EXHIBIT 16

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Act, exemptions K
FOIA: 2004-0191

B/13

Case No. 1-2003-010

Exhibit 16

1 UNITED STATES OF AMERICA

2 NUCLEAR REGULATORY COMMISSION

3 + + + + +

4 OFFICE OF INVESTIGATIONS

5 INTERVIEW

6 ----------x

7 IN THE MATTER OF: :

8 INTERVIEW OF : Docket No.

9 [redacted] NC : 1-2003-010

10 (CLOSED) :

11 ----------x

12 Monday, May 5, 2003

13 Salem Hope Creek Generating

14 Station

15 Artificial Island, NJ

16

17

18

19 The above-entitled interview was conducted

20 at 1:57 p.m.

21

22 BEFORE:

23 Special Agent Kristin Monroe

24

25 NC portions

EXHIBIT 16

PAGE 1 OF 93 PAGE(S)

2003-010

1 On Behalf of the Witness, [redacted]:

2 JEFFRIE KEENAN, ESQ.

3 Assistant General Solicitor

4 PSE&G Corporation Nuclear-N21

5 P.O. Box 236

6 Hancocks Bridge, NJ 08038

7 1-800-232-0244

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

2 1:57 a.m.

3 SPECIAL AGENT MONROE: Today is Monday,
4 May 5, 2003 and the time is now approximately 1:57
5 p.m.

6 The interview this afternoon is with [redacted]
7 [redacted] who is employed by PSE&G Corporation at the
8 Salem Hope Creek Generating Station on Artificial
9 Island in New Jersey.

10 Also present for the interview is Jeff
11 Keenan who is the Assistant General Solicitor for
12 PSE&G.

13 My name is Kristin Monroe. I'm a Special
14 Agent with the NRC, Office of Investigations in King
15 of Prussia, Pennsylvania.

16 The interview today is taking place at
17 Artificial Island and we're in a conference room in
18 the TB2 Building.

19 The subject the interview concerns an
20 allegation that [redacted], who's a senior engineer
21 at the Salem Hope Creek was discriminated against for
22 raising a safety concern. Specifically [redacted] believes
23 that because [redacted] raised a concern on [redacted]
24 regarding procedural noncompliance with the Transient
25 Assessment Response Plan, which we'll call TARP for

1 ease, and with [redacted] non-qualifications to be on that
2 team, [redacted] believes that [redacted] was relieved of duty and had
3 [redacted] employment suspended and [redacted] plant access removed
4 from August 9 to August 19, 2002.
5 [redacted] also believes that [redacted] received
6 threats of a poor performance appraisal and/or
7 termination of employment on August 19,
8 These are potential violations of 10 CFR
9 50.5 which is entitled Deliberate Misconduct and 10
10 CFR 50.7 which is entitled Employee Protection.
11 And the concerns, as I've read them to
12 you, are what I've gleaned from my interview with
13 [redacted]
14 Prior to going on the record, I explained
15 the interview would be conducted under oath.
16 Do you have any objection to being
17 interviewed under oath?
18 [redacted] I don't have any objection.
19 SPECIAL AGENT MONROE: Could you please
20 raise your right hand?
21 Do you solemnly swear that the information
22 you're about the provide is true and complete to the
23 best of your knowledge and beliefs, so help you God?
24 [redacted] I do.
25 SPECIAL AGENT MONROE: Would you please

1 state your full name and spell your last?

2 [redacted]

3 [redacted]

4 SPECIAL AGENT MONROE: And [redacted] what's

5 your date and plate of birth?

6 [redacted]

7 [redacted]

8 SPECIAL AGENT MONROE: And your Social

9 Security Number?

10 [redacted]

11 (Off the record.)

12 SPECIAL AGENT MONROE: We just stopped the

13 tape to make we were getting an accurate recording,

14 which we are.

15 [redacted] what's your current title?

16 [redacted]

17 SPECIAL AGENT MONROE: And who do you

18 report to? [redacted] 5/10/03

19 [redacted] [redacted] (Phonetic).

20 SPECIAL AGENT MONROE: And the series of

21 events we're talking about took place last summer.

22 Who would have you reported to then?

23 [redacted]

24 SPECIAL AGENT MONROE: What's your current

25 mailing address and telephone number?

NC portions

1 [redacted]

2

3 SPECIAL AGENT MONROE: And zip code?

4 [redacted]

5 SPECIAL AGENT MONROE: And home phone

6 number?

7 [redacted]

8 SPECIAL AGENT MONROE: And your

9 educational background?

10 [redacted]

11

12 SPECIAL AGENT MONROE: Is that in Delaware

13 or Delaware County?

14 [redacted] Delaware County,

15 Pennsylvania.

16 SPECIAL AGENT MONROE: Do you have any

17 military service?

18 [redacted] No.

19 SPECIAL AGENT MONROE: All right, as an

20 engineering supervisor, just give me a brief

21 description of what your daily responsibilities would

22 be or what do you do?

23 [redacted] I have the responsibility

24 for four groups, 8913, thermal performance,

25 maintenance rule and single failure vulnerability

NC portions

project, oversee task assignments, qualifications, general performance, resolve issues, general oversight of the product, to assure good quality products, technical oversight.

SPECIAL AGENT MONROE: And what organization does your group fall into?

[redacted] Engineering programs.

SPECIAL AGENT MONROE: And then [redacted] obviously works for you. Which one of those groups?

[redacted] Maintenance rule.

SPECIAL AGENT MONROE: Maintenance rule.

[redacted] the program owner for maintenance rule.

SPECIAL AGENT MONROE: What does that mean, program owner?

[redacted] It's -- [redacted] has the principal responsibility for making sure the process is working right, does the audits of it, sets up the procedures, makes sure the process is working correctly and meets the regulatory requirements.

SPECIAL AGENT MONROE: All right, how long have you been employed by PSE&G?

[redacted] I started.

SPECIAL AGENT MONROE: And what was your

position at the time you started?

[redacted] Senior engineer.

SPECIAL AGENT MONROE: What was your previous employment?

[redacted] Project engineer at ~~Millirem~~ Miller Remick [redacted] 5/16/03 Corporation (Phonetic).

SPECIAL AGENT MONROE: Do you hold any licenses or certifications?

[redacted] No.

SPECIAL AGENT MONROE: And how long has [redacted] reported to you?

[redacted] About April 2001.

SPECIAL AGENT MONROE: Now the issue we're discussing is [redacted] selection to be on the TARP team which I guess the decision was made in June-July 2002.

Prior to that, can you describe the association, how it was your working relationship between the two of you?

[redacted]: It was a good, professional relationship. We've never been friends, but we've effectively worked on issues. I don't have a style of being a micromanager, so if [redacted] was running areas of the project properly or of the program, I didn't have my fingers in day to day activities, but I monitored the general activities, gave suggestions. Kept aware

NC portions

of issues or problems that needed to be resolved.

SPECIAL AGENT MONROE: Would you have described it as a good, working relationship? Any problems?

[redacted] There were no day to day issues. [redacted] was sometimes stubborn. I don't want to say difficult, but [redacted] was occasionally stubborn with [redacted] issues, but we had a good relationship.

SPECIAL AGENT MONROE: The fact that [redacted] gone to ECP and come to the NRC, has that impacted your association at all?

[redacted] has become noncommunicative with me. [redacted] will respond to my direct questions. Rarely initiates discussions with me.

SPECIAL AGENT MONROE: Is [redacted] -- have you had any discussions about why that's changed or why [redacted] communicating this way?

[redacted] We haven't had any explicit discussions about it. I assume it's because [redacted] unhappy with the situations we're discussing.

SPECIAL AGENT MONROE: Right. Has [redacted] made any requests to leave your organization or move to --

[redacted] To me, [redacted] has not explicitly requested. On [redacted] performance partnership, [redacted]

NC portions

1 indicated [redacted] had a future interest in being an STA,
2 but that's typical of a lot of people predicting the
3 next position.
4 SPECIAL AGENT MONROE: Sure, and STA is
5 what?
6 [redacted] Station Technical Advisor in
7 an Operations Department assignment.
8 SPECIAL AGENT MONROE: Just some general
9 background for me to get an understanding.
10 What is TARP, the team, what's it's
11 purpose? Just give me a run down, in general.
12 [redacted] It's a multi-discipline team
13 that's called to help the station operations from
14 being distracted from emerging conditions in the
15 plant, things like unplanned LCOs, spills in the plant
16 any unusual activity that would cause or require the
17 operators, the supervisor of the shift to manage it to
18 avoid distraction to them, so they call in the TARP
19 team.
20 Typically, a senior management [redacted] 5/16/03 member, along with
21 representatives from QA, engineering, rad pro, EP,
22 whatever group is appropriate, whichever discipline is
23 appropriate for the type of conditions that's
24 occurring.
25 Now if it's an environmental spill of some

NC 20036-5012

1 sort, it might just be chemistry, licensing and
2 maintenance.
3 SPECIAL AGENT MONROE: Okay, how does one
4 get to be a member of the TARP team?
5 [redacted] In engineering, it's an
6 assignment by management.
7 SPECIAL AGENT MONROE: Specifically, how
8 did [redacted] -- well, let me back up.
9 Do you have to have any special
10 qualifications or training to be a member of the TARP
11 team?
12 [redacted] There's no listed
13 qualifications. For the general skills, you want
14 leadership ability. problem solving ability, general
15 knowledge of the plants.
16 SPECIAL AGENT MONROE: Would you describe
17 it as a development assignment or is it something that
18 someone could consider to be punitive? How would you
19 --
20 [redacted] It's not a punitive
21 assignment, but it's not a pleasant assignment,
22 because no one wants an assignment that might result
23 in you being called out at 11 o'clock at night.
24 SPECIAL AGENT MONROE: Right, right.
25 [redacted] It's part of the duty at a

1 nuclear plant. You know you're going to work outages.
2 You know you're going to be called out for special
3 issues. Working at a nuclear plant in my view is --
4 it's not a 40 hour a week job.
5 SPECIAL AGENT MONROE: Right, that's been
6 my observations as well just based on interviewing
7 people.
8 Have you ever been a member of the TARP?
9 [redacted] Yes.
10 SPECIAL AGENT MONROE: Are you currently
11 a member?
12 [redacted] No. I was a member from
13 probably 1999 until early 2001.
14 SPECIAL AGENT MONROE: What was your role?
15 Were you a lead or supervisor?
16 [redacted] I was the engineering lead.
17 SPECIAL AGENT MONROE: You were not then
18 on the TARP at the same time as [redacted]?
19 [redacted] That's correct.
20 SPECIAL AGENT MONROE: And how much of an
21 impact [redacted] did it have on your personal life? You
22 live in [redacted] How far away is that?
23 [redacted]N: It's an hour. I mean during
24 the period I was on it, it was a very busy period
25 because ~~they almost cut me~~ out of its long shutdown
we were coming [redacted] 5/16/03

NC portions

1 and we were probably having 10 TARPs a month, so I
2 would say once or twice a week I would be impacted.
3 More than 50 percent of those happened during the day
4 since that's when most maintenance activities go on,
5 surveillances go on, so the majority of TARP issues
6 happen during daylight hours, during the week.
7 SPECIAL AGENT MONROE: Is an assignment on
8 TARP, does it have a beginning date and an end date?
9 Is there a specific period? Do you know you're going
10 to be there a year?
11 [redacted] When I was on it, it didn't
12 have a finite period, but I was rotated out because
13 they recognized I was on two years and it was time to
14 have some equity and have another person on it.
15 SPECIAL AGENT MONROE: Who rotated in
16 behind you?
17 [redacted] I can't recall.
18 SPECIAL AGENT MONROE: If an individual is
19 selected to be on TARP, does that individual have the
20 -- can they turn down the request? Turn down the
21 assignment?
22 [redacted] We don't have a process
23 that's that formal.
24 SPECIAL AGENT MONROE: What is the
25 process, why don't you describe it to me?

