

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

1  
2  
3  
4 INTERVIEW OF )  
5 )  
6 DONALD P. HALL )

7  
8 Nuclear Support <sup>CENTER</sup> System *BY*  
9 South Texas Project  
10 Bay City, Texas  
11 Tuesday, July 28, 1992

12  
13 The above-entitled interview convened, pursuant to  
14 notice, in closed session at 8:07 a.m.

15  
16 ON BEHALF OF NRC:  
17 VIRGINIA VAN CLEAVE, Investigator  
18 Arlington, Texas

19  
20 ON BEHALF OF THE WITNESS:  
21 WILLIAM E. BAER, JR., ESQ.  
22 Newman & Holtzinger, P.C.  
23 1615 L Street N. W.  
24 Washington, D. C.

25  
Information in this record was deleted  
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7C Routine *BY*

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

1  
2 MS. VAN CLEAVE: For the record, this is an  
3 interview of Donald P. Hall, [REDACTED] *7C*  
4 [REDACTED], date of birth [REDACTED] who is  
5 employed by Houston Lighting and Power South Texas Project.

6 The date is July 28th 1992 and the time is  
7 approximately 8:07 a.m.

8 Present at the interview is myself, Virginia Van  
9 Cleave, an investigator for the NRC Office of  
10 Investigations, and William Baer, attorney with Newman and  
11 Holtzinger.

12 This interview is being tape recorded by court  
13 reporter Tom Whiteside.

14 Mr. Hall, I would like to ask you to please stand  
15 and raise your right hand.

16 Whereupon,

17 DONALD P. HALL

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

20 MS. VAN CLEAVE: I have a few questions to ask  
21 regarding Mr. Baer's presence. They are standard questions.

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

24 THE WITNESS: No.

25 MS. VAN CLEAVE: Is Mr. Baer acting as your

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1 personal representative?

2 THE WITNESS: Yes.

3 MS. VAN CLEAVE: Did you select him personally or  
4 did your company select him for you?

5 THE WITNESS: He was made available to me and I  
6 selected him.

7 MS. VAN CLEAVE: Mr. Baer, who is your employer?

8 MR. BAER: Newman and Holtzinger.

9 MS. VAN CLEAVE: Are you acting as Mr. Hall's  
10 personal representative?

11 MR. BAER: Yes, I am.

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

14 MR. BAER: Yes, it does.

15 MS. VAN CLEAVE: Do you personally represent any  
16 other parties at the South Texas Project?

17 MR. BAER: Yes.

18 MS. VAN CLEAVE: And those parties are?

19 MR. BAER: Houston Lighting and Power Company and  
20 other individuals subpoenaed during the course of this  
21 investigation.

22 MS. VAN CLEAVE: Do you then personally represent  
23 Houston Lighting and Power?

24 MR. BAER: Yes, I do.

25 MS. VAN CLEAVE: Do you believe that potential

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1 conflict of interest could arise during the course of this  
2 interview?

3 MR. BAER: It is always possible that a potential  
4 conflict of interest could arise. However, I do not foresee  
5 that happening at this time.

6 MS. VAN CLEAVE: If a potential conflict of  
7 interest arises, what would you do?

8 MR. BAER: I would stop the interview, consult  
9 with Mr. Hall and we would decide how to proceed at that  
10 time.

11 MS. VAN CLEAVE: Mr. Hall, do you understand that  
12 Mr. Baer represents other parties associated with the South  
13 Texas Project?

14 THE WITNESS: Yes.

15 MS. VAN CLEAVE: What is your understanding as to  
16 who is paying Mr. Baer's fee?

17 THE WITNESS: The South Texas Project is paying  
18 his fee.

19 MS. VAN CLEAVE: And with these understandings, do  
20 you still want Mr. Baer as your representative?

21 THE WITNESS: Yes.

22 EXAMINATION

23 BY MS. VAN CLEAVE:

24 Q Mr. Hall, what is your position here at the South  
25 Texas Project?

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- 1 A I'm the project manager.
- 2 Q And what does that mean?
- 3 A That means I'm in charge of the site and the  
4 project and the reactor plant.
- 5 Q Are you the --
- 6 A I'm the senior person onsite.
- 7 Q You're the highest person onsite from Houston  
8 Power and Lighting, is that correct?
- 9 A Yes.
- 10 Q How long have you held that position?
- 11 A Since December of 1989.
- 12 Q Did you work here at the South Texas Project prior  
13 to that time?
- 14 A No.
- 15 Q Who was your employer prior to that time?
- 16 A Illinois Power Company.
- 17 Q What was your position there?
- 18 A I was a senior vice president.
- 19 Q As you know, I'm here to look into the  
20 circumstances surrounding the termination and access  
21 revocation of an individual named Thomas Saporito. When did  
22 you first become aware of Mr. Saporito?
- 23 A On the afternoon of the 11th of February.
- 24 Q And under what circumstances did you first hear  
25 his name or see his name?

1           A     I was going by the outside of vice president  
2 Kinsey's office on my way to my office and he asked me to  
3 come in and Mr. Tapia was there also.

4           He gave me a copy of the petition, the 2.206  
5 petition, which Mr. Saporito had filed. Evidently the  
6 region had sent it down by facsimile to Mr. Tapia and he had  
7 brought it up. That's when I learned about it.

8           Q     What did Mr. Kinsey say to you?

9           A     He asked me -- he said -- I don't remember his  
10 exact words. He said that this is important, I think you  
11 should see it right away.

12          Q     Was anyone else present in Mr. Kinsey's office  
13 besides Mr. Tapia?

14          A     Not at that time, no.

15          Q     Was this the first time to your~~SK~~knowledge that  
16 Houston Lighting and Power had received a 2.206 from anyone?

17          A     To my knowledge, yes. I had not seen one myself  
18 before.

19          Q     Were you familiar in general terms with what a  
20 2.206 was and what it required from an NRC licensee?

21          A     Not with the referenced paragraph, no. Obviously  
22 from the tone of the petition, I was familiar with that,  
23 though.

24          Q     But you weren't really familiar with what you were  
25 going to have to do or what Houston Lighting and Power would

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1 need to do to respond to the petition?

2 A It was obvious to me that we would have to respond  
3 to the petition.

4 Q What about Mr. Kinsey? Did he appear to be  
5 familiar with 2.206 petitions in general or did he make any  
6 reference to whether or not this was the first one that he  
7 had seen?

8 A Not that I recall, no.

9 Q Did you or anyone present at that time ask anyone  
10 else to come into Mr. Kinsey's office to discuss the  
11 petition?

12 A Not at that time, no.

13 Q What was your involvement then, at that time?

14 A I read -- I didn't read it in detail but I scanned  
15 the petition to get some feel for what it was and made the  
16 comment to Mr. Kinsey that this was -- words to the effect  
17 this was a very serious matter.

18 Obviously, the NRC would be required to inspect it  
19 but we should do our own inspection and be prepared to  
20 respond to it and support anything that NRC had to do in  
21 fulfilling their requirements because it was obviously a  
22 legal document.

23 Q Did Mr. Tapia ask for anything specifically at  
24 that time?

25 A No. Well, not while I was there.

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1 Q How long were you in Mr. Kinsey's office?

