

# ORIGINAL

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the matter of:

TEXAS UTILITIES ELECTRIC  
COMPANY, et al

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

Docket No. 50-445-2  
50-446-2

Deposition of: James E. Cummins

Location: Glen Rose, Texas

Pages: 54,000 - 54,075

Date: Tuesday, July 17, 1984

TR 01 d/1

Original to E. Pleasant  
#-1149

1 copy to E. Johnson, Region IV

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY & LICENSING BOARD

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In the matter of: :  
TEXAS UTILITIES ELECTRIC :  
COMPANY, et al. : Docket Nos. 50-445  
 : 50-446  
(Comanche Peak Steam Electric :  
Station, Units 1 and 2) :  
-----x

Glen Rose Motor Inn  
Glen Rose, Texas

July 17 , 1984

Deposition of: JAMES E. CUMMINS,  
called for examination by counsel for Intervenors,  
taken before J. F. Coughlin, Court Reporter,  
beginning at 9:12 a.m., pursuant to agreement.

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## 1 APPEARANCES:

2 For the Applicant Texas Utilities Electric Company,  
3 et. al.4 RICHARD C. BROWNE, ESQUIRE  
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10 Office of the Executive Legal Director  
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12 Washington, D.C. 2055513 For the Intervenor Citizens Association for Sound  
14 Energy:15 ANTHONY Z. ROISMAN, ESQUIRE  
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20  
21  
22  
23  
24  
25

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I N D E XWITNESS:

JAMES E. CUMMINS

EXAMINATION BY:

MR. ROISMAN:	54,005
MR. BROWNE:	54,066
MR. BACHMANN:	54,069
MR. ROISMAN:	54,074

E X H I B I T SIntervenors' Exhibits Nos. 1-4  
(attached).

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## P R O C E E D I N G S

Whereupon,

JAMES E. CUMMINS

was called as a witness and, having been first duly sworn,  
was examined and testified as follows:

MR. BACHMANN: Before we begin the questioning  
Mr. Cummins, the Staff would like to enter into the  
record a preliminary statement:

Mr. James Cummins is appearing today in this  
evidentiary deposition pursuant to 10 CFR Section 2.720(h)(2)  
(1). Mr. Cummins was identified as the current NRC  
Resident Inspector in CASE's June 27, 1984 letter to  
Leonard W. Belter, counsel for the Applicants in this  
proceeding.

The Staff has agreed to voluntarily provide  
Mr. Cummins for this evidentiary deposition. The scope  
of this deposition as established by the Atomic Safety  
and Licensing Board is limited to the taking of evidence  
and the making of discovery on harassment, intimidation  
or threatening of Quality Assurance/Quality Control  
personnel. With one exception, Mr. Henry Stiner,  
allegations regarding harassment or intimidation of craft  
personnel have been specifically ruled by the Board to  
be beyond the scope of this proceeding.

In its June 27, 1984 letter, CASE identified

mgc 1-2

1 the incidents and subject matters which it may wish  
2 to examine Mr. Cummins about. The NRC Staff does not  
3 agree with CASE that all of these incidents and subject  
4 matters are proper areas for examination in this  
5 proceeding. The Staff has previously indicated objections  
6 to the relevancy of some of the subject matters and  
7 reiterates that the QA/QC contention admitted by the  
8 Licensing Board relates to Part 50, Appendix B -- relates  
9 to whether or not Applicants have complied with the  
10 requirements of 10 CFR Part 50, Appendix B in the design  
11 and construction of the Comanche Peak Steam Electric  
12 Station.

13 More specifically with regard to the  
14 allegations concerning intimidatio-n, the issue is whether  
15 there have been any incidents or actions or statements  
16 by Applicants and their subcontractors which have caused  
17 QC inspectors of other personnel within the Applicant's  
18 QA/QC organization to fail to comply with the written  
19 provisions of the Applicants' QA/QC program and whether  
20 such incidents or actions became known to the Applicants'  
21 management. It is the NRC Staff's position that the  
22 NRC Staff's response to allegations of intimidation or  
23 harassment of QA/QC personnel at CPSES is outside the  
24 scope of the issues in this proceeding.

25 That is the end of the Staff's preliminary

mgc 1-3

1 statement.

2 EXAMINATION

3 BY MR. ROISMAN:

4 Q Mr. Cummins, when did you first become  
5 associated with the NRC's responsibility at the Comanche  
6 Peak site?

7 A January of 1984. I was appointed down  
8 there January the 8th, 1984. I had gone on the site the  
9 next week.

10 Q So on the 15th or around that time?

11 A Around that date. I don't remember the  
12 exact date.

13 Q Had you had any previous involvement with  
14 Comanche Peak at all in any other capacity?

15 A No, sir. I had been on site once before.  
16 It was the first week of January. I came down here one  
17 day.

18 Q What was the position that you held at that  
19 time when you came on the site?

20 A My present position?

21 Q Well, is it different than the one you  
22 started?

23 A No. My position at Comanche Peak is  
24 Senior Resident Inspector of Construction.

25 Q Is there anybody else from the NRC who is

mgc 1-4

1 on the site who is your supervisor?

2 A Since I've been down here, Doyle Hunnicutt  
3 has been on the site quite frequently. He's my Section  
4 Chief. He is not assigned to the site. This is true.

5 Q Are you the highest NRC official who is  
6 assigned to the site?

7 A On the construction side, we have operations  
8 inspectors. Dennis Kelley is the Senior Resident  
9 Inspector for Operations. Ward Smith is the Resident  
10 Reactor Inspector for Operations. Dennis Kelley is my  
11 counterpart in operations, and presently there is another  
12 construction Senior Resident Inspector, Shannon Phillips.

13 Q Shannon or Channon?

14 A Shannon, S H A N N O N (spelling). He  
15 carries the same title I do. He's the Senior Resident  
16 Inspector of construction.

17 Q Is one of you the boss of the other, or --

18 A We've never been -- he's just been here  
19 three weeks. Right now we're working in parallel. We  
20 both have duties -- I kind of lead the show right now.

21 Q Okay.

22 A But we also have -- Doyle Hunnicutt is  
23 still on site quite frequently right now, and he's out boss.

24 Q Okay. And he is -- Hunnicutt is based where?

25 A In Arlington, Texas.

mgc 1-5

1 Q At Region IV?

2 A Yes, sir.

3 Q In addition to yourself and the Resident  
4 Inspector for Operations, Resident Inspector for Reactor,  
5 are there other employees, other NRC people, who are  
6 resident on the site during the period of time from  
7 January through, say, the end of May, or were you the  
8 only resident people?

9 A Bob Taylor was here when I arrived, and he  
10 didn't leave the site -- I don't know exactly when he left  
11 the site, but he was here for a couple weeks after I arrived.

12 Q Okay. And other than that?

13 A Not to my knowledge.

14 Q So that you don't have a group of inspectors  
15 or other people below your level who work for you and  
16 who are, like yourself, resident at the site.

17 A No, sir.

18 Q Now if I refer to something called the  
19 T-shirt incident, do you know what I'm referring to?

20 A I certainly do.

21 Q Okay. I'm going to ask you mostly questions,  
22 if not all questions, about that incident, so if we both  
23 understand what we're talking about, I'll just call it  
24 the T-shirt incident. If it gets confusing to you, please  
25 stop me and say, "Wait. Now I'm not sure what you're

mgc 1-6

1 talking about," okay?

2 A (Nodding affirmatively.)

3 Q Were you on site the day of the T-shirt  
4 incident?

5 A I was.

6 Q Okay. Can you tell me your recollection of  
7 the events that day that you personally observed or that  
8 you personally heard?

9 A The T-shirt incident started for me -- I was  
10 in Dennis Kelley's office. That's the Operations Senior  
11 Resident Inspector. His office is on the opposite side  
12 of the site from mine. And we received a phone call.  
13 I answered the phone, I think, and it was a -- somebody  
14 that was -- started telling us that the Brown & Root  
15 Security and -- this is from memory, so I'm not sure  
16 exactly what was said.

17 Q Okay.

18 A I'll do my best.

19 They said somebody was going through their  
20 files and desks, and I think at that time they said that  
21 they had had some of the QC inspectors in Tolson's office.

22 And Kelley got on the phone -- I'm not sure  
23 when he got on the phone, another extension, and listened  
24 in on the conversation. And the individual that called  
25 requested that NRC send a representative or somebody from

mgc 1-7

1 NRC come to the safeguards building.

2 Q Okay, and the person that called, did that  
3 person identify themselves?

4 A No, they didn't.

5 Q Did they give you anything on the telephone  
6 to give you reason to believe that they knew what they  
7 were talking about. I mean, did they say they were an  
8 employee of the plant or what? How did you know who you  
9 were talking to?

10 A We didn't know who we were talking to.

11 Q And when they called, did they call to talk  
12 to you, or did they just call to talk to whomever happened  
13 to answer the telephone? Did they ask for you, do you  
14 remember?

15 A No, they didn't.

16 Q Were you the one who answered the phone?

17 A Yes, I was.

18 Q I see, okay.

19 A To the best of my memory.

20 Q Okay. What did you do then?

21 A After we hung up the phone from talking to  
22 the individual, Dennis Kelley called the Region IV office,  
23 and from Dennis Kelley, I got the word that we were not  
24 to intervene, that we were to stay out of it at the present  
25 time.



mgc 1-8

1 Q Now would that be the standard procedure?  
2 As a Resident Inspector, if you receive a call indicating  
3 that there's some condition on the plant site and that  
4 someone who purports to be an employee is asking you to  
5 look into it, would you normally call Region IV to determine  
6 whether to look into it or not?

7 A It would depend on the circumstances. But  
8 most of the time, if I get phone calls, I try to go on and  
9 investigate the problem. I do have constant communication  
10 with the Region at the same time, so, as I say, it would  
11 depend on the circumstances.

12 Q Why, in this instance, was the decision made  
13 to call Region IV before responding to the call?

14 A I don't know.

15 Q It was not your decision, then?

16 A Kelley and I together might have made the  
17 decision. We were both in his office, and he called the  
18 Region.

19 Q And you were not on that phone call.

20 A No, I wasn't.

21 Q When you heard the information from the  
22 person, what was your reaction to what you heard? The  
23 anonymous caller, how did you react to that?

