear requirements, standards, whatever,
11 that the work must meet, however it is defined. And that
12 they, indeed, have those -- whatever -- if I want to say
13 checklist or whatever -- that they have those and those
14 are known to them. And they are looking to see whether,
15 indeed, they have been adhered to.

16 They are not called in to look at something and say:
17 Yes, I don't think that looks too bad. But rather it's
18 much more precise than that.

19 Q So that your expectation is that they, this
20 group of 139 people, would know whether they were doing
21 something wrong that they should be doing right, and would
22 then have a sense of: Well, am I doing it wrong because
23 I'm intimidated? Or because I'm told every time you do it
24 wrong we'll give you an extra \$50, whatever it was -- that
25 they would know whether they were doing it right or wrong?

1 A I would assume that they would know whether they
2 were doing it right or wrong; that it would not be a
3 situation which you might run into in much less -- oh, I
4 call it critical areas -- where it isn't important whether
5 it's really right or wrong. You know? It's not a
6 situation like that. That they know it is held to be
7 important and they know what meets or exceeds the required
8 standards. I would assume that.

9 Q How would you go about getting the answer to the
10 question: Are you being inhibited from doing what you
11 should do, the right thing -- where the person who is
12 being inhibited doesn't realize that they are not doing
13 the right thing? That is, that they are subjectively
14 biasing their judgment on a series of judgmental decisions,
15 but they don't know that they are doing it?

16 A Because they don't know the standards?

17 Q Because the standards are not so objective.
18 They are not as objective as the assumptions that we have
19 just been talking about, but they are more subjective.

20 How would you go about getting the answer to the
21 question: Is this person in fact being intimidated and
22 acting in a way that they would not act if these events
23 didn't exist or the persons themselves don't realize it?

24 A Well, you know, there are two parts to the
25 problem you just posed. The issue of intimidation could

1 still be looked at in this way, or something analogous to
2 it. The issue of their doing it wrong because they don't
3 know what's right --

4 Q No. No.

5 A No?

6 Q That isn't what I meant. Let me give you an
7 example.

8 At this plant there were two ways of reporting
9 nonconforming conditions. One was called an NCR, and one
10 was called an IR. For reasons I will not bore you with,
11 management just loved the IR and they didn't very much
12 like the NCR. But the criteria of when you would use the
13 IR and when you would use the NCR were not so objective
14 that it was clear in every situation, that it was clear
15 this was an IR or there was an NCR situation. Many of the
16 people who worked for Harry Williams had had a great deal
17 of dispute among them for quite some time over whether
18 they should use the IR, or whether they should use the NCR.
19 Harry Williams had already given them a now infamous
20 speech on that situation, and so had another man named Ron
21 Tolson, whose name you may also have come across. So it
22 would be an issue on which there would be a lot of
23 management pressure.

24 And it would be an issue in which I think it's fair to
25 assume that management did not want to see NCRs, except

1 when it was absolutely necessary and there was no option.
2 But it wasn't always clear to the person in the field when
3 there was clearly to be an NCR. And it was always a gray
4 area there. You might decide to make it an IR.

5 Now, these people are now being asked the question:
6 Are you being discouraged from doing what you think is
7 right? Well, they know what they are supposed to do, but
8 they get faced with a number of situations in the field in
9 which it is not crystal clear. And they tend to bias
10 their decision towards the one which gets them less
11 negative response from management.

12 How can you find out in a questionnaire that those
13 people are being discouraged from doing what their natural
14 judgment tells them they should do, by the knowledge that
15 there will be a negative response if they go toward the
16 NCR rather than toward the IR? How do you design the
17 questionnaire to get at that question?

18 A I suppose -- well, there are several approaches
19 one might consider. One could design questions that
20 directly dealt with that. You know, how often do you
21 submit something as an IR that really should be an NCR?
22 Questions like that. You directly ask it.

23 Another would be to frame questions that dealt with
24 hypothetical problems that should be one or the other;
25 that you truly knew would be one or the other, and ask

1 them in the question what they would do with it? That
2 would be another way to do it.

3 Q Yes.

4 A Beyond that, I am not sure what I would do. I'd
5 have to think about that for some time. Those are at
6 least two possibilities.

7 Q How, at all, does this survey, the 1983 survey,
8 give you an answer to that kind of issue? The issue of
9 the person who is not consciously aware that they are not
10 doing something that they should do, or that they are
11 being -- that their subjective is directing them away from
12 courses of action where there is a judgment to be made, if
13 one course of action looks like it is going to give them a
14 negative response?

15 A In this survey, it would not be that specific
16 issue that would be addressed. It would be that issue as
17 part of an overall feeling or climate of intimidation.

18 In other words, the situation you described is a very
19 specific, concrete situation. Specific, concrete
20 situations are not really assessed in a questionnaire like
21 this that deals with the more general issue.

22 Q That's right. I didn't mean my question to be
23 related to the particular NCR/IR, but to the generic issue:
24 How well does this survey help you learn whether there is
25 a subconscious biasing that's taking place as a result of

1 negative responses? How does this discover whether those
2 biases really exist and whether these people find those
3 negative responses?

4 A It seems to me that's a part of the question
5 that's addressed by the pattern of responding as opposed
6 to the substance of the response; that if there are
7 subconscious or unconscious feelings like that that are
8 steering people away from doing anything controversial,
9 that it should show up in this overall pattern of
10 intimidation anyway.

11 Q Is that how you looked at this? Is that the
12 issue was whether these people were being discouraged from
13 doing anything controversial? Your premise was to examine
14 and see whether there was a pervasive discouragement of
15 doing the controversial?

16 A No. I wouldn't say that that was what guided me
17 in this. I used that term, I guess, as an outgrowth of
18 your illustration of IRs and NCRs, which did sound
19 controversial somehow.

20 But the issue that I was addressing here was whether
21 the pattern reflected an underlying feeling of
22 intimidation, which may have come from acts that one is --
23 that they were directly aware of, or of things that they
24 were not directly conscious of but which nevertheless
25 influenced their behavior in the response to the

1 questionnaire.

2 Q Would the questionnaire find indications of --
3 let me take that back.

4 Give me a couple of examples of what, in your mind,
5 would be the kind of intimidating actions that you think
6 would have been present at Comanche Peak, if there were
7 intimidating actions present. In other words, some idea,
8 what did you think there was if you had gone down and you
9 had been able to do your full, in-depth survey, what did
10 you think was meant in specific about intimidation?

11 A Well, it seems to me intimidation can cover a
12 fairly wide range of acts and their effects, their
13 emotional effects.

14 For example, maybe at one extreme would be a statement
15 from the company tacked up on the bulletin board saying
16 that anyone who reports anything will be fired. All right?
17 That would be pretty intimidating.

18 Q Reports anything? What do you mean?

19 A Anything unfavorable, any problems. Sort of "don't
20 nobody bring no bad news" kind of injunction.

21 Q Let me just stop you there because I really want
22 to get at what -- because you were not part of the team's
23 evolutionary process. You didn't read the thousands and
24 thousands of pages of deposition which may explain why you
25 were willing to work for a substantially lower daily rate

1 than anybody else. You sat at your cabin in Michigan --
2 they had the other things.

3 But in the context of this it sounds to me like you
4 were looking for just what you just described; that is,
5 you were looking for a company that basically was trying
6 to get the word out to everybody that bad news is
7 unacceptable?

8 A No, I was anchoring one end of a distribution at
9 that point. Not stating that as the --

10 Q Give me the other end of your distribution.

11 A Okay. The other end would be intimidation that
12 is induced because of, let's say, expressions or maybe not
13 even verbal -- implications of disapproval.

14 Q Disapproval of what?

15 A Of the individual. In other words --

16 Q No; of the individual for doing what?

17 A For doing anything. I mean, if it's doing --
18 let's say doing their job exactly -- someone might frown,
19 scowl or even verbally say something about "you are too
20 fussy" or whatever. That would be mildly intimidating, to
21 me. Certainly nowhere near as great as a direct threat to
22 you that: "If you do that or don't do that, you will be
23 fired."

24 Q All right. You look like you are old enough to
25 remember Jerry Lee Lewis. Do you remember Jerry Lee Lewis?

1 A Yes.

2 Q Remember his song about blue suede shoes?

3 A Yes.

4 Q Remember what he says in the song: You can do
5 anything you want to do but don't step on my blue suede
6 shoes."

7 How effectively does this survey deal with the "don't
8 step on my blue suede shoes," if the blue suede shoes are:
9 "Don't do anything that will slow down the production of
10 this plant but grouse on anything else you want"? Just
11 how good a survey is it for that?

12 A It deals with that issue, among others. Does it
13 deal with that issue alone, in a way or to a degree that
14 would permit you to know, in great detail, whether that
15 was a problem? The answer would be "probably not." You
16 wouldn't know in great detail, though you would know, I
17 think, that that was a problem as part of a broader
18 picture of intimidation.

19 Q When you did your analysis of the survey from
20 the perspective of whether the way in which answers were
21 presented, did they reflect existence of an intimidating
22 atmosphere, did you draw a distinction between people who
23 were willing to grouse about everything but blue suede
24 shoes, and those who just were willing to complain about
25 the blue suede shoes? Those who were just willing to

1 focus their complaints on the issue of whether production
2 was taking precedence over other considerations like
3 safety?

4 A Well, I did look, particularly in the responses
5 to that last writing question, 20, look at that kind of
6 distinction. In fact I think that's indeed kind of
7 implied by the four categories that I clustered things
8 into; that is, complaints about wages, hours, so forth, on
9 up to suggestions of intimidation. Or more serious
10 complaints about procedures, safety, and the like. There
11 is that kind of distinction in that.

12 Q But what way does that cut in terms of the issue:
13 Did the survey answers reveal a willingness on the part of
14 people to complain about matters of intimidation that
15 interfered with them doing their job. What do the number
16 of negative answers tell you about that? Does it tell you
17 that they were free to express that complaint, that they
18 were not free to express it, or you can't draw any
19 conclusions about it?

20 A I'm not certain one can draw a conclusion about
21 that distinction. What one can say is that they did not --
22 they felt free to complain about a wide array of things,
23 so that it was clear, you know, that they did not feel
24 that they were in a situation in which one never
25 complained about anything -- you know, you couldn't

1 criticize or complain about anything.

2 Q Yes.

3 A It's clear that a few people, five of them, felt
4 free to complain about things related to safety or
5 procedures or even just to say "somebody was intimidating
6 me."

7 Q Could five -- it may not be five, right? It
8 could only be as many as three?

9 A I was lumping those two categories together.

10 Q But I was saying it could be the two that are in
11 category 3 are part of the three that are in category 4.
12 This chart didn't suggest that you had parsed it carefully
13 enough to know whether there's double counting?

14 A As I recall, there is not double counting. I
15 believe -- I think it is five.

16 Q All right. Five out of the 139 is not, in and
17 of itself, is not evidence -- just because five complained,
18 that therefore they didn't feel an inhibition to complain
19 about items 3 and 4; is it? It doesn't give you any clue
20 on that, does it?

21 A I think the answer is "Yes." But let me -- the
22 questionnaire results do not tell you about something that
23 might exist but that one would expect to have not exist if
24 it did.

25 Q One of the conclusions that you reached was

1 there were enough people complaining about conditions at
2 the plant that you could not conclude that there was an
3 atmosphere in which complaining about conditions at the
4 plant was being discouraged.

5 A That's correct.

6 Q Now my question to you is: Were there enough
7 people complaining about serious safety procedural
8 problems or actual acts of intimidation, that you could
9 say that there was not an atmosphere at the plant that
10 discouraged them from complaining about those two things?

11 A That's where I got into that tongue-twister. I
12 cannot conclude that what I do not see exists.

13 Q But I'm asking you to conclude the opposite.
14 I'm asking you your conclusions, your positive conclusions.
15 Can you make the positive conclusion that there was not an
16 atmosphere that discouraged people from reporting the
17 kinds of things that are in your categories 3 and 4 on
18 page C-10?

19 A Okay. Now I think I am on to the question.

20 Q Okay. I'm sorry if I got you confused.

21 A No, it's all right. I cannot conclude anything
22 about what went on in that plant. All I can conclude is
23 what is reflected in the survey responses.

24 Q Okay. Even looking at the survey responses, do
25 the survey responses give you a basis to say that the

1 people who believed that there were serious problems with
2 procedure and safety, and the people who believed that
3 they were being intimidated from reporting those problems,
4 were free to speak up?

5 A Does it permit me to conclude that? It does not
6 permit me to conclude that -- I want to put an adverb on
7 it -- I don't want to be redundant. I was going to say
8 "conclusively."

9 I cannot say that beyond any shadow of a doubt. Right?
10 That I can't say.

11 Q I'm not asking you to do that. Whatever was the
12 level of confidence with which you said this survey shows
13 that people were not discouraged or didn't feel
14 discouraged from complaining; to that level of confidence,
15 can you say that they were not discouraged about
16 complaining about serious procedures and safety problems?

17 A I can conclude that there is, in my judgment, a
18 high likelihood that people who are intimidated by an
19 organization, for example, on something of great
20 consequence, will not say, therefore: But I'm free to
21 complain about other things.

22 I mean, it seems to me that most human beings, if
23 someone hits them with that kind of intimidation, will say:
24 Well, the heck with it. I'm just going to stay clear of
25 it. I'm not going to complain about anything. Not draw

1 one from column A but don't you dare draw any from column
2 B and be sure you take one from column A. I just don't
3 think that's very likely.

4 Q Why is that? If you touch a stove when it's on
5 and you burn your finger, it doesn't mean that you will
6 not, therefore, touch a door?

7 A No, but --

8 Q You learn there are certain things that you
9 can't touch because they are going to burn you, stoves and
10 things that look like stoves. If you were always getting
11 negative responses when you raise safety problems but you
12 didn't get any negative responses when you bitched about
13 the fact that you were only making \$11 an hour, or when
14 you complained about the fact that the parking lot was not
15 situated conveniently for your job site or whatever, why
16 would you come away with a conclusion that you should only --
17 that you shouldn't grouse about anything? Wouldn't you be
18 getting a mixed set of responses and you would learn which
19 way to go? Don't bitch about safety but keep complaining
20 about salary?

21 A Let me go back to your stove. If, having never
22 encountered a stove you make a mistake of laying your hand
23 on a hot burner and so forth, I think what you don't learn
24 is: "Never lay your hand on a hot burner." You learn
25 never to lay your hand on the burner at all, because you

1 can't be sure. And it seems to me in situations in
2 organizations, where the organization is seen as likely to
3 clobber someone who complains about something in a
4 particularly important area, I would guess that the effect
5 becomes generalized, at least for that period of time,
6 whatever it is. Just, you know: "Stay out of the way.
7 Don't complain about anything. Be safe." You know?

