

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF INVESTIGATIONS

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In the Matter of: :
INVESTIGATIVE INTERVIEW :
Jay Watt Hinson : Docket Nos. 50-498
: 50-499
(CLOSED) :
-----X

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

Tuesday, July 28, 1992

The above-entitled matter commenced at 10:50
o'clock a.m., when were present:

Information in this record was deleted
by [redacted] on [redacted] information
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VIRGINIA J. VAN CLEAVE,
Investigator
Nuclear Regulatory Commission
Region IV
611 Ryan Plaza Drive
Suite 1000
Arlington, Texas 76011

ON BEHALF OF THE WITNESS:

WILLIAM E. BAER, JR, ESQUIRE
Newman & Holtzinger
1615 L Street, Northwest
Washington, D.C. 20036

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PROCEEDINGS

[10:50 a.m.]

MS. VAN CLEAVE: For the record, this is an interview of Jay Watt Hinson, that's H-I-N-S-O-N, [REDACTED] [REDACTED] Date of birth, [REDACTED] [REDACTED] He ^{is} ~~was~~ employed by Houston Lighting and Power, South Texas Project. The date is July the 28th, 1992, and the time is 10:50 a.m.

7C

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,

JAY WATT HINSON,

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

EXAMINATION

BY MS. VAN CLEAVE:

Q I have a couple of questions initially regarding Mr. Baer's presence here.

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

A No. They don't require it.

Q Do they encourage it?

DWR

1 A There's a policy that says that we're entitled to
2 have legal representation when we testify to the NRC.

3 Q Is Mr. Baer acting as your personal
4 representative?

5 A Yes, he is.

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

8 A I selected him personally.

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

10 MR. BAER: Newman & Holtzinger.

11 MS. VAN CLEAVE: Are you acting as Mr. Hinson's
12 personal representative?

13 MR. BAER: Yes, I am.

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

16 MR. BAER: Yes.

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

19 MR. BAER: Yes.

20 MS. VAN CLEAVE: And who are those parties?

21 MR. BAER: Houston Lighting and Power Company.

22 And the other individual ^{WBB} ~~is~~ being interviewed in connection
23 with this investigation. _(S)

24 MS. VAN CLEAVE: Do you personally represent
25 Houston Lighting and Power with respect to this interview?

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1 MR. BAER: Yes, I do.

2 MS. VAN CLEAVE: Do you believe a potential
3 conflict of interest could arise during the course of this
4 interview?

5 MR. BAER: It is always possible that a conflict
6 of interest may arise. However, at this time, I do not
7 foresee that.

8 MS. VAN CLEAVE: If a potential conflict of
9 interest arise, what will you do?

10 MR. BAER: I will stop the interview, discuss the
11 situation with Mr. Hinson, and we will decide how to proceed
12 at that point.

13 BY MS. VAN CLEAVE:

14 Q Mr. Hinson, do you understand that Mr. Baer
15 represents other parties associated with the South Texas
16 Project?

17 A Yes.

18 Q What is your understanding of who is paying Mr.
19 Baer's fee?

20 A Houston Lighting and Power is paying Mr. Baer's
21 fee.

22 Q Do you, with that understanding, still wish Mr.
23 Baer to be your representative?

24 A Absolutely.

25 Q What is your position here at South Texas Project?

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1 A My current position is Division Manager of the
2 Access Authorization Division of the Nuclear Licensing
3 Department.

4 Q What does that mean? What do you do?

5 A I manage the Access Authorization Program.

6 Q Is that your sole function now?

7 A Yes.

8 Q How long have you had that position?

9 A Since approximately mid-March 1992.

10 Q What was your position prior to that time?

11 A Prior to that, I was the Administrator of the
12 Investigations and Compliance Division of the Nuclear
13 Security Department.

14 Q How long did you have that position?

15 A I was promoted to the Administrator's position
16 approximately a year, maybe a year and a half prior to that
17 -- to mid-March of this, ^{year} YEAR

18 Q So, around what -- till the end of 1990?

19 A Somewhere in that neighborhood. I would have to
20 go to my personnel file to get you an exact date.

21 Q How long have you worked here at the site?

22 A I was employed at the project February the 15th of
23 1988.

24 Q ██████████ That's easy to remember.

25 A Best day of my life.

1 Q Have you worked for Houston Lighting and Power
2 prior to that time?

3 A I had not been an employee of Houston Lighting and
4 Power, no.

5 Q Had you been a contractor in any way?

6 A I had -- I worked for a firm in Houston that
7 provided Houston Lighting and Power with polygraph testing
8 services. We did that for them.

9 Q When you started working here onsite, did you
10 start working in Nuclear Security as soon as you --

11 A Yes. I was employed as the Lead Investigator for
12 the Investigations Section of the Nuclear Security
13 Department.

14 Q So, you worked in Investigations here about four
15 years?

16 A Uh-huh.

17 Q Who is your supervisor now?

18 A My supervisor now is Mr. Will Jump.

19 Q Are you no longer associated with the Nuclear
20 Security Department?

21 A I have no connection with Nuclear Security at all
22 now.

23 Q Who was your supervisor during February 1992?

24 A Mr. Richard -- I believe his middle initial is L.
25 Balcom.

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1 Q As you know, I'm here to look into the
2 circumstances surrounding the revocation of access of Mr.
3 Thomas Saporito.

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

5 A Can I refer to the file?

6 Q Sure. When you say the file, what file do you
7 mean?

8 A I have two files here. One file is the file that
9 was put together, at the time -- was put together by the
10 Human Resources Department. And it is Mr. Saporito's
11 nuclear file. The other file I have is a file that was put
12 together by the Investigations Section of the Security
13 Department, and it is Mr. Saporito's investigation file.

14 There will be documents in each file that I'll
15 refer to as you ask me questions about the events
16 surrounding Mr. Saporito, if that's okay.

17 Q That's fine.

18 A Now, your question was?

19 Q My question was when did you first become aware of
20 Mr. Saporito?

21 A The first time I became aware of Mr. Saporito was
22 approximately February the 3rd of 1992.

23 Q And how did it come to your attention?

24 A I received a memo that was authored by Andrew
25 Woods, requesting an adjudication investigation on Mr.

1 Saporito.

2 Q What does the phrase adjudication and
3 investigation mean?

4 A Within the access authorization program if, during
5 the process of granting unescorted access, derogatory
6 information is developed that may impact the decision to
7 grant access, that information was forwarded to the
8 Investigations Section for adjudication. We would perform
9 an investigation, present the results to the access program
10 director so that he could factor that into his decision as
11 to whether or not to grant access.

12 Q And the access program director at that time was
13 Mr. Balcom?

14 A In February it was Mr. Balcom, yes.

15 Q So, Mr. Woods forwarded a memo to you. Did he
16 forward some sort of information? You mentioned derogatory
17 information?

18 A The memo said attached please find the nuclear
19 file/ [REDACTED] on the following
20 individuals, and one of which was Thomas J. Saporito. Mr.
21 Woods' request was that we look at the credit report within
22 his nuclear file, [REDACTED] and his employment.

23 Q Did you do that yourself or did one of -- did you
24 have a staff? I suppose I should clarify that. Did you
25 have investigators working for you at that time?

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1 A At the time, I had two investigators working for
2 me, Carlos Ottino, and Gary Pomeroy.

3 Q Did you usually perform this type of review or
4 adjudication processes yourself, or did you usually assign
5 it to one of them to do?

6 A Usually I would assign it to one of them to do.

7 Q And what did you do in this case?

8 A Well, I'm not real sure. The derogatory
9 information, or the information that Mr. Woods was asking us
10 to look at involved a credit report, which had already been
11 run electronically, and was contained within the nuclear
12 file. [REDACTED]

13 [REDACTED] and a
14 reference to one of his prior employers, which Mr. Saporito
15 had listed on his data form for unescorted access -- since
16 all of those documents were already present in the nuclear
17 file, it's entirely possible that I just put it all together
18 and took it into Balcom for his review. We didn't -- I
19 don't specifically remember assigning it to an investigator
20 for any follow-up action. And there's no indication in the
21 file that that's what I did.

22 Q Do you keep any kind of log of your -- did you
23 keep any kind of log of files like this -- you know, who has
24 them and who is assigned to them and what they're supposed
25 to do with them?

dwf

1 A Each investigation that was referred to the
2 section was assigned a unique sequential case number, a
3 five-digit number. The first two digits would have
4 represented the year. In Mr. Saporito's case, the case
5 number was 92-1271. We kept a PC, a personal computer
6 database that sequentially tracked those numbers. Our
7 general practice was that the investigator that was assigned
8 to an individual case would be reflected on that database
9 tracking system. But it was in no way meant to
10 be an accurate representation of who worked the case. You
11 went to the individual file itself for the facts in the
12 case, you did not rely on the tracking system.

13 Q And why did you have the tracking system?

14 A It was a management tool for me.

15 Q What did the case reflect on 92-1271 at that time?

16 A I don't have any idea. I'd have to go get a
17 printout to do that.

18 Q Would it show whether or not it was assigned to
19 someone else, or do you know?

20 A Without looking at it, I would hesitate to answer,
21 Virginia.

22 Q Does it still have a record? I mean, has it been
23 erased or is that still --

24 A No. It's still in existence.

25 Q It's still in existence? We might want to do

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1 that. I'd like to --

2 A Yes. Sure. I'd be happy to provide it.

3 Q Okay.

4 A I honestly don't remember what it says to be
5 honest with you.

6 Q Does this case number stay with the individual, no
7 matter how many -- if they should be adjudicated again or
8 anything?

9 A It stays with this investigation.

10 Q Okay. And you don't recall whether or not you did
11 this yourself or if you assigned this to Mr. Ottino or Mr.
12 Pomeroy; is that correct?

13 A My best recollection is I just took it into
14 Balcom, but I don't recall.

15 Q Do you recall taking it in to Balcom at all?

16 A Yes.

17 Q You do recall that?

18 A Uh-huh.

19 Q And what did you tell him, do you recall?

20 A I remember taking the nuclear file and a -- what
21 we called an adjudicating^{low Q with} documentation form which was in
22 the investigation file that had a summary of the facts in
23 the case, and presented it to him.

24 Q Who did the summary?

25 A Probably my secretary. She would have summarized

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1 the information -- it appears to be her handwriting.

2 Q Where did she get the information?

3 A From the memo that she received from Mr. Woods
4 with the nuclear file attached to it.

5 Q So, she -- is that standard practice?

6 A Uh-huh. Yes.

7 Q She writes down the facts?

8 A She would summarize the information that Mr. Woods
9 wanted us to look at, present it to me. If, in my opinion,
10 it required a follow-up investigation of some form or
11 fashion, I would typically assign it to an investigator. If
12 it was something that seemed pretty clear on the surface,
13 didn't require any follow-up, I would just take it into Mr.
14 Balcom myself.

15 Q Did you also conduct investigations yourself?

16 A Sure.

17 Q In this case you did, at some point, take it into
18 Mr. Balcom?

19 A Uh-huh.

20 Q What did you discuss with Mr. Balcom at that time?

21 A The fact that his [REDACTED]
22 [REDACTED], that Mr. Saporito's [REDACTED] -- well,
23 actually, his data form and the affidavit that he had
24 submitted for unescorted access, indicated that [REDACTED]

25 [REDACTED]

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1 [REDACTED]. And that, on his employment, on
2 the data form, he indicated he was terminated from Florida
3 Power and Light as a result of participation in an NRC
4 investigation.

5 Q You took the information to Mr. Balcom and you
6 explained this to him. Did you, as a standard practice,
7 offer any opinions or recommendations as to what you thought
8 should be done?

9 A Yes.

10 Q And did you in this case?

11 A Yes.

12 Q What was your recommendation?

13 A I felt we ^{should} ~~shouldn't~~ grant Mr. Saporito access.

14 Q And what did you base that recommendation on?

15 A I didn't see anything within this information that
16 would indicate he would pose a threat to the plant.

17 Q Did you attempt to verify any of that information?

18 A No.

19 Q Did you contact Florida Power and Light?

20 A No. But, I guess I need to say, Wackenhut had
21 already contacted Florida Power and Light.

22 Q Wackenhut is the contractor that performs
23 background investigations for --

24 A Yes.

25 Q -- Houston Lighting and Power, South Texas

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1 Project; is that correct?

2 A That's correct. I said that, but I may be wrong.
3 Let me look through this again. No, I couldn't find it.

4 Q And included in Mr. Saporito's file is a report
5 from Wackenhut?

6 A Yes. Wackenhut submitted, by fax, his
7 investigation report, dated January the 30th of '92. And,
8 within that report, they had contacted Florida Power and
9 Light and verified that he was employed with Florida Power
10 and Light.

11 Q Did they obtain any other information that is on
12 that background investigation report?

13 A Which information?

14 Q From Florida Power and Light?

15 A You said did they obtain --

16 Q Did they get anything else other than the dates of
17 employment, the fact that he did work for them? Is there
18 any other information there that suggests a reason for
19 termination?

20 A No. That's not here. They said -- on January the
21 16th, Elizabeth Crosante advised that the subject was
22 employed, reflected by the above-verified dates as an
23 instrument and control specialist. Stated company does have
24 a fitness for duty program. Refused to answer questions
25 concerning subject's participation. Verified his social

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1 security number and date of birth. And no further
2 information was available due to company policy.

3 Q Did you attempt to contact Florida Power and Light
4 to verify the circumstances surrounding his termination?

5 A No.

6 Q Why not?

7 A Why should I?

8 Q Well, you mentioned that as one of the three
9 reasons that Mr. Woods had referred it to Nuclear Security.

10 A Mr. Saporito had indicated he was terminated from
11 Florida Power and Light.

12 Q And you didn't feel any need to verify that?

13 A No.

14 Q You just accepted that?

15 A Absolutely.

16 Q You gave Mr. Balcom your recommendation. Did you
17 have any further discussion with Mr. Balcom? Did he ask you
18 for any additional information or additional investigative
19 activity at that time?

20 A No.

21 Q And what was Mr. Balcom's decision?

22 A To grant Mr. Saporito access.

23 Q And was Mr. Saporito then granted unescorted
24 access?

25 A Yes.

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1 Q On what date

2 A He was authorized access February the 11th, 1992.

3 Q And at the conclusion of this action, what was the
4 standard procedure? What do you do with these files in your

5 --

6 A Close the file.

7 Q So you closed out 92-1271?

8 A Yes.

9 Q And do you maintain what you called an
10 investigative file over at Nuclear Security, or was it kept
11 somewhere else?

12 A It would probably have been in the filing cabinet
13 in the Nuclear Securities ^{Y_{aw}} Offices.

14 Q And what happens to the nuclear file?

15 A It would have gone back to the Central Processing
16 Facility.

17 Q And is this standard practice?

18 A Yes.

19 Q Okay. How long did you keep these security files?

20 A I don't think we've ever thrown any of them away
21 so far. That's a good question. I'm not sure of the answer
22 to that. How long we should keep them -- we keep them
23 forever I guess. We haven't thrown any away that I know of.

24 Q Okay. When was the next time you heard Mr.
25 Saporito's name?

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1 A On February the 20th, 1992.

2 Q And under what circumstances?

3 A I was contacted that morning by Mr. Jump, the man
4 who was the manager of the Nuclear Licensing Department. He
5 asked me to come to his offices and meet with him regarding
6 a task that he wanted me to do, and I said sure. I went
7 down there and he presented me with a copy of an
8 administrative law judge decision, and asked me to review it
9 for -- against Mr. Saporito's nuclear file and to determine
10 if there was any information within the decision order that
11 was different than what was in the nuclear file and report
12 back to him the results ^{of QWJ} ~~in~~ my review.

13 Q Well, was this unusual that Mr. Jump would make a
14 request like that?

15 A I don't know. I never thought of it that way.
16 It's not unusual for managers to ask the head of the
17 investigation section to do tasks for them. It is a little
18 -- it was certainly unusual to have an administrative law
19 judge order reviewed against a nuclear file. I've never
20 done that before.

21 Q Did Mr. Jump contact you often, or did he usually
22 go through Mr. Balcom or Mr. Balcom's predecessor, Mr.
23 ~~Ranietta~~ ^{Ranietta QWJ} when he needed something done?

24 A I cannot -- I know that I have performed
25 investigations for managers, at their request, without going

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1 through the manager of the Security Department. But,
2 typically, I think they would go through the manager of the
3 Security Department. I'm not sure I'm answering your
4 question.

5 Q No. That's fine.

6 Did --

7 A I'm not sure I really understand the question.

8 Q Did Mr. Jump tell you whether or not he had
9 contacted Mr. Balcom?

10 A Oh. He said he had not talked to Balcom, that he
11 had called me direct.

12 Q Did you find that unusual?

13 A At the time, no. No, I don't think it's unusual
14 at all.

15 Q Did he ask that you specifically perform this
16 review or comparison?

17 A I took it to mean that he as asking for my section
18 -- my function to perform this review, not me personally.
19 But I did the review myself.

20 Q Did he tell you where he got this DOL decision?

21 A No, he did not.

22 Q Did you ask him?

23 A No. It appeared to be just a Court document.

24 Q Well, you'd said that you'd never done this
25 before.

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1 A I've seen Court documents before as an
2 investigator. So, it didn't strike me as something unusual.

3 Q Did he tell you whether or not he believed that
4 there was any specific information in his DOL decision that
5 might not be in Mr. Saporito's file?

6 A I believe he indicated that he had seen the
7 nuclear file of Mr. Saporito, and that he felt there were
8 differences between what was in the document, what was in
9 the nuclear file. In saying that to me, he asked me to
10 carefully review both documents and report the results to
11 me.

12 Q Did he tell you what he thought might be
13 different?

14 A He -- not specifically, no. He asked me to pay
15 particular attention to the issues of employment and
16 litigation.

17 Q Did he tell you when he got this document?

18 A No.

19 Q Was anybody else present at that meeting with Mr.
20 Jump?

21 A No.

22 Q Did he make any other suggestions or give you any
23 other --

24 A Yes. He told me to follow whatever my procedure
25 require that I do.

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1 Q What procedure?

2 A I took it to mean the access procedure --
3 interdepartmental procedure 7.02Q, which is the -- at the
4 time, was the plant access authorization program. It
5 indicates that derogatory information developed in regards
6 to unescorted access will be investigated by the
7 Investigations Section of the Nuclear Security Department.
8 So, when he told me to follow whatever procedure I was to
9 follow, I took it to mean that procedure -- to do whatever
10 that procedure required me to do.

11 Q He wouldn't know the procedure by specific number?

12 A I doubt if he knows the number of it today.
13 Managers don't -- you know, I mean they know the program
14 names, but I don't think they know the details of
15 procedures. We certainly didn't discuss it.

16 Q Did he give you any information about Mr.
17 Saporito?

18 A No.

19 Q He didn't tell you anything regarding Mr.
20 Saporito's past activities or any activities onsite --

21 A No.

22 Q -- at the South Texas Project?

23 A No.

24 Q Did he tell you anything else during that meeting?

25 A Tell me anything else? He asked me to report back

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1 to him by close of business -- well, I take that back. He
2 asked me to get back to him as soon as possible. I told him
3 that it would take me some time to do this and that I would
4 get back to him by close of business. And I believe he
5 asked me to get back to him sooner than that, and I told him
6 it would be 3:00 o'clock that afternoon.

7 Q Before you could get back to him? Did he accept
8 that?

9 A Yes.

10 Q I mean, did he ask you to try to, you know, put -
11 -

12 A He didn't say drop everything you're doing, go do
13 this and come back in the next 15 minutes. You know, he did
14 not give me that impression, or he did not give me -- he
15 didn't give me instructions to that effect. He asked me to
16 get through with it as quickly as I could and report back to
17 him.

18 Q That sounds like he wanted you to put some
19 priority on this?

20 A Oh, yes. I took it as -- as something that
21 needed to be done that day.

22 Q And you've already said that you did this
23 personally?

24 A Yes.

25 Q You did the review?

1 A Yes, I did.

2 Q And did you, in fact, drop everything else and do
3 this review?

4 A Well, not immediately. I went back to my office
5 and took care of a couple of things that I had been working
6 on. I think I talked to a couple of the investigators about
7 some things they were doing, and then went over to the
8 Central Processing Facility and obtained Mr. Saporito's
9 nuclear file.

10 I got back to my office -- and it would have been
11 I would say around 11:00, maybe a little after 11:00 o'clock
12 that morning, sat down and did the review.

13 Q Why did you decide to review it yourself?

14 A Curiosity.

15 Q Did you notify Mr. Balcom?

16 A Yes, I believe I did.

17 I'm pretty sure I did. Hold on a minute. Let me
18 check.

19 Yes. I told Mr. Balcom what Jump had asked me to
20 do.

21 Q And you're referring to an affidavit that you
22 prepared --

23 A Uh-huh.

24 Q -- earlier? What's the date on that affidavit?
25 What date was that prepared?

DR

1 A April 2nd, 1992.

2 Q And is that an accurate representation of the
3 events that it discusses?

4 A Yes.

5 Q Is it standard practice then for you to notify Mr.
6 Balcom if you get a request such as this from someone in
7 management?

8 A Yes.

9 Q Did he have any input --

10 A No.

11 Q -- on this at that time?

12 A No.

13 Q You then compared, if I understand you, DOL
14 decision with Mr. Saporito's employment application forms?

15 A Yes, I did.

16 Q And what did you determine?

17 A From reviewing his data form, he indicated that he
18 was employed by Florida Power and Light from March of '82 to
19 January of '89. The Court document indicates from March of
20 '82 to December of '88.

21 He also, from the Court document, indicates that
22 he was employed by a ^{f.i.am q.w.e} firm called ATI from December of '89 to
23 May of 1990 as a part-time instructor. And that firm is not
24 listed on the nuclear file in the data form.

25 In the data form he didn't list that he was

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1 involved in any litigation with ATI, but yet the document
2 indicates that he was involved with litigation.

