

NUCLEAR REGULATORY COMMISSION

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IN THE MATTER OF:

CINCINNATI GAS & ELECTRIC
COMPANY, et al

(William H. Zimmer Nuclear
Power Plant, Unit No.1)



Place - Cincinnati, Ohio

Date - Tuesday, June 26, 1979

Pages

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

In the Matter of:	:
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CINCINNATI GAS AND ELECTRIC	:
COMPANY, et al.	: Docket No. 50-358
	:
(William H. Zimmer Nuclear Power	:
Plant, Unit No. 1)	:
	:

Courtroom 805
U. S. Post Office and Courthouse
Fifth and Walnut Streets
Cincinnati, Ohio, 45202

Tuesday, June 26, 1979

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

BEFORE:

CHARLES BECHHOEFER, Esq., Chairman,
Atomic Safety and Licensing Board.

DR. FRANK F. HOOPER, Member.

DR. GLENN O. BRIGHT, Member.

APPEARANCES:

(As heretofore noted.)

LEWIS H. SEILER, 2032 Bethel-New Richmond Rd.,
New Richmond, Ohio, 45157, appearing on behalf
of Miami Valley Power Project.

TAWN A. FICHTER, 2032 Bethel-New Richmond Rd.
New Richmond, Ohio, 45157, appearing on behalf
of Miami Valley Power Project.

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<u>WITNESS:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>BOARD</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Edwin Hofstadter		1343	1443	1482	1504
Harvey M. Wescott	1522				
Fred A. Maura	1522				
Thomas Vandel	1522				

EXHIBITS

<u>NUMBER</u>	<u>IDENTIFIED</u>	<u>IN EVIDENCE</u>
Applicant's 3-A thru 3-I	1532	

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P R O C E E D I N G S

#Ingl 1
2 CHAIRMAN BECHHOEFER: Good morning ladies and
3 gentlemen. There was some confusion as to when the proceeding
4 was supposed to start this morning. At the close of Friday's
5 session I said we would start at 9:00 but in the Federal Register
6 some weeks ago I said we would start at 9:30. I wanted to find
7 out whether any of the parties had any objection to starting
8 now. I know Mr. Woliver isn't here at this stage, but we would
9 start off with further cross-examination of Mr. Hofstadter. So
10 I wanted to get the parties' views on that.

11 MR. FELDMAN: No objection from Miami Valley.

12 MR. BARTH: Staff has no objection, Mr. Bechhoefer.

13 MR. CONNER: Applicant has no objection.

14 MR. HEILE: The same.

15 CHAIRMAN BECHHOEFER: The Board has two preliminary
16 matters which we will wait for Mr. Woliver to return for because
17 they do affect him as much as anybody else.

18 Tonight we are going to hold further limited
19 appearance session from 7 to 9. I hope that all the parties
20 who are present will help perhaps keep the appearances -- have
21 them restrained in their language, if that can be done. I think
22 some of the people the other night went to excesses in some of
23 their language -- some of these personal attacks on quite a few
24 of the people here. I hope we could keep that to a minimum
25 tonight. To the extent the parties could assist us, we would
appreciate that.

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Any further preliminary matters before we start?

MR. FELDMAN: Yes, Your Honor. First, I have for the Board copies of the subpoena which we served and, in addition, I would like to introduce to the Board and the other parties two new attorneys for Miami Valley who will be entering their appearance right now. First, Tawn Fichter, and then Lew Seiler. And they will be helping represent Miami Valley from now on and I have given copies to all the parties and I have copies for the Board right now.

CHAIRMAN BECHHOEFER: Notices of appearance?

MR. FELDMAN: Yes, notices of appearance.

CHAIRMAN BECHHOEFER: Fine.

I believe Mr. Conner was cross-examining Mr. Hofstadter and we want him to resume the stand, absent any other preliminary matters which parties wish to raise. Whereupon,

EDWIN HOFSTADTER

resumed the witness stand and, having been previously duly sworn, was examined and testified further as follows:

CROSS-EXAMINATION

BY MR. CONNER:

Q Mr. Hofstadter, do you have a copy of the transcript of last Friday's proceedings with you?

A No, sir.

Q Could your counsel furnish you one? I have some

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3 1 questions about last week's testimony.

2 MR. BRIGHT: You can use mine if you like.

3 THE WITNESS: Thank you.

4 BY MR. CONNER:

5 Q Mr. Hofstadter, when we closed last Friday, I was
6 asking you about your testimony on the welds breaking. You had
7 testified that they break in a jagged manner; is that correct?

8 A Yes, sir.

9 Q All welds fail in a jagged manner?

10 A I would say, as best as I can recollect, they cer-
11 tainly don't break in a smooth manner. In other words, it's a
12 degree of roughness, however a person would describe it.

13 Q But they always break, as you stated, in a very
14 sharp, jagged manner? Is that your testimony?

15 A I would say -- I can't recall seeing a broken weld
16 that didn't have some sharp edges; yes, sir.

17 Q I asked you about a jagged edge, not about a sharp
18 edge.

19 A What is your definition of jagged, sir?

20 Q The word you used in your testimony, sir.

21 A Jagged means to me an irregular -- in other words,
22 it's not straight.

23 Q So all welds, then, break in an irregular manner; is
24 that your testimony?

25 A I would say all the welds I ever observed that have

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4
1 broken have broken in an irregular manner; yes, sir.

2 Q Okay. You testified at page 1251 of the transcript,
3 if you want to look at it, about cables kicking and jumping when
4 energized. Do you recall that?

5 A Yes, sir.

6 Q Have you ever seen cables in a cable tray kick or
7 jump?

8 A I have never looked at cables in a cable tray where
9 they would kick or jump, but I have seen cables and I have felt
10 conduit where cables were in and I felt the conduit move from
11 the kick, yes, sir.

12 Q How high or how much of a movement would that be?

13 A How severe? Is that what your question is?

14 Q Yes.

15 A The cables that I saw were not carrying too high a
16 current. It was very noticeable, sir.

17 Q You mean they would jump, say, six inches?

18 A I would say, like it was coming down from the ceiling
19 in a length of say 15 feet and out in the open -- yes, I would
20 say it would probably jump six inches.

21 Q Now have you --

22 A That's opinion.

23 Q Have you ever seen the Zimmer cables jump?

24 A I really don't think any of your Zimmer cables have
25 been energized, so -- they were not energized the day I was

there,

2 Q To gather the answer to my question is you have not
3 se any Zimmer cables jump?

4 A No, sir.

5 Q How do you know they were energized?

6 A I rather think that this is the reason for the hearing
7 to find out.

8 Q Can you answer the question?

9 A No, sir; I do not know, sir.

10 Q You don't know when you were out there for an hour
11 or hour and a half whether the cables you were looking at had
12 current in them or not; is that correct?

13 A That is true.

14 Q Do you know, for example, that the largest cable in
15 the Zimmer cable trays is 6600 volts?

16 A I have no idea.

17 Q Now directing your attention to page 1282 of the
18 transcript, look at line 13. I want to see if you have
19 refreshed your recollection on any of your charges of last week
20 and see if you remember any specifics. There you talk about
21 getting a welder certified properly. Do you see that?

22 A Yes, sir.

23 Q Do you have any idea who told you that?

24 A Several people told me that. In other words, do you
25 have a particular person in mind? I really don't understand
what you --

1 Q Last Friday you answered that by saying you had
2 talked to the trades school people and a magazine editor. Have
3 you got the names of any other people in industry that you
4 talked to about that?

5 A I would say that to the best of my memory we talked
6 about this also with Mr. Uhig and this was confirmed back to me
7 from Mr. Pratt who talked with quite a few people, even the
8 Hobart people at Troy, and the one answer we got -- one of the
9 answers we got back consistently in a uniform manner from all
10 the people we talked with dealt with this recommended approach.
11 In other words, our program --

12 Q I believe you said Mr. Pratt was one of them?

13 A Yes, sir.

14 Q He was your employee; is that right?

15 A Yes, sir.

16 Q And he was telling you about welding; is that right?

17 A He wasn't telling me about welding. We would review
18 together, in other words, what information we had gathered.

19 Q Now you say on the next page -- it's where you were
20 talking about having 1,000 hours per welder of training. Do
21 you see that at the bottom of the page?

22 A Yes, sir.

23 Q You later said in your testimony it was about 1400
24 hours.

25 A Wait. I said that their complete welder program
involved 1400 hours.

1 Q Now did they say that even qualified welders had to
2 have 1,000 to 1400 hours of training?

3 A Please repeat the question.

4 MR. FELDMAN: I object to the question unless he
5 qualifies when he needs this training.

6 THE WITNESS: Please repeat the question.

7 CHAIRMAN BECHHOEFER: Could you repeat the question?

8 (Whereupon, the preceding question was read by the reporter)

9 MR. FELDMAN: Before they're qualified or after
10 they're qualified?

11 THE WITNESS: If the person is qualified, he doesn't
12 need the training.

13 BY MR. CONNER:

14 Q All right. Now it is your testimony then that
15 Technichron or anybody else did not say that qualified welders
16 needed this complete training program that you were talking
17 about; is that correct?

18 A Now when we say qualified welder, we were speaking
19 of qualified welders in all aspects that would be qualified in
20 all eight tests.

21 Q Now if a man were qualified in MIG steel horizontal,
22 would he need 1,000 hours of training.

23 A I would say no. If he had specialized and he only
24 had to pass one test, then the amount of training that he would
25 require would be reduced by the amount that he needs.

1 Q Would he need any more training --

2 A Any more than what?

3 Q To make steel horizontal?

4 A Any more than what?

5 Q Than he already had.

A He needs the training to the extent that he lacks the characteristic showing that he has qualified.

6 Q Isn't it your feeling that all welders who worked
9 for you must be qualified in all techniques of welding?

10 A According to the QC manual, that is the condition
11 that would have prevailed.

12 Q And this is the concept that permeates your entire
13 testimony, isn't it?

14 MR. FELDMAN: Objection. That calls for an opinion.
15 If he wants to ask him what his opinion is about what is
16 required for welders to be qualified, that's something; but if
17 he's just asking him what his -- to characterize his entire
18 testimony, he can read it himself and make his own opinion.

19 CHAIRMAN BECHHOEFER: I think the question may be
20 answered. The question is proper. I think the question is just
21 what is the basis for your testimony.

22 THE WITNESS: To answer your question, yes, I would
23 say, in other words, if in the QC manual we state we do a
24 certain thing, then I believe we should do that thing to the best
25 of our ability. That's my belief, yes.

CR5317 1 Q Then shouldn't a welder be qualified in all
2 processes?

3 A If we go by what the annual says in its broadest
4 interpretation, yes, I would say that is so.

5 Q How man -- under the ASME code section 9, how
6 many welding processes are there?

7 A There are many processes.

8 Q 10, in fact, aren't there?

9 A Yes, it could be 10, sir.

10 Q How many types of metals are there?

11 A There are many types of --

12 Q 22, about, isn't that so?

13 A It could be.

14 Q How many types of filler rods are there?

15 A There could be a filler rod for every metal, sir.

16 Q About 15 different basic filler rods, aren't there?

17 A There could be. I don't know the exact number.

18 Q Now, is it your testimony that to meet your
19 standards that you have used in your testimony that a welder
20 should be qualified in all of these processes, all of these
21 metals and all of these different kinds of rods?

22 A No, sir. A man should be only qualified in
23 processes and materials and that -- the processes employed,
24 we'll say, by Husky.

25 Q In other words, then, if a man inqualified in
MIG steel horizontal, you still think he ought to be qualified

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1 in all of the eight processes that you have mentioned with the
2 steel and aluminum?

3 A For a reason a little bit different than what
4 you may think, and that is that I know in practice the man
5 cannot stay and work in one work centers, but there are assigned
6 some other work enters, and when they are assigned to other
7 work centers, it is in those instances when they need to be
8 qualified to do the work in the other work centers.

9 In other words, if they stayed in one work center --
10 for example, if they stayed in 35, they would only need MIG,
11 but because of reasons that may come up, the man may move either
12 to work center four or 41.

13 Q But you, as his supervisor, wouldn't allow a man
14 who was not qualified in aluminum, would you?

15 A I would have absolutely nothing to do with what
16 man worked where.

17 Q Then you were not the man supervising?

18 A No, sir.

19 Q You said last Friday, as I recall, that you were
20 in charge of all of the welders -- welder training?

21 A I was in charge of welder training, but I was not
22 in charge of assigning work to the welders; that was
23 production's responsibility.

24 Q Okay. You wouldn't have anything to do with
25 whether a man would be allowed to work in aluminum if he were

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1 not qualified in aluminum?

2 A Absolutely not.

3 Q And you didn't supervise to see if anybody was
4 improperly employed?

5 A No, sir. No, sir.

6 Q Who did?

7 A The direct supervision was by, first, the man's
8 foreman.

9 Q Do you remember a man's name?

10 A Well, as I recall, speaking -- are you speaking of
11 the Zimmer job in particular?

12 Q Any job.

13 A Oh, the Zimmer job, the foreman's name was
14 Mr. Waits.

15 Q Mr. Pratt had nothing to do with supervising
16 the welders, is that true?

17 A That is true.

18 Q All right. Directing your attention to page
19 1297 and 1306, look particularly at 1306; do you have it?

20 A I've got 1306.

21 Q Look at about 9 down to 17; I asked you about
22 the names of the individuals that you said were retested; do
23 you see that?

24 A Yes, sir.

25 Q All right. Now, I asked you at some length if

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1 you could remember the names of the individuals that you
2 said Mr. Lay told you had failed in the testing.

3 A Right.

4 Q So --

5 A I told you I didn't remember the names.

6 Q And since last Friday have you thought about this
7 any more?

8 A Yes, I have.

9 Q Have you thought of the men's names?

10 A I really cannot recall the names.

11 Q Did you try to contact Mr. Pratt about this?

12 A About this in particular?

13 No, sir.

14 Q Did you try to contact Mr. Pratt over the
15 weekend?

16 A I talked with Mr. Pratt.

17 Q Isn't it a fact you were waiting for him in
18 your care outside his office?

19 A No, it isn't.

20 Q Where did you see Mr. Pratt?

21 A At his house.

22 Q Were you sitting in your car when he drove up?

23 A No, I wasn't.

24 Q Where were you?

25 MR. FELDMAN: Your Honor, I object to this line

1
2 of questioning. It's relevant whether or not he saw Mr. Pratt,
3 but how he saw Mr. Pratt, I don't see the relevancy of this
4 at all.

5 I think this is a waste of the board's time.

6 MR. CONNER: This goes to the witness's credibility
7 in showing advice and prejudice and will be quite a bit of
8 this cross examination.

9 (Board conferring.)

10 CHAIRMAN BECHHOEFER: I think credibility is a
11 valid question for us to -- we have to address it, so I think
12 I will allow the questions for awhile anyway.

13 You may ask the -- you may answer the question.

14 MR. FELDMAN: Could you have the reporter repeat
15 the question? I don't --

16 (The record was read as requested.)

17 THE WITNESS: I was in Cincinnati for that and
18 I was on my way back from Cincinnati.

19 BY MR. CONNER:

20 Q I asked you about where you talked to Mr. Pratt;
21 was it at his house?

22 A Yes, sir.

23 Q Were you inside the house when he came home?

24 A No, sir. I was not inside the house when he
25 came home.

Q Where did you see him.

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1 A He was in the house when I knocked on the door.
2 And Mr. Pratt was in the house.

3 Q How long had you been there?

4 A I had not been there any time. I parked. I walked
5 from my parked car and knocked on the door and Mr. Pratt was
6 there.

7 Q Now, had you seen Mr. Pratt any time prior to that
8 over the weekend?

9 A No, sir.

10 Q Only one time?

11 A Right.

12 Q Did Mr. Pratt ask you not to bother him anymore?

13 A No, he did not ask me that.

14 Q Hadn't you been trying to talk to Mr. Pratt
15 for several weeks prior to that time?

16 A No, I had not.

17 Q Did Mr. Pratt ask you not to call him anymore?

18 MR. FELDMAN: I object once more to this line
19 of questioning; unless Mr. Conner can proffer some evidence
20 that he has to rebut these answers, I think it's totally
21 irrelevant as to credibility or anything and unless he can say
22 that he's talked with Mr. Pratt and knows this to be true
23 himself, I think that otherwise it's --

24 MR. HEILER: Mr. Chairman, I would agree with
25 the objection of Miami Valley; I don't understand why we

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1 have to stand here and listen to private conversations
2 between Mr. Pratt and Mr. Hofstadter. I know of no reason
3 why Mr. Hofstadter cannot discuss with Mr. Pratt any
4 matters related hereto.

5 But I don't understand the meaning of it on
6 cross examination, unless Mr. Conner can demonstrate for
7 us the connection.

8 (Board conferring.)

9 CHAIRMAN BECHHOEFER: I think you should try to
10 connect up what you're trying to drive at in terms of the --
11 what you're trying to show.

12 MR. CONNER: Are you sustaining the objection?

13 CHAIRMAN BECHHOEFER: I'd like to find out
14 before I sustain it -- I'd want to find out what you're
15 driving at, what you're trying to show.

16 MR. CONNER: Mr. Pratt has been subpoenaed by the
17 intervenors as a witness. I'm laying a foundation for
18 cross examination of him and also laying a foundation as
19 to the credibility of Mr. Hofstadter, and certainly under the
20 rules of evidence, that's legitimate cross examination.

21 I didn't think the objections were worth responding
22 to.

23 (Board conferring.)

24 CHAIRMAN BECHHOEFER: I think the witness may
25 answer the question. I don't know how long I'll let this

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line continue, but I think for awhile.

You may answer the question.

Objection overruled.

THE WITNESS: What was the question?

(The record was read as requested.)

THE WITNESS: No, he did not.

BY MR. CONNER:

Q Isn't it a fact that when you arrived at the Pratt home, Mr. Pratt was not there?

MR. FELDMAN: Objection, your Honor; that's been both asked and answered.

THE WITNESS: I told you --

MR. FELDMAN: Wait, Mr. Hofstadter, for the board to rule.

(Board conferring.)

CHAIRMAN BECHHOEFER: I think that question has been answered previously.

MR. CONNER: As long as the record is clear.

BY MR. CONNER:

Q Didn't you have a conversation with Mrs. Pratt prior to talking to Mr. Pratt?

A Yes, sir.

Q And didn't you wait a long time before Mr. Pratt came home?

A No, I didn't.

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1 Q Did Mrs. Pratt tell you anything about asking
2 you to leave?

3 A No, sir.

4 Q Was Mrs. Pratt upset?

5 A I couldn't say that she was upset?

6 Q Did she say anything to you about calling the
7 police?

8 A She did not.

9 MR. FELDMAN: Objection, your Honor; once more
10 this is totally irrelevant; unless Mr. Conner can at least
11 proffer that he has evidence to the contrary, then I see
12 no purpose in any further questioning along this line, as
13 to credibility or anything. Mr. Hofstadter's answers in
14 the negative to all these questions, I think that should be
15 enough.

16 MR. CONNER: The question has already been answered.

17 MR. FELDMAN: I think he's answered that one.

18 BY MR. CONNER:

19 Q Now, Mr. Hofstadter, directing your attention
20 to your sworn testimony that you were asked to destroy
21 records about a retesting of men; do you recall it?

22 A Yes, sir.

23 Q You still don't remember who their names are?

24 A No, sir.

25 Q Do you remember whether these men worked on the

david10 1

Zimmer job or not?

2

A No, sir. I do not remember.

3

Q We're talking about these so-called retesting

4

by Mr. Lay in May through July or into July of 1978; is that

5

correct?

6

A Right.

7

Q The Zimmer job was over by then, wasn't it?

8

A It was over.

9

Q Was Junior Allen one of the men?

10

A I really don't know.

11

Q Was Donald Crutchen one of the men -- Crutcher?

12

A I do not know.

13

Q I'm going to read you these names and you just

14

tell me if it's any different; I don't want to take too

15

long.

16

Tom Daniels?

17

A I don't recall.

18

Q Lowell French?

19

A I don't recall.

20

Q Mr. Grey?

21

A I don't recall it.

22

Q Ken Howell?

23

A I don't recall that.

24

Q Marcel Sutton?

25

A I don't recall that.

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Q Larry Linton?

2

A I don't recall that.

3

Q Larry Rose?

4

A I don't recall.

5

Q Tim Williams?

6

A I don't recall.

7

Q So that doesn't refresh your recollection in the
8 least?

9

A No, sir.

10

Q Were any other men tested at this time?

11

A At -- this was a program and the first step in
12 the program was to start off and to -- to test every welder
13 so that we could see where he was, we'll say, in respect to the
14 need for training.

15

The first two welders -- the first two welders that
16 were tested failed, and these welders had a certification
17 where they had passed the test and were certified, and as a
18 result of taking this test, and a failure in the test, which
19 meant then they lost their certification and would have to
20 be -- take additional tests to regain their certification.

21

Q Now, will you try to answer my question.

22

A Yes, sir.

23

Q Were there any other men tested in this time period?

24

A Yes, there were other people tested in this
25 time period, but not in this phase of the program.

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Q Is it your testimony that these tests would have involved one of the men whose names I read you -- or two of the men, excuse me.

2
3
4 A It could have.

5 Q You don't know whether it's one of this group, two of the men in this group or somebody else?

6
7 A No, I do not.

8 Q Do you know the names of any other people that may have been tested in this period?

9
10 A No, I do not.

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1 Q Do you know what the retest involved?
2 Was it MIG steel horizontal?

3 A I do not remember it, no, sir.

4 Q You don't remember anything more about
5 that one way or the other?

6 A No, I do not.

7 Q And you didn't see the one or two pieces
8 of paper that reflected the failure of the test, is that
9 true?

10 A No, and the reason for not seeing all of
11 this is I saw, I walked in, and Mr. Lay and Randy were
12 together, and I walked in to see -- this was the day
13 they started. I walked in to see how they were doing.
14 And between the two of them, I got the understanding, and
15 accepted it, and I don't recall how, that the first two
16 men tested failed. And their question was, on the first
17 step of our program, we were to retest all of the
18 welders that had certification. That was the first
19 step. And then these two failed, then Randy's question
20 to me was should we continue with this. And I said let
21 me see Fred and we will find out where we go from here.
22 That was the purpose of my seeing Fred, to find out
23 if we should continue with the retest of the previously
certified welders.

24 Q And you didn't even look at the paper?

25 A I saw enough evidence, we will say, either

DB 2

1 paper or the parts, something convinced me beyond a doubt
2 we will say that the two men failed. What it was exactly,
3 that was not the problem. The problem was what do we do;
4 in other words, their immediate need was for an answer as to
5 what do they continue to do.

6 Q Will you answer my question? Did you look at the
7 paper?

8 A I can't say specifically I looked at the paper,
9 or I looked at the pieces. I was satisfied by what I saw
10 and what they told me that the two men had failed the test.

11 Q Look at page 1316, line 23. Don't you say there
12 "I didn't even examine the paper."

13 A I can't remember examining the paper, no, sir.
14 If I had examined the paper, it is highly likely I would
15 have remembered the names. And like you asked me before,
16 have I thought how this occurred, I have thought all week
17 over it. All I can tell you is that whatever they said or
18 showed me convinced me that there was failure. Now what the
19 actual, what I saw to convince me of the failure I can't
20 remember.

21 Q So you are changing your testimony from last
22 Friday to this extent, is that correct?

23 A I am not changing it. I am only I will say
24 explaining it.

25 Q You are not sure whether you looked at the paper
or not then?

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DB3 1 A I can't recall that I saw the paper, no, sir.

2 Q Do you recall whether you took the paper in to Mr.
3 Banta when you talked with him?

4 A That I know I did not do. I just went-- when I left
5 Mr. Lay and Randy, I left with nothing.

6 Q All right. Mr. Banta didn't say anything to you
7 when you went in to him the first time about destroying the
8 paper, right?

9 A That's right.

10 Q When did he say that?

11 A I went in to Mr. Banta with a question, and the
12 question was -- I reported that the first two men tested
13 failed, and then I had a question and that was should Randy
14 and Mr. Lay continue on the retesting.

15 Q And then you said later you were out in the shop
16 or something, and Mr. Banta came to you?

17 A I was in my office.

18 Q Who was in your office with you?

19 A There wasn't anybody.

20 Q Mr. Lay wasn't there?

21 A No, sir.

22 Q Mr. Banta wasn't there?

23 A No, sir.

24 Q You said at one point that you had a conversation
25 with Mr. Kepler from the NRC's Office of Inspection and
Enforcement?

321 056

DB4

1 A Yes, sir.

2 Q About the sides of the cable trays?

3 A Yes, sir.

4 Q I think you said he told you that even with the
5 sides on the trays, that there was, and I quote, "a small
6 margin of safety left"?

7 A Yes, sir.

8 Q When was that?

9 A That was in the Cincinnati City Building on February
10 8 or 9.

11 Q Of what year?

12 A This year. That was in a conversation with Marilyn
13 Brosman and myself, with Mr. Kepler, and some of the questions
14 she asked and some of the questions I asked.