NC portions

[redacted]: Well, my manager said please take the job. I said I know it's part of my job. I'll take it.

SPECIAL AGENT MONROE: Could you have said no?

[redacted] I don't know.

SPECIAL AGENT MONROE: Okay.

[redacted]: It didn't occur to me.

SPECIAL AGENT MONROE: It didn't occur to you? Okay. It wouldn't have occurred to me either.

Okay. What was the process? How did [redacted] become identified as a potential TARP member? Do you know?

[redacted]: I don't have first hand knowledge of this, but I was told by [redacted] that it was John O'Connor and Steve Mannon who was representing [redacted] in a meeting with several other managers. And they looked through the supervisors who had been on it or were about to be on it and they said we don't have enough supervisors to cover the full complement they want. Let's pick some senior engineers who have the skills we need for TARP. And that was how [redacted] was chosen, along with another senior engineer.

SPECIAL AGENT MONROE: Who was the other

NC portions

1 senior engineer?

2 [redacted] George Sei~~gel~~ (Phonetic).

3 SPECIAL AGENT MONROE: So you had no

4 direct input into [redacted] being selected for TARP, is

5 that correct?

6 [redacted] Correct.

7 SPECIAL AGENT MONROE: When you became a

8 member of TARP back in 1999, were you given any kind

9 of special training or anything?

10 [redacted] No.

11 SPECIAL AGENT MONROE: Did you feel

12 comfortable assuming your responsibilities without any

13 training?

14 [redacted] Yes. I'm trying to think

15 back. It might have been at the start of TARP.

16 I don't recall.

17 SPECIAL AGENT MONROE: Let's get to the

18 heart of the issue here.

19 When did you first become aware that [redacted]

20 was selected for TARP, walk me through that?

21 [redacted]: It was the end of June or

22 early July, I'm not -- in that time frame we had --

23 I'm just not sure of the exact dates, but that was the

24 rough time frame.

25 SPECIAL AGENT MONROE: Okay and how did

you find out?

[redacted] I believe it was from [redacted] when he said [redacted] got an invitation to a meeting to discuss TARP.

SPECIAL AGENT MONROE: Elaborate on what your discussion was with [redacted] when you found out from [redacted] was TARP.

And just for the record we're going to look at what, is this a Franklin Planner?

[redacted] It's a Franklin Planner. It's organized mostly by date.

SPECIAL AGENT MONROE: Okay, great. And you made these notes, what contemporaneously when you had your meeting with [redacted] Immediately or within 24 hours.

SPECIAL AGENT MONROE: Okay. And why don't you describe what we're looking at for the record?

[redacted] It's one sheet that has a date on it that I don't trust, in this case, but it says 6/26/02.

SPECIAL AGENT MONROE: Do you want to read into the record what your notes are and that might be the best way?

'R portions

[redacted] Sure. Discussed TARP and 1R13 assignments with [redacted] Apologized for poor TARP notification. [redacted] said [redacted] would not accept either assignment voluntarily. Cut short my discussion of the opportunity that TARP offered. [redacted] believed the assignments were unfair. [redacted] insisted [redacted] wouldn't participate until a process, procedure and fairness was implemented. [redacted] was generally belligerent. Was not open to discussion. Could not appreciate the need to support department jobs. And I [redacted] have questions on what [redacted] responsibility in TARP would be and what [redacted] would be compensated for for overtime.

SPECIAL AGENT MONROE: I think what we have and I'll just show you. I got this from Tom Lake. It looks like around July 8th [redacted] let you know that [redacted] was on TARP and [redacted] wasn't particularly happy with the assignment, so that would jive with your recollection that June 26th probably isn't the date?

[redacted] I don't think it's that late. I'm sure it was roughly in that time frame.

SPECIAL AGENT MONROE: You think it's more closer to June 26th?

[redacted] Yes, maybe July 1st, that time frame.

SPECIAL AGENT MONROE: Okay.

NC portions

[redacted]: We had a discussion prior to that.

SPECIAL AGENT MONROE: Okay.

[redacted] That I'm certain of.

SPECIAL AGENT MONROE: Okay. What was [redacted]s logic behind why [redacted] didn't want to be on the TARP or why [redacted] was refusing the assignment? What did [redacted] tell you during that first meeting?

[redacted] Just what I quoted from my notes. [redacted] was generally upset and just said didn't think it was fair and just thought there needed to be a process and wasn't going to accept the assignment until a procedure was written and [redacted] thought it was a fair process that he was assigned.

In my judgment, it was a recognition that [redacted] didn't see management had the right to assign [redacted] to a position.

SPECIAL AGENT MONROE: What kind of a procedure did [redacted] want written? Do you know what [redacted] was talking about there?

[redacted]: I think [redacted] -- I believe [redacted] was suggesting there should be a procedure for how we assign people to TARP and rotate them in or out.

SPECIAL AGENT MONROE: Okay.

[redacted] Which is something --

NC portions

1 SPECIAL AGENT MONROE: Okay. Do you know
2 how [redacted] was informed that -- I think you said [redacted] was
3 informed in an e-mail?
4 [redacted] was invited to a meeting
5 where they were going to discuss as a group.
6 SPECIAL AGENT MONROE: Okay.
7 [redacted] Past and current TARP
8 members to turn over what the TARP duties are and what
9 the assignments were.
10 SPECIAL AGENT MONROE: Right. Do you know
11 what the normal process is for notifying an employee
12 that they are on TARP?
13 [redacted] It's typically the manager
14 telling -- I can only judge --
15 SPECIAL AGENT MONROE: From your
16 experience.
17 [redacted]s the only person I ever
18 had on the TARP team up to that. And I can tell you
19 how I assigned the other people to it.
20 SPECIAL AGENT MONROE: I'll get to that
21 later, yes.
22 [redacted] In my case, the manager said
23 would you be on TARP?
24 SPECIAL AGENT MONROE: Okay. There was,
25 I guess, a communication problem because Steve Mannon

NC portions

1 was at the meeting and didn't inform [redacted] that
2 [redacted] had been selected for TARP and I guess [redacted] first
3 notification that [redacted] was on it was this e-mail. There
4 had been a communication breakdown, but I think you
5 used the word [redacted] was belligerent?
6 [redacted] Yes.
7 SPECIAL AGENT MONROE: What do you mean by
8 that? [redacted] attitude or [redacted] demeanor or?
9 [redacted] I put them together, yes.
10 It was a - [redacted] was being declarative in [redacted] refusal to
11 take the assignment until these conditions were met.
12 SPECIAL AGENT MONROE: Okay. After you
13 had this discussion with [redacted] what did you do with --
14 looks like right up front [redacted] refusal to take the
15 assignment?
16 [redacted] I left a message for manager
17 and went and talked to John Carlin.
18 SPECIAL AGENT MONROE: Your manager would
19 be [redacted]
20 [redacted] That's correct.
21 SPECIAL AGENT MONROE: Who is the other
22 individual?
23 [redacted] John Carlin. The Vice
24 President.
25 SPECIAL AGENT MONROE: Okay. All right,

1 discuss with me -- I know why you would call [redacted]
2 [redacted] because [redacted] your manager.
3 [redacted] I couldn't talk to [redacted]
4 directly. [redacted] was in an agitated state. We have
5 pretty much open door policies, employees are more
6 than welcome to call vice president or managers, so it
7 was my intention to get the story with the vice
8 president as soon as I could.
9 SPECIAL AGENT MONROE: Did you meet with
10 John?
11 [redacted]: Yes.
12 SPECIAL AGENT MONROE: Did you document
13 your meeting with John Carlin at all?
14 [redacted] No.
15 SPECIAL AGENT MONROE: Any reason you
16 would have not documented that meeting with John
17 Carlin?
18 [redacted]: I just didn't. I didn't
19 document meetings with anything other than [redacted] since
20 it was just a management discussion. It was -- I
21 stated what occurred to him and he said I agree, we
22 need to insist that [redacted] take the position.
23 SPECIAL AGENT MONROE: Okay, "need to
24 insist", okay.
25 Was [redacted]'s belligerent behavior with you

NL portions

1 at that meeting when [redacted] was talking about the TARP
2 assignment, was that out of character for [redacted] Had
3 you observed that kind of behavior before?
4 [redacted] takes firm positions and
5 defends them.
6 SPECIAL AGENT MONROE: Okay.
7 [redacted] This is perhaps a little
8 louder than normal, but it's not -- it's typical for
9 [redacted] to firmly take a position and defend.
10 SPECIAL AGENT MONROE: Right, you can
11 firmly take a position, but then you can cross a line
12 a little bit where it's belligerent and I was
13 wondering what in your mind did [redacted] do that made [redacted]
14 behavior belligerent as you characterized it?
15 [redacted] Well, it was this
16 conversation -- this is a fuzzy time because I wasn't
17 keeping perfect notes in that time frame.
18 SPECIAL AGENT MONROE: I understand.
19 [redacted] But [redacted] use words like "I'm
20 going to fight this to the end." And just a flat
21 refusal to take direction from the supervisors, I
22 characterize as belligerent without -- wouldn't
23 discuss reasons, justifications.
24 SPECIAL AGENT MONROE: So [redacted] would not
25 discuss any reasons with you?

NC portions

[redacted] It was pretty much a one-sided discussion, a little opportunity to have interchange which was characteristic throughout our conversations. I was pretty much talked to most of the time.

SPECIAL AGENT MONROE: Okay, when did you first become aware that [redacted] had some concerns with [redacted] qualification to be a TARP member?

[redacted]: I believe it was the 7/8 meeting.

SPECIAL AGENT MONROE: That would be July 8th?

[redacted] Right.

SPECIAL AGENT MONROE: Let me just take a minute here.

[redacted] Let me read my notes to confirm that.

SPECIAL AGENT MONROE: Okay, great.

(Pause.)

This is what I got, I think, from a review and Jeff will correct me if I'm wrong because I didn't put a note on here where I got this. It looks like on July 2nd, [redacted] was assigned to TARP and reads the appropriate procedure and it says "[redacted] meets with [redacted] and advises [redacted] that [redacted] has no

NC portions

1 qualifications." That was July 2nd.

