

8-5-84

Attachment 3

Dockets: 50-445
50-446

Texas Utilities Electric Company
ATTN: M. D. Spence, President, TUGCO
Skyway Tower
400 North Olive Street
Lock Box 81
Dallas, Texas 75201

Gentlemen:

Following the "T-shirt incident" in March of this year, J. E. Cummins of our office obtained copies of the documents that were collected by your staff from the desks and/or files of involved persons within your organization. This letter documents the fact that our copies of the subject documents were returned to your Mr. Tony Vega on July 20, 1984.

For your information, Region IV reproduced additional copies of the subject documents and made one copy available to CASE and presently retains one copy.

Sincerely,

Original
Richard L. Bangart

Richard L. Bangart, Director
Region IV Comanche Peak Task Force

cc:
Texas Utilities Electric Company
ATTN: B. R. Clements, Vice
President, Nuclear
Skyway Tower
400 North Olive Street
Lock Box 81
Dallas, Texas 75201

Texas Utilities Electric Company
ATTN: H. C. Schmidt, Manager
Nuclear Services
Skyway Tower
400 North Olive Street
Lock Box 81
Dallas, Texas 75201

D/RIV: *RF* NRR: *RF*
RLB: *RF* TIPPOLITO
8/1/84 8/1/84

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

April 9, 1984

SUMMARY OF INTERVIEW WITH Mr. Lan Davis

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

D. M. Hunnicutt

April 9, 1984

SUMMARY OF INTERVIEW WITH Mr. A. Ambrose

1. Mr. Ambrose did not know of anyone who contacted the NRC nor of anyone who requested that someone contact the NRC.
2. Mr. Ambrose's records ~~were~~ included NIS(Nuclear Instrument System) records but personal property was not taken.
3. Mr. Ambrose did not desire that any materials be returned. He stated that he had two copies of his work documents, so did not need the materials to do his job.
4. Mr. Ambrose stated that management "blew the whole thing out of proportion". He stated that the NRC should have been contacted, but didn't know why or what he expected the NRC to do or accomplish. He stated that no way would he have allowed the NRC to take pictures of him. He stated that he was among those who told the licensee that they could not take pictures of him. He stated that Brown and Root stated that B&R had no problems with the people wearing the tee shirts, but management made the decision. He said that B&R took 3 to 4 hours to determine what the problem with wearing tee shirts was.

He stated that the tee shirts had nothing to do with anything, except a ~~banner~~ slogan "we pick nits", as a result of a discussion with a craft foreman. He felt the press was inaccurate and unjust. He felt that the "Harry Williams" firing had nothing to do with the slogan. He stated that he had worn the tee shirt twice before without incident.
5. Mr. Ambrose stated that he knew of nothing that would indicate something was not being done correctly or that any notes or records taken indicated that type of problem.
6. Mr. Ambrose stated that he got copies of working documents and didn't need that materials taken.
7. Mr. Ambrose could not identify anything that was done incorrectly and was not corrected or scheduled (identified) for corrective actions.

D. M. Hunnicutt

April 9, 1984

SUMMARY OF INTERVIEW WITH Mr. B. Hearn

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

D. M. Hunnicutt

1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION
3

4 In the Matter of X
5 TEXAS UTILITIES GENERATING X
6 COMPANY, ET AL. X Docket Nos. 50-445-OL2
7 (Comanche Peak Steam Electric X 50-446-OL2
8 Station, Units 1 and 2) X
9

10 Goodnight Room
11 Ramada Inn Central
12 I-30 and Beach Streets
13 Fort Worth, Texas
14 Monday, October 1, 1984
15

16 The hearing in the above-entitled matter
17 was reconvened, pursuant to adjournment, at 8:30 a.m.
18

19 BEFORE:

20 JUDGE PETER BLOCH

21 Chairman, Atomic Safety and Licensing Board

22 JUDGE HERBERT GROSSMAN

23 Member, Atomic Safety and Licensing Board

24 JUDGE WALTER JORDAN

25 Member, Atomic Safety and Licensing Board

~~8410058224~~

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1 MR. BACHMAN: Mr. Hunnicutt is now
2 available for cross-examination in whatever order the
3 Board may choose.

4 JUDGE BLOCH: Mr. Roisman.

5 CROSS-EXAMINATION

6 BY MR. ROISMAN:

7 Q Mr. Hunnicutt, on Page 4 of your testimony,
8 the next to the last sentence of the carry-over
9 paragraph from Page 3, "The four of us determined that
10 there had been no indication so far -- ". Do you see
11 that?

12 On Page 4, the next to the last sentence
13 of the carry-over portion --

14 A "The four of us determined -- ". Yes.

15 Q " -- that there were no indications so
16 far that NRC regulations or a threat to health and
17 safety of anyone was involved."

18 A Yes, sir.

19 Q Can you please tell me what were all the
20 bases that at that time that that decision was made
21 by the four of you, entered into the making of that
22 decision, what were the factors?

23 A Well, the first one, there's no fuel in
24 the vessel, nor was there fuel any place other than
25 in the stored position for it in the fuel handling

1 building.

2 The plant was still under construction.

3 The safeguards building was essentially complete.

4 The QC people were reviewing the various portions of
5 the testing.

6 That was probably the three largest inputs.

7 Q It seems that that answer helps me
8 understand why you felt that at that moment there was
9 no threat to health and safety to anyone.

10 What about -- that there were no NRC
11 regulations involved. What about that part of the
12 sentence?

13 A We could find no regulation that required
14 immediate attention.

15 Q But what was it that you perceived was
16 going on to which you thought no NRC regulation
17 related?

18 A Let's see.

19 Right at this second I can't think of any
20 particular one that was of concern.

21 Q Well, let me see if it --

22 A Maybe I need to --

23 Q Okay. Let me ask it in a somewhat
24 different way.

25 If the telephone caller called up and said

1 that we believe that a group of inspectors are down
2 in one of the buildings here and they are ripping
3 wires out of conduits and doing other destructive
4 things inside the building; would that be something
5 that would be a violation of the NRC regulations, if
6 that were taking place inside the safeguards building?

7 A Oh, certainly.

8 Q So that there are things that could have
9 been happening that might have been NRC regulation
10 violations; correct?

11 A I understand your question better now.

12 Okay. Now I can go back.

13 A day or two before this instance, which,
14 if I remember correctly, occurred on the 8th of the
15 month. We had received a telephone call through Mr.
16 Tolson to Jim Cummins that there were possibilities
17 that destructive testing had occurred in some portions
18 of the safeguards building and he indicated that if
19 this was found to be true and correct, that there might
20 be personnel actions taken.

21 And this was part of the basis on which
22 we felt that the threshold was low because management
23 had identified possible concern and they indicated they
24 were going to pursue it.

25 And, as usual, management should have an

1 opportunity to pursue whatever they had previously
2 identified and indicated that they were following
3 through on it.

4 Q Was it your thought, then, on that morning
5 when you got the call, that these actions -- strike
6 that.

7 At the time that the four of you
8 determined there had been no indication, so far as NRC
9 regulations were involved, was it the thought in your
10 mind that anything that was going on at the plant site
11 dealing with electrical QC inspectors in the safeguards
12 building was probably related to this prior call from
13 Mr. Tolson about possible destructive testing?

14 Is that what you're saying?

15 A Yes, sir, I believe all four of us had
16 somewhat the same feeling. Yes, sir.

17 Q And what had you -- what was your
18 perception when Mr. Tolson called you? How significant
19 did you treat it? That he called you and said, "We
20 think there might be destructive testing."?

21 Was that a normal thing?

22 A Well, first, he did not call me.

23 Q Mr. Cummins.

24 A He called Mr. Cummins. It occurred late
25 in the day, the day before the T-shirt incident.

1 Mr. Cummins called me at roughly -- well, in the
2 neighborhood of 4:00 p.m., which is our normal closing
3 time, and this incident started before noon the next
4 day.

5 So, by anybody's clock, we really hadn't
6 had time to organize and prepare to delve deeply into
7 possible concerns of this type.

8 Q Would it be a normal and expected thing
9 at any time there was a suspicion that something like
10 destructive testing was taking place at the plant site,
11 you would expect that someone from Region IV would
12 have gotten a call about that or was this an abnormal
13 thing that Mr. Tolson did?

14 A Well, this is the first time. You could
15 classify it, if you wish, to abnormal. Again, since
16 it was apparently the first occurrence on their part,
17 the licensee's part, it should have been reported
18 through the normal 10 CFR 50-55(e) program.

19 So it was not unusual from the standpoint
20 of reporting to us; no, sir.

21 Q I guess what I'm trying to get at is some
22 understanding of how you evaluate the information that
23 came in to you and let me just give you some options
24 so to try to put Mr. Tolson's call on the scale of
25 things.

1 You get an anonymous phone call from
2 somebody.

3 A Yes, sir.

4 Q Who just says there are inspectors at the
5 Commanche Peak plant who were doing destructive
6 testing and I want the NRC to know about it.

7 And hangs up.

8 Or you get a report filed by the company
9 with you that says, "We have just completed a six-month
10 investigation and we have identified five different
11 places where destructive testing has taken place
12 and here are the people involved and here's what they
13 did and here's what we're getting ready to do to them
14 as a result of our investigation."

15 Now, on that sort of scale of things,
16 where did Mr. Tolson's phone call to Mr. Cummins fit?
17 Which end of that spectrum is it closer to, in terms
18 of your evaluation of the veracity and seriousness
19 of the charge?

