

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF INVESTIGATIONS

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In the Matter of: :

INVESTIGATIVE INTERVIEW :

Daniel P. Sanchez : Docket Nos. 50-498

(CLOSED) : 50-499

- - - - -X

Nuclear Support Center
South Texas Project
Room 1103
Bay City, Texas

Monday, July 27 1992

The above-entitled matter commenced at 1:22
o'clock p.m., when were present:

Information in this record was deleted
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1 VIRGINIA J. VAN CLEAVE,
2 Investigator
3 Nuclear Regulatory Commission
4 Region IV
5 611 Ryan Plaza Drive
6 Suite 1000
7 Arlington, Texas 76011
8

9 ON BEHALF OF THE WITNESS:
10

11 WILLIAM E. BAER, JR, ESQUIRE
12 Newman & Holtzinger
13 1615 L Street, Northwest
14 Washington, D.C. 20036
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P R O C E E D I N G S

[1:22 p.m.]

MS. VAN CLEAVE: For the record, this is an interview of Daniel P. Sanchez, S-A-N-C-H-E-Z, Jr., [REDACTED] [REDACTED] date of birth [REDACTED] 7C [REDACTED], who is employed by the Houston Lighting and Power, South Texas Project.

The date is July the 27th, 1992, and the time is 1:22 p.m.

Present at this interview are myself, Virginia Van Cleave, Investigator for the NRC Office of Investigations, and William Baer, Attorney with Newman & Holtzinger.

This interview is being tape recorded by Court Reporter, Tom Whiteside.

Whereupon,

DANIEL PAUL SANCHEZ, JR.

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

MS. VAN CLEAVE: I have a couple of questions just to clarify Mr. Baer's presence here.

EXAMINATION

BY MS. VAN CLEAVE:

Q Does your employer require you to have an attorney present when you talk to the NRC?

A Yes.

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1 Q Yes for this interview or yes all the time?

2 A Oh, no, just for this interview.

3 Q For this interview.

4 Is Mr. Baer acting as your personal
5 representative?

6 A Yes.

7 Q Did you select him personally, or did your company
8 select him for you?

9 A I chose him.

10 MS. VAN CLEAVE: And, Mr. Baer, who is your
11 employer?

12 MR. BAER: Newman & Holtzinger.

13 MS. VAN CLEAVE: Are you acting as Mr. Sanchez's
14 personal representative?

15 MR. BAER: Yes, I am.

16 MS. VAN CLEAVE: Does your firm represent any
17 other party associated with the South Texas Project?

18 MR. BAER: Yes.

19 MS. VAN CLEAVE: Do you personally represent any
20 other parties at that site?


21 MR. BAER: Yes.

22 MS. VAN CLEAVE: What parties would these be?

23 MR. BAER: Houston Lighting and Power Company and
24 the other individuals subpoenaed in the course of this
25 investigation.

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1 MS. VAN CLEAVE: Then you also personally
2 represent Houston Lighting and Power with respect to this
3 interview?

4 MR. BAER: Yes, I do.

5 MS. VAN CLEAVE: Do you believe a potential
6 conflict of interest could arise during the course of this
7 interview?

8 MR. BAER: It is always possible that a conflict
9 of interest may arise, however, I do not foresee one at this
10 time.

11 MS. VAN CLEAVE: If a potential conflict of
12 interest arises, what will you do?

13 MR. BAER: I will stop the interview and confer
14 with Mr. Sanchez, and we will determine how to proceed at
15 that time.

16 BY MS. VAN CLEAVE:

17 Q Mr. Sanchez, do you understand that Mr. Baer
18 represents other parties associated with the South Texas
19 Project?

20 A Yes.


21 Q And what is your understanding of who is paying
22 Mr. Baer's fee?

23 A Houston Lighting and Power.

24 Q With that understanding, do you still want Mr.
25 Baer as your representative?

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1 A Yes.

2 Q Okay.

3 Mr. Sanchez, what is your position here at the
4 South Texas Project?

5 A I am the Director of Maintenance.

6 Q How long have you had that position?

7 A Since April of '91.

8 Q Did you work here at the South Texas Project prior
9 to that?

10 A Yes.

11 Q What was your position then?

12 A I was the Division Manager of Planning --
13 Maintenance Planning.

14 Q How long did you hold that position?

15 A About a year and a half. ^{OF}

16 Q How long have you worked ^{HERE} ~~for~~ at the site?

17 A Since August of 1987.

18 Q How long --

19 A Oh, no. Wait a minute. '89. Excuse me.

20 Q Okay.

21 A August '89.

22 Q '87 was the year that they locked down, so it
23 sounded like you were here from the beginning. No? Okay.

24 A No. I was at another utility in '87.

25 Q Okay. Then did you work for Houston Lighting and

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1 Power before you began here at the South Texas Project?

2 A No, I did not.

3 Q As the Director of Maintenance then does I&C --
4 what does that stand for? Is that instrumentation --

5 A Instrumentation and control.

6 Q Does that fall under your division?

7 A Yes, it does.

8 Q As you, I'm sure, know, I'm here to look into the
9 circumstances surrounding the revocation of access of an
10 individual named Thomas Saporito.

11 When did you first become aware of Mr. Saporito?

12 A The first time that I became aware of Mr. Saporito
13 by name, is February 20th, 1992 at approximately 6:00 p.m.

14 Q Under what circumstances, and who made you aware
15 of him?

16 A It was on the ride home from South Texas to my
17 residence with my car pooling person, Mr. Will Jump. And
18 Mr. Will Jump had informed me, on the way home, that one of
19 my I&C technicians -- his escort access had been revoked,
20 and that he needed to inform me of that.


21 Q Why did he inform you?

22 A Because I was, at that time, the acting department
23 head. And so he informed me, as the acting department head,
24 that one of my I&C technicians had his access revoked.