2 A I don't know.

3 Q A few minutes or an hour or two?

4 A Oh, no, a few minutes.

5 Q When you left Mr. Kinsey's office, was anyone else  
6 there besides -- Well, was Mr. Tapia still there?

7 A He was still there when I left.

8 Q When you left, was anyone else there?

9 A No.

10 Q Did you get a copy of the 2.206 petition at that  
11 time?

12 A I had one made, yes.

13 Q And what was your next step?

14 A I called the attorney, the licensing attorney, to  
15 get some advice on the 2.206 procedures.

16 Q Who was that?

17 A Mr. Newman.

18 Q And was still the afternoon of the 11th of  
19 February?

20 A Yes.

21 Q Were you just seeking guidance from Mr. Newman on  
22 how to respond to the 2.206 petition or what was the reason  
23 for contacting legal counsel?

24 A Well, I had a legal document that impacted the  
25 license, a petition to shut the plant down. It was obvious

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1 that I would seek counsel as quickly as possible.

2 Q Did you provide Mr. Newman with the 2.206 petition  
3 by facsimile perhaps?

4 A We FAXed that to their office, yes. I don't know  
5 who did it. I think my secretary did it. I didn't do it.

6 Q Was that that afternoon or was that the next day  
7 or do you recall?

8 A That afternoon.

9 Q So Mr. Newman did have the document by the  
10 afternoon of --

11 A Sometime late on the 11th.

12 A Did you have any discussion with Mr. Newman or  
13 other legal counsel -- Was Mr. Baer involved at this time?

14 A No.

15 Q Did you have any discussion with Mr. Newman  
16 regarding Mr. Saporito himself?

17 A Yes.

18 Q Did Mr. Newman seem to know Mr. Saporito? Did he  
19 know the name?

20 A Yes.

21 Q What did he tell you specifically about Mr.  
22 Saporito?

23 A I don't remember his exact words but he said that  
24 he had been involved in other allegations as an intervenor

25 Q Other allegations where?

- 1 A He mentioned Florida Power and Light.
- 2 Q Did he mention any other specific locations?
- 3 A I don't believe so.
- 4 Q Did Mr. Newman seem to know Mr. Saporito
- 5 immediately or did he check with somebody else or --
- 6 A I think he knew.
- 7 Q You think he knew the name?
- 8 A That's kind of hazy. That's a long time ago. He
- 9 knew the name himself. He didn't check with anyone else.
- 10 Q Did he provide you with any specifics regarding
- 11 Mr. Saporito's activities at Florida Power and Light?
- 12 A No.
- 13 Q Was anyone else present during your discussion
- 14 with Mr. Newman?
- 15 A No.
- 16 Q Did you ask Mr. Newman for any specific
- 17 information regarding Mr. Saporito?
- 18 A No.
- 19 Q Did you ask him for any 2.206s that Mr. Saporito
- 20 might have been involved in at Florida Power and Light?
- 21 A No.
- 22 Q Did he mention that 2.206s had been filed by Mr.
- 23 Saporito or did he just tell you that he had been involved
- 24 in activities?
- 25 A He just mentioned he had been involved in

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1 activities. I didn't realize even now that it was a 2.206  
2 at Florida.

3 Q You did not know that even until now?

4 A No.

5 Q Did he tell you anything else specifically about  
6 Mr. Saporito or give you any instructions on how to handle  
7 Mr. Saporito specifically?

8 MR. BAER: To the extent that you were given legal  
9 advice, that's privileged information and I direct you not  
10 to answer that question.

11 BY MS. VAN CLEAVE:

12 Q Did he offer to provide you any documents related  
13 specifically to Mr. Saporito?

14 A No.

15 Q Did he mention any other employers of Mr.  
16 Saporito?

17 A No.

18 Q Had you by that time gotten any information  
19 yourself about Mr. Saporito, such as his position here at  
20 the plant or anything like that?

21 A Not at that time, no. We didn't even know that he  
22 was an employee. His name meant nothing to us when we first  
23 found it out. When we first got the petition, Warren  
24 Kinsey, the vice president of generation, had to check to  
25 find out if he was a Houston Lighting and Power employee or

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1 whether he was a contract employee because we had no  
2 information on him at all.

3 Q Had Mr. Kinsey done that before you left his  
4 office that afternoon?

5 A No. I received -- He may have but I didn't know  
6 it. He did it after I left the office because I didn't have  
7 that information until after the telephone call to Mr.  
8 Newman.

9 Q Did you request legal counsel's presence down here  
10 on the site?

11 A Yes.

12 Q Did Mr. Newman come down here then?

13 A I don't know exactly when he came but it was  
14 sometime in the next -- I believe it was the following  
15 Monday. I'm not sure.

16 Q Was he down here all week, do you recall?

17 A I don't think he was here all week. I think he  
18 was here three or four days. I had dinner with him <sup>one</sup> ~~at~~ night.

19 Q And did Mr. Baer come with him?

20 A I don't know whether he did or not. He was here,  
21 in and out, but I don't know whether -- He was the lawyer  
22 that Mr. Newman assigned full-time to help us respond to the  
23 2.206 petition but I don't know what his schedule was.

24 Q So Mr. Newman had assigned Mr. Baer to handle the  
25 particulars, if you will, regarding this 2.206 petition, is

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1 that correct?

2 A Yes.

3 Q After you notified Mr. Newman and you spoke to Mr.  
4 Newman, what was your next step?

5 A I'm not sure about the full timing but I had  
6 another meeting with Warren Kinsey and we had the licensing  
7 manager --

8 By that time, Warren had found out that Mr.  
9 Saporito was a contract employee who was under contract in  
10 the maintenance department and Mr. Sharp was called up to  
11 ensure that Mr. Sharp knew that we had received this from  
12 one of his employees.

13 Q So are we still on the afternoon of February 11th?

14 A Yes.

15 Q Did you go back to Mr. Kinsey's office or --

16 A Yes, it was in Mr. Kinsey's office.

17 Q So you, Mr. Kinsey, Mr. Jump and Mr. Sharp. Was  
18 anyone else --

19 A As best I can recall, I don't believe there was  
20 anybody else in there at that time.

21 Q Did you tell the other individuals present what  
22 you had learned from Mr. Newman in terms of Mr. Saporito  
23 having been involved in activities at other plants?

24 A I forget exactly the words I used, but I did  
25 inform them that he was a known intervenor at another site.

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1 Q Maybe I need to clarify exactly what Mr. Newman  
2 said because I'm kind of confused.

3 What is a known intervenor? I don't know exactly  
4 what you mean.

5 A That he had filed safety complaints at another  
6 utility and was involved in litigation with another utility  
7 is what he told me.

8 Q So he did tell you that he was involved in  
9 litigation. Did he mention a DOL filing or anything like  
10 that or what specific type of litigation he was referring  
11 to?

12 A I think he said DOL but I'm not sure. I do  
13 believe he said that there was a Department of Labor  
14 complaint involved in it.

15 Q So at that time, then, you knew that Mr. Saporito  
16 had filed safety concerns, I believe you said.

17 A Yes.

18 Q But not necessarily a 2.206 petition, is that  
19 accurate?

20 A Yes.

21 Q At Florida Power and Light, and that he was  
22 involved in some litigation with Florida Power and Light.  
23 Is that accurate?

24 A That's correct.

25 Q And you did then inform Mr. Kinsey, Mr. Sharp and

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1 Mr. Jump of those things, correct?

2 A Yes.

3 MR. BAER: Which things?

4 MS. VAN CLEAVE: That he had filed safety concerns  
5 -- that Mr. Saporito had filed safety concerns at Florida  
6 Power and Light and been involved in some litigation out  
7 there.

8 THE WITNESS: Yes, I'm not sure what the detail  
9 was but I did indicate that.

10 MR. BAER: Just a second. Let me be clear because  
11 I heard a couple of different things come out in the  
12 testimony.

