

EXHIBIT 39

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6-25

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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OFFICE OF INVESTIGATIONS

INTERVIEW

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IN THE MATTER OF: :

INTERVIEW OF : Case No. 3-2001-055

[REDACTED] :

-----X

Wednesday, May 15, 2002

Conference Room, 24th Floor

Sargent & Lundy

55 East Monroe Street

Chicago, Illinois

The above-entitled interview was conducted
at 10:16 a.m.

EXHIBIT 39
PAGE 1 OF 43 PAGE(S)

BEFORE:

SCOTT J. LANGAN

Investigator

3-2001-055

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1 ALSO PRESENT:

2
3 MR. RICHARD L. SANDLER, Attorney at Law
4 Fox, Hefter, Swibel, Levin & Carroll
5 325 North Lasalle Street, Suite 625
6 Chicago, Illinois 60610
7 (312) 224-1200
8 Lisle, Illinois 60532-435
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P-R-O-C-E-E-D-I-N-G-S

(10:16 A.M.)

SPECIAL AGENT LANGAN: For the record this is an interview with [REDACTED] spelled [REDACTED]

[REDACTED] The time is approximately 10:16 a.m., the date is May 15th, 2002. The location of the interview is the Conference Room at 55 East Monroe, the 24th Floor, Chicago, Illinois. These are the offices of Sargent & Lundy.

Present at the interview are myself, Scott Langan, a special agent with the United States Nuclear Regulatory Commission, Office of Investigations, Region Three. Also present is Mr. Richard Sandler, spelled (S-a-n-d-l-e-r), who is the legal counsel representing Sargent & Lundy.

As agreed this interview is being recorded by court reporter, Rita Langley. The subject matter of the interview is in regards to an employment discrimination complaint filed by Mr. Oscar Shirani, spelled (S-h-i-r-a-n-i), filed with the NRC against Exelon, an NRC licensee for terminating Mr. Shirani in retaliation for raising safety concerns, as well as black balling him from obtaining employment.

[REDACTED] could you please raise your

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1 right hand?

2 [REDACTED]
3 called as a witness herein, having been first duly
4 sworn, was examined and testified as follows:

5 SPECIAL AGENT LANGAN: Is Mr. Sandler
6 acting as your personal representative today?

7 [REDACTED] Yes, he is.

8 SPECIAL AGENT LANGAN: Mr. Sandler, who's
9 your employer?

10 MR. SANDLER: I am with the law firm of
11 Fox, Hefter, Swibel, Levin & Carroll, here in Chicago,
12 at 325 North LaSalle.

13 SPECIAL AGENT LANGAN: And are you acting
14 as the personal representative for [REDACTED] today?

15 MR. SANDLER: I am acting as personal
16 counsel to [REDACTED]

17 SPECIAL AGENT LANGAN: Do you personally
18 represent any other parties at Sargent & Lundy?

19 MR. SANDLER: I will represent [REDACTED]
20 [REDACTED] when [REDACTED] is interviewed following this, and
21 I am a general outside counsel for Sargent & Lundy,
22 LLC.

23 SPECIAL AGENT LANGAN: Do you represent
24 Exelon in this matter?

25 MR. SANDLER: I do not.

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1 SPECIAL AGENT LANGAN: If a conflict of
2 interest would arise what would you do?

3 MR. SANDLER: I would advise the client of
4 that. And I would be required to withdraw as the case
5 may be.

6 SPECIAL AGENT LANGAN: [REDACTED] do you
7 understand that Mr. Sandler could represent other
8 parties associated with Sargent & Lundy?

9 [REDACTED] Yes, I do.

10 SPECIAL AGENT LANGAN: Do you still want
11 him to be your representative today?

12 [REDACTED] Yes, I do.

13 SPECIAL AGENT LANGAN: Just a couple
14 background questions. Date of birth?

15 [REDACTED] I was born [REDACTED]
16 [REDACTED]

17 SPECIAL AGENT LANGAN: Social Security
18 Number?

19 [REDACTED]
20 SPECIAL AGENT LANGAN: A phone number to
21 reach you here?

22 [REDACTED]
23 SPECIAL AGENT LANGAN: A phone number to
24 reach you at your residence?

25 [REDACTED]

1 SPECIAL AGENT LANGAN: And your current
2 address for your residence?

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 SPECIAL AGENT LANGAN: What is your
7 current -- are you employed by Sargent & Lundy?

8 [REDACTED] Yes, I am.

9 SPECIAL AGENT LANGAN: And what is your
10 current position?

11 [REDACTED] I'm [REDACTED]

12 [REDACTED]

13 SPECIAL AGENT LANGAN: Okay. And for how
14 long have you been the [REDACTED]

15 [REDACTED] Since approximately [REDACTED]

16 SPECIAL AGENT LANGAN: Okay, and what did
17 you do prior to that?

18 [REDACTED] I was a [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 SPECIAL AGENT LANGAN: Okay, and
22 approximately how long were you in that role?

23 [REDACTED] That division was a
24 combination of different divisions that began in [REDACTED]

25 [REDACTED] And prior to that I was a, I've

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1 been [REDACTED] Oh,
2 I'd say about [REDACTED]

3 SPECIAL AGENT LANGAN: And what did you do
4 prior to coming to Sargent & Lundy?

5 [REDACTED] I joined Sargent & Lundy in
6 [REDACTED] And for two years prior to that I worked for
7 [REDACTED]

8 SPECIAL AGENT LANGAN: Okay, and have you
9 been in the nuclear industry your entire career?

10 [REDACTED] Yes. 7C

11 SPECIAL AGENT LANGAN: Are you aware of,
12 and just so we have this down, of 10C File 50.5 and
13 .7, which discusses discrimination, or retaliating
14 against an employee -- ?