25 Q Had you heard Mr. Saporito's name prior to that

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1 time?

2 A I may have, yes.

3 Q Did you know there was a 2.206 petitioner?

4 A I knew that there was a meeting several weeks
5 before the February 20th, that we had an individual who had
6 contacted the NRC relative to some problems that he felt
7 that we had here at the station. I do not recall hearing
8 his name.

9 Q Okay. When you say several weeks, are you sure
10 that was Mr. Saporito? Mr. Saporito didn't contact the NRC
11 several weeks before the 20th, nor did he file ^{HIS} ~~to~~ 2.206
12 several weeks before the 20th. Could you be confused on the
13 time period? Could it just be more like a week and a half?

14 A Several weeks -- it could be a week and a half to
15 two weeks.


16 Q Okay.

17 Were you informed of this 2.206, I suppose,
18 formally, you know, as part of your job here at the South
19 Texas Project, or did you just hear of it, like people here
20 of things when they really don't have any direct bearing on
21 their own job?

22 A I had a meeting with my department head, Joe
23 Sharp, and the I&C Division Manager, Mr. Rich DeLong, where
24 Rich and I were informed by Joe Sharp that he had been told
25 that we had an ^{IB} instrumentation ^{TS} technician who had some

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1 concerns relative to the way we conduct our business and the
2 safety of the station. And we were told that we were to not
3 treat anyone any special way, no special treatments, and
4 that -- to be aware that if someone brings a concern to us
5 that we were to follow normal procedure, which is to
6 investigate the concern and get back to the individual and
7 tell him what the answer is.

8 Q Did Mr. Sharp tell you Mr. Saporito's name?

9 A I cannot recall if the name was given to me.

10 Q Did he mention anything at all about Mr.
11 Saporito's background?

12 A No.

13 Q You said earlier that you might have heard his
14 name before the 20th of February. Under what circumstances
15 do you think you might have heard his name?

16 A It would have been at that meeting that I had with
17 Joe Sharp and Rich DeLong.

18 Q And you don't recall, really --

19 A I do not recall.

20 Q -- whether or not -- did you see the 2.206 --

21 A No.

22 Q -- petition?

23 Did Mr. Sharp give you any specifics about the
24 petition itself?

25 A No.

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1 Q Did he discuss anything else other than this
2 mention that you made about not to treat anyone -- I believe
3 you said anyone, not just this --

4 A That is correct.

5 Q -- individual --

6 A Anyone.

7 Q -- in a special way or, I guess, in a
8 discriminatory way or anything like that? Was there
9 anything else discussed during that meeting?

10 A No.

11 Q I understand that you and Mr. Jump do carpool
12 together. What is your relationship with Mr. Jump? Are you
13 friends?

14 A We are friends.

15 Q Had he ever mentioned Mr. Saporito to you before
16 the conversation that you've already mentioned on the 20th
17 of February?

18 A No.

19 Q Did he ever discuss the 2.206 petition just in
20 general terms, perhaps not by name?

21 A No.

22 Q Okay. He didn't discuss this with you, even
23 though you are in that division, and you did have a 2.206
24 petitioner working somewhere, I guess, in your department?
25 Would it be department or division? I don't know what to

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1 call it.

2 A Department.

3 Q All right.

4 Even though you had a 2.206 petitioner from your
5 department, Mr. Jump did not mention this to you?

6 A He would have no reason to. The answer is no.

7 Q Would you have any responsibility in responding to
8 a 2.206 petition, if any of the concerns related to
9 maintenance?

10 A If the concerns were brought to me, then it is my
11 responsibility to investigate those concerns to either find
12 that they're factual or that they are not a problem. And
13 then it is my responsibility to get that information back to
14 the individual that would have given me the concern.

15 Q That was not the case with this 2.206 petition?

16 A No.

17 Q Did you have any responsibility to respond or any
18 responsibility at all regarding this petition?

19 A I had no responsibility to respond to this
20 petition.

21 Q Did you do --


22 A I have not seen that petition.

23 Q Did you do any work on the concerns mentioned?

24 A I do not know what the concerns are, so the answer
25 is no.

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1 Q So, even now, you do not know what the concerns
2 were?

3 A The only knowledge that I've got is in my paper
4 work, which Mr. Saporito, on the 21st, had mentioned that we
5 were in violation of a technical specification. And he gave
6 me the number. But, the specifics, I have no knowledge of
7 any of the specifics.

8 Q Well, do you and Mr. Jump ever discuss
9 work-related matters on your drive to and from your homes?

10 A We do discuss work. It is basically on nothing
11 that's any sensitive issues or anything that involves his
12 department. We usually discuss maintenance activities and
13 how well we're doing. He was the ^{MAN} maintenance ^{MAN} manager at one
14 time.

15 And he gives me a healthy bit of chatting on how I
16 could do better. And we're not doing as well as we did
17 under him.

18 Q Did you take his place?

19 A No.

20 Q No? Okay.

21 A Joe Sharp took his place.

22 Q Oh. All right.

23 And Mr. Jump then mentioned to you, on the 20th of
24 February, that one of your employees, I suppose, if you
25 will, was -- had his access revoked? Mr. Sharp -- wasn't

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1 Mr. Sharp out of town? Is that the reason that you were
2 brought into this?

3 A Yes. Mr. Sharp was out of town. And I am the
4 acting department head in his absence.

5 Q Were you familiar with what you would need to do
6 or what was required in a situation like that?

7 A I am familiar with the Nuclear Group policies.
8 And when I got in in the morning, I reviewed those
9 procedures to make sure that I would follow them step by
10 step.