8 Q But your premise is "clobber." What if it's
9 just that when you report a safety problem you find
10 yourself in three different meetings at which people are
11 expecting you to justify why it was that you reported that
12 safety problem, and it's made you feel uncomfortable. You
13 just felt like -- that wasn't worth it. It wasn't worth
14 it for me to go to those three meetings and have three of
15 my supervisors question me about "How come you wrote the
16 NCR, why wasn't it an IR?" Not in a nasty way, but people
17 don't like having to justify themselves to other people.
18 "I'm told you don't like it here. I wouldn't if I were on
19 the other side."

20 It's not a clobbering. It isn't that management docked
21 you five days pay. It's that they dealt with you at that
22 other end of your spectrum.

23 Now, why would that make you reluctant, particularly
24 when asked the question: Do you think you are making
25 enough money? To say: No, I don't think I'm making

1 enough money.

2 Why would the rational person assume that they would
3 also be subjected to some kind of an inquisition situation
4 over that issue?

5 A No, I don't think that they would be subjected
6 to an inquisition situation over it. But then in this
7 instance, it is not someone going around asking them if
8 they are paid enough. It's the issue of: In this climate,
9 whatever it is, can you safely complain about something?

10 In the example you gave it would be clear to an
11 individual in that kind of a climate that it was -- it was
12 not to your advantage, best interests or whatever, to
13 complain about "this" category of things. Would you
14 therefore feel that if you complained about other
15 categories of things would it amount to anything?

16 My hunch is that complaining about the wages and hours,
17 or benefits, you know -- you may not run into a stone wall
18 of intimidation but you probably will run into bureaucracy,
19 legal requirements, contract laws, prevailing wage rates,
20 we don't do it that way, we can't do it this way -- all
21 the things we run into in large organizations. And there
22 is a risk there, too, not necessarily of being clobbered
23 here, either, but of being seen as a whiner, a chronic nag,
24 or whatever. And that would not be pleasant either.

25 To the extent that it is simply unpleasant treatment,

1 if one wants to call it that, that's at issue. I'm not
2 sure these others are devoid of that either. And if it is
3 something more serious that is sort of -- I won't say
4 "promised," but whatever it is sitting in the background --
5 my hunch would be that it would generalize to any
6 complaints.

7 Are you suggesting that when a person raise a
8 complaint, if nothing is done that after a while they stop
9 raising the complaint? That the failure to do anything
10 about the complaint is itself an inhibitor in their
11 raising the complaint subsequently?

12 A It can be an inhibitor. But you can't rely on
13 its being an inhibitor. That is, if you raise a complaint
14 --and someone -- whoever -- doesn't do anything about it;
15 they raise it again, they don't do anything about it; you
16 raise it; a third time they still don't do anything about
17 it; some individuals will say, "Well, what the heck. I
18 might as well not raise it. I might as well save my
19 breath."

20 Other people, however, will be precisely the opposite.
21 I'm referring to the FAA thing I did two years ago. In
22 that instance the controllers had complained about
23 conditions for years and gotten nowhere. It didn't stop
24 them complaining about conditions. What it led to was
25 rebellion.

1 So sometimes the experience of either nonresponsiveness
2 or even unpleasant treatment as a response to complaining
3 leads people, not to simply give up to apathy, but to
4 outright rebellion.

5 Q But you certainly end up with less complaints
6 overall. You are saying some people will persevere
7 through it but some will certainly drop out of the
8 complaining class; right? Over time?

9 A Some will drop out. What the proportions will
10 be one way or the other I have no way of knowing. I'm
11 simply saying it could lead them to more serious -- what
12 would one call it? -- more serious behavior about the
13 issues, rather than to less.

14 (Discussion off the record.)

15 BY MR. ROISMAN:

16 Q The section of the report itself, not appendix
17 C, which deals with the 1983 survey -- did you write that
18 section?

19 A I did not.

20 Q Did you review that section before it was made
21 into a final report?

22 A I don't believe I did; no.

23 Q Were you asked about it? Did anybody talk to
24 you about it before it was made into a final report?

25 A I don't believe so; no.

1 Q So the only part of this document that's called
2 "EG&G report" that you personally reviewed before it was
3 completed and/or that you wrote, is part C that has your
4 name on it; correct?

5 A That's right. That is correct.

6 Q Now, does your answers earlier to questions by
7 the other counsel regarding whether you were supportive of
8 the results of the entire report, that's not based upon
9 your doing the work yourself?

10 A That's correct.

11 Q You have read over the report, it sounds
12 reasonable to you if everything that they saw would have
13 caused them to reach those conclusions?

14 A That's correct.

15 Q At the beginning of your report on C-4, you say
16 "the survey results analyzed can contain no direct reading
17 about possible acts of intimidation. It also contained no
18 direct reading about the feeling or emotion of the
19 respondents. What they can contain is evidence that the
20 responses were distorted in ways congruent with
21 intimidation having been felt."

22 When you read that, what I understood you to be saying
23 was, essentially, that I am disregarding these surveys for
24 their substantive content and I'm looking at them as
25 indicative of a process. If the employees felt

1 intimidated, I would expect to see it show up in the way
2 in which they answered the questions, rather than the
3 specific content of the answers. And that you were not
4 going to draw conclusions about whether they substantively
5 did or didn't give you examples of intimidation or not,
6 but that you were only going to look to see whether or not
7 that they answered certain questions or didn't, what
8 patterns you could say had emerged from that? Am I --

9 A No. That's not what I tried to say in that
10 paragraph.

11 Q All right. Good. Maybe you could explain it
12 then, again. Because I was not sure about it at all.

13 A Other than the behavior, the timidity behavior
14 which I treated as sort of the overall, or first indicator
15 supported by two other things, namely an act that induced
16 it and an emotion that was a reaction to it -- okay?
17 Other than that behavior, the survey itself is not -- it's
18 not a snapshot of those acts that you might get if you --
19 if you somehow got a reading upon the behavior of Joe
20 Dokes, September 5, 1981 -- whatever. Okay? It is not
21 that.

22 It can describe whole categories of, like supervisory
23 style or something. But it is not a direct reading on
24 that specific act. Okay?

25 Q Yes.

1 A It also is not a direct reading on the emotion
2 that is inside the individual, such as what you might get
3 if you did an examination of hormonal level changes.

4 Q Yes.

5 A Rather, what it is is a reading upon what the
6 respondents said, and the pattern with which they -- the
7 pattern they used in saying it, that, as an act -- yes, as
8 a behavior, a set of behaviors in this case, can be
9 reasonably assumed to imply the other two legs of the
10 stool. In other words, to imply that there was a feeling
11 in these people of apprehension and whatever, intimidation;
12 and that, therefore, there had to have been an act, an act
13 at least perceived by them, that would induce it.

14 Q Now, in your examination on the intimidation
15 question, do you look only at whether there was indication,
16 as the letter to you on the 27th suggests -- of management
17 intimidating?

18 A I did not specifically orient myself exclusively
19 to management intimidation, though I would assume that I
20 was limiting myself to intimidation in the organizational
21 setting and not, let's say, intimidation coming from being
22 brought up to say "nobody likes a complainer." Not that
23 kind of intimidation.

24 Q Well, in your instructions in the July 27th
25 letter, you are told, for instance -- let's see -- "this

1 is distinct from intimidation that some inspectors may
2 have felt from actions on the part of crafts personnel."
3 Now, the questionnaire that you looked at might have some
4 questions about crafts.

5 A That's right.

6 Q Did you follow that instruction? Did you
7 disregard that, the statements regarding perception of
8 intimidation or perception of pressure or conflicts with
9 the craft personnel?

10 A I did not ignore those ideas.

11 Q All right. What did you do with it?

12 A I treated them as I did all of the other items.

13 Q When you say you treat them as you did all the
14 other items, did they show up in your listing on page C-10,
15 under categories 3 and 4? If a craft person -- if they
16 said, "Well, craft was trying to get me not to do it the
17 right way," if that statement were made, would it show up
18 under statement 3?

19 A It would show up in here. Where, specifically --
20 I'm not quite certain where I would put it. But I did not
21 drop any of the written-in responses on the grounds that
22 they dealt with crafts and the letter said that was not
23 the issue.

24 Q No, but it is very important. I'm puzzled that
25 you wouldn't know which category you would put them into.

1 There were some statements that said that craft was
2 discouraging us from finding problems, or would argue with
3 us and so forth. Did you call that number 12? Or did you
4 call that number 3?

5 A I would call that number 3, if they said
6 something about, you know, somebody -- craft is always
7 getting its way, or that crafts people get all the goodies,
8 or something like that. Then I probably would put it in
9 number 2. But if it dealt with issues of safety and so
10 forth, then I definitely would put it under category 3.

11 MR. TREBY: Why don't we take a couple of
12 minutes. Realign ourselves.

13 (Discussion off the record.)

14 EXAMINATION OF PANEL RESUMED

15 MR. TREBY: We are up to, now, the last phase, I
16 guess -- the last two hours.

17 DR. MARGULIES: Let's try to stick to that
18 because I really want to try to catch my plane.

19 (Discussion off the record.)

20 BY MR. HIRSCHHORN:

21 Q Dr. Bowers, there was some colloquy between you
22 and Mr. Roisman about the section of the report itself
23 that reviews your findings, your conclusions, and you
24 indicated that you had neither written it nor been
25 consulted about it.

1 A That's correct.

2 Q Have you had an opportunity to read it?

3 A Yes.

4 Q And would you say that it accurately reflects
5 your own findings and conclusions?

6 A It accurately summarizes them; yes.

7 Q Even if, hypothetically, Mr. Roisman's premises,
8 namely that the criteria for inspections or for the
9 inspector's work were subjective rather than objective,
10 and that intimidation was strictly limited to the safety
11 area and accident was perhaps even encouraged, if not
12 tolerated in other areas, even if those premises were,
13 wouldn't you have expected the 1983 survey to have
14 reflected what intimidation there was?

15 A I would have expected it to reflect whatever
16 intimidation there was, because I think it's very
17 difficult to set things up in an organization as
18 selectively intimidating.

19 Q I'm not sure who would be the best person,
20 perhaps Mr. Kaplan or Dr. Stratton, could summarize for us
21 the process by which the team reached its conclusions?
22 And by that I mean, I got a sense, although I don't think
23 it was crystal clear, from yesterday's discussions, that
24 at least Dr. Margulies and Mr. Rice went off and spent
25 some time on the data and then the team met, either

1 physically together or by conference call, and then they
2 went off and met again. I wonder if you could describe
3 that in as much detail as can you recall.

4 A (WITNESS KAPLAN) Correct. Okay. Basically the
5 study team people were hired on the understanding of what
6 the scope of the study was to be, they were to deal with
7 the climate of intimidation. They were told that a number
8 of depositions, reports would be sent to them. That they
9 were to read those. And we would get back together after
10 a few-week period and begin writing a report.

11 In terms of getting started, I believe Chuck Rice took
12 the initiative of saying: Well, let's get a little more
13 refinement on what our definition of "intimidation" is, so
14 that we are all reading for the same kinds of things. And
15 Chuck checked around, as I understand, because now we are
16 in the time period when I was on vacation -- Chuck checked
17 around with Newt and Bill, and got a concurrence that that
18 seemed to be an adequate working definition, a general
19 guideline to help get started.

20 Am I giving you too much detail?

21 Q No. That's fine.

22 A Okay. So basically, then, people went off, did
23 their reading independently. Then the next time they met
24 was in Idaho Falls on Friday, the 5th or so. They met in
25 Idaho Falls and we had an evening meeting. I guess it

1 wasn't Friday -- it was a Sunday night.

2 A (WITNESS RICE) Sunday night?

3 A (WITNESS KAPLAN) And at that time people were
4 asked for the first time what their conclusions were; or
5 what they were finding. Basically we were getting ready
6 to write a report.

7 Q That would be Sunday, August 5th?

8 A (WITNESS STRATTON) Right.

9 Q So that would be after Dr. Bower's report was
10 dated if not received?

11 A (WITNESS KAPLAN) Dr. Bower's report had been
12 seen by me. I don't know if Dr. Stratton had seen it.
13 Margulies had not and Rice had not. They received it for
14 the first time, actually, Monday.

15 And at that point I checked around the table to ask
16 primarily -- well, to ask Rice and Margulies, and Bill, I
17 believe, and I had had some discussion -- asked these
18 other guys what their findings were, what their
19 conclusions were, in a summary kind of way. And basically
20 their overall findings were the same; basically, that
21 there had not been a climate of intimidation.

22 Because we were so close in what the assessment of the
23 situation was, it was decided to write an integrated
24 report.

25 There might be more reasons for having decided to write

1 an integrated report, but that was certainly a factor.

2 Then we proceeded the next day to say what would the
3 categories of the report be and divided up the work in
4 terms of people taking a shot at writing a first draft for
5 different sections of the report. That's how we got
6 started.

7 Q So that it is accurate to say that three
8 independent -- strike that.

9 It is accurate to say that three different individuals,
10 each selected for a particular field of expertise, and
11 each examining at least part if not most of the raw data,
12 reached the same basic conclusion?

13 A Correct.

14 BY MR. DU BOFF:

15 Q Dr. Bowers, have you read the definition of
16 intimidation in the report?

17 A (WITNESS BOWERS) Yes.

18 Q I believe it's at page 5.

19 A Yes.

20 Q You are familiar with it. Is that definition
21 consistent with appendix C and the conclusions that you
22 set forth in appendix C?

23 A I think it is. The difference, to the extent
24 there is a difference in the body of the report, treats
25 the behavior as a separate and sort of co-equal category.

1 I treated it as an overall category, with two
2 triggering subcomponents -- all three parts are in my
3 definition as it is in theirs.

4 Q All three parts are in the definition you use?

5 A Yes.

6 Q Can you turn to page 5 of the report? The five
7 bullet paragraphs there, those indicators are all
8 consistent with your definition as well?

9 A Let me examine them a moment.

10 They are all consistent with it. They state in much
11 greater detail what I stated and dealt with in more
12 general terms.

13 Q Turning to the 1983 survey responses, in your
14 analysis of the responses did you -- did they suggest to
15 you any feeling on the part of the respondents that their
16 identity would be disclosed?

17 A Saw nothing that suggested that.

18 MR. DU BOFF: That's all I have. Thank you --
19 oh, Mack, you have some questions.

20 BY MR. WATKINS:

21 Q Dr. Margulies, yesterday I believe you stated
22 that in assessing the data, all the data, you focused more
23 on inhibitors than on facilitators; is that correct?

24 A (WITNESS MARGULIES) Yes. I said I was more
25 interested in looking -- since the question was, "Is there

1 a climate of intimidation," I was more interested in
2 trying to discover what would be the producers, the
3 factors that would contribute to that. That's right.

