

January 7, 1984

Note to: Vincent S. Noonan, Director
Comanche Peak Task Force

From: Geary S. Mizuno
Attorney for OELD

SUBJECT: HANDLING OF DCAs AND CMCs - [REDACTED] DEPOSITION

During the January 3, 1985 deposition of [REDACTED] a former QC inspector at CPSES, [REDACTED] expressed a concern regarding the handling of Design Change Authorizations ("DCAs") and Component Modification Cards ("CMCs"). Judge Bloch requested that this concern be brought to the attention of the TRT. Accordingly, enclosed please find a copy of Tr. 22,779-89 of [REDACTED] deposition, where [REDACTED] discusses his concern.

Geary S. Mizuno
Geary S. Mizuno
Attorney for OELD

W/93

Enclosure: As stated

FOIA-85-59

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1 A I think they wanted to hear about them, but the
2 way they reacted to them discouraged the people.

3 Q And how was that?

4 A They would get upset. They would kind of give
5 you cross-examination as to, you know, like we'll say:
6 "Hey, I looked at this and it looks bad to me." "Well,
7 what makes you an expert?"

8 Q And who were the people who, from your own
9 personal experience, you had observed doing this?

10 A Okay. Mr. Tolson is the only one that I had,
11 you know, seen come back on that keel saying: "We'll take
12 care of it. That's all right. Don't worry about it."
13 Mr. Tolson is the one that I had seen do that previously.

14 Q Had you, at that time, had any interaction with
15 Mr. Merritt and had the tensions between the two of you
16 developed yet?

17 A Not at that time. Also, I recall a lot of
18 hearsay from the other inspectors on the site that had
19 been there for some time, you know, as to the different
20 things that Mr. Tolson had done. His attitude toward
21 people bringing problems up.

22 Now a lot of that is from hearsay from other inspectors.
23 I dealt with Mr. Tolson twice. The first time was a total
24 shambles and the second time wasn't so bad.

25 Q What were those?

1 A Design change, the way we were going to set up
2 design change authority, way to handle DCAs and CMCs and
3 items like this.

4 Q Well, which one? You said the first time was a
5 total shambles and the second was all right.

6 A The total shambles was we presented to him the
7 way that we felt, from doing an investigation on it,
8 exactly how it should be done.

9 Q How? Could you be more specific? How what
10 should be done?

11 A By reviewing each individual DCA, and each
12 individual CMC; and going through and reviewing each one,
13 categorizing each one into areas, breaking them down by
14 building and revising the paperwork and verifying that,
15 yes, it was done; and all the requirements are met and it
16 is signed off and everything like that.

17 He, at that point said flat: "No. That's not the way
18 I want it done. You don't have the total concept in
19 mind." He got all upset about that.

20 JUDGE BLOCH: Let's slow up a little bit. I'm
21 sure Mr. Roisman was going to ask what was the job you
22 were doing? I don't understand. What was it you were
23 setting out to have Mr. Tolson accomplish on these CMCs?

24 THE WITNESS: Okay. On the job I was doing, I
25 would take a CMC, a component modification card, and I

1 would take it and I would pull it out. If it was on a
2 quality item, I would take that on down to the vault, pull
3 the documentation out, review the documentation to make
4 sure that the CMC was noted on the document so that the
5 work was done in accordance with that CMC.

6 If it wasn't on the card, then they had some backfit
7 operation to do, to go back down and reinspect because
8 there has been a change in design of the item.

9 JUDGE BLOCH: So what you were doing was to
10 check to see whether the documentation that was in effect
11 at the time was available to the QC inspector who was
12 doing an inspection?

13 THE WITNESS: No. I was verifying that the
14 documentation that was in effect at the time did indeed
15 cover the design change that was done.

16 In other words, I'd take the CMC, look at it, go down
17 and look at the documentation. On the bottom of the
18 documentation would be the travelers or the inspection
19 report or weld report or something like that. And if they
20 put down on the bottom, "CMC 1492, rev. 1," and I had CMC
21 1492, 2, nowhere in the documentation was there any
22 reference in that package for that new CMC 2. So that
23 meant that they had to go out and reinspect that item to
24 verify that it was up to the change in the design that was
25 brought out by that CMC.