11 Q Did Mr. Jump give you any specifics about Mr.
12 Saporito's access revocation, such as the reasons?

13 A No.

14 Q And when you got in the next morning, which was
15 the 21st of February, what did you do?

16 A When I got in --

17 Q I mean, regarding Mr. Saporito?

18 MR. BAER: After you brush your teeth.

19 THE WITNESS: When I got in I had a phone call
20 with Mr. Watt Hinson early in the morning, where I was
21 notified by Mr. Hinson that Mr. Saporito's access had been
22 revoked. And he and I discussed the procedures by which we
23 were to follow, which was the NGP on separation. And when
24 -- the quality procedure when you have someone leaving that
25 needs to get him to the exits, the paperwork necessary and

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the interviews that ST ~~were~~ ^{ARE} required.

At the conclusion of that meeting or phone conversation, I called Rich DeLong, the division manager, ST and informed him that Mr. Saporito's access had been revoked.

And we went and got the two procedures. It's in my notes.

Can I have my notes, please?

MR. BAER: Yes. ^{... ST}

THE WITNESS: We went and ST Mr. DeLong and I had reviewed together the procedures by which the separation interviews and process are conducted.

BY MS. VAN CLEAVE:

Q When was that?

A That was at about 7:20 a.m. in the morning of February 21st.

Q Okay.

Did you call Mr. Hinson or did he call you?

A I called Mr. Hinson.

Q Is that usual? Why did you call him?

A Because I was informed the night of the 20th that I had an I&C technician -- that his access had been revoked, and I wanted to validate that that was in fact true.

Q And Mr. Hinson, I take it, told you that that was correct?

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1 A Yes. He said that that was, in fact, true.

2 Q You and Mr. DeLong reviewed the procedures and
3 then what did you do?

4 A I went to my 7:30 department meeting and so did
5 Rich DeLong. He was in that meeting. And we were
6 conducting business until about 8:40 in the morning. Mr.
7 Harrison, from the Licensing Department called me up and
8 told me that Mr. Saporito was in the NRC Office here asking
9 about his status.

10 By that time, he was aware that his access badge
11 had been pulled.

12 Q And what was your responsibility, as the acting
13 department head, in a situation like this?

14 A My responsibility, under the procedures, I believe
15 it's administrative practices, AP04-4, which is separation,
16 is to ensure that the separating individual is interviewed
17 to see if there are any concerns that he wishes to bring
18 out, make sure that he understands the exiting process
19 relative to receiving a whole body count, the surrendering
20 of company property, site badge, and to provide him, in this
21 case, the opportunity to ^{Speak to} ~~Speak~~ out in a confidential manner,
22 if he chooses, and also to provide him the form to appeal
23 his denial. And that's form -- from IP7.02Q, which is form
24 255, STP form 255.

25 Q So, after Mr. Harrison called you, did you arrange

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1 to meet with Mr. Saporito?

2 A Yes.

3 Q Was that the -- your initial contact with him?
4 Had you ever met him before?

5 A That was my initial contact with Mr. Saporito.

6 Q You'd never met him before?

7 A No, ma'am.

8 Q Had you ever spoken with him before?

9 A No.

10 Q So, it's standard for you to -- if you're the
11 acting department head, it would be standard for you to
12 attend a meeting like this? Is there a name for it?
13 Termination meeting, or --

14 A It's the separation.

15 Q Separation. Okay.

16 Then did you proceed somewhere to meet with Mr.
17 Saporito?

18 A Yes, I did. I proceeded to the Nuclear Support
19 Center, to Mr. Bohner's office.

20 Q And you met with Mr. Saporito at that time; is
21 that correct?

22 A That is correct.

23 Q Who else was present?

24 A There was Mr. Bohner, the Quality Assurance
25 Manager, Speak-Out Division; Mr. Rick Cink, an Investigator

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1 for Speak-Out; and myself and Mr. Saporito.

2 Q Prior to attending that meeting, had you received
3 any instructions from anyone regarding the discussion of the
4 meeting or how to respond to any requests Mr. Saporito might
5 have?

6 A No.

7 Q Had you had any debriefings with any attorneys?

8 A No.

9 Q All right. What was discussed during your meeting
10 with Mr. Saporito?

11 A During the meeting, when I first got there, I
12 introduced myself to Mr. Saporito, and he wanted to know who
13 I was and why I was there, and I provided that information
14 to him. I informed him that his unescorted access had been
15 revoked by the station Security Department, and that it was
16 Maintenance's standard practice to return a contract
17 individual back to their parent company if they had lost
18 their unescorted access privilege.

19 I informed him that I did make that decision and
20 that was going to occur. I also informed him that, under
21 the station policies, that he had the right to appeal this
22 decision of having his escort being denied. And I gave him
23 the procedure numbers by which the separation was being
24 conducted and that he has the ability to question this and
25 get a second review of the decision.

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1 Q Did Mr. Saporito question you about the
2 circumstances surrounding his termination?

3 A Yes, he did.

4 Q What did he ask you?

5 A He asked me what were the specific reasons for his
6 escort access being denied. I told him I did not know the
7 particulars of it. All I knew is that his access had been
8 denied.

9 Q Was that correct? Did you, in fact, have any
10 idea?

11 A I had no idea of why. All I knew is that his
12 access had been denied.

13 Q You said Mr. Jump did not tell you the reason.
14 Did Mr. Hinson tell you any reasons?

15 A Mr. Hinson nor Mr. Jump did not give me the
16 reasoning behind it.

17 Q When he asked for that explanation, what about Mr.
18 Cink or Mr. Bohner? Did either of them provide an
19 explanation to him?

20 A No, they did not. It was stated to him that he
21 needed to get that information from the Security Department.

22 Q Did anyone tell him who to contact to get that
23 information?

24 A He was told to contact the Security Department.

25 Q Not anyone by name?

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1 A I believe not.

2 Q Is that standard procedure?

3 A It's my understanding of the program, yes.

4 Q Had you ever attended a separation interview such

5 as this one before where someone has been, I guess -- I

6 don't know -- separated for cause, or had their unescorted

7 access revoked, theoretically?