20 A Well, it would be more closely to an
21 allegation from the standpoint that something serious
22 was going on but, again, it normally takes a certain
23 length of time to pull someone off of another
24 inspection and get it on.

25

1 Q You mean it would be closer to the
2 anonymous phone call that it would be to the report?

3 A At that immediate time.

4 Q At the time you had to do your -- you
5 and the three other individuals who were discussing
6 this matter now on the day of the T-shirt incident,
7 how much did you attempt to evaluate the quality of
8 the information that you had from Mr. Tolson in
9 determining what actions were appropriate for you to
10 take in light of the call that someone from Region IV
11 had received anonymously from someone at the site of
12 these events?

13 A Well, again, we didn't have the time
14 frame in which to properly evaluate it because they
15 say it occurred essentially at the close of business
16 or maybe after the close of business on the day before
17 this incident.

18 Q Well, then, why did you decide to give
19 it any weight at all in your thinking processes the
20 following morning?

21 JUDGE BLOCH: I'm sorry. I've got the
22 time frame confused now.

23 I thought you first said that the call
24 came on the 6th.

25 THE WITNESS: No, I said the day before, if

1 I remember, sir.

2 JUDGE BLOCH: Okay, sir.

3 BY MR. ROISMAN:

4 Q I believe you're testifying, Mr.
5 Hunnicutt, when you say the call -- you're talking about
6 the call from Mr. Cummins to you? Not the call from
7 Mr. Tolson to Mr. Cummins?

8 Just to get us clear, as best you can
9 remember, when did Mr. Cummins tell you he got the
10 call from Mr. Tolson?

11 A If I remember correctly, it was sometime
12 midday, it would be Wednesday, it was still the day
13 before the T-shirt incident.

14 Q Yes, sir.

15 And then later that same day, just around
16 closing time, he called you to report that information?

17 A Right.

18 Q Now, my question to you is, if you hadn't
19 had time between that late afternoon call on the
20 7th, and the calls that you were receiving the following
21 morning on the T-shirt incident, to evaluate what Mr.
22 Tolson was telling, why did you factor it in at all
23 to your decision-making process on what you would do
24 in light of the anonymous call you got the morning of
25 the T-shirt incident?

1 A Well, we factored it in mainly because
2 it was heads-up -- in other words, we had identified
3 an item of concern to us, licensee management, and we
4 are going to pursue it.

5 So, due to the fact that they had stated
6 that they were going to follow up on it, we felt that
7 management should have an opportunity to follow-up on
8 their own identified problem.

9 Q Did it ever occur to you that management
10 might, in fact, have been creating an appearance
11 that there was destructive testing in order to disguise
12 a different motive for taking personnel action against
13 some of the people who were in the safeguards building?

14 A It did not.

15 Q Had you been aware at the time that you
16 and the three other gentlemen were sitting and
17 discussing this matter, that there had been some
18 friction between the inspectors and building management
19 in the safeguards building involving electrical
20 inspections and that the inspectors had been finding a
21 lot of problems in their inspections?

22 Were you aware of that at the time that
23 the four of you were making these decisions?

24 A Well, there's always rumors of management-
25 labor frictions. I do not recall if this was anything
more or less specific, sir.

1 Q Are you saying that you had heard there
2 that there was something but you're just saying it
3 wasn't different than lots of things you hear?

4 A Yes, sir, that's what I'm saying.

5 Q So you had an allegation from Mr. Tolson
6 that there was a possibility of destructive testing?

7 A Right.

8 Q And you had some rumors that there was
9 some friction between the building management and the
10 QC electrical inspectors at the plant?

11 A I can't specifically state that it was
12 between those two groups that you identified.

13 Q Okay.

14 A But over the period of time, and of
15 course, it's backed up by records on both sides that
16 there was areas of friction at times between inspectors
17 and management.

18 Q Well, had your resident inspector given
19 you any information regarding the frequency of
20 deficiencies being found in the safeguards building
21 by the electrical inspectors during the early months
22 of 1984?

23 A I don't recall of it being higher or
24 lower.

25 Q Would the resident inspector normally

1 give you a periodic report on what's going on at the
2 plant? Did you have a normal, routinized procedure
3 for that?

4 A Right, but here we're talking about a
5 trend that we would have to periodically plot course
6 whether -- and I really can't answer the question
7 properly.

8 Q All right. Let me just go back for a
9 second to these periodic briefings. How often did
10 those occur?

11 A Between an inspector and myself?

12 Q Between the resident inspector, or one
13 of the other inspectors that you have on the site, and
14 yourself or someone at Region IV?

15 A Almost daily; sometimes several times
16 a day.

17 Q Is there no set time when there's sort
18 of a summarization report, once a month, once every
19 week, when you sort of get the big picture or the
20 overview from them?

21 A No, because the way things are changing,
22 we get an update as it comes in. There is a monthly
23 report written for it, and sometimes monthly may mean
24 two months or some other calendar time period.

25 Q There's nothing you can remember, then,

1 that was specific to the safeguards building or any
2 specific kinds of problems that they were having with
3 electrical inspections, lighting inspections, anything
4 like that?

5 A I can't recall one right at the moment,
6 sir.

7 Q Just so we're clear on it, because I'm
8 a little unclear on what you were saying about the
9 rumors regarding some tension between management and
10 labor, I think what what you used.

11 A Yes, sir.

12 Q Was it your understanding that there was
13 some tension between management and labor in the
14 safeguards building specifically?

15 A No. Specifically, the two cases I was
16 trying to think of was where, over a period of time,
17 I believe it was September and December of last year,
18 we prepared civil penalty packages related to harass-
19 ment of personnel at the site. And that's the two
20 large ones that I can think of offhand.

21 Q Okay. I guess I want to be clear and
22 I want your testimony to be clear on this. I thought
23 you had said earlier that there had been some sort of
24 rumors about -- in answer to a question that I had
25 asked you about the safeguards building, that there

1 had been some rumors about labor-management problems
2 in that building. Am I incorrect, or did you not
3 have any knowledge about that?

4 A Well, you aren't exactly incorrect, but
5 there's no delineating line that you can flat out say
6 this is the safeguards building, this is the auxiliary
7 building. There is, certainly, by drawings and so
8 forth, but people transfer back and forth and work
9 back and forth, and to flat out make the statement
10 that it was electrical QA inspectors in the safeguards
11 building, Unit 1, I can't honestly identify it that
12 closely, sir.

13 Q. Now, in your testimony --

14 JUDGE BLOCH: Before we leave that,
15 Mr. Hunnicutt, do you know whether Mr. Tolson mentioned
16 any names to Mr. Cummins?

17 THE WITNESS: I do not believe he did.
18 Mr. Cummins did not mention any names to me.

19 JUDGE GROSSMAN: Excuse me. Are you
20 leaving this immediate subject on the knowledge of any
21 friction, Mr. Roisman?

22 MR. ROISMAN: Yes, I was getting ready
23 to do that.

24 JUDGE GROSSMAN: Do I understand from
25 what you said that you had some knowledge of friction

1 between QC electrical inspectors and the company but
2 that you can't pin it down now to the safeguards
3 building or the auxiliary building?

4 THE WITNESS: I was trying to make it
5 clear, sir, it was QC inspectors in general, not
6 specifically electrical inspectors. There are several
7 different areas of inspectors, welding and so forth.

8 JUDGE GROSSMAN: Well, did you hear
9 specifically that there also friction with electrical
10 inspectors, or are you saying now that you just knew
11 there was some friction but you couldn't tell at all
12 whether it was welding or electrical?

13 I'm not sure I understand what your
14 responses were.

15 THE WITNESS: Okay. Let me do my best
16 to clarify it, sir.

17 What I was trying to get across, and
18 maybe I did it poorly, was that in general it was
19 inspectors. Now, it may have been more related to
20 electrical than to the others, but I'm just not that
21 sure in which specific areas the inspectors were in.

22 JUDGE GROSSMAN: I see. Is that because
23 of a passage of time, that if I had asked you the
24 question some months ago you might have been able to
25 pinpoint who you knew about or --

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THE WITNESS: I wish I could answer that question, sir. I can't.

JUDGE GROSSMAN: Thank you.

BY MR. ROISMAN:

Q Now, what would the anonymous phone caller's information have had to have been for the NRC to decide that it would move in rather than wait and see on the T-shirt incident, related to the incident?

A Well, let's see, the first anonymous phone call was that people were being detained and that desks and files were being gone through. Neither one of these tripped an alarm from the standpoint of what we had previously been told the day before.

Now, I'm certain, in my own mind at least that if we had not had this call through Mr. Cummins almost -- well, less than 24 hours before, it would probably have required me to immediately send one or more inspectors there.

Q So that was really the crucial factor in your mind, was that you had gotten this call just 24 hours earlier --

A Yes, sir.

Q -- indicating that management was considering some personnel action, and then when

1 Thursday morning came and you got this call, what ¹⁹⁵⁵⁵
2 occurred to you was, this must be what we got the
3 call about yesterday?

4 A Yes, sir.

5 Q If the anonymous caller had indicated
6 to you that he knew that there had been an earlier
7 call to the NRC about alleged destructive testing and
8 that he knew that no such destructive testing had
9 actually occurred, would that have neutralized the
10 other call?

11 A No, it would not, because once a call
12 is made, until we actually take it down to the ground
13 or the bottom of it, we have to keep it an open
14 allegation, and if you would look through our
15 allegation files you would find some that we have
16 spent considerable manpower on that were ridiculous,
17 such as a handwritten note a couple, three years ago,
18 that the licensee had muggled fuel on site.