2 And do you remember --

3 MR. KEENAN: I have an e-mail that [redacted]

4 would have received on July 1st regarding the TARP

5 assignment. This is from I believe [redacted].

6 SPECIAL AGENT MONROE: I saw that.

7 MR. KEENAN: I have a meeting --

8 SPECIAL AGENT MONROE: Let me just go off

9 here.

10 (Off the record.)

11 SPECIAL AGENT MONROE: We went off the

12 record briefly. We're trying to lock in when [redacted]

13 first became aware that [redacted] had raised [redacted]

14 qualifications issue and just as a point of reference,

15 Jeff Keenan pointed out that there was a July e-mail

16 from [redacted] to [redacted] requesting a meeting and I'll just

17 read it in.

18 It says [redacted] please be advised that it

19 appears that I have been put on TARP Team D without my

20 knowledge or consent. The engineering core value of

21 openness, trust and respect has been violated by this

22 back door tactic. I request an immediate meeting with

23 you to resolve this issue in a fair, safe and

24 equitable manner. I feel this was an extremely

25 inappropriate action on management's part which has

NC pavlovis

1 violated our core values.

2 Furthermore, I have read the TARP

3 procedure requirements and believe I have the

4 appropriate rank nor the appropriate background and

5 training to do this assignment. [redacted]." I

6 think [redacted] meant "I do not have the appropriate rank",

7 but that's now it's written.

8 Okay, you pulled out your notes from the

9 July 8th meeting and let's move on into that.

10 What goes on at that meeting?

11 [redacted] Okay. [redacted] says [redacted] has an

12 issue with quals. [redacted] thinks the procedure requires

13 technical skills, was not willing to -- I asked [redacted]

14 what sections required that. [redacted] wasn't willing to

15 identify those sections for me. At that point I

16 explained that it was a leadership position. [redacted]

17 clearly demonstrates the leadership skills.

18 I tried to explain that [redacted] was chosen

19 for that as a possible development opportunity since

20 [redacted] had missed supervisor positions or appointment to

21 supervisor positions and this sort of exposure and

22 training could give [redacted] that opportunity. [redacted] thought

23 I was just complimenting [redacted] to get [redacted] to accept it.

24 SPECIAL AGENT MONROE: Were you?

25 [redacted] No.

NC portions

1 SPECIAL AGENT MONROE: You sincerely
2 believe that?
3 [redacted] Well, that was the -- I
4 believed that would assist [redacted] in being a supervisor
5 and that's what John O'Connor told me.
6 SPECIAL AGENT MONROE: Okay. Go ahead.
7 [redacted] Again, I apologized for the
8 method of telling [redacted] I told [redacted] it was the
9 responsibility of a senior engineer to take the duty.
10 [redacted] immediately diverted that argument and said "others
11 aren't taking the assignment" implying [redacted] shouldn't
12 have to.
13 I suspect [redacted] brought up the core values
14 management wasn't bringing since I pointed out to [redacted]
15 that the core values of learning continuously,
16 teamwork and change were also core values and that
17 taking the position would exemplify those.
18 SPECIAL AGENT MONROE: Okay. Where did
19 this July 8th meeting take place, do you remember?
20 [redacted] I know it was set up for
21 Conference Room 232, but I believe it occurred in our
22 cubicle areas.
23 SPECIAL AGENT MONROE: It's a private
24 area? Would anyone have overheard the conversation?
25 [redacted] If it was later in the day,

NC portions

it would have been semi-private.

SPECIAL AGENT MONROE: Can you estimate when it was during the day, any way to --

[redacted] No.

SPECIAL AGENT MONROE: Okay, fine.

[redacted] It's nine months ago memory.

SPECIAL AGENT MONROE: I hear you. It's a good thing you have those notes.

What was [redacted] demeanor during this meeting? How was [redacted] Was [redacted] sending and not receiving or was [redacted] talking and not listening? How would you describe that?

[redacted] I didn't note any demeanor. I have no special recollection of it, so it was probably a ~~police~~ polite AF 5/16/03 conversation.

SPECIAL AGENT MONROE: Let me see if we're reading from the same page.

I am looking at, looks like the 9th, Tuesday, the 9th up here?

[redacted] Yes.

SPECIAL AGENT MONROE: But it also says July 8th.

[redacted] Yes, that's when -- go back to my July 8th page. If you have this one, it says under -- oh, that's probably, it might be when it

NC pollions

occurred at 11 o'clock since it says -- do you have Monday, the 8th?

SPECIAL AGENT MONROE: I have it here, [redacted] Room 232, July 9th --

[redacted] See 7/9. That's where my notes are.

SPECIAL AGENT MONROE: Okay, again, [redacted] has issues with [redacted] qualifications and thinks the procedure, something -- requires technical skills. But [redacted] wasn't willing to identify sections.

Did you have the procedure there and ask [redacted] to go back and look and tell me specifically what your issue was? What [redacted] issue was?

[redacted] I asked [redacted] if [redacted] would identify the sections [redacted] says [redacted] wasn't willing to do it.

SPECIAL AGENT MONROE: Was not willing to do it. Okay.

And what qualifications did [redacted] have a problem with?

[redacted] This is pretty much where [redacted] would be talking at me and not having an interchange.

SPECIAL AGENT MONROE: Okay.

[redacted] I just don't know which

NC portions

1 sections [redacted] had. In later conversations [redacted] did say
2 things like "if I do take the assignment, I'm not
3 going to respond unless I am technically competent in
4 the area of this TARP issue."
5 SPECIAL AGENT MONROE: Okay.
6 [redacted]: I still -- I know it is a
7 leadership position, but it doesn't require explicit
8 technical knowledge.
9 SPECIAL AGENT MONROE: There was one
10 thing. If you go to the next page. Again, I offered
11 to explain and train on all aspects of the job.
12 [redacted]: Right.
13 SPECIAL AGENT MONROE: I asked if [redacted]
14 recognized that there were consequences of not taking
15 the assignment.
16 What consequences were you referring to
17 here?
18 [redacted]: Well, my next sentence,
19 anywhere from a letter on file to impact on salary
20 adjustment.
21 SPECIAL AGENT MONROE: Okay.
22 [redacted]: And my perspective, this is
23 after I had pointed out that I see no qualification
24 issues and [redacted] wasn't -- I explained that I thought [redacted]
25 had the qualifications and [redacted] wasn't willing to help

NC Portions

1 me understand what [redacted] didn't ~~need.~~ meet. [redacted] 5/10/13

2 SPECIAL AGENT MONROE: And what's the

3 basis for the consequences? How did you know that

4 those could be, the range of action? Had you

5 consulted with anyone in HR?

6 [redacted] I started with [redacted]

7 where we pulled out a manual we call the Mark

8 Procedure or Mark Manual which has what management

9 response could or should be in response to certain

10 situations and we reached the conclusion that there

11 appeared to be insubordination and that it could be up

12 to and including termination.

13 At that point we said well, we don't make

14 these decisions independently, so I got together with

15 Debbie Stromiller (Phonetic) our client consultant in

16 Human Resources and she recommended that we just use

17 the performance partnership and salary readjustment

18 discussions with Matt as we discussed this.

19 SPECIAL AGENT MONROE: Okay, you got

20 together with Debbie Stromiller. That was before or

21 after this July 8th meeting?

22 [redacted] Before.

23 SPECIAL AGENT MONROE: So you were

24 prepared, you felt you had some sort of potential

25 insubordination issue based on your first exchange

NC portions

1 with [redacted]

2 [redacted] Clearly, yes.

3 SPECIAL AGENT MONROE: So you went back to

4 find out what your responsibilities were as a

5 supervisor on how to deal with it, including talking

6 to [redacted] and to Deb Stromiller.

7 [redacted] indicated, I think, that others were

8 not taking the assignment. Do you know, did [redacted] name

9 who else was not taking the assignment?

10 [redacted] mentioned principal

11 engineers. [redacted] was just looking around and saying hey,

12 it was an equity concern. [redacted] believed others were not

13 --

14 SPECIAL AGENT MONROE: Well, a principal

15 engineer, [redacted]s a senior engineer which means [redacted]

16 higher up in the organization?

17 [redacted] Well, principal is a level

18 above.

19 SPECIAL AGENT MONROE: Oh, principal is?

20 [redacted] Yes.

21 SPECIAL AGENT MONROE: Okay, so it goes

22 senior engineer, principal engineer.

23 [redacted] Right.

24 SPECIAL AGENT MONROE: That's interesting.

25 I had it in reverse. So it would be senior, then

K Portois

1 principal. What comes above a principal?

2 [redacted] Supervisor.

3 SPECIAL AGENT MONROE: Okay. Did [redacted] name,

4 if I asked you this, bear with me. Did [redacted] give you

5 any names on who was turning down the assignment or

6 didn't have to take the assignment?

7 [redacted] I don't recall any.

8 SPECIAL AGENT MONROE: Anything more you'd

9 like to add to that July 8th meeting to clarify? How

10 did you leave it once the meeting was over. What was

11 the bottom line?

12 [redacted] It looks like it just ended

13 with [redacted] reiterating [redacted] statement that [redacted] refused

14 the assignment because it was a procedure violation

15 and [redacted] concluded the meeting.

16 SPECIAL AGENT MONROE: Okay.

17 [redacted] I know in this meeting, I

18 did offer the professional differing opinion process.

19 SPECIAL AGENT MONROE: What's that?

20 [redacted] Where --

21 MR. KEENAN: This is where [redacted] was

22 reading from.

23 SPECIAL AGENT MONROE: Over here?

24 [redacted] Yes.

25 SPECIAL AGENT MONROE: Okay. Okay, now

NC portions

1 [redacted]s saying there's a procedure violation. So on July
2 8th, he raised that this was a procedure violation.
3 Your notes also indicated the assignment
4 was just for one year?
5 [redacted] Yes.
6 SPECIAL AGENT MONROE: Was that already
7 pre-established it was going to be one year?
8 [redacted] Yes.
9 SPECIAL AGENT MONROE: So you knew there
10 was a beginning and end to it, you weren't going to be
11 on it forever, kind of like what happened to you?
12 [redacted] Yes.
13 SPECIAL AGENT MONROE: After the July 8th
14 meeting, did you have any discussions with anybody or
15 what did you do next? Was [redacted] still flat out refusing
16 the assignment?
17 [redacted]: Let me just re-orient where
18 I am.
19 SPECIAL AGENT MONROE: Okay.
20 [redacted] I'm certain I talked to [redacted]
21 [redacted] I can't recall the conversation. It's my
22 style to talk to the manager every time we have one of
23 these issues, so I know I talked to [redacted].
24 SPECIAL AGENT MONROE: Okay. Do you
25 recall that [redacted] offered any suggestions or direction on

how to proceed next on this?

My notes indicate that on July 11th you spoke to ECP and Neal Berg (Phonetic) about the potential problem. Do you recall speaking to ECP?

[redacted]: Yes.

SPECIAL AGENT MONROE: What was the purpose of going to ECP and who would you talk to

[redacted] I'm glad you gave me that nudge. [redacted] said [redacted] thought there was a procedure violation and had apparent safety issues. It looked like it could be in the ECP realm and Tom ~~Strane~~ Lake [redacted] 5/16/03 X (Phonetic) said come talk to us. So I stopped over and talked to Tom, talked through the situation.