1 JUDGE BLOCH: So your job was to find out
2 whether or not the CMCs had resulted in work that was then
3 inspected?

4 THE WITNESS: Yes. And then I was also
5 responsible for some that had been done that, if it did --
6 if it did say " rev '2," I was responsible to go to the
7 field, look at the item, and, indeed, to make sure that it
8 just hadn't been changed on paperwork and not inspected.

9 JUDGE BLOCH: And was part of your job having to
10 do with seeing whether there was a pattern of problems
11 that were arising with -- as a result of the CMCs?

12 THE WITNESS: Yes.

13 JUDGE BLOCH: What was that part of the job?
14 What was the problem there?

15 THE WITNESS: We were to see if -- like one
16 standard hanger, if they make up one CMC for plant-wide
17 changes. So we'd have to go back to every hanger of that
18 style and that number and look it up and verify that that
19 was done for every one of them.

20 JUDGE BLOCH: Okay. Now, maybe I can understand
21 the next part of what Mr. Roisman -- I'm sorry I couldn't
22 figure it out at all.

23 BY MR. ROISMAN:

24 Q What was it that you had proposed to Mr. Tolson
25 and what did he respond to with regard to that process

1 that you just described?

2 A Okay. We went in and responded to him. He
3 asked us what we were doing. We went in and told him:
4 This is what we have decided to do.

5 Q And that's what you have just described to the
6 Chairman a moment ago?

7 A Yes.

8 Q All right?

9 A I'll go through it again. What we had decided
10 to do was make up the computer program.

11 In that computer program to include pertinent
12 information off the CMC, and to verify that by entering
13 the appropriate documents that that CMC affected.

14 The appropriate documents would be any quality
15 documentation for that hanger, for that cable tray, for
16 that conduit support. And we would go out and look at all
17 the documentation; and then additional things we would do
18 is add, oh, heavens, the location, type of hanger,
19 whichever, pertinent to that CMC.

20 And Mr. Tolson says: "No, that's not the way I want it.
21 I don't want it that way. It won't work. You don't
22 understand what you have been told." And that's why I say
23 it was a total shambles. He didn't agree with anything we
24 had to say.

25 JUDGE BLOCH: Did he tell you how he wanted it

1 done?

2 THE WITNESS: Yes, that's not how he wanted it
3 done.

4 JUDGE BLOCH: How did he want it done?

5 THE WITNESS: He wanted it simply just the CMC
6 listed and then the design change documents listed. He
7 didn't want the additional information put on the computer
8 and I don't think he wanted to program it; I think he
9 wanted just a loose-leaf-type list made up of these CMCs.

10 BY MR. ROISMAN:

11 Q Is it that what he wanted was to backfit the
12 documents to the component rather than make sure the
13 component met the documentation?

14 A No, it wasn't so much to backfit the
15 documentation, it was to verify that the documentation was
16 there and did reflect what the CMC said.

17 Q As I understand it that's what the computer
18 program would have done?

19 A Yes.

20 Q But his approach to it, that last link never
21 would have been made. That is you'd never know whether
22 the last design change or last component pod any
23 indication, was in fact in place in the field and had been
24 inspected by a QC inspector after it was in place in the
25 field?

1 A Yes. And the system he wanted, like, say --
2 what you are saying is correct -- the system he wanted to
3 set up would not draw that last one out; would not show
4 the final CMC.

5 Q It would also miss the CMCs along the way that
6 had not been properly integrated into the system as well?
7 His approach, Mr. Tolson's approach?