19 And what had happened was they had
20 brought the dummy on to index the core. And we still
21 went to see this lady and we used manpower and money
22 that we could have used elsewhere. But what we do
23 is every allegation is traced, if we can, to the
24 source or to the cause.

25 Q I wasn't asking whether you would have

1 not then --

2 A Oh, I'm sorry.

3 Q -- completed the investigation that the
4 call from Mr. Tolson initiated, but I'm asking whether
5 or not in the decision making processes on the
6 following day, having not yet had time to do an
7 investigation, would the counter-allegation from the
8 anonymous phone caller have neutralized the Tolson
9 call to the point that then you would have moved in
10 to find out what was going on with those inspectors.

11 A I wish I could give you an answer one
12 way or the other, but you know, we're in the hypo-
13 theoretical and I could say one thing to make myself look
14 good, but I'm absolutely not certain that's what I
15 would have done.

16 I think I would, but again, I can't
17 just flat out make the statement that I would have
18 done the most prudent item. I would probably have
19 followed both.

20 But an anonymous phone call is very
21 difficult. We have done our best in some, but again,
22 the information, we would have tried to determine how
23 valid, and so forth, but I just can't, in all truth-
24 fulness, flat out make the statement that I would have
25 done what seems to be prudent through your question.

1 Q Since the T-shirt event, I take 18557
2 you've learned a lot more than you knew that --

3 A I have leaned a great deal, sir.

4 Q -- that morning. You've indicated a
5 candor, which I appreciate, so I hope that you will
6 take this question in the spirit intended.

7 Knowing now what you know, do you think
8 that at the time the NRC should have acted differently
9 than it did in the T-shirt incident that morning?

10 A Well, I hate to be overly stubborn, but
11 if I had exactly the same information, except for the
12 fact that cut-off, of course, of addition investi-
13 gation, depositions, hearings, and so forth, it would
14 probably happen pretty much the same way, because it
15 was a heads-up item that disciplinary action or --
16 well, disciplinary action is not the word to use --
17 personnel action, I believe, was somewhat similar to
18 what I used, and over my thirty plus years in various
19 parts of the nuclear industry, including many years
20 in construction, I have seen things twenty years ago
21 that you wouldn't believe if I told you, related to
22 harassment and intimidation, and so forth.

23 And so based across the board, I think
24 I would still have given management the benefit of
25 trying to show their case, the merit of it, one way or

1 Q Since the T-shirt event, I take 18,557
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3 A I have learned a great deal, sir.

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22 harassment and intimidation, and so forth.

23 And so based across the board, I think
24 I would still have given management the benefit of
25 trying to show their case, the merit of it, one way or

1 the other.

2 Q When you get counter-allegations, some
3 from management and some from the work force, is there
4 a policy by which you decide whether you will let
5 management complete whatever it wants to complete
6 with regard to the allegations before you move in
7 versus you're going to move in right away and not wait
8 for management to move? Is there a Region IV policy
9 on that?

10 A Definitely not, because I believe in
11 each case it would be absolutely imperative that it
12 be weighed to the best of our ability. You know, you
13 just don't have a scale of justice to where you can
14 say Joe's information is better than Sue's or Mary's,
15 because everybody, when they phone, write, or present
16 information, as far as we're concerned they're all
17 equal.

18 Now, if it's obvious that someone has
19 direct information, I'm sure we would weigh it a little
20 more than the other, regardless of whether it was a
21 janitor or the president of the company or someone in
22 between.

23 Q What investigation has been done by your
24 office into the allegations that Mr. Tolson made in
25 his call to Mr. Cummins regarding possible destructive

1 testing in the safeguards building?

2 A The safeguards building is a very large
3 and complex building. If I remember correctly, there
4 are 78 rooms and areas that make up this building. It
5 includes many of the emergency back-up systems. There
6 are a tremendous number of conduits, cable trees. Each
7 one is identified in one of three colors.

8 The orange colored jacketing is for
9 Trade A, safeguards. The green is for Trade B, and
10 the not safety related is all black.

11 Now, regardless of what the licensee's
12 procedures state, we would follow the green and the
13 orange portion, and not ignore but certainly have very
14 little time spent on the black, because by it our
15 charter is safety related and therefore -- but now,
16 what I'm trying to say is that a black one, if we saw
17 it cut in two or torn down strings, we would certainly
18 be involved and interested in it.

19 But by going through, out of these 78
20 rooms we, from -- well, we did some of it in January
21 and February, which we will negate for the purposes of
22 this, and then from June 20th through September 28th,
23 and it will be documented in Inspection Report 45/8426,
24 we went into 64 of these rooms, in other words, roughly
25 80 percent, and we found a few glitches, but none in

1 the electrical area, sir.

2 Q Were you looking for destructive testing
3 at that time?

4 A We looked for everything, destructive
5 testing, improperly oriented materials, such as pipe
6 hangers, pumps, and so forth, the whole cross-section,
7 and the four inspectors that were involved, other
8 than Mr. Oberg, had nothing whatsoever to do with any
9 of the previous concerns relating to the T-shirt
10 incident.

11 Q Was this investigation that you're just
12 talking about now, was that intended to be the
13 follow-up to the allegations that had been made by
14 Mr. Tolson in March to Mr. Cummins that there had been
15 destructive testing at the plant in the safeguards
16 building?

17 A That would be a very, very minor portion
18 of it. The main thrust of it was, we were doing a
19 detailed, in-depth inspection of the area and that
20 just rubbed off as one of the items.

21 Q And did you question Mr. Tolson to find
22 out some more details about where the alleged
23 destructive testing had occurred, so that you could
24 go to those spots and specifically look to see for
25 yourself what had happened?

1 A Mr. Tolson and I had a very short
2 discussion on that one day while I was at the site
3 and --

4 Q Can you give us a rough time frame?

5 A It was probably either the week that
6 included the 13th, when I was down there making the
7 physical or --

8 A I'm sorry. Which month?

9 Q Oh, I'm sorry. The months are ingrained
10 in me, I was forgetting. March.

11 So anyway, on the 13th I was down there
12 and obviously made the physical inventory of the boxes,
13 and it could have been sometime during that week, or
14 it may have been the next week, but it was just a
15 cursory discussion, nothing in depth.

16 Q Did you go and look at the places where
17 the alleged destructive testing had taken place, or
18 did someone from Region IV?

19 A Mr. Kelley did this pretty well on the
20 day of the incident when he tried to find the location
21 that found the one wire, which was in the north pump
22 room at the safeguards building on the lowest deck,
23 and he did not find any other junction boxes or other
24 areas that had any indication of tampering or
25 incomplete. It was this one wire that was hanging in

1 this junction box, oh, roughly a foot square and four
2 inches deep, plus or minus.

3 Q And did he communicate to you any
4 conclusion as to whether he thought it was a loose
5 wire or a destructively tested wire, or anything like
6 that?

7 A He described it to me and we determine
8 that was not destructively tested and --

9 Q I'm sorry. That it was not destructively
10 tested?

11 A Dennis Kelley and I talked on the phone
12 after Mr. Kelley finished his inspection, and attempted
13 to take the one photograph in the area.

14 And he stated that the best he could see,
15 there were no deep scratch marks on the copper, which,
16 if it had been properly installed and had been jerked
17 free, it would undoubtedly have scarred the copper,
18 and that was the only one we found.

19 We did look around in, as I say, a
20 number of the rooms. The number, I wouldn't even
21 attempt to remember, but he did make a detail through
22 the north and the south ladders that go down in the
23 safeguards building to the various areas and in the
24 rooms and the other areas he did not find any.

25 Q When you became aware that there did not

1 appear to be any destructive testing in the building,
2 did you think back to the call from Mr. Tolson, and
3 if so, did you re-evaluate what you thought that call
4 was about?

5 A Well, of course, anything that you
6 thought of is nothing more than conjecture, and I
7 certainly felt that if there had been a problem it
8 was certainly alleviated because no one saw any more
9 of it and it never surfaced again.

10 The roughly 17 QC inspectors in the
11 electrical area there, we passed many of these people
12 one and two times a day. We were always identified
13 with our NRC on our hat. In other words, over a
14 period of time, including the day that Mr. Tolson
15 called Mr. Cummins, who then called me, there was
16 ample opportunity, both by telephone and face to face
17 discussions, for an individual to say, hey, come here
18 and look, because I've had that happen to me many
19 times when I walked through the plant.

20 Q You mean come here and look if there had
21 been some destructive testing?

22 A No, just come look, everything from, ney,
23 come here and look, I want you to see what a good job
24 I'm doing in this area, and I've gone into others and
25 the guy, look at this, this damn guy shouldn't do this

1 this kind of stuff. But you've got a C minus, in
2 other words, it was acceptable. You might not be
3 proud of it if you were the workman. But you're
4 either on the table or you're off the table. In other
5 words, it either meets the requirement or it fails to
6 meet the requirement. We have no gray area.

7 Q But on the day of the T-shirt incident
8 the NRC did get called on several occasions --

9 A Three.

10 Q -- by a worker?

11 A Yes, sir, three times.

12 Q And the NRC did not come to the aid of
13 the people or whom, or in whose interest or apparent
14 interest that worker was making the call on that day,
15 did they?