15 [REDACTED] Yes.

16 SPECIAL AGENT LANGAN: Okay. Do you
17 understand that?

18 [REDACTED] Yes, I do.

19 SPECIAL AGENT LANGAN: Okay. Are you
20 familiar with an individual by the name of Oscar
21 Shirani?

22 [REDACTED] Yes, I am.

23 SPECIAL AGENT LANGAN: Okay, and how are
24 you familiar with him?

25 [REDACTED] My associations with Oscar

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1 have all been through work, [redacted] through Sargent & Lundy. [redacted]
2 Oscar was assigned as the, Commonwealth Edison has a
3 group that they call supplier services that takes care
4 of any kind of oversight from the quality assurance
5 perspective. Oscar was assigned to Sargent & Lundy as
6 one of the companies that he was responsible for.

7 SPECIAL AGENT LANGAN: Okay, approximately
8 how long have you had a business relationship with
9 him?

10 [redacted] He came in off and one for
11 different audits, never as a lead auditor, since about
12 '96, '97. And then in 1998 he was assigned as the
13 lead auditor for the -- audit of Sargent & Lundy. And
14 Com Ed read that audit, and he was the person who was
15 assigned as the lead auditor.

16 SPECIAL AGENT LANGAN: Okay. In your
17 dealings with Oscar, in your conversations, and your
18 business transactions with him, did he ever mention
19 any safety concerns to you in regards to his work at
20 Exelon?

21 [redacted] No.

22 SPECIAL AGENT LANGAN: Did he ever, at
23 anytime, mention his work in regards to an audit he
24 conducted on GE Nuclear, back in 1997?

25 [redacted] Yes, he did talk about the GE

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1 audit in 1997, fairly frequently when I talked with
2 him.

3 SPECIAL AGENT LANGAN: Okay, when he did
4 talk to you about it, did he ever mention any safety
5 concerns he raised in regards to that audit?

6 [REDACTED] No.

7 SPECIAL AGENT LANGAN: Okay, did he ever
8 discuss --

9 [REDACTED] Well, could you elaborate a
10 little bit? I mean, the audit from his discussions
11 with me, I mean, he was concerned about GE, and he had
12 audit findings that were of significance including, he
13 said, a stop work order. In that regard, or?

14 SPECIAL AGENT LANGAN: In defining a
15 safety, I'm unsure. Did he ever discuss with you a
16 [REDACTED] and his role with GE Nuclear?

17 [REDACTED] He did mention [REDACTED]
18 yes.

19 SPECIAL AGENT LANGAN: Okay, in what light
20 did he mention [REDACTED]

21 [REDACTED] That [REDACTED]
22 [REDACTED]
23 [REDACTED] And that subsequently then [REDACTED]
24 [REDACTED]

25 SPECIAL AGENT LANGAN: Okay, did Oscar

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1 ever mention to you any problems that he had with

2 [REDACTED]
3 [REDACTED] No, just the opposite. He
4 mentioned that when [REDACTED] that
5 [REDACTED] made a point to say to Oscar, hey, no hard
6 feelings, looking forward to working with you X

7 SPECIAL AGENT LANGAN: Okay, do you recall
8 when Oscar said that occurred?

9 [REDACTED] This, I mean, it would be
10 relatively soon after [REDACTED] But, I
11 don't remember the specific time frames.

12 SPECIAL AGENT LANGAN: Did Oscar ever, at
13 anytime, talk to about any discouraging remarks made
14 by [REDACTED] toward Oscar?

15 [REDACTED] In, when [REDACTED] was a GE
16 employee, or as a Com Ed employee? X

17 SPECIAL AGENT LANGAN: At anytime.

18 [REDACTED] It was clear to me that [REDACTED]
19 [REDACTED] did not agree with all the audit findings at
20 GE, based on what Oscar was telling me.

21 SPECIAL AGENT LANGAN: Okay, did Oscar, at
22 anytime, tell you that [REDACTED] was taking any action
23 against -- after [REDACTED] arrived at Exelon and Com Ed, X
24 that -- let me rephrase that, so I don't confuse you.
25 Upon [REDACTED] coming to Exelon X did you have any

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1 conversations with Oscar which indicated to you that
2 there were problems between [REDACTED] and Oscar?

3 [REDACTED] No.

4 SPECIAL AGENT LANGAN: Okay. At anytime
5 did Oscar tell you, or inform you that [REDACTED] was
6 trying to retaliate against him for raising those
7 safety concerns?

8 [REDACTED] No.

9 SPECIAL AGENT LANGAN: Did Oscar ever
10 mention to you any work he did on a Dry Cask Storage
11 project, Holtec International, and Tool and Dye?

12 [REDACTED] Yes, he did.

13 SPECIAL AGENT LANGAN: Did he raise any,
14 did he inform you of any safety concerns that he
15 raised there?

16 [REDACTED] No. No, not -- Oscar told,
17 what's the right word, I'm struggling with it, it's
18 not stories. But, Oscar gave anecdotal information
19 about several issues that he was working on. And he
20 talked, for example, he talked to me about the GE
21 findings, and stop work order.

22 As another example, he told me that there
23 was an issue with Holtec that was of some controversy.
24 But, he told me that he was the one that actually
25 resolved that issue, as opposed to a safety concern.

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1 He was actually the person who resolved the issue, and
2 demonstrated that there wasn't a safety concern.

3 SPECIAL AGENT LANGAN: Okay, did, at
4 anytime in that process, did Oscar indicate to you
5 that anybody from Exelon was retaliating against him
6 because he worked on that issue?