15 Q You have a vivid recollection of that, even to the
16 date and place?

17 A Because I remember through association, sir.

18 Q That was about five months ago?

19 A Yes, sir.

20 Q But you do not remember a similar conversation you
21 had about the job you were responsible for with these two
22 men who failed the retest about 10 months ago, is that
23 correct?

24 A I remember the portion which we will say which is
25 essential, to me was essential, and the part that is essential

321 057

DB5

1 was do we continue with the retest of others or do we not.

2 Q You do not remember the names of the two men
3 who were under your supervision for training, is that correct?

4 A That's right.

5 Q By the way, did you ever moonlight while you were
6 working for Husky? You know what I mean by moonlighting,
7 don't you?

8 A Yes.

9 Q Were you gainfully employed by anybody else while
10 you were employed at Husky?

11 MR. FELDMAN: I object, your Honor, as to relevancy.
12 I don't see what this has to do with anything regarding
13 Zimmer.

14 CHAIRMAN BECHHOEFER: Could you explain the
15 relevance?

16 MR. CONNER: I don't wish to telegraph my case.
17 It goes to the credibility of the witness and bias and
18 prejudice. And I have some more questions.

19 THE WITNESS: Yes --

20 MR. FELDMAN: Wait, Mr. Hofstadter.

21 CHAIRMAN BECHHOEFER: I believe he can answer the
22 question. I will see where we are going. If it has any
23 relevance, I think his questions can be continued. If not, I
24 will reconsider.

25 BY MR. CONNER:

Q While you were employed at Husky, were you gainfully
employed elsewhere, and you started to say yes and you

DB6

1 started to say yes and you were interrupted.

2 A Yes.

3 Q Who were you gainfully employed by?

4 A I did different jobs for different people of a
5 consulting nature.

6 Q Will you state -- excuse me. Finish your answer.

7 A I thought I answered that I did do some consulting
8 work for some different people.

9 Q Please name the people.

10
11 A One that I can name was American Standard of
12 Mexico City.

13 Q What was that work?

14 A That involved a review of alterante or possible
15 alternate ways to manufacture different components.

16 Q Who else?

17 A I really can't recall any other that I worked for
18 while at Huskey, outside of that one.

19 Q How about Augur Tool & Die?

20 A Well, I had worked for Augur oafter I left Husky.

21 Q YOU didn't work for Augur while you were employed
22 at Husky?

23 A Not to my knowledgs. I can't remember working at
24 Augur before or while I was at Husky.

25 Q What work do you do for Augur?

321 059.

DB7

1 MR. FELDMAN: Objection, your Honor. If he wasn't
2 working there while he was at Husky, I don't see the
3 relevance of this either. How is it relevant what Mr.
4 Hofstadter has done since he left Husky in terms of his
5 employment?

6 (Board conferring)

7 CHAIRMAN BECHROEFER: I don't see any relevance
8 to his employment with Augur after he left Husky. Therefore
9 I will uphold the objection to that question.

10 BY MR. CONNER:

11 Q Mr. Hofstadter, did you ever let a contract for
12 redressing electrodes used in resistance welding?

13 MR. FELDMAN: Objection. Would you repeat the
14 question?

15 BY MR. CONNER:

16 Q I will repeat it. Did you ever have anything to do
17 with letting a contract for Husky for redressing electrodes
18 for resistance welding?

19 A Yes, sir. I was instrumental in seeing that some
20 electrodes were sent to Augur for redressing, yes.

21 Q That is Augur Tool & Die?

22 A Yes, sir.

23 Q When did you arrange that contract?

24 A I really don't recall the exact date. We sent tips
25 to Augur for redressing several times.

321 060

DBS

1 Q Well, when was the first time that you recall?

2 A It could have been in 1976 or 1977.

3 Q Could it have been earlier than that, in '73 or
4 '74?

5 A I doubt it, sir.

6 Q Then you are saying in '76 or '77 you let a contract
7 to Augur Tool & Die to work on the electrodes?

8 A To redress the tips, sir.

9 Q Is that what you do for Augur now?

10 A No, sir.

11 MR. FELDMAN: Objection, your Honor. He has
12 never testified he works for Augur now.

13 MR. BARTH: The questions has been answered, sir.

14 CHAIRMAN BECHHOEFER: Yes, the question has been
15 answered.

16 BY MR. CONNER:

17 Q Do you have in your home the equipment to do
18 redressing of electrodes?

19 MR. FELDMAN: Objection, your Honor. I don't see
20 the relevance of what Mr. Hofstadter has in his home.

21 CHAIRMAN BECHHOEFER: Could you repeat your question?

22 BY MR. CONNER:

23 Q The question was do you have in your home the
24 equipment for redressing electrodes?

25 (Board conferring)

CHAIRMAN BECHHOEFER: I think that question is
relevant. Objection overruled.

321 061

DB9 1 THE WITNESS: Yes, I have a lathe at home, yes, sir.
2 BY MR. CONNER:
3 Q Did you ever redress electrodes for Augur in your
4 home?
5 A Yes, I did.
6 Q And did you ever redress electrodes for Augur prior
7 to August 1978?
8 A No, sir.
9 Q Never?
10 A No, sir.
11 Q Did you ever redress electrodes for Augur anywhere
12 prior to August 1978?
13 ed Tp 3 A No, sir.
14
15
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25

1 Q When did you do this work for American Standard?

2 A That would have been shortly after I started with
3 Husky. I had some of that work at the time I started. I was
4 doing that before I started with Husky and a small amount of it
5 was uncompleted and I completed it.

6 Q And how long did it take to finish the work?

7 A I really don't recall. When you say how long -- do
8 you mean like a month or do you mean how --

9 Q However you can answer. Would it take a year?

10 A Oh, no, no. It was completed in a relatively short
11 time. I would say 30 to 60 days. It was really some odds and
12 ends that had to be cleaned up.

13 Q Was your employer aware that you were doing this
14 extra work?

15 MR. FELDMAN: Objection, Your Honor. I don't see
16 how Mr. Hofstadter could know what the employer was aware of. To
17 find out what the employer was aware of, why don't we ask the
18 employer? I don't think it's a proper question of Mr.
19 Hofstadter. By the way, Mr. Hofstadter, when I object, please
20 wait until the Board rules.

21 (Board conferring)

22 CHAIRMAN BECHHOEFER: We will uphold the objection,
23 but the question might be rephrased. I think the question
24 could be rephrased. I will uphold the objection the way the
25 question stands now.

2 1 BY MR. CONNER:

2 Q Did you inform Husky that you were working for
3 American Standard while you were working for Husky?

4 A I think at the time that I was interviewed Mr. Long
5 asked me about the availability and I explained to him that I
6 had some work to finish that I had started for American
7 Standard which I had to finish, and then I said it would be done
8 on Saturdays and Sundays and I could clean it up over a period
9 of time. I think that was the agreement as I recall discussing
10 it. Yes, he was aware that I had some of that and I cleaned
11 it up and that was it.

12 Q Now when I first asked you the question about
13 working for other people, you talked about, yes, there were
14 people or something. Then you could only remember American
15 Standard. Who else did you work for while you were employed
16 at Husky?

17 MR. FELDMAN: Objection, Your Honor. Wait, Mr.
18 Hofstadter. That's been asked and answered.

19 MR. BARTH: Your Honor, you have already ruled
20 previously on the objection that Mr. Conner may ask as to who
21 was employed by other people while working at Husky. The
22 question was previously ruled as admissible.

23 CHAIRMAN BECHHOEFER: The question is admissible,
24 but the only thing I'm not sure of is whether it's already
25 been answered. I think he may answer again. He may have
already been asked. I'm not sure.

1 THE WITNESS: I didn't work for anybody else except
2 American Standard while I was at Husky.

3 BY MR. CONNER:

4 Q No one else?

5 A I certainly can't remember it if I did; no, sir. To
6 the best of my memory, I did not.

7 Q Now you will recall the letter we talked about that
8 you sent dated August 18, 1978, two weeks after you were laid
9 off at Husky, which is Exhibit 1 to the inspection report?

10 A Yes, sir.

11 Q Were you satisfied with the results of the investi-
12 gation conducted by the NRC following that letter?

13 A No, sir.

14 Q In fact, you wrote a letter castigating the NRC
15 after the inspection was completed, didn't you?

16 MR. FELDMAN: Objection, Your Honor, to the
17 characterization of the letter.

18 CHAIRMAN BECHHOEFER: You might rephrase the ques-
19 tion.

20 BY MR. CONNER:

21 Q Mr. Hofstaeter, did you write a letter to the NRC
22 following the completion of the investigation?

23 A Yes, sir; I did.

24 Q And what did you say in that letter?

25 A I went in detail outlining the reasons why I

1 disagreed with them.

2 Q And you were rather strong in your language, weren't
3 you?

4 A I would not say I was strong in my language. I
5 expressed my opinion. If that's being strong, then I was strong.

6 Q Did you accept the result of the investigation?

7 A I accepted portions of it. The exception that I took
8 to it was the lack of depth in certain areas.

9 Q So you substituted your judgment for that of the
10 skilled investigators?

11 MR. FELDMAN: Objection.

12 MR. BARTH: Could we have the basis of the objection?

13 CHAIRMAN BECHHOEFER: What's the basis of the
14 objection?

15 MR. FELDMAN: I withdraw it.

16 THE WITNESS: I took exception to the report to the
17 fact that in areas where I felt they were important they did
18 not go into the detail that I felt was necessary for a complete
19 investigation.

20 BY MR. CONNER:

21 Q Who did you write the letter to?

22 A To Mr. Keppler.

23 Q You didn't write it to the chairman of the NRC?

24 A The only letter that I can recall writing was to
25 Mr. Keppler, sir.

1 Q The reason you wrote the letter of August 18, 1978
2 was because you were so mad at being fired by Husky, wasn't it?

3 A No, it was not.

4 Q But you waited some three to four years before making
5 the complaint to the NRC after you had first known about your
6 idea of what was wrong with Zimmer cable trays; isn't that
7 correct?

8 A You could look at it that way, but it would not be
9 right.

10 Q Two weeks after you were fired you wrote a letter to
11 the PRIG complaining; right?

12 A The dates are right, yes.

13 Q And then the NRC investigated your complaint; isn't
14 that right?

15 A Yes, sir.

16 Q And you didn't like the results so you wrote a
17 letter complaining about the investigation. Isn't that right?

18 A I didn't write a letter complaining. I wrote a
19 letter outlining the reasons for the disagreement.

20 Q Isn't it a fact that you have filed a suit against
21 Husky, or a complaint, with the Department of Labor under the
22 Equal Employment Opportunities law?

23 A I did not personally, but I am a party to that; yes,
24 sir.

25 Q Well, who was the plaintiff in that action?

6

1 A Myself.

2 Q Nobody forced you to do it, did they?

3 A No, sir.

4 Q Why did you file it?

5 A On advise of counsel.

6 Q You mean counsel came to you and told you to file
7 a complaint with the Department of Labor?

8 A No, sir. I went and talked to counsel.

9 Q As a matter of fact, you had to go all the way to
10 Detroit to find counsel, didn't you?

11 A No, I didn't have to go to Detroit to find counsel.

12 Q Is your counsel from Detroit?

13 A Yes, sir, but that didn't mean I had to go to
14 Detroit to find it.

15 Q Who suggested you go to Detroit?

16 A My youngest son.

17 Q So you did go to Detroit to seek counsel?

18 A Yes, sir.

19 Q What are you complaining about; because you were
20 let go? Is that what you're complaining about in this suit?

21 A To my knowledge, there is not a suit yet.

22 Q Did you file a complaint with the Department of
23 Labor?

24 A Yes, sir.

25 Q And what did you complain about?

321 068

1 A Age discrimination.

2 Q Is that why you were let go by Husky?

3 A I have reason to believe that that entered into it;
4 yes, sir.

5 Q What were you told when you were let go by Husky?

6 A I was told that it was a reduction of force.

7 Q Did they say that had anything to do with your age?

8 MR. FELDMAN: Objection, Your Honor. I don't think
9 we have to litigate that suit in this proceeding. I think that
10 Mr. Conner has gotten what he wanted out of this and I think we
11 can go on to more productive areas.

12 (Board conferring)

13 CHAIRMAN BECHHOEFER: I think that question goes a
14 little far. I will sustain that objection.

15 BY MR. CONNER:

16 Q Mr. Hofstadter, when you were laid off, was anything
17 said to you about your competence?

18 A About what?

19 Q Your competence?

20 A No, sir.

21 Q Now isn't it a fact that Husky has a policy whereby
22 when somebody is laid off for a reduction in costs that they
23 retain their status as an employee for six months or longer?

24 A That is my understanding.

25 Q And isn't it a fact that you asked to be terminated

1 from your job after six months after you were laid off?

2 A No, that is not a fact. When I was let go, Mr.
3 Parker said -- I asked about the separation allowance and he
4 said the separation allowance would be paid six months after
5 your layoff lasts six months.

6 Q Well, did you or did you not ask to be terminated so
7 you could get the separation allowance?

8 A No, sir.

9 Q It happened automatically?

10 A I never got the separation allowance, sir.

11 Q Did you have any conversation with anybody in Husky
12 after you left there on August 4, 1978?

13 A Yes. One time Fred Banta called and asked me to
14 come to the plant, that Mr. Ring wanted to talk to me.

15 Q What did Mr. Ring want to talk to you about?

16 A Fred didn't say.

17 Q Did you talk to Mr. Ring?

18 A No, sir.

19 Q You didn't go?

20 A No, sir.

21 Q Did you have any other conversation with anybody
22 at Husky?

23 A Not that I recall.

24 Q Now last week we talked about Clair Duncan. Do you
25 recall that?

1 A Yes, sir.

2 Q I think you said you hired him as the person to
3 inspect the welds, as part of the QA program; is that correct?

4 A I hired Claire Duncan as an inspector.

5 Q Now is Claire Duncan a good inspector?

6 A Claire Duncan overall -- yes, Claire Duncan was a good
7 inspector.

8 Q And he has continued to inspect the welds and set up
9 the program for training other inspectors to inspect welds, has
10 he not?

11 A I would say in the area of welding inspection, no
12 weld inspection was performed and so I would not know Mr.
13 Clair Duncan's ability with respect to inspecting welds.

14 Q I'm sorry. You hired him to inspect the welds and
15 then you said he didn't inspect them?

16 A I never said we hired him to inspect the welds. We
17 hired him as an inspector to perform inspection work.

18 Q Did he perform inspection work?

19 A Yes, sir.

20 Q But that did not involve any welds?

21 A That is right.

22 Q What does Husky do besides welding?

23 A We have punch press operations; we have drill press
24 operations; we have brake operation -- press brake operations;
25 we have sheer operations; we have roll form operations.

1 Q Now is that what Mr. Duncan inspected?

2 A We also have one other important part of it and that
3 is we have receiving inspection where the parts that are
4 purchased are checked.

5 Q But it's your testimony that Mr. Duncan never
6 inspected any welds?

7 A Primarily I would say he did not, no, because all of
8 the other work that he did did not leave him much time left.
9 In fact, his inspection was only partial in so many areas and
10 that is why the inspection force was -- people were added to it
11 in order to do the work or the type of work or the amount of
12 work that should be done.

13 Q Now who works for Mr. Duncan?

14 A I don't know the names of his inspectors. He had a
15 fairly high turnover in his inspectors.

16 Q Was there a Mr. Deitrich who worked for Mr. Duncan?

17 A No, sir.

18 Q You don't know the name of anybody, then, who worked
19 for Mr. Duncan?

20 A I can't recall their names; no, sir.

21 Q Do you know anybody at Husky who ever inspected
22 welding?

23 A I can't -- right, I do not know of anybody who
24 inspected welding at Husky.

25 Q Mr. Pratt never inspected any welding?

1 A Now when I'm speaking of inspecting of welding, I
2 was speaking of people working for Mr. Duncan. Mr. Pratt
3 inspected welding; yes, sir.

4 Q Mr. Pratt inspected welding?

5 A Yes, sir.

6 Q Was he a good inspector?

7 A Yes, sir.

8 Q I mean, you wouldn't doubt if he saw something and
9 okay'd it that it would be correct; is that right?

10 A If -- are you saying that he could do the job or he
11 could not do the job?

12 Q Answer it any way you want to.

13 A Randy Pratt could tell good welds from bad welds;
14 yes, sir.

15 Q You mean he lied about whether a weld was good or
16 bad?

17 A No. There would be no reason to.

18 Q Do you think he'd lie about whether a welder had
19 passed a qualification test?

20 A He wouldn't lie willingly; no, sir.

21 Q Do you think Mr. Pratt ever falsely certified a
22 welding qualification test?

23 A We went through that the other day when we talked
24 about false -- in other words, there are degrees where people
25 will call something false. In other words, if something is

1 done improperly, one person will say that is false; another
2 person would say it is improper. So that would be a definition
3 of degree.

4 Q Did Mr. Pratt ever falsely certify a welder's test?

5 A I would say that Mr. Pratt certified some people
6 under direct orders.

7 Q Then you're saying Mr. Pratt in fact falsely
8 certified a test. Is that it?

9 A If you say following an order is false, then yes, it
10 was false.

11 Q He signed his name to a false report?

12 A To a certification that was improper or improperly
13 performed.

14 Q Can you name the report that he falsely certified,
15 name of the individual?

16 A Not specifically.

17 Q Or tell when -- can you tell anything about it?

18 A Do you mean one instance, for example?

19 Q Please.

20 A Well, one instance would be, let's say, the Gladstone
21 reports where we got the Gladstone reports in from the second
22 test where the people were certified on the same day and then
23 on that very same day some people were tested. On that parti-
24 cular day, because the certification or the qualification of the
25 process had not been completed, the welds made by these people

1 that day were in reality only practice welds, but on those welds
2 that were good those practice weld pieces were considered as
3 certification pieces and certification was issued for those
4 people.

5 Q Then you're saying that there were some tests given,
6 the so-called second steel test that Gladstone had, that Mr.
7 Pratt falsely certified; is that correct?

8 A In the broadest sense, when you carry it that way,
9 yes, you would have to say that would be the case; yes, sir.

10 Q Now did Rick Ross inspect welds for Husky?

11 A Rick Ross was an inspector. I'm completely unaware
12 if he inspected welds.

13 Q How about Al Elkins?

14 A He also was an inspector.

15 Q Were these men good inspectors?

16 A I would say that the familiarity that I had with
17 them in the areas in which I had contact in that with their
18 work, yes; I would say they did a pretty good job.

19 Q Would they falsely certify a record?

20 A I can't say they would or they wouldn't. I don't
21 think they would; no, sir.

22 Q Are you familiar, for example, with J. Allen's
23 test for steel in the so-called second Gladstone test? Do you
24 remember that one?

25 A Not specifically. I believe that he was one that

1 passed the steel TIG.

2 Q Mr. Witness, I here hand you a document entitled --

3 MR. FELDMAN: Mr. Conner, could you show it to

4 counsel, please?

5 MR. CONNER: Sure. As soon as I identify it.

6 BY MR. CONNER:

7 Q Which is captioned Gladstone Laboratories, marked

8 page 5 of 10, Husky Products, Inc. The welder's name is J.

9 Allen and it's dated November 11, 1974.

10 Would you examine that, please?

11 A Yes.

12 Q Tell me when you're finished.

13 A I'm finished.

14 Q Okay. Is that document signed by Randolph Pratt?

15 A Yes, it is.

16 Q And you will note on there that these 2-G test is

17 marked as unsatisfactory; correct?

18 A Right. That would be a failure.

19 Q I beg your pardon?

20 A That is a failure.

21 Q Now do you think Mr. Pratt lied about that one?

22 A No, sir.

23 Q I here hand you a similar document marked page 5 of

24 10, signed by Mr. Randolph Pratt. Is that correct?

25 A Well, now, wait a minute. May I answer this one first?

1 Q Counsel can ask you questions. Will you answer my
2 questions now?

3 MR. FELDMAN: Well, I think the witness has the
4 right to explain his answer if he wants to.

5 CHAIRMAN BECHOEFER: He may explain it, purely
6 explain his answer, but further questions you would have to
7 raise. If he wants to specifically explain his last answer he
8 can.

9 THE WITNESS: Although -- on this report this shows
10 that the M-1, one was a failure and one was acceptable, but
11 this test -- this was not a legitimate test in that the pro-
12 cedure had not been qualified.

13 BY MR. CONNER:

14 Q How do you know the procedure had not been qualified?

15 A Because on the documents which we obtained from
16 Gladstone, it shows the procedure qualification dates.

17 Q Now is that 2-G or 3-G that you say was not qualified?

18 A I would have to look at the Gladstone sheets again.

19 Q Now is it your testimony that the procedure there
20 marked as 2-G was not qualified?

21 A 2-G is horizontal. I don't recall offhand which one
22 it was. One failed the qualification test.

23 Q I'm sorry -- who failed?

24 A One failed the qualification test.

25 Q I here hand you a similar document from Gladstone

16

1 Laboratories marked as above, identified as page 3 of 10, and
2 ask you if this is not a welding procedure qualification test?

3 A Yes.

4 Q Is that dated?

5 A 10-28.

6 Q And is that signed by Mr. Randolph Pratt?

7 A Yes, sir.

8 Q Doesn't that show that the 2-G qualification test
9 was satisfactorily completed?

10 A Right.

11 Q Now do you think Mr. Pratt falsified that report?

12 A No, but I can explain to you what is wrong between
13 the two, now that you gave me the second piece of paper. It
14 was the vertical that failed the qualification test on 10-28 and
15 that test was repeated approximately ten days later and so the
16 fact that it failed, that meant that this particularly one here,
17 this 3-G, was not -- could not and should not have been certi-
18 fied.

19 Q Now again I'm asking you about --

20 CHAIRMAN BECHHOEFER: Mr. Conner, do you plan to
21 introduce these documents? The Board would find it easier to
22 follow the questions if we had the documents.

23 MR. CONNER: Actually, I'm asking this witness about
24 his statement of Mr. Pratt falsifying documents. At this
25 point I don't see that the documents need be in evidence,

- 1 - 010

17 1 although we're quite willing to do so. I don't have the copies
2 yet.

3 CHAIRMAN BECHHOEFER: Do you have a copy that we
4 could look at when you're asking the questions?

5 MR. CONNER: Yes.

6 CHAIRMAN BECHHOEFER: That was our only point. It's
7 a little hard to follow.

8 MR. CONNER: We have no objection to putting them in.
9 I don't know that the reports themselves at this point are of
10 any probative value. We certainly have no objection to the
11 Board seeing them.

12 CHAIRMAN BECHHOEFER: Our problem was seeing them
13 while you were asking the questions.

14 MR. FELDMAN: Your Honor, we have no objection to
15 taking a two-minute recess in order to obtain them, if that's
16 helpful to the Board.

17 MR. CONNER: If learned counsel will go make copies
18 during the two-minute recess, that will be fine with us; but I
19 don't know where to make them in two minutes.

20 CHAIRMAN BECHHOEFER: Why don't we take a break at
21 this stage. Let's be back in 10 minutes.

22 MR. CONNER: There's no way we'll have copies by
23 then. I'll be glad to let the Board examine them.

24 MR. FELDMAN: I believe on the sixth floor there's a
25 copy machine in the library.

(Recess)

321 079

fls. ng
2david
davidl
take 5

1 BY MR. CONNER:

2 Q Mr. Hofstadter, before the recess I had asked
3 you about these -- rather, Mr. Randolph Pratt had falsified
4 the two documents that I showed you, one being a welder
5 procedure test and one being a welder qualification test.

6 Is that correct?

7 A Yes, sir.

8 Q And you had answered something about something
9 was wrong with the 2-G test. Now, isn't it a fact
10 that this document by Gladstone of the same heading and the
11 same forment, called a "welding procedure qualification test,"
12 relates to the test number 2-G?

13 MR. FELDMAN: Mr. Conner, could you tell us what --
14 could you identify that document?

15 MR. CONNER: Let me show it to counsel.

16 (Counsel distributing documents.)

17 MR. FELDMAN: Is that page 1 --

18 BY MR. CONNER:

19 Q Just to make sure that -- I said that was page 1
20 of 2.

21 (Pause.)

22 A Yes.

23 Q Yes?

24 Is that your answer?

25 A Are you asking -- let me repeat what I'm answering;
I'm answering this is a satisfactory procedure qualification

david2

1 Q For the one designated 2-G, is that correct?

2 A Yes, sir.

3 Q All right.

4 A This one is marked 2-G, which is vertical.

5 Q Let me see.

6 A 3-G.

7 Q Does that show that 3-G was satisfactorily
8 passed?

9 A Yes, sir.

10 Q Now, did Mr. Randolph Pratt falsify that record?

11 A This one is proper, sir.

12 MR. CONNER: If the board please, all of the
13 documents received from Gladstone in this period and ask him
14 the same question: I will identify them by the date at the
15 bottom, but so everybody will know what we're doing, you
16 can examine these if you wish.