16 MR. BACHMANN: Your Honor, I would object
17 to the characterization of these anonymous phone calls
18 as from workers. There's been no identification of the
19 person. We don't know who made the phone calls.

20 MR. ROISMAN: That's all right.

21 BY MR. ROISMAN:

22 Q Just an anonymous phone call. That's
23 fine.

24 A Okay, sir. On the first one, we
25 definitely took it into consideration from the

1 the drawing, schematic, certainly shows how it should
2 be made up.

3 Q Was your inspection intended to identify
4 loose connections?

5 A Our inspection was the over-all inspection,
6 sir, and the loose connections, operability, that the
7 proper colored wire went in and came out of the junction
8 box, that it was labeled properly, that it wasn't JB-1-C
9 instead of JB-1-D, or whatever.

10 Q But you wouldn't find a loose connection
11 unless you opened a junction box and looked right?

12 A That's the only way you would find it.

13 Q What about if there had been improper
14 splicing in the junction boxes, you couldn't find out
15 without taking off the cover, either, could you?

16 A That would be an interesting situation,
17 because you would only have a lead about a very few
18 inches, and to put a splice in a junction box, it
19 could occur, but I've never seen one.

20 Q When you were looking at cables and cable
21 trays, did you physically move the cables and look at
22 cables who were hidden by other cables? Was that part
23 of the inspection to do that?

24 A You do to a certain point, but again, let
25 me stress, some of these cable trays are eighteen inches

1 wide and four or five inches high and may have up to
2 roughly 28 pounds of cable per linear foot.

3 So what I'm trying to say is you would
4 have a hell of a maze, but you could, and we did. You
5 look through the tops and the sides and at times you
6 would move the cables; but, again, the main reason would
7 be trying to find a green and an orange, or vice versa.

8 Q So you would looking to see if the right
9 wiring colors coincide with the right diagram?

10 A Yes, sir.

11 Q That was the principal thing you were
12 looking for?

13 A Right.

14 Q And then a functional test, did the light
15 go on when you hit the switch and was it the right
16 light?

17 A Right.

18 Q So if there had been any hiding of cables
19 that had improper splices or something like that by
20 putting them near the bottom of the box or turning them
21 away from where they were easy to see, your examination
22 would not have been likely to detect that?

23 A In general, no, sir.

24 Q Does your office have any particular
25 policy regarding how it responds to worker allegations

1 or allegations from anybody that the work force is
2 being intimidated or harassed by management through
3 things like sequestration, searching of employees'
4 personal material, or anything like that?

5 Is there some kind of written procedure
6 that you go to?

7 MR. DOWNEY: Objection. I would object
8 to Mr. Roisman's characterization of sequestration
9 and searching of papers as harassment. There's simply
10 nothing to support that.

11 There are all kinds of reasons to take
12 those actions.

13 JUDGE BLOCH: We have a comment on the
14 question. Now you may answer.

15 MR. DOWNEY: That was an objection to
16 the question.

17 JUDGE BLOCH: Yes, but with the comment,
18 it seems to me he's got a fair question. He can
19 answer.

20 THE WITNESS: We do have a written
21 procedure that covers all the points that you mentioned
22 sir.

23 We have a procedure that if we do get an
24 anonymous call, that you try to get all the information
25 possibly; the location, the problem, if there's someone

1 that we can contact, whether or not it's the individual
2 that's making it.

3 For instance, "Well, who is your
4 supervisor," or, "Who is the building manager? What
5 drawing?" And the key information that will detail it.

6 If a man calls and says, "One of the pipe
7 hangers in the Safeguards Building is bad," there is
8 probably eighteen hundred or twenty-five hundred. So
9 without knowing what's bad and the location, it's a
10 lost cause, essentially, before you start.

11 But if we know it's a diagonal that's been
12 left off or if the welding hasn't been performed
13 correctly, one side is not welded properly, then we have
14 a good chance.

15 We try to explain this to an individual.
16 We certainly appreciate an individual's right to remain
17 anonymous, and we do not press him in any way to
18 reveal anything about himself or herself that would
19 make him feel uncomfortable and cease giving us
20 information.

21 We also stress for them to call us back,
22 or call either the resident's offices, or call collect,
23 and we do this every so often.

24 Q I guess the part that I'm interested in
25 is what do you do after that comes through. If you get

1 an allegation -- well, in fact, on the morning of the
2 8th you did get an allegation.

3 That is, you got an allegation by
4 somebody, twice in phone calls, and then maybe another
5 person who physically came forward and said that they
6 perceived that these events that were taking place on
7 the plant that day were contrary to the best interest
8 of the workers, and I assume they thought it was also
9 contrary to the best interest of what the NRC was there
10 to protect.

11 So you have an allegation about that.
12 What do you do to determine whether that allegation is
13 valid or invalid?

14 A Okay. First, may I restate the point
15 that we had received information that there was
16 possible personnel action, so this is unusual from that
17 standpoint, that some of our barriers we did not
18 raise, because we felt that it was being covered under
19 another condition.

20 But in general, if we had received it,
21 we would have sent an individual to the Safeguards
22 Building or whatever other area was identified, and we
23 would make an effort to determine the condition, the
24 location, how much and what was involved, length,
25 width and so forth, to where we could determine how

1 significant it was. Is it an isolated case? Is it a
2 general case, or is it because of one group or an
3 individual?

4 We would do all that was possible to
5 identify it totally and anything that was related to it.

6 We try not to just put on a set of
7 blinders and say, "Well, XXX is bad, so we just look
8 at that one. We don't look at the ones on each side
9 or other levels or other buildings."

10 Q Well, here the allegation was that
11 the management was taking action against employees in
12 a way that was intimidating them, that it was something
13 that would discourage them from doing their jobs?

14 MR. DOWNEY: Objection. There's nothing
15 to indicate that allegation was made in the phone call
16 to the NRC.

17 MR. ROISMAN: I'll withdraw it and put
18 it a different way.

19 BY MR. ROISMAN:

20 Q You had a call, two calls and a visit.

21 A Yes, sir.

22 Q And there was a concern expressed. What
23 did you understand that person's concern was?

24 A His concern appeared to be that some of
25 the people who were working with him or that he knew

1 about were being detained and that a search of files
2 and desks was occurring.

3 Q All right, and did he indicate -- or is
4 it your understanding that he indicated what difference
5 that made?

6 A If he did, it wasn't conveyed to me,
7 and Mr. Kelley and Mr. Cummins and I have had many
8 deep discussions trying to reconstruct this the very
9 best we could.

10 Q You indicated that if you hadn't had the
11 earlier call from Mr. Tolson on the preceding night,
12 and I assume, also, the call from Mr. Clements on that
13 morning, that you would have gone out to look.

14 A I'm sure we would have, yes, sir.

15 Q Why would you have gone out to look?

16 A It was an allegation and we need to
17 determine whether it was founded or unfounded.

18 Q An allegation of what?

19 A You mean of the individuals?

20 Q What was the allegation you would look
21 into?

22 A Well, first, why they were detained, and
23 second, what was being searched and why.

24 Q Why would that be of concern to the NRC?
25 Just the bare allegation, "We've got people being

1 detained and their personal belongings are being
2 searched." Why would that be of concern to the NRC?

3 A Well, it's hard to put a tag on it from
4 the standpoint of -- but when I look back at the two
5 previous civil penalty packages, I'm sure that
6 related to this we would try to determine if it was
7 related either directly or remotely to either one or
8 both of those type of incidents; not specifically those,
9 but that type of incident.

10 Q In other words, whether it might in
11 fact be some form of harassment or intimidation?

12 A Yes, sir.

13 Q Once you had put aside the destructive
14 testing concern, weren't you then left with a situation
15 that was not dissimilar from having never gotten the
16 calls from Mr. Clements and Mr. Tolson at all?

17 A I don't know.

18 Q Did you do any further investigation to
19 determine whether the detention and the searching of
20 the personal property had anything to do with harass-
21 ment and intimidation?

22 A I guess obliquely when we interviewed
23 the three gentlemen in April. We tried to determine if
24 this was related, and none of this came out.

25 Q The three gentlemen who you interviewed

1 in April, were any of those three gentlemen ones who
2 had been detained?

3 A All three had been detained, yes, sir.

4 Q Were any of them the ones that had been
5 on the list that Mr. Clements had given to Mr. Check?

6 A Unfortunately not, but may I clarify a
7 little further?

8 Q Sure.

9 A I figured that I would get through all
10 seven of those individuals that afternoon.

11 Q By "all seven," who do you mean?

12 A Well, seven that were still on site, sir.
13 One of the eight original people who had been detained
14 with the T-shirt incident had left the site, according
15 to the Licensee's records.

16 One was in the Unit 2 Building and the
17 other six were in the Unit 1 Building.

18 So I had my list directly off the
19 physical inventory, and for whatever reason, I picked
20 David, Hearne and Ambrose.

21 Now, who I would pick next, I don't know.
22 It's easy for me to say, "Sure, the fourth one would
23 have been one of the three who were not, but I can't
24 say that, because I was doing it at random.

25 I had essentially forgotten the six names

1 that Mr. Cneck and I had discussed almost a month
2 before; and it really never occurred to me that those
3 people's weight would have been equal, better or
4 worse than the eight that were involved.

5 Q So that when you looked at the event a
6 month later, when you were talking to these people,
7 you were not making any connection between the concerns
8 that were showing up as deficiencies in inspections
9 in the Safeguards Building and the personnel action.