7 [REDACTED] No.

8 SPECIAL AGENT LANGAN: Okay. Did you, let
9 me, we'll kind of go to a time line on this. Did you
10 at one time set up a lunch with Oscar for November 8th
11 of last year, 2001?

12 [REDACTED] Yes, I did. nc

13 SPECIAL AGENT LANGAN: Okay, and what was
14 the purpose of meeting with him?

15 [REDACTED] Oscar actually requested the
16 meeting. So, I would, I assumed that it was about his
17 job situation.

18 SPECIAL AGENT LANGAN: Okay, and you
19 assumed, but that was not made clear either way, when
20 the plans were set up?

21 [REDACTED] Let me think for a minute.
22 No, it would be fair to -- I knew that it was going to
23 be about a job situation, yes.

24 SPECIAL AGENT LANGAN: And how would you
25 know that?

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1 [REDACTED] It was either through
2 information from -- yeah, it was through a series of
3 discussions with Oscar. You know, so, yes. Oscar set
4 up, and I set up a lunch to specifically talk about
5 whether there was an opportunity at Sargent & Lundy.

6 SPECIAL AGENT LANGAN: Okay, and what, how
7 did he relate his job, current job situation to you at
8 that time?

9 [REDACTED] He didn't.

10 SPECIAL AGENT LANGAN: Okay, then how
11 would you know that he wanted to talk about a job?

12 [REDACTED] He was saying that it could be
13 the time that he would want to switch to Sargent &
14 Lundy. I found out later that day that he was
15 actually no longer a Com Ed employee. I did not know
16 that until I actually talked to him on November 8th.

17 SPECIAL AGENT LANGAN: Okay, with the 8th,
18 did you have an -- did you meet with him on that day?
19 [REDACTED] Yes, I did, but not at the
20 exact appointed time.

21 SPECIAL AGENT LANGAN: Okay, why not at
22 the exact appointed time?

23 [REDACTED] We had a client in for a
24 meeting that day. It was supposed to, it was actually
25 our number one client in terms of the amount of

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1 business that we have relating to energy. And I was
2 scheduled to participate in a meeting from 8:30 to
3 9:30. That meeting ran from 8:30 to just after noon.

4 SPECIAL AGENT LANGAN: Causing you to be
5 late for your meeting with Oscar?

6 [REDACTED] That's right.

7 SPECIAL AGENT LANGAN: Just so I can back
8 up, just a little bit. Originally was this
9 appointment set up actually for November 1st of 2001?

10 [REDACTED] Yeah, there was a series of
11 scheduled appointments on an informal basis, we were
12 going to get together. So, yes, it was, there was,
13 I'm not sure about November 1, specifically.

14 SPECIAL AGENT LANGAN: It was prior to,
15 wasn't it?

16 [REDACTED] Yes, and I'm sure that there
17 was more than one. So, November 1st I don't remember
18 specifically, but we had set up maybe about three or
19 four different appointments trying to get together.

20 SPECIAL AGENT LANGAN: Okay, at anytime
21 did you cancel those appointments, did you cancel
22 those appointments because somebody else had told you
23 to cancel them?

24 [REDACTED] No.

25 SPECIAL AGENT LANGAN: At anytime did you

1 'cancel those appointments because you were under
2 instructions to not meet with Oscar?

3 [REDACTED] No.

4 SPECIAL AGENT LANGAN: Okay. When you met
5 with Oscar on the 8th -

6 [REDACTED] I think I need to go back to
7 that just a little bit.

8 SPECIAL AGENT LANGAN: Sure.

9 [REDACTED] The nature of the
10 appointments, Oscar works, at the time worked a block
11 and half from here. So, the whole idea was that, that
12 it was no big deal. You know, we'll try to meet, but
13 if something comes up, you know, just call and cancel,
14 we're close, we can make it. So, in some cases Oscar
15 canceled the appointment, and in other cases, and you
16 know, maybe two times out of three I canceled the
17 appointment, and made a different arrangement. So, it
18 was a mutual thing, and it wasn't really any big deal.

19 SPECIAL AGENT LANGAN: It's a very
20 informal, this would be a very informal, easy flowing,
21 if we can make it, great. If not --

22 [REDACTED] That's right, no harm, no
23 foul. Rather no foul, no harm.

24 SPECIAL AGENT LANGAN: When you met with
25 Oscar on the 8th, where did you guys meet at?

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1 [REDACTED] When I came back from the
2 meeting with Reliance Energy, Oscar was actually in
3 the CEO's office. So, I took him from the CEO's
4 office, and we went off to a quiet room here at
5 Sargent & Lundy.

6 SPECIAL AGENT LANGAN: Okay, and what did
7 you guys discuss when you met?

8 [REDACTED] He discussed his whole
9 employment situation. X

10 SPECIAL AGENT LANGAN: With Exelon?

11 [REDACTED] With Exelon, yes. 7C

12 SPECIAL AGENT LANGAN: Okay. All right,
13 and what did he tell you about that situation?

14 [REDACTED] Well, in general, he told me
15 that he felt that Exelon finally got him. That he
16 sent an E-mail of some sort to various Exelon
17 executives, he specifically mentioned Corbin McNeil,
18 John Rowe, Oliver Kingsley. And that shortly
19 thereafter he was asked to leave by security. And was
20 told that he could come back over the weekend, and do
21 any kind of final packing.

22 But, he was subsequently escorted from the
23 building, and asked to leave. And that's the way he
24 described it, and that's how I found out that he was
25 no longer physically working at the First National

1 Bank building.

2 SPECIAL AGENT LANGAN: Okay, did he say
3 what he put in the E-mail?

4 [REDACTED] He said that it was something
5 to the effect, well, you guys finally did it, you
6 finally got me.