SPECIAL AGENT MONROE: Okay. What input or what exactly did you discuss? Did you just restate what they -- issues you received from [redacted]

[redacted] Yes. Discussed each meeting with [redacted] Asked how should I be proceeding. We talked about -- [redacted] did reemphasize that I should be trying to use the professional differing of opinion. I know I had done it independently. That was one of Tom's recommendations as I recall.

SPECIAL AGENT MONROE: Okay.

[redacted] Also, ECP was always an option, so at one point I was regularly -- just about

NC portions

every meeting I recommended to [redacted], talk to Tom Lake, talk to Neil Berg.

SPECIAL AGENT MONROE: Who was Neal Berg?

[redacted] He's the manager of QA. The professional differing opinion process normally the first step is talk to your supervisor to initiate the resolution of a problem and since [redacted] problem was with me, his supervisor, I jumped to QA and said would you receive this issue since it's inappropriate for me since I'm the supervisor. So I set up with Neil that he would be receptive to accepting [redacted]s issue.

SPECIAL AGENT MONROE: Okay, do you know if [redacted] ever wrote a DPL?

[redacted] I don't believe [redacted] did.

SPECIAL AGENT MONROE: Now July 12th, this is again, [redacted] statement to me is that [redacted] was at some sort of a meeting, a PSA meeting. And what's a PSA meeting?

[redacted] Probabilistic safety assessment.

SPECIAL AGENT MONROE: And [redacted] indicated that [redacted] -- I'll just read you what [redacted] told me. This is an e-mail and it's dated July 12, 2002. Meeting status, required attendees, I'm not quite sure, but the written text says "the PSA group is to provide a

X portions

status update for Hope Creek and Salem PSA models. Also, as a group we also discussed any needed future feedback looped to the M rule program to ensure aid to performance criteria and SSC risk ranking are appropriate (Inaudible)[redacted]" Now the handwritten bullets I'll read too.

[redacted] came to the meeting and had me stay after it." I can't read that. "Me and [redacted] only. [redacted] stated performance partnership would be impacted. I stated I would not violate the procedure. Told [redacted] of safety concerns and I want a QA in my meeting with him."

What meeting is he referring to now, do you know?

[redacted] Yes. At the end of this meeting, I was --

SPECIAL AGENT MONROE: Oh, you were there.

[redacted]: Yes. It was a subject we were both interested in. I asked [redacted] to stay back. I told [redacted] that I saw no issues with the procedure based on his quals and the duty and the procedure. [redacted] restated his position. We've asked [redacted] to take the TARP position. [redacted] refused to take the position based on quals.

I believed that there was no -- I reread

NC portions

1 the procedure, truly thought there was no problem or
2 violation. At that point, [redacted] got very angry.
3 Accused me of retaliation. Was essentially screaming
4 at me and got up and left the meeting.
5 SPECIAL AGENT MONROE: Who else was -- was
6 this in front of the -- did this exchange take place
7 with other individuals present or was it after the
8 meeting?
9 [redacted]: It was only [redacted] and me in
10 the room.
11 SPECIAL AGENT MONROE: Do you know if
12 anyone would have overheard?
13 [redacted]: Probably not.
14 SPECIAL AGENT MONROE: Okay.
15 [redacted]: It was very late in the
16 date. It was the end of the day meeting.
17 SPECIAL AGENT MONROE: Where did the
18 meeting take place?
19 [redacted]: A conference room right up
20 the hall here.
21 SPECIAL AGENT MONROE: At TB2? [redacted]
22 characterized that you started to verbally threaten
23 [redacted] What's your reaction to that?
24 [redacted]: There was nothing close to
25 a threat.

NC portions

1 SPECIAL AGENT MONROE: Is it possible that
2 [redacted] could perceive what you told [redacted] to be the
3 consequences as a threat?
4 [redacted] Yes. We certainly disagree
5 on whether that was a threat or not.
6 SPECIAL AGENT MONROE: Okay.
7 [redacted] I see it as the consequences
8 of taking a reasonable assignment after we've
9 addressed all those issues.
10 SPECIAL AGENT MONROE: Okay.
11 [redacted] I mean there was even a
12 point where [redacted] was attempting to -- it was earlier on
13 or [redacted] was attempting to negotiate, I'll take the
14 outage assignment if you don't give me the TARP
15 assignment.
16 And I also believe [redacted] was kind of at some
17 point was negotiating, what's the worse consequences
18 that occur if I take this position? So what's the
19 cost to me not taking TARP versus taking --
20 SPECIAL AGENT MONROE: So you were trying
21 to judge --
22 [redacted] So I'm getting those inputs
23 that make me think this is more of a performance issue
24 than a legitimate --
25 SPECIAL AGENT MONROE: Concern.

NC portions

1 [redacted] Fair, safety issue that I
2 believed I was adequately addressing or attempting to
3 discuss, but was never able to have that interchange.
4 SPECIAL AGENT MONROE: Okay.
5 [redacted] It was here's my position.
6 A one-sided input from [redacted] telling me why I'm wrong
7 and having read the procedure on why [redacted] more
8 qualified to read procedures and end of discussion.
9 SPECIAL AGENT MONROE: Okay.
10 [redacted]: So very difficult
11 interchanges.
12 SPECIAL AGENT MONROE: Okay. I think I
13 got this from your notes. It says "after the meeting
14 you questioned yourself about pulling [redacted] badge."
15 [redacted] Yes.
16 SPECIAL AGENT MONROE: Can you put that in
17 context?
18 [redacted] Well, a very agitated
19 employee, heightened security warnings and memos in
20 our world that are saying if someone is not showing up
21 for work on time without an explanation or leaving
22 early, pull their badge.
23 So it was just an administrative hold of
24 badge until you understand the situation to make sure
25 the plant is safe.

NC portions

1 SPECIAL AGENT MONROE: Okay.

2 [redacted] So that's the kind of

3 framework I was evaluating.

4 SPECIAL AGENT MONROE: So based on [redacted]

5 demeanor you were questioning whether you should keep

6 [redacted] on site or not?

7 [redacted] Right. But I think I said

8 in that same time frame I still trust [redacted] high

9 ability in terms of the plant. It wasn't an issue.

10 SPECIAL AGENT MONROE: And when you mean

11 pull the badge, that's not a denial or a -- you're

12 talking about the management hold?

13 [redacted] Yes, administrative hold.

14 Call security and say please prevent access to this

15 badge. It's not physically taking the badge and --

16 SPECIAL AGENT MONROE: Right, right. I

17 just wanted to put that in context.

18 Did you have any discussions with anyone

19 about possibly putting a management hold?

20 [redacted] In this case, I just made

21 the independent decision. It's within my realm of

22 decision making.

23 SPECIAL AGENT MONROE: Okay, and you

24 decided not to?

25 [redacted] Correct.

NC portions

SPECIAL AGENT MONROE: And you decided not to, why?

[redacted] Just ~~by~~ my basic trust of [redacted] integrity with respect to plant security.

SPECIAL AGENT MONROE: Okay.

[redacted] truly -- [redacted] anger seemed to be focused at me, not at the nuclear --

SPECIAL AGENT MONROE: World. Okay. Just you.

[redacted] indicates that verbal threats continued until [redacted] was escorted from the site on [redacted]. What would be your reaction to [redacted] assertion of these verbal threats?

[redacted] Well, we've jumped a meeting, right?

SPECIAL AGENT MONROE: Yes. Well, we've got a couple of meetings to go, but I decided to throw this out before we go down -- but [redacted] was just saying basically from here to here, until [redacted] leaves the site, there are on-going verbal threats.

Do you see [redacted] every day? Or I'm just looking for a reaction to what [redacted] throwing out there.

[redacted] We had limited conversations between the 12th and the [redacted]. And that was because of

7C portion

1 [redacted] had the meeting with [redacted] on the 16th which
2 I'm not sure where I got that date. It was probably
3 from one of the things I reviewed. But from that
4 point to the 9th we had our WANO (Phonetic) inspection
5 and we just decided to let the issue rest during that
6 period just so we didn't have additional --
7 SPECIAL AGENT MONROE: Stress going on.
8 [redacted] Stress during the
9 inspection. During that period we had very little
10 interaction on this. So --
11 SPECIAL AGENT MONROE: Just kind of let it
12 drop?
13 [redacted] Yes. I know we specifically
14 avoided the issue during that period because of WANO.
15 SPECIAL AGENT MONROE: Okay, was [redacted]
16 involved in WANO? Or is it more --
17 [redacted] may have had some
18 occasional questions. Everyone on the site randomly
19 gets involved. I was more directly involved.
20 And [redacted] was intimately involved.
21 SPECIAL AGENT MONROE: There's a meeting
22 between [redacted] and [redacted] on July 16th. When did you
23 learn about that meeting and what's your understanding
24 of what was discussed?
25 [redacted] I think it was probably that

evening or the following day. I got [redacted]s side of it from a voice mail. I understood that [redacted] temporarily told [redacted] didn't need to be on the TARP team and that was the --[redacted] brought up [redacted] personal concerns for taking the TARP assignment.

SPECIAL AGENT MONROE: Personal concerns being family concerns now?

[redacted] Yes, family, distance from site. My best recollection to that would have already been written on the notes with [redacted]

SPECIAL AGENT MONROE: Sure. So [redacted] concerns there are out beyond what your understanding is. Did you talk to [redacted] about that meeting?

[redacted]: Maybe a couple of days later. Of course, the third part of that meeting was [redacted] recommendation that if [redacted] still had a continuing concern with the procedure to write a notification.

SPECIAL AGENT MONROE: Okay.

[redacted] Something we always encourage.

SPECIAL AGENT MONROE: Did [redacted] explain to you why [redacted] temporarily took [redacted] off the TARP? Was it because of [redacted] concerns about qualifications or was it because of [redacted] personal issues?

[redacted] My understanding was it was

1 the personal issues.

2 SPECIAL AGENT MONROE: Okay. And it was

3 a temporary?

4 [redacted] Yes.

5 SPECIAL AGENT MONROE: Replacement. Okay.

6 And how did you become aware that [redacted] or [redacted]

7 initiated the notification? Is that from (Inaudible)?

8 [redacted] I do a daily review of

9 notifications issued.

10 SPECIAL AGENT MONROE: Okay. What action

11 did you take once you became aware that [redacted] had

12 initiated a notification into his concerns about the

13 TARP?

14 [redacted] At first nothing, because it

15 was assigned to Ken Moore who is in operations.

16 SPECIAL AGENT MONROE: Okay.

17 [redacted] And it was reassigned to [redacted]

18 [redacted] then asked me to draft the response.

19 SPECIAL AGENT MONROE: Okay, so your

20 recollection was it went to Moore first?

21 [redacted] Yes.

22 SPECIAL AGENT MONROE: And then reassigned

23 to [redacted]

24 [redacted] Yes.

25 SPECIAL AGENT MONROE: And then reassigned

1 to you?