10 You were looking at T-shirt wearing and
11 personnel action; is that right?

12 A That's right, and as I say, I was
13 reasonably certain that the three who were not members
14 of the T-shirt group, I would not have interviewed, and
15 that's the reason.

16 Q You indicated in the clarification of
17 your testimony this morning that the film that was
18 taken by Mr. Kelley was developed and it was found to
19 be totally useless.

20 When did the film get developed?

21 A Oh, let's see. Very shortly after I
22 wrote this testimony; the day I have no idea.

23 Anyway, it was brought to my attention
24 that maybe we ought to splurge and get the film
25 developed.

1 Q Where did you have the film developed?

2 A Mr. Kelley had it developed someplace.

3 Q Just commercially?

4 A Yes, sir.

5 JUDGE BLOCH: Is there usually a problem
6 between telling people to take a picture and to develop
7 it?

8 THE WITNESS: Well, my problem, sir, is
9 there's 36 exposures and this was about number 20.
10 Normally, we wait until we get through, which I've
11 learned a little about since.

12 BY MR. ROISMAN:

13 Q Was all the film black, or just this
14 one picture?

15 A Oh, no. Well, there were probably some
16 of the others, but let me try to put it in perspective.

17 This junction box is up near the roof
18 wall line. There are four pipes about that large with
19 the insulation lagging on it, and Mr. Kelley is a long
20 way from being a professional photographer.

21 He tried to take the picture, I would
22 say, ten to twelve feet away, which by itself didn't
23 help a lot, when you are shooting a wire that's
24 probably fifty-thousandths in diameter, and it just
25 didn't work, sir.

1 Q I thought your testimony was that it
2 was totally black?

3 A Well, it was for all purposes. I mean,
4 you could make out nothing on it.

5 Q It wasn't like it had been exposed to the
6 light?

7 A No.

8 Q It wasn't that kind of totally black.
9 You just mean there wasn't anything distinguishable on
10 it?

11 A Right. You couldn't pick out these
12 pipes that were about this large and a foot closer.
13 You couldn't pick out the rectangular image of the
14 junction box, so for sure, there's no possibility of
15 picking out the wire.

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1 JUDGE ROISMAN: I'm surprised that someone
2 would take that picture from 12 feet and would take it
3 so you couldn't see what was happening.

4 THE WITNESS: What can I say, sir?

5 We will try to improve on that.

6 BY MR. ROISMAN:

7 Q Did you at any time involve the Office
8 of Inspection in your investigation into the T-shirt
9 incident?

10 A Not directly. Mr. Griffin and I had a
11 cursory discussion and neither saw any merit into
12 asking OI to perform an inspection.

13 MR. ROISMAN: I have no further questions.

14 JUDGE BLOCH: Mr. Downey.

15 MR. DOWNEY: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. DOWNEY:

18 Q Mr. Hunnicutt, you testified about a
19 certain inspection that the NRC conducted at the
20 safeguards building over the course of the summer.

21 A Yes, sir.

22 Q Would you describe the scope of that
23 investigation, or that inspection?

24 A It was one of the room inspections that
25 we are in the process of carrying out. If I recall

1 correctly, it was the fourth one and was specifically
2 for safeguards and auxiliary building.

3 The four largest systems we intended and
4 did inspect was the auxiliary feedwater system,
5 portions of it, of course. The component cooling
6 water system; the course free system and the fourth
7 one escapes me for the moment. I'm sorry.

8 Q You say a room inspection. You inspect
9 every room in the building; is that how --

10 A No, sir. We roughly did 80 of the combined
11 auxiliary -- eighty per cent, I'm sorry, of the
12 combined auxiliary systems of the building and the
13 safeguards building.

14 Q So you inspected eighty per cent of the
15 total number of rooms in those two buildings?

16 A No. I've forgotten how many was in the
17 auxiliary building but it's pretty close to the number
18 that's in the safeguards -- safeguards was seventy-
19 right.

20 Q You testified you also inspected some of
21 the electrical --

22 A Yes, sir.

23 Q -- work in those buildings; is that right?

24 A Yes, sir.

25 Q And your inspection there, from your

1 that inspections were conducted properly and
2 identified concerns; yes, sir.

3 Q In your interviews with these gentlemen,
4 did they share with you their view of the T-shirt
5 incident?

6 A Very well.

7 Q Would you share for us the substance of
8 what they told you?

9 A They had different views.

10 Q Well, what did they say?

11 A Mr. Ambrose --

12 MR. ROISMAN: Excuse me. I assume this is
13 not being introduced for the truth of what those people
14 said but for what this witness heard and I guess it's
15 relevance is to find out whether he should have
16 investigated further or not; is that correct, Mr.
17 Downey?

18 MR. DOWNEY: That's correct.

19 We have testimony from two people who
20 wore the T-shirts and only testimony from two people.
21 I guess their testimony will stand as to the views of
22 the T-shirt wearers but I would like to have Mr.
23 Hunnicutt tell us what they told him. It will help
24 us -- I guess -- you have made an issue of whether
25 the NRC acted properly and I would like to elicit from

1 him what he information he did --

2 MR. ROISMAN: I just want to be clear
3 that you don't think that what you're getting here is
4 information that goes to the truth of what these
5 people said.

6 JUDGE BLOCH: For the limited purpose
7 that has been discussed by Counsel, the question shall
8 be allowed.

9 MR. DOWNEY: No problem.

10 BY MR. DOWNEY:

11 Q Okay.

12 A Mr. Ambrose, he said that he was
13 thoroughly confused because it started out as a joke
14 and a few days before, I believe he said on Monday,
15 that roughly 20 people wore them and he said nobody
16 paid any attention to them and said then on Thursday,
17 it wasn't quite that way.

18 Mr. Davis essentially said parallel. He
19 felt like whatever clothing he felt like wearing, he
20 should be able to wear on the site.

21 And Mr. Hearne was less vocal than either
22 of the other two but he really couldn't see the
23 relevancy of being detained and so forth.

24 JUDGE BLOCH: Were either of those two
25 individuals transferred from Safeguards 1 to

1 Mr. Ambrose saying the NRC should have been there.

2 Mr. Davis said that he couldn't have
3 cared less if the NRC come.

4 Mr. Hearne essentially said, "You
5 wouldn't have done any good anyway, so we didn't need
6 you."

7 So from that side -- but we didn't get
8 down to the point of where one guy says, "Well, it
9 was a joke." and the other guy says; "Well, we did
10 it for fun.", those kind we didn't try to get to.

11 BY MR. DOWNEY:

12 Q After those interviews, were you
13 convinced in your own mind that the answers were
14 sufficiently consistent that you didn't need to
15 interview others?

16 A That's the way we felt plus the fact that
17 just knowing human nature, including myself, overnight
18 the majority of the other four people on site would
19 have had some discussion and we felt that with the
20 amount of information that we would not have gained a
21 sufficient additional information to warrant it at the
22 time.

23 Q So you conducted these interviews in such
24 a way that none of the other -- none of the three knew
25 what questions were to be asked in advance?

1 A Well, the first two I'm sure did not
2 because nobody knew and Mr. Davis, for whatever reason,
3 was picked as first and Mr. Hearne was the second one
4 from but there on, of course, there was somebody out
5 in the plant that said, "Hey, what did they ask?"

6 But the first two, I am positive, that
7 there was no cross because there wasn't time in
8 between and, of course, no one outside the NRC had
9 access at any time to our questions.

10 Q In your interviews with these three
11 gentlemen and your review of the documents that were
12 taken from their work area, did you find any evidence
13 that personal effects were confiscated?

14 A There were no personal effects of any
15 significance. I interviewed every piece of paper in
16 each of the files and there was nothing that you would
17 regard as valuable, from a personal standpoint.

18 Q Did you find inspection reports as part
19 of the materials that were in the packages?

20 A Inspection reports. NRC procedures was
21 the majority of it. There were a few other pieces of
22 paper I just don't recall specifically right at the
23 moment.

24 Q Is it your understanding that the site
25 policy subjects every employee to search at the

1 desire of management?

2 A Including myself; yes, sir.

3 JUDGE BLOCH: I'm sorry.

4 When you go on the site --

5 THE WITNESS: I have been searched; yes, sir,
6 both going on and coming off.

7 JUDGE BLOCH: Your briefcase?

8 THE WITNESS: I normally have a property
9 pass that deletes that but it ran out the 28th of
10 September so --

11 JUDGE BLOCH: You wouldn't expect them
12 to look at the documents in your briefcase?

13 THE WITNESS: Oh, no, but there's no harm
14 in looking to see if I have a coil of wire or some
15 electronic components or --

16 JUDGE BLOCH: It's a security check?

17 THE WITNESS: Well, in general, that's
18 a true statement but it could be a little more but,
19 so far, as I say, I've been searched three or four
20 times in the times that I have gone down there.

21 So, there is a sign there that says, "No
22 firearms or cameras" and sometimes we've been asked and
23 that was sufficient.

24 Other times, of course, it's like going
25 into Safeway's. You never know.

1 BY MR. DOWNEY:

2 Q And it is your understanding,
3 Mr. Hunnicutt, that employees were subject to search
4 to make sure that they had no unauthorized documen-
5 tation or materials or those sorts of things.