4 MR. TREBY: Keep your voice up.

5 BY MR. WATKINS:

6 Q So you focused more on the negative than on the
7 positive?

8 MR. TREBY: Wait. Don't nod. Answer.

9 A (WITNESS MARGULIES) I'm sorry -- yes.

10 Q In assessing climate, isn't that like counting
11 rainy and snowy days and ignoring sunny days altogether?

12 A The question wasn't to produce a report that
13 described the climate profile at Comanche Peak. That
14 wasn't the charge.

15 Q Wouldn't positive management attributes,
16 positive management actions, tend to mitigate the negative
17 aspects?

18 A Well, if you look at some of the indicators, I
19 mean there are things that fall into that general category.
20 We were interested in seeing the degree to which
21 management took prompt and effective action; the degree to
22 which the management protected the job security of
23 individuals -- so, I mean it wasn't something that was
24 totally ignored.

25 But I'm saying as a focal point, as a target for

1 exploring the issue, we tended to look more at the
2 contributors to the climate. But we didn't ignore the
3 others. I mean those were part of the indicators.

4 Q In that sense, in any event, your approach was
5 more conservative than not, wasn't it, in assessing
6 climate of intimidation?

7 A I wouldn't use that word. I'd say it was more
8 focused. I'd say it was more focused.

9 Q Mr. Rice, do you agree?

10 A (WITNESS RICE) Yes.

11 Q Doctor, you mentioned yesterday that there's
12 very little in the literature regarding intimidation,
13 industrial organization intimidation. What is there
14 little about in the literature, exactly? What were you
15 looking for that you didn't find?

16 A (WITNESS MARGULIES) There are various ways of
17 defining "climate" in the literature. There are various
18 ways of dimensionalizing "climate." There's very little
19 instrumentation, for example, that specifically measures
20 climate of intimidation, or intimidation specifically as
21 an element of climate.

22 Secondly, I find very little specific research on the
23 impacts of an intimidating climate. And I think I did a
24 reasonably thorough literature search.

25 Q You mentioned that you did find literature on

1 power?

2 A Oh, yes.

3 Q Can you tell me what that is?

4 A Oh, there's lots of information on sources of
5 organizational power, how power is used in organizations,
6 particular modes of utilizing power in conflict resolution,
7 various dimensions of power; and, subsequently,
8 organizational politics, these days, is very popular.

9 Q Did you use any of those materials in conducting
10 your survey? Your study?

11 A I find that they were sort of general, and I am
12 familiar with the literature, but not terribly pointed to
13 help focus this study.

14 Q Did you plan to write anything for publication
15 regarding your participation in this enterprise?

16 A Well, to be perfectly honest, I was sitting over
17 there actually watching the behavior of the attorneys and
18 I -- no, I'm just kidding.

19 (Laughter.)

20 A (WITNESS MARGULIES) I'm just quipping.

21 Q You have my consent.

22 (Discussion off the record.)

23 A (WITNESS MARGULIES) The notion crossed my mind.
24 I think really -- by the way, I checked this out with some
25 of my colleagues at school and they are also rather

1 intrigued with this idea. So I think potentially it might
2 be something that's worth exploring in more detail.

3 BY MR. WATKINS:

4 Q Have you put anything down? Written anything in
5 an outline?

6 A No.

7 Q Dr. Stratton?

8 A (WITNESS STRATTON) No.

9 Q Dr. Bowers?

10 A (WITNESS BOWERS) You mean for publications?

11 Q Yes.

12 A I have no intention of publishing anything from
13 this.

14 Q -- To what extent, Dr. Margulies, would your
15 written product differ from conclusions that you reached
16 here? What would you analyze that you have not already
17 done?

18 A (WITNESS MARGULIES) Well, I think number one is,
19 I tried to point out, in at least the portions that I
20 wrote, the complexity of dealing with this issue: the
21 interpretation of all the elements in the definition, what
22 the acts are, what the probabilities of perception are,
23 what the probabilities of subsequent action are. So I
24 think there's -- I think some more interesting work could
25 be done in sharpening and conceptualizing this whole

1 notion. That's number one.

2 Secondly, personally I don't believe that -- this is
3 sort of a case study. So we don't really have available
4 more global information in other organizations of the same
5 type, or different organizations, different types of
6 organizations. I think that might be an interesting
7 avenue.

8 We all implied here, over the last day and a half or so,
9 of the very important and critical stressful relationships
10 between production and quality control. That's worth some
11 additional exploration, I think.

12 Q Just so I understand, you and Mr. Rice,
13 Dr. Margulies, did not divide up the depositions and
14 transcripts? You duplicated the effort? Each of you
15 reviewed everything that there is to review?

16 A Right.

17 Q You might not be up to speed on what's happened
18 since the report was published --

19 A That's accurate.

20 Q Dr. Margulies, what kind -- can you give us an
21 example of things that you read that you decided simply
22 weren't relevant to the question that you were studying?
23 Testimony, for example?

24 A Again, there were two specific things that at
25 least come quickly to mind. There was one deposition that

1 had to do specifically with a particular personnel
2 procedure. And I felt there was a good deal of detail
3 about the procedure, but very little indication of how
4 that was applicable to the question that I was interested
5 in.

6 Another, I thought the bulletin board incident was not
7 terribly relevant.

8 Q What was the bulletin board incident?

9 A There were concerns about where the bulletin
10 boards were placed and where on the bulletin board the
11 telephone number or instruction -- it had to be in the
12 lower right-hand side -- that kind of thing. And it was a
13 lot of detail that I felt wasn't terribly relevant to what
14 I was doing.

15 Q Mr. Rice, to go back to something I asked
16 Dr. Margulies, did you feel that you focused more on the
17 negative aspects of the plant than the positive?

18 A (WITNESS RICE) No, I don't really think so. I
19 think it was an attempt to view all of it as relevant data.
20 Obviously, the filter through which you are processing all
21 of this in your own mind, however, is related to the
22 consideration as to whether a climate of intimidation
23 existed. So perhaps from that standpoint. I wouldn't
24 call it a focus on the negative, however.

25 Q Yesterday I think both of you, at least I know

1 you did, Dr. Margulies, indicated that you did not
2 consider credibility of individual allegeders. You would
3 have ignored, therefore, facts such as that the allegeder
4 was a two time felon or had misrepresented facts elsewhere.
5 You just ignored that; is that correct?

6 A Yes. I didn't make any judgment about the
7 quality or truthfulness of either the information that I
8 was looking at or the person who was providing it. I just
9 took it --

10 Q You took it at face value?

11 A -- at face value.

12 Q Did you also ignore evidence tending to indicate
13 that the facts as related by the individual could not have
14 been true?

15 A I think in a general sense I have to say I
16 couldn't make that judgment.

17 Q So you didn't make that judgment; is that right?

18 A That's right.

19 Q In that sense, therefore, you gave the allegeders
20 the benefit of the doubt?

21 A I didn't make the judgment.

22 Q Well, an allegeder comes forth and says "I was
23 intimidated." You accepted that as face value, no matter
24 that it might not have been true or that this person might
25 be of doubtful credibility?

1 A I couldn't make that judgment. If a manager
2 said, "the allegor says there was never a meeting and I
3 know darned well there was," I didn't make the judgment
4 that the manager was incorrect either. That was just a
5 misunderstanding or distortions of a piece of data. I
6 just treated it that way.

7 Q Prior to our session here yesterday, Mr. Kaplan,
8 I'll ask you first, did you have any contact with anyone
9 that you know represents the intervenors?

10 A (WITNESS KAPLAN) No.

11 Q Did you have any contact with anyone from any of
12 the following organizations: Citizens Association for a
13 Sound Energy; Trial Lawyers for Public Justice; or the
14 Government Accountability Project?

15 A No.

16 Q Mr. Rice?

17 A (WITNESS RICE) No.

18 Q Dr. Stratton?

19 A (WITNESS STRATTON) Prior to when?

20 Q Yesterday. Prior to yesterday's session here?

21 A I -- on a visit to Comanche Peak with Dr.
22 Margulies, we sat in on one deposition. Tony Roisman was
23 present in that session and we simply were introduced.

24 Q Dr. Margulies?

25 A (WITNESS MARGULIES) I agree.

1 Q Dr. Bowers?

2 A (WITNESS BOWERS) I have had no contact with any
3 of those.

4 Q Mr. Rice, I was interested in your statement
5 yesterday that Mr. Tolson might not have had any more
6 influence over blind truth, let's call them, than
7 supervisors somewhere down the chain. Do you remember
8 that?

9 A (WITNESS RICE) Yes.

10 Q Dr. Margulies, do you agree with that, that a
11 supervisor, Mr. Tolson in particular, might have less
12 influence?

13 A (WITNESS MARGULIES) I'm saying it's either/or.
14 I'm saying sometimes people at the top are so divorced and
15 detached from the operations that they really have minimal
16 operational influence.

17 On the other hand, it's also true that people at the
18 top can have, and sometimes do, strong influence on the
19 kind of attitudes and culture of the organization, how the
20 organization proceeds. So it's a matter of either/or.

21 Q Have you seen enough about Mr. Tolson in this
22 record to reach any judgments, to make any judgments about
23 whether he falls into one category or the other?

24 A I don't think I could comfortably make the
25 judgment.

1 Q What are the attributes, then, of the kind of
2 isolated manager that has little influence, or less
3 influence?

4 A Where the role has begun to evolve to a more
5 longer range, strategic management of the enterprise;
6 where the manager is concerned and needs to spend a
7 greater part of his or her time interfacing with other
8 units outside of the organization; where the role has
9 evolved, such where the manager's role has evolved more in
10 the change and implementation of new technology. That
11 person would be involved, in terms of the way they would
12 spend their time, in issues that are more detached from
13 the day-to-day operation of the organization.

14 Q In this case, what about practical things, like:
15 "Does the person write a lot of memos for distribution?
16 Does the person leave his office to go out into the field?"
17 Are those relevant to that question?

18 A Well, sure. And what I said is a person who is
19 more involved in the day-to-day operations would spend
20 time in more of a directing, managing, monitoring role on
21 the day-to-day operations. That person, depending on one's
22 own leadership style and its effectiveness, could have a
23 lot of influence.

24 Q Mr. Rice, can you add to that? Have you reached
25 any conclusion about Mr. Tolson?

1 A (WITNESS RICE) I think I probably said yesterday,
2 and I would repeat: I think there were intimidating
3 aspects to Mr. Tolson's personality.

4 Q Right. I understand that and I'm going to
5 address that in a minute. The question is, was he highly
6 influential, in your view, or less influential, as
7 compared to supervisors in the field, for example?

8 A If I recall correctly, Tolson was probably the
9 third level up from QC inspector. At most construction
10 sites, the actual interaction of each one of the
11 inspectors with somebody three levels up in the
12 organization would be very few and far between. They
13 would almost, almost be limited to having, perhaps, sat in
14 on some meetings with them without any direct interaction
15 between them. In addition, viewing memos that might be
16 posted on the bulletin board, or that sort of thing, might
17 also be there.

18 The primary influence that I would expect to see on the
19 part of — influence on QC inspectors would be the
20 immediate QC supervisor immediately above them. Just like
21 a foreman on top of a craft worker.

22 Q Okay. Now, as to Mr. Tolson, the intimidating
23 aspects of Mr. Tolson's behavior, that relates to the way
24 that he conducted himself, the way that he talked; is that
25 right?

1 A That was my conclusion; yes.

2 Q There is a distinction between having such a
3 personality and intentionally trying to intimidate people,
4 isn't there?

5 A I would say "yes."

6 A (WITNESS MARGULIES) I would say that.

7 Q Dr. Margulies, do you make that distinction in
8 Mr. Tolson's case?

9 A (WITNESS MARGULIES) I really would like to
10 decline on that because I really did not, certainly at
11 this point, make judgments about either the personality or
12 the truthfulness of what was reported.

13 The answer to your question is, in my opinion, as I
14 said, there are two possibilities. There are very
15 explicit identifiable acts of intimidation. And as I said
16 yesterday about three or four times, when those acts are
17 coupled with threats or potential use of negative
18 sanctions, they are very explicit.

19 There are also behaviors that are implicitly
20 intimidating, that do not have those characteristics, but
21 can be, in the perception of the perceiver, intimidating.

22 So I agree with that part of it. I don't think I have
23 enough information, frankly, at this point anyway, to make
24 judgments about, A, whether those things really occurred
25 explicitly; or, B, whether the personality of the players

1 was such that they are naturally intimidated -- that is
2 that people would perceive the behavior as such. That's
3 an honest response.

4 Q I'm sure they all are.

5 A Thank you.

6 Q With respect to Mr. Tolson's, what you
7 characterized as his personality, would that personality
8 have the greatest effect on the meekest person?

9 A That is people who tend to have a style that is
10 more likely to be interpreted or perceived as intimidating?
11 I don't know if it's meekest, but some --

12 Q How would you characterize it, the person on
13 whom it would have the greatest effect?

14 A Generally people who tend to just be more
15 sensitive to that kind of behavior.

16 Let me give you an example. On the one hand, it could
17 be meekest. On the other hand, sometimes the most
18 aggressive styles tend to be the most sensitive to other
19 aggressive styles. It's very hard, I think, to categorize.
20 The best thing I could say is that there probably is a
21 group of people who would be very sensitive to that and
22 would interpret that behavior as intimidating. But I have
23 trouble differentiating, at least right now.

24 Q Mr. Rice, you, I think, answered affirmatively a
25 minute ago that there is -- to the question: Is there a

1 distinction between having an intimidating personality and
2 intentionally committing intimidating acts; is that right?

3 A (WITNESS RICE) Yes.

4 Q Have you formed a judgment about whether
5 Mr. Tolson intentionally committed intimidating acts?

6 A I guess my feeling is that the answer to that is
7 "no." The answer is "yes, I have formed an opinion," and
8 the answer, further, is "no, I don't believe it was
9 intentional." And when I say "an intimidating personality,"
10 there are also areas in which it is obvious that he has a --
11 at least the record would tend to indicate that he has a
12 caring personality with respect to a lot of the people.

13 So, like anybody, it isn't a black and white case.
14 It's a case of having what appears to be intimidating
15 aspects to his personality.

16 Q Okay. Nonetheless, you discounted a lot of that
17 and focused instead on the state of mind of the individual,
18 the alleged, the person who claimed intimidation in his
19 contacts with Mr. Tolson; is that right?

