

SWORN STATEMENT OF

July 9, 1986
1:54 p.m., CDT

LOCATION: NRC Region IV
Arlington, Texas
TAKEN BY: George Mulley

Attachment Y

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PDR ADDCK 05000445
Q PDR

TATE REPORTING SERVICE, (713) 222-7177

[]
called as a witness, having been first duly cautioned and sworn, testified upon his oath as follows:

EXAMINATION

By Mr. Mulley:

Q The time is 1:54 p.m. and the date is the 9th of July, 1986. We are at the headquarters of Region IV NRC in Arlington, Texas. Present is [] who is a Region IV employee; myself, George Mulley, Assistant Director for Investigations, Office of Inspector and Auditor, NRC; and a court reporter, Mr. Pat Tate.

We're here today to discuss with [] information that he has concerning Region IV management of the Comanche Peak Power Plant.

[] before we start, could you briefly provide for us a synopsis of your background?

A I've been in the nuclear power industry approximately 23 years, the last three of which I've been working for the Nuclear Regulatory Commission. Prior to that, I worked for architect engineer Burns & Rowe of New Jersey for ten and-a-half years. I worked for a utility company, Wisconsin Public Service for a year and-a-half; I was in charge of their training procedures on the Kuwanee Plant.

I worked for a facility -- or a company at the

1 Hamford Facility, which is now Department of Energy,
2 Douglas United Nuclear for five years, and operation of
3 production reactors. And I worked approximately two
4 and-a-half years for Westinghouse Electric Corporation in
5 their Navy prototype program.

6 MR. MULLEY: Before we continue, I'd like to
7 state that I forgot to introduce Mr. Goldberg, Mr. Steve
8 Goldberg who is a technical advisor from I&E who's here on
9 detail with OIA, he's been with OIA for the last year or so
10 helping us out with technical matters. Mr. Goldberg is
11 also present for this interview.

12 Q (By Mr. Mulley) [] how long have you
13 been with Region IV?

14 A June 11th, 1984, I reported in as resident
15 inspector on the Wolf Creek Nuclear Plant.

16 Q What is your present position?

17 A I'm project inspector, assigned to the Waterford
18 Station.

19 Q As a project inspector, do you have occasion to
20 review inspection reports, findings that, you know,
21 inspectors prepare? Do they come through you for review?

22 A Usually only the ones for the Waterford plant and
23 occasionally the South Texas Plant, because those plants
24 are in the section that is supervised by the chief who I
25 report to, []

1 Q Do you actually do inspections?

2 A Yes.

3 Q Very frequently?

4 A Yeah, I usually do some inspection, about once a
5 month, or more frequently. Sometimes not that often,
6 depending on what administrative load I have at any
7 particular month.

8 Q When you reviewed inspection reports and
9 conducted your own inspections, have you ever encountered
10 any pressure on the part of Region IV upper management to
11 handle issues informally rather than documenting them in
12 the inspection report as violations?

13 A No.

14 Q Okay. Have you ever perceived an attitude in the
15 Region to try to handle issues with the licensees in an
16 informal manner instead of documenting things in inspection
17 reports?

18 A No.

19 Q Have you been involved at all with the Comanche
20 Peak Project?

21 A I made inspections for a period of approximately
22 four weeks during the summer of 1985. I guess I'd have to
23 add, I don't know as I was formally assigned to do that, it
24 was just a temporary project which I volunteered to do.

25 Q As a result of your inspections, did you identify

1 any deficiencies, nonconforming items, violations, anything
2 like that, that required a report to be prepared?

3 A I provided input to a report. I found no
4 violations. I had some observations but I found no
5 violations.

6 Q What was the number of the report that you
7 provided input to, do you recall?

8 A I'm not sure, but I think it was 85-06 and 07.

9 Q (By Mr. Goldberg) What area were you inspecting,
10 sir?

11 A Primary systems piping.

12 Q (By Mr. Mulley) Who did this report get reported
13 to once the inspectors were done with the report?

14 A I turned my input over to Shannon Phillips who
15 was the senior resident inspector construction on the site.
16 And at that time for that report, I believe the draft went
17 to Doyle Hunnicutt, who was the chief at that time. And to
18 my knowledge, it would would have been passed on to -- I'm
19 not sure where it went from there. It ended up with

20 [] I'm quite sure of that.