3 Q What about litigation with Florida Power and
4 Light? Did he mention --

5 A Yes. Well, the document indicates he was involved
6 in litigation with Florida Power and Light, and the nuclear
7 file doesn't list that.

8 Q Did Mr. Jump provide you anything else other than
9 that DOL decision?

10 A No, ma'am.

11 Q When you got the DOL decision from Mr. Jump, did
12 you recognize Mr. Saporito's name?

13 A Yes.

14 Q Did you ask Mr. Jump for any additional
15 information on Mr. Saporito?

16 A No.

17 Q Did you ask Mr. Jump why he was interested in Mr.
18 Saporito?

19 A No.

20 Q You didn't ask for anything else from --

21 A No. I had no reason to.

22 Q When you notified Mr. Balcom, did he seem to
23 already be aware of this? I mean, did you know whether or
24 not Jump had notified him earlier? I think you stated Mr.
25 Jump told you he had not --

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1 A No, I don't think I stated that Jump said he
2 hadn't notified Balcom. If I did, that's a mistake. My
3 recollection is is Balcom wasn't aware of this -- this
4 review. He didn't indicate in any way that he was aware of
5 this review. And I don't remember Mr. Jump saying that he
6 had notified Mr. Balcom about it.

7 Q And when you talked to Mr. Balcom, he didn't say
8 yes, I've already spoken with Will or anything like that?

9 A No. Not to my recollection.

10 Q Now, the employment application that Mr. Saporito
11 completed, indicated that he worked for Florida Power and
12 Light; is that correct? You were aware of that?

13 A It indicated that he was employed by Florida Power
14 and Light from March of '82 to January of '89 as an
15 instrument and control technician and that his employment
16 was terminated. That he listed in the employment section.
17 In the general information section he indicate that he had
18 been discharged or asked to resign by a previous employer.
19 He indicated yes, he was and that the employer was Florida
20 Power and Light, December the 22nd of '88. Terminated
21 because of my participation in an NRC investigation at
22 Turkey Point.

23 Q When did you first become aware that Mr. Saporito
24 had filed a DOL complaint against Florida Power and Light?

25 A When -- a DOL complaint against Florida Power and

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1 Light? When I reviewed the Court document.

2 Q So, you had no knowledge of that prior to the
3 review of the DOL decision?

4 A No.

5 Q Were you aware, at the time that you reviewed the
6 DOL decision against Mr. Saporito's file that Mr. Saporito
7 had filed a 2.206 petition here at the South Texas Project?

8 A No.

9 Q Mr. Jump didn't mention that to you?

10 A No. Or anybody else. Didn't know.

11 Q You did not know?

12 A Did not know.

13 Q Did you know there was a 2.206 petition?

14 A No.

15 Q You didn't even know that there was a 2.206
16 petition filed by anybody?

17 A Didn't know what a 2.206 petition was.

18 Q Okay. Even though --

19 A I'm not really sure now what it is.

20 Q Even though --

21 A Except that it's the subject of some controversy.

22 Q Okay. Several of Mr. Saporito's concern that he
23 noted on the 2.206 petition related to security. And you
24 were in Security?

25 A Yes. Yes, I was in Security.

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1 Q But you still did not know that a 2.206 petition
2 had been filed?

3 A Had absolutely no idea.

4 Q All right.

5 Now, you stated that you went to Central
6 Processing and obtained Mr. Saporito's nuclear file?

7 A Yes.

8 Q Therefore, Mr. Jump would not have it; is that
9 correct?

10 A That's true. Yes, that's correct.

11 Q And you've already stated that you did previously
12 review his file and his employment application on
13 approximately February the 3rd, 1992, in connection with the
14 --

15 A The previous adjudication.

16 Q -- previous adjudication?

17 A Yes.

18 Q Had you reviewed Mr. Saporito's nuclear file, his
19 employment application, his security file anytime between
20 February the 3rd and February the 20th?

21 A No.

22 Q To your knowledge, had anyone from Security, this
23 would include yourself, asked Mr. Saporito for any
24 additional background information prior to February 20th,
25 1992?

1 A You mean between the first adjudication and the
2 second?

3 Q Or prior to the first adjudication?

4 A Mr. Saporito signed his data form on January the
5 8th of 1992. Now, subsequent to that, on January the 13th
6 of 1992, he was interviewed on what we call a screening
7 affidavit. It's like an interview for unescorted access.
8 It's just a check-off list that the interviewer can use.

9 Q Why don't you -- let me interrupt you here. Why
10 don't you tell me about these two particular forms, in
11 general?

12 A In general?

13 Q Uh-huh.

14 A The data form, if you looked at it, it's quite
15 similar to an employment application. I actually believe
16 when they first set up the program back in '87 probably,
17 they just used an employment application and they just
18 plagiarized it a little bit. This --

19 Q Did everyone fill out that data form?

20 A In order to obtain unescorted access, each
21 individual has to complete the data form.

22 Q Contractor, employee, or HL&P employee? Are they
23 the same?

24 A No. Typically, a contractor fills out the data
25 form. And we use the HL&P employment application on the

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1 HL&P applicants. Since we had their employment application
2 and we don't have the contractors, we have the contractor
3 submit a data form, we just xerox a copy of the HL&P
4 application. When it's received at the Central Processing
5 Facility, along with the other -- the releases and the other
6 documents for unescorted access, typically, Mr. Andrew Woods
7 would receive the file and an interview would be scheduled
8 with the individual when he comes on site to be processed
9 for unescorted access.

10 Q And Mr. Andrew Woods is who?

11 A He was in the Security Department. He now works
12 for me. But he was in the Security Department at the time,
13 and he was assigned to the plans, screening and safeguards
14 section, reporting to Dave Sheesly.

15 Q Well, was he the supervisor?

16 A Who?

17 Q Mr. Woods?

18 A No. He was not --

19 Q He was not the supervisor?

20 A No.

21 Q All right.

22 A He would then take the individual and his nuclear
23 file and a screening affidavit and conduct the interview
24 with him. His signature is on the back of the form, dated
25 January the 13th. So, on the 13th, Mr. Saporito was

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1 certainly interviewed by a member of the Security
2 Department.

3 Q What type of interview do they conduct? Do they
4 just read the questions from the screening affidavit? Is
5 that --

6 A I'm not real sure, Virginia. I hate to say one
7 way or the other how he, as an individual, does these.

8 Q Okay.

9 But the form is reviewed with the employee; is
10 that correct?

11 A Oh, yes. Mr. --

12 Q The form is not just filled out by Mr. Saporito or
13 the employee and the contractor employee?

14 A Mr. Saporito signed his particular form on January
15 13th. And, under this statement, I understand that any
16 misstatement, misrepresentation or omission on any
17 documentation used to process unescorted access will
18 constitute cause for denial of access at anytime. Mr. Woods
19 then countersigned that, as a security representative, on
20 January the 13th. And he -- under his signature -- or above
21 his signature is the phrase: "Inform the applicant to
22 report all arrests by law enforcement agencies, including
23 DWI offenses under the non-injury traffic or parking to the
24 Nuclear Security Department within 72 hours of the arrest."

25 And the purpose of that -- that's a procedural

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1 requirement in the access program that we want to make sure
2 that we communicate to all the individuals. So, Saporito
3 signed it on the 13th and Woods signed it on the 13th.

4 Q And the form is reviewed with each employee -- the
5 screening affidavit?

6 A It would require a screening affidavit for each
7 individual that we're granting unescorted access to. At the
8 time we did. Now, the program has changed some since then.
9 But, at the time, we had one on every individual.

10 Q Contractor or HL&P employer?

11 A Contractor or HL&P.

12 Q And what happens to that form -- the screening
13 affidavit form?

14 A It's part of the nuclear file.

15 Q If they reveal additional information on the
16 screening affidavit form, is that another -- a cause that
17 would cause it to come over to Nuclear Security for
18 adjudication?

19 A And that is part of exactly what happened to Mr.
20 Saporito on his affidavit, if I can find it here.

21 On his data form, on the conviction record he said
22 he had never been convicted of a criminal offense. On the
23 affidavit there's a question, have you ever been arrested?

24 Q That's a little bit different than have you ever
25 been convicted.

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1 A Right. It's a broader-scope question.

2 And, in response to that, Mr. Saporito indicated
3 that [REDACTED]

4 [REDACTED]
5 [REDACTED] is the way I'd
6 interpret that. And that's part of what caused it to come
7 to the Investigation Section for adjudication.

8 THE WITNESS: I'd like to get a Coke. Can we do
9 that? Can we take a quick break?

10 MS. VAN CLEAVE: We can take a break.

11 THE WITNESS: I was just going to walk out there
12 and get one and run back in here, if it's okay?

13 MS. VAN CLEAVE: Okay. Let's go off the record
14 for just a couple of minutes. It's 11:33 a.m.

15 [Brief recess.]

16 MS. VAN CLEAVE: Okay. We're back on the record.
17 It's approximately 11:40 a.m. We just took a short break
18 for something to drink.

19 BY MS. VAN CLEAVE:

20 Q I think we just finished -- I think you just
21 finished explaining the screening affidavit form --

22 A Right.

23 Q -- and the data form to me. And you said that, on
24 January the 13th someone from Security had spoken with Mr.
25 Saporito and asked for additional background information

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1 from him?

2 A That's correct.

3 Q Is there anything in the record, or do you have
4 any knowledge of anyone from Security asking Mr. Saporito
5 for additional background information between that date,
6 which was January the 13th, 1992 and February the 20th,
7 1992?

8 A Well, we didn't talk to Saporito at the first
9 adjudication, so it would be from between the 13th to the
10 20th?

11 Q Right.

12 I think you said his access was granted February -
13 - was it February the 6th?

14 A February 11th was when the actual access was
15 authorized. We did the first adjudication on February the
16 6th, but we didn't talk to Saporito. I just wanted to make
17 sure there's not some other form in here that's signed by
18 someone in Security that has another date on it. I'm sorry.
19 Let me flip through real quick.

20 There's a form on the file, in his nuclear file,
21 that's a facsimile from Wackenhut's investigations people,
22 where they apparently contacted him on January the 20th for
23 some references -- some people they could get references
24 from. I don't know if you'd call that security. They're
25 not part of Security -- not HL&P Security anyway.

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1 Q Additional references, other than those he had
2 listed?

3 A Yes. And it says: "Subject needs to call and
4 give me another reference -- one who can verify
5 self-employment and provide another developed reference."

6 So that -- apparently Wackenhut was having
7 problems getting references on him. So, they must have
8 contacted him some time around the 20th asking for
9 additional references. Other than that, there's nothing in
10 here that would indicate to me that anybody within HL&P
11 Security talked to him between January 13th and February
12 20th.

13 Q Did you note anything else unusual in Mr.
14 Saporito's file when you were doing your review -- your
15 comparison of the DOL decision and Mr. Saporito's employment
16 application?

17 A What Jump had asked me to do? Did I notice
18 anything else?

19 Q Anything else?

20 A No, not -- no.

21 Q When you completed this review what did you do
22 then?

23 A When I completed the review, obviously I did have
24 information in the Court document that was different than
25 what was in his data form and his affidavit. So, the

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1 procedure, ^H WP7.2Q says that derogatory information such as
2 that will be dispositioned by the access program director.
3 So, I ~~as-tempted~~ ^{ATTEMPTED} to contact Mr. Balcom and brief him on the
4 results of the review prior to briefing Mr. Jump.

5 I wasn't able to do that because Mr. Balcom was in
6 a series of staff meetings, one-on-one staff meetings with
7 members of the Security Department. And those were fairly
8 important meetings, and I didn't -- I knew he didn't want to
9 be interrupted.

10 Q So, you were unsuccessful, at that point, in
11 reaching Mr. Balcom. Then did you decide to go ahead and
12 contact Mr. Jump?

13 A Yes. Let's see. That was I'll say mid-afternoon
14 on the 20th. As a guess, I would say around 2:00 o'clock
15 when I went back to Mr. Jump's office and briefed him on the
16 results of the review.

17 Q Did you give him a verbal briefing, or did you
18 give him anything in writing?

19 A Well, I gave him the DOL document back to him.
20 And I had the nuclear file with me, and I just verbally
21 briefed him on the differences in the two.

22 Q I think you were referring to a handwritten note?

23 A I had made some -- I had made some handwritten
24 notes, as I was going through the documents, and I had it
25 with me. Later on, on the 21st, I prepared a memo ^{TO QWR} document

1 ^{QWA} in the review to file.

2 Q But on the 20th did you provide Mr. Jump --

3 A With a copy of this?

4 Q -- with a copy of that handwritten review?

5 A I don't believe I did.

6 Q But you returned the DOL decision that he had
7 given you to him; correct?

8 A I went back to his office to do the briefing. At
9 his office I would have had Mr. Saporito's nuclear file, the
10 DOL document, probably would have had Mr. Saporito's
11 investigation file from the previous adjudication and my
12 handwritten notes of the review.

13 I am not sure if I gave him any of the documents.
14 I think I probably came away from that meeting with the same
15 documents that I took in the room.

16 Q Okay. You're not sure if you did give him back
17 the DOL decision?

18 A Well, when you say provided, I took that to mean
19 that I have them with me in his office. Yes. I had these
20 documents with me. Did I give him a copy of any of the
21 documents that I had with me? I don't think I did, no. I
22 don't remember doing that.

23 Q And you told him the results of your review, which
24 we've already discussed --

25 A Yes.

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QWA

1 Q -- that there were a couple of discrepancies or
2 possible discrepancies between the documents? Was anyone
3 else present during this briefing?

4 A No. Not initially, no.

5 Q Did anyone come to Mr. Jump's office while you
6 were there?

7 A Mr. Jump asked me if I had briefed Mr. Balcom. I
8 told him I had not had a chance to brief Mr. Balcom because
9 of the meetings that Mr. Balcom was in. And I don't
10 remember exactly how it happened, but I believe one of the
11 two of us called -- I think Mr. Jump called and talked to
12 Mr. Balcom's secretary, and Mr. Balcom then came down to Mr.
13 Jump's office.

14 Q Do you remember what Mr. Jump told Mr. Balcom?

15 A You mean on the phone?

16 Q Yes. You said he was involved in all these
17 employee meetings, one-on-one meetings that were pretty
18 important. Did Mr. Jump ask him to break free specifically
19 to come to his office?

20 A I don't recall.

21 MR. BAER: Do you know if Mr. Jump knew what Mr.
22 Balcom was doing at the time?

23 THE WITNESS: Well, I am sure he would have
24 because I would have told him I think. I would have told
25 him why I had not briefed Mr. Balcom. But I don't

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1 specifically remember whether or not Jump talked to Balcom
2 on the telephone or he talked to his secretary. Somehow or
3 other Balcom wound up in Jump's office.

4 BY MS. VAN CLEAVE:

5 Q So, you don't recall if Mr. Jump conveyed any
6 sense of urgency that he needed to see Mr. Balcom right
7 away?

8 A Sense of urgency? I don't know, you'd have to ask
9 Balcom if he felt like Jump was in a hurry.

10 Q Well, I thought -- if you had presently called him
11 on the phone, if -- you know -- you, if he said you've got
12 to break loose, I've got to see you or, you know, something
13 like that?

14 A I hate to sit here and say how I think Mr. Balcom
15 felt when Balcom was on the other end of the phone and I
16 wasn't talking to him.

17 Q I don't think I asked you that. I said, did he
18 seem to impart a sense of urgency, if you heard Mr. Jump's
19 end of the conversation. I don't think I asked you if
20 Balcom felt that.

21 A A sense of urgency?

22 Q I mean, if someone calls someone else on the
23 phone, and you're sitting in their office and they tell this
24 third party I need you to break loose, I need you to come
25 down here right away, I mean, that's a sense of urgency. Do

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1 you recall anything like that? Because you have stated that
2 Mr. Balcom was in meetings that you considered to be
3 important, you know, with other employees.

4 A The reason I'm hesitating to answer is because I
5 don't remember what Jump said over the phone. Certainly, in
6 my mind, there was a difference between what was on the data
7 form and what was on a Court document. And I think that was
8 an important thing, you know, item that needed to be
9 resolved.

10 This individual had access to a nuclear plant.
11 And that is an important issue, and needs to be addressed in
12 a timely manner, or otherwise we would be remiss in
13 fulfilling our function. But I don't specifically remember
14 what Mr. Jump would have said to Mr. Balcom over the
15 telephone, so I can't -- I hesitate to say that there was a
16 sense of urgency there, okay? I mean, that's why I'm
17 hesitating.

18 Q But Mr. Balcom did, in fact, come to Mr. Jump's
19 office?

20 A Now, whether or not he canceled a meeting, walked
21 out in the middle of a meeting, I just don't know. I don't
22 know.

23 Q Do you recall how long you were in Mr. Jump's
24 office at that time?

25 A Maybe 15 minutes, 20 minutes.

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1 Q And had you completed your briefing with Mr. Jump
2 before Mr. Balcom came in?

3 A Yes.

4 Q Did you then get to reiterate your previous
5 statements?

6 A Yes. Then I got to brief Balcom.

7 Q Okay.

8 So, the three of you were present. Was anybody
9 else there?

10 A No.

11 Q After you completed your briefing with Mr. Jump,
12 did he give you any instructions as to what he thought
13 should be your next step?

14 A He didn't give me any instructions. He asked me
15 if this constituted a falsification of the data form.

16 Q And what did you say?

17 A I told him that I wasn't sure, in my own mind,
18 that we had a falsification.

19 Q Why not?

20 A Well, not knowing why Mr. Saporito hadn't listed
21 ATI, you know, it's kind of hard for me to jump to
22 falsification at that point. Also, I wasn't particularly
23 impressed with a part-time non-nuclear employer. The
24 litigation question -- again, not knowing why ^{he JWA} hadn't
25 listed it, I'm not -- I wasn't really sure, in my mind, that

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1 we had falsification.

2 Q So, at that point in time, are you saying that you
3 didn't know if there was falsification or if there was a
4 misunderstanding of some terminology? Maybe Mr. Saporito
5 didn't know what litigation meant or -- is that --

6 A Uh-huh?

7 Q -- was that kind of --

8 A Sure.

9 Q -- what you were thinking at that time?

10 A Not knowing what was in the mind of the individual
11 that filled out the data form, it would be difficult for me
12 to jump to saying we had somebody deliberately falsifying
13 documents.

14 Q Did Mr. Jump ask you what would be the standard
15 practice in a case like this? Did he ask you what you would
16 do next usually?

17 A Yes. Well, yes. What I said is I need to brief
18 the access program director and give him the results of this
19 review, and we need to decide where to go from there.

20 Q Is that when Mr. Jump contacted Mr. Balcom or Mr.
21 Balcom's secretary?

22 A Right.

23 Q And Mr. Balcom -- do you recall how long it took
24 Mr. Balcom to get to Mr. Jump's office after that telephone
25 call?

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1 A Just a few minutes. It's on the opposite end of
2 the building, just enough time for him to walk down there I
3 would think.

4 Q So, Mr. Balcom came to Mr. Jump's office, and then
5 you briefed him?

6 A Yes.

7 Q Did he provide you with any direction?

8 A Yes. He --

9 MR. RAER: Who's he?

10 THE WITNESS: Mr. Balcom.

11 BY MS. VAN CLEAVE:

12 Q Balcom.

13 A Instructed me to immediately locate Mr. Saporito
14 and arrange for an interview to resolve why the
15 discrepancies existed.

16 Q Did Mr. Balcom consult you before he asked you to
17 do that? Did he -- did you have any discussions about what
18 would be the usual practice?

19 A Uh-huh. Yes, we talked about the differences, you
20 know, showed him the document and showed him the nuclear
21 file. Some discussion occurred, and I don't recall exactly
22 what was said, but I feel fairly certain I would have said
23 it's -- you know, we should probably get the guy in and
24 interview him. And he said do it, and I said okay.

25 Q And you said he told you to do that -- I can't

1 remember your exact words, but quickly or immediately --

2 A Uh-huh.

3 Q -- or as soon as possible --

4 A Yes.

5 Q -- or something --

6 A -- yes. Again --

7 Q -- to that effect?

8 A -- and in cases where we have potentially an
9 access issue with an employee, we are obligated to act in a
10 timely fashion.

11 Q What's timely?

12 A I take that to mean immediately. I think the NRC
13 would question us severely if we hesitated.

14 Q Did Mr. Jump provide any input into the decision
15 to interview Mr. Saporito?

16 A I don't recall any, no.

17 Q Did he ask you for any other information about Mr.
18 Saporito?

19 A You mean outside of the nuclear file or the prior
20 investigation? No.

21 Q I mean, what -- did you discuss the prior
22 adjudication with him?

23 A I believe we did.

24 Q So, did you discuss more than just the differences
25 between the DOL decision?

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1 A Well when I say that, I think, in reviewing the
2 nuclear file, Mr. Saporito's indication that he had been
3 terminated from Florida Power and Light because of his
4 participation in an investigation, and I think -- I believe
5 I showed Mr. Jump where we had had a prior adjudication for
6 that info, and that the September of '90 arrest and -- so, I
7 mean, the fact that he was terminated from Florida Power and
8 Light was in the Court document too. So, I didn't consider
9 that to be something that he has misrepresented or falsified
10 or was any different really than what was on his data form.
11 We had all those documents there at the time.

12 Q Did you review the entire file with Mr. Jump at
13 that time?

14 A I don't know that we went through it page, by
15 page, by page. I think it was more just a description, on
16 my part, of what was in the two files.

17 Q Including the prior adjudication?

18 A I believe we did.

19 Q And did Mr. Jump ask you what options were
20 available on a case like this?

21 A I don't think he asked me -- he didn't ask me a
22 question what are the options here -- what are you options
23 as to how you're going to handle it. But, we discussed
24 whether or not the difference between the document -- Court
25 document and the data form was a falsification. And I said

JWR

1 -- I wasn't clear in my mind if it was, because (a) we
2 hadn't interviewed the employee, we didn't know what -- what
3 his thought process was at the time.