20 A Yes.

21 A (WITNESS MARGULIES) Yes.

22 A (WITNESS RICE) Oh, I'm sorry, I thought you were
23 asking me.

24 Q No, I was. I got your answer and I wanted --

25 A (WITNESS MARGULIES) Sure.

1 Q You have each, by now, for better or for worse,
2 gotten a feel for how the lawyers in this proceeding have
3 gone about trying to prove the cases. And the way it
4 worked at least initially was the intervenor would produce
5 a witness who said "I was intimidated," and then the
6 company would put on witnesses to say, "no, you weren't."

7 Is that a fair statement of how it started out anyway?

8 A (WITNESS MARGULIES) I think it's fair.

9 MR. ROISMAN: Just for the record, that's not
10 how it started out.

11 A (WITNESS RICE) The company witnesses were the
12 first ones that we saw.

13 BY MR. WATKINS:

14 Q Right. Due to a procedure that I have never
15 encountered before and hope never to again.

16 A (WITNESS RICE) It added burdens to the review of
17 the depositions.

18 Q Would you agree that what we are left with,
19 though, in looking at the totality of it, is we have a
20 bunch of allegers and we have a bunch of responsive
21 evidence, either that the allegation is true or not true;
22 is that fair?

23 A (WITNESS RICE) Yes.

24 Q Dr. Margulies?

25 A (WITNESS MARGULIES) Yes.

1 Q The intervenors certainly did not produce
2 witnesses who said "I wasn't intimidated" for obvious
3 reasons. In that respect, Dr. Margulies, would you say
4 that the record of the case developed this summer is
5 somewhat biased toward actual incidents of intimidation?
6 You haven't heard from all of the other inspectors out
7 there; is that correct?

8 A See, I'm having problems with the line of
9 questioning so you'll have to help me. My problem is that
10 I feel on a dilemma. And the dilemma is between trying to
11 make judgments of individual instances of intimidation,
12 and I'm not going to argue whether there were or there
13 weren't. In fact, in my view -- wait, wait, let me finish.
14 Hear me out.

15 In my view, in terms of the charge and focus of the
16 project, to try to make a judgment about climate of
17 intimidation, it wouldn't matter if there were 10 or 12 or --
18 I don't know what the number is -- actual incidents of
19 intimidation. What I'm more interested in is the, as I
20 said yesterday, the overall pattern, the gestalt, what's
21 going on in this place. So I'm more comfortable trying to
22 deal with that rather than each item.

23 Now, given that --

24 Q I appreciate it. I agree with everything you
25 say. Given that, how representative is this hearing

1 record, the depositions and the transcripts?

2 A I was very comfortable with the survey data
3 because I think the survey data in both cases at least
4 covered more ground in terms of climate of intimidation.
5 It covered more ground. There was more breadth.

6 We can always argue about what the quality of those
7 responses are, whether the questions did what they were
8 supposed to do, whether they actually measured what they
9 were supposed to measure, et cetera, et cetera. But I
10 think there's some breadth there.

11 I think what we've got is a whole series of things that
12 make up this data pool.

13 I don't think the depositional material is unimportant.

14 Q I wasn't suggesting that it was.

15 A What I'm saying is it's a piece of a number of
16 things that come together to try to help give a picture of
17 what's going on here.

18 Q My question again was: How representative is
19 the hearing material?

20 A Let me see if I understand what you are saying.
21 If one only gets depositions from people who are now
22 alleged, then it's sort of a self-selected process. So
23 in that respect, it has that characteristic. Is that --

24 Q Presenting a witness to say "I have been
25 intimidated and here's what happened" is one thing. How

1 do you show -- on what do you rely, including the absence --
2 it's hard to prove, isn't it? The absence of intimidation?

3 A Well, I think the methodology for doing that, I
4 think David has discussed in a lot of detail this morning,
5 using more global data while looking at patterns of
6 responses and making inferences from those patterns. So I
7 think from a behavioral science point of view the
8 methodology, while not flawless, is fairly straightforward.

9 Q Let's go back to your observation that we have
10 10 or 11 or 12, or however many actual incidents of
11 intimidation in the depositions, for example. Your
12 indication was that some -- or your belief is that some
13 intimidation is inevitable, some conflicts of that sort
14 are inevitable?

15 A It doesn't surprise me.

16 Q It follows, to me anyway -- and correct me if
17 I'm wrong -- that given those data, given the '79 survey,
18 given the whole data base that you evaluated, it was
19 important to put those individual incidents in context and
20 that's exactly what you've done, isn't it?

21 A That's exactly what I tried to do.

22 Q Mr. Rice, do you agree?

23 A (WITNESS RICE) Repeat the question.

24 Q Let me go back a couple of questions. How
25 representative of plant conditions do you think the

1 hearing record developed over the summer is?

2 A (WITNESS RICE) I was adding up some numbers,
3 writing down some numbers while you were talking with, or
4 asking Newt questions.

5 In the area of depositions from the alleged intimidated
6 people, you've got roughly 40 to 50 depositions. We've
7 got an equal number that come from the other side of the
8 fence, from the management side of the fence.

9 In addition to that you've got something like 145
10 people that were interviewed by the Office of Inspection
11 and their reports, another 38 that were in an additional
12 interview process that -- plus something like 121 in one
13 of the surveys and 130 in another one of the surveys. So
14 you are looking at a data base in terms of people that
15 were talked to and had an opportunity of something close
16 to 500 people.

17 Obviously some of those are duplicates. But I think
18 the data base that we were looking at is a large number of
19 people and it's not limited to simply the people that were
20 allegeders.

21 Q So your answer is, you do feel it was fairly
22 representative, if you include all of the OI interviews
23 and all of the exhibits as well as the deposition
24 transcripts?

25 A I feel it was relatively representative; yes.

1 Q Dr. Margulies, I recall you saying -- please
2 correct me if I'm wrong -- that when you looked at the '79
3 survey data, you expected to find more in terms of
4 intimidation than you did. Did you make that observation
5 yesterday?

6 A (WITNESS MARGULIES) That sounds like something
7 that I might have said; yes.

8 Q Why did you expect to find more?

9 A Well, I think, given the natural tensions and
10 conflicts and interface difficulties between the craft and
11 QA/QC, I expected to see more indication of that tension
12 surface in that questionnaire. And it just wasn't there.
13 So my expectations were that the numbers on those
14 categories would be somewhat higher.

15 In fact, in '79, if I would just do a kind of rough in
16 my mind, the number of times those kinds of items were
17 identified was not unlike the '83 survey.

18 So, my expectation from the situation was that there
19 would be somewhat more indications there.

20 Q Did you look at the '83 surveys, materials?

21 A No.

22 Q Did you, Mr. Rice?

23 A (WITNESS RICE) No, sir.

24 Q Are you going to?

25 A (WITNESS MARGULIES) I didn't think it was

1 necessary.

2 A (WITNESS RICE) I have no intent to.

3 Q A few times yesterday, Dr. Margulies, you
4 referred to the question of anonymity -- I can't pronounce
5 that word -- in connection with the '79 surveys. Could
6 you describe your thoughts on that, what you meant?

7 A (WITNESS MARGULIES) Sure. I also said that
8 while I had a high level of confidence in the data, I
9 don't think -- you know, from an ideal perspective, the
10 way in which the '79 survey proceeded was that there were
11 recorders who went in, talked to people, and wrote down
12 the responses. And my recollection of that -- I'm not
13 totally accurate -- is that those people were Utilities
14 people. I think they were not on-site but off-site
15 someplace in Dallas or something like that, which is
16 admirable. But there is still that kind of internal
17 connection. And, so, when one is collecting data from an
18 individual, there may be some question about the --
19 particularly if it's an internal -- about the level of
20 confidentiality and anonymity of that data.

21 So, while I feel very confident about the conclusions
22 in the report vis-a-vis intimidation, I'm not so sure that
23 people felt that they could be, you know, absolutely
24 totally open about their concerns.

25 I think the data would have just -- I think I might

1 have said this yesterday -- a twinge more credibility if
2 the same data had been collected with a bit more anonymity.
3 That is, where people could either fill it out or the data
4 could have been selected by external parties.

5 Q But you did see enough to indicate to you that
6 the interviewees were candid?

7 A I would say so.

8 Q And you were satisfied on that?

9 A Yes.

10 Q Mr. Rice, did you share that concern?

11 A (WITNESS RICE) I would say yes, probably for
12 different reasons that Newt did. The people as I recall
13 from Dallas were Texas Utilities people. The bulk of the
14 inspectors on-site that were interviewed in the process of
15 that survey worked for Brown & Root, or Ebasco, or other
16 contractors as opposed to actually working for Texas
17 Utilities.

18 There is a -- consequently there is an opportunity
19 there for inspectors to make their concerns known, if they
20 have them, at a level in the organization they normally
21 wouldn't have access to, because they are now talking to
22 the Utility. This, generally, would tend to make for more
23 openness than would otherwise be the case, in my
24 estimation.

25 Q Mr. Kaplan, I believe you indicated you did not

1 actually evaluate any of the data base?

2 A Right.

3 Q You evaluated the evaluators, those were your
4 words yesterday?

5 A (WITNESS KAPLAN) Yes.

6 Q What was your criteria? What standards did you
7 use to evaluate their work?

8 A Well, it had to make sense to me. It had to
9 have some face validity. It had to be fairly
10 comprehensive. I'd say the main thing I was doing was --
11 it had to fit my previous training and experience in the
12 area. I anticipated what questions others might ask of
13 the data; I thought what other points of view could
14 someone take on the subject other than the ones they were
15 taking; and just as I read the thing, as you saw, if I had
16 a doubt or question concerning it, I would write: this
17 doesn't feel well, this doesn't sit right with me -- the
18 sort of gut level response.

19 Q Did you do the same thing in meetings with the
20 group? Did you challenge --

21 A I used some of the meetings that we had to do
22 that, to go through and take questions and problems that I
23 had and confront people with those; yes.

24 Q Mr. Rice, did your evaluation of the data base
25 and conclusions that you reached in any way depend upon

1 whether an individual allegation of intimidation caused a
2 defect at the plant?

3 A (WITNESS RICE) No. As a matter of fact, we
4 tried to stay away from that kind of a judgment, with the
5 understanding that that was being looked at independently
6 by other people.

7 Q So you ignored any possible downstream effect,
8 would be the answer?

9 A We ignored it and I don't think the record would
10 have been such that we could have done anything with it if
11 we had tried to.

12 Q I'm sorry to hear you say that.

13 Dr. Margulies?

14 A (WITNESS MARGULIES) Yes, I agree with that. We
15 had, in my opinion, very little information to make that
16 judgment and I think -- there was a technical report that
17 we saw where somebody else made those judgments. But I
18 don't -- there wasn't enough, really, and it wasn't, again,
19 the charge. The charge was simply to look at the climate,
20 recognizing that there are, again, implications downstream,
21 but we really didn't get into that.

22 Q Recognizing that there could, there might be?

23 A Sure. Or might not.

24 Q Or might not.

25 MR. WATKINS: That's all we have.

1 MR. TREBY: All right. Mr. Roisman now has his
2 hour, I think. ^{or} Rather than take our break so we can
3 maintain the schedule for the panel, we'll just move on.

4 EXAMINATION

5 BY MR. ROISMAN:

6 Q Dr. Bowers, I forgot to ask you, when you did
7 your work did you take notes?

8 A (WITNESS BOWERS) I took notes, counted things
9 and so on, sitting up at my cottage; yes.

10 Q Have you got copies?

11 A No, they don't exist because when I finished the
12 report I threw them away.

13 Q What about your assistant; did she keep notes of
14 that telephone conversation?

15 A No. No.

16 Q Of that telephone conversation? Either with you
17 or with the person who called her about the project?

18 A No. All that she did was to call my at the lake
19 and tell me the gist of it, asked me what me response or
20 interest was. When I knew I was coming here I asked her
21 if she had been the one that had taken the call. She was
22 rather strained and said: Yes, I think so. So there are
23 no notes or anything that she would have.

24 Q Okay. Mr. Kaplan, looking now at this thing you
25 started talking about briefly this morning, in the letter

1 of July 31 to Mr. Leach, which has been previously marked
2 as Exhibit 5, there is a paragraph at the end of the first
3 page of the attachment. It says, "the basic question the
4 team has to attempt to answer is --"; can you please tell
5 me where did that basic question come from?

6 A (WITNESS KAPLAN) It came from me, in terms of
7 where did it come from. I spoke with -- I wrote the words
8 and I based that on conversations with the -- essentially
9 with Stu Treby and Tom Ippolito, in terms of what their
10 needs were, to the best of my understanding of what we
11 would -- I had to put that into a framework I could work
12 with and see if it made sense as an area of investigation.

13 Q Did the input outside of your own knowledge come
14 through a single meeting or several meetings?

15 A I had, I guess -- I had conversation with Mark
16 Williams.

17 Q Mark Williams is --

18 A NRC staff.

19 MR. TREBY: Just to clarify the record, Mark
20 Williams is a contracting person on the staff who had made
21 the initial contact to see --

22 A (WITNESS KAPLAN) Prior to --

23 MR. TREBY: Let me finish the sentence -- to see
24 whether EG&G Idaho would be available to do the work and
25 had the necessary expertise to do the kind of work.

1 BY MR. ROISMAN:

2 Q Go ahead.

3 A Prior to my conversation with Treby and Ippolito,
4 I had spoken with several people I had already started to
5 consider as possible resources for doing this task.

6 Q And who were those people?

7 A I'd have to check my notes.

8 Q Are those notes that you produced for us?

9 A Yes.

10 Q Okay. That's fine. And then how many times did
11 you talk to Ippolito before the time that you wrote this
12 July 31 --

13 A I only recall talking with Ippolito in Texas,
14 and meeting him there for the first time and talking with
15 him. So it was basically the day -- it was based on a day
16 in Texas.

17 Q Was that the first time you met with Mr. Treby?

18 A Yes.

19 Q And there are notes of those conversations?

20 A There are notes of those conversations. I have
21 a few; yes.

22 Q Okay. Are those the ones that you have ^{not} turned
23 over?

24 MR. TREBY: That's right.

25 MR. ROISMAN: Both the Ippolito and yours?

1 MR. TREBY: First of all, it was two days, it
2 wasn't one day. It was July 18th and 19th. As I
3 understand it, the 19th was a very short follow-up meeting
4 where there were just -- it was a follow-up meeting where
5 they just went off to do something. But, yes, there are.
6 Those are the notes that have not yet been turned over and
7 they occurred at least with regard to myself, at the Glen
8 Rose Motor Inn. Both Mr. Kaplan, Dr. Stratton, and I
9 think Mr. Rice, came to the motel with Mr. Ippolito. So I
10 think it is possible they had spoken to him ahead of time
11 while I was at the meeting.

12 MR. ROISMAN: The only notes you held back were
13 notes that you or the staff attorneys --

14 MR. TREBY: I didn't notice any notes of prior
15 discussions before they got to the hotel. It seemed to me
16 that the notes were strictly the meeting in the hotel room.