17 (Counsel distributing documents.)

18 CHAIRMAN BECHHOEFER: Mr. Conner, I do have a
19 question: the procedure qualification document that I saw
20 during the recess had a different date at the bottom than
21 at the top, and are you now going to refer only to the date
22 at the bottom?

23 The document I saw had an October 28 date on
24 top and a November 11 date on the bottom. I want to know
25 which dates now you're going to be referring to.

321 081

david3

1 MR. CONNER: Well, now as I understand the facts,
2 these tests in general were conducted by Gladstone over this
3 period. Some tests were given on 10/28, I assume, and 11/6
4 for another.

5 But my questions relate to the certification by
6 Mr. Randolph Pratt and the witness's testimony that he
7 falsely certified these reports. That is the purpose of the
8 cross examination. That's why I say the reports themselves
9 we don't see as evidence because when Mr. Pratt comes in under
10 the subpoena we will ask him which ones of these he lied
11 about and we'll see who's telling the truth.

12 CHAIRMAN BECHHOEFER: Okay. Proceed.

13 (Pause.)

14 BY MR. CONNER:

15 Q Okay, Mr. Hofstadter --

16 Would the board like to examine these first?

17 (No response.)

18 BY MR. CONNER:

19 Q Mr. Hofstadter, I here show you a document also
20 by Gladstone Laboratories to Husky Products, Inc., this
21 one dated Noember 11 -- this one certified November 11, 1974
22 and identified as page 1 of 10.

23 And this is a welding procedure qualification
24 test.

25 Would you examine that, please.

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david4

1 (Counsel handing documents to witness.)

2 A Yes. This is TIG aluminum horizontal.

3 Q And is that signed by Mr. Pratt?

4 A Yes, sir.

5 Q Did he falsify that document?

6 A No, sir. This one -- this one is in order and
7 everything is proper.

8 Q I here show you a document certified November 11,
9 1974, identified as a welding procedure qualification test,
10 page 2 of 10 -- yes, 2 of 10, two attachment showing pictures
11 of the welds.

12 (Counsel handing documents to witness.)

13 A This is TIG aluminum vertical?, and this looks
14 satisfactory also.

15 Q Did Mr. Pratt sign that?

16 A This one is satisfactory, yes, sir.

17 Q Did Mr. Pratt falsely certify this?

18 A This is properly certified.

19 Q I here hand you a similar document identified
20 as page 4 of 10, a welding procedure qualification test and
21 certified November 11, 1974.

22 (Counsel handing documents to witness.)

23 A This is a vertical MIG steel. This is a failure.

24 Q Is that signed by Mr. Pratt?

25 A This is signed by Mr. Pratt, but in reading what

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1 he has signed here, it says, "We certify the statements in
2 this as being correct," so there is no certification, welder's
3 certification.

4 This cannot be made, say, on the failure.

5 Q Did Mr. Pratt falsely certify that document?

6 A He did not falsely certify the document.

7 Q Did he lie in affixing his name to that document?

8 A No, sir. No, sir.

9 Q I here show you a similar document identified as
10 page 5 of 10, a welder's performance qualification test on
11 J. Allen, certified on November 11, 1974.

12 (Counsel handing document to witness.)

13 A This is a -- this one is a performance test, and
14 these are certified and they -- the problem with these
15 is certification was given to the men based on this and this
16 cannot be done on the same day because the procedure had not
17 been qualified.

18 Q Are you saying that the ASME code requires that
19 a procedure be qualified on one day and that a welder
20 performance test cannot be done on that same day?

21 A Because you would not -- the test is not to be
22 done until the procedure has been qualified, and there was
23 no way that you would know whether the procedure qualified
24 that day.

25 Q Isn't it a fact, sir, that under the ASME code

david6

1 that when the welder that properly qualifies in procedure
2 also becomes qualified for performance in that same test --

3 A His -- where he qualifies, makes the qualifying
4 piece, he need not take the performance test, yes, sir.

5 Q Then you are changing your testimony; it can
6 be done on the same day. In fact, it can be done at the
7 same time, can't it?

8 A On that man that made the qualification piece,
9 he -- if he made the qualification piece for the procedure and
10 he is successful, he need not take the performance test
11 when the performance test is given.

12 Q Now, is it still your testimony, though, that the
13 next welder who wants to take a performance test has to wait
14 a day or two or three before he can take it?

15 A The -- that is the proper way, yes, sir.

16 Q Is that what the ASME code requires?

17 A It says that the qualification must be -- in
18 other words, the qualification must be -- the process has
19 to be qualified first.

20 Q Isn't the fact that a person can take performance
21 test and even if the procedure would be qualified, say, a
22 day later or a week later, that he can still pass the
23 performance test if the bend test and so forth is prepared
24 thereafter and before he is certified as having been qualified?

25 A It is considered -- in other words, when a man

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david7

1 takes the test before the procedure has been qualified, that
2 is considered a practice test, and I think if you would go
3 back in the testimony of Mr. Banta, he outlined that in
4 considerable detail, that these test then made before the
5 procedure had been qualified, they became, rather, practice
6 tests. And that's in the record.

7 Q Now, Mr. Hofstadter, maybe we can save a little
8 time --

9 A I'm in agreement with that because that is right.

10 Q Mr. Hofstadter, I am going to hand you four
11 documents, all welder performance qualification tests, all
12 dated November 11, 1974, except the last one. Strike that.

13 I will hand you three pieces of paper, all
14 identified as welder performance qualification tests, pages
15 7 of 10, 8 of 10, 9 of 10, respectively, all dated November 11,
16 1974 on Mr. Rose, Mr. Howell, and a second one on Mr. Howell,
17 respectively, and ask you to identify those.

18 (Counsel handing documents to witness.)

19 A Okay. The same answer would apply on these as on
20 the previous, that these -- these constitute roughly only
21 a practice test. These are not a certification test.

22 Q Doesn't Mr. Randolph Pratt's name appear down
23 there under the certification sentence?

24 A Yes, sir.

25 Q Are you saying that he falsified his signature?

A I'm not saying he certified -- he falsely put this on.

david8

1 What I'm saying -- what became wrong was the time that we
2 did this, we followed -- we got this back from Gladstone,
3 and we thought this was proper.

4 After we got the ASME book and we found out in
5 the ASME book that we had really committed a technical
6 violation and that the tests -- the performance tests
7 should not have been made until after the procedures had been
8 qualified.

9 At that time, we raised the question: should these
10 people be retested, and we got back the answer that, no,
11 We're not going to do it over. We're going to use it as is.

12 At that point, if something we had determined --
13 let's say it was wrong --- at that point, it becomes, we'll
14 say, false, we'll say, when you find out it is.

15 Q Are you saying --

16 A It was not false the day he signed it, because
17 to the best of his knowledge he felt that this was proper.

18 Q Are you saying that that is a false certification
19 on each of those three documents?

20 A It is false if you continue to use it afterwards,
21 after you have found out that it was improperly done to begin
22 with.

23 Q Now, those are dated November 11, 1974?

24 A Yes, sir.

25 Q And you're saying the individual men, the two

david9

1 men named on there were not properly qualified on November
2 11, 1974?

3 A Based on the fact that the -- the weld procedure had
4 not been qualified, yes, sir.

5 Q Then you're saying that Mr. Pratt falsely
6 certified on those three documents?

7 A Not on the day he signed it; on the day he
8 signed it, he felt that what he was doing was proper.

9 Q Is it a false certification or not?

10 A It becomes -- it becomes false if somebody determines
11 that if you find out something you did the day you did it you
12 thought you were doing it right; then later you find out that
13 it is wrong and you let the wrong continue, then some people
14 would say, yes, that becomes -- that is false from that
15 point on.

16 Q Okay, these are the three then which you mean
17 that Mr. Randolph Pratt falsely certified?

18 A If you accept it, the explanation I gave, yes.

19 Q Now, to complete the record, I here hand you a
20 document of the same type, a welder performance qualification
21 test on J. Allen, dated November 18, 1974 and mark page
22 2 of 2, signed by Mr. Pratt; is that correct?

23 (Counsel handing documents to witness.)

24 A Well, I'd like to see -- where is page 1 of this?

25 CHAIRMAN BECHHOEPPER: I couldn't hear --

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THE WITNESS: I'd like to see 1 of 2 of the same.

MR. CONNER: 1 of 2 is the second document that I showed you, according to my information earlier.

(Counsel handing document to witness.)

THE WITNESS: This was attached to this?

BY MR. CONNER:

Q That's my understanding.

A Okay. Okay.

Now, for these tests -- these were run -- if this was attached to this and the date of the test was 11/6 of both of these, this date isn't shown on these.

Q That's true.

A The date is shown over here.

Q That's also true.

A Now, this is MIG qualification test, the first one. There's only two. This is vertical, and this is a repeat of a failure on the 10/28 test where it was a failure.

Q You've already identified the first one you're talking about there earlier?

A Yes, sir.

Q I'm asking you about the second document you're holding, the one marked page 2 of 2.

A Yes, okay.

Q Now, is the document marked 2 of 2 signed by

david11

1 Randolph Pratt?

2 A Yes, sir.

3 Q Is that a false certification?

4 A This one -- this would be satisfactory. This
5 one would be satisfactory because this one was taken -- the
6 test -- that's why the date is important because this one
7 was -- the test was administered after the procedure had been
8 qualified. This is a good one.

9 Q Okay, that is not falsely certified, then?

10 A No, sir, neither one of these.

11 Q Now, I here show you another document, a welder
12 performance qualification test on D. Garner, marked page 10 of
13 10 which is neither dated or signed.

14 A Well, on these that is 10 of 10. The date on
15 the first -- these were as a package. The date on the first
16 one, 1 of 1, is the date, and I think you'll find that's
17 10/26.

18 Q Well, it's not signed, though, is it?

19 A No.

20 Q It's not certified, in other words?

21 A This was a complete --

22 Q But it's not signed by Mr. Pratt?

23 A Right.

24 Q Now, do these documents that you have just
25 examined comprise all of the test results that were given to

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david12

1 Husky by Gladstone Laboratories?

2 A No, sir.

3 Q What other documents are there?

4 A The similar ones that were conducted in the
5 tests in August.

6 Q Okay, now this is -- correct me if I'm wrong --
7 these are the tests on steel and aluminum conducted by
8 Gladstone at the beginning of the program in 1974, as you
9 have testified; is that right?

10 A In October and November.

11 Q All right. And these are both on steel and
12 aluminum; is that correct?

13 A Yes.

14 Q And this is what you referred to as the second
15 test; is that correct?

16 A Yes.

17 Q These are the ones you said Mr. Randolph Pratt
18 falsely certified, the three --

19 A In varying degrees, based on the fact that the
20 procedure -- the tests were administered before the
21 procedure had been qualified.

22 Q And that is reflected in the three documents
23 marked respectively 7 of 10, 8 of 10, and 9 of 10, all
24 certified November 11, 1974 by Randolph Pratt?

25 A Yes, sir.

321 291

david13

1 Q And these are the only ones, these documents
2 that you say are falsely certified; is that correct?

3 A Yes, sir.

4 MR. CONNER: If the board please, we will be
5 happy to provide copies of these as exhibits for the
6 record, but at this point we don't wish to offer them in
7 evidence because at this point I don't believe they're of
8 any probitive value; when we see Mr. Pratt they may be.

9 (Board conferring.)

10 CHAIRMAN BECHHOEFER: The board would like to have
11 these documents put into the record. We won't require
12 you to have copies at this time, but the board would like
13 to have you put them in as an exhibit.

14 MR. CONNER: May I suggest --

15 CHAIRMAN BECHHOEFER: From a temporal standpoint,
16 I don't care if you hand them to the reporter at this
17 moment.

18 MR. CONNER: I was going to suggest that we have copies
19 made in the order they're in the record and we'll mark them
20 as Exhibit 2-A through whatever may be, and simply provide
21 copies to everyone after the noon recess.

22 CHAIRMAN BECHHOEFER: Any of the parties object
23 to this?

24 (No response.)

25 This sounds fine to me, so -- well, later you could

321 092

david14

1 then have them put into the record.

2 Is Exhibit 2 still correct? Do not the applicants
3 have --

4 MR. CONNER: I think it's three coming up.

5 CHAIRMAN BECHHOEFER: I think it's three.

6 MR. CONNER: We'll check that.

7 CHAIRMAN BECHHOEFER: Right.

8 (Board conferring.)

9 BY MR. CONNER:

10 Q Returning to the last colloquy, Mr. Hofstadter,
11 you had said something about after the test program was well
12 underway, you got a copy of section 9 of the ASME code; do
13 you recall it?

14 A Yes, sir.

15 Q Is that what you said?

16 A Yes, sir.

17 Q Do you mean you as the person responsible for
18 this program hadn't even read the ASME code at the beginning?

19 A That is right.

20 When this program started -- this program started
21 when Mr. Ehaus and Mr. Barry Schuster and -- and the
22 first that I was brought into it was Barry Schuster had
23 contacted Gladstone and he turned over to me requirements
24 of what we had to do, where we had to meet, and a number
25 of the -- the status of his discussions with Gladstone.

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david15

1 as to their competency to handle these tests and we thought
2 when we started out that this was more of a formality
3 than it later turned out to be.

4 Q And when did Mr. Ehaus have this conversation
5 with you?

6 A He didn't have the conversation with me. He
7 had a conversation with Mr. Schuster, and it was after he
8 left that Barry went over -- Mr. Schuster went over with
9 me those things applicable to me to carry out --

10 Q Mr. Schuster told you about what was in the ASME
11 code, is that it?

12 A I don't recall him saying that; I recall -- the
13 principal thing I recall him saying was that we would have
14 to have our welders certified, and that Gladstone had the
15 expertise and the experience in conducting the tests to
16 get our welders certified.

17 Q This was -- do you know whether or not
18 Mr. Schuster had ever read the ASME code section 9 prior to
19 this conversation you had with him sometime in November of
20 '74?

21 A I would say very likely not, unless he read it
22 through Mr. Ehaus, who may have had it. But when questions
23 came up and we decided to get a little bit more information
24 as to what we really were involved with, we then decided
25 we would get the ASME book and go through it ourselves r d

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see what exactly was our involvement.

Q You really don't know to what extent Mr. Schuster was familiar with the ASME code, section 9, prior to this conversation, then?

A No, sir.

Q Going back to the question earlier, you said that you did not have any conversation or talk to anybody at Husky except on one occasion after you left in August of 1978; is that correct?

A I ran into Randy Pratt in the department store one day, I think in October or November, sir.

end 5

b fls.

321 095

Tp 6
DB-1

1 Q Did you have any conversation with anybody about
2 your being laid off or your severance and your termination?

3 A Not that I can recall.

4 Q Did you write any letters about your termination?

5 A The only letter that I sent was to the attorney
6 in Detroit, sir.

7 Q You remember very vividly having a conversation with
8 Mr. Kepler in City Hall here on February 8 and 9, is that
9 right?

10 A Yes, sir.

11 Q Do you remember sending a letter about two months
12 ago asking for your termination or severance pay, dated
13 April 4, 1979, to Husky?

14 A Yes, sir.

15 Q Why didn't you mention that in response to my
16 last question?

17 A Would you repeat that questions and I will
18 see. I didn't interpret the question to include that,
19 in other words. Yes.

20 Q You did write that letter?

21 A Yes, I did. I think I stated that previously.

22 Q Did you write any other letters or communications
23 to Husky about your termination and severance of August
24 1978?
25

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DB2

1 A No, not as I remember, no, sir.

2 Q That letter you sent two months ago and you now
3 remember, right?

4 A Yes, sir.

5 Q Now on page 1335 of the transcript -- do you have
6 that?

7 A Yes.

8 Q You said one man worked 40 straight hours to pass
9 one test. Do you remember that?

10 A Yes, sir.

11 Q And you identified that man as Marvin Brock. Is
12 that correct?

13 A Yes.

14 Q When was that?

15 A I really don't recall exactly when it was. I
16 can recall the circumstance. I would think that was in
17 August or September of '75. The reason I can remember it is
18 because Mr. Uhrig came in and worked with him for a week.
19 He had a week's vacation coming and he said he could come in
20 and work. I had to check with Harry if we could have Mr.
21 Uhrig come in, because Mr. Uhrig charged us \$150 a day.
22 And he said let's bring John in that week and let's have
23 him work with Marvin and Junior and see if we can get those
24 two certified and then see where we go from there.

25 So the reason that I remember it is because in that week

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DB3

1 our objective was to get Marvin and Junior both certified.
2 And we managed only to get Marvin certified, so that is all
3 we got for the week.

4 Q Didn't you say at one point that that test was
5 on August 26?

6 A I didn't say that. Mr. Banta said that.

7 Q Are you telling me that Mr. Brock was working on
8 ing this test for the week prior to him taking the test?

9 A Did I say -- would you repeat the question?

10 Q You said that he worked for 40 straight hours,
11 continuous straight hours, to pass one test. That is at 1335,
12 line 9 and 10.

13 A Right.

14 Q Was that in the week prior to his taking the test?

15 A As best I can recall, in other words, John Uhrig
16 worked with him starting on Monday, and each day, Monday,
17 Tuesday, Wednesday, Thursday, Friday, and it is my understanding
18 that late on Friday he finally welded one piece which passed
19 the test.

20 Q How do you know he took 40 straight hours, working,
21 practicing, for the test?

22 A Because John Uhrig was with him the full week.

23 Q Did you watch him? Or is this based on what Mr.
24 Uhrig told you?

25 A Several times each day during the day I would see

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DE4
1 John, and I would see John at the end of the day. So, in
2 other words, I was aware that it was going on day after day.

3 Q Isn't it a fact that Mr. Uhrig only worked on
4 Saturdays?

5 A This is what makes this one different is that John
6 Uhrig, came in on a week of his vacation and did this for us.

7 Q Okay.

8 A Ordinarily, you are right, ordinarily John came
9 in other times and worked on Saturdays for us, yes, sir.

10 Q Isn't it a fact that in the period prior to making
11 the test on August 26, 1975, that Mr. Brock in fact was
12 working on producing welds, in production, for 8 to 10 to 12
13 hours a day?

14 A Yes, sir. He was a welder. That was his work.

15 Q But your testimony was he was also practicing during
16 this same time?

17 A It is my understanding, in other words, that he and
18 Mr. Uhrig did nothing but concentrate on attempting to secure
19 a satisfactory test piece.

20 Q Are you telling me that Mr. Brock was practicing
21 and doing production welding at the same time?

22 A No, sir, I am not saying that. I am saying that
23 with Mr. Uhrig there to the best of my knowledge the only work
24 that was done that week was training and practice and welding
25 of test pieces.

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DB5

1 Q And you are saying then that Mr. Brock could not
2 have worked on production for the 40 straight hours prior
3 to taking the test, is that correct?

4 A There is the possibility that he may have done
5 some production in there, where the foreman needed a part
6 and they may have stopped the practice work and welded
7 a part or several parts. There may have been an interruption
8 like that. I would be completely unaware of it.

9 Q How many hours a day does a welder normally work on
10 production?

11 A Normally it is eight hours a day. But now
12 occasionally when work schedules are up they sometimes work
13 ten hours a day.

14 Q Could he work a 16 or 20-hour day?

15 A I don't recall anybody-- I really don't recall
16 any welder ever working 16 hours, sir.

17 Q And you don't recall Mr. Brock doing that?

18 A No, sir, I do not.

19 Q Then it is your testimony that it would have been
20 impossible for Mr. Brock to have been working fulltime on
21 production welding the week prior to taking the test, because,
22 in your words, he was working 40 straight hours, continuous hours,
23 to pass one test. Is that your testimony?

24 A To the best of my knowledge, that was the only
25 work that he did that week, as far as I know, sir. Unless

1 there were some assignments brought in to him by his foreman
2 that I was unaware of.

3 MR. CONNER: We have no further recrosss at this
4 point.

5 CHAIRMAN BECKHOEFFER: Does the staff have recross?

6 MR. BARTH: A few short questions.

7 BY MR. BARTH:

8 Q Mr. Hofstadter, could you look at page 1225 in
9 your transcript of the 22 of June, 1979? I refer you to
10 lines 10 and 11.

11 From your testimony it seems to me you show
12 considerable familiarity with the records of qualifying
13 processes for welding and qualifying welders. Is that
14 correct, sir?

15 A To some degree, yes, sir.

16 Q Is Husky a large physical concern? Thinking of
17 square footage of the offices, is this a big place?

18 A It is approximately 80,000 square feet.

19 Q Are you familiar with the types of records they
20 kept of the work that they do?

21 A To a degree, yes.

22 Q To the degree that you know what tests were
23 given to welders, what tests were made upon welding processes,
24 and to what degree were there records of welds that were
25 done, sir?

DB7 1 A On an ongoing basis?

2 Q Answer any way you wish.

3 A I can explain that. From the time that this
4 started, shortly after the weld program started and we
5 found out we had the bad welds and we were working with the
6 welders on the training, Randy Pratt and myself would go
7 out into the shop at periods roughly two to three months apart
8 and we would usually go back into shipping and we would look
9 at the welds in general to see if there was a general
10 noticeable improvement or any general change. We did this,
11 this was ongoing for four years. And on some of these
12 inspections when we would see particularly bad parts,
13 they were very noticeable, we would first always get hold
14 of Harry Wong and bring him out. He would then get hold of
15 Claire DUncan and we would try to get as much value out of
16 it as we could., in an effort to try to improve the quality.

17 Now one reason the last time I can recall going
18 out was in March of last year and instead of taking Harry
19 out, I took Fred out. On this particular instance there
20 was some of the worst aluminum welds I have ever seen.
21 We went through the same procedure on that and that was
22 that we brought Mr. Duncan out and showed his people and
23 what the question was. That work went on for a period, as
24 we checked later, for three days. It was not -- in other
25 words, the question was why did nobody see that and it went on--

DB8

1 Q That was not the question. The question was
2 your familiarity with records.

3 A YOU asked about my familiarity with inspection of
4 welds, and I am trying to explain my familiarity with it
5 and what work I did in it.

6 So after we went through the usual procedure, and
7 I raised a question there again, said that we at least should
8 withhold the earnings of the people that made these terrible
9 welds. And the answer I got back later was that it was
10 done too long ago, that we couldn't take their money away from
11 them.

12 Q Was this terrible welding recorded on paper in
13 any kind of way?

14 A No, sir.

15 Q This was all oral discussion? There are no
16 graphic records that there were bad welds?

17 A No, sir.

18 Q You stated at the beginning of your response "We
19 found out we had bad welds." WHO is "we"?

20 A We would be inclusive of everybody at Husky
21 that had been involved in any responsibility for welding.

22 Q Fine. Name them.

23 A It would start from the top on down, in other
24 words, as their responsibilities varied. In other words,

25 ----- " " could be --

DB9

1 Q I didn't catch the name.

2 A Harry Wong. He was the Production Manager, and
3 he would be probably the most vitally concerned.

4 Q Let's start with Harry, sir. How did he find out
5 that there were bad welds?

6 A Through my reports to him.

7 Q So you found out before he found out?

8 A Yes, sir.

9 Q How did you find out there were bad welds?

10 A As we started this welder certification program,
11 in trying to get the welders certified, we found out then
12 how bad our welds were. Prior to that we were in common
13 agreement, and when I say we, everybody at Huskey to the
14 best of my knowledge felt that we were making good welds.

15 Q How does the piece of paper demonstrat a bad
16 weld, sir?

17 A How does what?

18 Q A piece of paper demonstrate a bad weld?

19 A The piece of paper itself wouldn't. Something on
20 the piece of paper might.

21 Q Who found a bad weld at Husky? One man, one weld,
22 on the Zimmer project, sir.

23 A I am not aware that anybody found any bad welds at
24 Husky Products --

25 Q Sir, would you like to reconsider your testimony,

DB10

1 quote "We found out we had bad welds." Would you like
2 to reconsider that?

3 A This is not in respect ---

4 Q Will you please answer would you like to reconsider
5 your testimony, sir? You can make speeches on somebody
6 else's time, not mine.

7 A We found out after the weld certification tests that
8 the quality of our welds left something to be desired. So
9 does that answer your question?

10 Q Who found out and what weld? And in what way
11 was the quality impaired? You can take any one of the
12 three questions, sir.

13 A After we got the Gladstone tests back, the most
14 decisive factor in convincing us that we had a problem was
15 Mr. Spievack's report. The only question in Mr. Spievack's
16 report was we will say a question of severity. In other
17 words, from critical to we will say a little less than
18 critical.

19 Q Sir, did Mr. Spievack look at a record and write
20 on a piece of paper "There is a bad weld," bearing in mind
21 you have testified there are no written records now of bad
22 welds? You found out through Mr. Spievack's report
23 there was a bad weld. If you could put this together for me I
24 would appreciate it.

25 A Are you talking about one specific weld? What I

DB11 1 am talking about is just welding in general.