6 A I'm certain if they search me they
7 search employees.

8 JUDGE BLOCH: Do you know whether the
9 employees are subject to search for unauthorized
10 documents?

11 THE WITNESS: Let's see, unauthorized
12 documents. I can't answer that one, once you point
13 out --

14 JUDGE BLOCH: Try to listen to the
15 question, because you've got to answer the question,
16 sir.

17 THE WITNESS: I'm sorry.

18 BY MR. DOWNEY:

19 Q Did any of the three persons you
20 interviewed indicate to you who it was that contacted
21 the NRC?

22 A One individual did. We didn't ask the
23 name. He blurted it out.

24 Q Who blurted it out?

25 A Mr. Davis.

1 time to get on board and find out that it had
2 previously occurred.

3 JUDGE BLOCH: I'm sorry. You said if
4 it happened again?

5 THE WITNESS: Well, it had happened on
6 Monday and he came in to work on Wednesday and
7 apparently he didn't know that it had happened on the
8 Monday, so when it happened the second time on
9 Thursday --

10 JUDGE BLOCH: But I thought you also said
11 he had instructions on what to do if it happened again.

12 THE WITNESS: If I did, I made a mistake
13 in the way I said my words. I didn't intend it to
14 mean --

15 JUDGE BLOCH: But did he have instructions
16 on what to do if it happened?

17 THE WITNESS: I don't think so. What I
18 was trying to say -- let me see if I can put it back
19 in perspective, that if the T-shirt people felt that
20 since it had previously happened, that when it
21 happened the second time on Thursday, that it would
22 have been nice if this supervisor would have known that
23 this was the second instance it happened; my words, I
24 think I said happened again, which I'm sorry threw
25 you off.

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1 BY JUDGE GROSSMAN:

2 Q I think you testified that you understood
3 there was some kind of disciplinary action being
4 contemplated by management prior to the T-shirt
5 incident.

6 MR. DOWNEY: Objection. I think he said
7 personnel action, which is --

8 JUDGE GROSSMAN: Personnel action.

9 BY JUDGE GROSSMAN:

10 Q What was the personnel action that you
11 understood that the company was contemplating?

12 A Well, we really didn't know of the depth
13 or breadth of it. We were informed, through
14 Mr. Cummins, who informed me, that there were possi-
15 bilities of destructive testing instances that
16 occurred in the safeguards building and that there was
17 a possibility of personnel action occurring. And that
18 was essentially the day before this.

19 Q Now, I've read your prefiled testimony
20 and I'm having a little trouble understanding one
21 sentence here on Page 4, and perhaps you can clarify
22 that for me.

23 It's the second sentence on the paragraph
24 that begins on Page 4, which says, also if possible
25 to take photographs of the T-shirt personnel wearing

1 A No, sir. And if you happen to go back
2 through some of our reports for this year, Inspection
3 Report 445/8410, there are either three or four
4 photographs on one of the pages in that report to
5 illustrate some points we were trying to make.

6 Q I'm sorry, I don't understand that
7 answer. I'm asking you --

8 A Okay. Let me try again.

9 Q -- specifically about the act of
10 attempting to photograph the supposedly destructive
11 act with regard to this wiring.

12 Didn't it appear to you at that time
13 that the photograph would be only in the direction of
14 supporting the company's position in this controversy?

15 A No, sir. We try to be totally impartial,
16 and by having the information it may or may not have
17 supported either their position -- in other words, it
18 would appear to be in good taste. Why would it support
19 management? It looked to me like it would lean more
20 toward the eight individuals. But we had no idea of
21 what was written on or what the design looked like.

22 Q But it was a follow-up of a management
23 allegation, wasn't it?

24 A Not really; it's happened less than
25 24 hours.

1 Q Well, wasn't it the management of the
2 company rather than the QC inspectors who were
3 alleging that there was destructive testing?

4 A That is true.

5 Q Now, in retrospect -- well, you've
6 indicated that in retrospect you would have acted
7 the same.

8 A With the same information, yes, sir.

9 Q Okay. Now, if I recall the information
10 that you were operating on, there were two anonymous
11 phone calls in the direction of assisting QC inspectors
12 who apparently, or allegedly were beleaguered, in
13 which you took no action at all.

14 And then there were two subsequent acts
15 that the NRC took with regard to allegations by
16 management with regard, one, to the wearing of the
17 T-shirts and, two, with regard to the damaging of
18 electrical equipment, in which the NRC did take some
19 action.

20 Doesn't that appear to have been what
21 occurred, sir?

22 A Pretty much.

23 Q And in retrospect you still believe that
24 that was an evenhanded approach, do you, sir?

25 MR. BACHMANN: Judge Grossman, I don't

1 usually object to the Board's questioning, but I think
2 you have kind of mischaracterized Mr. Hunnicutt's
3 testimony into dividing actions by the NRC into those
4 instigated by allegers, in this case inaction, and those
5 instigated by management.

6 From what I can recall, Mr. Hunnicutt's
7 testimony has been that the actions taken by the NRC
8 were to gain more information over a situation of which
9 they had very little information, and I do not think
10 it's fair to characterize that the actions they took
11 were directed towards supporting the management's
12 position, and since Mr. Hunnicutt has agreed with it,
13 I don't really think that he meant to agree with that,
14 just to keep the record straight.

15 BY JUDGE GROSSMAN:

16 Q Well, my question really is, in retro-
17 spect do you still feel that the non-action with
18 regard to the two anonymous phone calls on the part of
19 the QC inspectors and your action with regards to the
20 allegations by the company in these other two instances
21 are an evenhanded action by the NRC?

22 A In the short period of time that these
23 occurred, I still stick with my original. Now, it's
24 true we all learn a great deal in six months, and
25 based on that, which the question has not been asked me,

1 I would probably have done differently. But when you
2 find out something at roughly 4:00 p.m., and this all
3 occurs before 2:00 o'clock the next day, in other
4 words, less than a 24-hour period, and the meager
5 amount of information we had under those conditions,
6 I feel that to tell you that I would have done
7 differently is not characterizing it properly, because
8 with the information and under the conditions I don't
9 see that we would have changed.

10 But again let me stress that based on
11 what we learned subsequently, and up through today,
12 it would have been an entirely different matter.

13 Q Well, let me ask you, if you had known
14 then what you know now, would you have gone in sooner
15 in response to those anonymous phone calls, or would
16 you have not gone in at all, or how would your actions
17 have changed?

18 A Well, unfortunately, hypothetical
19 situations, quite often you try to answer them to make
20 yourself look good, and so if I did answer it I would
21 only be making a conjecture that may or may not be
22 true, sir. I'll be happy to answer, but I honestly
23 can't tell you what I would have done seven months
24 later.

25 But it's obvious, under the conditions

1 that have occurred, that we'd sure had different
2 information, we would have probably, and I repeat
3 probably, sent someone directly over there immediately
4 to determine.

5 But again, given the same conditions,
6 I believe I would have reacted the same way in the
7 same short period of time.

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1 it and other conditions we wouldn't.

2 If it is, of course, we have our internal
3 procedure that is very specific that the names of
4 confidential people are kept confidential and we have
5 to have this to carry out our normal inspection duties
6 in some cases.

7 We do our best -- two things: not get them
8 in the first place and promptly forget them otherwise
9 but each and every one of us at times is involved one
10 way or another and, as I say, it's a very sacred
11 portion of our duties and it's even more sacred than
12 releasing draft reports.

13 JUDGE BLOCH: I was just interested
14 because of the reluctance to give it to the parties
15 under the protective order.

16 THE WITNESS: That's one party, I guess.

17 To further clarify that, sir, just for
18 everybody's sake, in the allegation packages, I was the
19 one that put them all together. I was the final
20 focal point for preparing the allegation packages for
21 the TRT. Just so we've got everything on the table.

22 BY MR. ROISMAN:

23 Q Well, let me go back to this.

24 As I understand it, your belief that none
25 of the people who were detained that day wore the

1 T-shirts have come forward and made any complaints?

2 And that investigations by you into the
3 safeguards building, which you previously described,
4 have not found any hardware problems and, thus, it's
5 not important to go on to find out if there was, in
6 fact, some "other" motive that management may have had,
7 other than the protection of craft and QC from each
8 other as their motive for what happened in the T-shirt
9 incident?

10 Am I correctly summarizing what your
11 position is?

12 A I believe in general terms you have
13 summarized it correctly; yes, sir.

14 JUDGE BLOCH: Could you qualify that? You
15 said general terms. Is there some aspect in which you
16 find it misleading?

17 THE WITNESS: Well, I'm trying to fit it
18 all together. I don't find it misleading.

19 JUDGE BLOCH: Is it possible you don't
20 understand the whole statement?

21 THE WITNESS: I started to say, I'm not
22 sure I can keep it all in context that he said but
23 in general --

24 JUDGE BLOCH: The question may have been
25 a little too long.

MR. ROISMAN: All right.

Let me try it a different way.

BY MR. ROISMAN:

Q Why don't you state for me all the reasons why it is now your position that it is unnecessary to investigate what was management's motive for the actions that it took on the T-shirt incident day with regard to the T-shirt wearers?

A Okay.

JUDGE BLOCH: Before you answer that question -- Mr. Roisman, there's one aspect I'd like to bring to the witness' attention.

Are you aware that Mr. Tolson has testified here that at the time he called the NRC, he had not followed up in any way to find out whether the allegations were true, that any of the QC inspectors had committed destructive evaluations?

THE WITNESS: No, sir. All I had knowledge of was the preliminary call.

JUDGE BLOCH: Okay. That's another fact we now have in our record, that Mr. Tolson didn't even start an investigation about whether or not that was true.

Now, maybe you want to ask the question again, because that to me is a fact that is important

1 in the answer we're going to get.