8 MR. TREBY: Mr. Chairman, I think I'm going to
9 object. I don't know how much further we are going with
10 this, but this is certainly way beyond the scope of what
11 this deposition was called for, which was to talk about
12 the Lipinski trip report, various occurrences -- or
13 conversations before, during, and after [REDACTED] trip
14 and to talk about coatings matters. We are now talking
15 about a subject totally outside of coatings. And I guess --

16 JUDGE BLOCH: That sounds like his response. I
17 understand your point. Do you agree?

18 MR. ROISMAN: No. It seems to me the question
19 was and is the basis for [REDACTED] views and
20 [REDACTED] input to those. One of those pieces of input
21 was [REDACTED] perception of Mr. Tolson; and this event,
22 on which I have virtually no more questions beyond the one
23 that's pending -- but that's neither here nor there --
24 goes to the basis for [REDACTED] statement. It happens
25 that his perception of [REDACTED] arose outside of

1 coatings -- had nothing to do with coatings; arose outside
2 the () trip, so couldn't have had any feelings about
3 Tolson. But yet it formed the basis of the trip reports
4 and formed the meeting of the minds, if you will, between
5 () and () on the 28th of July.

6 JUDGE BLOCH: So it's only this one question
7 that you want to ask?

8 MR. ROISMAN: Yes. But my point is that I think
9 that line is legitimate because that's what it is going at:
10 how it is that () has his views on Mr. Tolson.

11 JUDGE BLOCH: Mr. Watkins? Your comment?

12 MR. WATKINS: Just so long as there is only one
13 question. I would add this is a discovery deposition, so --

14 JUDGE BLOCH: One question, sir. Or thereabouts.

15 MR. WATKINS: No. 1.

16 (Laughter.)

17 JUDGE BLOCH: I have never heard a lawyer ask
18 one question. You have a paradox there.

19 MR. ROISMAN: To meet Mr. Watkins' concern,
20 would the reporter read the pending question, please?

21 (The reporter read the record as requested.)

22 JUDGE BLOCH: Would you like to answer that,
23 please?

24 THE WITNESS: Yes, that is true. I have to add
25 one other item. I left Mr. Tolson hanging. After many

1 long discussions among our supervisor and us we went back
2 down to Mr. Tolson and he did agree to do the system the
3 way that we had originally wanted to do it. We did
4 confirm to him that that was the best way to do it.

5 BY MR. ROISMAN:

6 Q Your supervisor then goes back to this gentleman
7 who you mentioned earlier, either Michaels or the person
8 who --

9 A Peter Bush -- yes.

10 Q -- who replaced him?

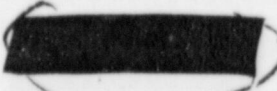
11 A And Mr. Tolson did in fact agree that what we
12 had was a better system than what he had originally set
13 forth.

14 Q And is that the second meeting that you had?

15 A Yes.

16 Q You said one was a shambles and the other
17 everything had worked out all right, and that's the second
18 one?

19 A Yes. Yes.

20 JUDGE BLOCH: Mr. Treby, there's enough here
21 that might be relevant to the work of the task force on
22 documentation so that I hope to just be aware of
23  views on this.

24 MR. TREBY: I think this is valid information
25 for discovery.

1 JUDGE BLOCH: We are done.

2 MR. TREBY: But my concern and the reason I
3 raised the objection so the record is complete is that
4 there is a possibility at some point that people may ask
5 that this whole record be put into this -- this deposition
6 record be put into the evidentiary record.

7 JUDGE BLOCH: Would you object to that?

8 MR. TREBY: I would think that this subject here
9 appears to me to be outside the intimidation matters.

10 JUDGE BLOCH: I haven't ruled on that.

11 MR. ROISMAN: Okay. Because I think the only
12 arguable matter is whether it's outside the scope of the
13 deposition. I think it's the heart of the intimidation
14 issues before the board.

15 JUDGE BLOCH: I hope the Staff working
16 intimidation will consider what [REDACTED] has said and
17 his familiarity with these questions.

18 MR. WATKINS: I'm confused about what that means.
19 What information?

20 JUDGE BLOCH: The last few pages of this
21 transcript.

22 MR. TREBY: I understand what the Chairman is
23 asking is that we make sure that the technical review team
24 is aware of the information that's being developed in this
25 deposition.