2 Q I am not. I am talking about your testimony.

3 A What?

4 Q I am talking about your testimony, sir, "We found
5 out we had bad welds." How did you find out? Through Mr.
6 Spievack's report. Fine. Mr. Spievack's report is graphic.
7 But your earlier testimony was there was no graphic showing
8 bad welds. Where is the record of a bad weld? WHO saw a
9 bad weld? Find me a bad weld, please, sir?

10 A We found out primarily through the tests.
11 When we had so many weld tests made and we had so many
12 pieces that broke in two, even we had enough sense to know then
13 that the welds leave something to be desired.

14 Q What production piece failed the test, sir?

15 A Well, we will say we had different examples. We
16 had an example, we have had problems, we will say, customer
17 complaints, where the customer -- and this is possibly the
18 most severe -- where the customer got a whole truckload of
19 material and probably 60 to 70 percent of it fell apart on
20 a shipment of say 120 miles.

21 Q Was that CG&E or Kaiser or the Zimmer project, sir?

22 A No, but you asked me if we knew if we had
23 bad welds and when we have a truckload of parts that the
24 welds all break, on a shipment of 140 miles, it is obvious
25 there was not shipping damage, there was bad welds, wouldn't

DB12

1 you say then that you would think maybe you had a problem
2 with bad welds?

3 Q Sir, you and your counsel can play games with
4 each other and finally come to the conclusion we are talking
5 about Zimmer, cable trays and steel cable trays.

6 Now let's forget somebody else. Find me a bad weld
7 on Zimmer work by Hus... I want you to support your
8 testimony. Who found a bad weld and how was this noticed to
9 the world?

10 A I don't think I have ever testified that I
11 personally saw a bad weld on Zimmer.

12 Q The testimony was "We found out we had bad welds."
13 I want to know who the "we" is and what the bad weld is,
14 or else I want you to retract your testimony, I don't
15 care which.

16 A What page are you talking about now? 1225?

17 Q No, sir, the previous testimony on this cross.
18 Your first answer.

19 MR. FELDMAN: Your Honor, I object. I think Mr.
20 Hofstadter answered what he meant by that. If that is what
21 Mr. Barth wants to know, I think that has already been
22 answered. I think right now we are getting into badgering
23 the witness.

24 MR. BARTH: I submit, sir, to ask the witness
25 to support his testimony is not badgering him.

DB13

1 THE WITNESS: I am not talking of bad welds --

2 MR. FELDMAN: Mr. Hofstadter, please wait.

3 MR. BARTH: Would you please not address the witness,
4 counsel.

5 CHAIRMAN BECHHOEFER: I think the witness can
6 answer more specifically with respect to Zimmer, which is what
7 I believe he is being asked. Objection overruled.

8 THE WITNESS: I do not have specific knowledge of
9 bad welds on steel welds for Zimmer. But now I do have
10 more specific knowledge and have seen bad welds on aluminum
11 that was sent to Zimmer.

12 BY MR. BARTH:

13 Q That is not involved, sir. We will skip aluminum
14 at the moment, sir.

15 To your knowledge did anyone at Husky make
16 inspections of the welds on the work for Zimmer?

17 A Not to my knowledge, no, sir.

18 Q Have you been present throughout these hearings,
19 and when Mr. Banta testified?

20 A Yes, sir.

21 Q Did you hear Mr. Banta testify that they had
22 made inspections of the welds and they had made inspection
23 of welds after they had been galvanized?

24 A Your question, as I understood it, was was I aware
25 that inspections were made. And I said no, I was not aware

DB14 1 that inspection was made.

2 MR. BARTH: Your Honor, I ask the reporter to
3 read my question and that you order the witness to answer.
4 We will be here forever otherwise. I am patient.

5 (Question read)

6 THE WITNESS: Yes, I heard that.

7 BY MR. BARTH:

8 Q Then Mr. Banta would be committing perjury, since
9 he was under oath when he made that statement, to the best
10 of your knowledge?

11 A Yes, sir. If those inspections were made, all I
12 am saying is I was unaware they were made.

13 Q Sir, I direct your attention now to page 1306 of
14 the transcript which you have in your hand, line 9, where
15 there is the statement that two welders were tested in '78
16 and failed, and lost their certification. Are you looking
17 at that page, sir?

18 A 1306. What line?

19 Q Very close to 8, 9 and 10.

20 A Okay. Line 9.

21 Q Sir, if a welder has a certification, and takes
22 another test and fails, is it your testimony he thereby
23 also loses his certification?

24 A I would say that if a man we will say is tested and
25

DB15 1 fails the test, the test is to determine his qualifications.
2 So if a man fails to pass a test, it demonstrates he lacks
3 qualifications.

4 Q That is fine. Now answer the question.

5 A What was the specific question?

6 (Question read)

7 THE WITNESS: That is my understanding, sir.

8 BY MR. BARTH:

9 Q That is the way you interpret the ASME Code?

10 A Yes, sir.

end Tp 61

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1 Q And this occurred sometime in the period of May
2 through July 1978, the two welders who were tested couldn't
3 pass?

4 A That was in June of 1978.

5 Q Thank you, sir. And are the records of those two
6 men that Mr. Santa told you to deep-six their paperwork; is
7 that correct, sir? That's on page 1307, lines 18 and 19.

8 A Yes, sir.

9 Q Is it not a fact that three NRC inspectors from the
10 Chicago office of the Inspection Enforcement came to your home
11 in September three months after the failure And the deep-
12 sixing of the records?

13 A They were at my house in September, yes.

14 Q Do you recall how many?

15 A How many what?

16 Q Inspectors?

17 A I think there were -- well, there were a total of
18 three people.

19 Q Do you see any of those people in this room, sir?

20 A Yes, sir; Mr. Westcott and Mr. Vandel.

21 Q Would the other man be Mr. Foster?

22 A I don't see him.

23 Q He's not in the room, but would the other man be
24 Mr. Foster?

25 A Yes, sir.

1 Q Sir, is it not a fact that at the conclusion of the
2 meeting Mr. Foster asked, "Is there anything else you know
3 about that Husky did which was wrong or would lead one to
4 conclude mistrust in their work?" Or words to that general
5 effect?

6 A Something similar to that; yes, sir.

7 Q And at that point did you inform Mr. Foster about the
8 deep-sixing by Husky of these records?

9 A I don't recall saying that at that point; no, sir; I
10 don't.

11 Q Isn't it a fact that you answered Mr. Foster by
12 saying, "No, no; there is nothing that I know about," or words
13 to that general effect?

14 A No, that wouldn't be the case because the first
15 meeting when they were there I had been working out some, we'll
16 say, like detail explanation of the welding non-conformance, and
17 when he left I told him that I would finish that out and send
18 it to him so that they could use it. Then he also told me that
19 he would send me a 10 CFR 50 so that I could mark it up in the
20 areas in which I was saying that non-compliance occurred. So I
21 completed that portion that dealt with the welding and sent it
22 to him and he sent me the section of 10 CFR and I filled that
23 out and I sent it back to him.

24 Q Sir, have you ever informed anybody at the NRC, either
25 in Washington or the Chicago office, prior to the statement on

1 page 1306 in the transcript for 22 June 1979 that Fred Santa
2 had ordered the deep-sixing of records which would show they had
3 unqualified inspectors -- unqualified welders?

4 A What page are we talking about?

5 Q 1306. Did you ever tell this to NRC before last
6 week?

7 A I may not have because it may not -- it may not -- it
8 could not or it possibly did not occur to me at that time. I
9 really don't know.

10 Q By the way, in June 1978, is it not a fact that all
11 the Zimmer work had been performed by Husky?

12 A Yes, it is.

13 Q In regard to the Zimmer project, which is the only
14 one with which I'm concerned, how many tests would a welder be
15 required under the ASME code to take in order to perform the
16 Zimmer work?

17 A You mean the minimum number?

18 Q I don't know. Answer it your own way.

19 A Well, wait. There were different parts on Zimmer so
20 different parts would require different welding. If we
21 limit our talk, we'll say, to the three piece side rails, we
22 could say there a man could pass either a vertical or hori-
23 zontal, MIG or TIG, and he would be satisfactorily qualified
24 with a minimum of qualification necessary.

25 Q In actual reality at the work benches, were any of

4 1 of those curved pieces vertically welded by Husky?

2 A Were they vertically welded?

3 C Yes, sir.

4 A I would say not.

5 Q Is it not a fact that they were laid down on the
6 table and welded either horizontally or flat?

7 A It would be either horizontal or flat. In one
8 welder's case, one welder liked to work sitting down, so in his
9 case I'm sure he would have welded them horizontally.

10 Q What is the difference between horizontal and flat
11 welding, sir?

12 A Flat is when the weld is placed on the top -- in
13 other words, at the flat point, and the weld is on the top and
14 the man is standing up and the man welds his welds on a
15 flat plane. Horizontally, the man could be standing or sitting,
16 but that is welding in this way sideways from left to right from
17 the side.

18 Q Sir, if I would suggest to you the difference might
19 be the angle of rise of the piece up to 45 degrees, would that
20 sound like an improper suggestion to you?

21 A Yes. What you're saying there, in other words, if
22 it's 45 degrees, it could be half horizontal and half vertical.
23 I think as soon as it leaves the plane of being, we'll say,
24 within about 10 degrees of being horizontal, I'm reasonably
25 sure it then becomes vertical when you're in that in-between
category which would be 45 degrees, it would be half of each.

1 Q Do you get this feeling of confidence from your
2 study of the ASME code?

3 A No. Common sense tells me that.

4 Q Well, in fact, at the work benches at Husky, all
5 the straight raceways which were electrically machine welded
6 and the TIG welds on the fittings, were done in either a flat
7 or horizontal position. Is that not correct, sir?

8 A I already agreed with that. You're right.

9 Q And on steel for TIG. So how many tests did you
10 have to pass in order to qualify to do this work, sir?

11 A That's a repeat of your question on steel on TIG; if
12 he passed either the horizontal or the vertical.

13 Q We have eliminated the vertical. I didn't mean to
14 interrupt your answer.

15 A To do what you're saying, then, he would have to pass
16 the horizontal because then he could weld horizontal or flat.

17 Q We have a difference in numbers. Is that one test?

18 A One test.

19 Q One test. Sir, how could this welder fail a majority
20 of tests required to perform adequately his function for Zimmer
21 if there's only one test and either he passes it or he doesn't?

22 How does the word "majority" have anything to do with this?

23 A I was speaking -- you're taking the context, we'll
24 say, like the minimum weld test. I'm going by the Husky
25 manual which said all welding -- all is all-inclusive -- would

1 be to Section IX and it would be by certified welders.

2 Q What is the maximum number of tests he is required
3 to pass in order to work upon the Zimmer work project, sir? Is
4 it not one?

5 A Yes, sir.

6 Q The minimum is one?

7 A Right.

8 Q So in this case, they are synonymous. How could he
9 fail the majority of the tests required to do the work on Zimmer
10 since there's only one test involved?

11 A Only one test involved on a straight piece side
12 rail, sir.

13 Q That presents a question?

14 A There were other pieces of welding.

15 Q How can he fail a majority of tests when the number
16 of tests is one?

17 A He can't. He can't.

18 Q Thank you. I call your attention to your answer on
19 page 555, line 22.

20 A I don't have a 555.

21 Q I do, sir. What position was a welder at Husky for
22 the Zimmer project allowed to weld in for which he was not
23 qualified?

24 A What line are we talking about here?

25 Q It's a flat question, sir. If you want the question
reread --

1 A You told me to turn to page 555.

2 Q I don't believe I did, sir. If I did, I beg your
3 pardon.

4 A I'm at page 555.

5 Q There's a pending question.

6 MR. BARTH: Perhaps the reporter would read the
7 question and we could get an answer and keep on with our
8 usual alacrity.

9 (Whereupon, the question was read by the reporter)

10 THE WITNESS: Offhand, I would have to go through
11 the records and see, but I would think -- in fact, I know that
12 at times it was -- Marvin Brock and Junior Allen were not
13 qualified.

14 MR. FELDMAN: Perhaps the Board could direct the
15 witness to move the microphone closer.

16 THE WITNESS: Two welders that welded on the three
17 rail pieces were actually not certified as they should have
18 been.

19 DR. HOOPER: Did you name them?

20 THE WITNESS: Marvin Brock and Junior Allen. That's
21 been conceded in Mr. Banta's testimony.

22 BY MR. BARTH:

23 Q Sir, how do the welds performed by Husky increase the
24 danger of fire at the Zimmer plant?

25 A I would say that they increase the danger of a fire.

1 What I would say is they increase the possibility of the risk
2 of fire causing loss of control through loss of the cables --
3 control of the cables ultimately.

4 Q Sir, we have been discussing these cables. Let me
5 show you a picture and ask you to identify it for the record.

6 A Okay. It's actually upsidedown.

7 Q What is it a picture of?

8 A It has all the appearances of some things I saw at
9 Zimmer. It's upsidedown.

10 Q Is it not a picture of cable trays?

11 A Yes.

12 MR. FELDMAN: Your Honor, could you ask Mr. Barth
13 to stop questioning while we look at the picture?

14 CHAIRMAN BECHHOEFER: Yes. Wait until the counsel
15 looks at the picture. Could we get to see one, too?

16 MR. BARTH: Yes.

17 BY MR. BARTH:

18 Q Are the curved sections in that picture, sir,
19 approximating the curved sections of the cardboard model?

20 A I believe there are some in there similar to that;
21 yes, sir.

22 Q I believe you testified that you were laid off in
23 August 1978; is that correct?

24 A Yes, sir.

25 Q Did you not thereafter have a conversation with
Claire Duncan?

9

1 A Yes, sir.

2 Q And you had no other conversations with the Husky
3 people about your pay, your taxes, your termination, your
4 medical benefits -- anything? You never talked to anybody
5 thereafter except meeting one of the gentlemen in the department
6 store one day?

7 A Now wait, you said Husky, and most of my contacts
8 were with Norwalk in regard -- because I kept up my insurance.

9 Q Did you contact them about your taxes, your tax
10 forms?

11 A No, sir. They sent them in the mail right after
12 Christmas or right after the first of the year.

13 MR. BARTH: I have no further questions of this
14 witness, Mr. Chairman.

15 CHAIRMAN BECHHOEFER: At this point I think we will
16 break for lunch and we will resume the further cross after
17 lunch. Let's be back about 1:30.

18 (Luncheon Recess)

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AFTERNOON SESSION

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(1:38 p.m.)

CHAIRMAN BECHHOEFER: Back on the record. Before resuming Mr. Hostadter's cross examination, the board would like -- the board would like to read out two questions which we would like the parties to answer, but specifically we have in mind the applicant and the staff.

These relate to the Appendix I matter that we discussed last week. I think we mentioned that we would have some questions.

They read this way -- and although I have them written out, I will give them to the reporter so that he can get them in the record -- but I will read them.

1. With respect to the cost-benefit balance contemplated by 10 CFR Part 50, Appendix I, Section II. D, the Board wishes to be advised whether scheduling of releases from non-continuous sources (i.e., the mechanical vacuum pump and the dry well purge) could effect reductions in man-rem and/or man-thyroid-rem dose to the population reasonably expect to be within 50 miles of the reactor. In this context population includes but is not limited to school children; transients should be included. By scheduling of releases, the Board has in mind:

a. time: day/night for the dry well purge and variation of days (e.g., weekends/weekdays/seasons) for both the dry well purge and the operation of the mechanical

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3 vacuum pump. In other words, in this analysis the
4 parties should take into account the number of people at
5 various directions and distances from the plant site
6 at night versus the day and on weekends versus week days.

7 And b: wind direction: whether the foregoing
8 releases should be coordinated with wind direction and/or
9 velocity.

10 The second question is: if a reduction in
11 population dose may be achieved by one or more of the
12 scheduling methods references above, either alone or in
13 combination, the Board wishes to be further apprised of the
14 cost thereof; in doing an estimate with respect to dry
15 well purge, the parties may wish to segregate purges
16 which may be rescheduled with little or no difficulty or
17 expense from those where greater difficulty or expense is
18 entailed.

19 Now, I will give this to the reporter so that
20 he will get it exactly in the transcript. We have no time
21 schedule in mind. We do not anticipate that the answers to
22 this will be forthcoming this week. So that this will be
23 a matter that will be taken up at a later time.

24 I will discuss scheduling of this later in the
25 proceedings, later this week.

Now, this question -- or related to this question
potentially is -- on Friday Mr. Woliver mentioned that he

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1 might request a further subpoena.

2 The board wishes to be advised whether this is
3 so, and if so, we would like you to state what you expect
4 to prove and -- or whether you still have the desire to
5 request a subpoena. We think it is relevant to what we've
6 just read out, and we anticipate that if we should desire
7 your witness to be called, this would probably not occur
8 this week.

9 It would occur at whatever later time we consider
10 this other matter.

11 MR. WOLIVER: I did make reference to issuing
12 a further subpoena; specifically, subpoena a meteorologist
13 or a climatologist expert who would analyze the methodology
14 used in the FSAR which went into the development of the
15 windrose study at the Zimmer site.

16 This could be related to your two questions that
17 you provided here, and upon that I agree with the board
18 that probably we should wait until a later date to decide
19 whether or not to bring in an expert.

20 Presumably, if these questions are answered, I
21 would assume the parties would have an opportunity to cross
22 examine whatever evidence is offered in the answers.

23 Would that be correct?

24 CHAIRMAN BECHHOEPER: Yes.

25 MR. WOLIVER: So I feel our -- probably bringing

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1 the expert in now would probably not be the best time
2 situation.

3 CHAIRMAN BECHHOEFER: So I take it at this
4 time you do not request a subpoena for your witness?

5 MR. WOLIVER: As long as we could reserve the
6 right to bring in the witness at a later date, that's correct.

7 CHAIRMAN BECHHOEFER: Let's hear from Mr. Conner.

8 MR. CONNER: Your Honor, we object to this. This
9 hearing is scheduled to dispose of, among other things,
10 contention six and Mr. Woliver is simply betting on the
11 game.

12 He talked about getting a witness; he obviously
13 doesn't have a witness. He obviously doesn't have one that
14 is qualified in the area and one that has not done his
15 homework.

16 So we definitely object to in effect opening
17 discovery on -- while Mr. Woliver goes searching around
18 trying to find a witness who might know something. We believe
19 that he has to abide by the rules and that was that this
20 hearing would be on contention six and in this two week
21 period.

22 Now, if he can't do it, he has no right to come
23 in now and say, "I want more time; maybe I can find
24 something."

25 He's had time. He's had years. Dr. Fankhauser

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1 has been in this case for eight years. So he shouldn't
2 be allowed to do that now. And I don't think it has
3 anything to do with the two questions the board asked.

4 CHAIRMAN BECHHOEFER: Only insofar as they relate
5 to the same general Appendix I matter, but I agree with you:
6 the proposed witness would not be specifically relating to the
7 questions the board had asked.

8 MR. CONNER: The FSAR, all of this meteorological
9 data has been in for years, and it's too late now for
10 Mr. Woliver to come in and say, "I want to see if I can
11 find somebody to read the data and I want to delay the
12 case and delay this contention; I'll see if I can find
13 somebody."

14 I just think that's totally improper and would
15 object to it.

16 MR. WOLIVER: I may have misled you. If that
17 is what Mr. Conner gleaned from my statement; I have
18 contacted meteorologists and I have one with me working
19 right now who would serve as an expert witness. I just
20 think that the timing of presenting the witness this week
21 would not be best in light of the questions and in light
22 of the way this hearing is going.

23 I think this hearing is going to run through this
24 week and to bring in one expert sometime this week probably
25 wouldn't be -- would not help the board in its determination,

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1 particularly in light of the two questions that you
2 provided.

3 MR. BARTH: Mr. Bechhoefer, staff is flatly
4 opposed to the attempt to go out and put on a further direct
5 case on contention six. This thing has been hanging around
6 for years. That FSAR has been filed for years. This is no
7 time, the 26th of June, to start looking for direct
8 testimony, sir.

9 What a mockery of the rule that provides for
10 14 days --

11 MR. WOLIVER: I'm afraid that maybe again
12 Mr. Barth did not glean what I said; this would not be
13 direct testimony. This would be rebuttal to the testimony
14 already presented.

15 DR. HOOPER: Mr. Woliver, what was it that in
16 the testimony that you found it was necessary to rebut?
17 Is it some specific thing that was given in the testimony
18 at this hearing that you wish to rebut, some specific item?

19 MR. WOLIVER: Yes, and here is where I will get
20 vague because it may go beyond that in analyzing the
21 methodology.

22 But one specific area was the fact that -- and
23 this is -- I'm proffering what I've been advised from
24 other meteorologists, that a two year windrose study is
25 not statistically significant to develop an average for

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1 future wind patterns. That's one area.

2 And another area would be the fact that when
3 this study was developed -- and I could be wrong here -- but
4 it's my believe that the 480 cooling tower was not built
5 at that time. That could also have a factor at -- in the
6 immediate area of the windrose -- the wind patterns.

7 DR. HOOPER: I'll say it a little bit differently,
8 Mr. Woliver: do you find something that is inadequate used
9 by the applicant as spelled out in the reg guides? Now
10 that tells the applicant what he should do and they are in
11 the FSAR.

12 Now, this would be the basis for bringing in
13 someone if there is something there which has come up to
14 your attention but not something that has been there all
15 the time.

16 Now, that's the sort of thing we would like to
17 know: what deviations -- what are the deviations from
18 the reg guides which tell the staff and the applicant how
19 to proceed in this general area. That would be the kind
20 of information that we would like to have in bringing in another
21 witness.

22 MR. WOLIVER: Okay. I don't think I would be able
23 to state that it constitutes a variation from the regulatory
24 guide at this time, your Honor.

25 MR. CONYER: I would like the record to reflect
the reg guide, the NRC Regulatory Guide, 1.23, states in

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1 pertinent part: "A minimum amount of meteorological data
2 needed for siting evaluation is considered to be that
3 amount of data gathered on a continuous basis for
4 representatives at consecutive 12 month periods; two
5 full annual cycles of data are desirable."

6 Now, our record shows two full years of data
7 from March of '72 through March of '74. In addition,
8 there's much later in additional data in the FSAR. And
9 for this to be brought up now, as if it's something new and
10 significant, is wrong.

11 And I don't know who all of these meteorologists
12 are, but they're obviously not familiar with the reg guide
13 which has stood the test of time for lo these many years.

14 In any event, there's no showing why a subpoena
15 would be necessary for witnesses. If he's consulting a
16 meteorologist for an expert, there's no indication a
17 subpoena is required.

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1 MR. WOLIVER: That's true. A subpoena would not be
2 required per se.

3 (Board conferring)

4 CHAIRMAN BECHHOEFER: I think we will hold your
5 request in abeyance and I might say that unless you could show
6 there was something specifically amiss in the way the regulatory
7 guides have been filed or not filed, it's unlikely that we
8 would call for the witnesses at this time. So you would have
9 to make some sort of showing such as Mr. Conner talked about. I
10 do think that is in order at this relatively late stage of the
11 game.

12 MR. WOLIVER: I understand. Would we be limited to
13 having to make that showing by Friday?

14 CHAIRMAN BECHHOEFER: No, but you would be required
15 to make a showing something is wrong in the evidence we have
16 already got and something very specific, something that might
17 change the result reached or the conclusions reached by the
18 meteorologists.

19 MR. WOLIVER: Part of our problem was our inability
20 to cross-examine any witnesses that had the expertise in
21 meteorology who could explain and possibly allay our concerns
22 for the methodology in the tests.

23 CHAIRMAN BECHHOEFER: I believe the methodology is
24 given in the regulatory guide.

25 MR. WOLIVER: Okay. Well, I will so inform the

1 Board or the parties if we are able to develop that.

2 CHAIRMAN BECHHOEFER: Okay.

3 MR. WOLIVER: Thank you.

4 CHAIRMAN BECHHOEFER: The other matter that the
5 Board wanted to raise concerns another one of Dr. Fankhauser's
6 contentions, contention 5. In the Federal Register of Friday,
7 June 15, the Commission published what we term an interim final
8 rule effective July 16, which in effect requires certain plans
9 for routing from a safety standpoint, both a routing and
10 guidance of shipment of spent fuel. I think we have a motion
11 for summary disposition which we have not acted upon and which
12 we deferred because of the so-called Three Mile Island trial,
13 but with this new rule which will be an effective rule -- the
14 page on which it occurs is 44 Federal Register 34466. That's
15 the 15th of June. In view of this, I wanted to inquire whether
16 the Applicants would wish to withdraw their summary disposition
17 motion on that contention because I would say that since the
18 contention states that no plan exists and I think we have no
19 showing a plan does exist, if we granted summary disposition
20 it would have to go for the Intervenor at this stage in view
21 of these new regulations.

22 MR. CONNER: Mr. Chairman, we will examine the rule
23 and then make an appropriate motion that may be necessary. I
24 don't think we can respond to you directly until we have seen
25 what the rule is.