7 SPECIAL AGENT LANGAN: Okay, he didn't say
8 what else was in the E-mail outside of that?

9 [REDACTED] He told me that when he first
10 switched his position from supplier services to, I
11 believe it was some kind of financial auditing
12 position, I'm not sure what the formal name of the
13 group is, that he received a congratulatory note of
14 some sort from John Rowe. You know, good luck in your
15 new position.

16 He told me that he saved a copy of that,
17 and wrote some kind of introduction saying, you know,
18 like, hey, you finally got me, this all worked out the
19 way you had it planned, to those executives, and some
20 others. I got the idea it was a broader distribution.
21 And that was the nature of it.

22 SPECIAL AGENT LANGAN: At anytime while
23 you're talking with him, did he say it was because he
24 raised safety concerns?

25 [REDACTED] No.

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1 SPECIAL AGENT LANGAN: How about, was it
2 because he raised racial, or equal employment
3 concerns?

4 [REDACTED] No.

5 SPECIAL AGENT LANGAN: Okay. Did he put
6 a reason to it, why he was terminated?

7 [REDACTED] The closest that he came to
8 anything like that is that he was, he considered
9 himself to be an aggressive auditor. And that wasn't,
10 he felt that that was not the, what Com Ed might have
11 been looking for.

12 SPECIAL AGENT LANGAN: Okay, and just so
13 I'm clear. It's not; he did not tell you it was
14 because he had raised safety concerns in the past?

15 [REDACTED] No, it was not safety
16 concerns, it was nothing specific.

17 SPECIAL AGENT LANGAN: Okay. All right,
18 so you're talking with him, what else do you guys
19 discuss?

20 [REDACTED] Well, after, he had a catalog
21 of information with him. And he had, for example, he
22 went over some of, like it would be the equivalent of
23 an Oscar Shirani scrapbook, where he had career
24 highlights with him. A technical paper that he gave
25 about, I believe it was either, it was a technical

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1 issue back from his -- days. Whether it was dealing
2 with valves, or snubbers, I don't recall specifically.

3 He had other kinds of letters indicating,
4 you know, letters of accommodation and praise
5 regarding some of his work in the quality arena.

6 SPECIAL AGENT LANGAN: Did he get any,
7 were there any letters you recognized from [REDACTED]
8 in there?

9 [REDACTED] No.

10 SPECIAL AGENT LANGAN: How about [REDACTED] 7C

11 [REDACTED]

12 [REDACTED] No.

13 SPECIAL AGENT LANGAN: [REDACTED]

14 [REDACTED] No, I didn't see anything like
15 that. But again, Oscar had gone through this many
16 times with me, and his list of accomplishments, as
17 from -- so, I wasn't particularly examining those in
18 great detail, or anything.

19 SPECIAL AGENT LANGAN: Okay, so he
20 discusses these things with you. At that point does
21 he raise any safety concerns to you that he done in
22 the past?

23 [REDACTED] No.

24 SPECIAL AGENT LANGAN: Okay.

25 [REDACTED] No, in fact, it was just the

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1 opposite of that. It was very positive about his
2 credentials, and accomplishments. And not negative at
3 all.

4 SPECIAL AGENT LANGAN: And that, did that
5 include his work at, some of his work at Exelon?

6 [REDACTED] Yes.

7 SPECIAL AGENT LANGAN: All right, so he
8 presents this stuff to you. What happens next?

9 [REDACTED] Well, he, then we were talking
10 about whether or not there's a job opportunity at
11 Sargent & Lundy. Let me rephrase that, please. He
12 actually had an assumption that there was a job
13 opportunity at Sargent & Lundy, because he said, well
14 now is the time I need to make the transfer. When can
15 I get started? That type of thing.

16 SPECIAL AGENT LANGAN: Okay, how did you
17 respond to that?

18 [REDACTED] I said, well, let's slow down
19 a little bit Oscar. You know, we have to talk about
20 whether or not there's a position. What type of work
21 are you interested in? That type of thing. And then
22 he went on to talk about what he felt he could make as
23 the best contribution to the firm. So, that's the way
24 that that part of the conversation went.

25 SPECIAL AGENT LANGAN: Okay, and let me,

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1 let's just kind of flush into some detail here, if
2 such detail exists. In your discussions with him,
3 when he made this assumption, did you correct him with
4 that assumption?

5 [REDACTED] I said, let's slow down, and
6 talk about what type of work you're interested in.

7 SPECIAL AGENT LANGAN: Okay.

8 [REDACTED] I did not say -- that's what
9 I did say.

10 SPECIAL AGENT LANGAN: Okay. Did you,
11 very directly, did you offer him, verbally did you
12 offer him a position at Sargent & Lundy? 1C

13 [REDACTED] No.

14 SPECIAL AGENT LANGAN: Did you offer him
15 a position at any other company you guys do business
16 with?

17 [REDACTED] No.

18 SPECIAL AGENT LANGAN: Did you offer him
19 a position working on a specific job project?

20 [REDACTED] No.

21 SPECIAL AGENT LANGAN: Okay. At anytime
22 in your conversation with Oscar, did you offer him any
23 type of employment opportunity? X

24 [REDACTED] No.

25 SPECIAL AGENT LANGAN: At anytime in your

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1 conversation with him, did you, did you advise him, or
2 tell him that [REDACTED]

3 [REDACTED]
4 [REDACTED] No.

5 SPECIAL AGENT LANGAN: Okay, at anytime did
6 you discuss salary information with him?

7 [REDACTED] He brought up salary himself.