17 MR. ROISMAN: Okay.

18 BY MR. ROISMAN:

19 Q At the meeting that you had that Mr. Treby
20 attended, was it your understanding Mr. Treby was giving
21 you any legal advice? Was he acting in -- as your lawyer?

22 A (WITNESS KAPLAN) No.

23 Q Was he, in your judgment -- well, what did you
24 think he was doing there? What was he doing? I don't
25 want you to tell me what he said for the moment. I just

1 want you to tell me what sort of things was he talking to
2 you about?

3 A Giving us some understanding of what the case
4 was that they were involved with.

5 Q Yes.

6 A And trying to think through, verbalize how we
7 might be a resource to them.

8 Q Yes. Okay. And what role did Mr. Ippolito play
9 in that meeting?

10 A In that meeting I recall -- you guys check me --
11 I recall Ippolito sitting back a lot and letting Stu
12 orient us to what was going on, what they were involved
13 with; and coming in more in a focusing, clarifying kind of
14 role.

15 Q Did you get facts at that meeting? In other
16 words, were you told: Well, here is a kind of incident
17 that we are dealing with, or here is an event or something
18 like that?

19 A I'm not sure. But I think that I would have
20 gotten some examples of the kind of things that were going
21 on.

22 Q What was it that you heard, or what was it that
23 you learned, that caused you to formulate the basic
24 question as distinct from any intimidation that some
25 inspector may have felt from actions on the part of crafts

1 personnel? Can you remember what you heard or what you
2 knew that made you feel that should be part of the
3 definition?

4 A Actually, I think in my own experience coming
5 back, I missed that part of it. And I think I got that
6 encouragement from Bill -- if not Bill Stratton -- if not
7 from Chuck -- if that was the area in which we were trying
8 to work.

9 Q Dr. Stratton, was it you, as you remember?

10 A (WITNESS STRATTON) I remember -- my recollection
11 is that, yes, that what we were to look at was climate of
12 intimidation with some clarifying provisos, in a sense
13 that are, you know, listed under the section of specific
14 problems, where we said we are not to look at specific
15 cases of intimidation and decide whether in fact they were
16 or were not -- management was or was not culpable; that we
17 were not to look at -- or that a climate of intimidation,
18 there was a distinction -- we needed to get a definition
19 of climate of intimidation in our heads, or work one out,
20 that at least could distinguish that from something that
21 you might more loosely characterize as management style.
22 And we were to make no judgments about whether in fact
23 there was a safety problem or not. That was clearly out
24 of our expertise. And that we were to look at, in a sense,
25 management's responsibility for this.

1 So that, if we were dealing with intimidation -- an
2 intimidating act on the part of a craftsman, we would look
3 at management's responsibility in that when they became
4 aware of it, did they react appropriately? Did they do
5 things to try and prevent it or whatever? But not that
6 that would be -- if there were a lot of individual
7 incidents, I suppose, with craftsmen brow-beating
8 inspectors that management never knew anything about or
9 whatever, that that wasn't the thing -- we needed to make
10 a distinction about management's involvement in whatever
11 climate there was versus other people's involvement, the
12 focus being on management's responsibility.

13 Q And you got that in your conversations with
14 Messrs. Treby and Ippolito? Or you got that on your own?

15 A No, I believe -- my recollection is that that's
16 one of the factors that came out of that conversation.
17 And I believe that it was the distinction on the second
18 day when we met actually at the site.

19 MR. TREBY: I thought about it a little bit
20 further and I think the second day I also was at the
21 meeting, and that was mainly one where you provided us a
22 schedule. We had talked in terms of what the scope might
23 be on the first day and then, at that point, we still had
24 this potential hearing coming up on August 20th, and ^{they} were
25 to go back and develop a schedule overnight as to how they

1 would meet various milestones, and that we'd have a
2 document, or testimony or whatever on the August date.

3 BY MR. ROISMAN:

4 Q Dr. Stratton, if you were conducting your own
5 survey, unconstrained by the contract here, trying to find
6 out whether or not the workforce was being discouraged
7 from reporting safety problems -- not "who is to blame" --
8 would you look at the issue of whether crafts people were,
9 unbeknownst to anybody except themselves, discouraging the
10 inspectors from reporting safety violations?

11 A (WITNESS STRATTON) Well, I don't know if I'd go
12 out -- the way you pose the question, I don't know if I'd
13 go out and ask that question, specifically look for that.

14 Q If you had that information coming to you, would
15 you --

16 A I assume I would cast the net that would include
17 that.

18 Q And what about the question of management style?
19 Do you feel that management style is irrelevant to the
20 question of how comfortable the workforce feels about
21 reporting problems if they see them? Is that a relevant
22 part of answering that question? Forgetting about this
23 intimidation thing for a moment; just to that question.

24 A The way that you ask the question, I think I
25 would have to agree that, sure, management style is a part

1 of the climate that people work in.

2 Q And it can influence whether they do or do not
3 feel comfortable about reporting a safety problem or
4 complaining about their wages or whatever?

5 A Well, see, I'm not sure at what point, when it
6 gets specific to talking safety, that you are talking now
7 to talk about a subset of their behavior that I would
8 include in the intimidation climate part of things.

9 Q I'm not even thinking so much -- for the moment
10 I'm stripping the word "intimidation" out and I'm just
11 dealing with perhaps a broader or a different set. And
12 the set is employees who feel, for whatever the reasons
13 are, a reluctance to report safety problems. And I'm
14 trying to look -- if you were looking at that question:
15 "Do the employees at this plant feel a reluctance to
16 report safety problems" -- would you look at whether craft
17 people were the source of any reluctance that they might
18 feel? Or would you look at management style, as to just
19 how they dealt with their employees in trying to find that
20 out? Would those be relevant factors that you would
21 examine?

22 A I'm having trouble responding and I'm not sure
23 why. I think I'm not thinking along the same wavelength
24 or characterizing things the same way you are.

25 As soon as you start asking a question about reluctance

1 to respond, then the issue of "why" and "what's behind
2 that" and "intimidation" is what's on my mind and you are
3 trying to divorce that from intimidation and that's my --

4 Q I don't mean to divorce it. I mean not to focus
5 exclusively on it. I assume there are other things that
6 might not be called intimidation that might be the reason
7 why you were reluctant. For instance, I think yesterday
8 one of you drew the distinction between harassment and
9 intimidation. And you might simply say: It is not worth
10 it.

11 For instance, are any of you familiar with a recent,
12 within the last year or so, report, that came out from the
13 Federal Government on the issue of whistle-blowers? And
14 in that report they discuss the question of: What is it
15 that causes employees to be reluctant, if they are
16 reluctant, to blow the whistle? And one of the very high
17 positive answers was: We are reluctant if we think, by
18 blowing the whistle, that nothing will happen; in other
19 words, that there will not be any action taken.

20 That, I don't think -- in your definitions I don't
21 think any of you would call that intimidation. Those
22 employees weren't being intimidated but they were being
23 turned off. They were being discouraged. So that might
24 be an example of an action which could be a management
25 style which would -- which would be -- and what I'm asking

1 is, do you agree with this or not agree with this --

2 A Yes, and I think it's one of the things we
3 looked at. We looked at management response. It's one of
4 the bullets we had under our "climate" definition was --

5 Q You looked at management response to allegations
6 of intimidation?

7 A Okay. Or management -- I believe we also looked
8 at -- yes, that's right.

9 Q And similarly, when you looked at response, you
10 didn't necessarily look at style; isn't that right? You
11 excluded -- if the results of Mr. Tolson, to use the
12 example that's been used a lot here -- if the results of
13 Mr. Tolson's work was to "address the problem," the fact
14 that his style may have been intimidating was not, in your
15 judgment, a factor which was part of your mandate? You
16 were looking to see, when Tolson got done, did we think
17 that he had responded to the allegation of intimidation by
18 X over here, not what was his style in responding to it?

19 A I'm not sure I can answer that. First of all,
20 as I told you yesterday, I didn't read all these
21 depositions.

22 Q No, I understand.

23 A So I am not familiar with how Tolson reacted and
24 there are some stylistic things you are not going to catch
25 from a written record either. So I don't know if I can

1 respond to that.

2 Q Maybe that's a little too detailed. I think you
3 answered the question.

4 Dr. Margulies, do you have anything to add to that
5 question, or the answer that Dr. Stratton there, in terms
6 of what role management style and craft personnel
7 intimidation of workers which did not become known to
8 management necessarily, or at least knowledge that you saw
9 told you that it did -- what role that would play?

10 A (WITNESS MARGULIES) Well, you asked earlier, I
11 think the question that you posed was: Well, if you were
12 going to kind of go in and look at the question, would you
13 kind of explore the role or relationship of craft and -- I
14 think that's a legitimate factor to look at.

15 Q If the question were as I defined it rather than
16 as the question was defined for your work?

17 A No. Even as defined, I'm saying if we started
18 out with the question and said -- in fact, if I might just
19 reiterate, I think what David said early this morning
20 would be ideally the way to go, which would have been kind
21 of explore what's going on here in a kind of general sense
22 and then get more pointed about the data collection.

23 Q Let me interrupt, you meant when he talked about
24 going and interviewing and making sure everyone knew were
25 you anonymous, et cetera, to get your own first

1 impressions?

2 A You develop the dimensionality of the issue.

3 And in fact, I guess Bill also said you sort of throw out
4 a wide net.

5 So, I think the number one question worked with the
6 data set that we had. And I think secondly there were in
7 a number of places, as I said yesterday, interface issues
8 between QC and craft that are not insignificant issues.

9 So, it kind of emerged but it wasn't a focal point.
10 That was one question you asked.

11 The other question about the impact of management style,
12 I mean from an academic point of view, I think that
13 management style does influence climate in the general
14 sense. You can think about a climate as being open or
15 closed or on some continuum, and the management philosophy
16 and operating policies and behavioral style all influence --
17 that is one factor and an important factor in the climate.

18 The fact that you have an open or closed climate does
19 not necessarily -- I don't think you were implying this, I
20 just want to underline it -- does not necessarily imply an
21 intimidator. That's what you were saying.

22 Q And you were excluding the management style. In
23 other words, you were not trying to answer the question:
24 Is this workforce reluctant to report safety problems for
25 whatever the reasons. You were trying to answer a

1 narrower question than that?

2 A I think it was a narrower focus. But I think if
3 you remember, recall in the report we did make a point of
4 discussing style because we did think it was an important
5 consideration.

6 Q It showed up?

7 A Do you remember that?

8 Q Yes. Yes. I do remember that you talked about
9 that.

10 A So it did emerge and we thought it was important
11 enough to identify but it was not part of the scope of
12 what we were asked to do.

13 Q So, for instance, when you've answered questions
14 here in the last couple of days on the question, "did you
15 see in the '79 surveys as much as you might have thought,"
16 what you were talking about was not "did you see as much
17 concern about management style or complaints about
18 pressure from craft." You were talking about the smaller
19 subset --

20 A That's right.

21 Q -- the intimidation originating out of
22 management or allowing to be continued with management's
23 knowledge?

24 A That's right. That's right.

25 Q That was the subject?

1 A That's right.

2 Q Mr. Kaplan, when you did you team selection --

3 A (WITNESS KAPLAN) Could I?

4 Q Yes.

5 A On the last question, I just wonder if my
6 silence there implies my agreement.

7 Q No, your silence there implies that I didn't
8 care to take a piece of my hour to ask you that.

9 A Go ahead.

10 Q No. Your silence here reflects nothing other
11 than those kinds of irrelevancies to the substance of the
12 discussion.

13 A Fine.

14 Q When you did the team selection, I noticed
15 throughout the contracting documents there was -- I was in
16 government long enough to know what it takes to get a sole
17 source contract for anything more than \$50, and you all
18 managed to get one through and I notice throughout all
19 those contracts there was reference to the enormous cost
20 of delay associated with having to go through a more
21 laborious contracting process than the sole source
22 approach.

23 Were you a part of the decision process that decided
24 how to frame that?

25 A No.

1 Q So you were aware --

2 A Let me say I wasn't part of the decision-making
3 process. I probably provided some of the information they
4 used to make that decision.

5 Q Who came up with the information that a day of
6 delay would cost \$625,000?

7 A I'm not sure, but I was under the impression
8 that that was the -- that delaying the schedule for
9 loading fuel and such like that, was such that I was under
10 the impression that hold ups in hearings or the dragging
11 out the hearing process in general meant that the chances
12 of operating a plant would be delayed and that there was --

13 Q But how did you get that knowledge? I mean how
14 did you learn that there was a fuel load schedule and how
15 did you learn what price tag had been placed on a day's
16 delay in meeting that fuel load schedule?

17 A I believe I asked something about that when I
18 met with Ippolito.

19 Q So, Mr. Ippolito, did he give you the dollar
20 number?

21 A I don't specifically recall his -- I don't know,
22 really, where 625 came from. I may have it in my notes
23 but I don't recall the number.

24 Q Why did you ask about it? What made you think
25 it was relevant?

1 A I think cost is relevant in research.

2 Q I'm sorry?

3 A I think cost is relevant in business research.
4 It's one of the factors.

5 Q Why was delay relevant? I mean, you had a
6 contract. The contractor told you to deliver your product
7 by a certain date, August whatever.

8 A Right.

9 Q I think a draft to the staff by August 10th and
10 a final by August 20th. Why did it matter why your
11 contractor was demanding those deadlines? What difference
12 did that make?

13 A I thought I just said. My understanding is
14 there were people there trying to -- who had built the
15 plant, mostly, who were trying to find out if it was
16 adequate or not, who were getting ready to be closer to an
17 operational phase, and that if the government could
18 conduct its work in a way that didn't interfere with that,
19 that was desirable. And to the extent that it did, that
20 government processes delayed the opening of the plant,
21 that somebody was going to incur a cost, and that was the
22 Utility and ultimately all of us.

23 Q Did you make any judgment as to whether the
24 amount of time that you were going to have available was
25 so short that the quality of your work would be adversely

1 affected and that even if it would take five more days,
2 that it was important to do it right?

3 A To phrase the question a little bit differently,
4 I felt that I needed to do a quality job and if it took
5 longer, then it took longer.

6 Q Well, my question is that you were prepared to
7 work on a very tight time schedule?

8 A Yes.

9 Q Is it fair to assume that if you had more time
10 you could have done more?

11 A Could have done more?

12 Q Yes. You could have done --

13 A Sure.

14 Q -- and your job would have been more thorough;
15 right? You wouldn't have been just sitting around for
16 five more days if you had five more days?

17 A I feel like we did a very thorough job.

18 Q That wasn't my question. I don't think you'd be
19 here if you didn't think you did. But could you have done
20 a more thorough job by the five more days? Were you
21 squeezed by the time limit or was there plenty of time?