2 [redacted] No, it was always assigned

3 to [redacted]

4 SPECIAL AGENT MONROE: Did you have any

5 input or review on behalf of [redacted]

6 [redacted] Oh, I mean the official

7 assignment was always with [redacted] It was [redacted] to

8 answer. But [redacted] asked me to draft the response for

9 [redacted] so I literally drafted, did the research and

10 drafted the response for [redacted] approval.

11 SPECIAL AGENT MONROE: Initially, it went

12 to Ken Moore?

13 [redacted] Yes.

14 SPECIAL AGENT MONROE: Do you know why it

15 was assigned from Moore to [redacted]

16 [redacted]: It was done at the manager's

17 meeting. I have no knowledge of why it went that way.

18 It might have been because it was written by one of

19 [redacted] employees.

20 SPECIAL AGENT MONROE: Because I spoke to

21 Ken Moore and his recollection was that you wrote it

22 and that you passed it on to him for review, is that

23 accurate?

24 [redacted] Yes.

25 SPECIAL AGENT MONROE: Okay.

1 [redacted] I did the drafting. After
2 I drafted it I have it to Ken and said please take a
3 look at this and see if you agree with the facts.
4 SPECIAL AGENT MONROE: And you would have
5 him review it, why?
6 [redacted] Because he was the technical
7 sponsor for the procedure. He seemed to be the most
8 authoritative person to be agreeing. I was a little
9 uncomfortable since I was the -- [redacted] reason for
10 doing this.
11 SPECIAL AGENT MONROE: Right.
12 [redacted] So I was looking for
13 independence and the best input I could get to make
14 this thing --
15 SPECIAL AGENT MONROE: Yes, because you
16 are kind of an awkward position because as a
17 supervisor you're making the assignment and then
18 you're reviewing it as well.
19 [redacted] Yes.
20 SPECIAL AGENT MONROE: Did you express
21 your concerns about that to anyone, you know, I'm
22 reviewing this thing that we're disagreeing on. Were
23 you worried about any independence?
24 [redacted] Well, the preparer doesn't
25 necessarily, in the design world, which I come from,

1 the preparer doesn't necessarily have to be
2 independent, but you need an independent review after
3 you do it.
4 SPECIAL AGENT MONROE: Okay.
5 [redacted] So in that perspective I was
6 not worried about doing the initial legwork and the
7 research, but I knew I wanted to get Ken Moore and [redacted]
8 was also in that circle, so I wanted an independent
9 manager in addition to [redacted] and that's why [redacted] suggested
10 using Steve Mannon who was independent of it.
11 SPECIAL AGENT MONROE: Walk me through.
12 What did you do to prepare the response to the
13 notification, like what kind of research did you do,
14 who did you talk to?
15 [redacted] Read the procedure which is
16 the source. I guess I started with the perspective
17 that one aspect of it was the de facto staffing tool
18 which I thought was an easy answer and we're not using
19 a procedure on how to run TARP to staff people, we're
20 just doing it by management assignment. That was a
21 clear fact. In terms of the questions on EP, I talked
22 to Bill (Inaudible). The concern was do we have the
23 procedure required alignment with TARP and EP and my
24 understanding of that was we just put them on the same
25 shift. And it seemed like the obvious thing, but [redacted]

1 was reading more into it, so I went to EP and said am
2 I missing something here? They said no, you're right
3 on target. That's how you understand it.
4 SPECIAL AGENT MONROE: What was [redacted]
5 reading into it, you indicated?
6 [redacted] believed that you needed
7 to be an emergency plan member to be on the TARP team.
8 SPECIAL AGENT MONROE: Okay, and the
9 procedure does not state that, is that right?
10 [redacted] That's correct.
11 SPECIAL AGENT MONROE: Okay. When you
12 took the notification to Ken Moore, did he concur with
13 your outcome or your results?
14 [redacted] He concurred and put an
15 electronic signature on the answer.
16 SPECIAL AGENT MONROE: Okay, so he had no
17 problems then with what you had researched?
18 [redacted] That's correct.
19 SPECIAL AGENT MONROE: And he's the one
20 that has ownership for that particular procedure.
21 [redacted] Right.
22 SPECIAL AGENT MONROE: Did you have any
23 reaction to -- it sounds like [redacted] is just poking [redacted]
24 keeps poking on this. You know when you got the
25 notification were you annoyed in any way or --

1 [redacted] Say that again? I didn't
2 understand the question.
3 SPECIAL AGENT MONROE: [redacted] sort of keeps
4 poking at the issue, keeps pushing it and once you got
5 the notification, did you have any reaction to that,
6 were you irritated that [redacted] had written the
7 notification or did you just look at it as a way of
8 resolving the issue?
9 [redacted] I know I wasn't irritated
10 with that. It's a wonderful, legitimate way to
11 resolve issues. I like notifications. I like
12 employee concerns. PDO. They're all things that I've
13 tried to encourage throughout my career here. They
14 work reasonable well for me and I like the processes.
15 SPECIAL AGENT MONROE: Is the process of
16 the notification, I guess that's to get it in the
17 Correction Action Program?
18 [redacted] That's correct.
19 SPECIAL AGENT MONROE: Is that the same as
20 doing a DPO or would that be --
21 [redacted] It would be completely
22 independent. That would be using an independent
23 arbitrator to hear both sides of the issue and help
24 reach a reasonable decision that both people agreed
25 to.

1 That would have been an arbitration
2 approach that would have had a third party with no
3 animosity.
4 SPECIAL AGENT MONROE: So if [redacted] was not
5 satisfied with the notification as it ended up, [redacted]
6 could go to a DPO, take it outside of his organization
7 and resolve it there if he felt firmly about those
8 issues?
9 [redacted] Yes. Or write another
10 notification saying [redacted] was unsatisfied with the
11 disposition of the first one.
12 SPECIAL AGENT MONROE: Did he do that?
13 [redacted] No.
14 SPECIAL AGENT MONROE: Okay.
15 [redacted] To the best of my knowledge.
16 I screened them both, but I don't see them all.
17 SPECIAL AGENT MONROE: But to the best of
18 your knowledge [redacted] didn't.
19 [redacted] Now the notification review
20 is competed on the 5th which is a Monday and [redacted]
21 doesn't get it to the [redacted]. Do you know what the delay
22 was giving the notification to [redacted]
23 [End of Tape 1, Side A; begin Tape 1, Side
24 B.]
25 SPECIAL AGENT MONROE: We've flipped the

tape. It's about 2:49 p.m. and we're now getting into, moving to [redacted], what happened on that Friday.

If you can show me or pull out this document what you would have given [redacted] to review, the morning of the [redacted]. You said [redacted] got a copied evaluation and I'm interested in what you would have given him.

[redacted] It's this page.

SPECIAL AGENT MONROE: Just for the record so we know what we're talking about. I have a four page document, 1, 2, 3, pages 1, 2, 3 and the fourth page is actually number 1. And it says "see long text." You only gave me one page?

[redacted] Yes. The balance of it would have been written by [redacted]

SPECIAL AGENT MONROE: Okay, so all this one page is just lining out what the review process is that's identified in the bottom line that there was not any action or corrective actions required. So all [redacted] had to do is read this one page?

[redacted] Correct.

SPECIAL AGENT MONROE: What was your intent? Walk me through, show me how you gave it to [redacted] and what you explained what you wanted from [redacted]

by looking at this.

[redacted] Mid-morning, 9, 10 o'clock. Handed [redacted] the response and asked [redacted] to please review this and let's get together by noon to discuss the answer.

SPECIAL AGENT MONROE: Okay.

[redacted] I wanted to get [redacted] hopeful acceptance of our disposition that there was no safety issue with the procedure and that we could proceed from there.

SPECIAL AGENT MONROE: So you were looking at [redacted] to review this, the response and agree to be on TARP based on the fact that there was no problem with [redacted] qualifications?

[redacted] Correct.

SPECIAL AGENT MONROE: [redacted] indicated you kind of threw it at [redacted] threw it on [redacted] desk. Can you demonstrate how you gave it to [redacted] if you remember?

[redacted] I just don't do things like that. I'm sure I ~~did~~ didn't do that and said [redacted] 5/16/03 please read this and get back to me by noon."

SPECIAL AGENT MONROE: What was [redacted] response, if any, to your request? Did [redacted] look at you? Did [redacted] ignore you? Did [redacted] say okay?

1 [redacted] I don't remember the exact
2 response, but my general impression was we'll do it.
3 SPECIAL AGENT MONROE: Okay. SO you gave
4 it to [redacted] around 9 or 10 with a request to meet with
5 you at noon.
6 Was [redacted] working on any particular
7 projects on that day that you knew of where [redacted] would
8 not have been able to immediately review this one page
9 or less than one page. It's really three quarters of
10 a page.
11 [redacted] I don't know of any -- there
12 was nothing that I assigned to [redacted] that was important
13 nor did [redacted] give me any feedback that [redacted] wouldn't be
14 able to do it by noon which is kind of my expectation
15 of people. I give assignments. If you can't make it,
16 that's okay, tell me before it's due and we can
17 renegotiate time.
18 SPECIAL AGENT MONROE: And walk me back
19 again. When you gave me this, you gave [redacted] this
20 piece of paper, tell me exactly what you said to [redacted]
21 and what you communicated to [redacted] what you were looking
22 for from [redacted] on this?
23 [redacted]: My notes said I asked [redacted] to
24 talk to me about it.
25 SPECIAL AGENT MONROE: Talk about it. Did you

elaborate what about it meant?

[redacted] I don't have a recollection.

SPECIAL AGENT MONROE: No problem. [redacted] indicated to me, [redacted] that [redacted] was working on the reactor oversight process data that was due at noon on [redacted] had a deadline. Are you aware [redacted] had a deadline?

[redacted] No.

SPECIAL AGENT MONROE: And [redacted] characterized your discussion as being vague. [redacted] didn't really know what you were looking for from [redacted] In [redacted] words, [redacted] threw the paper down. [redacted] didn't really know what you were communicating to [redacted] Can you react to that or not?

Okay, what happens? Does noon come and go or do you hear from [redacted] Explain to me what happens next?

[redacted] Noon came and went. [redacted] didn't talk to me. 1300, I asked [redacted] if [redacted] would discuss the issue with me.

SPECIAL AGENT MONROE: The issue. Did you use those words, the issue? Were you specific on what you wanted to discuss with [redacted]

[redacted] I may not have been specific, but I think this is the most significant

1 issue that [redacted] and I had, that it was clear that it was
2 our issue.
3 SPECIAL AGENT MONROE: [redacted] accepting the
4 TARP assignment?
5 [redacted] Yes.
6 SPECIAL AGENT MONROE: What happens next
7 here?
8 [redacted] responded and this is
9 pretty much a quote, that [redacted] didn't have enough time
10 to prepare a defense. I told [redacted] I still wanted to
11 meet now. [redacted] refused. I asked that we move to a
12 conference room so we could be private. [redacted] refused to
13 meet with me in a private area.
14 I told [redacted] the organization had answered
15 [redacted] concern via the NUCR and found no issues with the
16 procedure. [redacted] stated we were wrong, that [redacted] had
17 agreed with [redacted] and would not discuss it with me. [redacted]
18 was argumentative at that point and I again reminded
19 [redacted] of the differing position.
20 [redacted] asked if I read the procedure and
21 accused me of not following procedure, so it was a
22 confrontational discussion at that point.
23 I guess my issue at that point, [redacted] was
24 being nonresponsive to my direction as [redacted] supervisor
25 and they were reasonable requests, so I asked [redacted] to

1 leave site.