21 Q Were you aware of any problems encountered as a
22 result of review of this report as it passed up through the
23 various levels of review?

24 A I was aware of problems with the report, but I
25 don't believe it was that particular report. I think it

1 was a report prior to that one.

2 Q Do you recall the number of that report?

3 A I was -- no, I don't recall the number.

4 Q (By Mr. Goldberg) Do you recall what the problem
5 was?

6 A Only hearsay. I was told by one of the
7 inspectors involved that he apparently observed what he
8 thought was violations and -- and one of the management
9 people asked him to change the report and he refused to do
10 it.

11 Q (By Mr. Mulley) Do you recall the name of the
12 inspector who discussed this with you?

13 A

[]

14 Q And do you recall the name of the management
15 official?

16 A As I recall, it was Tom Westerman.

17 Q Do you have any information as far as the nature
18 of the finding what was in dispute?

19 A He never went into detail with me on it.

20 Q What was [] reaction to this whole
21 instance?

22 A He was upset. I'd guess his main objection was
23 that he was asked to change the report and then he informed
24 me that he didn't agree with changing it and he told
25 management if they wanted to change it, to make the change

1 themselves.

2 Q Are you aware if management gave [] any
3 reason for wanting to change the report?

4 A No, I'm not aware of the specific reasons. I
5 sort of gathered they felt his observations weren't
6 significant enough to warrant writing a violation.

7 Q And apparently [] felt they were significant
8 enough?

9 A Yeah, apparently he disagreed with their
10 assessment.

11 Q Why did [] discuss this with you?

12 A We were working together when I was down at
13 Comanche Peak for that sort period of time. And in fact,
14 we were working on the same inspection procedure.

15 Q Did he intend to take any action as a result of
16 this or was he just resigned to the fact that the report
17 was going to be changed?

18 A He didn't express an intent to take any actions
19 to me.

20 Q You worked with Shannon Phillips then for at
21 least a month at Comanche Peak?

22 A Yes.

23 Q How would you assess, based on what you know of
24 him, his performance as an inspector?

25 A He seemed competent as a construction inspector

1 to me. He seemed quite outspoken and he seemed intent on
2 doing the job which he felt he was assigned to do.

3 Q Did you feel he was acting within the proper
4 limits of doing his job? By that I mean, you know, not
5 going overboard and trying to, you know, dig up violations
6 or, you know, going into areas where really the NRC had no
7 business going into?

8 A I would say he was acting within the limits of
9 his responsibility. He seemed somewhat critical of the
10 management direction he was receiving at the time.

11 Q What sort of statements did he make to make you
12 believe he was not happy or he was critical of the
13 directions?

14 A Well, it's been a long time ago and it's getting
15 somewhat fuzzy in my mind, but he indicated he'd done some
16 studies on their quality assurance program which he seemed
17 to feel weren't given a proper review by a our regional
18 management. But I don't recall any specifics.

19 Q Did he name a person in the region who was not
20 reviewing the stuff properly?

21 A If he did, I can't recall who it was. There were
22 several management changes during the period, you know, in
23 question, and I couldn't even keep track of it. I wasn't
24 that closely involved with the project.

25 Q Were there any other inspectors out at the site

1 at the time that expressed similar concerns?

2 A No.

3 Q (By Mr. Goldberg) How big of a team of
4 inspectors did you have at the time for this particular
5 report, when you were there?

6 A All I recall, as far as people with input to that
7 report, was [] and Shannon and myself. Possibly,
8 I guess, probably Cliff Hale would have had input, too.
9 I'm not certain to that. But he was there and working in
10 the same trailer that we were.

11 Q What's your impression of quality assurance in
12 general in the region in terms of, you know, you deal with
13 QA issues, yourself, in other plants and from what I
14 understand, you'd been up in Region III. How do you look
15 at how QA is looked at here, and compare it with Region
16 III's QA oversight.

17 A I would -- I don't know as I'm really qualified
18 to make a comparison, but I have a feeling that we probably
19 don't look into it in quite the same depth as Region III,
20 because they have a section assigned only quality assurance
21 responsibility with no other duties.