22 A Oh, no. I was continually conscious of the time
23 and working to do a good job within that time.

24 Q You realize that the plant -- if your report had
25 concluded that there was widespread and pervasive

1 intimidation at the plant site, that the plant would not
2 have gotten an operating license and there would have been
3 no delay cost?

4 A I don't know that the whole thing would have
5 hedged on -- I guess I even doubt that my particular
6 findings would have been the basis on which the plant was
7 licensed.

8 Q You understand if it didn't get an operating
9 license --

10 A Then there's no delay.

11 Q -- no delay cost?

12 A Correct.

13 MR. TREBY: I might just add at this point that
14 when we had that meeting and talked about scheduling, we
15 really didn't give them a choice. We told them that this
16 was our requirement. So it wasn't a matter of if he
17 wanted 5 days or 10 days --

18 MR. ROISMAN: I understand that. That's why I
19 didn't realize how much it matters how much the delay
20 costs. Who pays the fiddler calls the tune.

21 MR. TREBY: I think that's just an explanation
22 for sole source contracting.

23 MR. ROISMAN: I was just a little curious about
24 what all those factors were doing in a contract --

25 MR. TREBY: We'll give you the extra three

1 minutes but I'm surprised at the 600-some-odd dollar
2 number because the only number I remember having been
3 mentioned at any of these meetings, and I'm not sure if we
4 did -- but I think we did talk about the prehearing
5 conference that had taken place in June. During the
6 prehearing conference there was lots of discussion about
7 "every day of delay is \$1 million." And there was lots of
8 banter back and forth about: "All right, I've just cost
9 you \$7 million" -- or something like that.

10 I'm sure in the course of our discussions about why the
11 schedule was so important and these people were not very
12 happy when we told them we have these depositions, we
13 expect that there's going to be 80 or 90 of these things
14 to read and we want a report by such and such a day, and
15 they said: Well, what's the great urgency and why is the
16 board deciding to do this on such a rushed schedule?

17 We indicated one of the questions is fuel loading and
18 during this prehearing conference this \$1 million a day
19 has come up.

20 MR. ROISMAN: By the way, just as an historical
21 footnote, you know fuel loading was in fact postponed.

22 A (WITNESS KAPLAN) So that there was no cost.

23 MR. ROISMAN: In a "lessons learned" context,
24 that seems to be one of the hardest lessons that gets
25 learned here.

1 A (WITNESS KAPLAN) The hardest lesson is what?

2 MR. ROISMAN: Is that those fuel load dates seem
3 to come and go with grade regularity and there doesn't
4 seem to be -- it's always hard to figure out when is the
5 deadline. There's a book how -- you can negotiate
6 anything. And one of the theses of the book is that there
7 is only one deadline. The trick is figuring out which it
8 is, in negotiation.

9 BY MR. ROISMAN:

10 Q Mr. Rice, what role did Mr. Andrognini play in
11 your work? I notice there are notes that appear to be in
12 someone else's handwriting and I assume those were his?

13 A (WITNESS RICE) That's right. Several things.
14 The first thing is that because of the short deadline we
15 felt that the only way to get through the bulk of the
16 depositions in time to begin to put together a draft
17 report, that he would read some and I would read some. I
18 also had other commitments. So he was able to review
19 depositions when I wasn't there. I was able to, in that
20 initial phase, screen some out and say: These do not
21 appear to be of significance.

22 It also gave somebody on-site for me to bounce ideas
23 back and forth on and --

24 Q By "on-site" you mean --

25 A In my office.

1 Q In your office. All right.

2 A I think I would like to answer the part, what
3 would have happened if you had five more days.

4 Q In all respect, I'm on a short time limit and --

5 A This is sticking to that answer.

6 Q With all due respect, I don't want to know your
7 answer to that question at this point.

8 A Okay.

9 Q What I am interested in knowing is whether any
10 of the views that are expressed in here are dependent on
11 work that Mr. Andrognini did that you did not yourself
12 also do?

13 A No.

14 Q So every transcript that he read that was
15 relevant you also read?

16 A That's correct. And even some of the ones that
17 he said didn't appear to be particularly relevant, I read
18 also.

19 Q The two of you, would you say it was a
20 collaborative effort on your part, in terms of doing the
21 analysis of the record and reaching some preliminary
22 conclusions?

23 A I would say that; yes.

24 Q Are you and Mr. Andrognini, have you lists of
25 publications that, say in the last few years, that you all

1 have authored? In journals or books or speeches you have
2 given or letters to the editor?

3 A No. I quit, when I got out of the purely
4 technical side of things some years ago, quit producing
5 papers for -- of that kind. We turned out probably three
6 or four reports a month related to analyses, evaluations
7 of nuclear plants, nuclear operations.

8 Q But these are reports for which someone
9 contracts with you and you provide them with the report?

10 A That is correct. That is correct.

11 Q How about Mr. Andrognini. Has he published
12 anything?

13 A I think he's in the same category. I think the
14 answer would be "no."

15 MR. ROISMAN: I'll give you a request on
16 publications list of people in the normal, formal way.

17 BY MR. ROISMAN:

18 Q Mr. Rice, in looking at the data that you had,
19 how aware were you of the limitations in the data base
20 that you were looking at? For instance, did you believe
21 that you had before you all of the people who were
22 complaining about alleged intimidation, that you were
23 reading their complaints through the various different
24 sources that you had?

25 A (WITNESS RICE) I have no basis for knowing

1 whether it was all of them or not.

2 Q So it may have been that there were 200 alleged
3 and only 10 showed up as witnesses for Case, for all you
4 know?

5 A For all I know that could be the case.

6 Q Dr. Margulies, you also made no assumptions
7 about whether what you saw was necessarily either a
8 representative sample or the whole universe or anything
9 else?

10 A (WITNESS MARGULIES) Oh, I'll tell you, my
11 assumption was that what I was getting was the entire
12 available data base, the entire available record relevant
13 to this issue. Let me say it again: The entire available
14 data base relevant to this issue, that's what I thought I
15 was getting.

16 Q Which means only that you did not -- if there
17 was somebody else who had a deposition that was taken, you
18 assumed you had gotten it?

19 A Yes, sir.

20 Q Not that, if there was a Corey Allen out there
21 who had never showed up to be a witness in a hearing, that
22 in fact there wasn't such a person?

23 A No. I'm just saying of everything that was
24 available, on the radar, I thought I had it.

25 Q And you meant by "available," in writing some

1 way? Available in that sense?

2 A Correct.

3 Q So that the chart that appears on page 16, and
4 the ratios there, are all qualified by the "data available"
5 limitation, as opposed to: These are the ratios in the
6 universe. These are just the ratios in the available data?

7 A That's exactly right.

8 Q And if the available data was not representative
9 of the universe, the ratios in the universe might be
10 dramatically different? Higher, lower --

11 A Certainly.

12 Q Now, I would like to try to understand and I'll
13 start with you, Dr. Margulies, and then Mr. Rice, because
14 I think you are the two who did the most looking at the
15 data, how you get with -- I'm still not clear how you
16 dealt with ambiguous evidence in the record. You have
17 indicated to a certain extent that you, Dr. Margulies,
18 took the transcript at face value. And sometimes taking
19 it at face value meant that you took contradictory
20 perceptions.

21 I mean, you have Darlene Steiner saying that while
22 management claims that they were being very supportive and
23 helpful of Darlene and doing the right thing, and Darlene
24 said "everything that they did was having exactly the
25 opposite effect on me."

1 Now, on the one hand you have a question, "management
2 response." How did management respond to Darlene Steiner's
3 claim? You have her view and management's claim. How did
4 you deal with it in your analysis here, reaching your
5 conclusions?

6 A Let me try to describe it. It would have been
7 lovely had we had X number of incidents, reported
8 incidents, and in addition to that we even had the results
9 of whatever the prosecution is to decide: Yes, it was; no,
10 it wasn't. It would have been lovely. Then it would have
11 sorted out and I would have had: Guess was, X were
12 reported and three were legitimate and three were not; and
13 I could even make some judgments perhaps about the impact
14 and magnitude, et cetera. At that point in time I didn't
15 have that. And I guess, if I wanted to think through my
16 rationale, I could make a judgment that says: Well, let's
17 say 50 percent are and 50 percent aren't legitimate. But
18 the most important thing for me at that point was to begin
19 to discern the patterns, the patterns.

20 For example, I want to look at how widespread
21 allegations of intimidation are, so let me look at the
22 material and decide, in any disposition -- okay? In any
23 report, how many people are named as allegeders? How many
24 people are really identified as complaining about
25 intimidation?

1 How many people are identified in any one report as
2 complaining about -- as being identified, and "accused" of
3 intimidating? So that's the -- so I began to sort through
4 some dimensions of the case without making judgments about
5 whether it was a legitimate or nonlegitimate instance.

6 I also looked to see, for example, in people -- the
7 people who were providing depositional material,
8 information: how many are management personnel and how
9 many are nonmanagement personnel? I mean, I would like to
10 understand that. What's the array of data provided? Are
11 they mostly managers? Like, are they -- just making up
12 some numbers, 75 managers providing information about one
13 case of intimidation? What's the array of providers in
14 those categories?

15 And then I tried to do the same thing in some of the
16 other documentation. I looked at some of the available
17 Office of Investigation reports to try to make the same
18 judgments: Who were the data providers; how many allegeders
19 are named; how many intimidators? Are they localized?
20 Are they all within one or two units within QA/QC or are
21 they spread throughout QA/QC? Just to try to get a sense
22 of the breadth in which complaints and allegations are
23 being made.

24 Q Can I stop you there for one second?

25 A Sure.

1 Q How do you know whether the breadth that you are
2 looking at is a relevant breadth, if you don't know
3 whether or not the way in which the data that you are
4 looking at was assembled in a representative way? What if
5 OI was not a representative example of people coming
6 forward with complaints? What if theirs was some
7 unrepresentative example, for whatever the reason might be?
8 What if the witnesses who were called at the hearing were
9 called in a way that, if you knew that way, you would say:
10 "Oh, well, gee, that didn't give me a very representative
11 look." You didn't seem to have any way of knowing how
12 your data got assembled and what criteria were used; how
13 do you know what it showed you was a representative slice?

14 A Well, I think for example, in the OI reports, if
15 I remember correctly -- and I'm sure the numbers are in
16 here -- just the numbers of people that were included in
17 providing data for those reports were enough to
18 demonstrate some breadth of the investigation. So, again,
19 I can say, you know, there were a reasonable amount of
20 data providers. So I think I'm getting a pretty good
21 profile.

22 Now again, the kinds of questions that you continually
23 drive at are important questions. But they tend to be out
24 of the context of, at that point in time, what was
25 available.

1 For example, implied in what you say is ideally,
2 ideally, do you have all of the relevant data that you
3 need constructed in the best possible way that we know
4 about in organizational behavior to do this job? And, if
5 you say "ideally," then I have to say well, we worked with
6 what we had. I think it was a pretty good array of data
7 with pretty good breadth, but it certainly wasn't ideal.

8 Q No. But the question is more fundamental than
9 that.

10 A Okay.

11 Q I understand you all are very confident with and
12 when asked questions seem to be very confident on the
13 conclusions. You all had a body of data. You all took a
14 look at it.

15 That from my perspective is not worth anything more
16 than if I were to bring you a photograph of the plant and
17 then ask you to tell me what does this nuclear plant look
18 like. That depends on where I stood, how wide the lens,
19 not to mention 1000 other factors. And nobody who wants
20 to know what the plant really looks like would give a damn
21 what you thought after you looked at my photograph; not,
22 at least, until they knew everything that had to be known
23 until they knew how the photograph was taken to get that.

24 A But if I knew enough about the plant -- not
25 everything, but enough -- and you showed me the photograph,

1 I'll bet I could make inferences, although I have never
2 been there, about what the other side of the plant looks
3 like.

4 Q That's fine. And my question to you is, putting
5 aside your own knowledge and looking only at the
6 photograph for a moment to continue the analogy, how do
7 you know that the photograph gave you enough of a picture
8 that your assumptions from other experiences have validly
9 allowed you to make some more generic conclusions? The
10 bottom line is, how do you defend the claim that this
11 report is relevant in the overall question that's being
12 asked, forgetting about whether it is valid. Is it
13 relevant? How do you defend that if you don't know more
14 about how the data that you looked at was assembled and
15 whether it was or was not a representative sample?

16 A With regard to -- now, again, one more time. I
17 think it's a matter of looking at the array of information,
18 all the indicators that went into making the final
19 judgment. And, in some cases, for example, I would
20 probably rate my confidence in the data higher than in
21 other cases. But I don't want to take it apart that way.
22 I think I need to look at the array of what I've got.

23 The survey is, I think, again, not ideally constructed
24 or administered, but I felt pretty decently -- that the
25 data was pretty decent and could allow me to make pretty

1 sound inferences about what was going on. So, while I
2 think I don't know everything about what -- pursuing the
3 line of questioning this morning, while I can't judge the
4 "motivations" of the survey designers, I think the
5 dimensionality is fairly clear, if you look at the items.
6 And I have confidence in the dimensionality.

7 So I do think I know something about how, certainly in
8 the case of the surveys, the data collection process was
9 constructed. I think I can say that.

10 Q What did you learn in the transcripts, the
11 deposition transcripts, about what was the nature of
12 management response to the portions of the 1979 survey
13 complaints that went to management style, craft/QC
14 interface, and actual intimidation?

15 A Say it again? What was the management response
16 to the '79 survey? Gosh, I really -- I don't recall that.
17 I'm sorry.

18 Q Okay. Let's take a different one. Mr. Rice,
19 I'm going to skip you because my time is running short,
20 but probably during the hearings you can expect that
21 you'll get a chance to answer that.

22 A (WITNESS RICE) That's why I have been writing
23 down the questions.

24 Q You'll also get a copy of the transcript, I'm
25 sure.

1 I don't know which one of you or who wrote or takes the
2 most direct responsibility for the section beginning at
3 page 20 and over to the top of page 21 that deals with the
4 Kahler, Keeley, and Spangler investigation?

5 A I think I'm probably the most responsible there.

6 Q Oh, good, Mr. Rice. Tell me something: In
7 looking at that particular document, as I understand it
8 you use it as a good example of a management response to
9 an allegation of intimidation and cover-up, since the two
10 were together in the one document -- is that right?

11 A That is correct.

12 Q What did you think of the portion of the report
13 which Kahler, Keeley, and Spangler summarize, and this is
14 what they say: "It appears that there's a difference in
15 philosophy between QA/QC management and some audit team
16 leaders. QA/QC management takes a practical approach to
17 the application of the quality criteria of appendix B.
18 Audit team leaders who also adhere to this philosophy have
19 no problems with the report review process.