8 A This is the first one.

9 Q Okay. So this is the first one that you had

10 attended?

11 A Yes.

12 Q All right.

13 How often do you act for Mr. Sharp?

14 A Quite often. Anytime that Mr. Sharp is sick, away

15 from the station for either personal business, vacation,

16 company business, I am his replacement.

17 Q And you'd never been involved in an interview like

18 this one; is that correct?

19 A That is correct.

20 Q Do you have any idea how often something like this

21 happens?

22 MR. BAER: You mean how often separation


23 interviews happen?

24 BY MS. VAN CLEAVE:

25 Q For cause, like I said?

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1 A I have no knowledge of how often they occur. My
2 belief is -- I have not heard of many of them, so I don't
3 think it's a very common thing.

4 Q So, he -- Mr. Saporito was not provided with an
5 explanation, because you didn't know; is that correct?

6 A That is correct. I do not know, even today, all
7 of the details behind why his escort access was revoked.

8 Q But, during this meeting, you've said you didn't
9 know at all; is that correct?

10 A That's correct.

11 Q Did you even know they had anything to do with an
12 adjudication meeting or omission of information from his
13 employment application? Were you aware of that?

14 A No. I was not aware of any of that.


15 Q Did you discuss anything else during that meeting
16 with Mr. Saporito?

17 A We discussed a lot of things. Mr. Saporito wanted
18 us to hold a meeting with Mr. Hall, Mr. Jordan, the ^{GSA} quality
19 ^{ADP} assurance ^{MANAGER} ~~Mr. Jordan~~, craft -- some craft people, and his
20 foreman, where he wanted to tell us what he had found wrong
21 with the way we do business, and how we had jeopardized the
22 health and safety of the public.

23 He also told us that he had some files and what
24 not in his residence in Bay City removed against his will,
25 and that he felt that maybe the South Texas people had some

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1 involvement in that. He stated that he knew that a lot of
2 our security people were ex-FBI people, who knew how to get
3 into places and pick locks. And he provided a lot of
4 speculation that we, as a team, had removed documents from
5 his residence.

6 Q Do you know if that's true? Are there a lot of
7 FBI -- ex-FBI agents working here?

8 A I do not know that.

9 Q Okay. Go ahead.


10 A Mr. Saporito said that he wanted all of his
11 personal tools and effects brought to him. And I had
12 ensured that that would happen. And we brought all of his
13 tools. He gave us the locations of his equipment. I had an
14 I&C technician pick that equipment up and bring it to him up
15 here in the NSC.

16 Mr. Saporito also stated, during the same period
17 of time, that he was going to file, under 42 USC 5851, the
18 implementing requirements of the employment protection
19 provision of the Energy Reorganization Act of 1974, as
20 amended. He felt that he was a professional nuclear worker,
21 and had the responsibility of ensuring that the station was
22 being operated in a way that would protect the health and
23 safety of the public, and he felt that we were not doing
24 that.

25 And he stated that he had knowledge that we were,

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1 in fact, violating the station's technical specification
2 6.8.1.

3 Q What's that?

4 A I believe that has to do with procedural
5 adherence.

6 Q Did he mention the fact that he had filed this
7 2.206 petition or that he had talked with the NRC?

8 A I don't recall anything specific to that. He did
9 state that he thinks that his access was denied to prevent
10 him from identifying other violations or falsifications.

11 Q So, did that give you the impression that he had
12 already identified what he considered to be other problems?

13 A I speculated, after mulling this over in my mind,
14 while I was writing up my notes, that possibly he had
15 already made some comments to the NRC. At the time it
16 didn't register on me one way or the other.

17 Q Did you give Mr. Saporito instructions on how to
18 ~~appear~~ ^{Appeal} his access denial, if he wished to do so?

19 A At least twice, yes. One at the start of the
20 meeting, when I introduced myself, and gave him the
21 procedures by which this interview was being conducted, and
22 that he had the right to appeal, and that the forms would be
23 provided to him.

24 And then, at the conclusion of the meeting, when
25 he chose to leave, before he left, I, again, restated that

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1 he had the right to appeal, gave him the form 255, and also
2 asked him -- and told him that we needed him to get his
3 whole body count done before he left and process out.

4 Q What did he say?

5 A He said that he would wait a few minutes to go and
6 get his whole body count, and that he was going to go and
7 have lunch, and that we would -- that he would be back then
8 after lunch. Mr. Cink went with him to lunch. And during
9 that time I was in the process of getting a foreman over to
10 escort Mr. Saporito over to the ^{SE} ^{SW} ^{SW} ^{SW} central processing facility
11 to get his whole body count and also process out the rest --
12 the -- give him the badge back, the site badge back.

13 It's standard process that the foreman of an
14 individual who is leaving our employment be the one that
15 takes him over to ^{SE} ^{SW} central processing. And that's really an
16 action to make sure that they get there, that the whole body
17 is done and that all the company property is surrendered
18 back to us.

19 That's standard procedure.


20 It took about 45 minutes for my foreman to show
21 up.

22 And, by that time, Mr. Saporito had finished his
23 lunch, chose not to come back up to Mr. Bohner's office, but
24 rather to leave the job site, and he left.

25 Q What did you do then? Did he take his badge with

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1 him and all of that? I don't know what else he'd have
2 really besides his badge.