13 Did you mention Florida Power and Light  
14 specifically?

15 THE WITNESS: I don't recall.

16 BY MS. VAN CLEAVE:

17 Q You don't recall if you mentioned the specific  
18 plant that Mr. Saporito had filed safety concerns at but you  
19 did mention that he had been involved in filing some sort of  
20 safety concerns at another plant.

21 How about another employer? Did you mention that  
22 it was a former employer of his?

23 A I just don't recall.

24 Q Did Mr. Newman tell you that he had worked at  
25 Florida Power and Light and in association with his

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1 employment there had filed these concerns?

2 A Yes.

3 Q So you knew at that time that he had worked at  
4 Florida Power and Light, is that correct?

5 A Yes.

6 Q And you don't recall specifically what you told  
7 the other three individuals, whether or not you mentioned  
8 Florida Power and Light or a former employer of Mr. Saporito  
9 or anything like that, or you may have just said he filed  
10 safety concerns at another plant?

11 A Yes.

12 Q By that time, did -- You said Mr. Kinsey had found  
13 out that Mr. Saporito was a contract employee. Did he  
14 mention how he had gotten that knowledge?

15 A I think he called the plant manager, but I'm not  
16 sure how he did.

17 Q Did he have Mr. Saporito's nuclear file at that  
18 time?

19 A Yes, he did.

20 Q He did have the file on his desk?

21 A Yes.

22 Q Did you review that file?

23 A No, I just glanced at it but I didn't review it.

24 Q When you say you glanced at it, what did you learn  
25 from glancing at it?

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1 A Nothing. I just picked it up and looked at it. I  
2 had never seen one of those files before. I wouldn't have  
3 known what I was looking at.

4 Q What made you pick it up, then? Did Mr. Kinsey  
5 say anything about it?

6 A We had a serious problem and he had the file and I  
7 picked it up.

8 Q Did he tell you anything about what was in the  
9 file?

10 A He told me he had been granted unescorted access -  
11 - he had been in an escorted access status and he had been  
12 granted access, I don't know, a day or two before.

13 Q Mr. Kinsey told you that?

14 A Yes.

15 Q Did Mr. Kinsey or anyone else present mention Mr.  
16 Saporito's past employment?

17 A No.

18 Q Was there any discussion about him having worked  
19 at Florida Power and Light?

20 A No.

21 Q Was there any discussion about anything in his  
22 nuclear file at that time, other than the fact that he had  
23 been granted access a day or two earlier?

24 A No, I don't believe so.

25 Q No discussion that you can recall about anything

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1 in the file that may have been unusual or different?

2 A I don't believe so.

3 Q Everyone now had determined who Mr. Saporito was,  
4 is that correct, including Mr. Sharp who was also informed  
5 that the 2.206 petitioner was Mr. Saporito, is that correct?

6 A Yes.

7 MR. BAER: Wait. I'm not sure what that question  
8 means -- everyone had determined who he was.

9 MS. VAN CLEAVE: Well, the individuals at this  
10 meeting. There were four people at the meeting, I think.

11 THE WITNESS: You mean we knew that Mr. Saporito  
12 was an employee of Sun Corporation, that he was contractor  
13 employee that had been granted unescorted access at the  
14 South Texas Project.

15 BY MS. VAN CLEAVE:

16 Q And the four individuals in Mr. Kinsey's office  
17 knew that Mr. Saporito was a 2.206 petitioner?

18 A Yes.

19 Q What was your responsibility as you viewed it  
20 regarding responding to this 2.206?

21 A First of all was the safety concerns. It was  
22 obvious that we had to investigate each one of those, that  
23 our priorities should be directed at making sure that if  
24 there was any substance to any of those that we fixed it as  
25 promptly as possible. That was the first priority.



1           That we should be sure that our investigation  
2 covered each of those elements and it was our responsibility  
3 to operate the plant properly and if we were not in  
4 compliance then we corrected it.

5           The second priority was that we had to recognize  
6 that this individual was a protected person because he had  
7 filed safety concerns and therefore he was in a special  
8 status.

9           By the same token, we had to make sure that our  
10 supervisors understood that he had to perform his work. We  
11 had to follow our procedures. He couldn't be discriminated  
12 against.

13           Those were the two central issues, that we had to  
14 follow our procedures in assigning him his work and giving  
15 him his responsibilities that we had hired him for.

16           Q     What specifically did you tell Mr. Sharp?

17           A     I told Mr. Sharp that he should understand that we  
18 should not use Mr. Saporito's name, that we should try to  
19 protect his identity. By the same token, Mr. Sharp and the  
20 supervisor who was responsible needed to be aware that he  
21 was in a protected category and they should be very careful  
22 that they didn't take anything that could be taken as  
23 retaliatory action against him.

24           Q     Why was Mr. Sharp provided with Mr. Saporito's  
25 name?

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1           A     I believe -- I don't know. He knew it when I sat  
2 down with him. I believe that he's the one who confirmed  
3 that he was an employee for Mr. Kinsey. It seemed perfectly  
4 logical to me at the time.

5           Q     Was Mr. Sharp involved in responding to the 2.206?  
6 Were there any specific concerns that he may have been  
7 assigned to address or assigned to get someone else to look  
8 at?

9           A     Mr. Sharp is the manager of maintenance and the  
10 thrust of the training element in the 2.206 was maintenance.

11          Q     So did you assign Mr. Sharp any responsibility in  
12 responding to the 2.206?

13          A     No.

14          Q     What did you do at that time? Did you assign any  
15 specific individual to handle this 2.206?

16          A     Yes.

17          Q     And who was that?

18          A     Mr. Jump, the manager of nuclear licensing.

19          Q     Why was Mr. Jump selected?

20          A     Because the 2.206 is a legal document. It's a  
21 challenge to the license and we normally in our organization  
22 run all of those elements through the manager of licensing.

23          Q     What did you tell Mr. Jump?

24          A     I told Mr. Jump essentially the same thing I just  
25 told you, that the first priority was a thorough evaluation

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1 and investigation into the substance of the 2.206 petition,  
2 that if there was anything there we needed to find it out  
3 and fix it promptly.

4 In addition, we had to be prepared to respond to  
5 the 2.206 petition and to support any investigations that  
6 the NRC would desire to initiate in this vein.

7 It was obvious that the NRC would have to respond  
8 to the petition and <sup>we</sup> ~~he~~ needed to be prepared to support  
9 that, that Mr. Saporito was a protected individual, and that  
10 he should understand that --

11 Q He meaning Mr. Jump?

12 A Mr. Jump.

13 Q Did you provide Mr. Jump anything in writing  
14 regarding what his responsibilities were to be?

15 A No.

16 Q Does Mr. Jump report to you?

17 A Yes.

18 Q Did he report to you at that time?

19 A Yes.

20 Q Did you ask or suggest that Mr. Jump should notify  
21 legal counsel?

22 A Yes.

23 Q Who did you ask him to notify?

24 A Mr. Newman.

25 Q Did he do so?

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1 A Yes.

2 Q Why did you ask him to notify Mr. Newman?

3 A Mr. Jump is the normal custodian of that  
4 interface. He budgets for and does all of the work on that  
5 interface. It flows through Mr. Jump's organization.  
6 That's the way we have it set up.

7 Q Did you tell Mr. Jump to ask for any specific  
8 documents from legal counsel?

9 A No.

10 Q Did you suggest to Mr. Jump that he ask for  
11 examples on how other licensees have responded to 2.206s?

12 A No.

13 Q Did you suggest that he might want to review any  
14 litigation documents involving Mr. Saporito?

15 A No.

16 Q Did Mr. Jump contact legal counsel?

17 A Yes.

18 Q Was that also February 11th?

19 A I don't know.

20 Q Did he report back to you after he spoke with  
21 legal counsel?

22 A Yes.

23 Q What did he tell you after he spoke with legal  
24 counsel? Did he give you any further specifics about Mr.  
25 Saporito's past history?