20 "On the other hand, the purest philosophy of some audit
21 team leaders is directly opposed to that of management.
22 This may be the source of their problems with the report
23 review process. These team leaders often feels that they
24 must go to great length to justify to their own management
25 the validity of their findings. Apparently QA/QC

1 management has not been able to convey their philosophy
2 regarding quality assurance to all of the audit group
3 members."

4 Do you remember that part of the report?

5 A As I recall -- let me try and get the whole
6 thing back into perspective. Wasn't it Kessler and --

7 Q X?

8 A X? Sorry about that.

9 Q X. We have two people who haven't signed the --

10 A They were called out to do an audit. The result
11 of the audit was presented to the quality assurance,
12 quality control manager on-site. He did not agree with
13 some of the findings that were there and, as I recall,
14 within the prerogatives of his responsibilities, modified --
15 maybe it was a guy in Dallas. But the report was -- it
16 was Vega --

17 Q It was Tolson who didn't agree with it, but Vega
18 was the one who made the modifications?

19 A Who modified it. That's right. And the
20 immediate response was, as far as I can tell, X and
21 Kessler indicated the problem to -- probably to Vega. And
22 Vega immediately assigned Keeley, Spangler, and Kahler as
23 a committee to go down and take a look at what the
24 situation was and handle it.

25 I think there is -- apparently there were some

1 personality problems involved in this thing. Those
2 particular words, yes, I remember reading them, but to try
3 and put them into a context that says how important that
4 was to this entire process, I guess I'd have a tougher
5 time doing at this point.

6 Q Let me be more specific, then, with my questions.
7 The part of your report, page 20, that seems to focus on
8 the existence of the Kahler, Keeley and Spangler report --
9 that is, the fact that it was ordered relatively quickly,
10 that these three people went out, they did a fairly in-depth
11 audit, and that was a positive thing; and my question to
12 you is isn't it equally important if not more important to
13 know not only was there a follow-up but what were the
14 results of the follow-up? And I didn't see any discussion
15 in here and I was trying to find out how aware you were of
16 what the results were. You were aware that the paragraph
17 was used to explain why the "cover-up" was not an
18 objectionable activity?

19 A Yes.

20 Q And were you also aware that Kessler and X, one
21 just before and one after the completion of the audit,
22 left the plant site?

23 A That's correct.

24 Q And one of them said they left the plant site
25 because they didn't feel the problem of intimidation had

1 been dealt with properly?

2 A Yes.

3 Q How did you factor that into your judgments that
4 this represented an example of a good, positive,
5 management response to an intimidation allegation?

6 A Like most of these incidents it had some parts
7 of it that were favorable. It had some parts of it that
8 were questionable. The -- I read the original draft that
9 they had presented. I read the comments that Vega had
10 made on it in the final version as it came out.

11 My net feeling there was that the entire process that
12 had been followed by QA/QC management was within the
13 normal frame of what a QA/QC organization and QA/QC
14 management should do. I had no problem with it as far as
15 that was concerned.

16 Q How about as far as the way Kessler and X
17 responded to it?

18 A Without attempting to beg the issue at all, I
19 would say that I -- I put the response of X and Kessler
20 into the category of being people who felt that they had
21 been intimidated.

22 Q But I'm focusing now on the management response
23 side of the issue. I understand both you and
24 Dr. Margulies said we'll count Kessler and X as two -- or
25 at least one of them as an alleged on the intimidation

1 side.

2 Now the other piece of this is management response. It
3 all became part of the same equation.

4 So, management response, one response was to say on the
5 cover-up question that there was a philosophical
6 difference; and you said you come down on the side of the
7 philosophy of Mr. Vega and the second audit team and not
8 on the Kessler and X side?

9 A That's correct.

10 Q What about the response with regard to the
11 person who felt intimidated? The report did reach -- that
12 is the Kahler, Keeley and Spangler report -- KK&S --

13 A There are too many Ks --

14 Q That's right -- did come down with certain
15 factual determinations, as I remember, with regard to the
16 allegation of intimidation. Do you remember that? Well,
17 let me --

18 A Only that they didn't, as I recall, did not
19 agree either with Tolson's explanation or with Vega's
20 change to the report.

21 Q You are focusing on cover-up. I'm talking about
22 Vega -- Tolson was accused of saying, "If auditors work
23 hard enough at finding problems and making these known to
24 construction personnel, someone is going to get hurt,
25 physically or politically."

1 Now, the second audit team confirmed that that was said.
2 What happened? What did the audit team recommend happen
3 and what actually happened in terms of evaluating
4 management response to the initial complaint of
5 intimidation on the part of Tolson?

6 A I think, if you will look further in the report --
7 I've forgotten precisely where it is -- you will find a
8 comment to the effect that management's response to
9 demonstrated intimidation was not always as prompt as it
10 could have been. I have forgotten precisely where that
11 occurs.

12 Q Let's presume that was there.

13 A This is one of the instances -- page 22.

14 Q All right. Do you have the statement on page 20,
15 "It appears that the report is thorough and detailed,
16 indicating a serious attempt on the part of management to
17 deal with the issues at hand." And my question to you is
18 how did they deal with Mr. Tolson that is representative
19 of a serious attempt on their part to deal with the issue
20 at hand?

21 A I reference you to the last sentence just above
22 3.2.1.4 on page 22.

23 Q "Prompt" implies that it happened, but it
24 happened late. What response did you find in the record
25 that was taken in response to Mr. Tolson that was made in

1 response that an auditor claimed he felt intimidated?

2 A I don't know about anything that happened until
3 his ultimate transfer from the site.

4 Q Which was, as you understand it, at his request?

5 A That's what the record says.

6 Q And, actually it wasn't that he was physically
7 transferred from the site, he changed his position; isn't
8 that correct?

9 A That's what my -- my recollection is he --
10 became part of the hearing process.

11 Q When you get around to reading, if you do, and
12 during the hearing, you'll find that everyone else
13 confirms that this happened only because Tolson asks for
14 it to happen. Nobody was prepared to say that he was
15 fired or forced to ask for a transfer.

16 When you all were counting up for your chart on page 16,
17 the allegers, we've got a number of allegers -- I think 10.
18 How did you count the T-shirt people? Did you count any?

19 A (WITNESS MARGULIES) If they were named, then I
20 counted it.

21 Q Well, there were several places in the
22 transcript where -- I know many times it was mentioned
23 that there were eight people wearing T-shirts that day,
24 and I know that at some place in the transcript all eight
25 names are given. I can't remember whether they occurred

1 at the time of the depositions that you looked at or later.

2 A I can't remember either. If they were named,
3 then I counted it.

4 Q The T-shirt people were people about whom it was
5 alleged they were being intimidated. If you remember the
6 incident, there was an anonymous phone call to the Nuclear
7 Regulatory Commission on-site saying: "They got eight
8 guys. They got them locked up in a room. They are
9 searching through their files and so forth. Come and do
10 something for them."

11 I'm just trying to understand how you did your
12 accounting? Did you put "8" down and say, "We've got
13 eight people of whom it's alleged they were being
14 intimidated"? Or did you not count them at all?

15 A No. If there were eight names, then they would
16 be counted. If somebody said: "So-and-so and so-and-so
17 were intimidated," then they were counted.

18 Q Well, I'm almost certain that the anonymous
19 caller didn't use the word "intimidated." The anonymous
20 caller said that "Something very improper is going on.
21 These people are being held against their will in a room,
22 and their personal belongings are being searched and
23 seized"; and had called the NRC to complain about it.

24 Just what I've told you. If that appeared in the
25 record, did that appear on our list?

1 A No. If it was described that way it's only the
2 alleger.

3 If someone said: "Oh, there's eight people over there,"
4 that's the alleger.

5 Q I see. Not the eight people about whom the
6 event is being alleged to have happened?

7 A Right.

8 Q So when you had one person of a team of 10 like
9 Bill Dunham, who came forward and was complaining about
10 things that were happening in the paint coatings, you
11 counted Bill?

12 A Counted as the alleger.

13 Q But not any of the people who he said felt the
14 same way he did, et cetera. Okay. All right.

15 A Yes.

16 MR. TREBY: Let me give you a five-minute
17 warning.

18 MR. ROISMAN: Okay. All right.

19 BY MR. ROISMAN:

20 Q Dr. Margulies, I'm going to ask you some
21 questions about your handwritten notes.

22 A Sure.

23 MR. HIRSCHHORN: Whose notes were you looking at?

24 MR. ROISMAN: I hoped I was looking at
25 Margulies' notes, but I'm not sure --

1 MR. RICE: They are way too neat to be mine.

2 MR. ROISMAN: Got his little name tag, but it
3 was not his notes. Let's see if I can find them.

4 MR. TREBY: I put those little name tags on
5 things that I got from him. They may have been papers
6 that he produced.

7 MR. ROISMAN: I was looking at a set of notes
8 yesterday. I thought I was looking at his notes. I'll
9 just check and see.

10 (Discussion off the record.)

11 BY MR. ROISMAN:

12 Q On your notes, this group came clipped together.
13 Does that look familiar? Up at the top it's got, "define,
14 No. 1, intimidation and nonunion" over on the right side --

15 A (WITNESS MARGULIES) Yes.

16 Q It was clipped together like a set.

17 MR. HIRSCHHORN: How many sheets is that?

18 MR. ROISMAN: Oh, it looks like about 10 or 12.

19 BY MR. ROISMAN:

20 Q Now, over on the third page you've got written
21 over on the left-hand side just after the middle of the
22 page, "my note: Does not take things at face value. Word
23 games. Attorneys are narrow minded." Can you see that?
24 You understand why that jumped out at me.

25 A (WITNESS MARGULIES) Wait a minute. Let me find

1 it. I'm sure it's right --

2 Q I knew you would agree with that?

3 A Let me try to find that.

4 Q I think it may be actually you've got it, it

5 might be 4. It's got an 8-2 at the top?

6 A Oh, got it. Got you. Okay.

7 Q What's that note referencing? First of all,

8 about whom are you talking when you say "does not take

9 things at face value; word games."

10 A I think -- I was sitting in on one of those --

11 on a deposition.

12 Q Yes.

13 A And I -- I think I was talking about whoever was

14 being interviewed at the time.

15 Q Is this date 8-2 at the top there not the date?

16 A Yes, that is the date.

17 Q I didn't remember your being there that late.

18 That's the second of August, according to these notes.

19 And that's just a few days before you all were going into

20 a final draft?

21 A That's not the date, then. It may be the date I

22 sent this together, or --

23 Q What are you referring to, "does not take things

24 at face value. Word games."

25 A I felt that there was a lot of evasiveness going

1 on in the data collection -- in the deposition.

2 Q Evasiveness by whom?

3 A The person who was being asked for information.

4 Q Now, up above that you have the name "David,
5 deliberate annoyance, do some thus, wrong to do" -- do you
6 see all that?

7 A I think that was the person, in fact I know it
8 was, and these are just my notes about what was going on.

9 Q On the next page you have "10:30, David Chapman,
10 manager, QA." Is that the David you were referring to
11 back on the previous page?

12 A Yes.

13 Q And was this -- do you think this is based upon
14 reading the transcript of Chapman?

15 A No.

16 Q You think this is based on --

17 A I know it. I may have missed the date, but I
18 know those notes were my sitting in on -- I know that.
19 What's the date?

20 A (WITNESS STRATTON) According to my notes, it
21 was the 2nd.

22 MR. ROISMAN: I'm sorry --

23 A (WITNESS MARGULIES) Just trying to trap me again,
24 Tony -- no -- I know I was there.

25 BY MR. ROISMAN:

1 Q "Attorneys are narrow-minded"; but substantively
2 what do you mean?

3 A Substantively -- it wasn't personality, although
4 I felt that way anyway --

5 (Laughter.)

6 -- the questioning was so narrow that it was going off
7 into areas that I just felt were away, away from what, at
8 least in my perception, was the issue present, what the
9 data collection was all about. And was spending so much
10 time focusing on an area that to me was extremely narrow.
11 And I couldn't -- to be polite about it -- I couldn't see
12 the relevance.

13 Q So if you had been doing the questioning and
14 Chapman had been in front of you, you would have been
15 asking different questions and getting different
16 information than what actually happened?

17 A I think that's the problem I have with the
18 depositional material.

19 Q Can you remember now what sort of question it
20 was? I don't mean a particular question, what kind of
21 things did you think Chapman should have been asked that
22 he didn't get asked at that time?

23 A I don't really remember. It's just my kind of
24 impressionistic feelings at the time.

25 I remember, for example, the notes on the rest of that,

1 on the bottom of the page were some things that I think
2 got -- were discussed. There were some questions. These
3 notes referred to that. "Yes, we have a management
4 development program. It is very humanistic. We go to a
5 section and some psychologist comes in and tells us about
6 psychology." That's the overall philosophy of the man.

7 So I felt: Yes, that's nice, but I don't know what
8 that has to do with the particular issue. It was kind of,
9 you know -- I know, I know, I know --

10 Q I felt the same way.

11 A That's funny.

12 MR. WATKINS: And you were asking the questions.

13 DR. MARGULIES: So those were those notes. It
14 was David Chapman at that time.

15 (Exhibit 12 identified.)

16 *MR. Reisman*
16 MR. TREBY: My clock tells me that you guys have
17 done your duty. The record -- as far as the briefing
18 session is concerned, the record is closed.

19 (Whereupon, at 1:25 p.m., the briefing session
20 was concluded.)

21

22

23

24

25

CERTIFICATE OF OFFICIAL REPORTER

This is to certify that the attached proceedings before the UNITED STATES NUCLEAR REGULATORY COMMISSION in the matter of:

NAME OF PROCEEDING: TEXAS UTILITIES GENERATING COMPANY, et al.
(Comanche Peak Steam Electric Station,
Units 1 and 2)

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DATE: FRIDAY, NOVEMBER 9, 1984

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission.

(sig) Joel Breitner

(TYPED)

JOEL BREITNER

Official Reporter
ACE-FEDERAL REPORTERS, INC.
Reporter's Affiliation

VITA

EX 10
9 NOV 84 JS

Name: Bowers, David Glenn

Born: June 2, 1931, in Akron, Ohio

Marital Status: Married June 1957, two children

EDUCATION

B.S. in Business Administration, 1957: Kent State University, Kent, Ohio (1949-50; 1954-57); major in Industrial Psychological Procedures (concentrated major in psychology, economics, and business administration).

M.A., 1958: Kent State University (1957-58); major in psychology, minor in sociology.

Ph.D. completed December 1961; degree awarded January 1962: The University of Michigan (1958-61)—industrial psychology.

Doctoral dissertation: "Some Aspects of Affiliative Behavior in Work Groups."