2 SPECIAL AGENT MONROE: Okay.

3 [redacted] My intent behind that was a

4 decision making --

5 SPECIAL AGENT MONROE: That was your

6 intent. What did you communicate to [redacted]? Did [redacted]

7 know you wanted [redacted] to be on the decision making

8 leave?

9 [redacted] As we left, I said [redacted] I

10 want you to think about your decision, come back on

11 Monday morning and we'll continue the discussion. In

12 fact, I didn't use the term decision making, but said

13 I want to further this discussion.

14 SPECIAL AGENT MONROE: Okay, because [redacted]

15 testimony to me was that [redacted] had never heard the term

16 decision making leave before until he got the November

17 18th letter.

18 [redacted] It's very likely I did not

19 use that exact phrase, but I certainly said [redacted] I

20 want you to think about your decision."

21 SPECIAL AGENT MONROE: Okay. So it was

22 clear that [redacted] purpose for leaving was to consider

23 what [redacted] was going to do with respect to participating

24 in TARP and your giving [redacted] some time to go home and

25 cool of and seriously consider it?

1 [redacted] Exactly. This was a
2 recommendation from Dave ~~Brown~~ Braun [redacted] 5/16/03, the manager of Human
3 Resources, that if we get into these discussions where
4 they're nonproductive and not getting us anywhere,
5 consider just using the option of temporary departure
6 to think through this.
7 SPECIAL AGENT MONROE: Okay. Dave Brown,
8 is he here at the site?
9 [redacted] Yes. He's manager of Human
10 Resources.
11 SPECIAL AGENT MONROE: [redacted] claims that [redacted]
12 was escorted to the gate and it was very embarrassing
13 for [redacted] had never been through it. Can you
14 describe how [redacted] exited the site?
15 [redacted] Well, he -- I informed [redacted]
16 to get ready. We walked out. To most people, I mean
17 to any -- it wasn't like I had [redacted] in handcuffs and
18 walked him to the gate. To any observer it would have
19 looked like two people talking to the gate.
20 SPECIAL AGENT MONROE: So you weren't
21 dragging [redacted] out?
22 [redacted] Well, for some reason [redacted]
23 wouldn't walk with me, [redacted] was lagging behind, so I was
24 talking slow and [redacted] was walking slow. There was no
25 [redacted] 5/16/03 show or exhibition or anything that would have made

1 anyone believe --

2 SPECIAL AGENT MONROE: So no one would

3 have known that you were escorting [redacted] from the site?

4 [redacted]: No.

5 SPECIAL AGENT MONROE: There was no

6 discussion, no --

7 [redacted]: No.

8 SPECIAL AGENT MONROE: How did [redacted] react to

9 your direction that [redacted] go home and think about this?

10 Did [redacted] have any response?

11 [redacted] was pretty much shocked,

12 silence from the point I asked [redacted] to leave. I don't

13 think [redacted] received anything, including my suggestion

14 that my statement that please think about your

15 decisions.

16 SPECIAL AGENT MONROE: Okay.

17 [redacted] I could understand [redacted] not

18 remembering it in the state [redacted] was in at that time.

19 [redacted] was truly upset.

20 SPECIAL AGENT MONROE: [redacted] was shocked that

21 [redacted] was asked to leave?

22 [redacted]: Yes.

23 SPECIAL AGENT MONROE: What happens next

24 with respect to [redacted] badge? Did you take any action to

25 -- previously, I guess, you had thought about doing a

management hold on it.

[redacted] Yes. Same thing.

SPECIAL AGENT MONROE: At this point did you?

[redacted]: I did put ~~another~~ it on [redacted] 5/16/03 administrative hold. It seemed very appropriate considering [redacted] state and you know, just asking someone to leave is significant and there is that risk of sabotage. Well, it's not sabotage --

SPECIAL AGENT MONROE: Something could happen.

[redacted]: It was the best thing to do in the security environment we were in. It was a very high security environment. Asking us to put people on administrative leave for the -- just not showing up on time would seem very reasonable to be asking that to be put on administrative hold.

SPECIAL AGENT MONROE: How long did you plan on having [redacted] on the admin. hold? What was your intent?

[redacted] To bring it up [back] right after [redacted] 5/16/03 our meeting on Monday morning.

SPECIAL AGENT MONROE: Okay. So essentially, it would have just been for Friday afternoon and until you had the meeting on --

1 [redacted] Monday morning.

2 SPECIAL AGENT MONROE: When was the Monday

3 morning meeting established? Was that as you were

4 escorting [redacted] off site or was that at some point

5 later?

6 [redacted] Right at the gate I reminded

7 [redacted] I wanted to meet [redacted] at 8 o'clock in TB2 on

8 Monday morning.

9 SPECIAL AGENT MONROE: And what was [redacted]

10 response, if any?

11 [redacted] I don't recall a response.

12 [redacted] may have shook [redacted] head. I believe [redacted] received it.

13 SPECIAL AGENT MONROE: Would you have told

14 [redacted] that you're putting [redacted] badge on admin. hold?

15 Would you have given [redacted] that notification?

16 [redacted] I didn't [redacted] that, no.

17 SPECIAL AGENT MONROE: Any reason why?

18 [redacted] It didn't occur to me.

19 SPECIAL AGENT MONROE: All right.

20 Anything more you'd like to add or elaborate for that

21 August 9th meeting that you fee/ would clarify the --

22 oh, let me back up. [redacted] said on August 9th you weren't

23 following the procedure. Did [redacted] tell you what part of

24 the procedure you weren't following, and that's the

25 TARP procedure?

1 [redacted] No.

2 SPECIAL AGENT MONROE: You just didn't

3 elaborate?

4 [redacted] No, [redacted] just generally said

5 I wasn't following the procedure.

6 SPECIAL AGENT MONROE: Okay. Right.

7 [redacted] and [redacted] calls you at home

8 regarding the [redacted] meeting. Can you tell me

9 about that?

10 [redacted] I was -- I'm sure you have

11 my notes. I'm looking at it (Inaudible). Otherwise,

12 I could just read your notes and not put you through

13 this.

14 [redacted] It was 9:30. I was asleep.

15 It was a busy day for me. So I was semi-dazed, sound

16 asleep already. [redacted] called me up, my [redacted] woke me up

17 and said one of your employees is on the phone. [redacted]

18 first question was what's my status? I told [redacted]

19 was still employed. [redacted] told me [redacted] wanted QA at the

20 meeting the next morning. I told [redacted] another

21 supervisor would be there. [redacted] said I wouldn't bring

22 in a QA.

23 SPECIAL AGENT MONROE: Was it a short

24 call? Would you characterize it as kind of a short

25 call?

1 [redacted] Less than 5 minutes.

2 SPECIAL AGENT MONROE: Okay. What else

3 would [redacted] have said during that five minute period?

4 [redacted] thought being asked to

5 leave the site was bizarre and didn't understand it.

6 SPECIAL AGENT MONROE: So [redacted] didn't

7 understand why [redacted] was escorted off the site, but you

8 said [redacted] was kind of in a shocked state, so it may not

9 have sunk in.

10 [redacted] Yes.

11 SPECIAL AGENT MONROE: Did you restate to

12 [redacted] on Sunday why [redacted] had been escorted off the site?

13 Do you remember?

14 [redacted] I said [redacted] needed to listen

15 to me and not talk to me. I said that. I don't think

16 I told [redacted] explicitly why [redacted] was walked off site.

17 Then [redacted] told me [redacted] was not coming in the next day.

18 SPECIAL AGENT MONROE: And why wasn't [redacted]

19 coming in the next day?

20 [redacted] said the events were

21 affecting [redacted] health and [redacted] was going to the doctor.

22 SPECIAL AGENT MONROE: Why did you decline

23 [redacted] request to have QA present at your meeting?

24 [redacted] I set up QA as an alternate,

25 if [redacted] wanted, to talk to me.

[redacted] 5/16/03

SPECIAL AGENT MONROE: Okay.

[redacted] I viewed this as an issue between [redacted] and I and they were available. I really perceived [redacted] wanted some independence there. That's why I offered another supervisor there.

SPECIAL AGENT MONROE: Okay. What was the purpose, what was your planned purpose of meeting with [redacted] on [redacted] when [redacted] came in that Monday, what was the intent of that meeting?

[redacted]: I was hoping [redacted] would have truly thought through the issues and would come to the table ready. We had demonstrated we were willing to take actions to make [redacted] think and that [redacted] would come to the table and enter into a dialogue where [redacted] would listen and have at least be able to argue on the facts and the subject versus this bypassing conversation that we've been having. It was always [redacted] telling me what was wrong and what we weren't doing right instead of [redacted] listening to my arguments, [redacted] telling me my arguments and truly doing the interchange that helps you reach conclusions.

SPECIAL AGENT MONROE: Okay.

[redacted] That was my hope for that meeting. And I was still trying to resolve and reconcile this.

1 SPECIAL AGENT MONROE: Right, so by not
2 having QA present, you had already offered [redacted] that
3 avenue to go to QA and write the DPO?
4 [redacted] Yes.
5 SPECIAL AGENT MONROE: Is that right?
6 [redacted] Uh-huh.
7 SPECIAL AGENT MONROE: [redacted] had had more
8 than enough opportunities to take that path.
9 [redacted] And at that meeting I either
10 had Neil Burger or Jeff Defabbo (Phonetic) on standby.
11 If [redacted] at that meeting said I want to talk to QA,
12 right outside the door, ready to come in and talk to
13 [redacted] I think it was Defabbo (Phonetic) at that
14 meeting and Neil Burger on the second time.
15 SPECIAL AGENT MONROE: I'm not following
16 you there. What meetings are you talking about here?
17 [redacted] Oh, the --
18 SPECIAL AGENT MONROE: I kind of lost
19 track of that.
20 [redacted] Well, we had the intended
21 meeting on that first 11th or 12th -- on the 12th.
22 That's when the first intended meeting and it actually
23 occurred on the 19th.
24 SPECIAL AGENT MONROE: Okay, so the
25 purpose --

1 [redacted] At both points I had QA on
2 standby to talk to [redacted] if for some reason it was
3 contentious or we needed QA engaged, they were ready
4 and available.
5 SPECIAL AGENT MONROE: Okay, if you had
6 them ready and available, just you know, like why
7 didn't you give [redacted] that concession and let them be in
8 there already? Have QA present in there.
9 Was the intent of your meeting to try and
10 communicate to [redacted] why [redacted] had to take the TARP
11 assignment was more like a management subordinate
12 meeting? I'm just trying to understand if you have a
13 contentious building up now, why refuse to have QA sit
14 in if you had them ready to come in if you needed
15 them?
16 [redacted] I didn't see a QA part in a
17 discussion of problems with procedures, assignments,
18 to TARP team. It wasn't a direct part of the
19 conversation that I saw.
20 SPECIAL AGENT MONROE: Okay.
21 [redacted] It wasn't refusing [redacted] the
22 opportunity to talk to QA. I didn't want them in the
23 conversation --
24 SPECIAL AGENT MONROE: Okay, you wanted to
25 keep the two issues separate?