24 MR. BACHMANN: I have to object to that  
25 question. He stated that he perhaps discussed it with



mgc 1-9

1 Kelley, and Kelley called the Region. I don't see what  
2 you mean.

3 You mean physical reaction?

4 MR. ROISMAN: No, no, no. What did he think  
5 when he got the telephone call?

6 BY MR. ROISMAN:

7 Q Did you think that you had received -- was  
8 this a serious or a not serious thing that was being  
9 alleged, or did you think that you were getting a crank  
10 call or maybe someone playing a joke or what did you  
11 think when you heard what the person on the other end of  
12 the phone told you? What was your mental reaction?

13 A I thought it was a legitimate call. I  
14 didn't have any basis for not believing it, and I  
15 couldn't be sure of the facts that this individual was  
16 relating to us, but I thought it was legitimate. I thought  
17 that something was going on out there.

18 Q In your judgment, if the things that this  
19 individual recounted to you were going on, were they  
20 serious things or so-so or pretty innocuous? How would  
21 you classify them?

22 A Without having any more knowledge about it,  
23 I wouldn't even classify it.

24 Q At all?

25 A Without looking into it. I wouldn't.

mgc 1=10

1 I wouldn't think that any situation like that, where you're  
2 given information, should be responded to, that you should  
3 investigate it.

4 Q And by investigate you would mean what? Go  
5 to the place where the event was purportedly taking place  
6 and see for yourself?

7 A Not necessarily. At that time, whatever they  
8 were doing was getting so much attention that it couldn't  
9 be covered up, so a follow-up inspection or investigation  
10 would uncover any wrongdoings. That was one thought I had.

11 Q Did you have any thought that if this was  
12 happening in any way like they were describing it, that  
13 the NRC's presence at the point of the event might have  
14 a beneficial effect, either diffuse what otherwise might  
15 be an explosive situation or give some comfort and support  
16 to the work force or "show the flag," as they say, with  
17 respect to management? Did any of those thoughts cross  
18 your mind?

19 A I didn't make any conclusion of that type.

20 Q When you got the information from Kelley  
21 that Region IV had said to stay out of it, did you just  
22 acquiesce in that, or did you call back Region IV and  
23 try to get more information -- why did you have to stay  
24 out of it? How did you respond to that directive from  
25 Region IV?

mgc 1-11

1           A           Well, I was still in Kelley's office. We  
2           received another phone call from Bill Hunnicutt. That's  
3           what I was told by Kelley. And he reiterated to us that  
4           we were not to intervene, that we were to stay out of it.

5           Q           So when Mr. Kelley made the call to Region IV,  
6           he did not speak to the man who was your supervisor at  
7           Region IV apparently. He must have spoken to someone else.

8           A           I don't remember. It could have been Doyle.  
9           I think it was Doyle, but I'm not sure.

10          Q           So it's possible that Hunnicutt, even after  
11          that conversation, yet called back a second time or had  
12          a second conversation to say, essentially, as far as you  
13          recollect from what Mr. Kelley told you, to tell you the  
14          same thing.

15          A           That's right.

16          Q           All right. What else happened after that  
17          with reference to the T-shirt incident that you can remember?

18          A           When I went back -- I went back to my office  
19          after that, and when I got back to my office, I received  
20          another phone call from another individual who stated the  
21          same thing, that some of the QC inspectors were  
22          sequestered, and he didn't know where they were, and he  
23          hadn't seen them sequestered, but that he requested that  
24          the NRC intervene a second time. And I told him that we  
25          had been directed by Region IV management not to intervene

mgc 1-12 1

at this time.

2

Q And you say this was a different caller than

3

the first one?

4

A I don't know.

5

Q Okay, I'm sorry. I thought you had indicated

6

that it was.

7

A No.

8

Q So you don't know if it was the same person

9

or a different person.

10

A No, I don't.

11

Q But the substance of what you were told in

12

the second call was essentially the same as the substance

13

of what you'd been told in the first?

14

A To the best of my memory, yes.

15

Q And how much time would you say transpired

16

between when the first call and the second call occurred?

17

A Probably an hour. Thirty minutes to an hour.

18

MR. BACHMANN: I think maybe it might be

19

beneficial for the state of the record to indicate

20

approximately what time the first call came in.

21

MR. ROISMAN: Okay, sure.

22

BY MR. ROISMAN:

23

Q If you have a recollection of when you think

24

you got the first call --

25

A It was probably between eleven and twelve

mgc 1-13

o'clock. And I would say the second call was between  
twelve and one.

MR. ROISMAN: Okay.

End 1

1 BY MR. ROISMAN:

2 Q After you received the second call and you  
3 indicated what you had told me you indicated to this caller,  
4 what did the caller tell you?

5 A I don't remember if he told me anything. I  
6 know one of the callers said that I've got to get off the  
7 phone now, and that might have been him, but I don't recall  
8 of any response to what I told him.

9 Q Did the caller seem upset or distraught, or  
10 was it your recollection that it was sort of a calm, just  
11 reporting piece of information to you?

12 A I can't answer. I don't know. I didn't read  
13 anything into his voice at the time.

14 Q Was the caller insistent on the NRC being  
15 involved or did the caller merely indicate that they wanted  
16 the NRC to know about what was happening?

17 A To the best of my recollection, the caller was  
18 not calling for himself. He said something like the people  
19 being held or sequestered -- I don't know what term he used --  
20 would appreciate, he thought, the NRC intervening.

21 Q I want to go back again, well, was there  
22 any further conversation between you and this caller, during  
23 the second call?

24 A I don't recall any, no.

25 Q I want you to tell me again, I'm having some

fc21b2

1 difficulty understanding when, under normal circumstances,  
2 would you -- on your own volition -- call in Region IV?  
3 Would you get a complaint from the plant site? What do your  
4 job responsibilities tell you about that?

5 A I'm not sure that that is clarified in my  
6 job responsibilities.

7 Q What is your perception of what your  
8 responsibilities are, when you get a complaint from someone  
9 on the site that something is happening of a concern to the  
10 work force, that relates to things within the jurisdiction  
11 of the Nuclear Regulatory Commission? What do you understand  
12 your responsibilities are?

13 A I would have to deal with it on a case basis.

14 Q What are the factors that you weigh in, in  
15 deciding how to deal with it? What things do you look for?

16 A I've really never sat down and tried to make  
17 a determination as to what I would respond to what I would  
18 call Region IV. I don't know what factors would affect me.

19 Q Would it be affected at all by the magnitude  
20 of the safety implications --

21 A Yes.

22 Q -- of what was happening?

23 A Yes.

24 Q And which way would that cut? If we can, let's  
25 just take a hypothetical. If you get a call and it said

21b3

1 someone is down here sabotaging a piece of the reactor. I  
2 am looking at it right now. I want the NRC to come down and  
3 do something. Would that be a "Let's call Region IV?" Or would  
4 that be a "Let's run over there and see it right away" kind  
5 of thing?

6 A I would respond to anything like that physical,  
7 a fire or flooding in the buildings or anything like that,  
8 I would go directly to it and try to observe as much as I  
9 could.

10 Q And what if you received a call that someone  
11 was doing something to physically injure an employee on the  
12 plant? Would that fall into the same category as if they  
13 were trying to physically injure the plant?

14 (Pause.)

15 A No.

16 Q Why not?

17 A I am not a policeman to protect the people  
18 out there from physical injuries, just like I'm not a  
19 safety man to protect them from personal injury, when they're  
20 climbing on staging and things like that. My job is to make  
21 sure that they build the plant in accordance to the require-  
22 ments that are set up by the Regulatory Commission.

23 So there are probably a lot of activities, in  
24 the personnel area, that I don't get involved in.

25 Q Would it affect your answer at all, that if



1 the information that you're receiving was that the employee  
2 who was being injured was being injured by someone to  
3 prevent him from reporting safety problems?

4 A Yes.

5 Q And then what would the situation be, if that  
6 piece of information were before you? Would that be one of  
7 those incidences that you would respond to, as you would  
8 respond to a report that someone was physically damaging the  
9 plant?

10 A I can't answer the question. It would take  
11 conjecture on my part. I think I would respond.

12 Q In the conversations, the two conversations  
13 that you have already testified to that morning, did the  
14 caller communicate to you any sense that the workers were  
15 being intimidated or harassed, or in some way being  
16 disadvantaged by management's conduct because of something  
17 related to their job performance?

18 A I don't recall.

19 Q Do you think that it is the kind of a thing  
20 that might have happened, that you wouldn't remember it, but  
21 they might have mentioned that and you wouldn't remember  
22 that?

23 A There could be a lot of information in those  
24 phone calls that I don't remember.

25 Q No, but I'm wondering whether this is the kind

1 of information -- I mean there are certain kinds of things  
2 that someone could say in a phone call to you that would stick  
3 in your mind. Would that be the kind of thing that would  
4 stick in your mind?

5 A I can't answer. I don't know.

6 Q Tell me what happened after the second  
7 telephone call. I take it, from what you've testified, that  
8 the person told you essentially what you heard in the first  
9 call and you reported to them what your directives were from  
10 Region IV and the phone call ended. Is that correct?

11 A That's right.

12 Q Then what did you do after that, with reference  
13 to the T-shirt incident. Did you tell anybody about the  
14 second call?

15 A Yes, I was in contact with Region IV and I  
16 did tell them that I had had another call.

17 Q Who did you contact?

18 A I talked to Doyle Hunnicutt. We talked a  
19 number of times that afternoon.

20 Q And did he give you any further directions,  
21 after you reported the second call?

22 A He said our position was still not  
23 to intervene.

24 Q Were you at all surprised at that? That that  
25 was the position that you were getting from Region IV?

fc21b6

1 A I don't remember.

2 Q What was your next connection with the  
3 T-shirt incident that day?

4 A It was the following afternoon, when I  
5 received a call -- oh, that day?

6 Q Yes, that day.

7 A I don't remember any further connections that  
8 day.

9 Q Where was your office, in reference to the  
10 safeguards building? Which office, yours or Mr. Kelley's  
11 office, is closest to that building?

12 A To that building, it would probably be --  
13 Kelley's office is maybe slightly closer. The offices were  
14 about the same distance apart. We were located on either  
15 side of the Unit 1 and Unit 2 buildings. So physically,  
16 we are probably about the same distances. I am a little  
17 closer to Unit 2, probably, than he is. And he is on the  
18 Unit 1 side, but he is outside the security fence area.

19 Q Would you describe Mr. Kelley for me? Is he  
20 an old man, a young man, a tall man, a short man, fat man,  
21 thin man, bald headed, full haired, full head of hair?