22 Q (By Mr. Mulley) You, a couple of minutes ago,
23 mentioned the fact that several inspectors had expressed
24 concern over the way, you know, they perceived management
25 as handling some of their reports. When this was told to

1 you, what was your reaction? Maybe not --

2 A I didn't say several inspectors.

3 Q I'm speaking of [] and Phillips, two.

4 A In the case of Phillips, I'm not sure a report
5 was involved. I mean, by "a report" I mean a formal
6 inspection report. I said he did a study. Now, I don't
7 know what -- how he -- how he presented this study, whether
8 it was an informal report or informal memo or whatever.
9 Pardon me. Go ahead with -- what was your question?

10 Q I'm not asking, you know, I'm not asking for what
11 you told them, but within yourself, did this seem
12 believable to you? Did it seem, were you astonished by
13 somebody having this sort of complaint? What was your --
14 how did you accept this, these two criticisms?

15 A I was surprised. I hadn't encountered that type
16 of criticism of NRC management before. I don't know. I
17 just took a wait and see attitude.

18 Q Did you ever have an occasion to witness any
19 discussions between Tom Westerman and inspectors over how
20 inspection reports should be written?

21 A No. When I was -- during the period when I was
22 down there, Mr. Westerman was just taking responsibility
23 for that project. And as I recall, he was having
24 discussions with NRR and upper regional management and he
25 did not get involved in my level at that time. So I have

1 no recollection of any interactions between him and the
2 inspectors.

3 Q What about here at the headquarters itself, after
4 you came off the site? Are you aware of any meetings in
5 his office where inspectors and Westerman disagreed over
6 how inspection reports should be written?

7 A No, I'm not.

8 Q What about between inspectors and Mr. Eric
9 Johnson, any disagreements that you know of?

10 A Just hearsay. I mean, I heard there were
11 disagreements from people not directly involved in the
12 disagreement.

13 Q What sort of disagreements were there between
14 Johnson and the inspectors, as far as the hearsay that you
15 picked up?

16 A Well, I heard that Mr. Johnson was very critical
17 of one of the reports that Shannon Phillips transmitted to
18 the office. And it was my understanding that it was a
19 draft report, it wasn't intended to be a final. And
20 Mr. Phillips was offended by the criticism.

21 Q (By Mr. Goldberg) Do you know the specifics on
22 that? Do you know exactly what the issue was?

23 A No, I don't.

24 Q (By Mr. Mulley) Could you describe for me based
25 on your experience and time here at Region IV, what the

1 general Region IV enforcement policy is towards licensees,
2 or does the Region have a policy that they like to apply?

3 A I think it coincides very closely with what we
4 find in I&E procedure manuals. I know of no differences.

5 Q Do you feel that the Region's doing an objective
6 job at these various Comanche Peak and these other sites in
7 inspecting and, you know, documenting inspection findings
8 and, you know, a fair enforcement policy?

9 A I think the Region is doing an objective job at
10 all their facilities, but I only can speak for Waterford
11 and some extent South Texas at this time. And I feel the
12 policy is objective and the performance of the mission is
13 objective at those facilities.

14 Q Are you aware of the 766 forms, I guess you'd
15 call them, input to the, you know, the computer system?

16 A Yes.

17 Q Have you ever encountered any problems concerning
18 the accuracy of the 766 forms and the computer printout
19 that results from these forms?

20 A You're saying do the forms, or does the printout
21 reflect what the forms input?

22 Q Or does the printout reflect --

23 Q (By Mr. Goldberg) -- how many hours was expended
24 for each area, each module in the program?

25 A I haven't seen any problems that way.

1 Q (By Mr. Mulley) When you conduct an inspection,
2 do you prepare the 766 form, yourself?

3 A Yes.

4 Q Okay. And that's attached to the inspection
5 report, do I have that correct?

6 A Yes.

7 Q And then it goes and somebody else inputs into
8 the the system?

9 A Yes.

10 Q Have you -- if during the preparation of a 766
11 form -- if you do work on an inspection, do I have it right
12 when I say that work should be documented in the inspection
13 report; is that correct?

14 A That's correct.

15 Q Okay. And then when you prepare the 766 form, I
16 guess that information is taken off the inspection report
17 and references back to that inspection report by number,
18 doesn't it? Do I have that correct?