8 SPECIAL AGENT LANGAN: He initiated it,
9 not you?

10 [REDACTED] That's right. NL

11 SPECIAL AGENT LANGAN: Okay, go ahead, I'm
12 sorry.

13 [REDACTED] What he told me is that, I'm
14 trying to remember the specific number. This is a
15 ball park figure, you know, the specific number might
16 be a little bit off. But, he said I'm currently
17 earning [REDACTED] a year at Com Ed, and how much more
18 can you give me to join Sargent & Lundy, was the gist
19 of the statement.

20 SPECIAL AGENT LANGAN: Okay, and how did
21 you respond to it?

22 [REDACTED] First, I was surprised. And
23 I said, well, Oscar, we're just not talking about that
24 kind of money here. I said, but if we have any
25 opening, at the most that we would be talking about is

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[REDACTED]

SPECIAL AGENT LANGAN: Okay, and how did he respond to that?

[REDACTED] Well, he talked a little bit more about how much business he can bring into Sargent & Lundy. And that, you know, he was, wanted a management position with management type of money. So, it was then that we started to talk a little bit about title.

SPECIAL AGENT LANGAN: Okay, did you guys talk about benefit package, such as vacation time, bonuses, all the other stuff?

[REDACTED] Yes. When we went over the [REDACTED]
[REDACTED] I said, and you know [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

SPECIAL AGENT LANGAN: Okay, how about a bonus?

[REDACTED] No.

SPECIAL AGENT LANGAN: Okay. There's a couple quotes that are attributed to you, or

16

1 attributed to the discussion. And I'm just going to
2 read them off, and ask if you recall this.

3 Do you recall telling Shirani I have to
4 very brutally honest with you, and agree that you're
5 worth more than that, but S & L cannot afford to pay
6 you like Exelon?

7 [REDACTED] No.

8 SPECIAL AGENT LANGAN: Okay. Did you ever
9 advise Oscar, or tell Oscar that he could work
10 overtime to make up the difference in his salary
11 between his Exelon pay, and S & L pay?

12 [REDACTED] No, but I did advise him that
13 certain assignments, particularly when you're working
14 directly for a client like in a staff augmentation
15 position, there is paid overtime that's potentially
16 available.

17 SPECIAL AGENT LANGAN: But, you did not
18 offer that to him?

19 [REDACTED] No.

20 SPECIAL AGENT LANGAN: Okay. Yeah, I
21 think you already stated, did Oscar ask you about any
22 management positions here at Sargent & Lundy?

23 [REDACTED] Yes.

24 SPECIAL AGENT LANGAN: Okay, and you
25 discussed what those positions are, as you would with

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1 any other candidate?

2 [REDACTED] Oh, yes.

3 SPECIAL AGENT LANGAN: Or with anybody --
4 let me correct that. With anybody who would, anybody
5 else who would be interested in employment at Sargent
6 & Lundy.

7 [REDACTED] Yes.

8 SPECIAL AGENT LANGAN: Would that be a
9 more accurate statement?

10 [REDACTED] That's fair.

11 SPECIAL AGENT LANGAN: Did you ever tell
12 Shirani, I know my budget for 2001 does not allow it,
13 and I cannot give you my -- my maximum is [REDACTED]

14 [REDACTED] My budget isn't a financial
15 budget that's based on money. So, the short answer to
16 the question is no.

17 SPECIAL AGENT LANGAN: Okay.

18 [REDACTED] The longer answer is that
19 that's not the way that I think, even.

20 SPECIAL AGENT LANGAN: Okay, did you ever
21 tell Oscar, let me see my 2002 budget, but I doubt if
22 I could pay you more than [REDACTED]

23 [REDACTED] No.

24 SPECIAL AGENT LANGAN: Did Oscar ever say
25 to you, you remember, [REDACTED] you told me -- and then

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1 quoting, Oscar quoting you, allegedly, "Even if
2 Sargent & Lundy does not have an opening, we would not
3 let an asset like you slip out of my hand."

4 [REDACTED] I'll only say this about that.
5 I don't remember saying it quite that strongly, or
6 anything like that. But, when he did the -- audit in
7 1998, I was truly impressed with the way that he
8 conducted himself. I felt that he did a fine job of
9 coordinating the audit, and making sure that all the
10 issues were covered, making sure that it was a
11 complete audit with a good paper trail.

12 So, I did tell him in 1998 that, you know,
13 if the situation ever changes where he might be
14 interested, to give me a call. 7C

15 SPECIAL AGENT LANGAN: Did you ever tell -
16 - you didn't tell him that, though, [on the 8th?] J

17 [REDACTED] Oh, no, no, no.

18 SPECIAL AGENT LANGAN: Okay, did Shirani
19 ever ask you to be flexible with the salary range you
20 guys were talking on the 8th?

21 [REDACTED] Well, he was asking for what
22 kind of flexibility I have on salary, and position, X
23 yes.

24 SPECIAL AGENT LANGAN: Okay. Did you ever
25 tell Shirani that you'd call him around the

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1 Thanksgiving holidays to let him know how much you
2 could pay him, but it wouldn't be more than [REDACTED]

3 [REDACTED]
4 [REDACTED] I told him, that's half right.
5 I did tell him that I'd call him sometime around
6 Thanksgiving. And take this to conclusion, you know,
7 either with an offer, or saying no, we don't have an
8 offer.

9 SPECIAL AGENT LANGAN: Okay. But, you
10 didn't, you did not -- in saying that, you were not
11 confirming with him that he had the job, had a job at
12 Sargent & Lundy?

13 [REDACTED] No, it was just the opposite. 7C
14 I thought I made it clear that by saying that, you
15 know, we'll take this to conclusion, that I was making
16 it clear that there wasn't an offer.