22 A I think he's 46 years old. He is probably  
23 about 6-2 or 3 feet tall. He's got gray hair. He's got a  
24 beard, it's gray, someplace between gray and dark hair. He  
25 is not fat. He probably weighs 170-75 pounds.

1           Q       Thank you. All right, now, you were going  
2 to tell me what your next connection was. Let me just  
3 step back with you a second. After this telephone call that  
4 you made to Doyle Hunnicutt, to report on your second phone  
5 call from someone at the site, did you have any conversations  
6 about the T-shirt incident with any other persons that day,  
7 in your official capacity?

8           A       I had a conversation with the Region.

9           Q       Other calls?

10          A       No, Chet Oberg was working -- other calls?

11          Q       Yes, other calls, after this last call,  
12 when you called Hunnicutt and reported on the second  
13 telephone call. That's all I want to focus on. It's after  
14 that time. Did you have further communication, either with  
15 Mr. Kelley or with someone else on the site, or with someone  
16 at Region IV or elsewhere?

17          A       Chet Oberg was working. He is a Region IV  
18 reactor inspector. He was working out of our office, our  
19 trailer onsite and so he and I had a conversation about it.  
20 He had received a phone call, too, from somebody and also a  
21 visit from somebody.

22          Q       I'm sorry, I need to get his name again.

23          A       Chet, C-H-E-T, Oberg, O-B-E-R-G, Oberg.

24          Q       When did you learn of him having received the  
25 call and the visit?

fc21b8

1           A           I don't recall. I don't recall if it was  
2 after I received that call at my office, or whether it was  
3 before. I think it was after, but I'm not sure. He may  
4 not have been at the office when I got back. I don't remember.

5           MR. BACHMANN: I think maybe there is  
6 confusion on the question. You asked him when he found out  
7 that Oberg had received the call?

8           MR. ROISMAN: Yes, right.

9           MR. BACHMANN: I think he was answering when  
10 Oberg received the call.

11          THE WITNESS: Oh, I don't know when he  
12 received the call.

13          MR. ROISMAN: That's right. I wanted to know  
14 when he learned from Oberg, if that had happened.

15          MR. BACHMANN: All right.

16          THE WITNESS: I don't remember. I was telling  
17 you I don't remember exactly when he related it to me, but  
18 he did relate it to me.

19          BY MR. ROISMAN:

20          Q           And what he described to you of his phone call?

21          A           Very similar --

22          Q           Very similar to what you had also heard?

23          A           Yes, and also from the visit from an individual.  
24 I don't know who the individual was.

25          Q           Where did Mr. Oberg tell you he had received

fc21b9

1 the call and had the visit? What was the physical place  
2 where that happened?

3 A In the NRC trailer.

4 Q In the trailer where you were working?

5 A That's right, in my office.

6 Q What was your reaction when you realized that  
7 now either or more persons had made at least three telephone  
8 calls and even risked a physical visit to the NRC trailer  
9 to express their concern about this event? Did that affect  
10 your thinking as to whether the right thing was being done  
11 by the NRC here?

12 A I didn't draw a conclusion about that.

13 Q Did you communicate what Mr. Oberg had  
14 communicated to you back to Region IV?

15 A Yes. To the best of my recollection, I don't  
16 remember specifically all the conversations. There were a  
17 lot of calls back and forth between the region and us that  
18 afternoon, or between myself and the region that afternoon.

19 Q All right and at any time, in which you had  
20 conversations with the region, did you explore with them the  
21 wisdom of their policy that the NRC should be staying out of  
22 this event? Did you question their judgment on that?

23 A I may have asked if they wanted me to co-inter-  
24 vene, or to look at what was going on, but I don't really  
25 recall making any or questioning their wisdom -- I don't

1 remember the specifics of our conversations.

2 Q I understand.

3 This whole matter, would it have normally  
4 fallen under your jurisdiction, or Mr. Kelley's jurisdiction,  
5 or someone else, if you all were going to have gotten  
6 involved in it? Was there some line of authority that we  
7 could say that it was your business, or it was Kelley's  
8 business, or it belonged to one of the other people on the  
9 site?

10 A The people involved were construction oriented  
11 people but I don't draw a line like that. I think any  
12 NRC inspector onsite should look at anything that is going  
13 on at the time.

14 Q So that if it were something that the  
15 resident inspectors were going to have looked into, would the  
16 normal thing to have been was that the first resident  
17 inspector contacted would have followed through on it, unless  
18 for some reason they didn't have the time to do it? Is that  
19 how you all divide up your responsibilities?

20 A That is hard to answer. Our responsibilities  
21 are divided based on him being in operations and me in  
22 construction. In a situation like this, my opinion would be  
23 that any NRC inspector that got information should respond to  
24 it. It is hard to divide a personnel situation up into  
25 construction or operations, although we do have clearly

fc21b11

1 defined areas that we are normally working in. That doesn't  
2 keep me from writing up something in operations, if I see  
3 a deficiency. I certainly will write it up and vice versa  
4 for him and construction, although he may call me and let  
5 me follow it up, rather than him following it up.

6 Q Maybe you need to clarify for me the  
7 distinction between construction and operations. And I  
8 believe you also said that Mr. Smith was reactor.

9 A He works for Kelley. He's a resident inspector  
10 that works for Kelley.

11 Q What is the distinction then between  
12 construction and operations, as it is used to define Mr.  
13 Kelley's responsibilities and your responsibilities?

14 A The construction inspector follows the building  
15 of the plant up to the point that it goes into the  
16 pre-operational testing. At that point, the operations  
17 inspector will start picking up on the systems when they are  
18 turned over from construction to the operating group.  
19 Then the operations inspectors start picking up. They have  
20 procedures that they follow to witness operational testing  
21 and to review the pre-operational testing and to review their  
22 procedures and to also review the plant procedures.

23 The distinction is that when the construction  
24 turns a system or a room over to operations, or to the  
25 people that are going to operate the plant, these cases took



fc21b12

1 cooperation. And that's where Kelley's responsibility, and  
2 really the dividing point is pre-operational testing. That  
3 is the first phase that he gets into.

4 Q I see. All right, now when that first day  
5 -- when the T-shirt incident first occurred -- was there  
6 anything that day that you can remember, any other involvement  
7 that you had after that information that you got from  
8 Oberg and your contacting the Region, as you remember it, to  
9 advise them of what you had learned from Mr. Oberg?

10 A I don't recall anything else.

11 Q You indicated that there was sort of back and  
12 forth during the day of contacts between the region and you  
13 and the other resident inspectors on the site. What was the  
14 purpose of that? What were you hearing, or what were you  
15 communicating?

16 A There were conversations back and forth every  
17 day.

18 Q No, but as to this particular event?

19 A I'm not saying that all the conversations  
20 related to the T-shirt incident, but we -- there were  
21 conversations that did relay information, that I don't  
22 remember any further information than the phone calls I got  
23 relaying that back.

24 Q Do you have any recollection of Region IV  
25 initiating a phone call to you anytime after, say, 12 o'clock

fc21b13

1 where they wanted you to give them more information about  
2 what was happening on the T-shirt incident?

3 A I don't recall. I don't remember any such  
4 phone call.

5 Q To the best of your recollection, that is the  
6 only phone call that was initiated by Region IV to the site,  
7 with regard -- I mean, to you, or as well as you know, to any  
8 of your other resident inspector people, relevant to the  
9 T-shirt incident, the second communication to Mr. Hunnicutt,  
10 when he called into Mr. Kelley's office while you were there?  
11 Is that the only Region IV initiated call that you can  
12 remember?

13 A I can't answer for Kelley's side. I don't  
14 know.

15 Q Okay.

16 A But on my side, I don't recall. I know I  
17 talked to the Region a number of times. I don't remember  
18 who originated the calls.

19 Q When was the next time that you had any  
20 contact with the T-shirt incident?

21 A On the following day, about 4 o'clock.  
22 Eric Johnson called me and told me, go get the material that  
23 the Licensee had taken from the individuals involved. And I  
24 went to Ron Tolson's office and we went back in the vault and  
25 I picked up a box of material from them. And there were --

fc21b14

1 we thumbed through it very quickly. And any originals in  
2 there we tried to run copies of and I took the copies, not  
3 the originals, because the copies could have been their  
4 working documents. And I took the information, that box of  
5 information, and a box about two foot by 18 inches. And I  
6 took it back to the trailer, the NRC office construction.

7 Q How did you know that there was any documents  
8 that the Applicants had seized?

9 A I don't remember.

10 Q How did you know that they were in Mr. Tolson's  
11 office?

12 A Eric Johnson, I think, when he was talking to  
13 me, said that he had talked to Chapman and I don't really  
14 know how I knew in Mr. Tolson's office. I may not even have  
15 known they were in Tolson's office. I just used that as a  
16 starting point. I don't recall. I can't answer that  
17 question. I don't know the answer.

18 Q Who was Eric Johnson?

19 A Eric Johnson is a Branch Chief in the  
20 Arlington Office, USNRC. And at that time, he was the  
21 immediate supervisor over Doyle Hunnicutt, so he was my  
22 second step in command.

23 Q When he told you to go and get the documents,  
24 did he do that by phone or in person?

25 A By phone.

fc21b15

1 Q And when you get the documents from Mr. Tolson,  
2 did he personally take you to where the documents were --  
3 if you would strike that, I'm sorry.

4 Did you speak to Mr. Tolson?

5 A Yes, I did.

6 Q What did he say to you?

7 A I think he tried to call Dave Chapman, I  
8 don't recall, prior to turning the documents over to me.

9 Q Did he seem reluctant to give them to you?

10 A I don't remember.

11 Q How long after you got to his office did you  
12 physically get possession of the documents?

13 A Within 15 to 30 minutes.

14 Q Did you know why you were coming to get the  
15 documents?

16 A No, I didn't.

17 Q Did you even know what might be contained in  
18 the documents that you were coming to get?

19 A No, I didn't.

20 Q Did you ask Mr. Johnson any of those questions?

21 A No, I didn't.

end t2

22  
23  
24  
25

1 BY MR. ROISMAN:

2 Q Was that normal, that you would be told to go for  
3 something for Mr. Johnson and not know particularly what you  
4 were getting or why you were getting it? Was that a standard  
5 procedure in your relationship with him?