WORK EXPERIENCE

1950-54: Military service in the U.S. Air Force: career guidance specialist, involved in the administration and scoring of tests of ability, aptitudes, and proficiencies; later personnel sergeant-major, responsible for keeping personnel records for an aircraft control and warning group.

1957-58: Graduate assistant to Dean of Students, Kent State University, Kent, Ohio; developed an inspection program and inspected off-campus housing.

Research Experience

1958-61: Assistant Study Director, Survey Research Center, Institute for Social Research, The University of Michigan; performing the following functions:

1. Participated in questionnaire construction, administration, analysis, and report writing in a two-year field experiment.

1962-66: Study Director, Survey Research Center; performing the following functions:

1. Responsible for designing and carrying out an in-depth interview study of insurance executives, plus write-up and presentation of research findings.
2. Responsible for design and administration of a survey of a second sample of life insurance agencies.
3. Responsible for a study of management change, involving a questionnaire survey, periodic observation, and interviewing in two plants of a clothing manufacturing company.
4. Responsible for designing and conducting a national representative sample interview study of Peace Corps applicants.
5. Responsible for design and administration of a study of the role of the "working foreman," an hourly paid, union-member supervisor, in an electrical appliance firm.
6. Responsible for planning, designing, and administering a study of a "matrix organization"—coordination through membership in vertical and horizontal teams.

1966: Program Associate, Center for Research on Utilization of Scientific Knowledge; performing the following functions:

1. Responsible, with others, for planning, designing, and conducting a program of studies involving both research and utilization activities in business organizations.
2. Responsible, with others, for planning and developing an eight-year longitudinal study of organizations.

1971: Program Director, Center for Research on Utilization of Scientific Knowledge; performing the following functions:

1. Responsible for planning, designing, and conducting a program of studies involving both research and utilization activities in business organizations.
2. Responsible for planning and developing a longitudinal study of organizational practices and development within organizations.

1972-73: Acting Director, Center for Research on Utilization of Scientific Knowledge.

1979-80: Acting Director, Center for Research on Utilization of Scientific Knowledge.

1978-present: Vice-chairman and President, Rensis Likert Associates.

1978-present: Vice-chairman and Resident Agent, Foundation for Research on Human Behavior.

Professional Memberships

American Psychological Association Fellow (Divisions 14 and 19).

Inter-University Seminar on the Armed Forces and Society.

Teaching Experience

Psychology 565 (Survey of Personnel Psychology), U-M campus, Fall Term, 1965, and at Flint Extension Center, Spring Term, 1966.

AO 561 (Organizational Theory), School of Business Administration, U-M campus, Spring Term, 1970.

Psychology 968 (Theory of Organizational Change), U-M campus, Fall Terms, 1970 and 1971.

Member Organizational Psychology Executive Committee, 1972.

Advisor, first-year Organizational Psychology students.

Psychology 766 (Theory of Organizational Change and Development), U-M campus, Fall Term, 1972.

OB-IR 501 (Human Behavior and Organization), School of Business Administration, U-M campus, Winter Term, 1973.

Psychology 766 (Theory of Organizational Change and Development), U-M campus, Fall Term, 1973.

OB-IR 501-2 (Human Behavior and Organization), School of Business Administration, U-M campus, Winter Term, 1974.

Psychology 766 (Theory of Organizational Change and Development), U-M campus, Fall Term, 1974.

Psychology 766 (Theory of Organizational Change and Development), U-M campus, Winter Term, 1976.

Psychology 766 (Theory of Organizational Change and Development), U-M campus, Fall Term, 1976.

Psychology 766 (Theory of Organizational Change and Development), U-M campus, Fall Term, 1977.

Psychology 766 (Theory of Organizational Change and Development), U-M campus, Fall Term, 1978.

Psychology 766 (Theory of Organizational Change and Development), U-M campus, Fall Term, 1979.

Psychology 766 (Theory of Organizational Change and Development), U-M campus, Fall Term, 1980.

Psychology 766 (Theory of Organizational Change and Development), U-M campus, Fall Term, 1981.

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4. (Ed.) Applying modern management principles to sales organizations. Ann Arbor: Foundation for Research on Human Behavior, 1963.
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15. (With R. Likert and R. Norman) How to increase a firm's lead time in recognizing and dealing with problems of managing its human organization. *Michigan Business Review*, January 1969, 21(1), 12-17.

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5. A narrative report on the role of the working foreman. Survey Research Center, 1965.
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EX 110
9 NOV 84

bcc: B. L. Barnes
L. P. Leach
B. L. Kaplan
Central File
C. F. Obenchain File

July 27, 1984

Dr. David Bowers
Institute for Social Research
426 Thompson
University of Michigan
Ann Arbor, Michigan 48109

MANAGEMENT-RELATED ALLEGATIONS AT COMANCHE PEAK - Oben-27-84

Dear Dr. Bowers:

I am writing to you on behalf of Bruce Kaplan who is on vacation for the next week. He wanted me to express his pleasure at your accepting a role in our current project with the Nuclear Regulatory Commission. We are especially appreciative of your willingness to respond within our rather tight time constraints.

First, by way of introduction, I would like to give you some background information regarding the project. At a nuclear power plant nearing completion, allegations have been put forward by a number of individuals involved in the QA/QC area (Quality Assurance/Quality Control) that management created an atmosphere of intimidation during construction of the plant which inhibited QC inspectors from performing their duties according to written standards and regulations, to the extent that the safety of the plant might be compromised. In the context of issuing an operating license to this plant the NRC is taking depositions from those alleging irregularities and from the applicant company in anticipation of a formal hearing. These depositions are being reviewed by a team of experts from both the nuclear industry and academia to make a judgment as to the accuracy of the allegations.

As part of their own management of the situation, the applicant company conducted a survey of its QA/QC personnel in an attempt to determine the atmosphere/climate in which they perceived themselves to be operating. A copy of the set of returned questionnaires has been sent to you for analysis. It is my understanding that you and your staff will undertake an analysis of the responses and draw whatever conclusions you can reasonably make from them. This study will include a statistical analysis of the checked responses and also analysis of the open-ended remarks that respondents made on the survey forms.

Dr. David Bowers
July 27, 1984
Oben-27-84
Page 2

The basic question you are to attempt to answer is: did management by its actions create an atmosphere of intimidation for the QA/QC inspectors such that they performed their duties in a way that there is some likelihood of impact on the safety and quality of the plant. This is distinct from intimidation that some inspectors may have felt from actions on the part of crafts personnel. The intent is to establish if a pattern of intimidation existed, as opposed to whether certain individuals were in fact intimidated. There is also some distinction to be made in terms of what is really a climate of intimidation compared to what might be described as a fairly hard-nosed management style in the plant.

This issue of a definition of "intimidation" should be considered. Naturally the applicant company tends to see all its actions as management style. Those making the allegations tend to see all these same management behaviors as intimidation. A third view is to define intimidation as involving some violation of written procedures for construction, inspection or testing due to some incident, action, or statement on the part of management. It is this third view that is probably the most useful and applicable definition. In any case, an explicit definition of climate of intimidation should be included in your report.

I expect that in order to draw your conclusions from the questionnaires you would like to have some information regarding the development and administration of the questionnaire itself, such as the process of sample selection, response rate, provisions of anonymity, etc. Please address these questions to me as soon as possible by phone at 208/526-9696 and I will see that you get the needed information.

We need your completed report in our hands by August 5, 1984. It should be mailed to: Bruce Kaplan, EG&G Idaho, Inc., WCB, P.O. Box 1625, Idaho Falls, ID 83415.

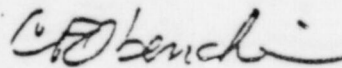
Under separate cover, Bill Stratton has mailed to you via Jane Delaney a request for a copy of your resume and a "Statement of Non-Disclosure" to be signed by all individuals working with the questionnaires. Both the resume and the signed statements should be returned to me as soon as possible.

Should you have any questions or need additional information of any kind, please don't hesitate to contact me at 208/526-9696.

Dr. David Bowers
July 27, 1984
Oben-27-84
Page 3

Again, we are very pleased with your involvement in this project. Both Bruce and I look forward to working with you.

Very truly yours,



C. F. Obenchain, Manager
NRC Technical Assistance
Programs Branch

acf

cc: B. Stratton, ISU
J. O. Zane, EG&G Idaho

Survey Analysis - (1979)

EX 12
9 NOV 79

1.

The following is an analysis of a survey involving QC inspectors which was administered in 1979. This information provides a historical perspective on the question under investigation. The purpose of the survey seems to be investigatory in nature, inquiring into the feelings and perceptions of QC inspectors about their jobs, quality of supervision, support of QC management, and a general ^{EXPLORATION} exploration into ^{PROBLEMS} problems, experiences, or ^{OBSERVATIONS} observed at the Comanche Peak site.

Because the survey was not designed to address the specific concerns of this study there is a judgmental ~~process~~ ^{AS TO WHICH QUESTIONS ARE RELEVANT TO THIS STUDY} which includes sorting those questions in the survey which seem to be germane to ^{IN THE PROCESS} ~~this question~~ and those which ~~do not appear to be relevant~~ ^{are} ~~of interest from~~.

A careful inspection of 10% of the questionnaires was conducted to ascertain whether or not the questions if excluded would also exclude relevant information.

An ^{initial} ~~initial~~ inspection ^{OF THE SURVEY} led to the conclusion that three questions on the survey seemed relevant to the study; questions 1f (2), question 2, and question 5. Our careful inspection of the 10% sample led to the conclusion that no relevant data would be excluded by eliminating the other questions.

A content analysis was performed ^M on the responses to these 3 questions and summarized below.

TOTAL NUMBER OF Respondents N= 126. 121

Responses to Questions do not represent how many people responded. Some identified more items than others. Some did not respond. The numbers represent the frequency with which the item or theme was mentioned.

1.d(i) WHAT MAKES you UNCOMFORTABLE ABOUT your JOB?

	No. of responses -
Procedural Violations.	5
Difficulties Due to Differences in Policies between B&R & TUGCo.	5
Lack of Feedback on Job Performance	3
Problems w/ Personalities Gossip.	4
Communication. (Poor)	5
CRAFT TOO PRODUCTION Oriented - QC INTERFACES.	4
Wages - Inequities	3
INCONSISTENT Application of Procedures / Policies. -- Ambiguous Procedures.	10
JOB Security. (JOB COMPLETION)	12
Attitude of QC INSPECTORS.	3
UNSOPHISTICATED / UNPROFESSIONAL MGMT. (BOTH in PROB. SOLVING & HR.	12

* Not a Predominance of Procedural Violations.

* Issues in the Skill, Sophistication of Management. (Communication, consistency, interface Mgmt.).

Analysis Question 1 d (2). All responses on this question were listed without modification of wording. Frequencies were tabulated on listed responses that were essentially the same. Items were then synthesized to retain the basic theme of responses but without destroying items which ~~even~~ were intended to communicate a different message. For example, items relating to quality of management were grouped in this heading regardless of the specific example or skill discussed by the respondent.

Eleven different categories emerged in response to this question. Three were related to the technical job performed by inspectors. (procedural violations, inconsistent and antiquated procedures, and differences in policies between Brown and Root & TSCC). Of these only 20 responses in total make up responses on the ~~so~~ survey. Other issues such as wage inequities and job security are management and human resources issues. There were some responses (12) indicated concerns over quality of management and supervision. There is an obvious small number of responses that indicated concerns with procedural violations. While technical concerns were indicated on the survey there were straightforward technical issues and did not explicitly reflect on the climate. In an "intimidating climate" where a ~~per~~ pervasive attitude of "cutting corners" exists I would expect to find more inconsistencies with violations than indicated by these responses.

There is little question that issues surfaced by this question reflect management issues of communication, interface, and confidence by subordinate in the leadership at CBSE.

Rating The level of Perceived Supervisory Support.

Excellent - 5

Satisfactory - 25

Good - 18

Inadequate - 23

Marginal - 28

Positive Response
Favorable 48

Negative
(UNFAVORABLE) 51.

Responses indicate almost a split in
Feelings of level of supervisory support. for. inspectors.

There is an issue in The Relationship bet. Inspectors.
& Supervision. Inspectors feel THAT. Supervision.

1. Use POOR Judgment.
2. DO NOT KNOW THE ANSWERS THEY ARE SUPPOSED TO KNOW.
3. General quality of supervision is LOW.
4. DO NOT Manage THE QC-CRAFT INTERFACE

* Special Individual Problems were mentioned.

Analysis of Question 2. This question asks specifically about supervisory support and the quality of supervision. On the support question the response from 99 individuals are split almost 50-50. There were essentially 48 positive responses and 51 negative responses indicating that about half of the respondents feel that ~~high~~ supervisory support of QC inspectors is not what it could or should be. The qualitative results indicate that there is a relationship problem between supervision and inspectors. Inspectors feel that ability and judgment of



100% Cotton
 100% Polyester

- * High No. of responses indicate Dissatisfaction w/ wages
- * " " " Problems w/ Communication, INTERFACES, TECHNICAL TRAINING
- * Quality of Management / Supervision.
- * Very few on "Fear", "Intimidation". etc.

Analysis of question 5. This question asked generally what problems exist in the QC organization. Expectations are that some overlap would exist across these questions (1d(2), 2, and 5). Again items were listed, synthesized and categories created to simplify the data. Eleven categories emerged. Important to note that the predominant problems as seen by inspectors were Pay inequities, Communications, Interface with Craft, and Technical Training of inspectors. Again, the Quality of Management and Supervision is important and indeed is reflected by concerns in the high frequency categories which are intimately related to management capability. Low frequency items were "Fear factor", "Procedural difficulties", and "Organizational structure".

The most over item affecting "climate of intimidation" did not show up in responses to question 5.

Common Themes - recurring issues

- * Perceptions About The Quality & Skill of Supervision.
- * QC - CRAFT. INTERFACE - TEAMWORK
- * Communication.
- * Improved Human (people) orientation.

These themes contribute to "climate".
Supervision may be primary source - influencing
perceptions of org. & top mgmt.

It does not represent overall the morale, 'esprit' etc.
But does not indicate a pervasive
"intimidating" climate. There appears to be quite a bit
of data. * Openness about the quality of supervision; dissatisfaction
about pay, etc. and other climate factors.

Overall, The data is not unlike the profile of other
large, bureaucratic organizations. ^{that is,} The problems seem similar,
are most likely the result of management practices which
could and should be improved. While the responses to
the questions do indicate a slightly more negative set
of responses with regard to quality of management &
supervision, the issues of communication and interfaces
are not uncommon. It would be difficult to ascertain
the existence of a "climate of intimidation." Using the
data data from the survey. The survey has its limitations
in this respect.