4 Q Right. We had talked about that already -- about
5 whether or not it was a falsification. But did he -- did
6 you have any discussion with him about what the next steps
7 would be, other than you said you said he would contact Mr.
8 Balcom? Did he ask you about are you going to interview him
9 now, or are you going to -- does this usually result in
10 revocation of access, or do you usually terminate people for
11 this kind of action?

12 Did you have any discussion about what --

13 A We didn't have any detailed discussion like that.
14 It was more of a -- you know, what's -- he's asking me
15 what's the proper course to take, and I'm saying we need to
16 get to Balcom, I need to brief him on this. Typically, we
17 would conduct an interview.

18 Q And you did -- he contacted Balcom. Mr. Balcom
19 came to his office. You discussed it with Mr. Balcom, and
20 --

21 A Uh-huh.

22 Q -- if I understood you correctly, with input from
23 you, Mr. Balcom said we need to interview Mr. Saporito?

24 A Yes.

25 Q And we need to do it quickly; is that correct?

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DWB

1 A I'm not sure he used the word quickly, but he
2 meant that evening before quitting time.

3 Q Did Mr. Jump have any additional comments or input
4 at that time?

5 A Not that I recall.

6 Q Did he ask that he be briefed of the results of
7 your interview with Mr. Saporito?

8 A I don't recall him specifically asking that, but I
9 would have -- I mean, I'm sitting in an office with these
10 two managers. I would have gone off, done the interview and
11 given both of them the results of the interview. He didn't
12 specifically ask me to brief him.

13 Q Because he did specifically ask you to brief him
14 on the results of your review? At least you have said that
15 he did.

16 A Uh-huh.

17 Q But he didn't specifically ask you to brief him on
18 the results of the interview; is that correct?

19 A Not that I recall.

20 Q And you then -- then what did you do?

21 A I left Mr. Jump's office and went to my office and
22 contacted Rich DeLong. He was the I&C Maintenance Manger.
23 Mr. Saporito's nuclear file indicated he was an I&C
24 technician. So, that would be the way of locating him.

25 I talked to Mr. DeLong on the telephone, told him

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1 that I needed to conduct an interview with Mr. Saporito.
2 It was getting close to quitting time, it was like 4:15. I
3 asked him if he could quickly locate Mr. Saporito before he
4 left the project, and asked him to come to my office for an
5 interview, and he said sure, we'll do that.

6 Q And Mr. Saporito did come to your office that
7 afternoon?

8 A Yes.

9 Q About what time?

10 A It was like quitting time, 4:15, when he showed
11 up.

12 Q Is that standard practice? Do you usually
13 interview people after hours like that?

14 A Sure, yes.

15 Q You can? I mean, you do --

16 A I'm salaried. I can interview 24 hours a day,
17 seven days a week, Virginia. I'm not on hours and I'm not
18 -- I am not part of the bargaining unit. No.

19 MR. BAER: May we go off the record.

20 MS. VAN CLEAVE: Yes. It's approximately 12:00
21 o'clock p.m.

22 [Discussion held off record.]

23 MS. VAN CLEAVE: Okay. We're back on the record.
24 It's about 12:04 p.m. We've all been informed by Mr.
25 Whiteside to be very careful about talking over one another

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DWB

1 -- that the transcriber may not be able to record that
2 properly. So we will attempt not to do that.

3 BY MS. VAN CLEAVE:

4 Q Okay. We were talking about interviewing Mr.
5 Saporito after hours. And you stated that that is not
6 unusual?

7 A No, it is not unusual at all.

8 Q Did Mr. Saporito have anyone with him when he came
9 to your office that afternoon?

10 A Well, I didn't know it at the time, but -- I
11 didn't know Mr. Saporito personally -- had never seen him
12 before. The person that arrived at my office was Rick Cink,
13 who is an investigator with Speak-out. And he had someone
14 with him who he then introduced to me as Mr. Saporito. So,
15 I guess he had Cink with him, although I didn't know it at
16 the time.

17 Q Okay. Is that unusual?

18 A I never really thought about it. I wouldn't
19 characterize it as unusual. The Speak-out offices are just
20 down the hallway from the Security Offices and they're
21 closer to the elevator than the Security Offices are. So,
22 my impression was that the guy was ^Awandering ^{JWA}around the
23 building looking for me and ran into Cink. And Cink knows
24 who I am and where I'm located, so he just escorted him down
25 to where I was, introduced him to me.

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1 Q And then what did you do?

2 A Well, I introduced myself to Mr. Saporito and
3 explained to him that I needed to do an interview involving
4 his unescorted access. And I asked him to come into our
5 interview room -- it's a conference room that we use to
6 conduct interviews in -- and have a seat while I got my
7 files together and all that and came in there to interview
8 him.

9 He acted a little unusual at that point, in that
10 he wanted Mr. Cink to accompany him into the interview and ^{Room}
11 to be a witness, and that was a little unusual because I
12 thought Cink was just showing him where my office was. I
13 didn't realize Saporito wanted me to interview the witness.

14 Q So Mr. Saporito asked or told you that he wanted
15 Mr. Cink present; is that correct?

16 A Yes.

17 Q Did you agree to that?

18 A Well, I didn't have a problem with Mr. Cink coming
19 in and sitting down at the conference table while I went to
20 get my files and then we could discuss, you know -- what I
21 was going to tell at that point Mr. Saporito what I was
22 going to do and why he was going to be interviewed, and we
23 could handle the issue of whether or not Cink needed to be
24 present at that time.

25 Q Okay. And you got all your files. You came back

1 into the interview room, Mr. Saporito and Mr. Cink were
2 present. And then what did you do?

3 A The first thing I did was, again, I introduced
4 myself to him, and I attempted to explain to him that I
5 would be doing an interview regarding his paperwork for
6 unescorted access. But, in trying to do that, Mr. Saporito
7 began to ask me a series of questions -- wanting to know who
8 I was, what my position was, what the procedure number was,
9 the title of the procedure that was driving ^{This QWk} ~~his~~ process.

10 I, as a standard practice, videotape a lot of my
11 interviews. The video camera is mounted on the wall at one
12 end of the room. The purpose of it is to be able to provide
13 management, the NRC, or counsel a method of obtaining the
14 actual facts -- the actual environment under which the
15 interview -- an interview is conducted. It gives us a
16 permanent record of the interview. And I, as a matter of
17 practice, tell an individual that he's going to be
18 videotaped and why he is going to be videotaped.

19 Well, before I had a chance to do that, Mr.
20 Saporito had seen the video camera, asked me if it was
21 recording what was going on, and I told him it was. And he
22 then, before I had a chance to explain to him why it was
23 there, he asked me if I would turn it off, and I said sure.
24 So, I got up and left the room. All of this occurred within
25 like a couple of minutes, and went in and turned the video

1 camera off.

2 During that period of time, Mr. Saporito and Mr.
3 Cink remained in the interview room. When I got back Mr.
4 Saporito asked Mr. Cink if -- what we were going -- what I
5 was going to interview him about, if it had anything to do
6 with what he and Cink had been discussing earlier in the
7 day. That was unusual. As a matter of fact, I was taken a
8 little off-guard, because I wasn't aware that Mr. Saporito
9 had been -- was anymore than just another I&C tech out in
10 the plant.

11 Q So that gave you the impression that Mr. Saporito
12 had brought some sort of concerns to Speak-out. Is that --

13 A I wouldn't characterize it as that way. I was
14 just mainly taken off-guard when Mr. Saporito asked Mr. Cink
15 if my interview had anything to do with things they were
16 discussing. Now, certainly, Speak-out can discuss issues
17 with individuals where ^{they are} ~~they~~ are concernees, but he could
18 also have been just an interviewee as part of another
19 investigation -- not the subject of an investigation, but
20 someone that Cink would be interviewing as part of an
21 investigation.

22 So, when I heard that, I asked Mr. Cink
23 specifically if Mr. Saporito was a concernees, and he told me
24 he wasn't. And I said --

25 Q That he was not?

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DWA

1 A That he was not a concernee. And I said fine. I
2 told Mr. Saporito that anything -- conversations he had with
3 Cink had nothing to do with what I was going to be
4 interviewing him about. And, at that point, I asked Mr.
5 Cink to remain in the room as a witness to the interview.
6 Since we were not going to have the videotape record of the
7 interview, I could ^{use} ~~be~~ him as a witness to the interview.
8 And he agreed to do that.

9 Q Is it usual for people to allow you to videotape
10 the interview, or do you often have people ask to turn the
11 camera off?

12 A It's -- no, it's quite normal for people to agree.

13 Q Agree?

14 A Sure. How often do you transcribe interviews?

15 Q I have no comment.

16 A Well, I mean, you know, I am an investigator. And
17 when I come out of an interview, invariably, someone says
18 well, why did he say this or why did he say that? And
19 rather than go into a lot of explanation about it, my
20 standard practice is to give him the videotape and let them
21 review the interview and form their own conclusions.

22 Q But Mr. Saporito objected to the --

23 A Yes.

24 Q -- recording?

25 A Yes. But he did not object to Mr. Cink remaining

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1 in the room as a witness.

2 Q And you've stated you turned the video camera off;
3 is that correct?

4 A Yes, I did.

5 Q So, do you have a videotape or any kind of tape
6 recording of this interview?

7 A There was probably a couple of minutes on the
8 videotape before I got around to go turn it off. And I
9 can't remember if it was that evening or the next day I went
10 back and taped over that. I'm sure we've subsequently used
11 that same tape. The answer to your question is I do not
12 have a videotape of any portion of that interview to my
13 regret right now.

14 Q How about a tape recording?

15 A No. If a person says to me they don't want to be
16 recorded, I honor their request.

17 Q Did Mr. Saporito seem to be hostile?

18 A I wouldn't characterize him as hostile. At one
19 end of the scale as hostile, and the other end of the scale
20 as completely cooperative, I would put him in the middle.
21 He was certainly questioning why I was going to do this
22 interview, and I understood that. I mean, since it had
23 occurred late in the day before quitting time, I didn't feel
24 it to be particularly hostile that he would question me
25 about why suddenly he had to be interviewed.

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1 Q And what did you tell him was the subject of the
2 interview?

3 A I told him that, as part of the unescorted access
4 program, if information is developed during the background
5 investigations different than what the documents supplied by
6 the employee or information is different or derogatory
7 information is developed, it's normal for the Security
8 Department to do a follow-up investigation, which would
9 usually consist of an interview. And that was the purpose
10 of the interview.

11 Q Okay. You said information developed during the
12 course of the background investigation. Now, this was not
13 developed during the course of a background investigation,
14 was it?

15 A No. It wasn't. But, I'm not so -- I was
16 paraphrasing -- when I answered your question I was
17 paraphrasing the sense of what I was telling Mr. Saporito.
18 I was not quoting you word for word what I had told Mr.
19 Saporito. I told him, in paraphrasing it, I told him that
20 it was normal for the Security Department to do follow-up
21 investigations when information is developed that might
22 impact unescorted access.

23 What he and I would be discussing in that
24 interview related to his unescorted access of the project.
25 And he seemed to understand that.

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1 Q There is a release form of some sort in the file
2 that I understand Mr. Saporito signed before the interview;
3 is that correct?

4 A I wouldn't characterize it as a release form.

5 Q Okay. What exactly is that form, and what does it
6 mean?

7 A It's titled the preliminary interview form. HL&P
8 has a corporate policy that says that employees of the
9 company are required to cooperate with the internal
10 investigations. Since we have large numbers of contractors
11 here on the project, years ago, before I got here, the
12 management here at the project incorporated that same policy
13 into the policies for the nuclear group.

14 The form is something that we have individuals
15 sign prior to interviews. It explains to them our policies
16 regarding cooperation with internal investigations. It
17 explains the policies regarding -- and very briefly it
18 explains failure -- what would happen to them if they failed
19 to cooperate. And it says specifically that if they failed
20 to cooperate they are subject to having their site access
21 denied or their employment terminated from the project. It
22 goes on to say that this is not designed to restrict them
23 from filing concerns with the NRC or Speak-out or, I guess,
24 with any other regulatory authority.

25 So, I presented the form to Mr. Saporito and

1 explained it to him and he signed it. Cink witnessed it.
2 He didn't have a lot of questions about it.

3 Q Are people required to sign that form?

4 A Yes.

5 Q What if someone refused to sign it?

6 A I would not do the interview and report to
7 management that they had refused to sign the form.

8 Q And would that fall in to the category of refusing
9 to cooperate with an investigation?

10 A I would think so, yes.

11 Q Have you ever had anybody refuse to sign it?

12 A I've never had anyone refuse to sign it since I've
13 been here at the plant. I seem to remember some cases when
14 I was working as a consulting ^{and QA} for HL&P doing polygraph
15 testing, where employees of HL&P had refused to sign the
16 form. I don't really know what happened to them though.
17 Actually, I don't know.

18 Q Did Mr. Saporito object to signing that form?

19 A No.

20 Q Did he ask you if he had to sign it?

21 A No.

22 Q He just signed it?

23 A I won't say he just signed it. He asked me what
24 it was. You know, I explained it to him, just like I've
25 explained to you, that it was part of our standard policy

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1 and practice.

2 Q Did you get the impression that he had a problem
3 with signing it?

4 A No.

5 Q So he didn't raise any objections that you recall?

6 A No. Actually I considered Mr. Saporito to be very
7 cooperative.

8 Q At that point?

9 A Yes. He had questions, as I think anybody would
10 who is suddenly confronted with an interview, but I
11 considered him to be cooperative.

12 Q So, he signed this form and then you, I suppose,
13 started interviewing him?

14 A Yes.

15 The first think I did was provided him with the
16 originals of his data form and his screening affidavit from
17 his nuclear file. And I asked him to look at them and to
18 verify if they were, in fact, the ones that he had filled
19 out and submitted for unescorted access. And he looked at
20 them and he looked at his signature, and he indicated that
21 they were the same forms that he had submitted.

22 Q And then what did you do?

23 A I asked him to go over both of the forms and
24 indicate to me if there were any areas on either of the
25 forms that he had not answered completely -- if ^{he did} had, in

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1 reviewing the forms, if there was any information he had
2 failed to include on either one of the two forms. And so he
3 took a few minutes to do that.

4 I am going to start spreading out here.

5 Q And so he had the screening affidavit and the data
6 form, and he actually reviewed them?

7 A Yes. He reviewed --

8 Q Do you recall --

9 A -- them both.

10 Q -- how long he took to review those?

11 A A few minutes. You know, he looked at each and
12 every page, front and back, you know. And, at the end of
13 that or -- I'm not sure -- at the end or as he was reviewing
14 them, he began to indicate there were some differences. He
15 told me initially that he was not sure about the dates that
16 he was employed at the RCA Corporation in Palm Beach
17 Gardens, Florida. The dates listed on the data form was
18 January of '77 to March of '82. And he said he may have
19 been off on those a little bit.

20 The question on the data form, under general
21 information, concerning have you ever been subject to a plan
22 for treating substance abuse or had unescorted access
23 suspended or denied for violation of a fitness for duty
24 policy? He said he wasn't sure about that one. ~~_____~~

25 ~~_____~~

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DWH

1 [REDACTED] And during that period
2 of time [REDACTED] he was assigned to
3 the Training Department, rather than inside the protected
4 area. And their security people might have had his badge
5 suspended or his access suspended or denied, but he wasn't
6 sure.

7 And the address section on the data form, he
8 indicated that he had not listed an address in Avondale,
9 Arizona. The data form requires that he list all addresses
10 that he's resided for the past five years. And he had
11 failed to list Avondale, Arizona for about a one-month
12 period.

13 When he looked at the screening affidavit,
14 question number two on the affidavit is have you ever had a
15 security clearance denied or revoked? And he had checked no
16 on that block; but, in light of what he had said about the
17 muscle relaxer at Florida Power and Light, he wasn't sure,
18 you know, maybe he should have checked yes rather than no.

19 Question number three was have you ever been
20 subject to a plan for treating substance abuse or had
21 unescorted access suspended or denied for violation of a
22 fitness for duty policy, which is essentially a restatement
23 of the question that's on the data form. He checked no on
24 that one also. And, in light of the muscle relaxer, he felt
25 maybe he should have checked yes rather than no.

1 Question number six on the affidavit is have you
2 ever been convicted, pled guilty, received deferred
3 adjudication or had a conviction set aside in any matter?
4 He had checked no to that question on the affidavit, but he
5 said -- question number four, which concerns the [REDACTED]
6 [REDACTED]
7 [REDACTED] -- [REDACTED]
8 [REDACTED] He
9 wasn't sure about that one.

10 Having reviewed both of the two documents, he said
11 those -- that was the only information that he had not
12 answered completely on either one of the two documents.

13 Q At that point, he had not said anything yet about
14 ATI; is that correct?

15 A No.

16 Q Had he said anything about filing a DOL complaint
17 against Florida Power and Light?

18 A No.

19 Q So, with the knowledge that you had from the DOL
20 decision, what did you do next?

21 A Well, I asked him that, in order to be sure that
22 he had answered completely and truthfully to each one of
23 these areas, I wanted to go over both forms, specifically
24 the data form, block by block, one at a time, to make sure
25 that all of the information that we had was correct. And he

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DR

1 agreed to that.

2 Q So, you started down this form?

3 A Yes. I started. The first block on the data form
4 is his name. It asks for last name, first name, middle
5 initial. He had indicated Saporito, Thomas J. He said his
6 actual -- the "J" stands for Julius, and he's actually a
7 junior. So, he should have put Junior at the end of it.

8 His residence in Lake Worth, Florida, that was his
9 permanent residence at the time he filled out the data form.
10 His local residence in Bay City was [REDACTED]
11 [REDACTED] in Bay City, Texas at 77414.

12 Q But when he filled out the data form, he wasn't in
13 Bay City?

14 A No. He wasn't in Bay City at the time. But, I'd
15 asked him to -- let's make sure that we had all of the
16 information. I wanted to make sure we had all information
17 relating to each block.

18 Under his residence telephone number, he indicated
19 to me that his local phone number is [REDACTED]. It has a
20 block for driver's license number. At the time he had a
21 Pennsylvania -- or a Florida driver's license, excuse me.
22 And he says he now -- he said he now had a Texas driver's
23 license. So, I asked him for it so I could record the
24 number, but he didn't have it with him at the time. So, I
25 waited, and he went and got it at the end of the interview.

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DWA

1 The next part of the form that we talked about was
2 the education section. He indicated that he wasn't -- that
3 the dates of his grade school -- he listed '64 to '68. He
4 wasn't quite sure about the '64 date, you know, that's some
5 time ago.

6 He indicated on the data form that his last grade
7 completed was the eighth grade. And he wasn't sure, it was
8 either the eighth or the ninth grade. He was not too sure
9 about that.

10 Q That's for grade school; is that correct?

11 A Right. This was for grade school.

12 Q Okay.

13 A His high school was North High School in West
14 Mifflin, Pennsylvania. And he had graduated from there in
15 the 12th grade.

16 Let's see, we went through some trade school. He
17 indicated Penn Tech, in Pittsburgh, Pennsylvania, he had
18 done a couple of years there. He said he had an associate's
19 degree as an electronics technician. And on the data form
20 it says did you graduate. He had indicated two years. And,
21 yes, he had graduated, but he didn't indicate the
22 associate's degree.

23 We then moved to the employment section. We went
24 down the employment section block by block, one at a time,
25 starting with his present employer. And he was onsite for

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Daly

1 Sun Technical Services. He indicated to me that he went to
2 work for Sun Technical in January of '92 up till the date of
3 the interview, and that his job site was STP. That prior to
4 that he worked for the Atlantic Group that was officed out
5 of Norfolk Virginia -- their home office, but his job site
6 was Palo Verde nuclear plant from September of '91 to
7 December of '91.

8 Prior to that he worked for a company called Air
9 Flow Service Corporation, that was actually his own firm,
10 from January of '89 through September of '89.

11 Prior to that he was with Florida Power and Light
12 from March of '82 until December of '88 or January of '89.
13 And he had worked at both Turkey Point and St. Lucie nuclear
14 plants.

15 Those were the only employers that were listed on
16 the data form. I asked him, at that point, had he worked at
17 any other companies in the five-year period that the data
18 form asked for. And it was only at that point, when I asked
19 him for other employers, that he then mentioned that he had
20 worked for ATI for approximately three to four months in the
21 fall of 1989, and that they were officed in Miami, Florida.
22 He said he was a part-time electronics instructor. He
23 didn't remember the name of the individual that he actually
24 reported to.

25 He said he left that company, he was terminated

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JWR

1 because he became involved in a Department of Labor
2 proceeding with Florida Power and Light, that it involved an
3 ASLB -- a litigation, that Florida Power and Light had
4 contacted ATI, the school, and that when he was terminated
5 from that job by them they told him the reason was is that
6 they were concerned about the school becoming involved in an
7 issue with Florida Power and Light. So that was the reason
8 they fired him.

9 Q Did he say if he was fired or if his contract --

10 A He was terminated.

11 Q -- wasn't renewed?

12 A No, he said he was terminated.

13 Q Okay.

14 A I believe that was his exact words was that he was
15 terminated.

16 He said ^{he had JWA} another job was the Doubletree Hotel
17 that he hadn't listed. They were also located -- initially
18 he said Miami, Florida, but then he changed it to Coconut
19 Grove. I am not to sure about that area over there.
20 Apparently there are a lot of little suburbs around and they
21 may be in a -- it may actually be another town, I am not too
22 sure, and he wasn't either. He said he worked there for
23 about three months, between January of 1990 and April of
24 1990.

25 Q Was that full-time?

JWA

1 A Later on he -- well, at that point, he didn't tell
2 me, but later on he said he worked there 40 hours a week, so
3 I would call that full-time. Well, I take that back. I do
4 have it in my notes that he said full-time. I'm sorry. I
5 had an F/T, and that stands for full-time. He said he was a
6 chief engineer, that was his title -- that he reported to a
7 gentleman by the name of Tom Goodwin, who was the general
8 manager of the hotel.