6 A I can't answer that as being standard.

7 Q Had it ever happened before, that you can remember?

8 A I don't recall. I don't recall ever going and  
9 getting material like that before either.

10 Q No, but in a sense, had you ever been asked by  
11 Mr. Johnson to essentially run an errand --

12 A Yes. Right.

13 Q -- where you were just acting at a messenger?

14 A I don't recall any specific incidents.

15 Q No, I understand.

16 A But if somebody calls me and wants something, I  
17 will generally go do it.

18 In this case, as far as going out and getting this  
19 type of -- a box of material that's been confiscated or  
20 collected by the Licensee, that's -- that is not a normal  
21 function that we serve out there.

22 Q What were you directed to do with the material  
23 after you had seized it? You know, what did Mr. Johnson tell  
24 you to do with it?

25 A I don't remember any specific instructions.

1 Q Were you supposed to tell him after you got the  
2 documents?

3 A I don't recall.

4 Q What did you think you were going to do with the  
5 documents after you got them?

6 A I can tell you what I did with them.

7 Q Well, when you went to get them, did you have any  
8 idea what you were going to do with them?

9 A No. Oh, I knew I was going to lock them up in our  
10 trailer. That's what I did.

11 Q You locked them up, but you did not look through  
12 them?

13 A No, I didn't.

14 Q I mean, except to -- you've already testified, to  
15 separate the original out.

16 A Yes.

17 Q And how did you know, when you got the documents  
18 from Mr. Tolson, that you had gotten all the documents that  
19 had been seized?

20 A I didn't.

21 In fact, I think Tolson, at the time, told me that  
22 the personal documents of the individuals had been returned to  
23 them. And they had had the documents for a day and a half or  
24 a day, some period of time, before I got them from them.

25 So, I can't answer that question.



1 Q Did you make any attempt to pin Mr. Tolson down  
2 to make him make a representation to you that you either were  
3 getting all the documents, other than the personal ones, or  
4 that you weren't?

5 A I didn't.

6 Q Did you consider it in any way to be a confronta-  
7 tional situation between you and Mr. Tolson, you taking  
8 something from him that he wanted to keep?

9 A No.

10 Q After you got the documents, was the next thing  
11 that you did to take -- and made the copies, to take them  
12 back and lock them up in the trailer?

13 A Yes, it is.

14 That was Friday afternoon, to the best of my  
15 recollection.

16 Q Did you advise Mr. Johnson that they -- that you  
17 now had the documents and that they were in your trailer?

18 A I don't recall.

19 Q All right. What was your next involvement with  
20 the T-shirt incident? Or now we will add the documents to  
21 our list of things -- either with the documents or with the  
22 incident itself?

23 A The following Monday the Licensee came and told me  
24 that they wanted the documents back. Mark Welch and  
25 Dan Hicks gave me a call, and I let them have the box of

1 documents back. And in the meantime, I called the Region.  
2 And as soon as I got in touch with the Region, they said,  
3 "Don't let them have them back." So, I went and got them  
4 back from them. They had them for approximately 15 to 30  
5 minutes. And when I went to get them back, they were locked  
6 up in Dan Hicks' office.

7 Q Why, in that instance, did you decide to give them  
8 the documents and then call the Region, instead of calling the  
9 Region first?

10 A I tried to call the Region first, and I couldn't  
11 get anybody. So then, a few minutes later, I did make contact  
12 with the Re

13 Q But w. decide to give them the documents  
14 until you had talked to the Region?

15 A I don't know.

16 Q Did you feel that if you had told them they  
17 couldn't have them, that they could, somehow or another,  
18 compel you to give them to them?

19 A No.

20 Q And you have no recollection of why you would have  
21 given them back the documents, even though you sensed that you  
22 should talk to the Region first, before you actually talked  
23 to the Region?

24 A That's true.

25 Q Did you ask the Applicant why they wanted them



1 back?

2 A To the best of my recollection, they stated that  
3 they needed them back to see if there were any ar as,  
4 anything in the documents that they needed to pursue or to  
5 take any actions.

6 Q Did you make an index of the documents before  
7 you gave them back to them?

8 A No, I didn't.

9 Q Do you have any basis for knowing that the  
10 documents that you got back from them some 15 or 20 minutes  
11 later were all the documents that you had seized from them  
12 the preceding Friday?

13 A No, I don't.

14 Q Did you propose to the Applicants that they  
15 examine the documents in your trailer if they wanted to see  
16 if there was anything relevant in there for them?

17 A No, I didn't.

18 Q When you got the instruction from the Region that  
19 you should get the documents back, what did you do to  
20 accomplish that?

21 A I went to Dan Hicks' office, and his office was  
22 locked. So, I went and got him out of a meeting in the area  
23 of John Merritt's office. And we went back, and he unlocked  
24 his office, and he gave me the box of documents.

25 Q Was Dan Hicks the one who actually picked them

1 up from you?

2 A Mark Welch picked them up from me.

3 Q When you went to get them and discovered that they  
4 were locked up in Mr. Hicks' office, did it trouble you that  
5 they were not apparently being immediately reviewed by the  
6 Applicant to find any problems that the documents might  
7 disclose?

8 A Trouble me?

9 Q Yes. You told me, just a moment ago, that the  
10 Applicant had told you that they wanted to see the documents  
11 so that they could determine whether there was any problems  
12 that they needed to address. But you decided to give it to  
13 them, even though you didn't yet have a clearance from  
14 Region IV to do so.

15 And then, when you went to get them back, you  
16 found that they were locked up in a room, as opposed to being  
17 actively reviewed by a group of people looking for the  
18 problem.

19 Did that give you any pause or make you wonder  
20 about what was happening?

21 A No.

22 Q When you went to Mr. Hicks and told him that you  
23 wanted them back, did he have any reaction, one way or the  
24 other, to your request to get them back?

25 A No.

1 Q Did he ask you why?

2 A I don't recall.

3 Q Did you know why? Other than Region IV had told  
4 you to get them back, did you know why you should have them  
5 back?

6 (Pause.)

7 A No, I didn't.

8 Q Did you ask Region IV why they wanted you to get  
9 them back?

10 A I don't recall.

11 Q Do you recall why you thought you should contact  
12 Region IV before you gave them up?

13 A They are the ones that told me to get them.

14 Q What did you do with the documents after you got  
15 them back from Mr. Hicks?

16 A I took them back and locked them up in our trailer  
17 again. They stayed locked up in a supply cabinet in our  
18 trailer.

19 Q Did you report back to Region IV that you had  
20 gotten the documents back?

21 A Yes.

22 Q Did they ask you whether you had gotten all of  
23 the documents back?

24 A I don't recall.

25 Q Did they give you any further instructions at that

1 time as to what to do, either about the documents or the  
2 T-shirt incident?

3 A I don't recall any.

4 MR. BACHMANN: I think just to clear up a little  
5 bit on the record, Tony, I get the impression sometimes when  
6 Mr. Cummins says, "I don't recall," he can mean either "I  
7 don't remember" or "no, to the best of what I can remember."

8 MR. ROISMAN: Mr. Cummins, if that is happening,  
9 if there is some ambiguity that is developing, it is  
10 certainly all right, if you wish to do that, to tell me, in  
11 answer to the question, "I believe the answer is no, but I'm  
12 not 100 percent certain," versus "I have no recollection at  
13 all. I have no way of telling you whether I think the answer  
14 to your question is yes or no."

15 Okay?

16 Will that be easier, for you to give me an answer  
17 on some of these questions, to use both of those ways of  
18 answering them where appropriate?

19 THE WITNESS: That is, when I say I don't recall,  
20 it does mean that something could have happened. I just  
21 don't remember it.

22 MR. ROISMAN: Okay. That's right.

23 But it doesn't mean, when you say, "I don't recall,"  
24 that --

25 THE WITNESS: It didn't happen.

1 MR. ROISMAN: -- "I'm pretty sure it's no, but I  
2 can't say for certain." It means you really don't have a  
3 recollection at this moment whether it's yes or no?

4 THE WITNESS: That's right.

5 MR. ROISMAN: Okay. All right.

6 THE WITNESS: That's what I mean to convey.

7 MR. ROISMAN: The only thing that's acceptable is  
8 that you tell me what you know truthfully. And other than  
9 that, I just want to make sure -- and I think all your counsel  
10 wanted to do is make sure that we weren't building in here  
11 some confusion that we wouldn't -- that we wouldn't understand  
12 what you were trying to say.

13 I think we do now understand what you mean when you  
14 say, "I can't recall" or "I can't recollect."

15 THE WITNESS: Things could have happened that I  
16 just don't remember right now.

17 MR. ROISMAN: Okay. That's fine.

18 BY MR. ROISMAN:

19 Q After you got back to your office and had locked  
20 up the documents the second time -- and I may have asked you  
21 this, but bear with me -- did you then communicate with the  
22 Region that you had the documents back?

23 A Yes, I'm sure that I did.

24 Q Did they give you any further instructions with  
25 regard to what you should do with those documents at that

1 time?

2 A No. I don't recall any further instructions. I  
3 don't remember any specific instructions about those  
4 documents or for me to take any actions with those documents.  
5 If there was any there, I don't remember.

6 Q And did you get any instructions or directions  
7 with regard to what to do about the T-shirt incident in  
8 general at that point?

9 A No.

10 We're talking about the next -- the Monday --

11 Q We're talking now about the Monday following the  
12 T-shirt incident, that's correct.

13 A No.

14 Q And did you, on your own, take any steps to do  
15 anything about the T-shirt incident?

16 A No, I didn't.

17 Q Did you believe, as of that Monday, that you were  
18 still under the directive from Region IV not to do anything  
19 with it except as specifically directed by them?

20 A Yes.

21 Q Should -- if someone had come to you, as someone  
22 apparently did to Mr. Oberg, on Monday -- they came to him on  
23 Thursday, if they had come to you, like that, but it was on  
24 Monday, and said, "I really want you to look into this thing,"

25

1 your reaction would have been, "I have to go to Region IV and  
2 get the okay to do that"?

3 A It would depend on the circumstances.

4 Q Well, the only circumstance that I'm positing now  
5 is that someone simply comes to you and says, "I want you, as  
6 the resident inspector, to look into the event that happened  
7 last Thursday that is called the 'T-shirt incident.'" That is  
8 all you've got.

9 Was your understanding of your directions from  
10 Region IV, at that time, that you would not take any action  
11 on that request until you had talked to Region IV?

12 A That was not clearly defined -- "Don't do anything,  
13 until you talk to us, about the T-shirt incident" -- that was  
14 never made clear.