1 CHAIRMAN BECHHOEFER: We only call your attention to
2 it if you weren't aware of it and the other parties' attention
3 to the issuance of this new rule which is effective July 16.
4 It's open for comment, but after the fact comment. So the rule
5 becomes effective subject to change. It appears to impose
6 responsibilities both on carriers and on licensees.

7 MR. CONNER: Once again, after we have seen it --
8 I'm not sure from what you've said it has anything to do with
9 this contention, but, as I say, I haven't seen it yet.

10 CHAIRMAN BECHHOEFER: The contention says you don't
11 have a plan and this says you have to have a plan.

12 MR. CONNER: Well, if you want me to argue with you
13 in a vacuum I will, but --

14 CHAIRMAN BECHHOEFER: I don't. I'm just calling
15 your attention to a new Commission rule which I believe will
16 govern this contention or will be applicable to this contention
17 in any event.

18 I think it's Mr. Woliver's turn for further cross-
19 examination.

20 MR. WOLIVER: I don't have any questions at this time.

21 CHAIRMAN BECHHOEFER: Okay. Mr. Heile.

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1 Whereupon,

2 EDWIN HOFSTADTER

3 resumed the witnessstand and, having been previously duly sworn,
4 was examined and testified further as follows:

5 CROSS-EXAMINATION (Cont'd)

6 BY MR. HEILE:

7 Q Mr. Hofstadter, at some point during the testimony
8 you indicated that -- let's see if I've got this right -- the
9 issue was raised about performance of qualification tests prior
10 to establishing the qualification procedure. Correct me if I
11 mischaracterize anything here. And it was my understanding in
12 your testimony that you stated that you were told to go ahead
13 and use the qualification of these particular welders on a part
14 at the same time as a qualification procedure was being
15 established. Is that correct?

16 A Yes, except -- in other words, the welding procedure
17 itself has to be qualified and by qualification means it has to
18 be tested in two respects. It has to pass the bend test and it
19 has to pass the tensile test and then that is the procedure
20 which outlines how the test is to be done specifically in detail.
21 Then that test then is administered to the other people and when
22 those people then have a successful piece in their performance
23 test then they then can be certified.

24 Q But am I correct in characterizing your earlier
25 testimony that they were doing both at the same time?

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1 A Yes. When Gladstone came in -- in fact, every time
2 when Gladstone came in, to my knowledge, we did procedural
3 welding and test welding simultaneously, and that is contrary
4 to the ASME.

5 Q Now was that done pursuant to instruction from
6 somebody else from Husky Products to you?

7 A No. That was done, we'll say, by Gladston and, in
8 other words, at that time Husky had no knowledge that that was
9 not proper.

10 Q What is the value of attempting to test a welder to
11 see if he can qualify when you have not yet established quali-
12 fication procedure, if you know?

13 A In substance, it really means if the welder did a
14 test at that time it really becomes just a practice test. In
15 other words, it should not be used as a certifying test.

16 Q Is it possible that if you're attempting to qualify
17 a procedure and a welder has trouble with the test piece and
18 he's also using that as his own test that you might change the
19 procedure to make it easier for the welder if you're doing both
20 at the same time?

21 A Well, he has parameters in which he can operate so,
22 in other words, there's -- a possible illustration would be his
23 amperage setting could be in the range of 120 to 150. It could
24 be that he was welding at 150 and his piece went bad and then he
25 rewelds and then goes to a little lower amperage and goes a
little slower.

1 Q Could his performance during the process of his test,
2 which is also as you indicated simultaneous with the qualifica-
3 tion of the test procedure itself, does his performance on that
4 test dictate how the qualification test would be formulated?

5 A Yes, sir, because, in other words, until the procedure
6 piece is passed and it then becomes qualified and then that
7 means that because prior to that it is just a, we'll say, like
8 a planned procedure and once it is tested then it becomes a
9 permanent procedure.

10 Q Okay. And your testimony today is that when that was
11 going on -- let me ask you this. Did you question that?

12 A No. To be honest with you, we were not smart enough
13 to realize that could be wrong.

14 Q Now you had some conversations, I assume, with Mr.
15 Randy Pratt concerning the welds being performed by Husky at
16 the time, let's say at the time of the first Gladstone test. Is
17 that correct?

18 A No. We had no question at that time because Gladstone
19 came in and this was all new to us.

20 Q Did you ever discuss with Mr. Pratt your concerns
21 over the welds at any time during your employment with Husky
22 Products?

23 A That was a constant subject; yes, sir.

24 Q Could you give me some indication of the nature of
25 what statements you made to Mr. Pratt?

1 MR. CONNER: Object to that, Your Honor. This was
2 asked and answered on direct a long time ago, yesterday -- or
3 last Friday.

4 MR. HEILE: I could be in error. I just don't
5 remember his characterization of the discussions he had with
6 Mr. Pratt concerning the welds.

7 THE WITNESS: There were many discussions in many
8 areas is the best way to describe that.

9 BY MR. HEILE:

10 Q Let me be very specific then.

11 MR. HEILE: Would you like me to go on at this
12 point, Your Honor?

13 CHAIRMAN BECHHOEFER: Why don't you go on.

14 BY MR. HEILE:

15 Q I will be specific. Did you and Mr. Pratt ever
16 discuss the issue concerning the order or the alleged order from
17 Mr. Banta to destroy the records of those two welders that
18 apparently were not passing the certification?

19 A I don't recall any discussion on it because as the
20 day in question as that occurred -- in other words, it occurred
21 as a result of Randy reporting a situation to me and having a
22 question and his question being, in other words, after testing
23 the first two welders, his question then was, shall we continue
24 to test the others. So he needed an answer to that question and
25 that was the purpose of my seeing Mr. Banta in regard to getting

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1 an answer on that score.

2 Q Since that time, have you had occasion to discuss
3 this issue with Mr. Pratt?

4 A No.

5 Q Were there any other similar situations involving
6 your employment with Husky Products with respect to records
7 that someone suggested to either destroy or eliminate involving
8 certification of welders?

9 A No, sir.

10 MR. HEILE: That's all. Thank you.

11 BOARD EXAMINATION

12 BY MR. BRIGHT:

13 Q Mr. Hofstadter, I just have a couple things and they
14 are for clarification really very little substantive about them.
15 I want to get it clear. In your personal knowledge, except
16 for the two people who have been identified by a report from
17 the Staff, do you know of any operation on the Zimmer cable
18 trays that was carried out by an unqualified person?

19 A No, sir.

20 Q You made a statement that there wasn't any inspection
21 records and this is a little strange, even for non-category I
22 equipment for a nuclear job. Well, I guess the way to phrase
23 it is, do you know that there are no inspection reports or are
24 you not aware of if there are inspection reports?

25 A There are inspection reports but the problem with

1 the inspection reports is, we'll say, in relation to a specific
2 part you cannot tie down a specific part to a specific man and
3 this became highly important, we'll say, when we had bad parts
4 and we would try to take the incentive away from the persons
5 that welded the parts. So we would try to track it down who
6 welded the part and in almost every case I think with either
7 one exception I know of and possibly two, in the full length
8 of time I was there, that was the only times we could take
9 incentive earnings away because we couldn't, we'll say,
10 positively determine who welded the part.

11 Now when you reached into a man's pocket and you
12 take money away from him, you're getting into a very sensitive
13 area and you'd better have 100 percent positive proof and we
14 tried several times, we'll say with proof that was 99.-
15 percent positive and we had to withdraw.

16 Q Okay. So then your statement is --

17 A I would say, based on that and with those experiences
18 with the bad parts, we never could pin it down. That was the
19 times, we'll say, when we had the most experience with the
20 inspection records and the inadequacy of them.

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2 Q But inspection records do exist?

3 A Yes, to a degree, yes, they do.

4 Q Fine. Thank you.

5 BY DR. HOOPER:

6 Q Mr. Hofstadter, I guess I didn't quite understand
7 the first day exactly what your job at Husky is. Can you tell
8 me a little bit more about it? I don't understand your
9 responsibilities very well.

10 A Well, a more descriptive title would be Manager
11 of Manufacturing Engineering and that was concerned with
12 all of the areas involved with this, say estimating on
13 new work, and providing whatever tooling and equipment would
14 be needed, and specifying which processes would be used,
15 working up the standards for the various operations.

16 Q Just stop there a minute. It is short of the
17 logistics of doing a job of some sort for the Company. Is
18 that right? Bringing in the people, the material and so on.

19 A Right.

20 Q Then it is a job that is mostly administrative,
21 is it not? You would have to be sure that people did the
22 right things, the right materials were there. You were really
23 an administrator, is that correct? Would that be a proper
24 characterization of your job?

25 A Well, or manager, yes.

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1 Q Was this the sort of thing you had done previously,
2 before coming to Husky?

3 A Yes.

4 Q What other companies did you work for?

5 A Prior to that, my longest experience is 12 years
6 at Bendix in a similar capacity, and 7 years with American
7 Standard in a similar capacity.

8 Q Now at these other jobs, did they also involve
9 welding and this sort of thing?

10 A No, sir, they did not.

11 Q They did not involve welding?

12 A No.

13 Q SO that your contact with welding in this process
14 was chiefly while you were at Husky, is that correct?

15 A Yes, sir.

16 Q How did you actually learn to weld? Did you take
17 a welding course, or what was your training in order to
18 evaluate this welding process?

19 A Well, when I found out we had bad welds, my principal
20 interest was being able to, we will say, acquire enough
21 training and practice and experience to visually inspect welds
22 and to find out the difference between good welds and bad
23 welds and just specifically in that area.

24 Q You took it upon yourself to train yourself in
25 how to detect a good weld and a bad weld, is that correct?

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A Right.

Q Was this with some manuals or what?

A It was various ways, but I think the way that was the most effective was that Randy Pratt went through a series of training programs. As he made his progress, I would question him very closely and he would bring in all of his parts that elements and the importance of each.

Q So you would consider yourself an expert in recognizing welds, the kind we have discussed in this hearing, and whether they are good or bad?

A Yes, sir, I consider myself knowledgeable in that specific area.

Q But knowing that this was a skill that was primarily designed as a process engineer, something like this, but how did it happen that you didn't get into the inspection business? Even though you were responsible for the process of welding, you didn't actually control who did the welding or neither did you actually inspect welds. Is that a correct statement?

A That's right.

Q So I am a little bit lost as to how you had so much contact with it, if you were neither an inspector nor a person who was actually doing it or responsible for getting it done.

DB4

1 A I had the responsibility of just seeing that the
2 certification tests were performed and that we had an adequate
3 number of people certified.

4 Q I see. It was purely gaining their certification
5 that was your responsibility here and nothing else?

6 A Correct.

7 Q As far as your professional background -- did
8 you say you had a degree in engineering?

9 A No, sir.

10 Q But have you had courses in materials, strength
11 of materials, this sort of thing?

12 A Right. I have served a four-year apprenticeship in
13 tool-making and then I had two years of college and I have
14 had three different correspondence courses and I have had
15 numerous training programs.

16 Q So it has been through training programs that
17 you had this sort of thing.

18 You were talking about the cable trays, and I can't
19 remember, or maybe I didn't hear who told you that these
20 trays would never receive an appreciable load. Who gave
21 you that information?

22 A Barry Schuster.

23 Q Who is he?

24 A Barry Shuster was in Product Engineering and he
25 would have been on this say like a project engineer. And
he worked with the engineers of CG&E in resolving different

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DB5 1 questions that they may have.

2 Q He said they would be only partially loaded then?

3 A He not only gave me that, he gave my boss, Mr. Wong,
4 the same assurance, that normally these trays were only
5 approximately half loaded.

6 Q Did you have any concept of what half loaded meant
7 then?

8 A Half loaded to me, and I am sure to Mr. Wong,
9 was by area.

10 Q By filling them up volume-wise?

11 a Right.

12 Q What was the occasion of your taking a trip to the
13 plant?

14 A Prior to that Husky had been doing development work on
15 a fire protective tray. And this was --

16 Q What was that again?

17 A Fire protective tray. And this was almost a
18 regular tray that had a special coating on it, and this
19 coating, when it reached a temperature of about 400 degrees,
20 it had a terrific expansion factor. In other words, I think
21 it expanded 300 to 400 times. Through this expansion, it would
22 form like a blanket, and this blanket would become a fire
23 barrier and protect the cables above it. And in fact Mr. Banta
24 is really the developer of this particular thing.

25 Q When you went to look at these special expansion --

A We went to look at Ximmer's cable installation,

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1 with the possibility in mind that maybe these trays could be
2 adapted for installation at Zimmer. That was the purpose of
3 the visit.

4 Q I see. Mr. Banta was with you that time?

5 A Yes, sir. Mr. Banta was the developer of this
6 particular type tray.

7 Q And while you were there you looked at the
8 installed trays that were made by your concern, is that correct?

9 A It was very important that we look at their
10 installation, because in relation to their installation, we would
11 have to make the first tray in some manner or shape that would
12 be compatible with what they had already.

13 Q Sir, how did you know when you looked at these
14 trays -- I believe you testified you looked at these trays
15 and you knew they were overloaded?

16 A Overloaded, by what I had been told to expect.
17 In other words, I expected to see the trays and I expected
18 to see them say maybe 50 percent or 60 percent loaded by
19 volume. And not loaded we will say with a slight crown at the
20 top.

21 Q But you didn't know what the weight was at the
22 time in those trays, did you?

23 A No, sir.
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1 Q Were you using strength of materials or something
2 like that to make an estimate as to whether they were over-
3 loaded, or was this sort of a guess on your part?

4 A This was just a guess on my part, primarily because
5 I know that copper cable is very heavy, and it was
6 apparent that if we weren't at the loading peak, we certainly
7 were near it.

8 Q But you hadn't consulted the engineering design
9 and you were not questioning the engineering design which
10 allowed this kind of installation?

11 A No, sir. But I did ask one question, and
12 this question disturbed me, and that was I asked the
13 man from CG&K, I said "Are you finished pulling your
14 cables? Do you have all your cables pulled now, because it
15 looks to me like that is a lot of cables," and he said
16 "No, we are only 70 percent finished."

17 Q But even with the other 30 percent, you were not
18 aware of whether there had been engineers that had looked
19 at these trays and had designed them for an additional 30
20 percent? You wouldn't have been able to say whether they
21 were right or wrong?

22 A No. But just my curiosity, I wondered where that
23 other 30 percent was going to go.

24 Q Now as I understand this cable tray situation,
25 it is the part that is most concern to you were the vertical,

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1 where it changes from a horizontal to . . vertical fittings?

2 A Right. That is the only part I questioned in
3 particular.

4 Q And this is the part where you really felt this
5 overload problem was most critical?

6 A That is because if there is an overload, the only
7 thing that will carry the load and the overload are these
8 little welds.

9 Q I believe in the cross-examination somebody
10 mentioned this term Killum grips, I believe that is right.

11 A Right.

12 Q Do you now understand what they mean by this
13 Killum grips?

14 A I undersand the Killum grip in fact was used and
15 it is in use say like in control cables coming down out of an
16 instrument panel from a crane. And you fasten a chain to the
17 pendant and fasten it also up above and you do that to take
18 the load off of the electrical cables. But I can't see how
19 you could put something like this around a whole bunch of
20 cables.

21 Q You are saying such devices were not installed
22 when you saw them?

23 A That is correct. If they ware, they were not
24 evidant, you know, clearly evidant. But even if they were,
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1 or if they are there now, I still can't imagine how it
2 could be done.

3 Q Well, even if you can't picture how a bunch of
4 cables could be surrounded and held up this way --

5 A That's right.

6 Q But if they were properly ---

7 A Theoretically they could be grasped, like they
8 are saying; the principle, there is a possibility they could
9 lessen the load, yes.

10 Q I believe you testified that this would lessen
11 your concern about the whole matter if you knew this were
12 possible? And I believe you testified that you would have
13 had a smaller concern if you knew this?

14 A That's right.

15 Q Would there be any other things that would concern
16 you, other than this problem of supporting these vertical
17 changes?

18 A That would be the major one.

19 Q That would be the major thing?

20 A Right.

21 Q I want to talk a little bit about this incentive
22 system. I believe we had one witness that said that the
23 incentive systems of this sort are sort of standard in the
24 industry. Would you agree with that sort of statement?

25 A There are many in use, yes. It is common, yes.

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1 Q And have you heard of other cases of this being
2 a problem in welding, other instances of this, where
3 incentives ~~have~~ lead to a breakdown in the quality of welding?

4 A Not to my knowledge.

5 W Perhaps you also heard the witness from Husky
6 testify that -- excuse me. Strike that.

7 Let's go to your question number 14. Here you say
8 welders use extremely high amperages and gas coverages, and
9 welders ran extremely hot welds due to speed and thus the welds
10 cooled quickly and cracked.

11 I believe we had a witness from Husky yesterday
12 who said it is possible that you would use a high amperage
13 if you were a fast welder. In other words, if you are
14 holding a weld on something and you move very fast, you have
15 to have a high amperage if you work fast. Is that correct?

16 A You have to keep up with it. If you have a high
17 amperage, you have to move fast enough to keep up with the
18 amperage, yes.

19 Q But that doesn't mean high amperage leads to poor
20 quality if you move fast enough across the work?

21 A Except there comes a point where the amperage
22 can be too high.

23 Q But the point in having a range in amperages is
24 for fast welders and slow welders, is that not correct?

25 A To a degree. But also when the weld test is performed,

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1 there is an amperage range and the production welds should
2 be reasonably close to that same range as the weld in which
3 they qualify.

4 Q I am not thinking about qualification now. You
5 seem to think that during production these people are working
6 using high amperage, and this leads to defective welding.
7 But would it be true that if they were working fast enough,
8 they might have not been having poor work?

9 A No, because once you start to exceed your amperage,
10 if you exceed the amperage settings, the first thing
11 that will happen, or one of the things that will happen
12 is you will start to lose fusion.

13 Q Maybe I don't understand your answer. You are
14 moving something over a plate. Now if you have to do it
15 fast, you have to have a high setting. If you are moving
16 it slowly, you should do it at a lower setting. Is that
17 correct?

18 A Yes.

19 Q How do you know then that because a person has a
20 high amperage setting that he is necessarily doing poor
21 work unless you watch him to see how fast he moves over
22 the work.

23 A Well, the biggest thing is, in other words, we
24 will say if the qualifying weld, certifying weld --

25 Q I am not talking about qualifying welds now. I

1 I am not discussion the qualification process. I am merely
2 discussing the production process. How do you know, and what
3 was your source of information that lead you to believe that
4 these people were working with too high amperages for their
5 speed?

6 A I wouldn't say high amperage was too high for their
7 speed. They managed to keep up with it. I would say their
8 amperage was too high to insure, with reasonable assurance,
9 that you had a quality weld.

10 Q Well, I guess maybe I don't understand quality
11 weld. I am still not clear as to how you were able to
12 differentiate or tell when the amperages were too high,
13 unless you had very careful control over the rate at which
14 they were going over their work. Because obviously it takes a
15 certain or proper amount of heat, and a proper amount of
16 heat is equated to time.

17 A Right.

18 Q I can't understand your answer as to how you knew
19 they were going to have bad welds simply on the basis of the
20 amperage setting.

21 A Well, the only thing I can say there is I have
22 to go back to the procedure welds. The procedure weld was
23 say at an amperage setting of 120 to 150. Now that doesn't mean
24 production welds have to be in that range, but it means
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1 they have to be reasonably close to that range. It doesn't
2 mean, for example, that you can go so fast, that you can go
3 up to the capacity of the welder, which may be 250 amps.

4 What I am saying is when you go up to 250 amps there is
5 a strong likelihood you will produce welds that lack fusion.
6 That is what results.

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1 Q So you are -- you were sure, certain that these
2 people had amperages too high for the --

3 A Yes, sir.

4 In other words, people were very proficient at
5 welding very fast.

6 Q Did you ever inspect those welds to see if the
7 type of imperfections were there which you would expect to
8 have there from having too high an amperage?

9 A Yes, sir. That -- I think I described that for
10 Mr. Barth this morning, that Mr. Pratt and I went out into
11 the shop periodically roughly at two to three month
12 intervals and we would look at welding in general for the
13 shipping requirement prior to shipping just to see what type
14 of quality level we have.

15 Now, this is very easy to see in aluminum. The
16 defects show up very easily, but in steel you have to look
17 a lot closer, and it becomes a little more difficult to
18 see the same type of defect in steel as in aluminum.

19 But if they are great enough and frequent
20 enough, they can also be seen.

21 Q You mean that you have been trained so that you
22 are able to detect these from experience, able to detect
23 imperfect welds that are made with too high an amperage?

24 A Yes, sir.

25 Q Mr. Hofstadter, another thing that I can't
quite visualize in all of this, your testimony, is the --

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2 how you know that there's a greater number -- strike that.

3 How are you able to determine there is a
4 difference in quality of welds produced by certified versus
5 non-certified welders?

6 Do you know whether personally there's any
7 difference in quality of, say, these two people, one
8 certified -- and as I understand your operation there's been
9 a lot of people not certified -- did you ever do a statistical
10 study to see whether -- how much difference is made in the
11 number of rejects or anything like this?

12 A It -- in my opinion, when we did not change the
13 basic production process and so forth and control it, this
14 was a fact whether a welder was certified or not certified.

15 It made absolutely no difference, the end result.

16 Q Well, that's -- in other words, the certification
17 procedure, it's a rule, but in terms of -- in terms of the
18 cable trays, you're not aware that it really made any
19 difference in them?

20 A I'm convinced it didn't.

21 Q Well, that's very interesting; I thought that
22 you had testified quite to the contrary, that you thought it
23 did make a difference in the quality of the work.

24 A No, sir, no, sir. The reason it wouldn't make
25 a difference is if you don't change the production process so
that the production process guarantees -- well, let's say

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2 guarantees you a better guarantee of a quality weld, it
3 really in effect is a waste of time.

4 Q In other words, you're reasonably sure that
5 certified welders also make quite a few bad welds?

6 A Yes, sir. In fact, there are two opinions, let's
7 say, on control of the quality of welds.

8 The American Welding Society has an entirely
9 different approach from ASME; the American Welding Society
10 Approach is a better -- better and more effective control
11 of the process itself, the in-use process, and I believe
12 after going through this one, I believe that that would be
13 far more effective in the control of the end product, which
14 is what you're really interested in.

15 Q Another point in your testimony: you said
16 that you didn't know -- you said the reason you wanted
17 everyone qualified for all different kinds of welds that --
18 was that that way they could move from station to station --

19 A Right.

20 Q -- and handle all of the work. I think you said
21 something of that sort.

22 A That -- that only means then that we could handle
23 all the work and be in compliance with our QC manual which
24 has -- that's what we'd do.

25 Q Yes. Do you happen to know whether or not they
moved unqualified, uncertified welders to a position of

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1 the Zimmer job, on the cable trays?

2 A No, I don't. I would be completely unaware if that
3 took place on the Zimmer job.

4 Q It was not your job really to monitor whether
5 these people worked on stations where they were qualified or
6 not qualified?

7 A That is right.

8 Q This goes to something, I believe you answered a
9 question that Mr. Bright asked just a minute ago; either
10 while you were an employee or after you left the
11 company, did you ever advise any other of Husky's clients that
12 their work had been done by unqualified welders?

13 A I sent the same letter that went to -- went to
14 about a dozen different people.

15 Q You sent this letter not only to the Zimmer, but
16 you sent it to quite a few other clients, is that correct?

17 A I didn't send it to Zimmer.

18 Q Well, you sent it to the --

19 A The various engineering companies.

20 Q Yes. In other words, you were making sort of a
21 blanket statement about the quality of their welding, rather
22 than making a specific statement about the welding done at
23 Zimmer; is that correct?

24 A Right.

25 DR. HOOPER: I think that's all I have.

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BY CHAIRMAN BECHHOEFER:

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2 Q Mr. Hofstadter, I just have a few questions
3 for clarificat. on on some of the matters you mentioned
4 earlier.

5 You spoke of the -- the Husky QC manual; do you
6 know if the requirements of that manual were specifically
7 applicable to the Zimmer contract?

8 A My interpretation of the Husky manual is that
9 it is general and it would apply to all products across the
10 board, regardless.

11 Q Well, is that a Husky requirement or is that --
12 or did it in any way --

13 A It's just a Husky statement of what they will
14 do, what their practice is.

15 Q Did the contract which Husky had -- who was the
16 contract with? Kaiser Engineers?

17 A It's my understanding it was from CG & E.

18 Q Did that contract include any reference to the
19 Husky --

20 A I never saw the contract.

21 Q To your knowledge.

22 A All my contacts with Mr. Schuster, he insisted
23 that that was the case, sir.

24 Q So that to your understanding the requirements
25 for the Zimmer contract, you would think they would have to

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1 be overall certification, over all the tests, rather than
2 the tests for the specific job?