17 SPECIAL AGENT LANGAN: Okay. Did you call
18 Oscar anytime between the time you met with him, and
19 the Thanksgiving holidays?

20 [REDACTED] No. What happened was,
21 November 8th I believe was a Thursday, that Monday I
22 had some [REDACTED] And I was supposed to be out for a

23 [REDACTED]
24 So, I did not return to work until the Monday after
25 Thanksgiving.

1 SPECIAL AGENT LANGAN: Okay. Was Oscar
2 aware of that?

3 [REDACTED] He was aware of -- well, let's
4 just say, I can't speak to his awareness, because
5 sometimes Oscar doesn't listen real good. But, I did
6 tell him that I was [REDACTED]
7 [REDACTED]

8 SPECIAL AGENT LANGAN: You told him that
9 on the 8th?

10 [REDACTED] Yes, I did.

11 SPECIAL AGENT LANGAN: Okay. Were there
12 any witnesses to your conversation with Oscar on that
13 day?

14 [REDACTED] No, we were in a quiet room,
15 it was just one on one. So, I mean, we were in a room
16 that had a door, so there wouldn't even be any casual
17 overhearing a conversation.

18 SPECIAL AGENT LANGAN: Did you take any
19 notes based on your conversation?

20 [REDACTED] No, I did not.

21 SPECIAL AGENT LANGAN: Okay, during the

22 [REDACTED]
23 [REDACTED] my phrase, did Oscar attempt to contact you?

24 [REDACTED] I just don't recall whether
25 there was any voice mail, or anything like that. I

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1 just don't know.

2 SPECIAL AGENT LANGAN: And just for the
3 record, I'm going to refer to a letter with
4 letterhead, with the title Oscar B. Shirani. It's
5 dated November 26th, and it's actually sent to [REDACTED]
6 [REDACTED] I'm going to show you this. Do you recall
7 seeing this letter?

8 [REDACTED] Yes, I do.

9 SPECIAL AGENT LANGAN: Okay, and what is
10 that letter in regards?

11 [REDACTED] That letter is confirming a
12 verbal offer, this is Oscar stating that I made him a
13 verbal offer. And he wanted to take this to a written
14 offer, he was trying to secure a position.

15 SPECIAL AGENT LANGAN: Okay, now, in
16 seeing that, are the assumptions he's making in this
17 letter correct?

18 [REDACTED] No, they are not correct.

19 SPECIAL AGENT LANGAN: Okay, what makes
20 them not correct?

21 [REDACTED] There was no verbal offer of
22 any type, including a verbal offer of the salary range
23 that's sighted in the letter.

24 SPECIAL AGENT LANGAN: Okay. All right,
25 you get this letter, obviously you read it, right?

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1 You read it?

2 [REDACTED] Yes.

3 SPECIAL AGENT LANGAN: What did you do
4 next?

5 [REDACTED] I went to our HR group.

6 SPECIAL AGENT LANGAN: HR being Human
7 Resources.

8 [REDACTED] Human Resources, thank you.
9 And Pete Meehan happened to be there, so I talked with
10 Pete direct. And I really felt that if I could, Pete
11 is the Senior Manager of the person in charge of Human
12 Resources. I did want to talk with him direct if he
13 was available. And I told him that I received this
14 letter, and that the gentleman's badly mistaken, and
15 what, I asked him for advice on what to do.

16 Mr. LANGAN: Okay, and what, and just for
17 the record is spelled (M-e-e-h-a-n). All right, so
18 you had this meeting with him, is there anybody else
19 present during the meeting?

20 [REDACTED] No.

21 SPECIAL AGENT LANGAN: Okay, and what does
22 Pete say?

23 [REDACTED] Well, Pete said that, number
24 one we talked about whether or not there was any
25 verbal offer. Pete asked me the same question about

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1 three or four different ways, and I told him in very
2 clear terms that there ~~was~~ not a verbal offer. And,
3 you know, I reminded him that I'm a veteran manager,
4 you know, that I know what words to use, and what
5 words not to use in this type of situation. And that,
6 although I did not close the door and say that there
7 would be no offer, I was also very careful not to make
8 any offer whatsoever.

9 SPECIAL AGENT LANGAN: Okay, and so what
10 happened next in your conversation?

11 [REDACTED] Pete said that he would take
12 care of it, that he would write Oscar a letter saying
13 that, apologizing if there's any kind of
14 misunderstanding, but that there is not an offer. And
15 that he would make sure that Oscar knew that we'd keep
16 his resume on file, and if anything opened up we'd
17 consider it.

18 SPECIAL AGENT LANGAN: Now, and did you
19 get a chance to see the letter that was put out by
20 Pete?

21 [REDACTED] Yes, I saw a copy of it.

22 SPECIAL AGENT LANGAN: Okay, after it went
23 out?

24 [REDACTED] After it went out, yes.

25 SPECIAL AGENT LANGAN: Just, and just for

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1 the record I'm going to show a letter under Sargent &
2 Lundy letterhead. It's sent to Mr. Shirani, it's
3 dated November 28th. And this, and it's signed off by
4 Mr. Meehan. Is this the letter you're discussing
5 here?

6 [REDACTED]: Yes.

7 SPECIAL AGENT LANGAN: Okay, and in that
8 letter does it clarify that no offer was made to Mr.
9 Shirani?

10 [REDACTED]: Yes, it does.

11 SPECIAL AGENT LANGAN: And is that a
12 correct statement?

13 [REDACTED]: Yes, it is. 7C

14 SPECIAL AGENT LANGAN: Okay, do you have
15 the authority to make offers to hire people?

16 [REDACTED]: I consider myself the decision
17 maker on hiring type of decisions. But, even if I
18 make a verbal offer, or negotiate a rate, or anything
19 like that, I also make sure that the applicant is
20 aware that he should wait until he, he or she should
21 wait until they get the offer in writing.