15 We were just told, on that first day, not to  
16 intervene.

17 Q So, your perception of your responsibilities were  
18 that you, in your judgment, subsequent to that first day,  
19 you thought you should intervene, that you had your normal  
20 authority to do so, without the necessity of having to talk  
21 to Region IV?

22 A Yes.

23 I never got the perception that I had to talk to  
24 Region IV except on that first day, when they told us not  
25 to intervene in the ongoing activities at that moment.



mgc 4-1

BY MR. ROISMAN:

Q And what was the next connection that you had, after having gotten the documents from Mr. Hicks and calling Region IV, with either the documents or the T-shirt incident after that Monday?

A My involvement in it?

Q Yes.

A I don't recall any direct involvement that I had -- oh, I'm sorry -- yes, I did.

The next direct involvement I had was a few weeks later. Doyle Hunnicutt and I interviewed three of the QC inspectors. And I don't remember what the date was. It was approximately three weeks after that, in April probably.

Q And in that intervening period, roughly three weeks, you had no further involvement with the T-shirt incident.

A No.

Q What about the documents? Were they still locked up?

A The documents were in the trailer, and --

Q Go ahead.

A The documents were copied by Doyle Hunnicutt and copies distributed of the documents to different people, but Doyle Hunnicutt did that. I didn't



mgc 4-2

1 do that. And the documents may not have stayed in the  
2 trailer that entire time, and Doyle may have taken them  
3 back to the Region to copy them. I don't recall. Or  
4 parts of the box back to the Region to copy them.

5 Q So that after you had locked the documents  
6 up, then your involvement with the documents was completed,  
7 and whatever was done with them, was done by Mr. Hunnicutt  
8 or people operating under his direction and not by you;  
9 is that correct?

10 A That's true. I didn't help copy the  
11 documents. The documents were still in the trailer most  
12 of the time, to my knowledge. The trailer is the NRC  
13 construction office.

14 Q I understand. And the return of the documents  
15 to the utility, was that accomplished by someone other  
16 than yourself as well, to the best of your recollection?

17 A The documents have never been returned to  
18 the utility.

19 Q Have never been returned?

20 A To the best of my knowledge, --

21 Q Okay.

22 A -- they are still sitting in that box in the  
23 NRC trailer. We were --

24 Q Do you know if the utility ever got a copy  
25 of the documents?

mgc 4-3

1           A           No, I don't. The utility did come and copy  
2 documents in that intervening period, now.

3           Q           They came down on their own and made copies?

4           A           Of just specific documents out of that box.  
5                       (Pause.)

6                       And at that time, there may have been some  
7 originals in there, that they took the original and I kept  
8 a copy of everything that they took.

9           Q           Did anybody in your office or you, yourself,  
10 supervise the utility when it went to the box to make  
11 copies?

12          A           (Nodding affirmatively.)

13          Q           You did?

14          A           I did.

15          Q           All right. And are you confident that  
16 everything that they took out to copy, either a copy of  
17 what they copied or the original was put back into the box?

18          A           Yes.

19                       (Pause.)

20          Q           Now you were telling me that you and  
21 Mr. Hunnicutt some three weeks later had occasion to  
22 interview three of the inspectors. I was provided -- is  
23 that right -- that you and Mr. Hunnicutt interviewed three  
24 of the inspectors at some time?

25          A           Yes, that's true.

mgc 4-4

1 Q All right. Last night, I was provided by  
2 your counsel with four documents, one with the date  
3 4/5/84 on it and a series of questions, and then three  
4 additional ones, Summary of Interview with, and then the  
5 name of three different people. The questions are dated  
6 4/5/84, and the others are dated April 9, 1984.

7 MR. BACHMANN: I have copies for the witness.

8 MR. ROISMAN: Good. All right. If you would  
9 give the witness a set of those, I am now going to ask  
10 you about these documents, Mr. Cummins.

11 MR. BACHMANN: You should have four pieces  
12 of paper; is that correct?

13 MR. ROISMAN: That is correct. One dated  
14 4/5/84, and three dated April 9, '84.

15 Do you have one for the reporter to mark?

16 MR. BACHMANN: Do you intend to mark these?

17 MR. ROISMAN: Yes, I will mark them.

18 (The documents referred to were  
19 marked Intervenor's Exhibits  
20 Nos. 1 through 4 for  
21 identification.)

22 BY MR. ROISMAN:

23 Q Mr. Cummins, I have just asked the reporter  
24 to mark four sheets of paper, Cummins Exhibits 1 through 4,  
25 and I believe you have a set of those in front of you.

mgc 4-5

1 Can you tell me if you recognize these  
2 documents, and if so, using the Exhibit Number, would  
3 you tell me briefly what they are?

4 A The questions, the document labeled as 1,  
5 is a set of questions that were basically made up by  
6 Doyle Hunnicutt and myself to use while we were interviewing  
7 QC inspectors that were involved in the T-shirt incident.  
8 And the 2, 3, and 4 documents are summaries of the  
9 interviews that were taken from the notes of Doyle  
10 Hunnicutt. I didn't keep notes during these interviews,  
11 and he -- these are the answers that the QC inspectors  
12 gave to the questions, based on Doyle's notes. He prepared  
13 these, and he gave me these copies.

14 Q Okay. So you're not going to be able to  
15 testify of your own personal knowledge whether these  
16 summaries are an accurate summary of what actually appeared  
17 in his notes.

18 A That's true.

19 Q But you and he together did prepare this  
20 Exhibit 1, this set of questions?

21 A That's right. Yes, we did.

22 Q Can you tell me, why were you going to  
23 conduct these interviews? What was the purpose?

24 A I don't know the purpose of the interviews.  
25 Doyle told me that we were going to conduct the interviews.

mgc 4-6

1 Q How were you able to help him develop the  
2 questions, if you didn't know why you were having the  
3 interviews?

4 A Because he was in the trailer, and he said  
5 that -- I knew who we were going to interview.

6 Q Uh-huh.

7 A And he said we -- he started making a list  
8 of questions and asked me to give some input into it, and  
9 so I did.

10 Q What -- did he discuss with you why you were  
11 doing these interviews, why he thought you were doing  
12 these interviews?

13 A If he did, I don't recall why we were doing  
14 the interviews.

15 Q Why did you want to know the answer to  
16 Question No. 1 on Exhibit 1?

17 (The witness examines the document.)

18 A I can't answer that question. I don't  
19 know why that specific question was asked.

20 MR. BACHMANN: If you are going to go down  
21 the list of questions --

22 MR. ROISMAN: I'm going to subpoena  
23 Mr. Hunnicutt. That's what I'm going to do.

24 MR. BACHMANN: Well, I think it might  
25 be more expeditious to ask Mr. Cummins which questions

mgc 4-7

1       were his.

2                   MR. ROISMAN: Well, I've only got eight  
3 here. Are you all going to resist my subpoena on  
4 Hunnicutt?

5                   MR. BACHMANN: I don't know.

6                   MR. ROISMAN: Okay. Because we could save  
7 a lot of time here. It sounds like Mr. Cummins is a very  
8 small player in this, and that Mr. Hunnicutt is the one  
9 who has the knowledge that I am really interested in, at  
10 least as to this.

11                   MR. BACHMANN: Do you want to go off the  
12 record and contact Mr. Treby?

13                   MR. ROISMAN: Sure. Can we take a short  
14 break? Okay.

15                   (Brief recess.)

16                   MR. ROISMAN: While we were off the record,  
17 I, at the suggestion of Mr. Bachmann, put the request  
18 that Mr. Hunnicutt be produced by the Staff to testify  
19 to these matters, instead of us asking for Mr. Cummins'  
20 recollection of events that he only knew about indirectly,  
21 and that request is now being considered.

22                   I agreed in discussions with the Staff  
23 attorneys that, for the time being, I would at least limit  
24 my questions to those things which Mr. Cummins has, of  
25 his own personal knowledge, related to these matters, and

mgc 4-8

1 not go into the areas where he has to recount to me things  
2 that heard from somebody else or that he heard from  
3 Mr. Hunnicutt.

4 So following that line, I will now take  
5 Mr. Bachmann's suggestion and ask Mr. Cummins which of  
6 the questions that are listed on Exhibit 1 did you have  
7 any direct involvement in framing, and if you will tell  
8 me just which those are, then I will ask you about those.

9 (Pause.)

10 THE WITNESS: I think 6 and 8, but I can't  
11 be sure.

12 BY MR. ROISMAN:

13 Q When you framed a question --

14 A Probably 5, too. I can't recall. But this  
15 is recollection to the best of my knowledge. I probably  
16 had some input into those questions.

17 Q All right. Now in having your input into  
18 the questions, what did you understand was the thrust of  
19 the question? What were you trying to learn?

20 Let's look at Question 5 for the moment.  
21 What were you trying to learn through Question 5?

22 A I think the question is self-explanatory to  
23 me. I was trying to determine if there was information  
24 there that might have indicated that the plant was not  
25 being built in accordance with the requirements.



mgc 4-9

1           Q           But was your tying of that question in to  
2 things that were taken from your desk or files, was that  
3 to express a concern on your part that the Applicant might  
4 have seized things which the Applicant thought would be  
5 damaging to it, as opposed to seizing things just  
6 indiscriminately from the desks of these inspectors?

7           A           I don't think that went into my thinking in  
8 posing that question, not that kind of depth.

9           Q           Did you --

10          A           I thought it was a logical question to ask.

11          Q           Did you think at the time you were framing  
12 the question that there was any possibility that the files  
13 which you had actually seized from the Applicant might,  
14 in fact, not include all the files that were contained in  
15 the desks of these people that had been seized by the  
16 Applicant?

17                   MR. BACHMANN: I think that question has  
18 already been answered.

19                   MR. ROISMAN: I don't think so.

20                   MR. EACHMANN: He said, he already testified  
21 that he saw them. You asked him if he thought the files  
22 were complete.

23                   MR. ROISMAN: As of that time. This is now  
24 three weeks later. Now it's three weeks later, and he's  
25 asking this question: "Were there any notes or records

mgc 4-10 1

2 in the material that was taken from the desks and files  
3 that would indicate that something was not being done  
4 in accordance with requirements?"

5 Now presumably they had these documents,  
6 so they could make their own independent judgment by  
7 looking at what they had, as to whether any of the material  
8 that had been seized from the desks would be indicative  
9 that something was not being done in accordance with  
10 requirements.