3 A Yes, sir; that was our own goal based on getting
4 the Zimmer job; our own goal was to accomplish that, yes,
5 sir.

6 Q But it's your opinion that CG & E included that
7 in its job requirements; that was something not that
8 Husky was volunteering but that CG & E was requiring?

9 A Right. It came back to me that through Mr. Schuster
10 that Mr. Ehaus was very insistent that Husky comply
11 with that.

12 Q Now, in terms of the welder qualification and
13 certification, in my own mind -- I may be mistaken, but I'd
14 like you to clarify if I'm wrong.

15 You seem to have talked about two different
16 types of failures, shall we say, and one seemed to be that
17 certain welder qualification tests were carried out before
18 the procedure tests were carried out.

19 The other one seemed to be that certain welding
20 had not been properly witnessed. Now, am I confused?

21 A No.

22 Q I'd like to find out when each of these things
23 happened, what each refers to.

24 A That is right. In other words, those are the
25 two, let's say, instances, let's say, strict non-adherence

david7

1 to the rules.

2 In other words, the first one stated out here,
3 but it's a case where we asked and found out and that it
4 that when you find something that doesn't adhere you should
5 go back and correct it.

6 The second was a practice that we just shouldn't
7 do, and when you do do it when you know you're not supposed to
8 do it, it becomes, let's say, valueless, we'll say, because
9 you didn't follow what you should have done.

10 Q Now, are there instances where both of those
11 occurred in that 1974 period, October-November 1974 period?

12 A Yes, sir.

13 Q Both of them?

14 A Yes, sir. Yes, sir.

15 Q Now, I take it you can't point out specifically
16 which applied to which welders?

17 A No, but I can tell you we were getting so many
18 weld test pieces for a time there that different welders --
19 some welders have a pattern like people have a pattern in
20 their handwriting; in other words, if defects appear
21 over and over, then after awhile you can look at a piece and
22 say that this man welded this and after awhile you can see
23 another one and you can see that this one welded that.

24 So then that all of a sudden you get a test piece --
25 the person who welded the test piece, a never welded a pile

1 like that in his life.

2 But you saw you can't reconcile it, so it makes
3 you suspicious how it arrived there.

4 Q But to your knowledge, the welder that you tested
5 had to practice 40 hours before he passed his test; did
6 he ever work on Zimmer?

7 A Yes, yes he did. That was Marvin Brock. He
8 made roughly half the parts.

9 Q You spoke of -- I'm not sure I'm using
10 precisely the words -- I have in my notes here that there
11 was some pressure to prevent this improper certification.
12 Do you know what kind of pressure this was insofar as it
13 affected you or as far as you observed it?

14 A Each time it would come up -- in other words, I
15 would go and see my superior who was Perry Wong -- and they
16 would come up and ask us -- usually a foreman would bring
17 it and they would want us to surface -- get the piece
18 surfaced and go as far as we could with it to see what it
19 was.

20 In other words, so and so welded it last night,
21 and so we didn't even really want to do that, but several
22 times Perry would be in on it, and they would even come
23 with him and they'd say: "Let's analyze the piece and
24 let's just see what it really is."

25 So he would start out that way, and in those
instances where those pieces then became good pieces, then

david9

1 eventually the pressure, we had to accept it and issue
2 certification for it.

3 Q Is Mr. Wong the only one involved in this or --

4 A Yes, he made the decision, yes, sir. Or he
5 told us what he wanted and that was it. In other words, if
6 we had a dispute, he would settle the dispute.

7 Q Now, you spoke of the fact that your concern
8 arose about the cable trays because you felt that they
9 would be overloaded, would you have had any problem or
10 concern, had you believed that the trays would be loaded
11 only in so far -- only up to their design capacity?

12 A No, I would have -- I don't think there would be
13 reason for concern then.

14 (Board conferring.)

15 BY DR. HOOPER:

16 Q Would you have had concern about these pieces
17 if you had known that your company had absolutely a perfect
18 record on welding and that the cable trays were very well
19 welded? Would you have had any concern about -- about
20 the vertical changes and the safety of it?

21 A In respect to the welding of them -- in other
22 words, if there had been a good welding job on them, I would
23 not have had concern.

24 Q You wouldn't have had any concern then if there
25 had been good welding; thank you.

david10

BY CHAIRMAN RECHHOEPFER:

1
2 Q But you also would not have been concerned if you
3 felt that they would only be loaded to whatever the design
4 capacity was?

5 A Right. In fact the last letter I sent to the
6 NRC that Mr. Baich calls -- in other words, where he says
7 "a little critical" -- I offer a suggestion there and
8 that was -- it's very simple just to reduce the load in the
9 trays.

10 Q Without reduction below what the specifications
11 were or below what you thought the actual loading was?

12 A Just a case of get the loading down to 50 or 60
13 percent of the area.

14 Q Considering your testimony on inspection, to your
15 knowledge was any inspection done -- I would include both
16 Husky and the NRC staff, if you know -- of the specific
17 types of welds -- TIG or MIG welds -- which is the problem --
18 any -- let me ask destructive tests?

19 A No, sir. No, sir, there were no tests made on
20 these parts you're talking about.

21 Q Now, you testified as to what would happen if
22 a weld broke; you said there would be a jagged edge; could
23 that, at least to your knowledge, do any damage to these
24 cables, which I understand are quite heavily insulated and
25 covered; could a jagged -- if a tray broke, if a weld in

321 159

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1 the tray broke and you got a jagged edge, could there be
2 any damage?

3 A The problem was that it might cut the insulation;
4 whether it cuts through the insulation, I do not know.

5 Q Now, you did talk about the domino effect of
6 one weld starting to break and what I wanted to know is:
7 if you had such a domino effect, would even a good weld
8 fail under some circumstances if you have it starting a
9 chain of breaks?

10 A I would rather doubt it, but it could be possible.

11 Q I'm not sure whether you answered this or not
12 earlier today, but when the two welders you were talking
13 about in 1978, when they failed the test in June '78, do
14 you know whether the particular test they failed is one
15 which would have involved their qualification for working
16 on the Zimmer cablestrays?

17 A I don't think so. I think it was a MIG, as best
18 I can remember.

19 Q Now, if they had failed that test, your opinion
20 is what would that have done to their certification to work
21 on a particular type of tray -- welds, I'm sorry -- that
22 were used in the Zimmer welds which we're talking about.

23 Would the failure there have disqualified them
24 from doing the types of welds required for Zimmer?

25 A I don't think so because Zimmer was welded with

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1 FIG.

2 Q So, all I am trying to say is: the fact that --
3 even assuming they failed, that in itself would not make
4 them unqualified to do the Zimmer welds, although it might
5 make them unqualified under the QC manual you're talking about.
6 I'm just trying to get that straight.

7 A It would be -- what it would really be,
8 being realistic, it would be indicative that their
9 qualifications are, at the least, borderline.

10 Q Well, when one is qualified, is there any
11 indication that one qualifies beyond the borderline? I
12 mean, is there any difference between a borderline
13 qualification and another qualification, at least in --

14 A Yes, because there are certain defects that are
15 permissible in a test piece. In other words, ferocity,
16 for example, a small amount of ferocity is acceptable.
17 Also, the small crack -- in other words, small defects are
18 permissible.

19 Now, you will sometimes get a piece from a person
20 who has no visual -- visual -- visual defect, and it's
21 a very good piece, and both will pass. Say, one passed
22 marginally and one passed with an exceptionally good piece.

end 11

1 Q But could you tell, absent destructive testing,
2 whether it was marginal or not?

3 A No. I'm just speaking of the first visual test as
4 far as the visual appearance of the weld and then the bend test.
5 and there are first some visual defects which are acceptable and
6 then there are defects that show up in the bend test which are
7 also acceptable.

8 Q So the failure that you're talking about --

9 A It was beyond that.

10 Q It was beyond that?

11 A Yes.

12 Q I see. I think Dr. Hooper was asking you some ques-
13 tions about your background. Do you have a college or pro-
14 fessional degree of any sort?

15 A No, sir.

16 Q So all the courses -- you mentioned you had taken
17 several courses, but from what types of institutions or --

18 A I took a tool design course from I think Machine
19 Institute in Detroit and I took another course -- it wasn't ICS
20 but it was another course similar to an ICS course --
21 International Correspondence School. It was not ICS, though.
22 This goes back years ago.

23 Q Right. But do you have any particular degrees or --
24 I don't know what membership in the various profesisonal
25 societies --

A No.

1 Q And you're saying your first exposure in depth anyway
2 to welding occurred while you were at Husky; is that right?

3 A That's right.

4 Q When you were showing the model the other day, you
5 mentioned that it could have a number of types of bottom
6 materials, that the bottom material -- I think you said it was
7 different at Zimmer than Shearon Harris, but is the welding
8 technique the same that you'd use for either kind -- are the
9 qualifications the same?

10 A Yes. The weld on the sample I showed was absolutely
11 identical to the type of welds that was used at Zimmer. As to
12 that, the illustration was accurate.

13 Q So a welder who qualified from the one you showed
14 would also qualify for Zimmer and vice versa, either one; is
15 that right?

16 A On that particular part on that particular application,
17 because on that -- the welds that held the bottom material in were
18 resistance -- electrical resistance ones.

19 A Yes, I understand that. In connection with your
20 termination from Husky, when were you first given notice of
21 that?

22 A It was August the 4th.

23 Q That was the effective date, wasn't it?

24 A I was called in like about ten minutes after four and
25 Mr. Parker called me and he said -- he was very nice -- and he
said, "We're terminating you as of today," and gave me my check

1 and he said, "Do you have any questions," and I said, "Well, the
2 only question I have is on my separation," and he said, "Well,
3 if your layoff was for six months, then the separation is paid,"
4 and he said, "Would you do me one favor," and I said, "Sure, I
5 would if I could," and he said, "Would you gather your stuff and
6 leave quietly," and he said, "Like in 10 or 15 minutes," and I
7 said, "I'll try and do that," and that was it.

8 Q Did you ask him why?

9 A He told me it was reduction of force.

10 Q Well, did you have any reason to expect -- did you see
11 the work slackening off in the weeks before this happened?

12 A No.

13 Q Or were you aware of any reason which would have
14 caused it?

15 A No, sir.

16 Q So as of that date when you went to work that
17 morning you had no knowledge at all and no suspicion that might
18 be your last day there?

19 A No, sir.

20 Q What's the usual practice of Husky in this regard?
21 Is this standard or are people usually given some notice -- two
22 weeks notice or one week's notice? I guess every industry
23 varies somewhat.

24 A I really don't know, except I know the man I worked
25 for, Perry Wong, was there 24-25 years and he was told within

1 about five or ten minutes and also asked to leave in five or
2 ten minutes. I can say his case was very similar to mine.

3 Q Was that at the same time?

4 A No. That occurred in March.

5 Q Of '79?

6 A '78.

7 Q Now at that time, was the Zimmer work finished?

8 A Yes, sir.

9 Q Do you know whether the number of employees that
10 Husky has has dropped or --

11 A I have no idea.

12 Q Were you the only person laid off on August 4?

13 A To the best of my knowledge, yes.

14 Q In your general area of the company?

15 A Yes.

16 Q Do you have any reason to know why Wong was laid off?

17 A I have no idea.

18 Q You testified, I believe, your tour of the Zimmer
19 plant was in May '78?

20 A Yes, sir.

21 Q And you testified that sometime after that you spoke
22 with various persons in the company about what you viewed as a
23 problem with respect to the welding situation?

24 A Right.

25 Q But you did speak to them after the Zimmer visit?

A Right.

1 Q Did you relate your statements to the Zimmer visit?

2 A Yes.

3 Q When you talked to people, did you say "because I
4 saw this?"

5 A Right.

6 Q Do you know or do you suspect that there's any
7 connection between your subsequent termination and the various
8 statements you made against Mr. Banta and --

9 A Yes. In reflection back -- you asked me about a
10 reason for everything -- yes, I think that was what started a
11 little problem.

12 Q That's what I was trying to figure out, whether there
13 was any general work slowdown which caused a substantial number
14 of people to be dropped at that time. You indicated that you
15 weren't aware that there was, is that correct, during the
16 August period?

17 A Well, there were other people dropped, but not like
18 Perry Wong was, we'll say, a separate instance, and I was a
19 separate instance. There were some other layoffs approximately
20 the first of the year when there was almost like a general
21 layoff where there would be five or six people, and I think
22 two of those occurred -- at least one and I think there was two
23 and that occurred like around in February, one of them -- one
24 of the cutbacks.

25 Q You mentioned you sent letters to certain vendors,
I guess it was, stating something about poorer welds.

6

1 A It wasn't vendors. It was the engineering companies.
2 It was the same letter that went to everybody, the reason being
3 to the engineering companies because those people in many
4 instances sent in auditors to review our QC program and also our
5 setup, and in almost all instances -- I say in most of the
6 audits, they never even left the office. They just came in the
7 office and looked through the paperwork and that was it.

8 Q What was the period of time when these letters were
9 sent approximately?

10 A Just one time, 13th of August I think was the date.

11 Q So these letters were sent after your termination?

12 A Yes, sir.

13 BY DR. HOOPER:

14 Q Just to fill out the picture here a little bit, I
15 believe you told the chairman that it was your suspicion that
16 the complaints that you made regarding the poor work on Zimmer
17 and the fact that you had seen where it was and so on that had
18 something to do with your termination. I think you implied
19 this. Is that correct?

20 A No. I didn't mean to imply that, no.

21 Q I got this from what you said.

22 A No. I was really answering that I think -- in other
23 words, we'll say, the problem starts somewhere.

24 Q That's what I meant -- when you said that.

25 A I think the problem started from after the Zimmer
visit which was in May.

321 167

1 Q What was the problem, then, that you're talking about
2 if it wasn't the fact that you had seen something there that was
3 a problem to you and you had talked about it; is that correct?

4 A Right. The problem was the bad welds and the present
5 welding situation which was no better, we'll say, overall here
6 in 1978 than it was in 1975, and by way of illustration I think
7 it was --

8 Q Excuse me. Let me ask you further, is this sort of
9 a generic complaint or is it one which you think came specifi-
10 cally from Zimmer? I mean you said you had written letters --
11 you later on wrote letters to a lot of engineering concerns, so
12 it was not necessarily just the Zimmer work that was bothering
13 you or troubling you; is that correct?

14 A Right

15 Q And you had expressed concern to your supervisors
16 about other work than Zimmer all along?

17 A That is right.

18 DR. HOOPER: All right. Thank you.

19 BY CHAIRMAN BECHHOEFER:

20 Q Just to carry on our discussion of your termination,
21 I think you testified that at one point Mr. Bant asked you to
22 come back and talk to a Mr. Ring?

23 A Yes.

24 Q When was that? About what time was that?

25 A I would guess that was -- I think that was in

1 September, maybe like middle of September.

2 Q You testified that you did not go back to see Mr.
3 Ring; is that correct?

4 A Right. I said I could not for the life of me see
5 what in the world we could have to talk about, you know.

6 Q Do you think he might have wanted to rehire you?

7 A No, he didn't ask. He called and it was more or
8 less put to me as a demand and I didn't feel at that time that
9 he had any right to demand anything of me.

10 Q Do you think he wanted to talk about your letters
11 that you had recently sent out?

12 A I would suspect that could possibly be it. I would
13 have no reason to think anything else. I have no idea.

14 Q As far as you have -- you had no indication given to
15 you of what the subject of the meeting would have been?

16 A As best as I can remember, Fred said, "Mr. Ring
17 wants you to come and be here at three this afternoon and he
18 wants to talk to you," and I said, "I can't come this afternoon.
19 Do you know what he wants to talk about?" And he said, as best
20 I recall -- and this could be wrong -- I thought he said, "He
21 wants to talk about your ~~report~~ but I don't remember for sure
22 if he said that or no ~~report~~ I remember saying in closing
23 and then I hung up, "At this particular time, I don't know what
24 Mr. Ring and I would have to talk about," and that was it.

25 Q I take it you have made no effort to make another
appointment or find out further what the meeting would have been?

1 A No.

2 Q But I take it you were not -- were you contacted after
3 that time by the company?

4 A If I was, I don't remember it.

5 CHAIRMAN BECHHOEFER: I believe that's all the
6 questions I have. Dr. Hooper has another one.

7 BY DR. HOOPER:

8 Q Sir, I believe you said that Husky is the first
9 company you worked with that did much in the way of welding
10 and you have been pretty harsh on their qualification procedures
11 and so on. Is there any reason that you have to believe that
12 Husky is any worse than any other companies? You just have
13 this one experience with Husky as far as welder qualifications.
14 What's your basis for comparison by saying that they have a
15 bad record here since you have not worked for other companies
16 that have done welding?

17 A No, but I have worked, we'll say, with Bendix that
18 had a very good quality control program and --

19 Q What does Bendix make?

20 A Well, what that particular division made, we made
21 all kinds of components for aircraft engines and going back
22 years ago to carburetors for piston engines and then fuel
23 controls for jet engines.

24 Q Do you have some basis for saying that Bendix had
25 a much better record on welding than Husky does?

1 A Their entire quality control program was a program
2 that actually worked and it actually accomplished what its
3 objective was.

4 Q Were you in the quality control program at Bendix?

5 A No, but I was in manufacturing engineering and
6 manufacturing engineering gets directly involved with quality
7 control and we also had some welding at Bendix. It was air-
8 craft quality and on aircraft quality it had to be -- it
9 required x-ray -- x-rays of all the welds. Now the process --
10 the welding process there, as far as the certification of the
11 operators and the testing of the operators, was all handled by
12 the quality control group.

13 Q But this was a different kind of company than Husky?

14 A Their welding was not -- the aircraft welding was
15 not a production type of weld. That was a repair type of weld.
16 So it was, we'll say, like to a degree infrequent.

17 Q You wouldn't have had any experience or know the
18 situation in any of Husky's competitors, would you?

19 A No, sir.

20 DR. HOOPER: All right. Thank you.

21 BY CHAIRMAN BECHEGGER:

22 Q I do have one more question. You testified that Mr.
23 Brock worked 40 hours to pass a test. Was the test given the
24 week following when he worked this 40 hours or are you sure?

25 A As best I can remember, I would say very near, like
the last hour of the last day, I think we got a good test piece.

1 That's the best I remember.

2 Q The 40 hours leading up to that final test, was that
3 all one week or could that have been stretched out over more
4 than one week?

5 A If it was -- I mean, if it had gone over into Monday,
6 it would not have included John Uhrig because John Uhrig was
7 just able to be there that week. That was his one week of
8 vacation and, as best I can remember -- we had an objective with
9 John and that was to get two people done in that week, and all
10 I know is we put in the week and we only got half of our
11 objective accomplished.

12 Q And you're saying Mr. Brock just passed -- was that
13 just one test or was that complete qualification?

14 A No, that was just one test.

15 Q So I assume that this started early Monday morning
16 and lasted until Friday when he passed the test. Let me ask
17 you. When he was practicing if he had done a good weld in
18 any of those practices, would that have constituted a test?

19 A I would say yes, because that was our normal practice.
20 In other words, the practice pieces were identical to the test
21 pieces, so when a practice piece was welded and it look real
22 good visually we would then surface it for more defects and we
23 would just keep on going and as long as it was good, if it
24 eventually turned out good, it would be a certified piece.

25

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1 CHAIRMAN BECHHOEFER: In your experience, if a person
2 would pass one test, is there any more likelihood that
3 the next piece he welded would be better than the last
4 previous one that fails? By doing a good weld, does a welder
5 get a feel for how something should be done, so from there
6 on he could always do good welds, or continue to do good
7 welds?

8 THE WITNESS: I am sure it helps him. It is bound
9 to, because like it develops outstanding welding habits
10 that are in a favorable direction. So it is bound to help
11 him, it certainly won't hurt him. The question is is the
12 help lasting and how much help.

13 CHAIRMAN BECHHOEFER: That is what I was trying to
14 figure out.

15 THE WITNESS: I wouldn't know. It would vary from
16 person to person, I imagine. We had one man that at one
17 time had passed say fairly easily early in the program,
18 and he moved out of the department, and then he wanted to
19 move back in, and in possibly a year or year and a half later,
20 and to my knowledge, I don't think he ever made it. And he
21 worked hard trying to make it. So in his case it probably
22 wasn't any help.

23 CHAIRMAN BECHHOEFER: That is all of the questions
24 I have. Before we go to redirect, let's take a ten-minute
25 break.

DB2 1 MR. WETTERHAHN: Before we go on a break, let me
2 distribute at this time copies of the exhibits with regard
3 to Gladstone Laboratories, so the parties may examine
4 the exhibits during the break.

5 CHAIRMAN BECHHOEFER: All right.

6 (Recess)

7 CHAIRMAN BECHHOEFER: Does Miami Valley have
8 any redirect?

9 MR. SEILER: Yes we do.

10 CHAIRMAN BECHHOEFER: Please proceed.

11 REDIRECT EXAMINATION

12 BY MR. SEILER:

13 Q Mr. Hofstadter, in the last segment especially,
14 many questions were put to you regarding the context and
15 circumstances in which you were laid off. I was wondering
16 if you could explain to the Board whether there was anything
17 in the weeks and days immediately preceding your lay-off
18 which in your mind explains why you may have been so fired?

19 MR. CONNER: Objection, your Honor. One, we would
20 note that this is a different counsel for Miami Valley than
21 conducted the direct examination now conducting the re-direct.
22 Also that question was leading beyond belief and suggestive
23 of an answer.

24 MR. SEILER: I will answer the objection by saying --
25 I can rephrase the question, if that is your objection.

B3 1 CHAIRMAN BECHHOEFER: By the way, I don't think
2 the fact that you are a different counsel is important.

3 MR. CONNER: If I understand it correctly, counsel
4 here was not present during the examination last Friday.

5 MR. BARTH: The normal rule is one attorney, one
6 witness. And here we have two of them jumping up and arguing
7 with each other.

8 MR. FLEDMAN: I wasn't arguing, I was conferring with
9 my co-counsel.

10 MR. SEILER: I have read the transcript of Friday's
11 testimony and I believe I am thoroughly familiar with Mr.
12 Hofstadter's direct and cross-examination.

13 CHAIRMAN BECHHOEFER: I think that is permissible.
14 But your question might be a little leading. I would prefer
15 that you rephrase it.

16 BY MR. SEILER:

17 Q Mr. Hofstadter, could you explain the context in
18 which you were laid off?

19 A You mean the possible reasons --

20 MR. BARTH: Sir, I object.

21 MR. CONNER: I object.

22 MR. BARTH: I think we should get a ruling before
23 the witness answers.

24 My objection is this was extensively gone into
25 by the Board, this is pure repetition, we have heard

DB 4 1 it once, we have a good record. I object to the repetitious-
2 ness of the question, sir.

3 CHAIRMAN BECHHOEFER: Well, if the witness has
4 anything additional which he didn't tell the Board before,
5 which the Board might not have gotten to specifically in its
6 questions, the Board is interested. But I do not want a
7 rapition of what has gone on before.

8 MR. SEILER: Your Honor, I believe there may be
9 additional material which the witness may bring forth at this
10 time.

11 MR. BARTH: The proper question would be is there
12 anything you didn't give in answer to the Board's questions.

13 MR. SEILER: I appreciate Mr. Barth's assistance.

14 CHAIRMAN BECHHOEFFER: I think we will let the questioning
15 proceed for a while anyway.

16 MR. CONNER: I want to object to this line of
17 questioning as being irrelevant and immaterial. We did not
18 object when the Chairman asked that line of questioning of the
19 witness, but we find, since it has elicited nothing,
20 I do not believe it is appropriate to be allowed to be going
21 around the circle again.

22 MR. SEILER: As I say, I expect there will be some
23 additional material brought forth at this time and I believe
24 it has some bearing on Mr. Hofstadter's credibility.

25 CHAIRMAN BECHHOEFER: I do think credibility is a major

1 question before us. We will allow this, at least the question
2 that was asked.

3 MR. SEILER: Might the witness answer, your Honor?

4 CHAIRMAN BECHHOEFER: Yes.

5 THE WITNESS: I think, like I stated before,
6 I think the problem started on our return trip back from
7 Zimmer, and Fred asked at that time on the welding, if I
8 would give him an illustration to show him what our situation
9 might be. I think as I remember the particular illustration,
10 I took six welders that could possibly work in the different
11 areas over a period of a month and do different work, and
12 I think the six welders, to do this, should have passed
13 48 tests. In other words, they should have passed all eight
14 tests. And I think when we added up the tests that these
15 particular people had passed, the total was 14. So I did
16 convince Mr. Banta I would say to the extent that we needed
17 to do more work in the area of certification and training.

18 And I think then this resulted in the training
19 program that Mr. Banta set up. Now in the program that was
20 set up --

21 MR. BARTH: I object to this statement. It
22 doesn't even have anything this time to do with the question.
23 He is not even answering his own counsel's question.
24

25 CHAIRMAN BACHHOEFER: Yes, the question was
about termination.

DB6 1 MR. BARTH: I remind you he has directly testified only
2 one test was involved with work on Zimmer. Now we are up
3 to 14 and talking about all kinds of things, which have
4 nothing to do with his question. I object and move the answer
5 be stricken.