2 MR. ROISMAN: All right.

3 THE WITNESS: Because I have not read Mr.
4 Tolson's testimony. You are the first to point it out
5 to me.

6 BY MR. ROISMAN:

7 Q Well, along with the other knowledge
8 that you have picked up about the T-shirt incident,
9 up until today and add in now the knowledge that the
10 Chairman has given you --

11 A Yes, sir.

12 Q -- my question is, give me all the reasons
13 why it is your current position that it is unnecessary
14 for the NRC to investigate what were the motives of
15 the company in taking the actions that they took during
16 the day of the T-shirt incident with reference to the
17 T-shirt wearers?

18 A Well, I think the only answer I can give
19 you is that our inspections that followed from that day to
20 now, has not brought to light any information that
21 would substantiate it and, therefore, either in substance
22 we have investigated it by our inspection programs.
23 Specifically in the areas of the safeguards building
24 and I believe that essentially covers the investigation.

25 No formal specific investigation on that

1 one allegation has been performed.

2 Q By that, which one allegation?

3 A The one where the licensee management
4 stated that there is a possibility of destructive
5 testing occurring in the safeguards building.

6 Q No. I'm sorry.

7 A Okay. Let's try again.

8 Q What I want to focus on is this. We
9 started with my asking you which new facts --

10 A Yes, sir.

11 Q -- are the ones that you would have
12 considered crucial if you had had them in your
13 possession the morning the NRC decided what it would
14 do about the T-shirt incident and the first one you
15 mentioned was that the T-shirts had actually been
16 worn, not for the first time on that Thursday but
17 earlier on a Monday with apparently no incident --

18 A Right.

19 Q And that would -- I believe your testimony
20 that that would seem to lay to rest the concern that
21 craft and QC would get into some confrontation because
22 of the wearing. Okay.

23 Now, given that one of the reasons that
24 management expressed, the major reason that management
25 expressed for its actions on the morning of the T-shirt

1 incident, was this concern.

2 A Yes, sir.

3 Q And knowing now that on Monday those
4 T-shirts had actually been worn on the site, so that
5 at least the fact of the concern wasn't there. Maybe
6 the belief was there but the fact of the concern
7 wasn't there -- what have you done to investigate to
8 find out what was management's real motives for the
9 actions that it took, if it were not that concern?

10 And you said nothing.

11 And I said, "Tell me why."

12 So I want to know why it doesn't bother
13 you that an underlying premise that seemed to
14 underlay the management decision-making on the morning
15 of the T-shirt incident, why that, knowing now that
16 the underlying premise was in error, why it is that
17 you don't think further investigation is warranted?

18 That's got nothing to do with destructive
19 testing. It's just got to do with that one thing.

20 Why don't you think you need to look any
21 further? What are all the reasons that you have for
22 now saying you don't have to look any further?

23 A Well, the only one I can come up with is
24 the one I originally brought in; that our inspections
25 in those areas have not substantiated it and I assumed

1 there was sufficient investigation or retracing of
2 our steps to cover the situation.

3 Q Well, let's --

4 JUDGE GROSSMAN: Excuse me.

5 I think the witness is answering -- I think
6 he understands your question to be, why haven't you
7 looked further into the destructive testing, when he
8 says that the investigations haven't substantiated
9 it and I believe your question is, why haven't you
10 looked into the motivation of the management for doing
11 what it did, now that you understand that one of the
12 bases that they claim their actions were based on was
13 not, in fact, there.

14 Now, why haven't you -- and the question
15 is, why haven't you looked into the motivation of
16 management? And all the reasons for that.

17 THE WITNESS: I don't know. It's one of
18 those -- I guess some people would say it was just left
19 on the table and not picked up.

20 BY MR. ROISMAN:

21 Q Okay. What was another crucial fact that
22 you learned since that day, the 8th of March, which, in
23 your judgment, would make a difference in how the NRC
24 would have reacted if you'd known that fact that day?

25 A Well, of course, we would probably have

1 put in a whole team and essentially secured the
2 safeguards building and put in a whole team and did a
3 point by point check. Then, that way, if there had been
4 any destructive testing, we would have identified it.

5 Q No. I'm sorry. I'm not asking what
6 actions you would have taken that's different but what
7 fact do you now know --

8 A The fact would have been that we would
9 assume that there was destructive testing, we would
10 send it a team to assure it.

11 Q Okay. Let's try again.

12 A Okay.

13 Q You now know, or at least you believe,
14 based upon the investigations, both Mr. Kelley's and
15 subsequent, that there was no destructive testing in
16 the building; right?

17 A That's what we found.

18 Q Okay. And I assume that if you had known
19 on the morning of March the 8th, contrary to anything
20 that Mr. Tolson had said the night before that Mr.
21 Clements said on the phone that morning, that in fact,
22 there was absolutely no destructive testing in the
23 building, that would have been a crucial difference
24 in your judgment?

25 A It would. Yes, sir.

1 Q Okay. So the absence of the destructive
2 testing would have been a crucial difference; is that
3 right?

4 A Right.

5 Q The absence of any basis --

6 A Any basis.

7 Q For that? Okay.

8 Now, what have you done since then to
9 investigate management, now that you've learned that
10 there was not --

11 MR. DOWNEY: Objection. Asked and
12 answered. He's going to go through each once of these
13 facts and ask the same question.

14 The witness has testified that they have
15 not gone any further with the investigation as to the
16 motives of management and I think we're getting very
17 repetitive if not cumulative.

18 MR. ROISMAN: Well, I assume he's going
19 to say no and then I'm going to ask him to tell me
20 all of his reasons and if they are different now.

21 If Counsel wants to stipulate that the
22 witness, A, has not investigated any of management's
23 motivation and his answer to the question "Why?" is
24 that he doesn't know, it was just left on the table,
25 we can leave it and that will be it.

1 Otherwise, we'll have to ask the witness
2 to tell me that.

3 JUDGE GROSSMAN: I think the witness has
4 already testified to that and that is where it stands
5 and the reasons why it stands that way; so I don't
6 think you need any stipulation.

7 MR. ROISMAN: Okay. I was concerned only
8 that he was answering the question only in reference
9 to crucial fact No. 1, that is, that the T-shirts had
10 been worn on Monday and he hadn't known that on
11 Thursday.

12 JUDGE BLOCH: Is there any fact or set of
13 facts that has led you to believe that the
14 investigation of the T-shirt incident should be
15 reopened?

16 THE WITNESS: No, sir.

17 MR. ROISMAN: No further questions.

18 FURTHER CROSS-EXAMINATION

19 BY MR. DOWNEY:

20 Q Mr. Hunnicutt, you just testified in
21 response to Judge Bloch's question, that you know of
22 no reason why the matter should be reopened.

23 In making that answer, did you consider
24 the substance of what you learned in your interviews
25 with the people who wore the T-shirts?

1 A I'm sure it was a part of it, as well as
2 our own independent inspections.

3 Q And the fact that to your knowledge, none
4 of the people who wore T-shirts have made allegations
5 to the NRC; is that one fact that you considered in
6 saying it shouldn't be reopened?

7 A It would be a small one but it is a
8 probable one.

9 Q And you testified that your inspections
10 in the safeguards building would be another reason
11 why you don't feel that you need --

12 A That's the major one.

13 Q There's one other fact that I don't know
14 that you have testified about, Mr. Hunnicutt.

15 Do you know -- are you aware that Mr.
16 Collins and Mr. Spence, the President of TUGCO, met
17 with a number of the T-shirt wearers?

18 A By coincidence; yes.

19 Q Did you discuss that meeting with Mr.
20 Collins or have you done so?

21 A No. Except in the very cursory terms.

22 Specifically, I was at the site on an
23 inspection when a gentleman came into the area that I
24 was and I stopped my inspection for a minute and went
25 out and we talked and he said, "We're here on a couple

1 of matters." and I went back to my work and they went
2 to theirs.

3 Q And following that meeting, did Mr.
4 Collins report to you any problems that he uncovered
5 during these meetings?

6 A He didn't discuss any with me.

7 JUDGE BLOCH: Did he report to you at all
8 about what happened at the meeting?

9 THE WITNESS: If he did, it was in awful
10 general terms because it was -- let's see, I can
11 remember some of the people that attended and if I
12 remember correctly, they met with almost all of the
13 wearers, if not all of them.

14 But it was around, I don't know, the
15 first week of April, if I remember correctly and the
16 only thing I can remember is they felt that the T-shirt
17 wearers had no reservations about discussing the whole
18 incident with the President of the company, Mr.
19 Eisenhut, Mr. Collins and others. They felt that
20 the meeting was a worthwhile meetings and that's
21 about all I got, sir.

22 Q And had these inspectors made allegations
23 to Mr. Collins or Mr. Eisenhut at this meeting, would
24 you have become aware of this in preparing the
25 allegation packages that you testified you prepared?

1
A at day I would have been aware of it;
I'll assure you.

2
Q And you haven't been made aware of such
an allegation?

3
A No, sir.

4
Q Mr. Hunnicutt, do you know whether Mr.
Tolson was aware that the T-shirts had been worn
earlier in the week?

5
A I have no idea.

6
Q And if Mr. Tolson wasn't aware of these
T-shirts having been worn, would you have any reason
to question his motives in acting the way he did that
day?

7
A I don't know.

8
Q You testified, Mr. Hunnicutt, that one
of the facts you have now that you didn't have on the
day of the T-shirt, was the fact that they had been
worn earlier in the week; is that right?