11 I am now trying to find out whether they  
12 asked this question of these individuals to find out if  
13 perhaps there were some other documents that they didn't  
14 get when they seized them, something that had happened in  
15 the intervening three weeks that would make them decide,  
16 let's ask this question. That is my thrust.

17 MR. BACHMANN: I don't think we've established  
18 that the people at the interviews would see the documents  
19 that the NRC had. In other words, are you trying to say  
20 that --

21 MR. ROISMAN: No, no. It's the NRC trying to  
22 find out.

23 Let's just take a hypothetical. There are  
24 ten documents that were actually in the desk. The NRC gets  
25 and seizes from the Applicant everything they took, and  
unbeknownst to them, they only get nine of the ten. The

mgc 4-11

1 tenth document was a document which, if they had seen it,  
2 it would have been obvious that it was a document that  
3 suggested that something was wrong, some kind of an  
4 inspection report that indicated that there was a problem.

5 So now they ask this person, and it looks  
6 like a very good and focused question, "Tell me whether  
7 there was anything that was in your desk that you think  
8 would have indicated that there might have been something  
9 not done in accordance with requirements."

10 If the answer is yes, and they've looked  
11 through all the documents, and they didn't find anything  
12 like that, they now have a basis to be concerned that maybe  
13 they haven't seen all of the documents. And I assume if  
14 the answer to Question 5 is yes, they might then follow up  
15 and say, "Well, which document was it?" And then really  
16 pin it down.

17 MR. BACHMANN: Well, would you consider, then,  
18 an answer to that question could also indicate that maybe  
19 the NRC wasn't able to infer from the documents that they  
20 had that there was something wrong?

21 MR. ROISMAN: Yes. Sure.

22 MR. BACHMANN: Okay. Not just that it was  
23 missing, but maybe there's something there we're not seeing.

24 MR. ROISMAN: Or that they didn't understand,  
25 sure, of course.

mgc 4-12

1 MR. BACHMANN: On that basis, I'd say go  
2 ahead and answer the question, if you can remember what  
3 it was.

4 MR. ROISMAN: Do you want me to ask you the  
5 question again?

6 THE WITNESS: I think I understand.

7 MR. ROISMAN: Okay. All right.

8 THE WITNESS: I can't answer fully why these  
9 questions came about the way they did. I don't know what  
10 logic we used or what kind of thoughts even I used to come  
11 up with these questions at the time I came up with these  
12 questions, and that, to me, is a logical question to always  
13 ask: Are things being built in accordance with  
14 requirements? And the fact that these people were related  
15 to the material that was taken from their desks, to me,  
16 the logical question is, well, was there any material there  
17 that would indicate that things weren't being built to  
18 requirements?

19 I don't think I was emphasizing that maybe  
20 some of the documents were missing from beginning to end  
21 or to this point in time, but I can't answer that  
22 truthfully all the way. I can answer it truthfully, but  
23 I can't tell you absolutely why we asked that question the  
24 way we did.  
25

mgc 4-13 1

BY MR. ROISMAN:

2 Q At the time that you were developing the  
3 questionnaire, did you have any reason by that time to  
4 wonder whether you, in fact, did have all the documents  
5 that the Applicant had seized, except for personal  
6 documents?

7 (Pause.)

8 A I don't -- that's always a possibility.  
9 Did I wonder that?

10 Q Uh-huh.

11 A I don't recall. We didn't get the documents  
12 until a day and half after that, so there was a lot that  
13 went on in between. I don't think that was the thrust  
14 of that question, no, to determine if documents were  
15 missing.

16 That was not what I was really after with  
17 that question. If I really -- that's not why I would ask  
18 that question.

19 Q Question No. 6, logistics. I don't understand  
20 the question. What are you asking in Question No. 6?

21 (The witness examines the document.)

22 A I'm not sure I put that question in. That  
23 may be one of Doyle's. He was asking there if there was  
24 anything that was taken from their files that was not  
25 available someplace else. Possibly their files had copies

mgc 4-14 1 of NCRs, Nonconformance Reports, that they had there for  
2 their personal information, so they could backtrack their  
3 own work. So he was asking, could you go to the vault or  
4 could you go someplace else and obtain the same  
5 information, so one of the satellites or DCC or someplace  
6 and get the same information.

7 Q Okay. Now which of these interviews did  
8 you participate in, looking now at Exhibits 2, 3 and 4?

9 A I was there when all three of these interviews  
10 took place.

11 Q Were you the one who conducted the interview,  
12 or was Mr. Hunnicutt the one that conducted it, or did you  
13 do them jointly?

14 A We did them jointly. He was primarily the  
15 one conducting the interviews. The interviews were  
16 conducted because Mr. Hunnicutt wanted them conducted, or  
17 he had been directed to conduct them. I'm not sure just  
18 how the interviews came about, but I was there to assist  
19 him.

20 Q How did you select the people who you  
21 would talk to?

22 A I have no knowledge of that. I don't know.  
23 I don't know what mechanism was used for selecting them or  
24 deciding who was coming when or any part of that.

25 Q Absent Mr. Hunnicutt's personal involvement

mgc 4-15

1 in this, would this kind of an interview process normally  
2 have been designed and carried out by you as the  
3 resident inspector directly?

4 In other words, was this the normal kind of  
5 thing that you might have done, or would this always be  
6 done with someone from the Region IV offices?

7 A I don't recall this type of an interview  
8 being done before. I've been on investigations with  
9 investigators, and I've done interviewing myself, but I  
10 don't recall a duplication of these exact circumstances.

End 4



5pb1

1 BY MR. ROISMAN:

2 Q Going back to the time of the T-shirt incident  
3 itself, do you have any recollection of the Applicant  
4 indicating to you that they believe that in the safeguards  
5 building there had been some sabotage or damage done to the  
6 electrical wiring or switch boxes, that they wanted you to  
7 come down and look at, that was in some way or another  
8 related or connected perhaps to the T-shirt incident?

9 A That they wanted me to come down and look at?

10 Q Yes.

11 A No.

12 Q Do you have any recollection of any time when  
13 the NRC was asked to come down and take photographs of or  
14 pictures of any alleged damage that had been done inside  
15 the safeguards building?

16 A I don't recall. I don't recall them requesting  
17 me to look at anything. If they had requested it, I  
18 certainly would have looked at it.

19 MR. BACHMANN: Does counsel have any particular  
20 incident in mind that we might be able to refresh the  
21 witness' recollection?

22 MR. ROISMAN: Yes, I do. But I don't think  
23 I have with me the documents. I may have left it back at  
24 where we are staying.

25 Did you want to say something on the record?

5pb2

1 Or do you want to say something to your counsel?

2 THE WITNESS: I want to say something off  
3 the record.

4 MR. ROISMAN: You are more than welcome to  
5 do that.

6 (Counsel and witness conferring.)

7 MR. ROISMAN: On the record, and Mr. Bachmann  
8 will ask a question to help clarify the question that I  
9 asked so that the witness will be able to provide a  
10 responsive answer.

11 MR. BACHMANN: Mr. Roisman previously asked  
12 you about the contacts from the Applicant concerning people  
13 who may have been involved in the T-shirt incident. We have  
14 discussed off the record this possibility of you giving me  
15 some information. Therefore, I'm going to rephrase his  
16 question in the interest of a full record.

17 Prior to the T-shirt incident, Mr. Cummins,  
18 were you contacted by anyone from the Applicant's staff  
19 regarding QC inspectors?

20 THE WITNESS: A few days before the T-shirt  
21 incident I was contacted by Ron Tolson and I went over to  
22 his office and he told me that there was a potential that  
23 they were going to take some personnel action against  
24 individuals for performing what he termed destructive  
25 testing. This would include pulling wires out of lugs and

5pb3

1 pulling on conduit until the conduit was loosened up and  
2 wouldn't pass the requirements.

3 So, to the best of my recollection, Ron  
4 Tolson thought they were doing this to prolong the job  
5 period.

6 MR. BACHMANN: Was this, these alleged actions  
7 that Mr. Tolson indicated to you, did they occur in the same  
8 area that the T-shirt incident occurred, as far as the  
9 inspection area?

10 THE WITNESS: I can't answer that fully. I  
11 can't remember whether it was in the cabinets in the control  
12 room or in the safeguards building. And I don't remember  
13 how many of these incidents that he was referring to.

14 MR. BACHMANN: Do you have any knowledge as  
15 to whether or not the QC personnel that Mr. Tolson referred  
16 to in any way were the same as the inspectors involved in  
17 the T-shirt incident?

18 THE WITNESS: No.

19 MR. BACHMANN: Do you have anything further  
20 on that line?

21 MR. ROISMAN: Yes, I will ask him a few more  
22 questions.

23 BY MR. ROISMAN:

24 Q Was this a normal thing that Mr. Tolson would  
25 contact you and tell you about the plans to possibly transfer

5pb4

1 or terminate the employment of QC inspectors? Were you  
2 regularly brought in when those sort of things were  
3 happening?

4 A I've only been on-site since January, and  
5 whether it was normal or not, I don't know. It's the only  
6 time I can recall Tolson contacting me like that. He may  
7 have done it other times. I don't remember.

8 Q After he had told you what he was telling you  
9 did you feel that it was something that you were glad you  
10 knew?

11 A With respect to the fact that people were  
12 doing destructive testing, that anybody was doing anything  
13 of that nature, yes, I would want to know that.

14 Q Did you go down to examine or look at where  
15 the alleged destructive testing had taken place?

16 A No, at the time I felt like what he was  
17 investigating was still ongoing and that I would let that  
18 go to the end before I got into it.

19 Q But your best recollection is that this  
20 was a few days or a week before?

21 A Oh, no it was just a couple of days before.

22 Q The T-shirt event?

23 A Yes, that's right. It was that same week,  
24 to the best of my knowledge.

25 Q Are you aware of any time at which the company

5pb5

1 asked the NRC to go down and physically examine the place  
2 where the alleged destructive testing had occurred, to your  
3 knowledge?

4 A I can't remember. I just don't know. I  
5 can't remember, that's possible that I may have even been  
6 involved. But I don't remember. There was a lot that went  
7 on in those next few days with the T-shirt incident and  
8 everything, and I just don't remember.

9 Q Subsequent to the time -- well, let us go  
10 back to the interviews for just a second. Were these the  
11 only interviews that you and Mr. Hunnicutt took?