9 I asked him his reason for leaving. He said he
10 was terminated. There was a dispute between the owner of
11 the hotel and the general manager over the location of a
12 pool shower -- that he offered an opinion as to where that
13 pool shower should be located and that, subsequent to that,
14 for no specific reason, he wasn't given a specific reason,
15 but he was terminated.

16 He also indicated that he was employed by the
17 Jupiter Hilton Hotel in Jupiter, Florida for about three
18 months in 1991. His title was chief engineer. He could not
19 remember the name of -- or, no, his title was engineer. He
20 could not remember the name of the chief engineer that he
21 reported to. It was a full-time position. And he left that
22 job. He said they -- he had hired on to work nights, and
23 apparently there were some personnel changes, and so they
24 transferred him to day shift, and he couldn't work day
25 shift.

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JWR

1 So they terminated him for not being able to work the hours
2 that they wanted him to.

3 Those were the only jobs he said that he had had
4 within the last five years that he didn't indicate on the
5 data form.

6 The next section --

7 Q Did he provide you a reason why?

8 A Not at that point. I didn't ask him at that
9 point, but I did later.

10 Q All right.

11 A Do you want to stay in sequence, or do you want to
12 --

13 Q We'll just stay in your sequence. I wouldn't want
14 to --

15 A He said he had never been in the military.

16 We went to the next section, organization and
17 membership. The data form says list social, civic,
18 fraternal and honorary organizations. Indicate whether you
19 are a past or present member, length of membership and any
20 office held. And then in parentheses it says you need not
21 include any organization which might either directly or by
22 implication indicate your race, religion, national origin or
23 sex. He indicated -- he didn't answer that -- didn't
24 provide anything in that area of the data form, but he
25 indicated that he ^{was} ~~was~~ a board member, for about one year, of

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AWB

1 the Nuclear Energy Accountability Project.

2 Q What was that?

3 A I have no idea -- well, I do -- I do know what it
4 is, I guess, from reading the DOL order. He had some
5 verbiage in there that it was -- he was an intervenor, I
6 think, in some of FP&L's proceedings. And that was an
7 organization that he founded.

8 Q And did that fall into this category of --

9 A It beats the hell out of me. I don't know what
10 NEAP is.

11 Q Okay.

12 A Do you?

13 Q No, not really. I know about what you do, I
14 guess.

15 A I honestly -- I don't know if it's a social,
16 civic, fraternal or --

17 Q That's why I asked you if you believed that it
18 fell into that -- one of those categories?

19 A I don't know.

20 We got into the general information section. And
21 the question in there is list any litigation, legal dispute
22 or claim in which you have been involved, lawsuits or claims
23 against any person or corporation and disposition of the
24 same. And he answered that question none. When we got to
25 that one he said that he was a Complainant in a DOL

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1 litigation parenthesis. I wrote proceeding. He went from
2 litigation -- the word litigation to proceeding -- against
3 Florida Power and Light and ATI. He says it's still pending
4 on appeal. It was an administrative law hearing, and he
5 didn't consider it to be a lawsuit.

6 He said he ^{was with} ~~as~~ a part of an ASLB hearing regarding
7 Turkey Point in 1989 or '90. He doesn't know the status of
8 that proceeding right now -- that Billy Gard was his
9 attorney for the proceeding.

10 He said he was involved in a divorce in January of
11 1991. He said that, at one point, his daughter fell at a
12 neighbor's house. At first, he indicated that he was a
13 plaintiff, but then he said that there was -- to his
14 knowledge, there was no suit filed. He did retain an
15 attorney, but didn't go to Court, and apparently it was
16 settled out of Court with the insurance company.

17 That was all the litigation.

18 The next question was have you ever been subject
19 to a plan for treating substance abuse question. And he ^{said with} ~~said~~
20 there was an incident at Florida Power and Light, at Turkey
21 Point. He was having some chest pains. He was examined by
22 three different physicians and diagnosed with severe
23 gastritis, and he was prescribed Xantax, which was a
24 prescription drug, some type of stomach medication.

25 He said he notified his supervisor of it and

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DWR

1 Florida Power and Light sent him to their physician, a Dr.
2 Dolsey, D-O-L-S-E-Y, in Miami, Florida, for an examination.
3 He said during the examination Dolsey became upset and
4 indicating that Mr. Saporito was refusing to cooperate with
5 the exam, so Dolsey discontinued the examination.

6 They returned him to the site -- I assume Turkey
7 Point was what he was talking about -- and questioned him
8 about NRC information -- or information he had provided to
9 the NRC.

10 Q Who's they?

11 A I think he said officials with Florida Power and
12 Light.

13 He was then subsequently terminated. He said
14 during the time the questioning was going on, he was working
15 in the Training Department, and he was not sure if his
16 access had been denied or suspended during that period of
17 time. He said they did have Security pull his badge, and
18 they told him he couldn't go in the operating part of the
19 plant.

20 We then went to the address section, and he had
21 told me earlier in the interview about the Avondale,
22 Arizona. He said he resided at the [REDACTED],
23 which were located on [REDACTED] in Avondale, Arizona, for
24 about one month in September of 1991.

25 And he said that was all.

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[Handwritten signature]

1 We went over the affidavit that pertained to the
2 information that was on the data form. He didn't add
3 anything at that point.

4 So, we went back and summarized. And I asked him
5 why he hadn't provided the complete information on the data
6 form, specifically in the areas of his employment? And he
7 said, they weren't full-time jobs, even though he put in 40
8 hours per week -- that he didn't plan to remain at those
9 jobs forever. He didn't consider them to be career
10 positions; that those hotels were not listed -- ^{AND QWA} the ATI
11 -- was not listed on his resume, and they weren't relevant
12 to his employment history, and that all he did when he
13 filled out our data form was copy from his resume to the
14 data form.

15 In terms of the organization area, he said he just
16 missed it -- didn't see it.

17 In terms of the litigation question, he said they
18 were not litigations, they were only administrative law
19 hearings involving the NRC and DOL issues.

20 In regards to the fitness for duty denial
21 question, he said it was not a fitness for duty issue. They
22 told him that his access hadn't been denied.

23 In regards to why he didn't list the terminations
24 and some of the other stuff on the affidavit. Question
25 number nine on the affidavit says: "Have you ever been

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DRK

1 fired, discharged or asked to resign by previous employer?"
2 He indicated yes when he filled it out, but he -- and he
3 said -- and to explain that yes -- on the data form he
4 wrote: "Employment with Florida Power and Light, Turkey
5 Point plant terminated as a direct result of my
6 participation in an NRC investigation of the Turkey Point
7 nuclear plant."

8 So, when I asked him, well why didn't he list the
9 other employers that he was terminated from, he indicated
10 that he had filled out both the data form and the affidavit
11 at the same time. But, and I did not point this out to him
12 in the interview, but he signed the data form January the
13 8th, and indicated to me that Sun Technical had mailed a
14 blank data form to him, in which he then mailed either back
15 to Sun Tech or to us direct, I'm not sure which.

16 The affidavit indicates though that he signed it
17 on January the 13th and witnessed by Andrew Woods. So, his
18 statement about filling them out both at the same time
19 didn't make a lot of sense to me.

20 Q Do you know what standard practice for -- do you
21 send out screening affidavits and data forms at the same
22 time, or do you know?

23 A At -- I don't -- it's quite common to provide the
24 vendors with copies of the data forms and so forth. Whether
25 or not a screening affidavit goes with that and they can

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du

1 fill it out at the same time, that may occur in some cases,
2 I don't know if it's a practice. But, certainly, it is our
3 standard practice that the interviews be conducted one on
4 one with a -- at that time, with a member of the Security
5 Department.

6 I've now continued that practice as part of the
7 access authorization division. Mr. Woods still conducts
8 these interviews one on one with the individual, a part of
9 the unescorted access process.

10 Q I think I may have misunderstood you earlier then.
11 I thought that you said that Mr. Woods was going over this
12 screening affidavit form. But, in fact, the employee has
13 already filled it out? Is that --

14 A No, I don't -- I don't know if Saporito had filled
15 this out ahead of time or filled it out in front of Mr.
16 Woods, or had filled it out at the ^{CPFQWR}~~SPE~~ and then him and Mr.
17 Woods had gone over it one on one.

18 Q Okay.

19 A I don't know. Our practice is that the affidavit
20 is reviewed with the individual one on one with the member
21 of the access group or, at that time, a member of the
22 Security Department. If it -- at what point in time the
23 checks are made, I don't know.

24 Q Okay. So, Mr. Saporito said he had completed them
25 at the same time, although the dates indicate otherwise; is

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1 that correct?

2 A Uh-huh.

3 Q Did he offer any other explanations?

4 A No. At that point, the interview was essentially
5 concluded. We exited the room. I asked Mr. Saporito to go
6 to his car and get his driver's license, which he did do,
7 and came back upstairs, and I recorded his Texas driver's
8 license number. And, according to my notes, we actually
9 ended the interview at 5:30 that evening.

10 Q Were there any gaps in his employment record?

11 A On the data form?

12 Q On the data form that was -- or was he self-
13 employed during this time that he worked for ATI and these
14 hotels? Was he also saying that he owned or operated the
15 Air Flow Company?

16 A Well, I lost it. Let's see, '77 to -- January
17 '77, March of '82, RCA; March of '82, January of '89 Florida
18 Power and Light; January of '89, September of '91, Air Flow,
19 which was his -- he says owner/operator, and that was his
20 own business; and then September '91 to December of '91,
21 Atlantic Group at Palo Verde. There were no -- and then
22 January '92 to the present, Sun Technical. There were no
23 gaps in the employment record.

24 To fill this out though, the questions that the
25 individual needs to -- or the information he needs to

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AR

1 provide is pretty explicit. It says you must list every job
2 for the past five years, starting with your present or most
3 recent job. Please indicate all periods of unemployment.
4 If necessary, attach additional sheets of paper and note
5 that you've done so, and then it has a blank for the person
6 to write in the number of additional sheets that are
7 attached. There were no gaps.

8 Q Did he mention anything about the -- did he offer
9 that as a reason for leaving those other jobs out -- that he
10 was self-employed at this time, and considered these jobs to
11 be --

12 A No, he did not.

13 The only reason that he gave me for failing to
14 list the employers were that they were not full-time
15 positions, even though he put in 40 hours per week -- that
16 he didn't plan to be at those positions forever, they
17 weren't listed on his resume, they were not relevant to his
18 work history, and that he had just copied from his resume to
19 the data form. Those were the only reasons he gave me for
20 failing to list the positions.

21 Q And what about the litigation? He said he didn't
22 consider those to be --

23 A And that's interesting. He said they were not
24 litigations, they were only administrative law hearings.
25 According to the notes I took when I asked him about that

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JGR

1 question, he said he was a complainant in a DOL litigation,
2 and then he changed it to proceeding.

3 Q And that was with Florida Power and Light; is that
4 correct?

5 A Florida Power and Light, ATI, a divorce, and
6 possibly a personal injury suit, and an ASLB hearing,
7 several.

8 Q Did he mention anything from Palo Verde?

9 A No.

10 Q Okay.

11 A Has he got one with Palo Verde?

12 Q I think he does now, but I don't know when it was
13 filed.

14 A He did not mention anything to me about Palo
15 Verde.

16 Q Okay. Okay. So, you concluded your interview, is
17 that correct, at that time? Mr. Saporito brought his
18 driver's license, you recorded the license number. And did
19 he ask you anything further? Did he ask you what are you
20 going to do with this information?

21 A I'm not sure if he asked me -- it's my standards ^{SWA}
22 practice, Virginia, to not let somebody walk away from an
23 interview without telling them something about what is going
24 to happen. And Mr. Saporito and I stepped into my office,
25 and I told him that I would finalize this information and

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SWA

1 present it to the access program director.

2 Since we had information from the interview that
3 was different than what he had provided on his documents,
4 the access program director would do one of three things:
5 He would either continue Mr. Saporito's access, he would
6 suspend his access, pending follow-up investigation, or he
7 would revoke his unescorted access.

8 He then asked me well, what should he do? And I
9 told him that he should report to work at his normally
10 scheduled time, and that his management would inform him of
11 any additional actions that needed to be taken or decisions
12 that had been made. At that point he left. The interview
13 was over with.

14 MS. VAN CLEAVE: Okay. I think this might be a
15 good time to try to take a lunch --

16 THE WITNESS: Yes. We've got 10 minutes.

17 MS. VAN CLEAVE: -- break.

18 [Whereupon, at 12:50 o'clock p.m., the above-
19 entitled interview was recessed for lunch, to reconvene at
20 1:35 o'clock p.m. this same day.

21

22

23

24

25

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AFTERNOON SESSION

[1:35 p.m.]

MS. VAN CLEAVE: Okay. We're back on the record. It's approximately 1:35 p.m. We took a short lunch break. Whereupon,

JAY WATT HINSON,
a witness, was called for examination, and having been previously duly sworn, resumed examination and testified as follows:

CONTINUED EXAMINATION

BY MS. VAN CLEAVE: [Resuming.]

Q Mr. Hinson, I think that, prior to the break, we had discussed your interview of Mr. Saporito on February 20th, 1992. And you had concluded that interview -- we were discussing that interview when we took our break. Is that your recollection?

A Yes. We had reached the point where we had concluded the interview.

Q And after Mr. Saporito left, did Rick Cink stay?

A Yes. Because of the amount of information that had been developed in the interview, specifically in regards to Mr. Saporito's employment, I asked Mr. Cink to stay and attend a briefing with Balcom to relate the results of the interview.

Q And did you contact Mr. Balcom?

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1 A Yes.

2 Q Was he in his office?

3 A No. We had some difficulty locating -- we wound
4 up in Mr. Jump's office with Mr. Jump and Mr. Balcom, Cink,
5 and myself.

6 Q Did you locate Mr. Balcom in Mr. Jump's office?

7 A No. I'm not sure where he was. I think he
8 probably was over with Mr. Kinsey or somewhere. I'm not
9 real sure where he was, but he came to Mr. Jump's office.

10 Q So, when you couldn't find Mr. Balcom next -- and
11 I believe his office at that time was next to your office?

12 A Yes.

13 Q Is that correct? Did you then go to Mr. Jump's
14 office?

15 A We wound up there, but I think we took kind of a
16 circuitous route, walking down through Speak-^{our QWA}put, maybe even
17 into QA, up into the executive offices, and then across the
18 building into Jump's, looking for him.

19 Q Did you specifically intend to locate Mr. Jump in
20 addition to Mr. Balcom?

21 A I went to locate Mr. Balcom. I assumed, as we
22 were looking for Mr. Balcom, that when we found Balcom we
23 would find Jump.

24 Q You mean together or --

25 A Uh-huh, yes. I really expected to find them

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Dick

1 together.

2 Q Why?

3 A Well, they -- you know, here we were in Mr. Jump's
4 office, and I was dispatched to do this interview, so I just
5 assumed that the two of them would be waiting for me to
6 return with the results.

7 Q Well, how many hours later is this by now?

8 A About an hour and a half.

9 Q What time did you conclude your interview?

10 A 5:30.

11 Q And you initially contacted Rich DeLong I think
12 you said about 4:15?

13 A Well, okay, it would be about an hour and 15
14 minutes later, something like that.

15 Q So eventually you ended up in Mr. Jump's office,
16 and Mr. Balcom was either already there or came there
17 shortly after?

18 A Uh-huh.

19 Q And Mr. Cink was still there?

20 A Ah --

21 Q He came with you?

22 A Yes. He came with me. Yes.

23 Q Okay. Did you then --

24 A Let me make sure, because I -- he had to have
25 arrived at the office.

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1 Q Who?

2 A Mr. Balcom. Because when I got to Mr. Jump's
3 office ^{he QDA} ~~we~~ wasn't there and I made a phone call to the
4 gatehouse -- security gatehouse to have Mr. Saporito's badge
5 placed on hold.

6 Q Who wasn't there, Mr. --

7 A Mr. Balcom.

8 Q Mr. Balcom was not at Mr. --

9 A Right.

10 Q -- Jump's office?

11 A Right. So, I --

12 Q Was Mr. Jump there?

13 A I don't recall that.

14 Q You don't know if Mr. Jump was there or not?

15 A I don't recall it. And -- I don't recall.

16 Q So, you called the gatehouse and asked them to put
17 his badge on hold. Is that standard practice?

18 A Yes. Absolutely.

19 Q What did that mean?

20 A Well, what it means is that the Security
21 Department will not issue his badge should he show up at the
22 gatehouse to access the protected area.

23 Q Is this an interim procedure that you utilized
24 before you make a final decision?

25 A Yes. Yes. It would equate to suspending access,

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1 pending the results of an investigation. But, it's not
2 formally suspending access, it's more of an administrative
3 process where we can ensure that a person doesn't get into
4 the protected area while we sort out the details and decide
5 -- give the access program director a chance to make that
6 decision that he needs to make.

7 Q And you have the authority to take that action?

8 A Yes.

9 Q Is there any form that needs to be filled out, or
10 just your verbal request?

11 A There is a form that has to be filled out. It's
12 called the unescorted access badge transaction form. But,
13 at the time, I was a manager within the Security Department
14 that worked with Investigations. And our Security Force
15 supervisor knows that it's okay to not issue the badge,
16 based on verbal instructions from myself or the other
17 security managers in the section, and then we'll get the
18 paperwork to him. Eventually paperwork has to be produced
19 to document the placing of the badge on hold.

20 Q And after you contacted the gatehouse and ask that
21 they do that, what as your next step?

22 A Brief Balcom on the results of Mr. Saporito's
23 interview.

24 Q And was Jump present?

25 A Yes.

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Jump

1 Q Was Cink present?

2 A Yes.

3 Q Did you go over each item as you've just done
4 during our discussion, or did you just -- how did you
5 approach it?

6 A We were in Mr. Jump's office. If I remember
7 right, I was sitting at Mr. Jump's conference table. Mr.
8 Jump was behind his desk. Mr. Balcom was sitting in the
9 front of his desk, and I think Cink was actually leaning
10 against the credenza. And basically I explained to Mr.
11 Balcom, in detail, the sequence that the interview went
12 through and the information that Mr. Saporito had provided
13 that wasn't on his data form or affidavit.

14 Q How did Mr. Balcom respond to that?

15 A He listened to me. And I believe he asked me what
16 my opinion was.

17 Q And what was your opinion?

18 A That we should deny Mr. Saporito's access to the
19 South Texas Project.

20 Q Is there a difference between denial and
21 revocation?

22 A Probably -- yes, there probably is a technical
23 difference between the two, although the terms are somewhat
24 interchangeable. Grant -- you're authorizing access.
25 Denied -- I think in the procedure tends to imply that the

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QWR

1 person does not have access, and he's not going to get
2 access. Revoke -- the person has access and you're taking
3 it away from him. And, in this case, the correct
4 terminology would be revoke, but they're used
5 interchangeably.

6 Q That had been my understanding from reading some
7 of the documents here, and I just wanted to satisfy that I
8 understood it correctly.

9 A I kind of bounce from one to the other.

10 MR. BAER: Do you use different standards for
11 denials and revocations?

12 THE WITNESS: No. No. No. Not really. No.

13 BY MS. VAN CLEAVE:

14 Q So, you recommended --

15 A Revoking. Correct.

16 Q -- revoking Mr. Saporito's site access?

17 A Protected area access, unescorted access.

18 Q Unescorted access I should have said.

19 And did Mr. Balcom agree with that?

20 A Yes.

21 Q Did he ask you for any additional information at
22 that time?

23 A No.

24 Q Did he ask you about what the procedures say or
25 what's --

1 A Oh.

2 Q -- our usual policy regarding something like this?

3 A When you said no I thought you went like more --
4 additional investigative information.

5 Mr. Balcom was new to the security manager's
6 position. He had only been in that position since the first
7 of '92, I think around mid-January. So, I believe he asked
8 me what paperwork -- I am paraphrasing -- what documents
9 needed to be completed to process the revocation. And I
10 told him that I knew what those were and that we could go
11 take care of that.

12 Q Did he ask you what procedures should be followed?
13 Or did he ask to review any specific procedures?

14 A No. He did not ask to review any -- we didn't go
15 review the procedure that I recall. I took it, and my
16 memory tells me that he was confident that I knew what
17 documents needed to be completed, and that he and I would go
18 get those documents and complete them, and we did.

19 Q Did he ask you if revocation of Mr. Saporito's
20 access would be appropriate, given the circumstances or the
21 things that you had discovered during the interview with Mr.
22 Saporito?

23 A Well, I don't think he asked that specific
24 question of me. He asked me what my recommendation was, and
25 I told him that my recommendation was that we should revoke

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JWB

1 his access or deny; he used one of the two words.

2 Q What did you base your recommendation on?

3 A Well, I felt that the information that we had
4 developed during the interview was pretty significant --
5 that, in my opinion, Mr. Saporito had falsified the
6 documents that caused us to grant him unescorted access.
7 That's a serious offense. I don't think he should be
8 allowed in the plant because of it.

9 Q Because he provided false --

10 A Uh-huh.

11 Q -- information on --

12 A Yes. He had omitted information that was relevant
13 to the access authorization process, the unescorted access
14 process.

15 Q And what do you consider to be relevant?

16 A Certainly the fact that he had three employers
17 that he was terminated from that he didn't list on the data
18 form I felt was quite relevant, and still do feel that way.

19 Q Anything else?

20 A I felt the litigation question -- that he had
21 neglected to include a complete answer to that question.
22 Certainly, as residence area on the application, he didn't
23 answer that one completely.

24 I think it was significant that he completed the
25 data form on January the 8th; but when he arrived on site

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DRB

1 and was interviewed on the 13th, he also failed to list the
2 same information -- provide the same information as to the
3 terminations on the other three employers, and certainly his
4 confusion over whether or not he was denied access for the
5 or the Xantax, or whatever those two issues 7c
6 were, whether they were the same incident or two different
7 incidents.