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1 A No.

2 Q Did he mention that he had found out any other  
3 specifics regarding Mr. Saporito's employment at either  
4 Florida Power and Light or any other nuclear plant?

5 A No, we did not discuss that.

6 Q You did not discuss Mr. Saporito's past history at  
7 all?

8 A No. We were concerned about getting our  
9 organization together to respond to the 2.206 petition.

10 Q To your knowledge was Mr. Jump familiar with 2.206  
11 petitions in general?

12 A No.

13 Q No, you don't believe he was?

14 A I don't believe he was.

15 Q Then did you make any suggestions as to how he  
16 should proceed?

17 A I recommended that he get the legal counsel  
18 representatives to come out and assist him in making sure  
19 that what we did was technically and legally correct.

20 Q And this was Mr. Newman and Mr. Baer?

21 A Yes.

22 Q What about internal corporate attorneys?

23 A We notified them but we didn't -- they didn't get  
24 involved in it.

25 Q Other than making that suggestion to Mr. Jump, did

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1 you make any additional suggestions or propose courses of  
2 action?

3 A No.

4 Q Did you intend then to grant Mr. Jump full  
5 responsibility in handling the 2.206 petition?

6 A Yes.

7 Q Did you ask that he periodically notify you or  
8 provide you with any updates on the progress being made in  
9 responding to the 2.206?

10 A Yes. He set up a schedule for our written  
11 responses to the 2.206.

12 Q Did he notify you periodically as to the progress  
13 or anything -- his findings?

14 A Just as we came up to the point of responding to  
15 the written letter, there weren't any meetings or anything  
16 like that.

17 Q You didn't hold any meetings with Mr. Jump, say on  
18 a weekly basis, daily basis or anything like that?

19 A We didn't, no. We had regular weekly staff  
20 meetings and we discussed the various elements that the  
21 departments were supporting during that, but that was all.

22 Q So you had not given Mr. Jump any specific  
23 instructions in terms of notifying you if anything unusual  
24 occurred that might potentially affect Mr. Saporito?

25 A No, I don't think so. Let me think a minute.

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1 Oh, if you'll go back to where I said when you  
2 talked about the safety and the priorities, when we had the  
3 general meeting and set up the sequence of how we were going  
4 to do this, the quality assurance manager, Mr. Jordan, was  
5 responsible for part of it and the specific instructions, if  
6 there is a safety element that comes up here we all need to  
7 know about it right away.

8 Q What meeting was that? I don't remember Mr.  
9 Jordan being mentioned.

10 A I believe we had a staff meeting the next day.

11 MR. BAER: That's the 12th?

12 THE WITNESS: That's the 12th. We just were  
13 talking about the 11th.

14 On the 12th we had I believe a staff meeting to  
15 discuss how Mr. Jump was -- to make sure everyone knew Mr.  
16 Jump was the project manager, not just Mr. Kinsey and Mr.  
17 Sharp, and informed all of the direct reports that Mr. Jump  
18 was in charge of this evolution.

19 BY MS. VAN CLEAVE:

20 Q When you say all the direct reports, how many  
21 people is that?

22 A Seven.

23 Q Do you know who the seven --

24 A The vice president of generation, vice president  
25 of engineering, quality assurance manager, human resources

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<sup>BN</sup>  
1 manager, licensing, ~~and~~ assessment and the nuclear support  
2 vice president.

3 Q Can you name those individuals?

4 A Mr. Kinsey is the vice president of generation.  
5 Mr. Rosen is the vice president of engineering. The vice  
6 president of nuclear support is -- that position has been  
7 established -- that was Mr. Chewing. Mr. Jump is the  
8 manager of licensing. Mr. Odom is the manager of human  
9 resources.

10 At that time, Mr. Parkey was the manager of  
11 assessment and Mr. Jordan is the manager of quality  
12 assurance.

13 Q The meeting that you had that morning of the 12th  
14 of February, these seven people -- I believe that includes  
15 yourself -- were all present, is that correct?

16 A Yes, and I'm not sure when it was, whether it was  
17 morning or noon or when it was exactly, but I know there was  
18 a meeting and it had to be the next day. I don't have it on  
19 my calendar. I looked but I couldn't find it.

20 I wanted to be sure that everyone knew we had a  
21 2.206 petition and that it was a request to stop operation  
22 and that we had to support responding to that.

23 Q So this meeting was a separate meeting held for  
24 that purpose rather than your usual -- I can't remember how  
25 people have referred to it --

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*BN*

1 A Staff meeting.

2 Q Tuesday morning staff meeting I think is the way  
3 it's been referred to.

4 A Mine is at 1:00 o'clock.

5 Q So this was a separate meeting, is that correct?

6 A Yes.

7 Q Do you have any notes from that meeting?

8 A No, I didn't keep any. I went through the same  
9 things I've gone through with you -- that Mr. Jump was  
10 project manager, our essential concentration was on the  
11 response to the elements of the 2.206 petition that affected  
12 the plant, that it was our responsibility to operate it  
13 safely, that Mr. Saporito --

14 I don't believe in that meeting I used his name at  
15 all because we stopped using his name because we just didn't  
16 want that out at my level.

17 And that we wanted to handle this individual -- he  
18 was protected but the primary interfaces were in Mr. Sharp's  
19 organization.

20 Q Did you ever review Mr. Saporito's nuclear file?  
21 You said you briefly glanced at it.

22 A I just scanned it that one night.

23 Q Did you look at it subsequent to that time?

24 A No.

25 Q Do you recall anyone else reviewing it in your

1 presence?

2 A I don't know. I gave it back to Warren Kinsey. I  
3 don't believe anybody else looked at it while I was there.

4 Q Have you ever met Mr. Saporito?

5 A No.

6 Q Have you ever talked to him?

7 A No.

8 Q Have you ever received any correspondence from  
9 him?

10 A Yes.

11 Q The document that I have here, which would be the  
12 2.206 petition and I suppose there are some associated  
13 documents, and is anything else specifically addressed to  
14 you?

15 A There is a possibility because the only ones I  
16 kept were those that you have there and the others I sent  
17 right to Mr. Jump and asked him to make sure they got into  
18 the official file. There were quite a few of them and I did  
19 not try to keep track of them.

20 Q So as far as you were concerned, Mr. Jump was  
21 responsible for handling that and you just forwarded any  
22 information regarding Mr. Saporito to him. Is that  
23 accurate?

24 A That's correct.

25 Q Did you have any other meetings that you can

1 recall at which Mr. Saporito's petition or Mr. Saporito in  
2 general was discussed over the course of the next few days  
3 after the 12th of February?

4 A No.

5 Q Are you familiar at all with the circumstances  
6 surrounding the revocation of Mr. Saporito's unescorted  
7 access?

8 A Just that I got the report.

9 Q Did Mr. Jump notify you that he had received some  
10 communication written by Florida Power and Light regarding  
11 -- he might not have mentioned the 2.206 but regarding  
12 concerns that Mr. Saporito had while he worked out there?

13 You've already stated that you did not know that  
14 Mr. Saporito was a 2.206 petitioner at Florida Power and  
15 Light, right?

16 A That's correct.

17 Q But there was a response made which Mr. Jump did  
18 receive regarding Florida Power and Light's response to a  
19 2.206 petition.