1 JUDGE BLOCH: Just this last few questions,
2 questions of CMCs and the relationship between [REDACTED]
3 and Mr. Tolson.

4 BY MR. ROISMAN:

5 Q [REDACTED], you indicated that at a subsequent
6 time relationships between you and Mr. Merritt -- by
7 "subsequent" I mean subsequent to the time of July, late
8 July 1983 -- that problems developed between you and
9 Mr. Merritt. And I wondered if you could tell us when did
10 that first happen?

11 A It happened when I was down in the coatings
12 department.

13 Q What happened? What was the first event in
14 which that began to crop up?

15 A It was kind of a hard thing to stick my --
16 totally stick my finger on, but it developed when they had
17 the -- this -- they had a barbecue between the crafts and
18 the QC.

19 Q Just for coatings or all --

20 A Just coatings. The craft for, you know, just
21 the coatings department for QC and craft coatings. And
22 none of the QC fellows showed up. Well, there was one man
23 that showed up.

24 And I got the feeling from the reaction that the
25 superintendents and that gave was that they were upset

GOVERNMENT ACCOUNTABILITY PROJECT

1555 Connecticut Avenue, N.W., Suite 202
Washington, D.C. 20036

(202) 232-8550

G:85:104

January 21, 1985

FREEDOM OF INFORMATION ACT REQUEST

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-85-59
Rec'd 1-25-85

Director
Office of Administration
Nuclear Regulatory Commission
Washington, D.C. 20555

To Whom It May Concern:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, the Government Accountability Project ("GAP") requests copies of any and all agency records and information, including but not limited to notes, letters, memoranda, drafts, minutes, diaries, logs, calendars, tapes, transcripts, summaries, interview reports, procedures, instructions, engineering analyses, drawings, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, data sheets, notebooks, books, telephone messages, computations, voice recordings, computer runoffs, any other data compilations, interim and/or final reports, status reports, and any and all other records relevant to and/or generated in connection with the overview, regulation and investigation of the Comanche Peak Nuclear Plant by any person, branch, or department of the NRC since January 18, 1985.

This request includes all agency records as defined in 10 C.F.R. § 9.3a(b) and the NRC Manual, Appendix 0211, Parts 1.A.2 and A.3 (approved October 8, 1980) whether they currently exist in the NRC official, "working," investigative or other files, or at any other location, including private residences.

If any records as defined in 10 C.F.R. § 9.3a(b) and the NRC Manual, supra, and covered by this request have been destroyed and/or removed after this request, please provide all surrounding records, including but not limited to a list of all records which have been or are destroyed and/or removed, a description of the action(s) taken relevant to, generated in connection with, and/or issued in order to implement the action(s).

GAP requests that fees be waived, because "finding the information can be considered as primarily benefitting the general public," 5 U.S.C. § 552(a)(4)(a). GAP is a non-profit, non-partisan public interest organization concerned with honest and open government. Through public outreach, the Project promotes whistleblowers as agents of government accountability. Through its Citizens Clinic, GAP offers assistance to local public interest and citizens groups seeking to ensure the health and safety of their communities. The Citizens Clinic is currently assisting several citizens groups, local governments and intervenors in the central Texas area concerning the construction of the Comanche Peak nuclear power plant.

85-10150447

(2PP)

Director
Office of Administration

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We are requesting the above information as part of an ongoing monitoring project on the adequacy of the NRC's efforts to protect public safety and health at nuclear power plants.

For any documents or portions that you deny due to a specific FOIA exemption, please provide an index itemizing and describing the documents or portions of documents withheld. The index should provide a detailed justification of your grounds for claiming each exemption, explaining why each exemption is relevant to the document or portion of the document withheld. This index is required under Vaughn v. Rosen (I), 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974).

We look forward to your response to this request within ten days.

Sincerely,

Billie Pirner Garde

Billie Pirner Garde
Citizens Clinic Director