22 SPECIAL AGENT LANGAN: So, and so I'm
23 clear about this. When an offer goes out from Sargent
24 & Lundy, it actually doesn't go out from you, it goes
25 out from the Human Resources Department?

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1 [REDACTED] That's correct.

2 SPECIAL AGENT LANGAN: Is that the
3 standard practice?

4 [REDACTED] Yes.

5 SPECIAL AGENT LANGAN: Is that the
6 standard practice for [REDACTED]

7 [REDACTED]
8 [REDACTED]
9 [REDACTED] yes it is.

10 SPECIAL AGENT LANGAN: Was an exception
11 made in the case of Mr. Shirani?

12 [REDACTED] No.

13 SPECIAL AGENT LANGAN: Can we go off the
14 record? All right, let's go off the record.

15 (Off the record at 10:50 a.m.)

16 (Back on the record 10:50 a.m.)

17 SPECIAL AGENT LANGAN: Back on the record.
18 Did Oscar ever respond back to you in regards to the
19 letter that was sent by Pete?

20 [REDACTED] No, I never heard from Oscar
21 after, well actually after November 8th, in terms of
22 written correspondence.

23 SPECIAL AGENT LANGAN: Okay, did he try to
24 contact you verbally after all this?

25 [REDACTED] Again, I just don't remember

1 whether in that [REDACTED]
2 whether I got any voice mails from him, or anything.

3 SPECIAL AGENT LANGAN: Okay. All right,
4 at that time, the November time frame when you're
5 talking with Oscar, did you have openings in your
6 division?

7 [REDACTED] There's two different ways to
8 answer that, and they both come out with a yes.
9 Number one, we in general find that if, for example,
10 and in addition to internal quality assurance for
11 Sargent & Lundy, we do provide quality assurances
12 services for our clients on an as requested basis.

13 So, for example, if a utility is looking
14 to supplement their staff, and we have people
15 available, we'd be more than happy to help them. So,
16 we do keep resumes on file for people that would be
17 potentially eligible for that. And I am interested in
18 receiving good candidates.

19 And we've found that what usually sells
20 best when we're in that situation, and what's accepted
21 by the utilities the best is people with recent
22 utility experience. Utility language is much easily,
23 is more easily accepted than equivalent with Sargent
24 & Lundy. So, I do have a general interest in
25 maintaining resumes for situations like that.

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1 SPECIAL AGENT LANGAN: Those aren't jobs,
2 those are just resumes?

3 [REDACTED] That's right, exactly,
4 potential opportunities. The second thing that was
5 going on, though, is that I ~~X~~ recently had a person
6 switch, at his own request, from full time status to
7 part time status. And this person was filling one of
8 my key office positions. So, I did need somebody for
9 a full time position in Chicago. ~~X~~ And I was looking at
10 candidates for that particular position.

11 SPECIAL AGENT LANGAN: Okay, was that
12 position open at the time you were talking with Oscar?

13 [REDACTED] Yes, but I did have candidate
14 in the pipe line on that.

15 SPECIAL AGENT LANGAN: Okay, and who was
16 that?

17 [REDACTED] The gentleman's name was [REDACTED]
18 [REDACTED]

19 SPECIAL AGENT LANGAN: Okay. Now, that
20 candidate in the pipe line, was this somebody that you
21 had already started the process with prior to talking
22 with Oscar?

23 [REDACTED] Not me direct, but my number
24 two man in the division is a gentleman named [REDACTED]
25 [REDACTED] had initiated conversations with [REDACTED]

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1 [REDACTED] They had known each other from [REDACTED]

2 [REDACTED]

3 SPECIAL AGENT LANGAN: Okay. And that was
4 prior to when you dealt with Oscar around the 8th?

5 [REDACTED] Yes.

6 SPECIAL AGENT LANGAN: On, or around the
7 8th?

8 [REDACTED] Yes.

9 SPECIAL AGENT LANGAN: Did Oscar actually
10 apply for that job?

11 [REDACTED] No.

12 SPECIAL AGENT LANGAN: Okay, did he even
13 know that that job was available?

14 [REDACTED] No, he didn't know. This is
15 something that I would have been prepared to at least
16 talk with him about on November 8th. Except that he
17 had a strong position that, number one he was after a
18 managerial position. Second, he wanted to go and
19 interface with clients, and develop business. So, he
20 was looking for something that would be a mix of
21 travel and field. And then third was the managerial,
22 that was the money.

23 So, on those three basis' of what he was
24 talking about in terms of salary expectations, title
25 expectations, and the mix of work load, I did not

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1 discuss that particular opening with him.

2 SPECIAL AGENT LANGAN: Okay, and those
3 items, three items you mentioned are things that he
4 initiated in the conversation?

5 [REDACTED] That's right.

6 SPECIAL AGENT LANGAN: So, you did not
7 actually make him aware that you had that office
8 position open then?

9 [REDACTED] Correct.

10 SPECIAL AGENT LANGAN: Okay. Did he
11 indicate to you that he knew that position was open?

12 [REDACTED] No.

13 SPECIAL AGENT LANGAN: Okay. Was he
14 qualified for that job?

15 [REDACTED] He could do it, I believe it
16 was within his capability.

17 SPECIAL AGENT LANGAN: Okay, was he -- let
18 me ask it this way. Was [REDACTED] better qualified for
19 that job than Shirani?