6 MR. SEILER: Perhaps if the question could be
7 restated for the witness, he could stay a little more
8 narrowly to the scope of the question.

9 BY MR. SEILER:

10 Q Could you inform the Board if there is anything
11 which you feel you could add to your previous testimony as
12 to why you were laid off?

13 MR. CONNER: Objection, your Honor, unless he
14 understands it is fact and not conclusions. The witness'
15 last answer gave speculation, supposition and pure conjecture
16 which of course is improper.

17 (Board conferring)

18 CHAIRMAN BECHHOEFER: I think we will overrule the
19 objection. I realize there is some conjecture here, but we
20 will give the weight it deserves. We would like to hear why
21 Mr. Hofstadter thinks he was terminated, the various reasons.
22 I tried to ask a few questions along that line. But I still
23 am interested, and if I missed anything, I would like to
24 know.

25 MR. CONNER: I think your examination brought out
the fact that it was really irrelevant. I think that was Q

DB7

1 objectionable too, but it is over. But I don't think it should
2 be gone into again.

3 MR. SEILER: As I said, your Honor, I am hoping
4 to bring forth further information that I feel may be of
5 interest to the Board.

6 CHAIRMAN BECHHOEFER: All right. At this stage, the
7 objection is overruled. But please try to direct your
8 questions toward the facts which haven't been given, if in
9 fact there are any that have not been revealed.

10 BY MR. SEILER:

11 Q Mr. Hofstadter, is there anything which in your
12 opinion immediately precipitated your termination?

13 MR. CONNER: Objection, your Honor. He asked
14 for an opinion that time instead of fact.

15 MR. SEILER: I asked for his opinion, your Honor.
16 Clearly that is all he is qualified to give.

17 CHAIRMAN BECHHOEFER: I think he can answer that.
18 He is not asking why he thinks he was terminated.

19 MR. CONNER: I would like to get the hearing over.

20 MR. SEILER: One question is too broad, the next
21 is too narrow. I don't know what you want.

22 MR. BARTH: Mr. Bechhofer, this is a question
23 you asked and you got an answer to it. The record is pretty
24 complete on it, sir. I object to the question because you
25 asked it and it has been answered.

DB8 1 CHAIRMAN BECHHOEFER: We are interested in any
2 further information which there might be. Maybe we didn't
3 ask the questions right or completely as possible.

4 MR. BARTH: I think you did.

5 CHAIRMAN BECHHOEFER: Your previous question was
6 do you have any additional information. If there is any,
7 we would like to know it.

8 THE WITNESS: Actually what I was describing,
9 there were a series of events and they were, like I was
10 describing, which started all of the objections. There was
11 a culmination and the culmination was in the first violations
12 on the Clinton job, whereby on the Clinton job we started,
13 or the shop started to weld. On the Clinton job we had
14 never even tested a welder, we never even had a procedure
15 worked up. And when Mr. Pratt saw this going on in the shop,
16 he got hold of me, and showed me what was going on, and I
17 got hold of Mr. Duncan, and we asked Mr. Duncan if he would
18 get it stopped until we could set up and do this in a proper
19 manner. And Mr. DUNCAN instead called Mr. Banta, who was
20 at home on vacation and he told Mr. DUNCAN that that was
21 perfectly all right, there was nothing wrong with that. That
22 was the straw that broke the back.

23 BY MR. SEILER:

24 Q When did this occur?

25 A And then the repercussions from that, I am sure
that is what led to my release, because they followed very

DB9 1 closely.

2 Q When did this occur?

3 MR. CONNER: I move that be stricken as pure
4 speculation.

5 THE WITNESS: When did the Clinton job occur?

6 MR. SEILER: No, wait, here is an objection.

7 CHAIRMAN BECHHOEFER: I think that objection is
8 denied. Mr. Hofstadter has made a number of statements about
9 what his opinion is why he was released. It will be up to
10 us to judge whether we accept that or accept some other
11 version.

12 MR. CONNER: It is totally improper, the facts
13 he stated about something on another job, and a phone call at
14 home certainly do not support the speculation that he added
15 at the end, in the last sentence, that this led to his
16 termination. It simply is not supportable and it is incompetent
17 evidence.

18 MR. SEILER: Your Honor, I would say it is relevant in
19 that in his cross-examination questions as to his termination
20 were brought out, and this, I think, may shed some light as to
21 why he may have been terminated.

22 (Board conferring)

23 CHAIRMAN BECHHOEFER: I think at this stage the
24 objection is overruled. I don't remember the question that
25 is pending, at this stage.

MR. SEILER: My question was when did this occur.

DB10

1 In other words, when was this culmination regarding the
2 Clinton job which you feel led to your termination?

3 THE WITNESS: The termination occurred within a
4 few days after that.

5 BY MR. SEILER:

6 Q What is the Clinton job?

7 A That was another nuclear job.

8 Q Now to change the focus of this a little bit,
9 you testified I believe that there were improper certifying
10 procedures of the welders. Is that right?

11 A Yes.

12 Q Did you object to these welders being improperly
13 certified?

14 A Yes, sir.

15 MR. CONNER: Objection, your Honor. That really
16 has been gone into in depth on both the direct and cross.

17 MR. SEILER: I was just hoping to clarify this
18 matter for the record.

19 CHAIRMAN BECHHOEFER: That particular question I
20 believe was answered. I recall that one. Do you have anything
21 further you are trying to bring out?

22 MR. SEILER: I was just trying to clear up any
23 uncertainty there may be at this point. I will withdraw the
24 question.
25

DB11

1 BY MR. SEILER:

2 Q Mr. Hofstadter, could you please explain the basis
3 of your remark that a determination regarding welds being
4 improperly performed is based on probability?

5 A Well ---

6 MR. BARTH: Sir, that has been asked and answered
7 and gone into. He says it just like driving a car down
8 the road. If you want this repeated, I will cease interfering,
9 but we are not getting anywhere. We have been over this a dozen
10 times. I move to strike the question. I concede there is a
11 car driving down the road and somebody might get hurt. I will
12 stipulate 50,000 a year die in cars. How many in nucs?

13 (Board conferring)

14 CHAIRMAN BECHHOEFER: Is this question just a
15 foundation for further questions you are going to ask on this?

16 MR. SEILER: No, it is not, your Honor. I was
17 somewhat concerned about questions that Mr. Barth had raised
18 as to the mathematical probability. I thought perhaps Mr.
19 Hofstadter's response to this could enlighten us further
20 as to on what basis he had in fact made this determination.

21 CHAIRMAN BECHHOEFER: In terms of clarification,
22 I think it is a proper question. So he may answer that.

23 THE WITNESS: That would really be fairly similar to
24 what I gave to Mr. Barth, as I recall. That would be that
25 when you establish say three new tests, that your welders
are marginal in their capabilities at best, then it stands

DB12

1 to reason that you are going to have welds that are
2 marginal. When you have welds that are marginal at best
3 it means that some of these welds are going to vary from just
4 barely passable to unacceptable. And it means that the
5 likelihood of weld failure increases as the particular skill
6 of the person decreases.

7 BY MR. SEILER:

8 Q Now you were in charge of setting up the welder
9 and weld test procedure, is that correct?

10 A Yes, sir.

11 Q In order to be qualified to do this, do you need
12 to be a welder?

13 A No, sir.

14 Q Must you be a welder to be qualified to deduce that
15 defective testing could result in defective welds?

16 A If you mean that the welder has to make the test
17 himself --

18 Q Must you be a welder in order to make the
19 deduction that I referred to?

20 A No, sir.

21 Q Now if there are in fact defective welds at Zimmer,
22 would the damage necessarily be noticed the first time the
23 cables are energized?

24 A No, sir.

25 Q What about the first several times?

DB13

1 A It is possible that it could be a long time; in
2 other words by long, it could be six months to a year before
3 even the first weld failure would be even noticeable.

4 Because even a bad weld has a certain degree of strength,
5 and the weld failure would occur little by little. In other
6 words, if it starts to fail, it would fail like a crack like
7 32nd this month and two or three months from now that crack
8 would be a quarter of an inch and in a continuing period,
9 six more months, it could fail. More than likely it would
10 not be a complete failure all at once.

11 Q So then what you are saying is the preliminary
12 testing procedure --

13 MR. BARTH: It is a leading question, it suggests the
14 answer. I move it be stricken. If he wants to
15 ask a direct question, fine.

16 CHAIRMAN BECHHOEFER: I was going to say let him
17 finish the question first.

18 MR. SEILER: Let me rephrase the question.

19 CHAIRMAN BECHHOEFER: All right.

20 BY MR. SEILER:

21 Q So it is your testimony that during the first
22 initial period of energizing the cables, perhaps such
23 defects would not show up?

24 MR. BARTH: Same objection, it is a leading question.

25 THE WITNESS: It would be highly unlikely.

BARTH: Would you please wait until the Board

DB14

1 rules on the objection, Mr. Witness?

2 CHAIRMAN BACHHOEFER: I think that was a little
3 leading. The objection is upheld, but I am not sure
4 it will do any good since he answered.

5 MR. CONNER: I move to strike the testimony of
6 Mr. Hofstadter concerning the effect on cable trays of
7 operation of the cables on the grounds that he is incompetent
8 in this area.

9 CHAIRMAN BACHHOEFER: Are you referring to just the
10 last answer?

11 MR. CONNER: The two previous questions and answers.

12 MR. SEILER: What was the basis?

13 CHAIRMAN BACHHOEFER: What was the basis?

14 MR. CONNER: He is not a welding engineer, he is
15 not competent, he made no dynamic analysis, he has no
16 qualifications to do this, and he has no right to express
17 an opinion on something in which he is not technically
18 qualified.

19 MR. BARTH: The Staff supports the motion. He
20 has never taken a class in welding, never been qualified
21 in any welding procedure and he is not a structural engineer.

22 (Board conferring)

23 MR. SEILER: Your Honor, the Board can give this
24 testimony as much weight as it chooses. And the Applicant
25 failed to object at the time the questions were asked.

CHAIRMAN BECHHOEFER: I believe the answers

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can stand. I'm not sure you'd even have to be a welder or an engineer to answer those questions: some experience in quality control or some experience of that sort might be -- might give him some qualifications to answer that question.

From that point of view, they do stand. The answers can stay.

BY MR. SEIER:

Q Now, Mr. Hofstadte, on your cross examination by Mr. Heile, you referred to the possible destruction of welding records in 1978; is that correct?

A It is possible, yes.

Q Okay, and you said that you did not know whether the records were actually destroyed.

A No, I do not.

Q Have you seen the records in question since that time?

A No, I have not.

Q What did you mean when you were asked: "Have you seen them since?" and your answer in the record says, "Yes, sir."

What did you mean by that?

A That is on Mr. Heile's question?

Q Yes.

A What I took Mr. Heile to mean was: you have not

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1 seen them since, and I was to answer -- my answer was
2 really to read: "Yes, I have not seen them since."

3 Q Now, on another point, when did you write your
4 letter to the NRC complaining about the procedures at Husky?

5 A August 18.

6 Q And when did you file the -- your age discrimination
7 charge against Husky?

8 A In January -- February.

9 Q Are the two related in your mind?

10 A No, sir.

11 MR. BARTH: Would you -- I didn't catch the
12 year, sir.

13 THE WITNESS: 1979.

14 BY MR. SEILER:

15 Q Now, you testified this morning that it takes
16 more than one day to qualify a procedure piece; why is that?

17 A Primarily because there is one test involved and
18 that is the tensile test, and not too many tensile testers
19 are around.

20 And the tensile test is a very important test;
21 it also has to be done in a certified manner. There are
22 some people that do have tensile testers, but in our
23 particular case and I think in Gladstone's case, the
24 tensile test was performed by Union Test Laboratory.

25 So after you make your weld test and you cut

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1 your pieces out for your bend test and then also your piece
2 for your tensile test, somebody has to take it to the
3 laboratory and you have to wait your turn at the laboratory.
4 They're not going to stop and do your piece first.

5 So I would say that it is reasonable to
6 expect a delay of one day based on getting the results of
7 the tensile test.

8 Q So do you know if Gladstone had a tensile test
9 at the time of the test involved?

10 A As best I remember, I do not recall a tensile
11 test at Gladstone, a single one, but in any case, whether
12 they had one or not, somebody would have had to take the
13 parts from Husky to Gladstone and then it's a case of getting
14 the information back, so -- and nobody left the plant
15 while the tests were going on.

16 Q Okay.

17 Now, this morning you mentioned by way of an
18 example that there was a case in which a truckload of welded
19 pieces had gone out and some 60 or 70 percent had fallen
20 apart in transit; is this correct?

21 A Yes, sir.

22 Q When was this?

23 A This was in December of 1979.

24 Q And who were the welders?

25 A Marvin Brock and Junion Allen.

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1 Q Are these the same welders that did the Zimmer
2 work?

3 A Yes, sir.

4 Q You testified this morning that you never saw
5 the cables jump at Zimmer?

6 Why was this?

7 A They were not energized, as far as I was
8 concerned because they will only jump when the energy,
9 let's say, is turned suddenly off and suddenly off; and
10 I didn't see any cables jump. So I would assume they were
11 not energized.

12 Q Now, I also believe that you testified that
13 you never saw any bad welds at Zimmer, is that right?

14 A I cannot -- I was possibly 18 feet away from
15 them on the floor and they were on the ceiling, you know,
16 so it would be rather difficult to see a bad weld at that
17 distance.

18 Q Now, is it the practice at Husky to test production
19 weld pieces?

20 A No, sir.

21 Q Is it required by the ASME?

22 A It is a requirement, we'll say, like on a pressure
23 vessel.

24 Q No, I'm speaking as to the cable trays in this
25 case; is it required by the ASME?

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1 A It's not a strict requirement.

2 Q So how can you tell if a test weld or a production
3 weld is bad?

4 MR. CONNER: Object, your Honor. This was an
5 area that was gone into extensively last Friday as to the
6 inspection that was done.

7 CHAIRMAN BECHHOEFER: Yes, I believe there were
8 a considerable number of questions asked about visual
9 inspections last week.

10 MR. SEILER: There is some information --

11 CHAIRMAN BECHHOEFER: Objection sustained on that.

12 BY MR. SEILER:

13 Q So, can you tell me what the purpose 's of
14 a certification proceeding in light of what you just said?

15 MR. CONNER: Objection.

16 MR. SEILER: Your Honor, I am trying to get to
17 a specific point here, and the point being that in light of --
18 in light of the practice -- the importance of certification --
19 in light of the practice of not testing the production
20 pieces, I don't feel this is an angle which has 'quite
21 been hit on in the witness's previous testimony.

22 MR. CONNER: I don't know what the witness -- what
23 counsel is suggesting as an answer to the witness, but it
24 doesn't make sense.

25 It certainly should have been direct testimony.

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1 MR. SEILER: Mr. Barth asked several questions
2 about not having -- looked at -- found a fault in any
3 specific production piece, and the question here is the
4 importance of the entire certification proceeding in
5 light of that.

6 (Board conferring.)

7 MR. SEILER: And also to explain why he didn't
8 do that, why he didn't look at the production pieces.

9 MR. CONNER: Your Honor, this is a chosen
10 misconception of the whole procedure, and it's really
11 contradictory to the direct testimony that was elicited
12 by the other counsel from the same witness. We submit
13 this is a whole new fishing expedition that should not be
14 tolerated at this point.

15 (Board conferring.)

16 MR. SEILER: Your Honor, we're trying to show
17 that the only way that in fact there was quality control
18 here is through the certification process. There is in fact
19 no actual testing procedure of the production welds, and
20 this discussion can bring it out.

21 MR. CONNER: Your Honor, that's not based on
22 direct testimony it's not based on ASME codes. It's a
23 whole new theory that was never before expressed.

24 MR. BARTH: It's not based on the board's
25 question to which --

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1 CHAIRMAN BECHHOEFER: I think I disagree with
2 that; the direct testimony was about the failure of the
3 certification and whether -- the importance of that is
4 certainly relevant, and I think this goes to that, so
5 objection overruled. You may answer.

6 THE WITNESS: To my knowledge, none of the welds
7 were ever tested.

8 BY MR. SEILER:

9 Q And would you in this light explain the purpose
10 and importance of the certification procedure?

11 A That only means the certification procedure would
12 have been -- more stress has got to be placed on the
13 certification procedure. In other words because the
14 quality of the welds is contingent, we'll say, upon the
15 quality of the certification program.

16 Q Now, I'd like to turn your attention to Exhibit 3-F,
17 which was presented by the applicant and 3-F is page 6 of 10
18 on the Gladstone Laboratory report.

19 If I may, I'd like to show this to Mr. Hofstadter
20 for reference.

21 MR. WETTERHAHN: Mr. Chairman, just for a
22 matter of clarification, I distributed copies to the board
23 and parties; they haven't been offered at this time. We'll
24 do so at the end of all this examination.

25 CHAIRMAN BECHHOEFER: Thank you.

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(Counsel handing document to witness.)

BY MR. SEILER:

Q Okay, can you tell me what this appears to be, Mr. Hofstadter?

A Yes, this is a MIG test for steel. It's horizontal, vertical, and -- this is a MIG steel performance test, two tests for horizontal and vertical; on the horizontal it's a failure. On the vertical, for technical reasons, it would have to be considered a practice piece because the procedure was not qualified on this particular day.

Q Did Mr. Conner show this exhibit to you this morning?

A I don't recall seeing this one.

Q Okay.

A He possibly did, but it's not signed, but maybe that's why he didn't show it to me.

MR. CONNER: I'm sorry. Is this 3-F? That's what your counsel identified.

THE WITNESS: It's marked 6 of 10.

MR. CONNER: The copy we have signed it's signed by Randolph Pratt.

MR. BARTH: That's the copy I have, your Honor. Counsel identified this as page 6 of 10, applicant's Exhibit 3-F.

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1 MR. SEILER: The exhibit we have is not; it's
2 the same document.

3 MR. WETTEREAHN: Is it signed or isn't it?

4 MR. BARTB: I stipulate on behalf of the
5 government that this is signed by Randolph Pratt.

6 MR. WETTEREAHN: Counsel for Miami Valley
7 Power Project had another copy of another document not
8 marked 3-F; perhaps that caused confusion.

9 MR. SEILER: Let the record show that the
10 correct document was given to the witness.

11 CHAIRMAN BECHHOEFER: Is this Exhibit 3-F,
12 applicant's exhibit 3-F or is this --

13 MR. SEILER: Yes, it is.

14 CHAIRMAN BECHHOEFER: Okay.

15 BY MR. SEILER:

16 Q So, do you -- do you base your testimony --
17 regarding improper certification on this document as well
18 as the documents which Mr. Conner showed you, those being
19 7 of 10, 8 of 10, and 9 of 10 this morning?

20 A Yes. This would be in the same direction as --
21 in other words, this would be improper certification.

22 MR. SEILER: Okay. I have no further questions.

23 (Pause.)

24 CHAIRMAN BECHHOEFER: Mr. Conner, recross.
25

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1 MR. CONNER: Counsel, would you hand your
2 witness a copy of 3-A?

3 RECROSS EXAMINATION

4 BY MR. CONNER:

5 Q Mr. Hofstadter, doesn't the document marked
6 3-A for identification reflect the -- a successful welding
7 procedure qualification test on 2-G?

8 A Well -- yes.

9 Q You said something about a company named, I
10 think you said, Union Testing, doing tensile tests on the
11 qualification tests?

12 A Right.

13 Q Is that correct?

14 A Yes.

15 Q Didn't Gladstone, in fact, do the tensile tests
16 during this period of testing?

17 A They may have. I only said I was unaware that
18 they had a tensile tester.

19 Q By the way, you were asked about your employment
20 and background. Who is the P & H Development
21 Company? Did you work for it?

22 A Yes, sir.

23 Q Who -- what company is that?

24 A That is a private company of my own.

25 Q And didn't you in your capacity at Husky give an order
to the P & H Development Company to redress electrodes over

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1 the past two or three years?

2 A No, sir. No, sir.

3 Q Did you sign --

4 MR. FELDMAN: I object to this line of questioning,
5 your Honor. It wasn't brought out on redirect whether or
6 not he had another company.

7 (Board conferring.)

8 CHAIRMAN BECHHOEFER: I think the question does
9 bear upon credibility, quite a bit on credibility. We'll
10 allow this question to --

11 MR. FELDMAN: Your Honor, it has nothing to do with
12 his direct testimony; I think there has to be some
13 relationship to that, even in terms of credibility. The --
14 Mr. Conner went on and on on these types of questions on
15 his cross examination.

16 He should have asked this one then and because
17 he forget it then it doesn't mean --

18 MR. CONNER: I ask the board's indulgence on this
19 because at the time we asked this question this morning,
20 we had no idea Mr. Hofstadter would not answer it. In
21 the meantime we have got some detail on it, so while I can
22 argue that it is basically open in the sense of employment
23 by board questions, counsel is technically correct, that
24 this -- we would have had this on direct -- I'm sorry --
25 based on cross examination, had we known Mr. Hofstadter

david12 1 would not answer it, but I think this is a fundamental
2 point going to his credibility.

3 CHAIRMAN BECHHOEFER: I think the board is
4 interested in this and while technically the question
5 may not be right, I think we've allowed considerable
6 leeway, and I think we would like the witness to answer
7 this question as well.

8 So you may answer. Objection overruled.

9 THE WITNESS: To answer your question, yes, I
10 do have a company that is P & H Development Company; it
11 was formed a long time ago to develop a patent that I
12 had, and I do do or have done work as P & H Development
13 Company and I have resurfaced tips for the company with
14 the P & H Development Company.

15 BY MR. CONNER:

16 Q And did you give the order from Husky from
17 the P & H Development Company to redress tips?

18 A I really don't recall how it came about, but
19 if I gave the order or not. I think it came about --

20 Q How is the packing slip used on Husky to order
21 resurfaces? How is the packing slip -- is that a type of
22 invoice?

23 MR. FELDMAN: Objection, your Honor. This has
24 nothing to do with the direct testimony either. It doesn't
25 have anything to do with impeachment either. It's a whole

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new area.

MR. CONNER: That's right. It is.

MR. FELDMAN: He can't bring up new areas on re-re-recross or whatever it is.

MR. CONNER: I think this goes directly --

MR. BARTH: Can staff put its two cents in?

CHAIRMAN BECHHOEFER: Yes.

MR. BARTH: The question was asked this morning: who else did you work for? And since this has been brought up, he hasn't had a chance to go into it. This is new material. The man answered the question honestly. He held his company back; he contracted out to Husky too and he did work on the other side. It should have been gone into this morning.

MR. FELDMAN: That question has nothing to do with that. Maybe I misunderstood his question.

MR. BARTH: I think so. I think the line should be continued, sir, possibly with more supervision.

CHAIRMAN BECHHOEFER: I think we really want to find out what's behind some of the many charges and counter-charges and statements, and I would like to know the answer. So objection overruled.

I see where you're going in this line of questioning. I realize it's maybe new.

MR. FELDMAN: Can I have the question read? Maybe

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I did misunderstand.

(The record was read as requested.)

1 THE WITNESS: The packing slip wouldn't be the
2 order. The packing slip would accompany the return of parts
3 that came back that were completed.

4 BY MR. CONNER:

5 Q Did you ever work on Husky electrodes tips and then
6 bill Husky for the work in the name of the P&H Development
7 Company?

8 A Yes, I did. Yes, I did.

9 Q And how often did you do that over the past two
10 years?

11 A I didn't do it over the two years. It was, as I
12 remember, it occurred maybe three times, maybe two times, and
13 in some of the instances it actually was an accommodation
14 because we were out of tips and we needed them and we had new
15 tips on order and they weren't in and so I took tips home and
16 finished tips up.

17 Q In fact, though, you billed Husky for your work?

18 A Yes, sir.

19 Q In addition to your regular compensation from the
20 compa...?

21 A As P&H, yes.

22 Q And did you company comptroller know about this
23 double-dipping scheme?

24 MR. HEILE: I object to the characterization. I have
25 some qualms of the way Mr. Conner characterizes his questions
and kind of testifies in the record. I'm as interested as he

1 is in the cross-examination that's going on, but I think that
2 due conduct would indicate that we don't characterize it as
3 such unless we have some evidence.

4 CHAIRMAN BECHHOEFER: I think you might rephrase
5 your question. I'm not sure I would put the "double-dipping"
6 in. I want to know what it has to do with all of this.

7 MR. CONNER: I might note that double-dipping is
8 such a common term in Washington that I assumed it would be
9 understood.

10 CHAIRMAN BECHHOEFER: Why don't you ask it without
11 double-dipping.

12 MR. CONNER: All right.

13 BY MR. CONNER:

14 Q Mr. Hofstadter, did the comptroller of your company
15 know that you had this P&H Development Company from which you
16 were receiving compensation from Husky in addition to your
17 regular salary?