8 I think it's significant ^{that day} ~~then~~ when he was
9 presented with the data forms at the beginning of my
10 interview and was allowed to review the forms, he did not
11 provide me with the information about the employment. And
12 it was only until we specifically went over, block by block,
13 the data forms -- and even at that point when he was going
14 over, one line at a time, he did not give me those
15 employers, when we were doing them chronologically. It was
16 only when I asked him if he had any other employment in that
17 five-year period that he then provided that information.

18 So, I think there were a sequence of events there
19 where he had ample opportunity to correct his documents for
20 unescorted access. And I think in each one of those
21 sequences of events, he made a decision not to provide that
22 information. And I think that's highly significant to the
23 unescorted access process.

24 Q Did you attempt to verify Mr. Saporito's story --
25 his --

1 A In what respect?

2 Q -- terminations from his employment primarily?

3 A Well, I --

4 Q I mean, did you -- I guess what I'm asking is was
5 the revocation decision made just based on what he told you
6 at this interview? Was any attempt made to verify whether
7 or not he was, in fact, terminated from his --

8 A Why would we do that?

9 Q Well, I am just asking. Was there an attempt made
10 to verify Mr. Saporito's story?

11 A It would seem to be a lose/lose situation to me.
12 He had come into an interview for unescorted access -- as
13 part of his unescorted access process, told me about
14 information that was different than his data form. Now, I
15 assume that Mr. Saporito was telling me the truth. And I
16 believe he was telling me the truth -- that he had been
17 terminated from these employers. If I went and contacted
18 those hotels and found out that he had never worked there,
19 then he would have lied to me ^{INOWA} and my interview, and he would
20 have failed to cooperate with our investigation, I would
21 have recommended that his access be denied.

22 Before we broke for lunch -- now -- since you
23 brought it up, you kind of intrigued me. If he has a
24 litigation with Palo Verde and he lied to me in my
25 interviewed ^{INOWA} -- and I haven't followed up on that. I think

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1 maybe I should follow-up on that and supplement my file,
2 because I think he would have lied to me in my interview.
3 And certainly his access should not be allowed on this
4 project or any nuclear plant, in my opinion. It's too
5 critical an issue.

6 Q You mean omissions of information specifically, or
7 just the sum total of all the information or what?

8 A I think you have to look at a file in totality.
9 You accumulate facts as you develop a nuclear file. And you
10 have to evaluate those facts, as to whether or not they're
11 relevant to the access authorization process. If you have
12 differences, I think you have to evaluate whether or not
13 they're significant. If they're significant and if they're
14 relevant to the process, I think access should be revoked or
15 denied. I certainly believe that.

16 Q How do you determine what is significant or what's
17 relevant to the process?

18 A I wish there was a magical way that you could plug
19 numbers into some computer and it spits out an obvious
20 answer each time. You take each fact, each file and you
21 look at the facts, and you evaluate it. How each individual
22 access program director makes those decisions, I think you
23 really need to ask them rather than me.

24 I looked at Mr. Saporito's file and I felt like
25 the information that he has failed to include was relevant,

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1 and it was clearly asked for. There was no confusion about
2 what information we were asking for. I think -- as a
3 result, I think it was relevant. And I think the fact they
4 were terminations was significant. And, to me, that met my
5 standard for revocation of unescorted access. It did then,
6 does today.

7 Q Okay. So Mr. Balcom said, if I understood you
8 correctly, he said that he agreed with your recommendation
9 or your opinion that Mr. --

10 A I don't know that I said he agreed with it. His
11 decision was to revoke Mr. Saporito's access. I took that
12 as concurrence with my decision, but I don't specifically
13 remember him saying what -- that was the correct decision.

14 Q Well, I know. But, if you said that you believed
15 that his access should be revoked, and Mr. Balcom then said
16 I think that Mr. Saporito's access should be revoked; that's
17 an agreement, is it not? I mean, I don't know how --

18 A Well, unless he characterizes it to me as an
19 agreement, then I'm going to say I don't know if he was
20 agreeing with me. I know what happened. The facts were
21 that that was my recommendation. And his decision was to
22 revoke.

23 Q But, they're the same as your --

24 A They just happen to be the same one.

25 Q -- recommendation.

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Dwy

1 A But he didn't tell me that he agreed with me, and
2 that was your question.

3 Q His decision was to revoke Mr. Saporito's --

4 A Yes.

5 Q -- access?

6 A Yes, it was.

7 Q And your recommendation was to revoke --

8 A Yes, it was.

9 Q -- Mr. Saporito's access?

10 Did Mr. Balcom review the procedures prior to
11 reaching his decision?

12 A You asked me that once before, and I don't
13 remember us going to look at the procedure. I think, as I
14 said earlier, he was new to his position in security. And I
15 think he relied upon me, knowing what the procedure required
16 and being present with him at the time we completed the
17 documents necessary to do the revocation. But he may very
18 well have looked at the procedure while I was in the
19 interview with Mr. Saporito, I just don't know.

20 Q Did Mr. Jump provide an opinion or any input into
21 this discussion while Mr. Balcom was reviewing the
22 circumstances in arriving at his decision?

23 A During the briefing to Mr. Balcom, Mr. Jump didn't
24 have anything to say. At the time I made my recommendation
25 to Mr. Balcom and Mr. Balcom made his decision to do the

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1 revocation, Mr. Jump didn't have any input at all.

2 Once the decision was made to do the revocation,
3 Mr. Balcom mentioned that he needed to contact Mr. Kinsey
4 and to brief him as to what had occurred during the evening
5 hours and ^{that OWH} led up to the decision to do the revocation. And
6 I believe Mr. Jump indicated that he didn't feel that it was
7 necessary to do that. There was some discussion between the
8 two of them. And I'll be honest with you, I didn't pay a
9 whole heck of a lot of attention to it.

10 What I remember is that Mr. Jump -- we were in --
11 this is kind of convoluted. We were in the process of
12 implementing the new NRC access authorization rule. And
13 when I say "we," I mean the Security Department and the
14 Human Resources Department, which were the two organizations
15 that were involved in the access process. Since we were
16 implementing an NRC rule, our Licensing Department was
17 involved, or certainly had an interest in how well we
18 complied with the rule.

19 It was my understanding that Mr. Jump was placed
20 as the project manager over this -- during this transition
21 phase from the old program to whatever was going to be the
22 new program. So, in the context of their -- the two of them
23 discussing whether or not Mr. Balcom needed to notify Mr.
24 Kinsey, Mr. Jump said, as project manager for implementing
25 access authorization, I don't think you need to call Kinsey,

1 or I don't think you need to brief Kinsey or words something
2 to that effect. His suggestion was that Mr. Balcom didn't
3 need to notify Mr. Kinsey. And Mr. Balcom accepted that I
4 think.

5 It would be better off to ask them the specifics,
6 because I really don't remember the extent of the
7 conversation between the two of them.

8 Q Did Mr. Jump specifically say, as project manager
9 for the access --

10 A I don't --

11 Q -- whatever you call that.

12 A Again, I want you to understand, Virginia, I was
13 paraphrasing what --

14 Q Yes. That's why I'm asking that specifically. Do
15 you recall --

16 A Do I remember him quoting that?

17 Q Do you remember him saying he was -- as project
18 manager for the access control division, whatever it is
19 called -- did he actually mention that, or did he just
20 perhaps say as project manager?

21 A I'm not sure. I think I confused myself.

22 Your question to me is did he use the phrase
23 project manager of access authorization?

24 Q Uh-huh?

25 A Or just project manager?

1 Q Uh-huh?

2 A I don't recall.

3 Q Okay. But you believed -- it seems like you
4 believed that he was speaking as the project manager for the
5 access program?

6 A Yes. Yes. It was common knowledge that -- I
7 won't say common knowledge, there were a lot of people who
8 probably didn't know it -- but people that were involved in
9 access. I want to be correct here. The people that were
10 involved in the Security Department, involved in the access,
11 was aware that Jump, you know, had been placed over this
12 implementation of the new rule, you know. However the
13 program was going to turn out, nobody really knew. You
14 know, a lot of decisions have yet to be made, and he was the
15 owner of that project.

16 Q Did Mr. Balcom usually consult with Mr. Kinsey
17 before he made this kind of decision or after -- immediately
18 after -- before the action was actually taken?

19 A I believe it was pretty well established practice
20 for the security manager to notify his boss, especially in
21 issues of revocation. I don't know that Mr. Kinsey ever
22 directed Mr. Balcom to do that.

23 Q But, as far as you know, it was standard practice?

24 A It's -- yes. Yes. You don't make decisions of
25 this type in a vacuum, you know. You need to let the guy --

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1 the employee's management know what's occurring, and you
2 need to let your boss know what's occurring. And, you know,
3 so -- certainly it was Mr. Balcom's decision though. He was
4 the access program director.

5 Q Did Mr. Jump leave his office or telephone anyone
6 that you can recall during this time?

7 A Yes. I think he did leave. I'm not sure if it
8 was during -- he left. Whether it was this meeting or the
9 one prior to the interview, I'm not sure about come to think
10 of it. But I have the recollection that he did leave.

11 Q Do you recall him saying anything when he came
12 back?

13 A He didn't say anything to me.

14 Q It didn't have to be specifically to you, it could
15 have been to Mr. Balcom.

16 A Well, I'm not sure. I'm really not sure. I would
17 assume he would have.

18 Q Other than Mr. Jump telling Mr. Balcom that he
19 didn't believe he needed to consult with Mr. Kinsey because
20 he was -- Mr. Jump was the project manager --

21 A Wait a minute. Say that again. Because I don't
22 think that's what I said.

23 Q I thought you said that Mr. Jump said that he did
24 not believe it was necessary for Mr. Balcom to consult with
25 Mr. -- or notify Mr. Kinsey; did you not say that?

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1 A Yes, I did. But then you tacked on because Jump
2 was the project --

3 Q Jump was the project manager. That's what --

4 A I don't think -- I don't think -- I don't want to
5 characterize that Jump is giving instructions to Balcom not
6 to notify -- I'm the project -- I'm speaking as Jump now,
7 okay?

8 Q Okay.

9 A I don't remember it occurring -- you know, Balcom,
10 I'm the project manager for access authorization. You do
11 not need to -- I'm instructing you not to tell Kinsey. I
12 don't remember it being characterized that way.

13 Q Okay. I don't think I said that.

14 A I think it was two managers --

15 Q I think I said notify. I don't think I said
16 instructing but notifying.

17 A Well, I know. But the way I heard it, it sounded
18 like you were characterizing it as Jump was giving Balcom
19 instructions, and that's not the way I would characterize
20 it. I would characterize it as two managers discussing an
21 issue. And I think, in that context, Jump was saying to
22 him, you know, I'm the project manager for access
23 authorization, I don't think you need to notify Kinsey.

24 I just want to make sure this -- when this is all
25 typed up and five years from now, you know, when we're all

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1 sitting down in some courtroom, if that's what --

2 MR. BAER: Or in some jail ^{cell} ~~bell~~ ^{QWN}

3 THE WITNESS: Or some jail ^{cell} ~~bell~~. I don't want
4 somebody to say, well Hinson said that Jump instructed
5 Balcom not to notify Kinsey, because that's not what
6 happened. I want to --

7 BY MS. VAN CLEAVE:

8 Q I don't believe I said instruction.

9 A Well, I know, I'm not --

10 Q I really don't.

11 A I know.

12 MR. BAER: My head hurts.

13 THE WITNESS: I just -- I want

14 THE REPORTER: One at a time. One at a time.

15 THE WITNESS: I want to be sure I have
16 communicated to you that it was more of a conversation
17 between two managers that I wasn't paying an awful lot of
18 attention to. So, the answers to your questions should
19 probably come from Balcom and Jump, because I really don't
20 recall a lot of the details of what they were talking about.

21 BY MS. VAN CLEAVE:

22 Q But you do recall Mr. Jump saying to Mr. Balcom
23 that he did not believe it was necessary for Mr. Balcom to
24 notify Mr. Kinsey; now, is that correct?

25 A That's correct.

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QWN

1 Q Mr. Balcom -- did Mr. Balcom then notify Mr.
2 Kinsey?

3 A I have no idea.

4 Q Did he notify Mr. Kinsey in your presence?

5 A No.

6 Q Did Mr. Jump provide an opinion as to why he
7 believed -- what action he believes should be taken?

8 A No.

9 Q Did Mr. Cink provide an opinion as to what action
10 he believes should be taken?

11 A No.

12 Q And Mr. Balcom made the decision to revoke Mr.
13 Saporito's access?

14 A Yes.

15 Q Was there any further discussion while the four of
16 you were there in that room?

17 A I don't even think the four of us were together at
18 that point. At some point in here Cink left. I'm not sure
19 he was actually there when the decision was made to revoke
20 access. And that just may be my memory foggy, I'm not sure.
21 But, when the meeting ended it was just me, Jump and Balcom.
22 I think Cink had already left by then.

23 Q Was there any additional discussion among the
24 three of you?

25 A No, not that I recall.

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1 MR. BAER: You mean you just sat there silently?

2 THE WITNESS: Well, no, we left to go do the
3 paperwork. Balcom and I left. The meeting was over. The
4 decision had been --

5 BY MS. VAN CLEAVE:

6 Q The decision was made? There was no further
7 discussion?

8 A About?

9 Q The decision -- about whether or not this was the
10 right decision -- whether or not procedures had been
11 followed?

12 A No. Not that I recall. We left -- Balcom and I
13 left Mr. Jump's office to go implement the decision.

14 Q And what did that entail?

15 A We returned to the Security Department and I
16 completed an adjudication documentation form, indicating
17 that information was received, indicating subject did not
18 list one employer on the data form. Subject was interviewed
19 on February the 20th, 1992, and provided information that he
20 had been employed by three employers that he did not list on
21 the data form. See interview reports. And then indicated
22 that the issues we were looking at, IP7.02Q, Section 8.1.2

23 Q That's the specific procedure that was cited?

24 A Uh-huh.

25 Q Let me ask you -- that reminds me of another

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1 question.

2 A Uh-huh?

3 Q Did Security have any additional procedures,
4 policies, standard practices regarding what specific acts
5 constitute grounds for access denial or revocation?

6 A Uhm-uhm.

7 Q You know, that procedure that you've cited as
8 relatively general?

9 A It's the NRC requirement.

10 Q That doesn't make it any less general.

11 A Hey. We used what guidance you all provided us.

12 MR. BAER: It wasn't our idea.

13 THE WITNESS: I don't -- you know, it says -- I
14 don't remember exact words, but it says willful omission or
15 falsification of documents --

16 BY MS. VAN CLEAVE:

17 Q Material information?

18 A Yes. Material information on documents to support
19 the unescorted access, something like that.

20 Q Well, a lot of requirements like that are
21 relatively general. A lot of times nuclear sites come up
22 with additional procedures or additional guidelines. So, in
23 this case, did the Security Department have any additional
24 --

25 A No.

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1 Q -- guidelines?

2 A No, we did not. No, we did not.

3 Q Okay. So, you completed that form?

4 A Yes. And Mr. Balcom then wrote on it access
5 revoked, and signed it and dated it.

6 To complete the process we had to do two
7 unescorted access badge transaction forms. One was to
8 document the placing of the badge on hold, and the other one
9 was to document the revocation of the badge.

10 Q Why is it necessary to complete two forms? Why do
11 you need to put it on hold?

12 A So that --

13 Q Why not just revoke it?

14 A -- so that we -- the documents will accurately
15 reflect the actions that occurred. The -- there was a -- I
16 made a decision -- my decision was to -- was to place his
17 badge on hold, pending the investigation.

18 Balcom made a decision to revoke unescorted
19 access. That decision occurred some time after the decision
20 I made to place the badge on hold. So, in my mind, at the
21 time, we needed ^{two} forms; one to accurately describe the
22 on-hold and one to accurately document the revocation.

23 The other form -- that last form that we needed
24 was a statement of access unsuitability. In retrospect, I'm
25 not sure if we really needed this one, but we did one. We

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1 didn't -- we couldn't find one in the Security Department,
2 so we went to the Central Processing Facility to locate one.
3 All of the offices there were locked and neither one of us
4 had a key. So, I contacted Andrew Woods at his residence
5 and had him come to the project and open up his office, and
6 we obtained the statement of access unsuitability. And I
7 wrote Mr. Saporito's name and social security number on the
8 top of it, and Mr. Balcom signed it and dated it, and that
9 wound up in his nuclear file.

10 At that point we went back here to the nuclear
11 support center. And I don't know if Mr. Balcom went back to
12 his office or just left. We were in the parking lot. And I
13 went to the gatehouse to make sure that -- East Gatehouse,
14 to make sure that the badge had been placed on hold.

15 Q Did you take any of the forms with you?

16 A I think -- I don't think I took the forms because,
17 at the time, neither Mr. Balcom nor myself were authorized
18 to sign for the plant manager. So what I think I did is I
19 took them -- well, I know I took them to Odom the next
20 morning, but I'm not sure if I took them to the gatehouse
21 that night. I primarily went to the gatehouse to ensure
22 that Mr. Saporito's badge was placed on hold, and it was
23 unavailable. He couldn't use it to access the protected
24 area.

25 Q Had you taken the decision -- or made the decision

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1 to suspend Mr. Saporito's access on your own, or was that on
2 instruction from Mr. Balcom?

3 A Well, indirectly it was instructions from Mr.
4 Balcom. At some point prior -- prior to the interview with
5 Mr. Saporito, somebody, and I cannot remember who, stopped
6 me and -- at the time Mr. Saporito and I believe Mr. Cink
7 were both in the interview room and I was either turning off
8 the TV or maybe it was when I went out to get the files to
9 bring back into the interview room. At some point in there,
10 somebody in Security had told me that Mr. Balcom had called
11 to leave me a message to place Mr. Saporito's badge on hold
12 at the conclusion of the interview. I don't remember who
13 told me that. I took it at face value though and said yes.

14 Q You took these forms to Mr. Odom? Was that what
15 you were told to do? How did that transpire?

16 A I don't know -- I don't believe I was told to do
17 it. I knew that only Mr. Hall's direct reports were
18 authorized to sign for the plant manager. I knew that Mr.
19 Odom was one of those direct reports, and I knew he or
20 somebody at his level would have to sign it, and he's the
21 easiest one to find early in the morning. He's the human
22 resources manager. His office is upstairs from the Security
23 Department. It's just a matter of going up there and
24 getting him to sign them.

25 Q Do you often ask him to sign these kinds of forms?

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1 A Often ask Odom to sign them? I -- I don't think
2 any more than any of other -- any of the rest of Mr. Hall's
3 direct reports.

4 Q So Mr. Balcom didn't tell you to take those forms
5 to Mr. Odom?

6 A Not that I recall. It's possible that he did, but
7 not that I recall.

8 Q You took both of them --

9 A Yes.

10 Q -- to him?

11 A Uh-huh. Yes. He signed both of them.

12 Q I reviewed those forms and I couldn't really
13 understand what had happened. I mean, there's a different
14 date. It looks like you had signed over here and --

15 A Yes.

16 Q -- and it was crossed out.

17 A This signature here is the lieutenant, our
18 security force supervisor who was on duty. And I can't
19 remember if it was -- exactly where it occurred in this
20 sequence. But I remember she was saying to me that I could
21 not signed, as a requestor, to place a badge on hold. But
22 she was -- I knew that wasn't correct, but she was brand new
23 at her job. And I said well, you know, I need to put this
24 badge on hold. And she said well she would sign it, and I
25 said fine, you can sign it.

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1 Q Well, was that the 20th or was that the 21st?
2 Because it looks like you've signed it.

3 A Yes. It looks like I had signed it, and this is
4 my handwriting here, you know. Because we filled them out
5 that evening -- the evening of the 20th, so I would have
6 signed it and dated it the 20th. But, from her -- it looks
7 to me like she signed it that morning and then, one line and
8 initialled that she had signed it that day. So, she signed
9 it on the 21st.

10 Q Who completed the top of that form, do you know?

11 A I didn't. It may have been filled out at the
12 gatehouse, in anticipation of me bringing this one over
13 there. That may have been what happened. I had just
14 noticed that. This was my handwriting. From -- since you
15 brought it up -- when was this? 2-20, at 6:00 o'clock.
16 Okay.

17 I would suspect that what happened is I called the
18 gatehouse to place her -- Mr. Saporito's badge on hold,
19 which was done by this SAS analyst -- SAS, Secondary Alarm
20 Station at 6:17 on the evening of the 20th is when they
21 actually took his badge out of the rack.

22 They would have preliminarily completed this form.
23 When I went to the gatehouse probably that evening or the
24 next morning, Pat Belcher, the lieutenant, would have been
25 on duty, and that's when this would have occurred. And I

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1 would have seen that there was no reason for action here, so
2 I wrote in "pending investigation."

3 Now, when Odom signed it, I -- the more we're
4 talking about it the more I remember -- when Odom signed it,
5 he looked at this date and signed that date, and then
6 realized it was the wrong date, so one-lined it and put the
7 correct date. Because he signed it the next morning. He
8 was not here that evening.

9 Q Well, you've lost me. Had you already been to the
10 gatehouse with this form?

11 A I don't think so. No.

12 Q And had she already signed it or --

13 A I don't -- that -- no. If Pat Belcher signed it
14 and her initials, P.B. were dated 2-21, that means she
15 signed it on the morning of the 21st.

16 Q After Odom signed it?

17 A It may have been, yes. She may have looked at
18 this one and said, well, you can't sign it, you're not
19 authorized to. So, I'll -- but I'll -- if you want it put
20 on hold, I'll sign it as a requestor. That's what it said,
21 fine, sure.

22 Q Well, would it ordinarily have been taken to the
23 gatehouse after a plant manager or his designee signed it?

24 A I don't know. I would suspect that these badge
25 transaction forms come to the gatehouse without the plant

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1 manager's signature and then the gatehouse personnel shift
2 them over to the plant manager in some cases or, you know -
3 - and have it signed then. I don't believe any action would
4 occur on a badge unless it had already been signed by a
5 plant manager designee or a member of Security management
6 had contacted them and asked them to take action on a badge.