3 A I would -- I didn't see him leave, so I do not
4 know what he had with him. I knew he had his personal
5 effects.

6 I can't tell you if he had his badge or not. I
7 know that he did not go over to get his whole body count.

8 Q Could he have done so without an escort?

9 A Yes.

10 Q That's not behind a protected area then?

11 A It is not in the protected area.

12 Q Did you have any subsequent meetings with Mr.
13 Saporito?

14 A No.

15 Q Did you have any subsequent conversations with
16 him?

17 A No.

18 Q Did you attempt to reach him and get -- try to get
19 him fully processed out?

20 A Yes, I did.

21 Q About 1:00 o'clock on the 21st, 1:00 p.m. ⁰⁹ on the
22 21st, I had called his residence in Bay City. The phone was
23 busy. I attempted the second time and the phone was busy.
24 And then, on the third attempt, I received his answering
25 machine, which -- I gave him my name and my title again. I

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1 asked him to call back, and also to come back to the station
2 and get his whole body count, and that it was his right to
3 receive the whole body count. I asked him to call me, if he
4 needed to, and that we would make sure that we had the
5 personnel here to do the whole body count.

6 I hung up, and I made sure that my phone was in
7 attendance with my secretary up until a little after 5:00
8 o'clock that night, and I received no phone call.

9 Q Did you hear from Mr. Saporito the following week?

10 A No, I did not.

11 Q Did he ever get his whole body count, to your
12 knowledge?

13 A I have no knowledge -- I have no first-hand
14 knowledge that he did.

15 Q But you understand that he did?

16 A I understand that he has. Yes.

17 Q Did you make any other attempts to reach him by
18 phone or by letter?

19 A I did not.

20 Q Have you received any correspondence from Mr.
21 Saporito since your first and only meeting with him?


22 A No.

23 Q Whose responsibility is it to notify the
24 contractor, in this case, Sun Technical?

25 A Sun Technical was his representing firm.

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1 It is the responsibility for the Contracts
2 Department to officially notify the contract company of any
3 actions that they're associated with.

4 Q And how did they get the information?

5 A They get that from, in this case, the ^Sdivision
6 ^Qmanager and myself.

7 Q Was that Mr. DeLong?

8 A That was Mr. DeLong, yes.

9 Q And what did the two of you do? Did you call
10 them?

11 Did you have to fill out a form, or both?

12 A The process that we did, is that we did call up
13 the Sun -- Rich DeLong called up the Sun representative, and
14 that was at my request, to inform them that one of their
15 technicians had their escort access denied, and that we were
16 returning him back to the company.

17 At the same time, Rich DeLong was also directed by
18 me to contact the Contracts Division and inform them that
19 they needed to ^{THROUGH} official channel notify Sun that one of their
20 individuals had their access denied, and that we were
21 returning the individual. And that occurred --

22 Q Go ahead. And that was on the 21st?

23 A I know the verbal call to the Sun representative
24 was made on the 21st. I do not know when the official
25 channel contacted Sun.

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1 Q Did you provide -- let me rephrase that.

2 Was a reason provided to Sun Tech as to why Mr.
3 Saporito access was revoked?

4 A No.

5 Q Is that standard, to not provide a reason?

6 A Yes, it is standard. The access was denied so,
7 therefore, we cannot employ ^{THAT} a person. And that's all they
8 need to know.

9 Q So, if they asked for a reason would one have been
10 provided to them?

11 A I could only give you speculation on that. I have
12 not dealt with that before, so I wouldn't know. I can
13 speculate, that's all I can do.

14 Q So, is there a procedure that address that?

15 A I can't answer that. I don't know that.

16 Q What would you be basing your speculation on, just
17 opinion?

18 A My opinion.

19 Q What is your opinion?

20 A My opinion is that I would not tell them. All
21 they need to know is that one of their contract people's
22 access had been denied and, therefore, we couldn't use ^{them} it.
23 The reasons behind it, it is no concern of mine. It is --
24 in my opinion, it is not a concern of theirs. Whatever the
25 issue ^{is} is between the individual and the Security Department,

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AS

1 and their determination.

2 Q Are you familiar with the circumstances
3 surrounding Mr. Saporito's unescorted access revocation now?

4 A Not fully, no. I know that there were some
5 irregularities in his employment application. As to the
6 specifics, I do not know.

7 Q Are you aware of any other revocation of
8 unescorted access on any other contracting employees that
9 have worked over in your department?

10 A No.

11 Q Have you attended any other meetings that Mr.
12 Saporito's situation was discussed at?

13 A Yes.

14 Q How many?

15 A Three.

16 Q Okay.

17 MR. BAER: Is that an accurate number, or is that
18 a best guess?

19 THE WITNESS: It's a best guess.


20 BY MS. VAN CLEAVE:

21 Q Okay. When was the first one?

22 A The first one -- HL&P's lawyer, not Mr. Baer,
23 another lawyer, had a meeting for fact finding, relative to
24 Mr. Saporito. And that occurred shortly after the 21st.
25 That meeting was held to disclose all of the information

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1 surrounding the case at that time. And I attended that.

2 Q When you say not Mr. Baer, do you mean someone
3 from Newman & Holtzinger, or is this someone from HL&P?

4 A The -- an HL&P lawyer, one that's on retainer.

5 Q Who was that?

6 A I can't remember the gentleman's name.

7 Q And he was gathering facts? Is that what you
8 said?

9 A He was looking for information, yes.

10 Q Regarding the 2.206 that had been filed or
11 regarding Mr. Saporito's termination from the site?

12 A It ^{was} ~~as~~ information on Mr. Saporito and the
13 reasoning behind the action taken to revoke his access.

14 Q Who was present at that meeting besides yourself
15 and this attorney?

16 A Mr. Bohner, Mr. Rick Cink, Mr. Watt Hinson, the
17 lawyer and one of his associates, and Mr. Jump came in once
18 or twice into the meeting and was back and forth a couple of
19 times.

20 Q So, both the attorney and his associate were HL&P
21 employees, rather than working for private law firms? Is
22 that correct?