18 A I would not know if he was aware of it or not, but I
19 did, before I took this work, talk to Mr. Wong about it and he
20 said that it would be all right if I did it and I also talked
21 to Mr. Becker and he told me the way in which to handle the
22 paperwork, and in most cases this was highly advantageous to
23 Husky because the alternative of it is that in almost all cases
24 the tips were sent out to be scrapped. When the tips are
25 resurfaced, they are resurfaced in the area of about half of
their new cost.

1 Q Did you tell the president of your company about it?

2 A No, sir.

3 Q You said earlier that you can see welds made with
4 too high an amperage. Do you recall that?

5 A Yes, sir.

6 Q Can you tell me what you see in a steel weld?

7 MR. FELDMAN: May I object to this? I don't think
8 this was on redirect either. This is something else as well.
9 It's a new area, too.

10 MR. CONNER: This was brought up under Dr. Hooper's
11 questions.

12 MR. FELDMAN: Yes, but that wasn't brought up under
13 redirect. Well, it's for the Board to decide.

14 MR. CONNER: We're perfectly entitled to ask ques-
15 tions related to the Board's questions.

16 CHAIRMAN BECHHOEFER: I think he may ask questions
17 about the Board questions. The Board's questions did follow
18 any time Mr. Conner had to cross-examine so I think that's
19 permissible. Now the subject may be brought up. The question
20 may be answered.

21 MR. CONNER: Will the witness answer the question?

22 THE WITNESS: What is the question?

23 BY MR. CONNER:

24 Q In a steel weld, what do you see that shows it was
25 done with too high an amperage?

1 A The way in which I saw that the amperage was too
2 high was just to look at the welder itself and see if the welder
3 was set up at the maximum amperage. On a 200 ampere welder,
4 for example, the controller was over 250.

5 Q You said you could look at the weld.

6 A I didn't mean look at the weld. I meant look at the
7 welder.

8 MR. CONNER: No further questions.

9 CHAIRMAN LECHHOEFER: Mr. Barth?

10 MR. BARTH: Yes, I have several, s'r.

11 BY MR. BARTH:

12 Q Is the "H" in P&H Development Company, is that "E"
13 Hofstadter?

14 A Yes, sir.

15 Q Who is the "P"?

16 A That is a fellow that I worked with years ago when
17 we worked on developing a little package.

18 Q What is his name, sir?

19 A Charlie Preston.

20 Q Thank you. I believe you testified that Mr. Brock
21 welded about one-half of the parts. What parts, sir?

22 A The what?

23 Q Mr. Brock welded about one-half of the parts. What
24 parts, sir?

25 A Zimmer parts.

1 Q Approximately how many straight cable races were
2 produced, do you have any idea, by Husky?

3 A Well, do you mean in a month, a week, a day or --

4 Q For the Zimmer project, sir?

5 A I have no idea what the total was. When I talk to
6 Marvin's welding, I'm speaking only of the three-piece parts
7 in particular.

8 Q Fine, sir. Approximately how many of the three-piece
9 parts were assembled by Husky for Zimmer?

10 A I really don't know the exact number.

11 Q Is 30,000 approximately correct?

12 A 30,000?

13 Q Yes.

14 A Well, I know it was not 30,000. I would guess -- and
15 this is a guess -- there was a -- in the range of 100 to 150.

16 Q 150 for the entire Zimmer plant?

17 A Of these three-piece fittings.

18 Q So then, ~~by your own figures?~~ by your own figures, Mr. Brock did approxi-
19 mately 75 of these and the rest were performed by other welders;
20 is that correct, sir?

21 A The rest would have been performed by Junior Allen.

22 Q Only these two people worked on fittings for the
23 Zimmer facility?

24 A On these threepiece parts, to the best of my know-
25 ledge, Junior Allen and Marvin Brock welded all of them.

1 Q Do you have any familiarity with Sections III and
2 VIII of the ASME code?

3 A With what?

4 Q Sections III and VIII of the ASME code?

5 A The number itself doesn't mean anything. In other
6 words, if you show me -- let me read it, I can tell you.

7 Q You have read the ASME code, sir?

8 A Yes, sir.

9 Q You're aware it has a section on nuclear components?

10 A Not offhand, no I'm not sure. No.

11 Q Do you have any recollection that Sections III and
12 VIII provide for testing of welds?

13 A Not offhand, I do not remember that.

14 Q If I said production of welds, would that jiggle
15 your memory, sir?

16 A No.

17 Q To the best of your knowledge, you're testifying
18 that the ASME code which has been so popular here has no pro-
19 vision in here for testing of welds, is that correct?

20 A I don't recall any. Now ordinarily, on pressure
21 vessels when pressure vessels are welded they are then --

22 Q We're talking about cable trays. We haven't got to
23 the rest of the plant yet.

24 A All right.

25 Q One part at a time.

7
1 MR. BARTH: I have no further questions of Mr.
2 Hofstadter.

3 CHAIRMAN BECHHOEFER: Mr. Woliver is not here.
4 Mr. Heile?

5 MR. HEILE: Yes, thank you.

6 BY MR. HEILE:

7 Q Mr. Hofstadter, in discussing the certification
8 tests, my recollection was that in response to a question by
9 one of the Board members that a certain party had worked on a
10 test for a considerable length of time and finally passed a
11 test. Was that Mr. Brock?

12 A Well, Mr. Brock's case I described where he spent
13 roughly the week in passing the test.

14 Q Yes, I believe that's correct. What is the -- if
15 you would tell me -- I want to make sure I'm perfectly clear
16 on this -- does that mean if he spends an entire week or let's
17 say he works every day on a test piece when he finally manages
18 to weld it properly so that he qualifies for that piece, am I
19 correct in understanding that the probability is that he will
20 weld that piece correctly one out of nine times let's say if
21 he's tried nine times and passed it once?

22 A I would not put the calculation that way, but there
23 would be a calculated risk. In other words, you could not
24 gamble or say that he's going to weld from that point on all
25 good parts. He would weld based on his past and previous
error more bad ones than good ones, I would say.

8

1 Q Wouldn't it be better quality assurance, then, to
2 see if he could, for instance, do that test piece two out of
3 three times and then say he's certified?

4 MR. CONNER: Objection, Your Honor. The man's
5 interpretation of what the ASME code should provide is irrele-
6 vant. The code speaks for itself.

7 MR. HEILE: Mr. Chairman, I'm not asking him for
8 his interpretation of the ASME code. I'm asking whether good
9 quality assurance would indicate that if you tested a man three
10 times and in two out of three pass, isn't that better than
11 saying one out of nine and therefore certifying the man. I'm
12 simply getting at a good certified test.

13 CHAIRMAN BECHHOEFER: Subject to that explanation,
14 I think you may ask that.

15 THE WITNESS: The ASME test is rather clear on that.
16 In other words, it says that a man is tested and then if you
17 have reasons you can retest the man and then it says if the
18 man fails the retest then, in other words, based on the
19 reasons for his failure, you have examined those reasons and
20 then the man is not retested again until he has received
21 training and experience to the extent necessary to indicate, say,
22 by his failure -- and you don't test him until he has indicated
23 that he's received this necessary training and experience and,
24 we'll say, checking with other people as to what length of
25 time that this takes, some people, in other words -- the
opinions vary, but people say, we'll say, following this

321 208

1 procedure and use it -- say from 30 days to 90 days.

2 BY MR. HEYLE:

3 Q So as far as the procedure at Husky goes anyway --
4 and I don't know if this means an interpretation of ASME or
5 not -- if the guy finally qualifies on a test, he's read- to go
6 into production, regardless of how many pieces he may have done
7 right before passing the test and not done correctly; is that
8 right?

9 A Yes.

10 MR. HEILE: All right. Thank you.

11 DR. HOOPER: Mr. Hofstadter, there's been a good
12 deal of discussion about Mr. Brock's qualification test. First
13 of all, I would like to ask whether or not the qualification
14 test took 40 times to pass.

15 THE WITNESS: 40 hours.

16 DR. HOOPER: 40 hours?

17 THE WITNESS: Yes. He finally passed it.

18 DR. HOOPER: All right. Now that test, is that the
19 test that he needed to pass in order to weld cable trays?

20 THE WITNESS: I believe it was. I'm not positive
21 of that.

22 DR. HOOPER: You're not positive, but you believe
23 it was?

24 THE WITNESS: I believe it was.

25 DR. HOOPER: You say that Mr. Allen was the one
that welded the rest of them?

9

1 THE WITNESS: Yes.

2 DR. HOOPER: And what about his test? How long did
3 it take him to pass his test?

4 THE WITNESS: I'm not sure he ever passed it.

5 DR. HOOPER: You don't think he ever passed it?

6 THE WITNESS: I'm not sure.

7 DR. HOOPER: And so he was welding cable trays
8 without ever passing it?

9 THE WITNESS: At that particular time he had the
10 same problem as Marvin because our objective at that time was
11 for Mr. Uhrig to accomplish that work hopefully on both of them
12 that week.

13 DR. HOOPER: Now you're sure that you're talking
14 about the right test, that's welding horizontal now or flat
15 horizontal type of weld, and you're sure Mr. Allen was not
16 qualified in that?

17 THE WITNESS: Mr. Allen lacked the quality in 1977,
18 as I recall, in vertical and TIC.

19 DR. HOOPER: If he's qualified in vertical, is he
20 qualified in horizontal?

21 THE WITNESS: No. Vertical and horizontal are each
22 separate.

23 DR. HOOPER: I thought it says right in this manual
24 here if you qualified with one, you automatically qualify with
25 the other.

321 210

1 THE WITNESS: Right. Well, if you pass either
2 vertical or horizontal, that automatically gives you flat.

3 DR. HOOPER: All right. That's what I'm talking
4 about. So wouldn't that make him qualified?

5 THE WITNESS: It would make him qualified in flat and
6 whatever one he passed, yes.

7 DR. HOOPER: Well, why do you say you didn't know
8 he was qualified when he did these welds for the cable trays
9 when you now say he did pass a vertical test in TIG? I can't
10 quite follow you -- maybe I'm dense, but I don't quite under-
11 stand what you're saying here.

12 THE WITNESS: I really didn't say that. That was
13 Mr. Banta's testimony that he said that the pieces were welded
14 and the welder wasn't qualified. Now which welder welded those
15 he didn't say, and so I wouldn't know either.

16 DR. HOOPER: So you don't really know whether Mr.
17 Allen was qualified? You say he did work upon or did about
18 half of the cable trays?

19 THE WITNESS: Right.

20 DR. HOOPER: But you're not really sure whether he
21 qualified or not for those?

22 THE WITNESS: Right.

23 CHAIRMAN BECHHOEFER: Does any party have any
24 further questions based on this last round?

25 MR. BARTH: Staff has no questions, sir.

1 MR. SELLER: Miami Valley has no questions.

2 MR. HEILE: The City has no questions.

3 CHAIRMAN BECHHOEFER: Mr. Conner?

4 MR. CONNER: No, sir.

5 CHAIRMAN BECHHOEFER: I guess the witness is excused.

6 (Witness excused)

7 CHAIRMAN BECHHOEFER: At this point, I don't know
8 how far we could get in cross-examination, but I think the
9 Staff may wish to put on its testimony at this time. I'd like
10 to adjourn very close to five because we have to start up again
11 at seven.

12 MR. BARTH: Sir, I'd like to have a discussion
13 between the parties on the public record as part of putting this
14 on. The Staff served a document on June 5, 1979 which con-
15 tained, in answer to the Board's question on the pressure
16 testing of the doors, testimony on contention 14, 15 and 16.
17 It's one package.

18 With the permission of the Board, I would properly
19 put on the entire package and at an appropriate time I'd move
20 the admission only of the testimony of contention 14. It's a
21 matter of you can't tear this thing apart. We provided the
22 reporter with 30 copies. At the appropriate time, I'd like the
23 Board's indulgence to refer back to proper introduction of the
24 other testimony.

25 MR. FELDMAN: Your Honor, I would like to voir dire
the witnesses as to their qualifications before it's accepted

1 in evidence.

2 CHAIRMAN BECHHOEFER: I think we're talking about
3 the procedural way of getting the testimony offered. I think
4 Mr. Barth wants permission to offer the packet and have it
5 bound -- offer at least to have it bound in the record as if
6 read and then in terms of each individual segment offer the
7 segment separately and discuss there what should be admitted
8 into the record separately, and cross-examination would follow
9 only after we decided to allow it to go in this record.

10 MR. FELDMAN: Very well.

11 CHAIRMAN BECHHOEFER: So from just the procedural
12 standpoint, does anybody have any objection to that?

13 MR. CONNER: No objection.

14 MR. FELDMAN: No objection.

15 MR. BARTH: I'd like to call Mr. Vandel, Mr.
16 Westcott and Mr. Maura to the stand, please. You gentlemen
17 please seat yourselves in the jury box.

18 MR. CONNER: Let the record reflect Applicant has
19 no objection to them staying at counsel table.

20 CHAIRMAN BECHHOEFER: Well, we'll consider case
21 law persuasive and the law of the case is persuasive in this
22 instance.

23 MR. BARTH: I request that the Board chairman swear
24 the three witnesses.

25

13

1 Whereupon,

2 HARVEY M. WESCOTT, FEDERICO A. MAURA AND THOMAS VANDEL
3 were called as witnesses and, having been first duly sworn,
4 were examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MR. BAPTE:

7 Q Starting with the gentleman closest to the chairman,
8 would you please identify yourself for the record?

9 A My name is Federico A. Maura. I'm a reactor
10 inspector with the Operations and Nuclear Support Branch in
11 Region III.

12 Q Will you please identify yourself for the record, sir?

13 A (Witness Vandel) My name is Thomas Vandel. I'm
14 the assigned project inspector for Zimmer for the Reactor
15 Construction and Engineering Support Branch.

16 A (Witness Wescott) I'm Harvey Wescott from
17 Region III a reactor inspector with the project section.

18 Q Sir, I show you, Mr. Vandel, a document and ask you
19 to identify it for the record.

20 A (Witness Vandel) Yes, sir. This is a document
21 prepared and sent out by the Region III office in Chicago in
22 response to the contentions and a Board question that was sent
23 out on June 5, 1979.

24 Q Sir, is the first document in the package -- will
25 you please identify it for the record?

A (Witness Vandel) That's the direct testimony of

321 214

14 1 Thomas Vandel regarding the pressure testing of doors.

2 Q Was this testimony prepared by you, sir?

3 A Yes, it was.

4 Q Was it prepared by you at my request in response to
5 the affidavit of Robert Anderson?

6 A Yes, that's correct.

7 Q Mr. Vandel, will you identify the second document
8 in the package, sir?

9 A I'm sorry. I did not understand what you said.

10 Q Mr. Vandel, will you please identify the second
11 document in the package?

12 A This is the direct testimony of Thomas Vandel and
13 Harvey Wescott regarding contention 14 cable tray welding.

14 Q Sir, was this document prepared by you and Mr.
15 Vandel?

16 A Mr. Vandel and Mr. Wescott prepared it.

17 Q Is it true and correct to the best of your knowledge
18 and belief?

19 A We have one change that we would like to introduce
20 into the record, please.

21 Q Except for that change, is it true and correct to the
22 best of your knowledge and belief, sir?

23 A Yes, it is.

24 Q Mr. Wescott, have you heard the previous testimony
25 of Mr. Vandel?

15

1

A (Witness Wescott) Yes.

2

Q Are his answers correct?

3

A Yes, they are.

4

Q Was this document prepared by you and Mr. Vandel?

5

A Yes, it was.

6

Q Does it represent your answers to the cable tray

7

welding contention which is contention 14?

8

A Yes, it does.

9

Q Is it true and correct to the best of your knowledge

10

and ability?

11

A Yes, it is.

12

Q Are there any corrections to be made to this

13

document?

14

A None other than the one Mr. Vandel mentioned on

15

page 10, paragraph number one, second sentence, TIG should be

16

changed to MIG.

17

Q All right. Mr. Maura, I ask you to identify the

18

third document in this package.

19

A (Witness Maura) This document is direct testimony

20

of Federico A. Maura regarding contentions 15 and 16 control

21

rods thickness and seals.

22

Q Mr. Maura, was that document prepared by you?

23

A Yes, sir.

24

Q Does it represent not only your response but the

25

response of the Region's to the contentions 14 and 15 of

321 216

1 control rod thickness and seals?

2 A Yes, it does.

3 Q Is this document true and correct to the best of
4 your knowledge and ability, sir?

5 A There is one correction on Attachment E.

6 Q Except for the correction, is the document true and
7 correct to the best of your knowledge and ability, sir?

8 A Yes, it is.

9 Q Are there any corrections or additions to be made
10 to the document, sir?

11 A Attachment E.

12 Q Will you please make the correction for the record
13 so the record will reflect what the correction is, sir?

14 A Right. The gap listed as "C" which reads 2.8
15 should be changed to .261.

16 Q Mr. Vandel, the documents that you identified, are
17 they true and correct to the best of your knowledge and
18 ability?

19 A (Witness Vandel) Yes, they are.

20 MR. BARTH: Mr. Chairman, I would ask that you
21 dismiss Mr. Maura at this time from the stand as his
22 testimony relates to contentions 15 and 16, and that Mr.
23 Wescott and Mr. Vandel remain on the stand to respond to
24 contention 14 which we are now discussing, the cable trays.

25 CHAIRMAN BECHHOEFER: That's satisfactory. Mr. Maura,

1 you may step down.

2 BY MR. BARTH:

3 Q Mr. Vandel, for the benefit of our extensive audience,
4 will you briefly summarize the Staff's testimony on cable tray
5 welding contention, sir? I want these laymen to understand
6 what the contention is and what the Staff did and what the
7 Staff's conclusions are.

8 A (Witness Vandel) The cable tray welding inspection
9 is really an investigation that was conducted by Mr. Wescott
10 and myself as inspectors and Mr. Foster as an investigator as
11 a result of allegations placed by Mr. Hofstadter. The conten-
12 tions were that two items were involved. One was that
13 inadequate material was being used and, secondly, that
14 inadequate and unqualified welders were being used on the
15 Zimmer project.

16 Q Did you visit Mr. Hofstadter in connection with
17 this investigation, sir?

18 A Yes, we did.

19 Q Did you visit the Zimmer site?

20 A Yes, we did.

21 Q Did you look at Zimmer records and Zimmer components?

22 A We did, sir.

23 Q Did you visit the Husky site?

24 A We visited the vendor shop, Husky Products, located
25 in Florence.

1 Q Did you make an examination at that plant, sir?

2 A Examination -- you mean in terms of physical tests
3 or something like that?

4 Q Records or procedures, people?

5 A Records, procedures, people, all of that was per-
6 formed; yes, sir; at that time.

7 Q Did the Staff in any place summarize the results of
8 its investigation?

9 A It was all summarized within our inspection report
10 which is attached to our testimony.

11 Q Is that Appendix A to your testimony, sir?

12 A I believe that's correct. I can't seem to find it
13 right now, sir.

14 Q Well, so we have a correct record, would you look
15 at the last page of your testimony; is not the next page a
16 letter dated December 1978 to CG&E signed by Mr. Heishman from
17 the Chicago office?

18 A I think I have a bad copy. I'm sorry.

19 Q I hand you a copy of the material which you served.

20 CHAIRMAN BECHHOEFER: Mr. Barth, could I get a
21 clarification? Is Appendix A to your testimony or to that
22 letter?

23 MR. BARTH: It's to the letter, sir.

24 CHAIRMAN BECHHOEFER: I think that should be said
25 to clarify it.

DB-1

Take 16

1 BY MR. BARTH:

2 Q Can you identify, Mr. Vandel, where the Staff's
3 investigation is, the document prepared by you and Mr.
4 Westcott?

5 A The letter to the licenses dated December 21, 1978
6 identifies the inspection report we are referring to. The
7 number of the investigation report is 50-358/78-21. The
8 third page of the letter is an appendix A, which is the
9 Notice of Ciolation identified in the letter itself.

10 Q Briefly summarize the Staff's conclusion for the
11 benefit of the audience, sir.

12 A There was one item of non-compliance identified,
13 and that is listed in Appendix A, which we refer to as a
14 deficiency. We added in our summary and conclusion that that
15 was identified by us and was only peripherally related
16 to those allegations identified by Mr. Hofstadter.

17 Q Sir, is it the position of the Region III office,
18 as stated in your testimony, that the cable trays installed
19 in the Zimmer facility provide adequate and commensurate
20 consideration for public health and safety?

21 A We believe that they do.

22 Q Mr. Westcott, you have heard Mr. Vandel's testimony.
23 Do you affirm his conclusion?

24 A (Witness Westcott) Yes, I do.

25 MR. BARTH: I have no further questions, Mr. Chairman.

DB2

1 I would suggest it would be appropriate for the parties
2 to cross-examine the witnesses on contention 14.

3 CHAIRMAN BECHHOEFER: Are you moving that this
4 portion --

5 MR. LARTH: I jumped too fast. I move that the
6 testimony of Thomas Vandell and Harvey Westcott regarding
7 contention 14, cable tray welding, be admitted in evidence
8 and be bound in the record as though read forth at length.
9 I have provided the reporter with 30 copies and have
10 served copies on all of the parties and the Board.

11 (Board conferring)

12 CHAIRMAN BECHHOEFER: I presume you wish to ask
13 some voir dire?

14 MR. FELDMAN: Yes, your Honor. But I would like
15 to begin this tomorrow morning.

16 CHAIRMAN BECHHOEFER: I was going to ask you how long
17 it was.

18 MR. FELDMAN: It may be fairly long, your Honor.
19 I think it might be best, taking into consideration the
20 fact that you are starting again at seven, that we start
21 this tomorrow morning.

22 CHAIRMAN BECHHOEFER: I think that is acceptable.

23 MR. WETTERHAHN: Mr. Chairman, before we adjourn,
24 for continuity of the record, I would like to identify these
25 various Gladstone documents formally for the record, so
there is no possible error in identifying them.

DB3

1 CHAIRMAN BECHHOEFER: Do you move to have them
2 admitted at this stage?

3 MR. WETTERHAHN: No, we are not asking them to
4 be admitted, only identified, for ease of reference at some
5 later point.

6 CHAIRMAN BECHHOEFER: All right.

7 MR. WETTERHAHN: Applicant's exhibit 3-A consists
8 of two pages, the first one numbered page 1 of 10 and
9 dated 10-28-74 in the upper right hand corner, and November
10 11, 1974 in the lower left hand corner. The second page
11 is identified in the upper right hand corner as page 1-A.

12 Applicant's exhibit 3-B is identified as page
13 2 of 10 dated 10-28-74 in the upper right hand corner and
14 November 11, 1974 in the lower left-hand corner, with a
15 second page marked 2-A.

16 Applicant's exhibit 3-C is identified as page 3
17 of 10, dated in the upper right hand corner also 10-28-74
18 and in the lower left hand corner dated November 11, 1974.
19 With that is an additional page marked page 3-A typewritten.

20 Applicant's exhibit 3-D consists of page 4 of 10
21 dated 10-28-74 in the upper right hand corner and
22 November 11, 1974 in the lower left hand corner, with a second
23 page marked typewritten page 4_A.

24 Applicant's exhibit 3-E is a single page marked
25 5 of 10, it has no date in the upper right hand corner and

DB4

1 is dated November 11, 1974 in the lower left hand corner.

2 Applicant's exhibit 3-F is marked page 6 of 10, also
3 does not have a date in the upper right hand corner and is
4 dated November 11, '74 in the lower left hand corner.

5 Page 7 of 10 is Applicant's exhibit 3-G, and the
6 date in the lower left hand corner is November 11, 1974.

7 Applicant's exhibit 3-H is marked page 8 of 10 and
8 has a date of November 11, 1974 in the lower left hand corner.

9 Applicant's exhibit 3-I is page 9 of 10 and is
10 dated in the lower left hand corner November 11, 1974.

11 Applicant's exhibit 3-J is marked page 10 of 10
12 and has no date or signature at the bottom.

13 Applicant's exhibit 3-K consists of two pages, the
14 first page marked page 1 of 2, dated 11-6-74 in the upper
15 right hand corner and November 13, '74 in the lower left
16 hand corner. The second page is identified by page 1-A
17 typewritten.

18 Applicant's exhibit 3-L is marked page 2 of 2
19 and has a date of November 18, 1974 in the lower left hand
20 corner.

21 All of these are on the letterhead of the Gladstone
22 Laboratories, Inc. I would ask that these be so marked.

23 CHAIRMAN BECHHOEFER: These exhibits will
24 be marked Applicant's exhibits 3-A through 3-L for identification

25 MR. WETTERHAIN: Thank you.

DB 5

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(The documents were marked
Applicant's exhibits 3-A thru
3-L for identification.)

CHAIRMAN BECHHOEFER: With that, we are adjourned
for the evening. Tomorrow at nine o'clock.

(Thereupon, at 5:05 p.m. the hearing was
adjourned, to reconvene at 7:00 p.m. the
same day.)