[redacted] Yes.

SPECIAL AGENT MONROE: Okay. Is [redacted] out, the whole week of the [redacted]?

[redacted] Yes.

SPECIAL AGENT MONROE: I saw a note that you left a voice mail for [redacted] Sunday at work. Is there some reason why you would have left [redacted] a voice mail at work versus calling [redacted] at home? What was the purpose of that voice mail?

[redacted] Well, the intent was to let [redacted] know if [redacted] gets to the gate before I get [redacted] badge cleared, [redacted] was going to get a no entry which I know is unsettling. That was my intent of getting that to [redacted]

SPECIAL AGENT MONROE: Any reason not to call [redacted] ahead?

[redacted] I may have waited too long.

SPECIAL AGENT MONROE: It was too late at night?

[redacted] I think it was too late in the morning.

SPECIAL AGENT MONROE: Okay.

[redacted] I really don't remember the time frame I did it. I just know in the summer I'm a heavy kayaker and I'm out every weekend.

1 SPECIAL AGENT MONROE: Good for you. It
2 just said you left a voice mail for [redacted] Sunday.
3 [redacted] Then that's when I did it.
4 SPECIAL AGENT MONROE: It would have been
5 what -- I'm just looking at if you want to make sure
6 the intent is to have [redacted] go to TB2 and not swipe
7 through to save [redacted] that kind of stress --
8 [redacted] I didn't write it down so I
9 just have to defer to the notes towards my better
10 recollections.
11 SPECIAL AGENT MONROE: Sure.
12 (Off the record.)
13 SPECIAL AGENT MONROE: [redacted] wanted to take
14 a look at, refresh [redacted] recollection because [redacted] spoke
15 to Tom Lake. What was your recollection of why you
16 called [redacted] at work versus home?
17 [redacted] Well, I don't have a
18 recollecting of why I chose work versus at home, but
19 voice mail is a pretty universal method of
20 communication here, that I know I check on the way in
21 or regularly.
22 SPECIAL AGENT MONROE: Okay. So you would
23 have expected if [redacted] had been out, [redacted] was probably
24 checking [redacted] voice mail and might check it on Sunday
25 before [redacted] got in?

1 [redacted] Yes.

2 SPECIAL AGENT MONROE: You were trying to

3 save [redacted] the embarrassment of actually going through

4 and finding out that when [redacted] swiped his card, [redacted] would

5 not have access?

6 [redacted] Yes, but at the same time we

7 had a meeting set up in TB2 and we didn't expect [redacted]

8 (Inaudible), so [redacted] had the opportunity to listen to

9 that voice mail up through the conclusion of the

10 meeting we had.

11 SPECIAL AGENT MONROE: What time was the

12 meeting scheduled, if you remember?

13 [redacted] Probably, it was morning.

14 SPECIAL AGENT MONROE: So it would be

15 first thing in the morning?

16 [redacted] 8, 9, somewhere in that.

17 SPECIAL AGENT MONROE: Because you had to

18 resolve the issue before [redacted] could have [redacted] access

19 reinstated?

20 [redacted] Right.

21 SPECIAL AGENT MONROE: [redacted] indicated also

22 that [redacted] didn't have access to [redacted] computer? Do you

23 know anything about that?

24 [redacted] Yes.

25 SPECIAL AGENT MONROE: Does that go along

with --

[redacted] It's a separate action, but you just call computer services and say please temporarily end access to the computer.

SPECIAL AGENT MONROE: And who at computer services would you have called, if you remember. If not --

[redacted] I don't recall.

SPECIAL AGENT MONROE: And again, the purpose of prohibiting [redacted] access to [redacted] computer was what, just consistent with removing [redacted] from site for that period of time?

[redacted] That's correct.

SPECIAL AGENT MONROE: Moving on to August 19th which was a Monday, there was a meeting with [redacted] Bob Settle and yourself. Again, if you'd state what was the purpose or the agenda for the meeting and why Bob Settle was present?

[redacted] Well, the previous meeting [redacted] said [redacted] didn't want to meet with me alone, so I was accommodating [redacted] concern with being with me alone and it was to the point of contention where I wanted someone to help me take notes and make sure I was being reasonable, so I was fulfilling that role.

SPECIAL AGENT MONROE: And Bob is --

1 what's his position?

2 [redacted] He's an engineering

3 supervisor.

4 SPECIAL AGENT MONROE: Okay, and how did

5 you happen to choose Bob?

6 [redacted] He sits in the same

7 building.

8 SPECIAL AGENT MONROE: Okay, lucky Bob.

9 Come on in.

10 The process, if you're going to have a

11 meeting with someone that could be contentious, it's

12 just a process to have someone else observe as a third

13 party?

14 [redacted] It's -- the Mark Manual

15 recommends bring a supervisor in to help you when you

16 have these issues.

17 SPECIAL AGENT MONROE: Okay, how would you

18 react to [redacted] belief that you and Settle were

19 intimidating in this meeting? [redacted] felt that you were

20 intimidating [redacted] What would be your reaction to [redacted]

21 assertion of that?

22 [redacted]: It is not our intent to

23 intimidate. The intent was to negotiate.

24 SPECIAL AGENT MONROE: Okay. My plan

25 going into that meeting was let's -- [redacted] state your

1 concern and then we'd start a dialogue discussing it.
2 I had planned contingencies on whether it went bad
3 versus good.
4 SPECIAL AGENT MONROE: What were your
5 contingencies if it went bad?
6 [redacted] It was again just to ask
7 [redacted] to take another leave.
8 SPECIAL AGENT MONROE: Okay, another
9 decision making leave?
10 [redacted] And then we'd -- well, if we
11 didn't have safety concerns and it was a direct
12 insubordination, it would have been more of a
13 suspension versus a decision making leave.
14 SPECIAL AGENT MONROE: Okay.
15 [redacted] But a suspension is pretty
16 much the same status. You're still being paid. It
17 still doesn't kind of take any discipline because I
18 don't have the power for discipline.
19 SPECIAL AGENT MONROE: [redacted] raised a good
20 point. When [redacted] left the site on Friday, the [redacted]
21 was not suspended. [redacted] was in a paid decision making
22 leave, is that right?
23 [redacted] That's correct.
24 SPECIAL AGENT MONROE: So decision making
25 leave, is that a punitive action?

1 [redacted] In no way.

2 SPECIAL AGENT MONROE: So [redacted] was not

3 suspended from employment?

4 [redacted] No.

5 SPECIAL AGENT MONROE: And then from the

6 12th to the 19th, [redacted] was out on sick leave, is that

7 correct?

8 [redacted] That's correct.

9 SPECIAL AGENT MONROE: [redacted] was not

10 suspended from [redacted] employment? I mean [redacted] kind of

11 looked --

12 [redacted] could have come back at

13 any moment from that Monday forward.

14 SPECIAL AGENT MONROE: So [redacted] was out on

15 sick leave. [redacted] was not in a suspension status for any

16 kind of behavioral reasons?

17 [redacted] That's correct.

18 SPECIAL AGENT MONROE: What do you recall

19 either from your notes or from your recollection, the

20 meeting, the discussion with [redacted] on that Monday, the

21 19th?

22 (Pause.)

23 [redacted] I start out by asking [redacted]

24 if [redacted] would reconsider taking the TARP position.

25 SPECIAL AGENT MONROE: Are those notes you

1 want to read in or make an attachment to the
2 transcript? I don't think I've seen those before,
3 have I?
4 [redacted] I don't think --
5 SPECIAL AGENT MONROE: Do you want to take
6 a minute so you can look at them, too?
7 [redacted] Yes.
8 SPECIAL AGENT MONROE: Let's just go off
9 the record at 3:15 p.m. to look at the notes.
10 (Off the record.)
11 SPECIAL AGENT MONROE: We're just back on
12 the record. We're looking at what I have in the
13 binder as two pages of handwritten notes that [redacted]
14 made. Were these notes taken during the meeting or
15 afterwards?
16 [redacted] During the meeting.
17 SPECIAL AGENT MONROE: Okay. And if you
18 want to -- you can read your handwriting better than
19 me on this one. If you want to read them into the
20 record or how you best want to explain what happened
21 during that meeting.
22 [redacted] I want to take a minute and
23 re-read them.
24 SPECIAL AGENT MONROE: Okay, sure.
25 (Off the record.)

1 SPECIAL AGENT MONROE: I guess [redacted], what
2 you want to do is rely on your handwritten notes and
3 then also rely on the interview that you had with Tom
4 Lake on September 4th, is that the best way to
5 recollect or piece together the meeting?
6 [redacted] Yes, it is. And -- well, we
7 started the meeting with me asking [redacted] to reconsider
8 the position and then [redacted] started to assert [redacted]
9 multiple reasons for not wanting to take the
10 assignment.
11 SPECIAL AGENT MONROE: Which you're now
12 talking about lives in the [redacted] border
13 and could not get here in 60 minutes.
14 [redacted] Right.
15 SPECIAL AGENT MONROE: [redacted]
16 [redacted] TARP is not doing everything
17 that is required by procedure. These are numbered 1
18 through 7. Are these the order in which [redacted] presented
19 the concerns, if you remember?
20 [redacted] Yes, at least the first two
21 items, the third item. Yes, first several are in the
22 right order, so we can assume the rest are in the
23 correct order.
24 SPECIAL AGENT MONROE: Okay, and then it
25 indicated [redacted] then asked what the consequences were of

1 not taking the assignment. What's that mean? Can you
2 elaborate on that? [redacted] asking you -- is this where
3 you feel like [redacted] weighing --
4 [redacted]: This is the second time I
5 believe [redacted] was negotiating or trying to understand the
6 cost of not taking the assignment, essentially trying
7 to say what am I going to have to pay if I don't take
8 this versus raising explicit safety issues.
9 SPECIAL AGENT MONROE: So that's where
10 you're wondering is [redacted] trying to negotiate [redacted] out
11 of it or does [redacted] have a valid safety concern about why
12 [redacted] doesn't want to take the assignment?
13 [redacted] Well, I heard [redacted] safety
14 issues. I restated that I didn't believe they were
15 valid safety issues and I truly didn't believe that
16 based on my investigation, I really didn't have an
17 opportunity to discuss or at least [redacted] wasn't receiving
18 again when I attempted to discuss this.
19 I asked [redacted] what other issues [redacted] had. [redacted]
20 talked about [redacted] inability to -- [redacted] concern with
21 sequestering [redacted] at home, suggests that we could
22 work around that.
23 SPECIAL AGENT MONROE: It says here "I
24 again asked, as I did several times in the meeting if
25 [redacted] would accept the assignment."