20 [REDACTED] Yes. This is subjective
21 though. I mean, this is somebody who wanted to work
22 in downtown Chicago. That's always a big thing,
23 because it's not, as the day gets long, you've got to
24 find somebody who actually wants to wear a tie, and
25 ride a train. So, that was a consideration. And, you

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1 know, we were, it's a lower level position. It's
2 still a senior position though. But, it just seemed
3 a much better fit.

4 SPECIAL AGENT LANGAN: [REDACTED] was a better
5 fit for the position than Shirani?

6 [REDACTED] Yes, without a doubt.

7 SPECIAL AGENT LANGAN: Without a doubt,
8 okay. That being because of the --

9 [REDACTED] Well, let's go back to the
10 criteria. He was actually anxious, and preferred
11 Chicago based, downtown based assignment. The salary
12 range wasn't an issue. I believe we made him an offer
13 for about [REDACTED] a year, and that was acceptable. And
14 then, I don't know, the title was appropriate.

15 SPECIAL AGENT LANGAN: Okay. Did you have
16 any other jobs that you filled at that stage in time,
17 while you were dealing with Oscar during the month of
18 November?

19 [REDACTED] No. Again, there might have
20 been a resume or two initiated, but it would be along
21 the lines of a person working in a specific assignment
22 as a staff -- .

23 So, I'm sure, what I'm trying to say is
24 that I'm sure I was collecting resumes, just like I'm
25 still collecting resumes.

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1 SPECIAL AGENT LANGAN: Right, my
2 question's not actually were you taking in resumes.
3 My question is actually did you have job vacancies
4 that you filled at that time?

5 [REDACTED] Oh, I'm sorry, no.

6 SPECIAL AGENT LANGAN: Did you ever have
7 occasion to provide a reason to Shirani why he didn't
8 get a job?

9 [REDACTED] No.

10 SPECIAL AGENT LANGAN: Okay. And is that
11 because Oscar never indicated to you that he even knew
12 a vacancy existed?

13 [REDACTED] Well, I wouldn't know why he
14 didn't ask, or anything like that. I don't why he
15 went a different way other than dealing with me
16 directly.

17 SPECIAL AGENT LANGAN: Okay. At anytime
18 did you have, at anytime did [REDACTED] ever inform
19 you, or anybody at Sargent & Lundy that they should
20 not hire Shirani?

21 [REDACTED] No.

22 SPECIAL AGENT LANGAN: At anytime did [REDACTED]
23 [REDACTED] ever inform you, or anyone else at Sargent
24 & Lundy that they should not hire Shirani?

25 [REDACTED] No.

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1 SPECIAL AGENT LANGAN: Has [REDACTED] at
2 anytime ever informed you, or anyone else at Sargent
3 & Lundy that they should not hire Shirani?

4 [REDACTED] No.

5 SPECIAL AGENT LANGAN: Has anyone else
6 from Exelon advised anyone at Sargent & Lundy that
7 they should not hire Shirani?

8 [REDACTED] Not that I'm aware of. 7C

9 SPECIAL AGENT LANGAN: Did you, or anyone
10 else that you're aware of, contact Exelon regarding
11 Oscar?

12 [REDACTED] No.

13 SPECIAL AGENT LANGAN: Give me one second
14 here. All right, at the time you were dealing with
15 Oscar regarding the situation in the November time
16 frame, and or up until this point, are you, or have
17 you been involved with any type of a conspiracy to
18 keep Oscar from getting employed in the nuclear
19 industry?

20 [REDACTED] No.

21 SPECIAL AGENT LANGAN: At anytime have you
22 kept, been involved in the conspiracy to keep Oscar
23 from getting a job anywhere, nuclear, or non nuclear?

24 [REDACTED] No.

25 SPECIAL AGENT LANGAN: Okay, let's go off

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1 the record.

2 (Off the record at 11:00 a.m.)

3 (Back on the record at 11:04
4 a.m.)

5 [REDACTED]: We're back on the record, it's
6 just a little bit after 11:00 o'clock. When,
7 approximately, was [REDACTED] offered the position at
8 Sargent & Lundy?

9 [REDACTED]: It was a late November, early
10 December time frame. I don't, I didn't look this up
11 specifically, but if I recall, right when I came back
12 from [REDACTED] we had a [REDACTED]
13 [REDACTED] and that pretty well secured the position
14 for him. We went through an interview process, and I
15 contacted HR, and had an offer made.

16 SPECIAL AGENT LANGAN: Okay, and the offer
17 was extended by HR?

18 [REDACTED]: Oh, yes.

19 SPECIAL AGENT LANGAN: Okay. And not, the
20 official offer did not come from you?

21 [REDACTED]: Correct.

22 SPECIAL AGENT LANGAN: Okay. [REDACTED]
23 at anytime have I threatened you in any manner, or
24 offered you any rewards in return for your statements
25 today?

1 [REDACTED]: No.

2 SPECIAL AGENT LANGAN: Have you given your
3 statements freely, and voluntarily?

4 [REDACTED] Yes.

5 SPECIAL AGENT LANGAN: Is there anything
6 further you care to add for the record?

7 [REDACTED] No.

8 SPECIAL AGENT LANGAN: That being the
9 case, we're off the record. It's 10:04, or 11:04.

10 (Whereupon, the interview was concluded at
11 11:04 a.m.)

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CERTIFICATE

This is to certify that the attached proceedings
before the United States Nuclear Regulatory Commission
in the matter of:

Name of Proceeding: Interview of [REDACTED] 14

Docket Number: 3-2001-055

Location: Chicago, Illinois

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.

15/ Rita Langley
Rita Langley
Official Reporter
Neal R. Gross & Co., Inc.

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EXHIBIT 39
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