19 A That's correct.

20 Q Would I be right to assume then if I looked at a
21 766 form or the computer printout that comes from the form
22 and it talks about an inspection procedure that was done in
23 the form, you know, -- I don't know, 35,060, for example,
24 if that 766 shows that inspection procedure as being
25 performed, I should be able to go back to the inspection

1 report and get the details of the inspection of that
2 procedure; is that correct?

3 A Well, you should be able to but it's not
4 necessarily true, because sometimes inspectors will perform
5 a procedure and say nothing about it in the report.

6 Normally, they should discuss it in the report,
7 though, if they spend time on it.

8 Q (By Mr. Goldberg) I don't understand what you
9 just said. If you spend time in the area, normally in your
10 inspection report don't you describe that area you've just
11 looked at, whether it's reactor internals or piping or what
12 have you, that you did look at that particular area, you
13 may have no findings, but don't you normally in your
14 inspection report identify the area you're looking at?

15 A You're supposed to. But what I'm saying, it may
16 not necessarily be done.

17 Q (By Mr. Mulley) Why --

18 Q (By Mr. Goldberg) Why wouldn't it be done?

19 A I don't know. Maybe the inspector just forgot to
20 document it.

21 Q But that may be documented in the 766 card, is
22 that what you are saying?

23 A Yes, it may.

24 Q I have a related question to what George is
25 asking. How do you determine you have completed a

1 procedure, you've closed it out, you've done a hundred
2 percent? What is your criteria for determining that?

3 A Well, generally I don't know how all inspectors
4 do it, but you use a procedure as a guideline and check to
5 see that you performed all the steps required and that you
6 don't have any further inspection to perform on any of the
7 steps and it's a judgment call, when you think you're
8 through.

9 Q You're saying you use the procedure as a
10 guideline. Are you saying that you do not take section two
11 of the procedure, the requirements, and take each one of
12 them and finish those before you close it out? Is that
13 what you're saying, or are you checking those line items in
14 the requirements section?

15 A That's true, if you read our program, depending
16 on what program you're following, today we're talking about
17 the 25.12 program, the construction program.

18 Q Right.

19 A I generally, recently I worked the 25.15 program.
20 But it's a judgment call as to whether you do every step in
21 the procedure. If you have reason to believe that the
22 licensee is in compliance from other sources or you have
23 reason to believe that a step was performed in another
24 inspection, it's not mandatory that each individual line
25 item be performed for that reason. In all cases they

1 aren't performed in each inspection as to that procedure.

2 Q (By Mr. Mulley) Is there any sort of a double
3 check on these forms? When you submit your 766 and it goes
4 in to be input into the computer, is there any sort of
5 double check later on to make sure that all this is done
6 properly, that the inspector properly prepared the form,
7 that it was properly, you know, put into the computer?

8 Are you aware of any double check?

9 A Not really. I think our management is supposed
10 to look at the form but all I can tell you, the only time
11 I've had one kick back is when I left a blank and the
12 computer operator picked it up or I put the number in a
13 particular blank which the computer wouldn't allow.

14 Q (By Mr. Goldberg) Is there a regional policy on
15 how you deal with inspection prep time, travel time,
16 prioritized in between Unit 1 and Unit 2, multiple unit
17 sites when have you to bill out your 766 time; is there a
18 standard way of doing all this report writing, et cetera?
19 Do you put those in your 766 report appropriately?

20 A Well, we have guides on preparing the report.
21 But when it comes to 766, I follow the I&E procedure. I
22 don't know of any specific regional guide we have for that.

23 Q Let me ask it a different way. For prep time,
24 how do you assign prep time? Do you assign it to the
25 specific modules that you're looking -- going to be

1 inspecting? When you do reports, do you assign those to
2 specific modules that you looked at? How do you, yourself,
3 do that?

4 A You sign preparation time to a report number in
5 our TNA system, "Ritz" we call it. As far as 766, it's not
6 reflected in the 766 reports.

7 Q 766, therefore, is direct inspection hours only?

8 A Only direct inspection hours.

9 Q Okay.

10 Q (By Mr. Mulley) If you are conducting an
11 inspection of a procedure and you decide that even though
12 you haven't done all the various line items, you're through
13 with the procedure, you've done enough, or maybe you don't
14 have enough time, maybe there's something else that takes
15 priority, so you decide to close out the procedure, how do
16 you do that? Would you just close it out as being 50
17 percent complete or would you close it out as being a
18 hundred percent complete even though you only did 50
19 percent of the work?