9
A Yes, sir.

10
Q And you acted the way you did because
you didn't know that; isn't that right?

11
A Partially.

12
Q And isn't it possible Mr. Tolson acted the
way he did because he didn't know they'd been worn
earlier in the week?

1 MR. ROISMAN: Objection I don't see that
2 the witness is in any position to give an opinion about
3 Mr. Tolson's action.

4 He had already testified he didn't
5 investigate it.

6 JUDGE BLOCH: He has also testified that
7 he hasn't read the record of what Mr. Tolson testified
8 to in this proceeding.

9 BY MR. DOWNEY:

10 Q In your mind, Mr. Hunnicutt, knowledge of
11 the fact that they had been worn earlier in the week
12 is a fact you consider important in deciding what action
13 should be taken?

14 A Possibly. That would be tied in with the
15 rest of the information that was made available.

16 Q It's a fact that you consider important
17 in judging your performance in that event?

18 A Now. Yes.

19 Q Mr. Hunnicutt, maybe I misunderstood your
20 testimony. I thought you testified that you had some
21 -- that you might doubt management's motivation in
22 acting the way it did on that day because you've
23 learned that the T-shirts were worn on the previous
24 Monday.

25 Was that your testimony?

1 A I believe that was included.

2 Q And if, in fact, management and
3 specifically Mr. Tolson, wasn't aware that they had
4 been worn earlier in the week, you would have no
5 reason to question motivation on that basis; isn't
6 that right?

7 A Based on the information you're giving
8 me; right.

9 Q Did you receive the call about the
10 possibility of destructive examination at the site
11 from Mr. Tolson?

12 A No, sir. It came to Mr. Cummins, who called
13 me late in the day.

14 Q If you understanding that the information
15 Mr. Cummins received was a possibility that this was
16 occurring at the site?

17 A That's what Mr. Cummins stated to me.

18 Q And it wasn't -- to your knowledge --

19 JUDGE BLOCH: Was the word possibility
20 something that he told you or is that something that
21 Counsel just used?

22 THE WITNESS: I wish I could answer your
23 question. I can't recall the specific verbatim
24 discussion.

25 JUDGE BLOCH: Did you have the impression

1 that it was happening or some chance that it was
2 happening?

3 THE WITNESS: My personal impression was
4 that it was a chance or a possibility that it was
5 happening, and that it had not been confirmed.

6 Because -- to go with that, the
7 possibility of personnel action, there was no -- at
8 least as I remember it, there was no statement that
9 there was going to be. That there was a possibility
10 of.

11 BY MR. DOWNEY:

12 Q Mr. Hunnicutt, you were asked some
13 questions by Judge Grossman -- let me withdraw that.

14 You testified that you received
15 anonymous phone calls on the day of the T-shirt
16 incident; is that right?

17 A My inspectors did; yes, sir.

18 Q Did you receive any?

19 A No, sir.

20 Q Do you recall when the first report came
21 to you that there was an anonymous call about this
22 subject matter? What time of day?

23 A Oh, roughly, 11:00 a.m.

24 Q Mid-morning. Late morning.

25 A Yes, sir.

1 Q Who rendered that first report to you?

2 A Kelley and Cummins were both on the
3 extensions in the operations, inspection office.

4 Q And they were at the site and you were
5 in Dallas; is that right?

6 A Arlington.

7 Q In Arlington?

8 A Yes, sir.

9 Q And at that point you decided not to take
10 any specific action; is that correct?

11 A That's right.

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1 Q Wh was the next report made to you
2 that someone was raising a concern about this T-shirt
3 matter?

4 A Well, it was close to noon, by Mr. Oberg.

5 Q And was he also on site?

6 A He was at the construction trailer, which
7 is in the neighborhood of a half a mile from the
8 operations trailer -- well, operations building, it's
9 a permanent building on the operations site.

10 Q But he was at the Comanche Peak site,
11 not in Arlington?

12 A Yes, sir.

13 Q And he telephoned you?

14 A Yes, sir.

15 Q And was it that time when you directed
16 Mr. Kelley to go over to the administration building
17 and see what was going on?

18 A It was sometime after that.

19 Q But that second call prompted you to do
20 that; is that right?

21 A Well, it set the wheels in motion, yes,
22 sir, and then just somewhere in there we got the third
23 call from Cummins, if I remember correctly, which tied
24 in, and we were already getting hold of Kelley. In
25 other words, Cummins had come back over to the

1 construction site and the operations site.

2 Q Do you got the first call about the
3 situation from an anonymous called around 11:00 a.m.?

4 A Yes, sir.

5 Q And by sometime after 12:00 you had set
6 in motion certain steps to have your people look into
7 at the site; is that right?

8 A In the neighborhood of 12:30, Mr. Kelley,
9 yes, sir.

10 Q So within an hour and a half of the
11 first report to you, you had set in motion some
12 activities at the site to have your people look into
13 the problem?

14 A Yes, sir.

15 Q Do you recall what you specifically asked
16 them to do?

17 A Mr. Kelley was the individual, I
18 specifically asked him to take the camera equipment
19 and go to the administrative building, to leave the
20 camera equipment outside of any area that the inspectors
21 were detained in, ask permission if he could take
22 pictures and try to discuss them, if possible.

23 Q Basically to see what was going on?

24 A Yes, sir.

25 Q Now, on a previous day when you had

1 received the call about the possibility of destructive
2 examination at the site, you instructed Mr. Kelley to
3 go look into that matter, too, did you not?

4 A Would you repeat that question?

5 Q When you received the call about the
6 possibility of destructive examination, which was the
7 previous day?

8 A Yes, sir.

9 Q When you received that call, did you ask
10 Mr. Kelley to go look into it?

11 A I did not.

12 Q He did that on his own?

13 A No, let's put the time frames back,
14 please. It was very late in the day, in fact it was
15 either almost at or after the close of business, in
16 other words, 4:00 p.m., when Mr. Cummins called me.
17 Mr. Kelley had no knowledge --

18 Q So Mr. Cummins called you?

19 A Yes, sir.

20 Q What action did you take at that time?

21 A Since it was the close of business,
22 none that day. And with the T-shirt incident, it
23 became secondary. I essentially laid it on the table
24 that morning.

25 Q So in the case of destructive examination,

1 basically at some point you asked them to look into
2 that matter; is that right?

3 A When I asked Mr. Kelley to go on the 8th.

4 Q In response to the allegations of non-
5 destructive examination, in response to the allegation
6 that there was some impropriety with the inspectors
7 being detained, in both cases you sent Mr. Kelley to
8 look into the problem; isn't that right?

9 A That's right.

10 MR. DOWNEY: No further questions.

11 JUDGE GROSSMAN: Excuse me, I believe
12 in the last question you misspoke and said non-
13 destructive examination.

14 MR. DOWNEY: If I did, I did misspeak
15 if I used that term, Judge Grossman. I'll re-ask the
16 question.

17 JUDGE GROSSMAN: That's all right. The
18 witness understood him to mean destructive examination.

19 THE WITNESS: That's what I thought he
20 said. I didn't catch that point either.

21 MR. DOWNEY: Thank you for bringing that
22 to my attention.

23 REDIRECT EXAMINATION

24 BY MR. BACHMANN:

25 Q Mr. Hunnicutt, in response to a previous

1 question, you stated that you were the person who
2 prepared the allegation packages for the technical
3 review team or the TRT; is that correct?

4 A That's true.

5 Q In that statement, I want it to be clear
6 for the record, you do not in any way prepare
7 allegation packages for the Office of Investigations,
8 or OI, do you?

9 A No, sir.

10 MR. BACHMANN: Thank you. No further
11 questions.

12 JUDGE GROSSMAN: Just one question. In
13 your investigation of this T-shirt incident, which you
14 feel was impartial, when you found out that all three
15 of the persons you interviewed were opposed to calling
16 the NRC, did you attempt to seek out anyone who was
17 in favor of calling the NRC, such as a person who
18 actually called whose name you had just learned?

19 THE WITNESS: May I put it slightly in
20 perspective, sir?

21 JUDGE GROSSMAN: Sure.

22 THE WITNESS: Mr. Ambrose did state that
23 he thought it would have been an idea to call the NRC,
24 though when we asked him what would you want us to
25 accomplish, could or should we accomplish, he had no

1 answer.

2 We looked on the list, and with my
3 spelling of who we later learned to be the individual
4 who had made the call, we did not call him. He may --
5 you know, it's awful easy for me to say that if I'd
6 had two days and used them properly that I wouldn't
7 have called all six of the names that were given to
8 Mr. Check by Mr. Clements. But I can't guarantee that's
9 what I would have done. I don't know.

10 JUDGE BLOCH: Mr. Hunnicutt, thank you
11 very much for your testimony. You're excused.

12 THE WITNESS: Thank you, sir.

13 JUDGE BLOCH: Are Applicants prepared
14 to respond to the September 24 motion for production
15 of documents and interrogatories?

16 (No response.)

17 JUDGE BLOCH: I guess not. Mr. Downey
18 looks puzzled. It's Mr. Roisman's motion with regard
19 to the --

20 MR. DOWNEY: Mr. Davidson, I asked him
21 on Friday I asked him to prepare a response. I believe
22 the return date was October 2nd, which I --

23 JUDGE BLOCH: We'll adjourn until 1:00
24 o'clock.

25 (Whereupon, at 11:50 a.m., a recess was
taken until 1:00 p.m., the same day.)