12 A Yes, they were.

13 Q And subsequent to the preparation of the  
14 interviews, do you know what was there a report prepared or  
15 anything to memorialize the conclusion of the interviews?

16 A I don't know.

17 Q Did you and Mr. Hunnicutt discuss your own  
18 impressions of what the conclusions should be of the  
19 interviews?

20 A No. We may have discussed the interviews,  
21 but do you want to ask the question again? Impressions of  
22 the interviews?

23 Q Yes. Did you -- well, after the interviews  
24 were done, did you sit down and say, well, what do you  
25 conclude from that? What is your conclusion? Did you have

Epb6

1       that conversation?

2               A       I don't recall. We may have discussed the  
3 interviews. I'm sure we discussed them to some extent, but  
4 as far as me giving Hunniutt a conclusion to which question,  
5 I didn't do that.

6               Q       And what was your conclusion if you heard the  
7 answers to these questions?

8                       (Pause.)

9               MR. BACHMANN: Are you asking for his personal  
10 opinion?

11              MR. ROISMAN: Yes.

12              THE WITNESS: My personal opinion about the  
13 interviews? I, up until that time, I didn't know that the  
14 T-shirts had been worn on-site prior to that, to the date  
15 of the incident. And I felt the entire incident had evolved  
16 around the T-shirts, and I still do, after the day it  
17 happened.

18                       But my opinions, after talking to these people,  
19 I just some more information from them. I didn't form any  
20 specific opinions about what happened.

21              BY MR. ROISMAN:

22              Q       Did it look after you had interviewed them,  
23 did it look to you like it was more or less of a personnel  
24 matter than you had originally been led to believe? In  
25 other words, did it look like something, which in retrospect



5pb7

1 after you heard the interviews that you think you would have  
2 like to have been more actively involved in on-site in your  
3 capacity as a resident inspector?

4 A In my capacity as a resident inspector, I  
5 prefer to respond to things while they are ongoing.

6 Q I don't want to be picky, but is that yes?

7 A You're talking about one instance.

8 Q That's right.

9 A I'm talking a wide range of any incidents  
10 that happen on-site.

11 Q This incident, after you had finished the  
12 interviewing process and talked to Messrs. Hearn, Davis and  
13 Ambrose, did you then in retrospect feel that you wish you  
14 had been more actively involved in the T-shirt incident  
15 while it was taking place?

16 A It is still not clear to me that we could have  
17 served a useful function in this incident.

18 Q Do you wish you had been more actively  
19 involved?

20 (Pause.)

21 A I really don't have a feeling about that.

22 Q That's all right. You can answer any way  
23 you want. But all I was trying to do was to make sure you  
24 didn't answer with a gesture because the reporter can't  
25 pick the gesture up. That is all.



5pb8

1 Q After you finished the interviews, did you  
2 have any further connection with the T-shirt incident?

3 A I don't recall any.

4 Q And Mr. Hunnicutt didn't consult with you  
5 on any further involvement that he might have with the  
6 T-shirt incident subsequent to that?

7 A I don't recall any.

8 Q In your judgment as a resident inspector, is  
9 the T-shirt incident closed and resolved as far as you're  
10 concerned?

11 A Today, it could open up again at any time,  
12 anything could happen. But as of right now, I am not actively  
13 involved in anything ongoing that had to do with the T-shirt  
14 incident.

15 Q No, I'm asking a different --

16 A Tomorrow I could be. This afternoon I could  
17 be.

18 Q No, I'm asking a different question. Do you  
19 think that the T-shirt incident as far as the NRC is  
20 concerned, and to the best of your personal knowledge, is  
21 the T-shirt incident closed, absent some new piece of  
22 information coming in?

23 A I don't know. There could be things ongoing  
24 at NRC that I'm not aware. I can't answer the question.

25 MR. BACHMANN: I think the original question

5pb9

1       though was in your capacity as a resident inspector, is it  
2       closed.

3               THE WITNESS: At the present time, I'm not  
4       involved in the T-shirt incident definitely.

5               BY MR. ROISMAN:

6               Q       And as far as you know, neither is Region IV.

7               A       As far as I know, but Region IV doesn't tell  
8       me everything they're doing.

9               Q       I see. They don't report to you, right? It's  
10      the other way around, right?

11              A       That's it -- you asked me a few questions, too,  
12      and I would like to clarify that I do: 't recall, that means  
13      that something could have happened.

14              MR. ROISMAN: I think we clarified what you  
15      meant by that before, but you can keep saying that to make  
16      it clear on the record.

17              THE WITNESS: Okay.

18              MR. ROISMAN: I think that is all the questions  
19      that I have for Mr. Cummins, with the caveat that if Mr.  
20      Hunnicutt is not being produced, I am going to want him  
21      back.

22              MR. BACHMANN: I think that the Applicant's  
23      counsel, it is his turn to ask the questions.

24              MR. BROWNE: Mr. Cummins, I'm Dick Browne.  
25      I'm the Applicant's counsel, and I have just a couple of

5pb10

1 questions to ask you.

2 EXAMINATION

3 BY MR. BROWNE:

4 Q If I can start with the things that Mr.  
5 Roisman was just in the last minute or two talking with you  
6 about. I understood you to say that you had no present  
7 involvement as of today with the T-shirt incident, but you  
8 said something to the effect that anything could open up  
9 again.

10 A That's right.

11 Q Now, when you said that did you have in mind  
12 the T-shirt incident specifically?

13 A Or any incident. It can always come back.  
14 That's what I was talking about. I was trying to make it  
15 clear that although I didn't have any direct involvement in  
16 anything that is ongoing with the T-shirt incident at this  
17 time that I couldn't say forever that I would never be  
18 involved in it again, or any activities associated or related  
19 to it.

20 Q Thank you. Now, what I would like to know is  
21 whether as we sit here this morning, there is anything in  
22 your mind, anything that you have in mind related to the  
23 T-shirt incident which would give you a basis for thinking  
24 that it might open up again?

25 A No.

5pb11

1 Q Now a little bit earlier than that, Mr.  
2 Roisman was asking you about a discussion you had had earlier  
3 in the week of the T-shirt incident with Mr. Tolson regarding  
4 destructive testing.

5 A That's right.

6 Q Can you recall now that conversation you had  
7 with Mr. Tolson when he called you? Do you recall that you  
8 had that conversation with him?

9 A Yes, I went to his office.

10 Q You went to his office?

11 A Yes, the discussion took place in his office.  
12 And he told me, and they were getting ready to take the  
13 personnel actions against the QC inspectors because they  
14 thought they were performing some destructive testing. And  
15 the examples he used were pulling wires out of lugs and  
16 loosening up conduit, shaking on it until it did come loose.

17 Q Okay. Now I think then you said to Mr.  
18 Roisman that you did not take any action at that time, and  
19 I understood your answer, it was because Mr. Tolson was  
20 continuing to investigate.

21 A That's right. I notified the Region of this  
22 conversation.

23 Q Then at that time talking with Mr. Roisman  
24 you said that a lot had gone on during those few days.

25 A Yes.

5pb12

1 Q When you said that, were you referring just  
2 to matters related to the T-shirt incident, or are you  
3 talking about all of the different responsibilities that you  
4 have in your position?

5 A That is all of the responsibilities. There's  
6 always a lot going on out there. The T-shirt incident kind  
7 of got a lot of action and attention, but there are always  
8 activities going on out there.

9 Q Now Mr. Roisman began his questioning by  
10 talking to you about the events, if I remember correctly, on  
11 March 8 when you and Mr. Kelley had received that first  
12 telephone conversation. And I would like to ask you whether  
13 earlier in that week, that is before you received that phone  
14 call on March 8th, whether you personally had had any  
15 information brought to your attention about the T-shirt  
16 incident as you now understand that incident?

17 A No.

18 Q Now specifically, during the discussion you  
19 had with Mr. Tolson in his office that related to destructive  
20 testing, did he say anything to you at that time about  
21 people under his supervision who were wearing T-shirts?

22 A No. My first knowledge of T-shirts was the  
23 day of March the 8th, I think it was, when the T-shirt  
24 incident took place.

25 Q And as I understand what you had said to

5pb13

1 Mr. Roisman, you were not aware, at least before the 8th of  
2 March that T-shirts of the kind involved in the T-shirt  
3 incident may have been worn on the site earlier that week.  
4 That is, before March 8th.

5 A That my first knowledge that the T-shirts had  
6 been worn before that date was when Doyle Hunnicutt and  
7 I conducted these interviews and the QC inspectors that we  
8 interviewed relayed that information to us.

9 Q And the interviews that you and Mr. Hunnicutt  
10 conducted were on the 9th of April; is that correct?

11 A April. I'm not sure about the date, but  
12 you've got it. It's right on these sheets.

13 Q And was it April?

14 A It was in April. It was weeks after the date  
15 of the incident.

16 MR. BROWNE: That's all I have. Thank you,  
17 Mr. Cummins.

18 THE WITNESS: You're welcome.

19 MR. BACHMANN: I have what should be just  
20 one brief question for the witness.

21 EXAMINATION

22 BY MR. BACHMANN:

23 Q Earlier on Mr. Roisman had asked you in the  
24 course of his questioning that subsequent to the interviews  
25 he had asked about whether or not you had drawn any conclusions

5pb14

1 from the interviews. And I think as part of his question  
2 there were allusions made to whether this was merely a  
3 personnel matter.

4 Be that as it may, my question to you is is  
5 it your opinion that the T-shirt incident was essentially  
6 a personnel type of a matter?

7 MR. ROISMAN: Excuse me. Could I just get a  
8 clarification? Are you asking him his opinion as of now or  
9 as of the day on which the T-shirt incident occurred? Just  
10 so we can be clear what the answer will relate to.

11 MR. BACHMANN: Fine, I'm sorry. I appreciate  
12 that correction. Not on the date of the T-shirt incident,  
13 but subsequent, immediately subsequent to your participation  
14 in the interviews of the T-shirt people, after you went in  
15 with Mr. Hunnicutt and interviewed the people.

16 BY MR. BACHMANN:

17 Q Was it your feeling at that time and absent  
18 any other further information, is it still your feeling that  
19 what happened was a personnel matter, or was it more than  
20 a personnel matter?

21 A My opinion was that the impression I got was  
22 that it was a personnel matter. That the people that we  
23 interviewed gave me the impression that the wearing of the  
24 T-shirts was not to be critical of anything that was going  
25 on at the plant, but it was just a sharing of a way of



5pb15

1 personal expression, not in an adverse way. That is what  
2 I got out of interviewing those people.