7 Q Well, what do you do with these forms after --

8 A We keep them --

9 Q -- okay -- you've taken them --

10 A -- for --

11 Q But, I mean, no -- you've taken this for Odom,
12 he's signed them, now what do you do?

13 A Take them to the gatehouse.

14 Q Oh, you take them to the gatehouse after that?

15 A Yes. I believe I --

16 Q I thought I just asked. So, Odom had probably
17 already signed that?

18 A I don't know.

19 MR. BAER: Signed it when?

20 THE WITNESS: He signed -- I know that Odom signed
21 it the morning of the 21st. I believe that Belcher signed
22 it the morning of the 21st. Whether or not it was before or
23 after Odom, I don't know, don't remember.

24 BY MS. VAN CLEAVE:

25 Q But would you have gone to the gatehouse to get

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QW

1 her to sign it, taken the form back over to Odom and then
2 taken it back to the gatehouse? I mean, is that the usual
3 practice?

4 A It doesn't sound logical does it?

5 Q No.

6 A No, it doesn't.

7 Q That's why I'm asking. Is that --

8 A But I don't know.

9 Q -- the usual practice? Is that --

10 A I don't recall.

11 Q You don't have a standard --

12 A I really don't.

13 Q -- you don't have a standard way that you handle
14 these forms?

15 A No, not particularly.

16 Q Where are they supposed to end up, at the
17 gatehouse, so that --

18 A Uh-huh.

19 Q -- they can --

20 A Yes.

21 Q -- take some action?

22 A They -- once this action is done here -- this is
23 actually a multi-part form. There's two parts to this form.
24 The nuclear security copy of the form -- the -- when the
25 action is taken in the Security computer, it's filed in the

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1 badging forms, badging files that are located in the
2 gatehouse. The other copy of the form is a Human Resources
3 copy, which happens to be this copy, the same form, this --
4 here, this -- Human Resources copy. And gets back over to
5 the Central Processing Facility and is filed in the nuclear
6 file.

7 Q Did Mr. Odom ask you any questions about why the
8 badge was being, or the access was being revoked?

9 A Yes.

10 Q And what did you tell him?

11 A I briefed him.

12 Q You did brief him on the circumstances?

13 A Yes. Showed him the adjudication form, where
14 Balcom had revoked access, and the statement of
15 unsuitability form.

16 Q And was he familiar with this process? Did he
17 appear to be familiar with this process?

18 A I wouldn't characterize Mr. Odom as being very
19 familiar with it, but, I mean, he knew what the forms were,
20 you know, he's seen the forms before. As to how familiar he
21 is with the procedure that drives the forms, I don't know.

22 Q Did he ask you any other questions, once you
23 briefed him and gave him the general information as to what
24 happened, did he ask --

25 A I think he --

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D.R.

1 Q -- for any specifics?

2 A I think he asked me what my recommendation was,
3 and I told him to revoke access.

4 Q By this time, which was the morning of the 21st of
5 February, did you know yet that Mr. Saporito had a 2.206
6 filed here at the South Texas Project?

7 A No.

8 Q You still did not know?

9 A No. No. No.

10 Q Was it --

11 A I no longer believed that Mr. Saporito was just
12 another I&C technician; but I did not know -- when I sat
13 down with Odom, at that point, I did not now ^{that} ~~what~~ Saporito
14 was a 2.206 petitioner.

15 Q No mention had been made of that in the meetings
16 on the 20th?

17 A Not to my recollection at all. At what point on
18 the 20th?

19 Q Anytime on the 20th.

20 A If there was any mention, okay, and I'm not saying
21 there was, it would have been after Mr. Balcom's decision to
22 revoke access. And I don't really recall any, but I know he
23 and jump were talking. And if it came up in there, it may
24 have, but I don't have any recollection of it.

25 Q When you say "they were talking," --

1 A I'm talking about this -- the conversation we just
2 went through about notifying Mr. Kinsey and Jump being
3 project manager and all that stuff. If it came up then it
4 did, but I don't specifically remember it. You've got to
5 find -- from this point forward, my memory is going to get
6 real cloudy about Mr. Saporito. Because it -- once these
7 forms were done, in my opinion, I was out of the Saporito
8 case. I had completed my investigation.

9 Q Did Mr. Odom say anything about Mr. Saporito being
10 a 2.206 petitioner?

11 A No, he did not.

12 Q Did he say anything about Mr. Saporito having
13 filed concerns here at the --

14 A No.

15 Q -- South Texas Project?

16 A No, he did not.

17 Q Okay. About -- it took about I guess less than 10
18 hours after Mr. Jump provided you with the DOL decision, Mr.
19 Saporito was interviewed and the access was revoked. That
20 revocation action seems relatively quickly to me. Is this
21 type of quick action common? I mean, I may be wrong, but -

22 -

23 A Is 10 hours acceptable?

24 Q I mean, 10 hours seems quick to me. I mean, he -
25 - you know, the decision came -- Mr. Jump got the decision,

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1 you reviewed it, you interviewed him, his access was
2 revoked, and this all, the way I understand it occurred in,
3 I don't know, eight to 10 hours. Is that common?

4 A I don't know if 10 hours is common.

5 Q Well, I mean, I'm just -- you know, I'm just
6 saying 10 hours. I'm not saying --

7 A Yes.

8 Q -- it was exactly 10 hours either, but --

9 A I don't know that -- I don't know that 10 hours is
10 common. It is common, it is expected to make a timely
11 decision regarding unescorted access. There's never been
12 any requirement that says, you know, if you learn this piece
13 of data, the clock is starting, except on reportable events,
14 potentially reportable events. But, in your normal access,
15 denial or revocation, there is not a clock that we're
16 working against, other than management's commitment to
17 making timely decisions on issues of this type. And that is
18 -- we're really kind of talking management philosophy here.

19 Q Uh-huh.

20 A It is my belief that HL&P management, in operating
21 this station, expects us to implement decisions in a timely
22 manner, be sure that those decisions are effective
23 decisions. So, is it common? It's common for us to take
24 action, yes. Whether 10 hours is common, I don't know.
25 I've never clocked -- I've never plotted out how long it

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1 takes us to make access decisions.

2 Q No. But I would think you would have some idea of
3 how quickly you act. I mean, I have been doing
4 investigations for 15 years and no matter what agency I have
5 worked for I have some idea of how long it usually takes to
6 do a similar situation.

7 A In terms of access revocations, 10 hours would be
8 very slow. In terms of the totality of revocations of
9 access, because most of the access revocations at the
10 project involve fitness for duty, and that's a matter of the
11 fitness for duty people receiving the results, picking up
12 the phone and calling Security and we revoke access. It's
13 pretty cut and dry.

14 Q Okay. What about an omission of information from
15 the application forms?

16 A I honestly can't tell you. I almost hesitate to
17 answer the question, Virginia, because I've never plotted
18 out the amount of time that it takes to do one of these. We
19 do them in a logical fashion. We try to do them in a
20 consistent fashion. You know, the process remains the same
21 throughout all of them. And we try to do it as quickly as
22 we can get it done, timely. That's our responsibility.

23 Q Well, there's probably no definition of timely is
24 there?

25 A I don't know. I guess this case will help decide

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1 that. The regulator comes back to us and questions us on
2 whether or not we've taken -- made timely decisions. In
3 each case, we're questioned. So, when it's resolved I guess
4 I'll know if this was done correctly. I happen to believe
5 it was.

6 Q Okay. I reviewed the Central Processing records
7 and that shows that you had Mr. Saporito's file from
8 February the 20th to February the 24th. What happened to
9 his nuclear file in that time period. The access revocation
10 decision was made on the 20th. The forms were all filled
11 out and sent over to the gatehouse on the 21st. Did you --
12 why did you retain the files until the 24th?

13 A The last memo that I prepared was communicating
14 the results of the decision to Mr. Saporito's management,
15 which was maintenance. To document -- to document that I
16 wrote up a memo for Balcom to Sharp. I wrote it, Balcom
17 signed it, dated February the 24th, communicating to Mr.
18 Sharp that we had revoked Mr. Saporito's access on the 21st.
19 At that point, I believe that I would have turned the file
20 back in to the Central Processing Facility.

21 Q You would have considered the case closed?

22 A Oh, from a -- oh -- I would have considered that I
23 wasn't going to be working on it for the next few days. I
24 don't think this case is going to close for a long time.

25 Q Well, that's now. We're dealing from hindsight,

1 back then.

2 A Well, back then, I mean, come on, Virginia, back
3 then I believed that this case was going to go on for a
4 while.

5 Q By that time -- when did you find out that Mr.
6 Saporito was a 2.206 petitioner?

7 A The following week. When I -- when I really
8 became conscious of it all was when Mr. Jump provided me
9 with a copy of Mr. Saporito's press release that contained
10 the 2.206 petition, allegations about my conduct with him
11 and several, you know, other documents. And I think he
12 drafted up some NOV's for you guys to give us and -- and when
13 I kind of -- I didn't read it in great detail, but when I
14 started reading it, yes, I knew that this case was not going
15 to be closed for a long time.

16 Q That was the following week? The 21st was a
17 Friday?

18 A Uh-huh. Was it? Okay? If it was, it was.

19 Q It was. The 21st was a Friday. So, the following
20 week you found out about this? Is that --

21 A Uh-huh? Yes.

22 Q -- correct? You didn't --

23 A Let's see. If the 21st was Friday, then Saturday
24 was the 22nd, and 23rd, 24th would have been -- oh yes,
25 okay. The 24th would have been the day I wrote the memo.

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1 Q The memo. Right.

2 A Yes, right. When did it -- yes. Okay.

3 Q That's dated --

4 A Monday.

5 Q -- on Monday, the 24th. And the records indicate
6 that you returned the file to Central Processing on the
7 24th. And you wrote an interview report, I don't know what
8 you call it here, of Mr. Saporito.

9 A I'm thinking on the 21st.

10 Q The 21st?

11 A Which was the Friday, right?

12 Q Right.

13 A Yes.

14 Q Did you have any discussions with anyone else
15 about Mr. Saporito's access revocation on the 21st, after
16 you got Mr. Odom to sign the forms?

17 A Did I have any discussions with him on the 21st?

18 Q Did you call anybody from Maintenance, or did
19 anybody from Maintenance call you?

20 A The morning of the 21st, I mean, early in the
21 morning, probably around 7:30, somewhere in there, 7:45, I
22 got a call from Dan Sanchez, whose title is Director of
23 Maintenance I believe. He's like Mr. Sharp's number two
24 guy. I was in the process of calling him when he called me.
25 I explained to him that we had done an interview with Mr.

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1 Saporito, who was an I&C technician and had worked for
2 DeLong -- I didn't know if Sanchez knew who the guy was --
3 and that the access program director's decision was to
4 revoke his access. I do not believe I went into any detail
5 with Mr. Sanchez as to the specifics of the revocation and
6 why the revocation occurred. I may have mentioned to him
7 that it was for omissions or falsifications, but I don't
8 think I went into any specifics with him.

9 I told him that we had left it with Mr. Saporito
10 that he would be showing up for work at the normal time and
11 that, you know, he couldn't get into the protected area
12 because we had his badge on hold, and he would need to be
13 out-processed.

14 Q And that was Mr. Sanchez's responsibility --

15 A Well --

16 Q -- to either take that action or arrange for that
17 action to be taken?

18 A Yes. He was the -- Saporito was a Maintenance
19 employee and, you know, it was line management's
20 responsibility to ensure that they're in-processed and out-
21 processed correctly.

22 Q Did you meet with Mr. Saporito on the 21st?

23 A No.

24 Q Did you have any conversations with him?

25 A No.

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1 Q After you spoke with Mr. Sanchez and spoke with
2 Mr. Odom, did you have any additional discussions with
3 anyone else on the 21st about Mr. Saporito's access?

4 A What are the process here is when an employee is
5 involuntarily terminated, they have to go through an exit
6 interview with a member of Nuclear Assurance and I believe
7 it says the general manager of Nuclear Assurance or maybe
8 his designee, and the Department Manager or designee of the
9 department the guy works in.

10 At some point, and I think it was to take -- let
11 me back up. At some point they were doing that apparently,
12 Sanchez and Bohner. Bohner was filling in for Tom Jordan at
13 the time. And I was asked to, I believe, bring an appeal
14 form for Mr. Saporito -- to be provided to Mr. Saporito, in
15 case he wanted to appeal the decision -- Balcom's decision.
16 And, in doing that, the issue came up of whether or not Mr.
17 Saporito should be escorted while he's here on site for the
18 exit interview and for his whole body count and all that.
19 And Sanchez asked me to have Security escort the guy, which
20 I felt was an unusual request, and I asked him if Mr.
21 Saporito had done anything that would cause anyone to
22 believe that he was a threat -- you know, was he violent or
23 something that we needed to get armed security officers
24 involved. And Mr. Sanchez's response was no, he hadn't done
25 anything like that. But Sanchez felt uncomfortable

QWd

1 escorting him. And I don't know if it was uncomfortable
2 because of who Saporito was or uncomfortable because Sanchez
3 is a manager and wanted to get back to his normal course of
4 business. He indicated he felt uncomfortable escorting him.

5 My recommendation was that we did not need to
6 escort Mr. Saporito with armed security officers. He could
7 not get into the protected area. I remember -- the final
8 decision was made. I believe it was myself, Bill Baer, and
9 it may have been Wayne Harrison, I'm not sure, we were in
10 Tom Jordan's office and I said, you know, my recommendation
11 is that Security not escort him. I believe Bill concurred
12 and I left.

13 Q When did Mr. Baer get involved in this process?

14 A Ask Mr. Baer.

15 Q To your knowledge, when was the first time you
16 talked to Mr. Baer about this situation -- the revocation of
17 Mr. Saporito's access?

18 A When was the first time I talked to Mr. Baer about
19 the revocation of his access?

20 Q Uh-huh. Or the circumstances surrounding it,
21 which is what this is. Escorting him offsite is --

22 A That would have been --

23 Q -- tends, in general --

24 A -- the first time. And that -- we did not discuss
25 the revocation of his access. I said I just don't think

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JWB

1 Security needs to escort the guy.

2 Q But you still didn't know Mr. Saporito was a 2.206
3 petitioner? Was that usual to have legal counsel present?

4 A I'm not sure, at this point -- some -- I'm not
5 sure, at this point, when the two words 2.206 and Saporito
6 come together. It's sometime the 21st and after that point.
7 I'm not sure when Mr. Jump provided -- let me see the
8 release form, the press release. Let me see if there's a
9 date on that.

10 [Witness reviewing document.]

11 THE WITNESS: Where's the rest of it? This isn't
12 all of it. Oh, wait a minute.

13 MR. BAER: Maybe it got out of order or something?

14 THE WITNESS: Ah, Saporito news release. Okay.

15 [Witness reviewing document.]

16 THE WITNESS: I don't remember when I got this.

17 It was sometime that week.

18 BY MS. VAN CLEAVE:

19 Q That's a different week though than -- we're still
20 on the 21st, so --

21 A Well, this is -- well, no.

22 Q You've already said that was the following week,
23 so.

24 A Well, Monday the -- oh, that's right. I'm sorry.
25 I'm sorry. The 21st. I got to thinking we were talking

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1 about something that happened on Monday. You're right.
2 We're still on Friday the 21st.

3 That would have been the first time I think I ever
4 saw Mr. Baer on any discussion about Saporito. The issue
5 that we were talking about was whether or not to escort Mr.
6 Saporito with the security officers. It was not clear, in
7 my mind -- I had not been told that Mr. Baer -- and still
8 don't know if Mr. Baer was onsite that day because of
9 Saporito's access revocation.

10 Q Well, how did he get involved in this discussion
11 to begin with?

12 A He's counsel for our company.

13 Q Is that standard? If you're going to --

14 A To refer to counsel?

15 Q No. If you are going to escort someone offsite,
16 is it standard to ask legal counsel if this is appropriate?

17 A It certainly wouldn't be unusual to do that. I
18 don't know why. I don't know who brought Mr. Baer into the
19 conversation. It wasn't me. My response to the request to
20 escort Saporito was I don't think Security needs to do that.
21 Sanchez said well I want Security to do that. It may have
22 been that Harrison said well, we have counsel here onsite,
23 we'll ask him, and went and got Mr. Baer. I honestly don't
24 remember. I presented my side of the argument and had
25 prevailed. We did not escort Mr. Saporito.

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1 Q Did you know Mr. Baer before then?

2 A No.

3 Q Is that the first time you ever met him?

4 A I believe that's the first time I ever met him.

5 Q Were there any other discussions that day that you
6 can recall involving Mr. Saporito?

7 A At some point in time I was sitting at my
8 ^{yes} ~~secretaries~~ desk typing interview notes, and I received a
9 call from the NRC regional office, Russell Wise, Allegations
10 Coordinator, and I believe Joe Tapia may have been in the
11 conversation with me. And they asked if Mr. Saporito was in
12 our offices. And I said no, I thought he was down in QA.
13 And they said, well, would you transfer us or get a message
14 that we need to talk to him or whatever. And I'm not sure
15 what my response was, but I don't think I complied with
16 their request. I think events competing my stuff kind of
17 overtook me and I just never communicated their request to
18 anybody.

19 Other than that, I don't think there were any
20 other discussions regarding Mr. Saporito.

21 Q Did you find that unusual that the allegations
22 coordinator from the NRC was calling you?

23 A I don't think he was calling me. Yes, I guess
24 it's unusual. I guess I considered it unusual.

25 Q Did that lead you to the conclusion that there was

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1 at least a possibility that Mr. Saporito may have brought
2 concerns of one sort or another to the NRC?

3 A Sure. I guess you could characterize it that way.
4 I almost wish there was a way of including diagrams in
5 transcripts. Because to describe to you how I -- how I
6 became aware that Saporito was a 2.206 petitioner -- I
7 didn't become aware of it at a particular point in time.

8 At the point the decision was made to revoke his
9 access, my awareness of Saporito and NRC concerns in 2.206
10 and DOL and all that has elevated, and continues to elevate,
11 as you -- I mean, you -- I mean Palo Verde litigation. I
12 mean, I get -- the more this goes on, the more my awareness
13 of Mr. Saporito increases. So, I would almost like to draw
14 you a graph.

15 Q Feel free.

16 A Yes. I mean, but that's really the way it is. It
17 wasn't this blinding flash of light, this -- you know,
18 somebody burst into my office and says, my God, you've just
19 denied a guy that filed a 2.206 petition? How could you do
20 that? You know, it wasn't that way. It was a slow, gradual
21 level of knowledge that I began to learn about Mr. Saporito.
22 That started at the time the decision was made to revoke
23 him. Or if I was going to graph it, that would be the point
24 where I would begin to start, but it would be on the zero
25 line of that graph. And then as time began to go, on the

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1 21st up to today, that graph would continue to go up. I
2 don't want to know anymore about Mr. Saporito.

3 Q Well, on the 20th, this meeting in Mr. Jump's
4 office, was there any mention of Mr. Saporito taking
5 concerns to the NRC, even though 2.206 may not have been
6 mentioned?

7 A No. At the time of that meeting, the graph would
8 be sitting on zero. The only knowledge I had about Mr.
9 Saporito was contained in his nuclear file or in the
10 investigation file, even though there wasn't much in it at
11 that point in time. That was the only knowledge I had of
12 Mr. Saporito.

13 Q Central Processing records show you returned the
14 file on February the 24th. And you picked up Mr. Saporito's
15 file again the next day; is that correct?

16 A I had Mr. Saporito's file off and on since then.

17 Q Why did you pick it up on the 25th? Now, that
18 would have been a Tuesday. That's what the records
19 indicate, that you signed it out. You signed it back in on
20 the 24th, and the next day you signed it out on the 25th.

21 A Probably for someone to review it.

22 I want to say there was a late evening meeting
23 with Chapman Smith who is an attorney for Baker & Botts,
24 Bill Baer, with Newman and Holtzinger.

25 MR. BAER: On what date?

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DRB

1 THE WITNESS: I'm not saying it was 20th. I
2 checked it out on the 25th, you're saying?

3 BY MS. VAN CLEAVE:

4 Q The records indicate that you returned it on the
5 24th, that was a Monday, and checked it back out on the
6 25th?

7 A Yes, it could have been. The next day --

8 Q The next day?

9 A -- Tuesday.

10 Q Tuesday?

11 A And I don't know why I checked it out on the 25th.
12 That's the answer to your question.

13 Q But you think it may have been in preparation for
14 a meeting, or that there was a meeting scheduled?

15 A Yes.

16 Q And the record indicates that you returned it the
17 day that I initially came here onsite.

18 A When did you -- when was that?

19 Q Which was March the 16th.

20 A It could have been.

21 Q So that's three weeks just about?

22 A Yes.

23 Q Did you keep that file that whole time?

24 A I don't know. I don't recall.

25 Q You don't recall if you kept it?

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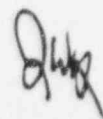
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- 1 A No.
- 2 Q What about your records in Security?
- 3 A What records?
- 4 Q Your computer records in Security?
- 5 A It wouldn't indicate whether or not I had the file
6 I don't think.
- 7 Q I think it does. Because it seems to me that I
8 saw something when I was up there, and I was just asking you
9 general --
- 10 A We'd have to go check.
- 11 Q -- questions. And I think that it indicated that
12 Mr. Baer had a file?
- 13 A It could be.
- 14 Q Would the computer record at Security still show
15 anything like that or is that erased, as you --
- 16 ^{was for} A I didn't say we've ever erased any of it. If it
17 ^{as} ever in there, it should still be in there.
- 18 Q It should still be there?
- 19 A Yes.
- 20 Q Okay. I'd like to look at those records.
- 21 A Okay. Mr. Balcom can get them for you off of the
22 PC up there, or we -- we put them -- backed them up on
23 floppy disk and moved them over to the CPF. I can get them
24 over there, if he can't get them for me.
- 25 Q Do you recall why you returned it on the 16th?