20 Did Mr. Jump tell you anything about that or did  
21 you ever see that document?

22 MR. BAER: I'm not sure what your question is.

23 BY MS. VAN CLEAVE:

24 Q My question is did Mr. Jump tell you that he  
25 received any documents written by representatives of Florida

1 Power and Light and/or their legal counsel concerning safety  
2 concerns Mr. Saporito had filed while at Florida Power and  
3 Light?

4 A No.

5 Q Did Mr. Jump tell you that he received a copy of  
6 the DOL decision regarding Mr. Saporito and Florida Power  
7 and Light and ATI?

8 A No.

9 Q Did Mr. Jump tell you that he received any  
10 documents at all that related to Mr. Saporito and other  
11 former employers or other nuclear sites?

12 A No.

13 Q Did he notify you that he had some questions --  
14 Mr. Jump, I mean -- regarding possible discrepancies in Mr.  
15 Saporito's employment history?

16 A No.

17 Q Did you ever see the DOL decision regarding Mr.  
18 Saporito?

19 A What DOL decision?

20 Q The Florida Power and Light --

21 A No.

22 Q You've never seen it?

23 A No.

24 Q Are you aware of its existence?

25 A No, I don't think so. I'm aware of our decision

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1 from the Department of Labor here.

2 Q That's just --

3 A The preliminary investigation. I don't think that  
4 I have ever seen anything from anybody else on him at all.

5 Q So you don't recall either seeing it or having any  
6 discussion with Mr. Jump that such a decision existed?

7 A No.

8 Q Did Mr. Jump consult you or notify you in any way  
9 before he referred the possible discrepancies in Mr.  
10 Saporito's employment history to the nuclear security  
11 department?

12 MR. BAER: Objection. That hasn't been  
13 established on the record. We haven't established Mr. Hall  
14 knows anything about what you're talking about.

15 You've got to ask him first if he knows anything  
16 about that before you can ask him if Mr. Jump informed him  
17 of it.

18 BY MS. VAN CLEAVE:

19 Q Were you aware that there was a possible  
20 discrepancy regarding Mr. Saporito's employment history?

21 A No.

22 Q Were you --

23 MR. BAER: When are we talking about?

24 THE WITNESS: Until after he was discharged. His  
25 access was denied and that's when I learned of it.

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1 BY MS. VAN CLEAVE:

2 Q Were you aware that Mr. Jump referred -- I believe  
3 the record indicates it was February 20th 1992 -- a DOL  
4 decision regarding Mr. Saporito and Florida Power and Light  
5 and ATI to someone at HL&P's nuclear security department?

6 A No. Would you tell me who ATI is, please?

7 Q I don't know what ATI stands for but it's a  
8 technical institute.

9 A I have not heard of them.

10 Q They're a technical institute out of -- Well,  
11 they're based in Dallas, I believe, but there's a branch in  
12 Florida. You're not familiar with them, never heard the  
13 name before?

14 A I don't believe I am. It doesn't ring any bells.  
15 I was just wondering if it was an acronym for another  
16 utility by your questions.

17 Q I'm going to ask my earlier question which I  
18 believe you already answered, but I'll ask it again anyway.

19 Did Mr. Jump consult you or notify you before he  
20 referred this DOL decision, which the record indicates he  
21 had received on February 20th 1992, to an individual in  
22 nuclear security? Did you know anything about that at that  
23 time?

24 A No.

25 Q This was on February 20th.

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1 A No.

2 Q Did anyone at nuclear security notify you -- again  
3 this is on February 20th -- that they had received this  
4 information, this DOL decision, from Mr. Jump and had been  
5 asked to review it?

6 A No.

7 Q So on February 20th 1992, you had no knowledge, if  
8 I understand your testimony, that Mr. Jump and/or the  
9 nuclear security department here at the South Texas Project  
10 had a copy of the DOL decision regarding Mr. Saporito and  
11 the Florida Power and Light and ATI, or Florida Power and  
12 Light's response to a 2.206 filed by Mr. Saporito at Turkey  
13 Point, nor did you know that these documents had been  
14 referred for review to the nuclear security department.

15 Is that accurate? That's on February 20th.

16 A That's kind of a long statement, but it's  
17 accurate.

18 Q It is accurate, you did not have any knowledge  
19 that --

20 A I did not know that that was going on, no.

21 Q How familiar are you with the adjudication process  
22 at this plant?

23 A I'm not familiar with it at all.

24 Q Do you know who conducts adjudications?

25 A It's done, or it was done in the security

1 department. I know that much, but that's all I know.

2 Q Do you know who made the decision regarding access  
3 following an adjudication?

4 A No.

5 Q You do not know who would be responsible for  
6 making that type of decision?

7 A No. ~~Yes~~

8 Q That would be, if I understand the procedures, Mr.  
9 Dick Balcom. To your knowledge, did Mr. Balcom ever consult  
10 with anyone prior to revoking or denying anyone's access?

11 A Is this a general -- Can you restate that?

12 Q It's a general question.

13 A It is a general question?

14 Q Yes. You stated you didn't know really who made  
15 the decision to --

16 A I don't know how the process works.

17 Q The way I understand the procedures and from what  
18 I've been told, Mr. Balcom at this time was responsible for  
19 making that decision.

20 By procedure or policy, do you know whether or not  
21 Mr. Balcom usually consulted with anyone -- this is usually,  
22 not just in Mr. Saporito's case but usually consulted with  
23 anyone prior to revoking or denying anyone's access.

24 A I don't know.

25 Q So you would not be consulted in such a case, is

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1 that correct?

2 A Not normally.

3 Q Have you been consulted at any time in any cases  
4 prior to someone's access being denied or revoked?

5 A Yes. Last fall Warren Kinsey and I had some  
6 discussions about -- and I don't know whether there were  
7 specific cases involved or not but we had some discussions  
8 about in pre-screening process, what constituted a block  
9 against granting access in the case of someone with a  
10 history of alcohol problems.

11 What led to that discussion was a series of  
12 fitness for duty denial of access. One drug positive or one  
13 alcohol positive here is cause for denial of access and  
14 there was some dialogue with Warren and I on that.

15 Of course on a case of a denial of access from the  
16 standpoint of fitness for duty, I get informed of that right  
17 away. Well, after the fact. They follow the procedures but  
18 then they notify me.

19 Q So you're notified of any revocation or denial of  
20 access if <sup>it</sup> ~~he~~ relates to fitness for duty.

21 A And others, too. In a denial of access for  
22 someone who has access, I get notified of that.

23 Q When do you usually get notified?

24 A The next working day.

25 Q After the decision has been made?

1 A Yes.

2 Q Who notifies you?

3 A It depends on the subject. Usually it's the -- in  
4 the fitness for duty case, it's the licensing manager now.  
5 It used to be the manager of human resources.

6 Q That was Mr. Odom?

7 A Yes. If it's a case of some others, it would be  
8 Warren Kinsey, usually

9 Q So you usually by standard practice were or are  
10 notified of any revocation or denial of access for cause,  
11 not just for fitness for duty reasons but other reasons.

12 A Yes.

13 Q Were you consulted in this case by Mr. Jump or  
14 notified by Mr. Jump prior to Mr. Saporito's access being  
15 revoked?

16 A No.

17 Q Were you notified or consulted by Mr. Balcom or  
18 Mr. Hinson or anyone in the security department prior to Mr.  
19 Saporito's access being revoked?

20 A No.

21 Q When did you first learn that Mr. Saporito's  
22 access had been revoked?

23 A It was in the evening -- I don't remember exactly  
24 the time. It was about 7:00 o'clock, I believe. I had a  
25 call at home, here in Bay City, in an apartment, and Mr.