23 A I believe that to be --

24 MR. BAER: Do you know that?

25 THE WITNESS: I do not know that.

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1 BY MS. VAN CLEAVE:

2 Q It wasn't Mr. Baer?

3 A No, it was not.

4 Q Was it Mr. Newman?

5 A No, it was not.

6 Q Okay.

7 Did you receive any instructions from this
8 attorney or his associate regarding how to respond to any
9 questions about Mr. Saporito's access revocation?

10 A Yes.

11 Q What instructions did you receive?

12 A Tell the truth.

13 Q Were you told to refer any questions to anyone
14 else, to someone else? Like, if you got questions, refer
15 them to the attorney or to someone else who worked for HL&P
16 or anything like that?

17 A No. I was told to tell the truth.

18 Q Do you know if Mr. Saporito had filed a complaint
19 with the Department of Labor by that time?

20 A I don't know that personally, no.

21 Q Well --

22 MR. BAER: But he had told you that he was filing
23 a complaint; is that correct?

24 THE WITNESS: That is correct.

25 BY MS. VAN CLEAVE:

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1 Q Well, he told you that at the meeting on February
2 20th; is that right?

3 A That is true.

4 MR. BAER: I'm sorry, what meeting? On what date?

5 MS. VAN CLEAVE: Oh, the 21st, I'm sorry.

6 BY MS. VAN CLEAVE:

7 Q What was the purpose of the meeting, I mean, other
8 than fact-finding, I mean, did the attorneys mention
9 anything about a complaint being filed by Mr. Saporito or
10 why the meeting was called?

11 A Again, the meeting was called to gather
12 information surrounding Mr. Saporito. And it may have ^{HAD} to do
13 with a labor complaint.

14 Q Was that stated during that meeting?

15 A I'm trying to think. And I do not remember if it
16 was specifically stated or not.

17 Q Do you have any notes from that meeting?

18 A Yes.

19 During that meeting --

20 Q Okay. You have here -- you've given me two pieces
21 of paper, and one of them says Gene Oiler, Sun, CNN. What
22 does that mean?

23 A Okay. During the meeting, I was called by one of
24 the technicians in the shop. And I was informed that Mr.
25 Saporito had just called a friend of his, Mr. Gene Oiler,

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SK

1 who was also represented by Sun, that Mr. Saporito would be
2 on CNN that night to tell everyone about the problems at the
3 South Texas Project.

4 Q Do we know what night this is? You said it was
5 the -- you thought it was the following week. And here on
6 the second page you've got --

7 A Thursday.

8 Q -- Thursday. Do you think --

9 A I believe it was on that Thursday.

10 Q Then the following Thursday, which would have
11 been, I guess, the 27th of February?

12 A I would only have to speculate on that. I can't
13 tell you.

14 Q Okay. To your knowledge, was Mr. Saporito on CNN?

15 A To my knowledge, he was not.

16 Q Okay. And the second piece of paper says: "I was
17 informed that an IC tech went to speak out. Other
18 investigation ongoing. No name given. Has Sun been
19 contacted?" Is that your name?

20 A That's my name.

21 Q Sanchez? What does this mean?

22 A At that time, there was a couple of people that
23 had gone to ^{SA} ~~SA~~ speak ^{out} ~~out~~ with concerns. And that we,
24 management and myself, had been informed that there was some
25 ^{SA} ~~SA~~ speak-out concerns. There were no names, no specifics

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1 given. But, when I went to the meeting, I wanted to make
2 sure that that was brought out, because I didn't know the
3 content of the meeting when I went.

4 Also, during that conversation in the meeting, I
5 was asked if the Sun Corporation had been contacted and told
6 of Mr. Saporito's escort revocation. And so I wrote myself
7 a note to make sure that that had been done. This is my way
8 of saying that I have the action to do that.

9 Q Who called this meeting?

10 A I don't know who called it.

11 Q Who told you to attend?

12 A Licensing.

13 Q Who in Licensing?

14 A It would have been someone in Licensing to my
15 secretary, who told me that I had a meeting -- excuse me --
16 a meeting to go to.

17 Q For what purpose?

18 A There was no purpose given.

19 Q Is that usual?

20 A Quite often.

21 Q You said you attended other meetings -- two other
22 meetings?

23 A At least two other. Speak-out was involved in
24 this case. And, after I had made up my notes, I had given
25 ~~this~~ ^{them} to Speak-out, and Speak-out had interviewed me at least

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1 two times relative to this case.

2 Q Relative to the revocation of Mr. Saporito's site
3 access or relative to the 2.206 that he filed?

4 A Relative to the 206 filed.

5 Q Were you interviewed regarding his access
6 revocation?

7 A No.

8 Q Do you have any further information about the
9 revocation of his site access? Have you been told anything
10 else?

11 A No.

12 Q Have you gotten any other information about Mr.
13 Saporito -- anything regarding his background, such as where
14 he worked prior to coming here?

15 A I was provided a series of press releases that
16 were prepared, I understand, by Mr. Saporito. And, in that,
17 there's a lot of information on what he has done, what he is
18 doing.

19 Q Where did you get that?

20 A That was provided to me by HL&P.

21 Q Why?

22 A Because my name's in it, and they wanted to let me
23 know that my name was in some potential press releases.

24 Q Did Mr. Jump ever tell you about Mr. Saporito's
25 background?

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1 A No.

2 Q Did Mr. Sharp ever tell you about Mr. Saporito's
3 background?

4 A Yes. Yes.

5 Q When did he tell you that?

6 A It was after the 21st, when he got back from being
7 off that Friday night -- ^I~~A~~^{SA} informed him of what had occurred.
8 He gave me some information that Mr. Saporito had been
9 involved with other items at other stations, and that he was
10 again involved in some of these kinds of actions at other
11 stations.

12 Q Did he name the other stations?

13 A No.

14 Q Are you positive?

15 A I don't recall him naming them.

16 Q I don't recall what was in those press releases,
17 so this may be in there. But are you aware that Mr.
18 Saporito worked for Florida Power and Light at one time?