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1 A No -- ah, you were probably through with it.

2 Q No. I hadn't looked at it yet.

3 A Then no, I don't. No.

4 Q Because Carlos had to go over and get it again.

5 A Okay. I don't know.

6 Q You don't remember why you returned it then?

7 A Uh-uhm.

8 Q Do you remember giving it to anybody else?

9 A Sure.

10 Q Who did you give it to?

11 A Specifically? No, I don't remember names. But
12 lots of people reviewed the file. I'm sure Chapman Smith of
13 Baker & Botts; Bill Baer with Newman and Holtzinger; Will
14 Jump. God knows who all looked at the file.

15 Q And you don't keep a record of --

16 A No. I think Joe Tapia may have looked at. That
17 may not be true. I don't know about that.

18 At some point in time Joe Tapia looked at it,
19 whether or not it was between the 25th and March 16th, I
20 don't know. I thought that was -- maybe that's how I got it
21 -- wonder why he said he didn't look at it, though?

22 Q I looked at it on the 16th, but you told me that
23 you didn't have it any longer. By the time I looked at the
24 Central Processing files, I saw that they had been returned
25 on the 16th by you. And Carlos said, oh, damn, I have to go

1 back and get it.

2 A I don't really remember.

3 Q He brought it back over here, gave it to you, you
4 gave it to me. And that was on the 16th.

5 A So, you did have the file on the 16th?

6 Q That is correct.

7 A Did you sign something for it, or did -- maybe
8 Tapia might have signed something for it.

9 Q I think Joe did. I think Joe did.

10 A Okay.

11 Q But, actually I had it.

12 A Okay. Well, then all right. So Tapia had it. I
13 think Tapia signed out for it at some time.

14 Q Well, this was all afterwards. I mean, you --
15 according to the Central Processing files, you had returned
16 it on the 16th.

17 A Okay. I guess I did.

18 Q I specifically asked you for it, because I have -
19 - that was the 16th -- you said you didn't have it.

20 A Okay. Then I didn't have it.

21 Q So, I suppose that you said Central Processing.

22 A Okay.

23 Q And I asked that it be retrieved, which follows
24 that it was signed out for on the 16th.

25 A Okay.

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1 Q But you don't recall why you had returned it?

2 A No.

3 Q I mean, you kept it for three weeks.

4 A No. I don't recall. My office is in the Nuclear
5 Support Center, or was at that time. And the files were
6 kept at the Central Processing Facility. So, anytime
7 somebody wants to look at a nuclear file, one of us would
8 have to go over there and get it, move it back and forth.
9 And I probably kept it for people to review, from the -- if
10 you -- if the record says the 25th through the 16th, I would
11 have had it for that purpose. Was I doing any investigative
12 work on the file? No, I was not.

13 Q By that time, do you know if Mr. Saporito had
14 filed a DOL complaint?

15 A What I found out about -- I think the press
16 release makes reference to it or something in there. I
17 found out about it.

18 Q And that was sometime during the week of the 24th?

19 A I have no idea when it was.

20 Q You said it was the following week after the 20th,
21 that you -- and you don't really know?

22 A I think I said I found out about Saporito and the
23 206 petition sometime during the week of the 24th.

24 Q And you told me that you got that from a press
25 release?

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1 A Yes. I think I did. I don't remember a specific
2 date for when I found out about the DOL proceeding, the
3 press release, the 2.206. And I won't remember the date a
4 month from now when you told me about the Palo Verde
5 lawsuit. I mean, I just -- I don't remember it.

6 Q Do you keep -- I know you keep a calendar because
7 I have one day here.

8 A I didn't have that calendar back then.

9 Q Oh, you didn't?

10 A In early -- let's see, in March -- late -- mid-
11 March, the last part of March, I went to work for Mr. Jump.
12 And I think April was the first month that I began to keep a
13 daytimer.

14 Q Why?

15 A My responsibilities had changed. I attend a lot
16 more meetings now than I used to, now that I'm overall, over
17 the whole access program, and I just needed a better
18 recordkeeping system.

19 Q Did you keep any kind of record at all back then?

20 A Yes. You have it all. You have every document
21 that I got that I know of that's got Saporito's name on it,
22 you've got it all.

23 Q Well, did you keep anything back in February or
24 March timeframe? I don't have anything. I have one piece
25 of paper --

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1 A That's it.

2 Q -- one calendar, which says April the 22nd, 1992
3 on it. What does it mean?

4 A I did not have a daytimer back during the February
5 time period.

6 Q Did you keep any kind of notebook --

7 A No.

8 Q -- that you just jotted down things as they
9 occurred?

10 A Yes. And they're -- it's like this kind of stuff,
11 results. I kept a notebook. And I would do an interview or
12 do something, record something, and then would throw it in
13 the investigations file.

14 Q So, you didn't keep --

15 A But I did not keep a daytimer-type management
16 system, no.

17 Q Like an activity record?

18 A No, I did not.

19 Q Do you have any idea how many adjudications you've
20 been personally involved in -- either conducted the
21 investigation on or reviewed?

22 A Just me?

23 Q Just you?

24 A No.

25 Q Personally?

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JWR

1 A I have no idea.

2 Q When that job --

3 A I have no idea.

4 Q -- that you had for about four years -- do you
5 have any idea how many adjudications occurred?

6 A I know that we've done 725 or 726 since about May
7 of 1989, up to March of '92.

8 Q Do you have any idea how many of those --
9 approximately how many of those relate to omission of
10 information from the data forms or a screening affidavit?

11 A My sense is about a hundred relate to possible
12 omissions of criminal history information, and about 20
13 relate to omissions of other types of information.

14 Q And how did you arrive at this -- these figures?

15 A There have been several reviews of access
16 decisions. Mr. Isereau, with Speak-out, did a review, I
17 believe you did a review, or the NRC has done a review,
18 Terry Millsap did a review for QA, I believe some contract
19 investigator with Speak-out has employed -- has looked at
20 the Saporito 2.210 and done a review.

21 And those reviews are less than conclusive. Some
22 say we were consistent, some say we aren't, we weren't. So,
23 we have elected to initiate a 100 percent review of the 725
24 cases, with the assistance of legal counsel, to finally try
25 and put to bed how adjudication decisions were conducted.

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1 And that study is ongoing. As of Saturday, I believe, the
2 totals were a hundred roughly, for criminal history stuff
3 and 20 for other stuff.

4 Q What date did you refer to that the 725 cases
5 spanned?

6 A It's roughly mid 1989 up through mid-March -- yes,
7 mid-1989 through mid-March of 1992.

8 Q What was the reason for selecting mid-1989?

9 A The -- what you've been characterizing as our log
10 sheet of cases that were kept. This -- the 921271 number,
11 that database went into effect in mid 1989 and continued up
12 until the implementation of the new access organization, at
13 which time we discontinued using it. So, I had a printout
14 run and we identified all the access-type cases, and it came
15 to 725 or 26, I can't remember which. One of those two
16 numbers.

17 Q Access-type cases? What do you --

18 A Adjudications.

19 Q Adjudications?

20 A Uh-huh.

21 Q So any kind of adjudication you would consider an
22 access-type case?

23 A Yes. Pretty much.

24 Q Do you recall how many -- approximately how many
25 adjudication interviews you've done that relate to omission

1 of information from these forms?

2 A No. I have no idea. If I gave you a number it
3 would be just a blind guess.

4 Q Does it happen very often? Every month? Every
5 week? Twice a year?

6 A I don't like to speculate on that, because I
7 really don't know the number. I really hesitate to
8 speculate. It would be pure speculation on my part.

9 Q Well, were you involved, in one way or another
10 with every adjudication that's occurred since you got here
11 -- or let's say since you were promoted? When was that?

12 A I was -- I came to work in February 15th of '88.

13 Q Uh-huh.

14 A Sometime in March of '88 the Security Department,
15 the Investigations Section began to be responsible for
16 adjudications. So, I have always been the supervisor over
17 the Investigations Section, so in one form or fashion, I
18 have been involved in every adjudication.

19 Q So, either you did the interview yourself or one
20 of your investigators did the interview and you reviewed it
21 as a supervisor?

22 A For those that required interviews.

23 Q What about the ones that didn't?

24 A I would -- I'm responsible for those adjudications
25 because I'm the supervisor. Whether or not I physically

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1 looked at each and every file is, I don't know.

2 Q What would have been your usual practice? Let's
3 say you assign this to someone else, Mr. Ottino, what would
4 have been your practice?

5 A I would have had him brief me.
6 On this case?

7 Q No. Any -- any case?

8 A It would vary.

9 Q I mean, if you assigned it to him and he -- maybe
10 he decided it wasn't necessary -- that he didn't believe it
11 was necessary to interview the individual. Would you review
12 it and approve that decision or would you just assume that
13 he was -- you know, his actions were correct?

14 A Both. I hate to speculate on hypothetical stuff,
15 Virginia, because --

16 Q Well, you didn't have a standard practice?

17 A No. Not a standard -- we weren't set up to where
18 if "A" happened you did "B," if "B" happened you then did
19 "C." We weren't set up like that.

20 Q But, if an adjudication occurred, you're saying
21 that you wouldn't necessarily have had to approve the
22 decision or --

23 A Which decision?

24 Q -- the action?

25 A Not necessarily, no. It depends -- it would

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1 depend on the experience of the investigator, how confident
2 I was in his abilities. If he ran in -- you know -- and it
3 would vary from case to case.

4 Q You didn't have a piece of paper to sign off on?
5 The access program director you said would make a decision.

6 A Uh-huh.

7 Q But you were kind of -- let's say you were the
8 intermediary -- you're the intermediate step here between an
9 investigator, if you were not --

10 A Not necessarily.

11 Q You were not?

12 A Not necessarily.

13 Q Not -- even though, as a supervisor of the
14 investigators, you did not?

15 A If -- if we had an experienced investigator -- Mr.
16 Ottino is an experienced investigator. It would not be
17 unusual for him to do an investigation of this type and take
18 it straight to the access program director. It would depend
19 on a number of factors. It will vary. It varied.

20 Q Well, how would Mr Ottino know what to do with the
21 case?

22 A Working with me, knowing how I manage him, what
23 latitude I would allow him as an investigator. You build up
24 a working relationship between an employee and a supervisor
25 over the years. Certainly problems were encountered, but we

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1 would communicate extensively. That was very rare. So,
2 there was -- no two cases would ever be particularly the
3 same.

4 Q What did Security consider to be material -- a
5 material omission?

6 A Something that would be significant, important,
7 relevant, have an impact on unescorted access. If the
8 reviewer felt there was an impact it would be material --
9 could be material.

10 Q Is there a written definition of that, what's
11 material?

12 A I don't think anybody has ever written a
13 definition of that. I'm sure there is in Webster's, Black's
14 Law Dictionary.

15 Q Here at South Texas did you have a definition or
16 what constituted materiality?

17 A I can be flippant here and say we have a
18 dictionary, but you're talking about procedurally?

19 Q Uh-huh?

20 A No.

21 Q Did you consider that determination to be
22 subjective?

23 A I'm not sure what you mean by subjective.

24 Q It sounded like you said that an investigator or
25 an individual looked at the facts and decided if they were

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1 relevant or significant, those were the words that you used.
2 Would that be subjective -- a subjective decision on that
3 individual's part?

4 A I hesitate to characterize it that way, because it
5 is a process where facts are accumulated, placed into a
6 package and placed under review by the access program
7 director. I don't know that I would characterize that as a
8 subjective process.

9 Q How would you characterize it?

10 A As a fact-gathering process. An individual goes
11 to fitness for duty and takes his test and meets that
12 requirement of the access program, and takes his MMPI, meets
13 that process, and goes through each and every one of these
14 steps. And, as he completes that, facts are gathered that
15 are ultimately reviewed by the access program director or
16 designee, and a decision is made. I don't think I would
17 characterize it as a subjective process.

18 Q Would you characterize it as a case-by-case
19 decision?

20 A Uh-huh. I would do that, yes, and have done that.
21 Yes. I would say it was case-by-case.

22 Q At the time that the decision was reached to
23 revoke Mr. Saporito's access, did you believe that that
24 decision was consistent with actions taken in similar cases
25 in the past?

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J. Riley

1 A Yes. I still do believe that.

2 Q You still believe that?

3 A Yes.

4 Q You said you've reviewed -- I think you've said
5 that you've reviewed some of these reviews that have been
6 done of the program. Do you --

7 A Let me say -- let me expound on that just a
8 minute, okay? We talked about consistent with past
9 practice. When I testified to Sam Perez, who was the
10 Department of Labor Investigator, one of the statements I
11 made to Mr. Perez and I want to make to you is that, in the
12 period of time that I've been involved in the access
13 program, I cannot think of anybody that comes close to
14 Saporito, as far as the omission of information. I think he
15 is an outlier.

16 I believe that any of the access program directors
17 would have denied him access. I believe that that occurred
18 on people that may have come close to him access was denied.
19 But I don't believe there is anybody else out there like
20 Saporito.

21 Q In what way?

22 A I don't believe anybody else has come in here and
23 lied about as much on their background as Mr. Saporito has.

24 Q Now, is that belief just based on your
25 recollection or the places in the past?

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1 A It's based on two things, my recollection and the
2 recent study that we're doing seems to confirm that my sense
3 of this -- of these past decisions is correct. I may be
4 wrong about that, but when it is all said and done, you know
5 -- but, I believe that he is an outlier.

6 Q So you believe that this was an extremely
7 egregious case of falsification or omission --

8 A Yes, I do.

9 Q -- of information?

10 A I think that, if you guys have found that we
11 continued to let him in, you guys being the NRC -- if the
12 regional inspector had come down here and inspected the file
13 and seen the amount of information that had been left off
14 the file, we would have been violated by the NRC or at least
15 had open items or unresolved items in our access control
16 program. Yes, I believe that. No one has inspected it. No
17 one of the regional inspectors have looked at it, so I don't
18 know what they would think, but I believe that's what they
19 would think.

20 Q As you stated earlier, I have reviewed some of the
21 files, and, as you know, because you helped me.

22 A Yes. Well, Carlos did.

23 Q Carlos, yes. Yes. Lucky Carlos did help.

24 A You and I have our moments.

25 Q You can put it that way.

1 A Well, you know, but we'll do this some more, you
2 know.

3 Q Okay. Carlos helped me, yes. And I reviewed
4 about, I think it was 401 files, Dennis and I did. And I
5 didn't see consistency in my review. Now, you stated, I
6 believe, that you do still think that there was consistency
7 in the decisions.

8 A Let me -- I guess we're talking about the word
9 consistent. We probably disagree on definitions here, okay.
10 And you are probably going to be more right than I am. If
11 consistent means you always make the same decision every
12 time, then maybe we weren't consistent. If consistent means
13 that, in general, your practice is to do this -- take this
14 action, then I believe we were consistent. Part of the
15 reason that I define consistency that way is because when
16 you look at these files, you don't find very many of them
17 that are ever exactly alike.

18 When Mr. Jump asked me to do this review and said
19 I want you to categorize these files into discreet
20 categories that we can defend, how many categories are you
21 going to have? And I said 725, because no two of them are
22 ever exactly the same.

23 Q Well, now I am lost.

24 When he asked you to categorize what?

25 A The 725 cases.

1 Q He asked you to do that?

2 A Yes.

3 Q In relation to this review that's going on now?

4 A Yes. Mr. Jump said, with assistance from counsel,
5 we're going to do a research project and to review these 725
6 cases. And the first thing he wanted me to do when we
7 started the review is to discretely categorize them. And
8 he's then saying to me how many categories are you going to
9 have? And I say, well probably 725, because there's no two
10 of them that are exactly the same.

11 Now, we're not going to categorize over 725
12 different categories, believe me. But, in reality, there
13 are no two of them that are ever exactly alike.

14 Q Well, did you narrow these categories down to a
15 reasonable number?

16 A To a manageable number, I believe. I'm sure the
17 results will be provided, and you'll have a chance to look,
18 you know, to comment on it and all that. I believe it's a
19 good action we're taking.

20 Q So, do you believe that you attempted to be
21 consistent, given the facts are different in each case?

22 A You're talking about in general, now?

23 Q In general. I'm talking about in general.

24 A Yes. I believe, in general, we were consistent,
25 in general.

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1 Q Did you believe, at the time, that that was the
2 correct action to take on Mr. Saporito's access?

3 A I already testified to that.

4 Q And do you still believe that?

5 A Yes. You guys would tear us up if we didn't. You
6 guys being the NRC. I believe that. If this document -- if
7 this data form that he neglected to fill out completely was
8 a control room log, a work package document or any other
9 document that was driven by quality program, and the access
10 control program is a quality program, and a person left
11 information off of it willfully that was significant to the
12 process that he was required to record on that document,
13 that we would be remiss in not taking action against that
14 individual. I believe the NRC would severely criticize us
15 if we didn't take action.

16 Q During my review of these adjudication files, I
17 noticed that there were a number of cases that arrests were
18 omitted from the screening affidavit or the data form. And
19 I don't just mean one arrest, many many times. There were
20 two, three, four, even -- I think even up to maybe seven or
21 eight.

22 A It's probably the most common category that we run
23 into.

24 Q That seemed to be what I determined also.

25 In the majority of these cases, access was

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1 continued. A lot of times there wasn't a reason given as to
2 why that was, sometimes there was. How do you determine
3 whether or not that's a willful material omission or done -
4 - or significant, or lead to -- I think several hours ago,
5 you mentioned trustworthiness of someone with access to a
6 nuclear site -- how do you determine whether or not that
7 information is not relevant, arrests?

8 A I think you have to -- first of all, you have to
9 look at the total picture. If you looked at the
10 investigation files, I believe you only looked at half the
11 picture.

12 The other half you have to look at is the nuclear
13 file. Some of the facts that you develop in a case of that
14 type, that would play into your decision is the age of the
15 arrest, whether or not the person understood -- I have yet
16 to go back to the data form as for convictions. The
17 affidavit asks for arrests. And I think sometimes there's
18 confusion in people's minds as to whether or not they've
19 been convicted of an offense. I know -- I have participated
20 in interviews where an individual has told me that -- he
21 didn't list a conviction because his attorney told him that
22 he received deferred adjudicated probation, and that once he
23 had completed his probation he would not have a conviction.
24 I have no way of verifying whether or not his attorney told
25 him that.

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1 Q That still doesn't answer those screening -- the
2 reason for saying no, on the screening affidavit
3 questionnaire. It says here have you been arrested?

4 A Right. That was just -- I was just giving you an
5 example. I think time plays a part in it -- the amount of
6 time since the arrest determines whether or not it's
7 material. You know, there's lots of things that play a part
8 in it.

9 Q What about DWIs? I mean, there seem like there
10 are a lot of DWI arrests. And I noticed on your screening
11 affidavit form, it specifically asks have you ever been
12 arrested for DWI or something to that effect.

13 A Something to that effect. It does have it.

14 Q I mean, it spells out DWI -- maybe it's DUI.

15 A I think it's both actually.

16 Oh, there we go. "Have you ever been charged with
17 driving while intoxicated or driving under the influence?"

18 Q It seems like a lot of times people have said no,
19 and then I guess you either get the NCIC or TCIC or you get
20 something back?

21 A We get an FBI rap sheet.

22 Q And it shows DWI on there. How do people explain
23 that, when it specifically says have you ever been arrested
24 for driving under the influence?

25 A They explain it in a variety of different ways. I

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1 mean, if you ran a scale -- I've had them say, well, I
2 thought you were only asking for felonies, you know, this
3 was a misdemeanor. I'm not sure -- I was only convicted of
4 reckless driving. I mean, there's all -- it varies.

5 Q So, we're kind of down to it's still a
6 case-by-case -- it was still a case-by-case decision? Is
7 that --

8 A I believe they were -- I believe they were --
9 well, let me see if I can characterize this question, or
10 answer it correctly.

11 The decision for John Doe individual -- the
12 decision for Mr. Saporito was based upon the facts that was
13 gathered in Mr. Saporito's case. It would be -- as in Mr.
14 Saporito's case, it would not be unusual for the access
15 program director to make some comment or ask some question
16 about is this consistent with what we've done in the past?
17 Now, he may not use exactly those terms, but, you know, are
18 we getting out on that limb, is basically how I would
19 interpret those type of questions. And the memories of the
20 individual investigators, and my own memory would play a
21 part in those decisions, as to how we handled prior cases.

22 Did we keep a database to the extent that we could
23 go back and reconstruct how many people, by name, date, and
24 social security number, had been revoked or denied for
25 failing to list an employer, we didn't keep records to that

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DR

1 degree. There was no requirement to. Certainly we're doing
2 that now. So, in that respect, I would characterize it as a
3 case-by-case basis, tempered with information from the
4 investigator or the access program directors' memories.

5 Q Did Mr. Balcom rely on you at that time to -- on
6 your recollection, since he was new?

7 A Yes. And the other staff.

8 And remember, Mr. Balcom -- well, you may not know
9 this. Mr. Balcom was the QA manager, and had been
10 responsible for auditing the security program on an annual
11 basis, so he wasn't entirely unfamiliar with the process. I
12 mean, it wasn't like he had no prior knowledge of access.
13 But, yes, he did rely on our memories.

14 Q Did you have any other meetings with Mr. Saporito
15 ever again after the 20th of February?

16 A No, and don't want to.

17 Q Did you have any conversations with him --
18 telephone conversations?

19 A No.

20 Q Did you receive any correspondence from him?

21 A I did not. No, I did not receive any
22 correspondence. There is correspondence that's been passed
23 to me -- becomes included in some of the files, letter dated
24 March the 12th addressed to Mr. Balcom. I think it's his
25 request for an appeal. I have a copy of the letter from Mr.

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1 Balcom back to Saporito. That's the only -- no -- no --
2 nothing directed back at me.