1 Jump informed me that his access had been denied and gave me  
2 a short rundown on the reason, which was that he had  
3 falsified his employment record.

4 Q Did he give you any specifics?

5 A No.

6 Q Did he mention any employers by name?

7 A No.

8 Q Did he tell you the approximate number of these  
9 falsifications that he was referring to?

10 A No.

11 Q Did he tell you anything else other than the fact  
12 that Mr. Saporito had his access revoked because they had  
13 determined that he had falsified his employment application?  
14 Did he tell you anything other than that?

15 A No.

16 Q Did you ask for any specifics?

17 A No.

18 Q Was this typical for you to be called at home like  
19 that by Mr. Jump?

20 A I get called at home frequently on anything that  
21 applies to the plant.

22 Q Then you don't consider that particular situation  
23 -- Mr. Jump contacting you at home -- to be atypical?

24 A No. I've been called at 2:00 and 3:00 in the  
25 morning.

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1 Q I understand that, depending on what may be  
2 occurring, but this particular situation, did you consider  
3 this to be out of the ordinary?

4 A Well, the fact that it was on the 2.206 petition,  
5 I guess it was out of the ordinary.

6 Q Do you believe that's why Mr. Jump contacted you  
7 at home, because it was a 2.206 petitioner? Would he  
8 ordinarily have done so if it had been someone else?

9 A He probably would have waited until the next day  
10 if it hadn't been for that.

11 Q Was this the first that you had heard of any  
12 allegations of false information being provided on Mr.  
13 Saporito's employment application?

14 A Yes.

15 Q Did you give Mr. Jump any instructions at that  
16 time?

17 A No.

18 Q You didn't tell him how to proceed in terms of  
19 escorting Mr. Saporito off the site or anything like that?

20 A He informed me that he had been escorted off the  
21 site, denied access.

22 Q Well, he had been denied access, not necessarily  
23 escorted off the site. He had been denied access, is that  
24 correct?

25 A Yes.

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1 Q That's the evening of February 20th.

2 A Right.

3 Q Did he tell you what his next course of action was  
4 going to be, or did he tell you what else he had done  
5 concerning finalizing the revocation and Mr. Saporito's  
6 termination onsite?

7 A He didn't say anything else at that time.

8 Q So you're saying the conversation was quite short.  
9 He just said this is what has occurred.

10 A It was for me a typical afterhours report, very  
11 succinct, factual, and that's the way I like to leave it.

12 Q Did that cause you any concern, that Mr.  
13 Saporito's access had been revoked, knowing that he was a  
14 2.206 petitioner?

15 A Yes.

16 Q Yet you did not ask for specific information?

17 A Not at that time. Not after working hours.

18 Q When did you ask for specific information?

19 A The next day.

20 Q Were you in Arlington with everyone else the next  
21 day?

22 A I believe -- I don't know.

23 MR. BAER: Why don't you look at your calendar.

24 THE WITNESS: I don't have my calendar with me.  
25 What was the day?

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1 BY MS. VAN CLEAVE:

2 Q That was the 20th of February, that evening. Now  
3 apparently there was some sort of either -- I'm not sure if  
4 it was a meeting or an enforcement conference or what --

5 A The 21st of February, I think I was in Arlington.  
6 I would have to get my calendar brought down. Would you  
7 like me to call --

8 Q You don't need it. I'm just trying to determine  
9 when you found out -- when you asked for specific  
10 information regarding Mr. Saporito.

11 A The next day -- Somewhere in this process, I found  
12 out in the discussions of how we should proceed that he had  
13 not had his whole body count and I urged them to try to set  
14 up a system to get that whole body count.

15 I don't know whether I was in Arlington or not. I  
16 don't have my calendar. I'll have to check.

17 Q Do you recall when you talked to Mr. Jump about  
18 the specifics regarding Mr. Saporito's access revocation?

19 A No.

20 Q Do you believe it may have been the next day?

21 A Could have been.

22 Q But you don't recall?

23 A I think it was the next day. If you ask me for  
24 the best guess, it should have been the next day and I would  
25 say that's when it was and that's when I learned that he had

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1 not had the whole body count and I asked him to pursue that.

2 MR. BAER: Do you know if Mr. Jump was onsite that  
3 day?

4 THE WITNESS: I don't know. There's an unknown  
5 here. I don't know whether he was here or not and I don't  
6 know exactly when that took place. It may have been the  
7 following week.

8 BY MS. VAN CLEAVE:

9 Q Did you review your calendar before meeting here  
10 today?

11 A Yes, and I pulled out anything that had anything  
12 that looked like it applied to Mr. Saporito on it but I  
13 didn't bring down the whole thing.

14 Q Did you review February to see if anything seemed  
15 to relate to Mr. Saporito?

16 A Yes.

17 Q Did you see anything in February that appeared to  
18 relate to him?

19 A No.

20 Q When you did ask Mr. Jump for further information  
21 regarding Mr. Saporito, what did you ask him?

22 A I asked him roughly what the circumstances were  
23 and had we complied with all of our procedures. He gave me  
24 a brief that there had been a discussion, investigation,  
25 interview, investigatory interview between the security

1 department and Mr. Saporito and determined that there was a  
2 falsification of his employment record.

3 I didn't know there was more than one. You  
4 mentioned something about multiple, but he never reported  
5 that to me, either, I don't believe.

6 Q He mentioned one?

7 A He said there was a falsification in his  
8 employment record. That was the report I got and I accepted  
9 that.

10 Q Did he give you specifics, names?

11 A No.

12 Q Times?

13 A No.

14 Q Did he say anything else about any other possible  
15 false information provided in the employment application?

16 A I don't believe so.

17 Q Did he mention any litigation information that was  
18 not provided?

19 A No.

20 Q So he told you that there was a falsification in  
21 the employment history of Mr. Saporito, is that how he  
22 phrased it?

23 A Yes.

24 Q Did you ask for any specifics?

25 A No.

1 Q Why not?

2 A I didn't believe that it was germane, <sup>if</sup> if he had  
3 falsified it -- I wasn't in the habit of reviewing any of  
4 these screenings and I wouldn't have reviewed that one,  
5 either.

6 Q Did you have any discussion with Mr. Jump  
7 regarding usual procedures or standard practice that was  
8 followed at South Texas in a situation like this?

9 A No, not that I recall.

10 Q You didn't ask him if this type of thing usually  
11 resulted in access revocation or denial?

12 A No.

13 Q Did he volunteer any information like that?

14 A No.

15 Q Did you feel comfortable with the fact that Mr.  
16 Saporito's access had been revoked?

17 A Yes.

18 Q Why did you feel comfortable with that decision?

19 A I feel if they falsify an employment record,  
20 that's an indication of untrustworthiness and they should  
21 not be permitted to work at one of these sites.

22 Q But you were not aware of whether or not this  
23 action was consistent with other similar cases in the past?

24 A I didn't check to see if it was consistent. I  
25 concluded that that was the right thing to do.

1 Q You concluded that that was the right thing to do  
2 in this case?

3 A In any case of falsification, and we had had  
4 previous cases and I had acted in exactly the same way.

5 We had a quality assurance manager who falsified a  
6 record that he did and we terminated him. We had some  
7 people in the maintenance department who falsified their  
8 qualification records and we terminated them and denied them  
9 access.