20 A I don't have authority to close one out unless
21 it's a hundred percent complete. If I, for some reason I
22 could only do 50 percent, I would inform my management that
23 that's what I had done and either I needed to go back and
24 finish it up or they needed to assign some other inspector
25 to the procedure, or if they have figured, you know, it was

1 adequate, then my management could close it out.

2 Q (By Mr. Goldberg) When you say you inform
3 management, I'm not clear about the way you do that. In
4 your inspection report, it doesn't show per se how much of
5 the procedure you completed, as I understand it. The only
6 place that's going to be in th 766 reporting; is that
7 right?

8 A That's true.

9 Q Does your manager see every input you make into
10 766?

11 A Yes.

12 Q Okay. So he would be aware of that?

13 A But I would tell him orally that I hadn't
14 completed the procedure.

15 Q But from a documentation point of view, the only
16 place he really sees that is in the 766 reporting
17 information, in documentation I'm saying?

18 A That's probably true. Generally, in writing a
19 report, it wouldn't be proper that -- to write in the
20 report we worked on procedure such and such and didn't
21 complete it, we don't give the licensee that type of
22 information generally. So -- and we don't give them the
23 766.

24 Q Who keeps track for your manager on the
25 completion of modules? Is there somebody in the section or

1 branch that keeps a running account before, for example, a
2 letter goes out about the readiness of the plant to get a
3 license? Is there somebody keeping a record of that,
4 somebody responsible for that?

5 A Yes. Usually we -- usually that person has a
6 title of project inspector.

7 Q Which is your title?

8 A Yeah, I do that for Waterford.

9 Q So you know, in the 15 program which is a
10 different program than we're discussing, the percent of
11 completion of modules and TI's that are going on for
12 Waterford?

13 A Yes. I review each 766 that comes back after the
14 inspections are made and I enter their percentage
15 completion in a schedule.

16 Q Who is the Comanche Peak project inspector?

17 A I think there are more than one on Comanche Peak
18 right now, and I don't know who has that responsibility.

19 Q Or conversely who has --

20 A Cliff Hale is one of the project inspectors. But
21 I think there may be others.

22 Q (By Mr. Mulley) So in your, you know, role right
23 now, if you decided that although the inspector's only done
24 50 percent of the module, he's not going to do anymore for
25 whatever reason, doesn't have enough time or whatever, on

1 the 766 would you show that when you close it out as being
2 a hundred percent complete or would you just close it out
3 at 50 percent complete?

4 A I would show it, if the inspector turns in 50
5 percent, I would show it as 50 percent, or he would show it
6 as 50 percent; and if management made a decision not to
7 perform more on that inspection and I was a project
8 inspector, I would put a "C" after it to indicate that a
9 conscious decision had been made to close it out.

10 Q (By Mr. Goldberg) Let me try, George, a question
11 a different way. If the resident or someone else, let's
12 say at Waterford, submits the information as a hundred
13 percent complete, 100 percent complete, and you look at his
14 inspection reports, and you see that there's a difference
15 between what you read and what would be a hundred percent
16 complete, do you raise objection to that?

17 A Sure.

18 Q (By Mr. Goldberg) Okay.

19 Q (By Mr. Mulley) You told me a little while ago
20 that an inspector might consider work done by the licensee
21 as being part of fulfilling the requirement to close out a
22 procedure. Work done by somebody, anybody, you know, in
23 other words, work other than his own, he might feel that
24 the licensee has really emphasized this area --

25 A No, no, no, correct that. We never consider work

1 done by the licensee as fulfilling any of our procedural
2 requirements. But quite often, we have the same
3 observations made -- being made in multiple procedures.

4 So if I'm aware or if an inspector is aware that
5 those same line items were performed by another inspector
6 using a different procedure, he may not do those particular
7 ones for the procedure he's working on.

8 Q Oh, okay.

9 Q (By Mr. Goldberg) Whereby inspectors who are not
10 based in Region IV, would you take credit for those
11 inspectors?