3 Q Did you have any input into the wording in the
4 letter sent to Mr. Saporito stating why his access was
5 revoked?

6 A I don't believe I did, no.

7 Q What about the letter that was sent to Mr.
8 Saporito stating that his appeal was denied?

9 A No.

10 Q Were you -- did you discuss the situation with Mr.
11 Wisenburg while he was reviewing the case?

12 A When Mr. Saporito's appeal came in, the plant
13 manager under that program at the time handles appeals. So,
14 when that -- when his appeal came in and it needed to be
15 processed, I did meet with Mr. Wisenburg. I don't remember
16 to what extent we discussed the case. I remember that an
17 issue came up during the meeting and either I or Wisenburg,
18 I'm not sure which, probably me -- I recommended that he
19 needed to talk to counsel, and I made arrangements to set
20 him up with Bill Baer, Mr. Baer.

21 Q What issue are you referring to?

22 A You know, I don't really know. I don't really
23 remember what it was all about. Again, I want to go back
24 and describe to you my state of mind shall we say at the
25 time -- is, as time has marched on, I have become more and

1 more aware of Mr. Saporito and his background, and am more
2 concerned that everything is handled correctly involving Mr.
3 Saporito, because we are in litigation. I don't know that
4 we are in litigation, but certainly the strong possibility
5 exists that we're going to be in litigation for some period
6 of time with Mr. Saporito.

7 So, in meeting with Mr. Wisenburg, he either said
8 something or indicated something, and I honestly do not
9 remember what it was, but I was concerned enough about it
10 that I said I can't answer your question or I can't -- you
11 know, I can't provide you with that, you need to talk to
12 counsel about it, and made arrangements for him to meet with
13 counsel. And, at that point, I was out of the appeal
14 process.

15 Q In the letter denying his appeal, Mr. Wisenburg -
16 - or the letter states that it was due to the adverse nature
17 of the omissions. Did you have any input into that
18 language?

19 A I don't believe so.

20 Q Do you agree with that?

21 A Do I agree with what?

22 Q That it was an -- due to the adverse nature of the
23 omissions, that that was --

24 A Do you have a copy of his letter? Let me read
25 that sentence. I'll tell you whether or not I agree with

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1 it. Is it in the file?

2 Q That was easy.

3 A Which sentence are you talking about?

4 Q "Given the number and the adverse nature of the
5 omissions in your access authorization paperwork, you have
6 provided no basis for modification of the decision to
7 withdraw your access. Your appeal is denied."

8 Did you --

9 A Do I agree with that sentence?

10 Q Yes?

11 A Yes, I do.

12 Q You've already said you did not have any input
13 into the wording?

14 A No, I didn't write it, no, but I do agree with it,
15 yes.

16 Q You agree with that?

17 And tell me, again, what you'd consider to be the
18 adverse nature?

19 A Of the omissions?

20 Q Uh-huh.

21 A I believe -- let me go back. That was several
22 hours ago. I think the adverse nature of his omissions was
23 that he was employed by the ATI Company in fall of '89 --
24 three or four months as a part-time instructor, and he was
25 terminated from that job.

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DWR

1 The data form clearly asked him to list all
2 employers for five years and he did not include that
3 employer. I believe the fact that he was employed by the
4 Doubletree hotel for three months in January of 1990 to
5 April of 1990 and that he was terminated from that job --
6 the data form clearly asked him to provide that information.
7 He didn't do it. I think the Jupiter Hilton Hotel, he was
8 employed there for three months in 1991, he was terminated
9 from that job. Again, it was in the time period that the
10 data form was clearly asking for, and he did not provide
11 that information.

12 I believe that the information regarding his
13 litigation with Florida Power and Light and ATI was clearly
14 asked for on the data form. He answered that question that
15 there as no -- none was his exact words I believe on the
16 data form to that question. Certainly that information was
17 relevant to it.

18 The fact that he was -- had a potential fitness
19 for duty issue at Turkey Point where, in his mind, he wasn't
20 clear as to whether or not his access was denied because of
21 the muscle relaxer or the xantax, whichever one of the two
22 of those, or it was a single one. I think that was
23 certainly adverse in nature. I think the form clearly was
24 asking for that data. He neglected to provide it.

25 I think he completed the data form on January the

1 8th of 1992. When he arrived onsite, he was afforded an
2 opportunity to go through an interview with a member of the
3 access group, Security Department at the time, where he was
4 asked had he ever been fired from jobs. Again, he was asked
5 about access denials. He was afforded that opportunity
6 there to provide the exact same information. He neglected
7 to do that.

8 I think, during my initial interview with him when
9 I initially asked him to review those two forms and provide
10 me with any information that he had not answered completely,
11 he neglected to provide any of that. Oh well, I take that
12 back. He did -- at that point was the first time he brought
13 up the issue as to whether or not he might have been denied
14 access. He certainly had an opportunity to tell me about
15 the three employers and the three terminations and the
16 litigation. He neglected to do that then.

17 When I interviewed him in specific detail about
18 the blocks on the employment section, he initially, in
19 sequential order, neglected to tell me about the three
20 employers, and the fact that he was terminated from the
21 three jobs, when he obviously had an opportunity there to do
22 that. It was only at the point where I asked him if he had
23 been employed by any other jobs within this same period of
24 time that he, at that point, provided me with the
25 information about those three employers. I think those

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1 three employers, and the fact that he was terminated was
2 adverse, and I would agree with Mr. Wisenburg's sentence in
3 his letter.

4 Q Have you attended any other meetings or
5 debriefings other than what we have already discussed?

6 A We started to discuss a meeting with Chapman Smith
7 of Baker & Botts.

8 Q Then we got sidetracked.

9 A And we got off on something else, and I never got
10 back to it.

11 It was me, Chapman Smith, Bill Baer, Will Jump,
12 Rick Cink, Don Bohner, and I'm not sure if Sanchez or Sharp
13 were there, one of the two of them may have been, if not
14 both, I believe Bob Purcell with our Corporate Legal
15 Department was ^{there} ~~three~~. I think that's all the people that
16 were there. That was shortly after the -- in that week of
17 the -- beginning the 24th, somewhere in that neighborhood.

18 I've attended meetings with Mr. Baer, as counsel.

19 Q Just one on one?

20 A One on one.

21 Q Who called the meeting that you mentioned earlier
22 of you and Mr. Purcell, Mr. Baer, Mr. Smith and Mr. Cink,
23 and whoever else you mentioned?

24 A I'm not sure who called the meeting. I'm not sure
25 how I found out about the meeting. Somehow or other I was

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1 notified to attend.

2 Q Were you told what the purpose was?

3 A Yes.

4 Q What was the purpose?

5 A To discuss the Saporito case.

6 Q The 2.206 or the --

7 A No. The revocation of access.

8 Q As it related to the NRC or as it related to DOL,
9 or as it related to the HL&P --

10 A As it related to HL&P.

11 Q -- potential liability?

12 A As it related to preparing for the Department of
13 Labor.

14 Q Had he filed a complaint by them?

15 A I don't know. I don't know.

16 Q Was one anticipated?

17 A I don't really know. I would assume so.

18 Certainly we were beginning to prepare for litigation. As
19 to exactly what type of litigation, I don't know the
20 specifics.

21 Q What was your participation in the meeting? Did
22 you --

23 A To go through what you're putting me through, and
24 what he's putting me through and God knows who else is going
25 to put me through.

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1 Q So, you briefed the participants in this meeting
2 as to what had occurred during your interview of Mr.
3 Saporito? Is that what you --

4 A Mr. Chapman Smith ran the meeting for Baker &
5 Botts, representing us, and ^{I Q_WK} was pretty well answering
6 questions that he was asking me, and everybody else who was
7 there was. It was a fact-finding kind of meeting, you know,
8 how did you get involved in this, and that kind of thing.
9 It went around the table.

10 Q Now, does Mr. Chapman Smith represent Houston
11 Lighting and Power for labor -- the Department of Labor?

12 A Any involvement I've had with him has been
13 involved in the Department of Labor-type litigation. I
14 don't know what else he practices for the light company,
15 HL&P.

16 Q Did you receive any instructions from Mr. Smith or
17 anyone else during that meeting on how to deal with the NRC
18 or DOL or how to respond to any questions regarding Mr.
19 Saporito's termination?

20 A Yes.

21 Q What were those instructions?

22 A To tell the truth.

23 Q Any other instructions?

24 A Don't speculate. Answer truthfully. That's the
25 sense of it I got.

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1 Q Did you attend any other meetings after that one?

2 A Oh, yes. I met with Mr. Baer one on one to
3 discuss this investigation. I've been interviewed by Sam
4 Perez with the Department of Labor, at the DOL 210 Hearing.
5 I've been interviewed by Speak-out, in their involvement in
6 the 210.

7 Q And Mr. Isereau?

8 A And Mr. Isereau.

9 Q Were you interviewed by Terry Millsap or --

10 A I wouldn't --

11 Q I'm not sure how that was handled -- if that was
12 just a review or if that was --

13 A I wouldn't characterize it as an interview,
14 although she might. I'm not sure.

15 We brought in a guy by the name of Bob Carter --
16 HL&P, okay -- brought in an individual by the name of Bob
17 Carter, who is involved in the access program at, I believe
18 River Bend Nuclear Plant.

19 MR. BAER: Let's -- did Terry Millsap ask you
20 about the facts of the Saporito case in particular?

21 THE WITNESS: No.

22 BY MS. VAN CLEAVE:

23 Q So, was their involvement really to look at the
24 adjudication process and the access process in general?

25 A In general. Yes. I'm sorry. They were looking

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1 at how we did access or do access now, I guess, and in the
2 past more than anything -- or they contrasted today versus
3 the old program.

4 Q When did the new program start?

5 A Middle or end of March '92.

6 Q Okay. Before I ask about that, were there any
7 other meetings at which Mr. Saporito specifically was
8 discussed --

9 A I can't remember any specifics.

10 Q -- that you can --

11 A No.

12 Q -- remember attending?

13 A No, I don't.

14 Q Do you have any notes of any of these meetings?

15 A That's what I provided you there. It was notes I
16 made at the end of providing testimony to Sam Perez.

17 Q What about any notes of the meeting that you
18 attended the week of the 24th of February?

19 A I don't remember any. I may have. Let's see what
20 happened. I don't guess so. I don't remember any. I
21 didn't find any.

22 Q When I talked to you back in March, you told me
23 you had notes from --

24 A From what?

25 Q -- discussions that you had had at a meeting with

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1 legal counsel.

2 A I don't know. I will look again if you want.

3 Q I would appreciate it. Because you did tell me
4 that. You told me that I could not review those notes
5 because you considered them to be privileged.

6 A I don't remember that conversation. I probably -
7 - if I had notes of a meeting that I felt was privileged, I
8 would review that. I would have said I've got notes, I
9 think they're privileged, and I don't know if I can give
10 them to you.

11 Q Well, that is what you said.

12 A Well, that sounds like something I would say if I
13 haven't. So, I will go look for them. But I don't remember
14 the conversation, I don't remember the notes.

15 Q Okay.

16 A I may be wrong.

17 Q Okay. Well, I think that Dennis was also present.

18 A I am not discounting what you're saying, believe
19 me. If you said I said it, I probably said it, but I don't
20 remember saying it.

21 Q If you could look again, I would appreciate it.

22 A Sure, I would be glad to.

23 Q Do you recall destroying anything, any notes? I
24 mean, did you change offices?

25 A Yes. I moved from Security to the Central

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1 Processing Facility. I am now in the Fitness for Duty
2 Center, what used to be a store room, okay?

3 Q I didn't know that. You're no longer in this
4 building?

5 A No.

6 Q Did you destroy anything in your move?

7 A I threw a lot of stuff away.

8 Q Did you go through papers and throw things out?

9 A Yes. I cleaned out my desk, and tried to -- I
10 tried to keep things that I though was important and throw
11 away stuff that I had accumulated over the time period, you
12 know. The stuff that was relevant to the cases I feel
13 confident are in the files.

14 Q You moved in March?

15 A It would have probably been the first part of
16 April. My function changed from Security to Licensing
17 around mid-March.

18 Q Okay. So, you were still in that office on March
19 the 16th?

20 A Oh, yes.

21 Q And I was here for three or four then and you were
22 still there?

23 A It took me a while to get the store room cleaned
24 out at the Fitness for Duty Center and get the office
25 furniture moved in there. So, I'm thinking probably around

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1 the first week of April.

2 Q If you could look for any additional --

3 A Sure.

4 Q -- notes you might have.

5 A Yes.

6 Q I would appreciate it.

7 Now, there was a change in the program then in the
8 middle to the end of March.

9 A I believe it was -- March 27th was like the
10 official date when the old program ended and the new program
11 started.

12 Q Why was that program changed?

13 A To conform to your guy's NRC access authorization
14 rule.

15 Q Why was access authorization placed under
16 Licensing?

17 A I'll tell you what I've been told. Because, if we
18 screw it up, Jump has got to explain it. He's the Licensing
19 Manager. That's the reason I was told. It makes sense to
20 me.

21 Q How did things change, other than that? There
22 apparently are new procedures in place.

23 A What we did is -- and I'm really not the guy to be
24 talking about all of this, because I wasn't to play a big
25 part in it. But, around the fall of '91, to get ready for

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1 the implementation of the access authorization rule, which
2 was like April the 27th of '92.

3 A task force -- I'll characterize it as a task
4 force. Whether or not that was its official title or not,
5 I'm not sure. It was put together by and consisted of Dave
6 Sheesly with Security and some of his people, John Odom,
7 Manager of Human Resources, and some of his people. And I
8 believe Licensing had some input into it. And they began to
9 look at the procedures from the physical security plan^{on} on
10 down to the implementing procedures that pertained to
11 access. And they began to get ready to move the access
12 program. I think initially it was to go to Human Resources
13 and then maybe to Licensing. I'm not sure exactly
14 organizationally how it all wound up.

15 But they began to go through all these various
16 procedures; identified potential changes that would have to
17 be made to conform to the access authorization rule, the
18 proposed Reg Guide 566, which was really nothing more than
19 endorsed NUMARC 8901. And NUMARC 9103 was in draft form. I
20 think it actually was first published in draft form in
21 February or March of this year. Mr. Hall had been to a
22 NUMARC conference in Washington, D.C., and we were going to
23 endorse 9103 which allows us to transfer access from one
24 utility to another.

25 So, what we began to do was to put together what

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1 procedures needed to be changed to conform to this new
2 access arena that we were going to be in. Somewhere in
3 there obviously Jump became the project manager for that
4 implementation. And I was called in on Friday afternoon and
5 offered the position as manager over the program, accepted
6 it, and we began to transition from Human Resources and
7 Security into Licensing.

8 The reason I picked March 27th is because I
9 believe that was the date -- the effective date of the new
10 procedure that was written for access^{IP QWR} 9.05Q.

11 Q The procedures that I've reviewed are dated I
12 think the end of May, and they seem to be fairly specific
13 regarding what can constitute grounds for access revocation
14 or denial. Did you --

15 A I'm not sure it's a procedure that you reviewed.

16 Q It's not a procedure that you --

17 A I don't know. Show me what you reviewed and I can
18 tell you.

19 Q I don't know if I can find it. My whole briefcase
20 is full of stuff.

21 A I won't look.

22 Q I thought it all came from here.

23 STP Access Authorization Denial Criteria.

24 A Let me see it.

25 Q Wait a minute. I saw something with your name on

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1 it. Let me see if I can --

2 A Cover memo.

3 Q -- find that. There it is.

4 A Yes. This is not a procedure.

5 Q Okay.

6 A Although it will be one. It's one of my action
7 items to do.

8 One of the things that you guys did when you wrote
9 the access authorization rule is you said that we have to -
10 - you very specifically said that we have to provide due
11 process to people that have been denied unescorted access.
12 We implement them -- I am going to paraphrase from the Reg
13 Guide. But it says that we have to tell the individuals
14 exactly, very specifically why their access had been denied
15 or revoked. And that was never in any NRC regulation to my
16 knowledge.

17 That raises the issue of potential legal problems.
18 So, we need to be very consistent on our decision process
19 for revocations and denials.

20 So, when I took the position with Mr. Jump, one of
21 the first tasks that he assigned for me is to write a set of
22 denial criteria that we would begin to apply to denial
23 decisions, or to adjudications. We don't call them
24 adjudications anymore, we actually call them evaluations.

25 So, I sat down somewhere around the first part of

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1 April and drafted up the first rev list. And we began to
2 apply the derogatory information that's developed in the
3 background process. We began to apply it to this criteria.
4 And the theory is that we will get to a threshold. Once we
5 reached this level it's an automatic denial. And we will
6 then notify the employee of that. As a matter of fact, we
7 send in a certified letter. We specifically state what the
8 criteria is that he has violated. We give him 15 days --
9 working days to file for an appeal. We still use the same
10 form that we use in the old program.

11 Once we receive that form, and with any supporting
12 documents he wants to provide us with, we then have 10 days
13 to convene what we now call the management review panel,
14 which consists of the Security Manager, the Nuclear
15 Assurance Manager and the Human Resources Manager. And they
16 review the facts that we developed in the investigation, the
17 decision that the Access Program Director made against this
18 criteria. And they determine whether or not we correctly
19 applied the criteria or whether or not we need to do
20 additional investigation, or whether or not maybe we need to
21 change the criteria. And that's the appeal process.

22 So, this was written as a guide that's still in
23 the formative stages -- as a guide to coming up with some
24 specific thresholds for access denials and revocations.

25 Q Did that have anything at all to do with Mr.

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1 Saporito's case?

2 A No.

3 Q It was just in response to the Reg Guide --

4 A Uh-huh.

5 Q -- and NUMARC, I can't remember what that's
6 called?

7 A 8901?

8 No. It's got nothing to do with Saporito.

9 Saporito had been revoked long before this ever -- this
10 wasn't written until April.

11 Q But the transition was in place, was it not,
12 around --

13 A At the time, on February the 20th, the old program
14 was in effect.

15 Q Still?

16 A Yes. And the new program did not start -- and I
17 believe the date on the procedure is March 27th.

18 Q But you knew that things were going to change, is
19 that not correct?

20 A I didn't.

21 Q But you said you knew that Jump was the project
22 director, so --

23 A Yes, but understand, I played no part -- up until
24 the time of like mid-March, the latter part of March, when
25 Mr. Jump came to me and said I want you to manage the

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1 access, I'd like to offer you that position, I had no part
2 in the transitioning from the old program to the new, other
3 than I knew that Licensing -- Jump was like the project
4 manager for the transition. And the second piece of data I
5 knew was that I was no longer going to be involved in
6 adjudications. That wasn't going to be my function. I
7 would remain in the Security -- we were going to, in a
8 sense, take the access functions that were being done by
9 Security Investigations and move them over to whatever the
10 new organization was. They would be doing those. And I
11 wasn't going to move to that new organization to my
12 knowledge. There were no plans to move me.

13 Q The program was revised again I understand to
14 comply with this NUREG and with the NUMARC recommendations;
15 is that correct?

16 A Yes. Once I became involved -- you know, once I
17 was offered the position, I don't know what the other guys
18 would have done. If -- let's say -- well, hypothetical --
19 somebody would have been placed in charge of the program -
20 - some manager on site. His input, no telling what it would
21 have been -- I wanted denial criteria. So, Jump and I had a
22 meeting and I said I think we need to do this, and I can do
23 it, I can do it quickly, and then we can get it out for
24 review and comment. I think Mr. Baer reviewed it. I know
25 Chapman Smith has reviewed it. A lot of managers onsite

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1 have reviewed it.

2 Q Why did you want denial criteria?

3 A Oh, I like denial criteria.

4 Q Why?

5 A I like black and white issues.

6 Q Well, you spent four years over in -- telling me
7 that you made decisions on a case-by-case basis. And now
8 you wanted criteria?

9 A Yes.

10 Q How -- I thought you said that that was
11 impossible? I thought you said you had 725 different cases?
12 How are you going to come up -- how do you come up with this
13 criteria though?

14 A Oh, I love it.

15 Q I know. That's what you just said. How did you
16 come up with denial criteria, if -- I know earlier --

17 A Well, the NRC says that illegal use or possession
18 of a controlled substance or abuse of alcohol without
19 evidence of rehabilitation.

20 Q So, you just took that --

21 A And I said, okay, well know, how would I apply
22 that to a particular set of facts? And I said, well, if a
23 guy had a criminal conviction for sale, delivery or offer of
24 a dangerous drug, I would say that's probably illegal use or
25 possession, so I'll include that.

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1 If a guy has a felony possession conviction, I'll
2 include that. That's how I will apply -- that's how I will
3 interpret what the NRC is asking us to do. That's the way I
4 would interpret it. And so I put it together. And I tried
5 to include as many possible scenarios as I can. This is not
6 the original. This has evolved over time. And we then
7 began to apply it to cases.

8 The next go-around we had -- next time we came
9 down here and say, I mean, why did you deny John Doe, and
10 how many other people are the same as John Doe? I hope to
11 be able to tell you very specifically, and not have to spend
12 several hours, you know? It will be easier I hope, I
13 suspect.

14 Do you like it?

15 Q I don't know. I don't have any objection.

16 A I would be interested in your input.

17 Q All right. Mr. Hinson, have I threatened you in
18 any manner or offered you any rewards in return for your
19 statement?

20 A No. You have not threatened me or offered me any
21 rewards.

22 Q Is there anything further that you would like to
23 add for the record?

24 A No.

25 MR. BAER: I'm sure glad you said no. I'm too

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1 tired to keep this up much longer.

2 MS. VAN CLEAVE: Thank you.

3 This interview is concluded. We're off the
4 record.

5 [Whereupon, at 3:52 o'clock p.m., on Tuesday, July
6 28th, 1992, the above-entitled interview was concluded.]

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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: Jay Hinson

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 Whiteside

Official Reporter
Ann Riley & Associates, Ltd.

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.

Some topics covered in this transcript are described in more detail in my April 2, 1992 affidavit and accompanying notes. That affidavit and notes were prepared shortly after the events in question when my memory was fresher. The affidavit and notes were provided to the NRC at or before the time this transcript was made.

James Worth
Signature

9/10/92
Date

1-10-077