10 Q These records that you're referring to, are they  
11 employment records or are they records that these --

12 A Just records. I conclude that all records are the  
13 same as far as I'm concerned on that.

14 Q Did you know whether or not that was procedurally  
15 correct?

16 A I concluded -- I assumed that they followed the  
17 procedure because he had indicated they were.

18 Q "He" being Mr. Jump?

19 A Mr. Jump.

20 Q Did you have any problem with this action having  
21 already been taken and concluded without your being  
22 notified, or did you believe that perhaps you should have  
23 been consulted?

24 A I have no problem with it. It's the same as  
25 fitness for duty, the same type of evolution.

1 Q Even though he was a 2.206 petitioner, you didn't  
2 have any problem with this action being taken without your  
3 knowledge?

4 A No.

5 Q Mr. Jump was responsible then?

6 A Yes.

7 Q How many adjudication files approximately -- Let  
8 me rephrase that.

9 How many access revocations or denials do you  
10 believe that you have seen or reviewed since you've been in  
11 your position?

12 You said were notified for fitness for duty and  
13 you were usually notified the next day by Mr. Kinsey on any  
14 revocations or denials for cause. Do you have any idea --

15 A I have no idea.

16 Q You have no idea. Do you recall reviewing any  
17 similar cases where information was omitted from employment  
18 applications?

19 A I'd like to say I didn't review them. I just  
20 accepted a report or notification and I haven't reviewed any  
21 of them.

22 Q Do you recall being notified of any revocations or  
23 denials as a result of similar circumstances, where  
24 information was omitted from employment forms?

25 A Not in any -- No, I don't.

1 Q Other than telling Mr. Jump that you wanted to  
2 ensure that Mr. Saporito received a whole body count, did  
3 you give him any other instructions?

4 A No.

5 Q Were you notified by Mr. Jump or anyone else  
6 regarding any conversations that they had, either Mr. Balcom  
7 or Mr. Jump, on Mr. Saporito's processing out, if you will,  
8 or his meetings that he had with Mr. Rehkugler or any other  
9 individuals when he did process out?

10 A I was informed that there was going to be an  
11 interview with the safe team organization but I did not get  
12 involved in the details.

13 Q Did you see any of the concerns that were brought  
14 out at that meeting?

15 A I was informed that we were going to incorporate  
16 them into the 206 petition which was the reason, as I  
17 understood it, that the interviews were going to take place.

18 Q Was that --

19 A Therefore, I eventually saw them in the course of  
20 responding to the 206 petition elements.

21 Q So that was done.

22 A Yes.

23 Q Did you --

24 MR. BAER: Let's clarify that. In what context  
25 did you see them?

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1 THE WITNESS: I saw them only in the context that  
2 they were incorporated in the response, our response, to the  
3 206 petition, which were two letters.

4 BY MS. VAN CLEAVE:

5 Q Did you review or sign off on the letter that was  
6 sent to Mr. Saporito explaining the reason for his access  
7 revocation?

8 A I don't believe so, no.

9 Q Do you recall ever seeing that letter at all?

10 A No, I don't think so.

11 Q What about the letter that was written denying his  
12 appeal? He appealed -- Let me rephrase that.

13 Are you aware that he appealed this decision by  
14 Houston Lighting and Power?

15 A No.

16 Q No, you were not aware that he appealed it.

17 A No.

18 Q Then you don't recall seeing the letter by Houston  
19 Lighting and Power denying his appeal?

20 A No.

21 Q Would that be standard practice? Would you ever  
22 have any involvement in an appeal of this type of decision?

23 A I don't think so but I don't recall ever having  
24 heard of an appeal before.

25 Q By Mr. Saporito or --

1 A By anyone.

2 Q So by procedure you're not involved in something  
3 like that.

4 A I wouldn't know about it.

5 Q Did you attend any meetings or debriefings at  
6 which the circumstances surrounding Mr. Saporito's access  
7 revocation was discussed?

8 A No. I don't think so. I don't know exactly what  
9 you mean.

10 Q You had said that you called a meeting earlier,  
11 like February 12th, to discuss the 2.206 petition. Was  
12 there any such meeting or discussion, either with or without  
13 legal counsel --

14 A No.

15 Q -- regarding Mr. Saporito's access revocation?

16 A No, not from my aspect.

17 Q You were not involved in anything like that?

18 A No.

19 Q You did, I assume, discuss it with Mr. Baer?

20 A Yes.

21 Q Was that a one-on-one discussion?

22 A I believe it was.

23 Q Did you also discuss it with Mr. Newman?

24 A Yes, but that was later, not at that time, not  
25 right at the time I believe.

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1 Q Did you consult Mr. Baer shortly after learning of  
2 the revocation?

3 A What day of the week was the revocation -- the  
4 20th, Thursday?

5 Q The 20th was Thursday.

6 A I talked to Baer the next day.

7 Q Do you recall where you talked -- Was it by  
8 telephone or was it --

9 A I don't recall. I don't know whether he was here  
10 or whether he was in Washington.

11 Q And we don't know if you were here, either.

12 A That's right. I have to go and check my calendar.

13 Q We might want to do that just to see whether or  
14 not you were onsite or whether or not you were in Arlington  
15 on the 21st, but you did consult or contact --

16 A Yes.

17 Q -- Mr. Baer. Did you ask him for advice or did  
18 you just notify him that this action had been taken?

19 A Just notified him and told him that we would have  
20 to incorporate that into the plan that we had in place for  
21 the 206 totally because Mr. Saporito wasn't here anymore.

22 Q Did you receive notification from Mr. Saporito  
23 that he was filing a DOL complaint against Houston Power and  
24 Lighting?

25 A We did, the project did.

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1 Q You didn't receive any personal --

2 A I don't know whether I did or not. That's why I  
3 say the stream of correspondence -- I started to hand them  
4 to Mr. Jump and I don't -- it's quite possible it came  
5 through there. I would have to go check. I know it came.

6 Q Yes, we know that.

7 (Laughter.)

8 Did you receive any instructions or orders from  
9 anyone, including legal counsel, about how to respond to  
10 questions regarding Mr. Saporito's termination or access  
11 revocation?

12 A No.

13 Q Have you issued any instructions to your staff  
14 regarding how any questions will be handled concerning Mr.  
15 Saporito?

16 A Do what we always do -- tell the truth, be open  
17 and completely objective.

18 Q Do you have any other information regarding Mr.  
19 Saporito's access revocation, anything else that you've been  
20 told as to the reason?

21 A Do I know anything? No.

22 Q You've not been told anything else about his  
23 access revocation that you recall?

24 A No.

25 Q Are you aware of any other concerns or 2.206s that

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1 Mr. Saporito may have filed anywhere else, besides Florida  
2 Power and Light?

3 A Florida Power and Light is the only one I know of  
4 and I didn't know that was a 206 until you mentioned it.

5 Q You've got a lot of documents in here, I guess,  
6 from --

7 A I haven't read all those documents, either.

8 Q Are you aware that Mr. Saporito has filed a DOL  
9 complaint against other sites besides Houston Lighting and  
10 Power and Florida Power and Light?

11 A Yes. As I said before, I knew that there was a  
12 Department of Labor complaint at Florida Power and Light  
13 from the first conversation with Mr. Newman.

14 Q Other than Florida Power and Light, were you aware  
15 of any other sites that Mr. Saporito had filed DOL  
16 complaints?

17 A Not at that time, no.

18 Q Or safety concerns.

19 A No.

20 Q You are aware of that now, I take it.

21 A Well, there's one going on in Georgia -- I believe  
22 it's Georgia Power, <sup>BY</sup> Southern Company or whatever that is now,  
23 that we have become involved in because of his employment  
24 here and I was discussing with colleagues and learned that  
25 he had been at Arizona Public Service, also, but that's been

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1 recent, within the last month.