3 Q Now since you were present at the interview  
4 of three of these people involved in the incident, I would  
5 like to get either from their words or their tone of voice  
6 or however you observed it, your opinion as to whether or  
7 not any of the actions taken by the Applicant in connection  
8 with the T-shirt incident, whether any of the people that  
9 you interviewed gave you reason to believe that it had  
10 something to do with the way they were doing their work?

11 A I didn't draw that conclusion from anything  
12 they said. Could you express the question one more time?

13 MR. ROISMAN: Mr. Bachmann, before you do,  
14 you're getting real close to leading this witness, and he  
15 is your witness.

16 MR. BACHMANN: I'm sorry.

17 MR. ROISMAN: I think he just invited you to  
18 do it again, and I don't want that to happen.

19 MR. BACHMANN: I think his answer can stand,  
20 unless you object to the question. And that's really all  
21 I wanted to say.

22 THE WITNESS: I just wanted to make sure I  
23 answered the question. It was long.

24 MR. BACHMANN: I setting the stage, and perhaps  
25 the question got into the leading section. I wanted to know

5pb16

1 if anything that had been said that would connect up the  
2 T-shirts with their work as inspectors.

3 THE WITNESS: I still don't understand the  
4 question. The T-shirts had something to do about we pick  
5 nits. I never seen one of the T-shirts, so I'm not sure  
6 exactly what it said, but that was implied, that it was  
7 inspectors. You see, the T-shirts were related to their  
8 work.

9 BY MR. BACHMANN:

10 Q Was anything connected with the T-shirt  
11 incident, did they give the impression there was more to it  
12 than just the T-shirts?

13 A No, that was the impression I got from  
14 interviewing these people that it was as much a joke as  
15 anything. Like I said before, they were not trying to  
16 deliver any message from the T-shirts. And maybe if we  
17 interviewed three more it would come out different, but  
18 those three people gave me the impression that one of the  
19 craft foreman or something had said something about nitpicking  
20 one day and they decided to have these T-shirts made up. And  
21 a number of them had the T-shirts made up.

22 And at that time we found out that they had  
23 worn the T-shirts prior to that date. That was my first  
24 knowledge of that. I think they said 20-some people had  
25 worn the T-shirts prior to that date.

5pb17

1 Q Did you get the impression from any of them  
2 during the interview that anything that had been done to  
3 them for any actions they might have done other than wearing  
4 the T-shirts, any prior actions other than the T-shirt  
5 wearing?

6 (Pause.)

7 A Prior to that time?

8 Q No, in other words, you had gotten the  
9 information they had been sequestered and what have you during  
10 the day of the T-shirt incident. Did you get the impression  
11 during the interview that this, whatever had been done to  
12 them on that day was in response to anything other than  
13 wearing the T-shirts?

14 A No, I didn't.

15 MR. BACHMANN: I have no further questions.

16 THE WITNESS: I don't have any knowledge.  
17 I didn't get that impression from the interview.

18 MR. BACHMANN: That's all I wanted to know,  
19 was from your impression from the interviews. I have no  
20 further questions.

21 MR. ROISMAN: I just have one very brief  
22 line of questioning.

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24

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end 5.

joni

fred6 -

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## FURTHER EXAMINATION

BY MR. ROISMAN:

Q Your answer to Mr. Bachmann as to whether this was or whether this was not a personnel matter; could you tell me would an event that involved harassment of QC inspectors by their supervisors in which the QC inspectors argued that the supervisors were trying to make them work faster than they thought they reasonably could or tried to get them to write fewer NCRs because they were nit-picking and being over technical; would that also in your opinion be a personnel matter or would that be something other than a personnel matter?

A That would be other than personnel.

Q So it is not that this was a dispute between the bosses and the employees that made it a personnel matter; what makes it a personnel matter in your judgment is that it didn't have anything to do with the performance of their job?

A To the best of my knowledge of that, right; their wearing apparral was what got them in that situation. That was the impression I got. I don't have any knowledge beyond that. Just from talking to those people, that's the impression that I got.

MR. ROISMAN: All right. Subject to the

1           caveat, I have no further questions.

2                   MR. BACHMANN: I have nothing further.

3           Mr. Browne?

4                   MR. BROWNE: Nothing further. Thank you.

5                   MR. ROISMAN: Thank you, Mr. Cummins.

6                   THE WITNESS: Thank you.

7                   MR. BACHMANN: Thank you.

8                   (Whereupon, at 11:15 a.m., the taking of  
9           the deposition was concluded.)

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James E. Cummins

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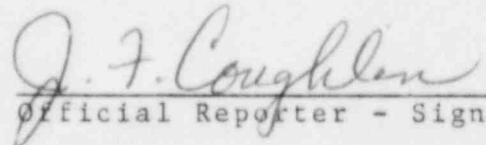
CERTIFICATE OF PROCEEDINGS

1 This is to certify that the attached proceedings before the  
2 NRC COMMISSION

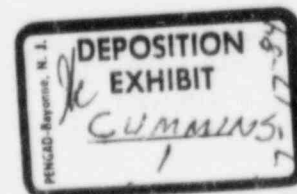
3 In the matter of: Texas Utilities Electric Company, et al  
4 Deposition of James Cummins  
5 Date of Proceeding: Tuesday, July 17, 1984  
6 Place of Proceeding: Glen Rose, Texas

7 were held as herein appears, and that this is the original  
8 transcript for the file of the Commission.

9  
10 J. F. Coughlin  
Official Reporter - Typed

11  
12   
13 Official Reporter - Signature  
14  
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1. Did you or any of the other persons sequestered have someone ☒ call the NRC?  
If so what time?  
What message did this person convey or was asked to convey to the NRC?  
Can you give the name of the person who called or was asked to call the NRC?  
that allegedly
2. Has your personal property, if any/was removed from the Safeguards Building  
been returned? If yes, when was it returned and was it in good condition?
3. Do you desire that the other materials removed be returned?
4. What purpose did you think the NRC could or should serve before, during, or/and  
after you were sequestered?
5. Were there any notes or records in the material that was taken from your  
desk or files that would indicate something was not being done in accordance  
with requirements?
6. Was there anything taken that is not available from another source today?
7. If "yes" to 6; What was it?
8. Do you know of any thing that has been done that was not in accordance with  
specifications or requirements that has not been corrected.



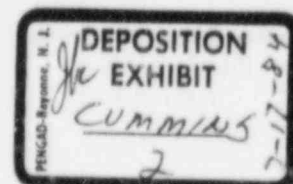


April 9, 1984

SUMMARY OF INTERVIEW WITH Mr. A. Ambrose

1. Mr. Ambrose did not know of anyone who contacted the NRC nor of anyone who requested that someone contact the NRC.
2. Mr. Ambrose's records ~~were~~ included NIS(Nuclear Instrument System) records but personal property was not taken.
3. Mr. Ambrose did not desire that any materials be returned. He stated that he had two copies of his work documents, so did not need the materials to do his job.
4. Mr. Ambrose stated that management "blew the whole thing out of proportion". He stated that the NRC should have been contacted, but didn't know why or what he expected the NRC to do or accomplish. He stated that no way would he have allowed the NRC to take pictures of him. He stated that he was among those who told the licensee that they could not take pictures of him. He stated that Brown and Root stated that B&R had no problems with the people wearing the tee shirts, but management made the decision. He said that B&R took 3 to 4 hours to determine what the problem with wearing tee shirts was.  
  
He stated that the tee shirts had nothing to do with anything, except a ~~B&R~~ slogan "we pick nits", as a result of a discussion with a craft foreman. He felt the press was inaccurate and unjust. He felt that the "Harry Williams" firing had nothing to do with the slogan. He stated that he had worn the tee shirt twice before without incident.
5. Mr. Ambrose stated that he knew of nothing that would indicate something was not being done correctly or that any notes or records taken indicated that type of problem.
6. Mr. Ambrose stated that he got copies of working documents and didn't need those ~~materials~~ materials taken.
7. Mr. Ambrose could not identify anything that was done incorrectly and was not corrected or scheduled (identified) for corrective actions.

D. M. Hunnicutt



April 9, 1984

SUMMARY OF INTERVIEW WITH Mr. Lan Davis

1. Mr. Davis did not know of anyone that contacted the NRC as a result of being sequestered.  
He said that Scott Schanlin(sp) called the newspaper and probably called the NRC. He indicated that he thought that Schanlin was "stupid" and never did understand anything and had no business getting involved or involving the sequestered people.
2. Mr. Davis stated that none of his personal property had been kept by the management.
3. Mr. Davis stated that the materials removed from his desk and work area are not required for him to do his job. He could care less if these materials are ever returned as they are available through other sources.
4. Mr. Davis stated that he felt they did work for NRC or at least do work as NRC representatives. He could not determine the usefulness of the NRC at the place of sequestering. He would not want his picture taken by the licensee and told the licensee that. He would not want NRC to take pictures either.
5. Mr. Davis did not know of any notes or records that would indicate something was not being done that should have been done in accordance with requirements.
6. Mr. Davis stated that materials taken were available through other sources.
7. Mr. Davis stated that things were getting done OK. He felt that the work was well above what was called for. He stated that some procedures had been made less restrictive, but that the requirements were still above the minimum requirements to meet the work.

Mr. Davis felt that feedback from management could be better. He still does not know where he stands as a result of the tee shirt incident.

D. M. Hunnicutt



April 9, 1984

SUMMARY OF INTERVIEW WITH Mr. B. Hearn

1. Mr. Hearn did not contact anyone and request that person(s) to contact the NRC or anyone else.
2. Mr. Hearn stated that no personal property was removed and kept by management.
3. Mr. Hearn has no desire that materials removed be returned. He has prepared replacement documentation from other sources.
4. Mr. Hearn can think of no purpose that the NRC could or should have performed. He definitely did not desire that any pictures of himself be taken by anyone - either with the tee shirt or in any other clothing.
5. Mr. Hearn kept records for his own personal use due to the "poor paper flow" that he felt would be useful to provide information, if it was necessary to re-inspect items at a later date. None of these records were removed by management from his desk or files. He knew of nothing that was not being done in accordance with requirements that was not reported and/or known by others.
6. Mr. Hearn had nothing taken that was not available from another source.
7. Mr. Hearn knew of nothing that has not been done in accordance with specifications or requirements that has not been corrected or that is not identified for corrective action.

D. M. Hunnicutt--