12 A Yes, you can. And you can take credit if they
13 were NRR people, any NRC person assigned as to make
14 inspections for that particular facility, you can take
15 credit if they happen to be consultants which we've hired
16 to, you know, make those particular inspections or
17 evaluations, however you want to call them.

18 Q What about third party reviewers that are hired
19 by the licensee, could they be taken credit for, in
20 completing the inspection procedures?

21 A Not to my knowledge. I've never encountered that
22 situation.

23 Q (By Mr. Mulley) If this is in fact done, would
24 it be documented anyplace, the thought process of the
25 inspector in, you know, saying I'm going from 20 percent to

1 80 percent because, you know, various line items have been
2 performed in other inspection procedures by other NRC
3 people and therefore I feel I don't have to do these line
4 items or whatever? Is that thought process documented
5 anyplace so you understand what he's taking credit for and
6 somebody else later on down the road would understand, you
7 know?

8 A I would say generally not. It's, like I say,
9 it's a judgment call, usually made by the inspector. When
10 he, he's usually the person that decides whether he's
11 completed a procedure or not.

12 Q So in that case then, you could have something go
13 from maybe to 20, 30 percent complete to a hundred percent
14 complete in the inspector's opinion, and really have
15 nothing there to document?

16 A That could happen, if it should happen that he
17 thinks he's performed 30 percent and then after the fact,
18 he learns of or he reads another report that another
19 inspector has performed and learns that this other
20 inspector looked at a lot of these items that he was
21 planning on looking at later.

22 Q (By Mr. Goldberg) Okay, another way of asking
23 the question is: If the inspector does not do it, you
24 know, showing a hundred percent complete or 80 percent
25 complete, you're saying no one else can above him, in other

1 words, the inspector is the -- initiates the issue,
2 initiates the action; a project inspector branch or a
3 section chief couldn't do that, or could they?

4 A They could.

5 Q They could², independent of the inspector who's
6 doing the inspection?

7 A Yes.

8 Q How could they do that?

9 A They could be aware of, like I say, the part of
10 the inspection which the inspector that was working on the
11 procedure didn't have a chance to complete, if they were
12 aware that another inspector had done this part of the
13 inspection, they could assign that credit to the procedure.

14 Q But they'd have to do it in a consultation with
15 the inspector who did the work?

16 A I would think so. They wouldn't have to, but
17 normally they would.

18 Q Okay.

19 A They could consult each inspector independently.

20 Q Yeah, but see what's confusing me, do they input
21 the 766? I thought you said earlier the inspector would
22 input the 766 data. Are we getting multiple people
23 inputting the data base?

24 A Well, that's possible.

25 Q Is there a procedure in the Region about who

1 inputs the data base? If there isn't, doesn't it lend some
2 question about the reliability of the data base if you
3 don't have a uniform place where the entry comes in?

4 A The 766 goes through the branch chief, so he's
5 really the -- he signs off the report with the 766
6 attached. So I would think it would be proper that if a
7 change is going to be made to a 766 for a particular
8 report, he would be made aware of it.

9 Q But what I don't understand here is, who actually
10 puts -- makes the input into 766, the branch chief, the
11 project inspector, the resident inspector?

12 A The inspector performing the inspection; but as I
13 say, it goes on up through the reviews at the --

14 Q But the problem is there can be multiple inputs;
15 there's a greater chance of reliability problems, of the
16 data. In any data that you work on, generally when you're
17 working with a computer data base, you try to keep a
18 minimal amount of contact with the input of that data as
19 you can because of the reliability -- if you understand
20 data reliability, it goes down as a function of how many
21 people can input into that data base.

22 So what you're describing leads to some question
23 about the reliability of 766 data base on -- you are saying
24 that there isn't any procedure about who does it, when they
25 do it, how they do it.

1 A Well, you might question the reliability of the
2 hours input to the 766, but when it comes to the percentage
3 performed on a procedure, I wouldn't have much question on
4 it because anybody making input has made a conscious
5 decision as to the reasoning behind their number --

6 Q But that is a subjective judgment to some extent
7 and may not be in a sense -- is not a quality control step,
8 necessarily, where there is a body of opinion of whether
9 that is correct or not, either -- for example, when
10 escalated enforcement action is taken in the Region, it
11 goes to an enforcement coordinator who has sort of a
12 perspective of seeing things from a general multiple plant,
13 multiple inspector situation.