2 Q You were unaware then that Mr. Saporito had worked  
3 at Arizona Public Service until approximately a month ago?

4 A Something like that. I was at a meeting where Mr.  
5 Conway and I were together and I think it was in June.

6 Q I don't know Mr. Conway. Who is he?

7 A Mr. Conway is the executive vice president of  
8 Arizona Public Service.

9 Q How did Mr. Saporito's name come up in the  
10 conversation with him?

11 A He brought it up to me. I didn't even mention Mr.  
12 Saporito's name.

13 Q Why did he bring it up, in what context?

14 A I don't know. Well, he had the same lawyer and in  
15 the discussion it came up that way.

16 Q So Newman and Holtzinger also represent Arizona  
17 Public Service?

18 A Yes.

19 Q What did Mr. Conway say about it?

20 A He just said I understand Mr. Saporito was at your  
21 place, also, and I closed it off because I didn't want to  
22 get involved in any discussions at all on it with anyone.

23 Q That was the first that you had heard of Mr.  
24 Saporito being involved in any litigation, or even working  
25 for Arizona Public Service, is that correct?

1           A     To my knowledge, yes. That was the first time I  
2 had heard about it.

3           Q     Do you have any other personal notes or records of  
4 any conversations that you've had regarding Mr. Saporito?

5                     You gave me a file here but other than the  
6 calendar I don't believe there are any personal --

7           A     I don't keep personal notes as a matter of policy.

8           Q     Do you make personal notes?

9           A     I throw them away.

10          Q     When do you usually throw them away?

11          A     Right away, as soon as I've <sup>used ~~the~~</sup> moved them.

12          Q     I've been told you have a usual Tuesday meeting.

13 Do you keep any minutes of those meetings?

14          A     No.

15          Q     So you don't have any other notes or personal  
16 records in your possession regarding Mr. Saporito, is that  
17 correct?

18          A     I provided some correspondence in which I notified  
19 the board of directors.

20          Q     I saw that.

21          A     And the correspondence which notified the owners,  
22 but I don't believe I have --

23                     MR. BAER: Another thing I was going to mention,  
24 that stuff I provided there was not Mr. Hall's personal  
25 stuff. We just provided that as part of --

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1 MS. VAN CLEAVE: This file here?

2 MR. BAER: No, no. The file I gave you yesterday  
3 that included the stuff for the board of directors was --

4 MS. VAN CLEAVE: I think it's in here, too.

5 MR. BAER: Some of it is. Some of it Mr. Hall had  
6 and some of it was in other files. The stuff that Mr. Hall  
7 had I included -- we included in the package that I gave you  
8 this morning. The stuff we gave you yesterday was not in  
9 Mr. Hall's personal possession.

10 THE WITNESS: Those were files that in the  
11 discussion and looking through, I said, wait a minutes, ~~EPK~~  
12 we've also notified the board of directors and the owners  
13 and we need to provide that to make the file complete.

14 BY MS. VAN CLEAVE:

15 Q It's my understanding that access control has been  
16 placed under licensing now.

17 A Yes.

18 Q What was the reason for doing that?

19 A It's a little complex because, as you know, the  
20 access authorization rules changed and last fall I started  
21 trying to get the access authorization coordinated and  
22 really wanted to move it to human resources.

23 When this happened, we were in the process of  
24 doing that and made the decision, because of this issue,  
25 that we would have better control if we consolidated the

1 group under the licensing manager and it would be a crisper  
2 interface.

3 The essential element, it separated access  
4 authorization and employment rehire which are two distinct  
5 elements and one of them is an NRC strictly regulation  
6 issue. The rehire human resources rules are separate and  
7 distinct and need to be managed separately and I wanted them  
8 separate.

9 Q Why put this under licensing -- the access  
10 control, I mean.

11 A This was just a decision.

12 Q And when was this decision made, do you recall?

13 A I have a memo up there. I believe it was the 5th  
14 of March, end of February or March.

15 Q Was that your decision?

16 A Yes.

17 Q What about the revision of the procedures, the  
18 procedures relating to access, granting or denying access or  
19 revoking access? Those procedures apparently have been  
20 revised. Was that also at your direction?

21 A No. I told Mr. Jump that -- It goes back because  
22 the issue is very broad. Nuclear agreed as a group, all of  
23 the nuclear utilities agreed that we would comply with the  
24 new rules and that's one reason I wanted to consolidate it  
25 all in one spot, is to make sure that we were complying and

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1 that that interface was smooth because it was an NRC  
2 interface, not a human resources interface. That's the  
3 reason I made that decision the way I did.

4 Q Who revised the procedures?

5 A Mr. Jump did. I didn't get involved other than  
6 saying that I want you to comply with the new rules and I  
7 want you to do it on time and I believe it was an April  
8 date.

9 Q Did you have any problem with the way nuclear  
10 security was handling access?

11 A No. If I had, I would have fixed it.

12 Q So that was not the reason that you transferred  
13 access control to licensing?

14 A No.

15 Q You weren't unhappy with their actions?

16 A No. I wanted to consolidate and I had started in  
17 December and there is a record trail of that. Consolidating  
18 the security nuclear part of it, the fitness for duty and  
19 the access control in another group. Security didn't have  
20 anything to do with it.

21 Q You said that part of this related to this  
22 particular situation. Did that mean Mr. Saporito?

23 A No, not Mr. Saporito. Mr. Jump was already  
24 involved in it and he was the licensing interface and it was  
25 an NRC issue that we were dealing with, and so rather than

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1 -- when I realized the human resource tended to get access  
2 authorization mixed up with re-employment, I said we need to  
3 sort it out and the only way to do that is to split it.

4 Q What do you mean -- mixed up?

5 A Well, the human resource rules on rehire  
6 eligibility are Department of Labor and national law type  
7 basis, and the access authorization is NRC regulations and  
8 NUREG, the NUMARC's agreement with the NRC and that's what  
9 we comply with.

10 You can't expect the human resource people to be  
11 familiar with that. I'll just be blunt with you, they're  
12 not, and in ten years in this industry I haven't been able  
13 to come to grips with that. I can handle it in licensing  
14 and security but not in human resources.

15 Q Are the same individuals still doing adjudications  
16 and investigations, to your knowledge?

17 A I don't know. I don't know what they did when --  
18 They reorganized it. I approved the organization. I  
19 approved the short list of selection people, which is the  
20 standard procedure, and then I left it to the manager. I  
21 would have to check with him.

22 Q And that manager is Mr. Jump?

23 A Mr. Jump.

24 MS. VAN CLEAVE: Mr. Hall, have I threatened you  
25 in any manner or offered you any rewards in return for your

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1 statement?

2 THE WITNESS: No, ma'am.

3 MS. VAN CLEAVE: Is there anything further you  
4 would like to add for the record?

5 THE WITNESS: No.

6 MS. VAN CLEAVE: Thank you very much. I  
7 appreciate it. We'll go off the record.

8 (Whereupon the matter concluded at 9:30 a.m.)

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*September 16, 1992*

*I have read the foregoing transcript,  
made and initialed any necessary  
corrections, and have signed my initials  
at the bottom of each page. This  
transcript is the truth to the best of  
my knowledge and belief.*

*Donald P. Hall*

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*BT*

REPORTER'S CERTIFICATE

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

in the matter of:

NAME OF PROCEEDING: Donald Hall

DOCKET NUMBER:

PLACE OF PROCEEDING: Bay City, TX

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 Whitehead

Official Reporter  
Ann Riley & Associates, Ltd.