19 A Yes, I do know that.

20 Q Are you aware that he worked at Palo Verde before
21 he came here?

22 A I have been told that, yes.

23 Q When were you told that and by whom?

24 A It was after the 21st. I talked to an I&C
25 technician. He called -- he saw me in the plant and came

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1 over and said, do you know Mr. Saporito? I said, I don't
2 know him really. And he said, well, do you know that he has
3 been under some protected activities in the past? I replied
4 no. And he informed me that he had worked for Florida Power
5 -- I think it's Florida Power, and that he had been at Palo
6 Verde. That's what he told me.

7 Q When you say "he" had been at Florida Power and
8 Palo Verde, do you mean Mr. Saporito --

9 A Mr. Saporito.

10 Q -- or do you mean the individual you were talking
11 to?

12 A Mr. Saporito had been there at those two stations
13 in the past.

14 Q Who were you talking to?

15 A I am going to have to think about that. I don't
16 know all of the I&C people that are in the Department. This
17 was a conversation, as I was in the plant, and the guy came
18 up. I knew he was an I&C guy, because he had I&C equipment
19 with him. He said, do you know this?

20 Q Why did -- why would he tell you that?


21 A I have no idea. He felt it necessary to tell me.
22 And I said, okay. I took it.

23 Q What did he tell you, just that he'd worked at
24 Florida Power and Palo Verde?

25 A And that he had been in some activities where he

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1 had made some allegations against the utilities and not
2 doing what was right to protect the health and safety of the
3 public.

4 Q I still don't understand why this individual would
5 feel it necessary to tell you.

6 A I don't understand the motivation behind it
7 either.

8 Q Did he add anything else besides what you just
9 said?

10 A I cut him off. I didn't feel that it had any
11 pertinence to what I was doing, and I didn't need to hear
12 any more. I told him thanks, and kept walking.

13 Q Do you remember who that was?

14 A I'm trying. Right now I do not know. Again, I
15 don't know everybody that's in the plant.

16 Q Did you hear from him again, that same individual?

17 A No, I have not.

18 Q Was this after the 21st of February?

19 A That is correct.

20 Q Do you recall how long after, approximately?


21 A A week.

22 Q Did you have any knowledge, prior to that
23 conversation that Mr. Saporito had worked at Florida Power
24 and Light?

25 A No.

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1 Q Did you have any knowledge, prior to that
2 conversation that Mr. Saporito had worked for Palo Verde?

3 A No.

4 MR. BAER: What was the answer to the previous
5 question?

6 THE WITNESS: No.

7 BY MS. VAN CLEAVE:

8 Q Are you absolutely positive about that?

9 A To the best of my knowledge, yes. I do not recall
10 any.

11 Q Mr. Sharp had just stated that he had worked for
12 some other plants, and did not give specifics; is that your
13 testimony?

14 A That's the best of my recollection, yes.

15 Q Okay. Do you have any other records or notes that
16 I don't have?

17 A You have them all.

18 Q Wait a minute. I think we missed a meeting.

19 Did we only do two meetings? I think we only did
20 two meetings. You said you had at least three?

21 A At least three. There may have been more with
22 Speak-out. I have had a couple of meetings with Mr. Baer.

23 Q In preparation for this interview or in group
24 discussions?

25 A In preparations for interviews.


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1 Q One-on-one?

2 A One-on-one.

3 Q Any meetings? Any other meetings that you can
4 think of that you've been -- that you've attended where Mr.
5 Saporito's access revocation was discussed?

6 A No.

7 Q Has Mr. Jump discussed this with you?

8 A No.

9 Q The two of you have not talked about this
10 situation?

11 A No.

12 Q Are you familiar with the adjudication process at
13 all?

14 A Not really, no. I know what adjudication is, but
15 I am not familiar with the process at South Texas.

16 Q Or the procedures that are followed, or what can
17 lead to access revocation or denial? Are you familiar with
18 any of those things?

19 A I am more familiar with them now than I was at the
20 time. At the time, no, I was not familiar with the process
21 here.

22 Q Have you had any discussion with anyone regarding
23 the adjudication process and what type of actions can
24 constitute cause for revocation or denial?

25 A There is a new policy out now that gives all of

1 the conditions by which access can be revoked. And I have
2 reviewed that along with a lot of the other station people,
3 and I have discussed that amonget^S my division managers and
4 myself.

5 Q I believe that became effective in May of this
6 year; is that correct?

7 A I don't know when it was effective. It's very
8 very new. I've been gone for three weeks, so my local
9 calendar is a little off right now. It is just very very
10 new.

11 Q What about the procedures prior to the institution
12 of this new procedure? Were you familiar with that?

13 A No.

14 Q Are there any other meetings, conversations,
15 discussions, debriefings that you can think of in which Mr.
16 Saporito's access revocation was discussed?

17 A No. The only conversations I've had with it,
18 again, is one with Joe Sharp, ^{I INFORMED} ~~the new foreman~~ ^Q ~~handled~~ ^S
19 what occurred in his absence; the Speak-out meetings where
20 they were getting the information; and the one lawyer for
21 HL&P, in that meeting; and then the meetings that I've had
22 with Mr. Baer.

23 Q And you're positive that Mr. Sharp did not name
24 the nuclear plants that Mr. Saporito had worked for prior to
25 coming here?

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1 A To the best of my recollection, I do not recall
2 him telling me if or where Mr. Saporito had worked.

3 Q Did he tell you that he had worked for more than
4 one other plant?

5 A He said that he has worked at other utilities.

6 Q Uh-huh. Did he give you specifics regarding any
7 complaints or 2.206's or concerns he may have taken to the
8 NRC? What did he tell you about Mr. Saporito's past?