14 I don't -- from what you're describing, you don't
15 have that type of an individual who might challenge the
16 percent completion of modules, that it may have a different
17 point of view than the section chief or branch chief. That
18 capability does not exist in the Region.

19 A I'm not sure it exists in any region. I would,
20 in my opinion, the chief responsible for that project, he's
21 responsible for the percentage completion on the
22 procedures.

23 Q (By Mr. Mulley) What would happen --

24 A And he --

25 Q (By Mr. Goldberg) You're talking about other

1 specialties that come in. You've got security, fire
2 protection, quality assurance, you're saying that the
3 project chief understands in great -- enough detail to know
4 the multi-disciplinary facts of how one procedure closes
5 out other procedures?

6 A No, I'm not saying he has that expertise, but I'm
7 saying he has the ability to consult with the various
8 people involved in the --

9 Q But there's no person who looks at this and
10 determines whether 766 is being handled consistently from
11 one section chief to another section chief?

12 A I don't know of anybody that does that.

13 Q Okay.

14 Q (By Mr. Mulley) I think the problem that we're
15 having in during this review that we're doing now, is that
16 we see a lot of inspection procedures closed out on the 766
17 where you go from ten percent to a hundred percent and, for
18 example, they have an inspection report number next to that
19 90 percent, and you to go the inspection report and there's
20 not one word about that procedure in the report.

21 So there's no way anybody can assess, you know,
22 how it got closed out. And that's the problem that we are
23 running into now.

24 A What you have is a situation where the only way
25 we can input into the 766, the way it's set up, is by

1 report number. And when you get task force involved you
2 may have a situation where a task force performs certain
3 reviews or inspections and it's never documented as an
4 inspection report. And some person may decide, hey, we did
5 this, and we're going to insert it. And so just pick a
6 number, on one of our reports, we're going to enter this
7 data.

8 Q (By Mr. Goldberg) You were involved with
9 Waterford. Do you think there's any pressure to close
10 inspection procedures based on the closeness of the fuel
11 load date or the criticality date; in other words, is there
12 any pressure in this region to finish up procedures that
13 weren't really finished up based on a -- when you do your
14 readiness module that you've completed more modules than
15 you actually did?

16 A I wasn't involved in Waterford at that stage but
17 I was involved with Wolf Creek and I never saw any pressure
18 of that nature.

19 Q (By Mr. Mulley) What is the information from the
20 766's used for, when you get the computer printout showing,
21 for example, Comanche Peak and all the inspection
22 procedures, inspection modules and then, you know,
23 percentage complete, a hundred percent, a hundred percent
24 complete, right down the line, what is this information
25 used? Who uses this type of information, for what reason?

1 Do you know?

2 A You're talking about a similar plant to Comanche
3 Peak, similar phase?

4 Q Any plant. For example, if I go to the computer
5 now and I want to know what inspection procedures have been
6 done on Comanche Peak, I, you know, enter and get my
7 printout that is based on the 766 data, and then go right
8 down the list, as a matter of fact, I've got the list
9 someplace and it will show all the inspection procedures
10 and next to it, it will show, you know, the status of the
11 procedure being at 10 percent complete or 20 percent
12 complete and next to that will be the inspection reports
13 that is supposedly, you know, the work was done on.

14 Who uses this information; do you know? I mean,
15 who would ask the computer for a printout like this and
16 then make -- then use it?

17 A I would guess the project section chief, branch
18 chief, division director, regional administrator.

19 Q Is this used to assess the amount of work that's
20 been completed at the site?

21 A I would think so. It would be one of the
22 documents which would be used to assess completion.

23 Q So I guess the thing we're looking for then, when
24 a plant is ready to be licensed, is to have a 766 computer
25 printout with everything 100 percent complete on the side

1 then, I guess is that what the ultimate goal is and that
2 means we're done with our inspection of the site?

3 Q (By Mr. Goldberg) George is talking about the
4 25.12 program specifically.

5 A I regard the 766 as more of a bean counters
6 instrument. I would think a project inspector would have a
7 better document than a 766 to track open items to
8 completion. I know I do for Waterford, I never look at the
9 766. I have a schedule with actual status of all the
10 procedures for the year.