9 A He gave me no specifics. He told me that Mr.
10 Saporito had been involved with complaints against other
11 utilities. And complaints is my word.

12 Q Involved, do you mean making complaints?

13 A Making complaints.

14 Q Did Mr. Sharp mention any other DOL filings that
15 Mr. Saporito may have made?


16 A No.

17 Now, this meeting -- and that was several months
18 ago. This meeting was a meeting in which I informed him of
19 all of the activities that had occurred not only with Mr.
20 Saporito, but relative to the work activities and our
21 conduct, if you will, over the time he was gone. And there
22 was a lot of things discussed. Mr. Saporito was a really
23 very very small part of the whole conversation. I don't
24 recall all of that conversation. It was a long time ago.

25 Q How long had Mr. Sharp been gone?

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1 A I believe he left Thursday night. That would have
2 been the 20th of February '92. And he returned the
3 following Monday.

4 Q So, he was only gone from the site one day?

5 A One day.

6 Q Why did he tell you that Mr. Saporito had filed
7 complaints at other plants?

8 A That would be speculation, on my behalf. I would
9 speculate he told me that as a bit of information that says
10 that occurred before.

11 Q Did he give you any instructions about how do
12 handle any questions about Mr. Saporito, or if Mr. Saporito,
13 himself, contacted you or anything like that?

14 A He told me to be cooperative and work with
15 whomever I needed to work with to resolve the issues and
16 follow the procedures.

17 Q Did he mention to you how he became aware of Mr.
18 Saporito's past activities?

19 A He had -- the meeting that I told you about that
20 had occurred prior to the 20th of February, where Mr. DeLong
21 and myself -- who Mr. Sharp had met -- and Mr. Sharp said
22 that we had an individual within our Department who had a
23 concern.

24 Q Uh-huh.

25 A Okay. What was the question again? I got side-

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1 tracked here.

2 Q I was asking you if Mr. Sharp told you how he
3 became aware of Mr. Saporito's past -- past activities, I
4 mean, regarding Florida Power, Palo Verde, and other nuclear
5 plants?

6 A No. I was speculating. I was going to bring you
7 back to that one meeting that he may had some information at
8 that time. He had met with Mr. Hall and some other people
9 and Mr. Kinsey. And they had -- that's where he was
10 informed that we had an individual within our department
11 that had some concerns.

12 Q So, by that time, then you had associated the
13 2.206 with Mr. Saporito?

14 A I had a hunch that the two were connected. I had
15 no facts at that time to -- I had, from Mr. Saporito's
16 interview that he said he was going to file -- that he was
17 going to sue the company.

18 Q When you met with Mr. Sharp, I presume that was
19 the Monday, the 24th?

20 A That is correct.

21 Q Did he tell you of that 2.206 petitioner?

22 A No. He did not say those words.

23 Q Did he imply that? Did you gather that he must
24 have been from anything that Mr. Sharp said?

25 A I speculated that the two were connected.

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1 Q Did you ask him?

2 A No.

3 Q In the meeting that you attended with Rich DeLong
4 and Mr. Sharp --

5 MR. BAER: Which one is this now?

6 MS. VAN CLEAVE: Prior to the 21st of February,
7 and we don't know the exact date, somewhere between several
8 weeks before and one week before.

9 BY MS. VAN CLEAVE:

10 Q Did Mr. Sharp mention the 2.206 petitioner having
11 any prior activity at other plants?

12 A Not to my recollection, no.

13 Q But you had referred back to that earlier meeting.
14 And I just wondered if there was something in your mind that
15 --

16 A Yes. All I was doing was -- I'm curious like
17 everyone else. And when I get a bit of information and
18 another bit of information, I try to put it all together to
19 make sense of what's going on. And so it was speculation on
20 my behalf, trying to take these bits of information and
21 trying to make them come together. Were they the same?

22 Q So, this was just kind of guessing, on your part,
23 more than any specific information that you received; is
24 that correct?

25 A That's correct.

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1 Q Okay.

2 MS. VAN CLEAVE: Mr. Sanchez, have I threatened
3 you in any manner or offered you any reward in return for
4 your statement?

5 THE WITNESS: No.

6 MS. VAN CLEAVE: Is there anything further that
7 you would like to add for the record?

8 THE WITNESS: No. I've given you all of the
9 information that I can recall. It was several months ago.
10 The statement, or the typed up bit of information that I put
11 together was put together that evening, and I typed it at
12 home so that I could recall all of the information of the
13 meeting of that day. And, to the best of my remembrance,
14 everything that I've given you is all of the facts that I
15 have on this case. And it's reflected ^{HERE} ~~her~~ in this paper.

16 MS. VAN CLEAVE: Okay. And you have provided me
17 with a copy of that?

18 THE WITNESS: Yes.

19 MS. VAN CLEAVE: Two copies actually.

20 Okay. Thank you very much. I appreciate it. We
21 are off the record.

22 [Whereupon, at 2:28 o'clock p.m., on Monday, July
23 27th, 1992, the above entitled interview was concluded.]

24 I HAVE READ THE FOREGOING TRANSCRIPT, MADE AND INITIALED ANY
25 NECESSARY CORRECTIONS, AND I HAVE SIGNED MY INITIALS AT THE BOTTOM OF
EACH PAGE. THIS TRANSCRIPT IS THE TRUTH TO THE BEST OF MY
KNOWLEDGE AND BELIEF *WR* 9-17-92

ANN RILEY & ASSOCIATES, Ltd.

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REPORTER'S CERTIFICATE

This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission

is the matter of:

NAME OF PROCEEDING: Daniel Sanchez

DOCKET NUMBER:

PLACE OF PROCEEDING: Bay City, Texas

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.

Tom W. Kiteside

Official Reporter
Ann Riley & Associates, Ltd.

[Handwritten mark]