11 Q (By Mr. Mulley) Okay, let's take Waterford.
12 When it comes up for licensing, do the Region people go to
13 you and ask you what the status is or they just go to the
14 766's, when decisions are made as to how much more work we
15 have to do to get this plant ready to go --

16 Q (By Mr. Goldberg) Maybe Wolf Creek would be a
17 better example because Wolf Creek was during pre-op and
18 start-up testing.

19 A They would go to the project inspector, who
20 wasn't me for Waterford; I was a resident. But they would
21 go to him and he would be tracking all of the open
22 procedures. And they would say, "Hey, Bob, where do we
23 stand on all of the procedures which we have to complete?"

24 And he would probably use the 766 but that
25 wouldn't be his primary document from which he would answer

1 the question, because there's a lot of questions that
2 aren't reflected in the 766 which would have to be answered
3 anyway.

4 Q (By Mr. Mulley) During your time at Region IV,
5 have you ever been steered away from identifying and
6 documenting QA problems, you know, steered towards looking
7 at hardware issues that can be, you know, pretty much
8 repaired, fixed very fast?

9 A No, I've been given pretty much a free hand to
10 look at anything since I've been in Region IV.

11 Q When you were at Comanche Peak, did you work with
12 any consultants for the month that you were there?

13 A I can't recall that I saw any consultants the
14 month I was down there.

15 Q Okay. While you were at Waterford or Wolf Creek,
16 did the Region have consultants at those places, that
17 you're aware of?

18 A At Wolf Creek, I assumed the responsibility on
19 Waterford several months after it had been given full power
20 operating license. So it was pretty much in a normal
21 operating status. And we didn't have any consultants in
22 that time.

23 And Waterford -- or Wolf Creek, we did employ a
24 number of consultants, particularly in closing out open
25 items.

1 Q Were they given freedom by the Region to, you
2 know, fully develop and explore anything that they saw was,
3 you know, needed to be worked on?

4 A They were at wolf creek, they were pretty much
5 treated as regular inspectors and told to do whatever they
6 had to do to complete the procedures they were working on.

7 Q Have you ever worked for Tom Westerman?

8 A Not formally. As I say, I was performing
9 inspections at Comanche Peak when he was appointed chief or
10 whatever organization that was called at the time, the task
11 force, I guess, or whatever. But I never had any contact
12 with him as far as my work.

13 Q So you have no firsthand knowledge, then,
14 concerning any management philosophy he may have about, you
15 know, keeping things on an informal basis with the
16 licensee?

17 A No, I don't know anything about that.

18 Q (By. Mr. Goldberg) I have no more questions.

19 Q (By Mr. Mulley) Do you have anything that you
20 would like to add before we close out this interview?

21 A No.

22 (Statement concluded at 2:43 p.m., CDT.)

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24

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1 THE STATE OF TEXAS:

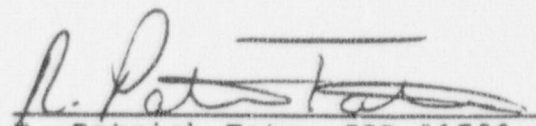
2 COUNTY OF HARRIS:

3
4 I, R. Patrick Tate, Texas CSR #1730 and Notary Public
5 in and for the State of Texas at large, do hereby certify
6 that the facts as stated by me in the caption hereto are
7 true; that the above and foregoing answers of the witness
8 to the Interrogatories as indicated were made before me by
9 the said witness after being first duly cautioned and sworn
10 to testify the truth, the whole truth and nothing but the
11 truth, and the same were thereafter reduced to typewriting
12 by me or under my direction and supervision.

13 I further certify that the above and foregoing
14 sworn statement, as set forth in typewriting is a full,
15 true and correct transcript of the proceedings had at the
16 time of taking of said sworn statement and that I am
17 neither counsel for nor employed by any party hereto.

18 In testimony whereof, witness my hand, this 10th
19 day of July, 1986.

20
21
22 My Business address is:
23 1712 Esperson Buildings
Houston, Texas 77002
24 My current certification
expires: 12-31-86


R. Patrick Tate, CSR #1730
Notary Public in and for
the State of Texas
My Commission Expires: 06-27-89