1 Did [redacted] ever give you a response. You
2 asked [redacted] several times. [redacted] will you accept the
3 assignment? Did [redacted] ever give you a response?
4 [redacted] Well, the closest I got was
5 "whatever" or something to that which at the time I
6 interpreted it as a no.
7 SPECIAL AGENT MONROE: So you would have
8 asked and [redacted] goes "whatever."
9 [redacted] Words to that effect.
10 SPECIAL AGENT MONROE: And why would you
11 interpret that as a no?
12 [redacted] Probably the stress of the
13 situation. It wasn't the answer I expected so it was
14 a poor interpretation under stress.
15 SPECIAL AGENT MONROE: Okay.
16 [redacted] Rescinded quickly as soon as
17 I understood and apologized.
18 SPECIAL AGENT MONROE: So you're
19 interpreting [redacted] "whatever" to mean no and [redacted] saying
20 well, "whatever, just -- you know, all right."
21 [redacted] I'll do whatever you want.
22 I think that was the closer phase, "I'll do whatever
23 you want" or something like that.
24 SPECIAL AGENT MONROE: Okay, so you didn't
25 interpret that to be an acceptance of the assignment?

1 [redacted] That's correct.

2 SPECIAL AGENT MONROE: What did you utter

3 after [redacted] made that? What did you say to [redacted]

4 [redacted] Therefore, you're on

5 suspension.

6 SPECIAL AGENT MONROE: Okay. On

7 suspension.

8 And then what did [redacted] say next?

9 [redacted] I don't remember exactly how

10 it got turned around. It was either, Bob, pointing

11 out that [redacted] didn't say no, or [redacted] quickly responding

12 "I'll do what you want." At which point I immediately

13 rescinded and apologized and jumping to that

14 conclusion.

15 SPECIAL AGENT MONROE: Okay, so you did

16 apologize to [redacted]

17 [redacted] Yes.

18 SPECIAL AGENT MONROE: It doesn't sound

19 like it was a very easy situation to have a meeting

20 with [redacted] on this, huh?

21 [redacted] It was a high anxiety

22 meeting, yes.

23 SPECIAL AGENT MONROE: Yes, okay.

24 [redacted] This is not a regular

25 interaction you have with employees here.

1 SPECIAL AGENT MONROE: Fortunately, you
2 don't have to do that every day. [redacted] indicated that
3 you made a statement that you put qualifiers that you
4 couldn't mention a railing about performance
5 indicators, that you couldn't complaint about
6 management?
7 [redacted] Performance indicators is a
8 misstatement. I meant industrial safety goals.
9 SPECIAL AGENT MONROE: What's that? I'm
10 not following you.
11 [redacted] We have a yearly goal that
12 has an OSHA accident rate. Our number is like .53.
13 SPECIAL AGENT MONROE: You see it when you
14 come in the gate.
15 [redacted] It represents hours per
16 hundred thousand. And [redacted] believes management picked
17 a number that wasn't appropriate with the industry,
18 that it was wrong. It's not fair and generally, [redacted]
19 discussions within the group borders on sedition with
20 respect to working with the company and I just wanted
21 [redacted] to stop these non-team building discussions that
22 aren't fruitful if we're going to work for the
23 organization.
24 SPECIAL AGENT MONROE: So [redacted] misstated
25 performance indicators are actually OSHA goals on

accident-free operation?

[redacted] That's correct.

SPECIAL AGENT MONROE: Why would [redacted] be interested in --

[redacted] It's tied to money rewards for us. So it is a passionate concern, but [redacted] was taking it to a level in public forums that was inappropriate for the work place.

SPECIAL AGENT MONROE: What was [redacted] doing? An example --

[redacted] Bringing co-workers into the office, spending time researching equals, just building a level of disconnect, discontent with co-workers which I don't believe is appropriate. We don't have free speech in the work place with respect to executive decisions.

SPECIAL AGENT MONROE: Sure. Was [redacted] encouraging people to not have an accident? I don't get what [redacted] trying to do when [redacted] bringing these people in [redacted] office. [redacted] talking about it. What's [redacted] -

[redacted]: Well, just general discussions of the ineptness of management are not appropriate.

SPECIAL AGENT MONROE: Okay. So [redacted] thinks

1 management is inept.

2 [redacted] With respect to picking the

3 OSHA goals.

4 SPECIAL AGENT MONROE: Okay. Okay. Did

5 you ever use the term to [redacted] "railing"? Did you use

6 that word "railing"?

7 [redacted] Probably. It's a term I'll

8 use. It was probably stop railing against our OSHA

9 safety concerns.

10 SPECIAL AGENT MONROE: Okay.

11 [redacted] There was another statement

12 you quoted me saying with respect to -- what was that?

13 SPECIAL AGENT MONROE: Because it just

14 said -- the question Tom asked you, did you mention

15 anything about [redacted] railing about performance

16 indicators, not with me, but you think you were

17 talking about the OSHA accident rate. I see what it

18 is. [redacted] telling, [redacted] told Tom and I both that you

19 told [redacted] to stop talking about performance indicators

20 and it was really the OSHA accident rate. Okay, got

21 it.

22 [redacted] can talk about

23 performance indicators all [redacted] wants since it's [redacted]

24 job.

25 SPECIAL AGENT MONROE: Yes. That's why I

thought it was a little odd. Okay. When was [redacted] access reinstated?

* Call was made immediately to security by me [redacted] 5/14/03

[redacted]: *I attempted to do it right after the meeting. It took longer than I expected. I think it was more like 1 o'clock in the afternoon.

SPECIAL AGENT MONROE: How long was this meeting, can you recall? Was it an hour, was it 15 minutes?

[redacted] I'd have to speculate.

SPECIAL AGENT MONROE: Why don't you give a guess?

[redacted] Maybe 20 minutes would be a guess, 30 minutes.

SPECIAL AGENT MONROE: And they did it take longer than expected to get [redacted] access reinstated?

[redacted] It was internal to security.

SPECIAL AGENT MONROE: Okay.

[redacted] I'm certain I called promptly after the meeting.

SPECIAL AGENT MONROE: Okay.

[redacted] And I think they even told me it would be an hour.

SPECIAL AGENT MONROE: Okay. So it was on the security end that was holding it up?

1 [redacted] Yes.

2 SPECIAL AGENT MONROE: What's [redacted]

3 current status with respect to [redacted] participation in

4 TARP?

5 [redacted] has a medical disability

6 that's preventing [redacted] from working on TARP.

7 SPECIAL AGENT MONROE: What's that

8 disability?

9 [redacted] That's personal. I'm not

10 sure I should discuss that.

11 SPECIAL AGENT MONROE: Is it medication?

12 Is it behavioral? Is it --

13 [redacted] A personal thing is a

14 personal thing.

15 MR. KEENAN: One thing we're sensitive

16 about, obviously, is --

17 SPECIAL AGENT MONROE: Let's --

18 (Off the record.)

19 SPECIAL AGENT MONROE: I just wanted to

20 take a look at my notes here a little bit. So [redacted]

21 not on the TARP team for personal or health or medical

22 reasons.

23 At any point, [redacted] did you threaten and

24 this is [redacted] terminology, [redacted] received threats of a poor

25 performance appraisal? Threats is [redacted] word, not mine.

1 Or was the mention of the performance appraisal --

2 [redacted] Yes, we already discussed

3 that in this discussion. It was in one of the earlier

4 meetings where we discussed a consequence of not

5 taking the assignment. It could be salary adjustment

6 and performance partnership.

7 SPECIAL AGENT MONROE: And another

8 consequence of not taking the assignment, could be

9 termination?

10 [redacted] That was in a later

11 discussion.

12 SPECIAL AGENT MONROE: So you're

13 describing then as consequences. [redacted] is interpreting

14 and related to me as a threat.

15 Just some bullets for you to throw out.

16 [redacted] felt that [redacted] wasn't qualified for TARP because [redacted]

17 had no emergency plan qualifications or event guide

18 classification training.

19 Did [redacted] need that to fulfill [redacted]

20 responsibility?

21 [redacted] Absolutely not. Almost no

22 one on TARP teams has that training except people who

23 are actually in the EP Department. EP Department

24 members are actually on the TARP team and they're the

25 people we use to actually make those event

1 classification double checks. So if we have an alert,
2 we bring in Detwiler (Phonetic) or someone who is
3 fully qualified to make those calls.
4 SPECIAL AGENT MONROE: Who is Detwiler?
5 Is that an individual?
6 [redacted] Yes, a guy in EP. He's one
7 of the TARP team members that is in the Emergency Plan
8 Department that is qualified to help with those
9 decisions.
10 SPECIAL AGENT MONROE: [redacted] also indicated
11 the procedure is heavily weighted towards the E-plan,
12 the TARP team becomes the E plan under certain
13 circumstances. Do you know what [redacted] talking about
14 there?
15 [redacted] A certain classification,
16 the TARP team was dissolved and the EP plan takes
17 over. TARP team is sent home.
18 SPECIAL AGENT MONROE: So [redacted] would go
19 home?
20 [redacted] Yes.
21 SPECIAL AGENT MONROE: If you enter into
22 an emergency classification, you're superseded by the
23 Emergency Plan. That's right.
24 [redacted] That's correct.
25 SPECIAL AGENT MONROE: [redacted] indicated that

1 the TARP team helps make sure the plan has not entered
2 an emergency classification. Is that part of their
3 function?
4 [redacted] Yes, but the -- well, they
5 don't make sure -- no. The TARP team is not in charge
6 of picking up the event classification guide and
7 making a decision. Control room or the EP person in
8 charge.
9 SPECIAL AGENT MONROE: [redacted] indicated that
10 you downplayed the actual procedural requirements of
11 TARP. Did you in any way blow [redacted] off on [redacted] concerns
12 or any way give [redacted] the impression that you were
13 downplaying [redacted] concerns about the procedures?
14 [redacted] No. All I ever said was I
15 read the procedure and my interpretation is this.
16 SPECIAL AGENT MONROE: Okay. All right,
17 now when [redacted] not on TARP, who was [redacted] replacement
18 and how did that come about? Do you remember?
19 [redacted] Yes. Once a person in my
20 group got the responsibility for TARP, and [redacted] wouldn't
21 take it, it was my responsibility to find another
22 member that was qualified.
23 SPECIAL AGENT MONROE: Okay.
24 [redacted] I talked to two people,
25 Frank Todd and [redacted] Frank said yes. [redacted]

1 said yes. I elected to pick [redacted] as the better
2 qualified and better experience and skills than Frank.
3 SPECIAL AGENT MONROE: How did you go
4 about it? I mean this is an assignment. You expected
5 and I'm just -- correct me if I'm not right, but [redacted]
6 was identified by the management to be a TARP member.
7 You expected him to accept the assignment?
8 [redacted] Yes.
9 SPECIAL AGENT MONROE: The way you
10 characterized it to me was you asked Frank Todd and
11 you asked [redacted] whose name I cannot pronounce --
12 [redacted].
13 SPECIAL AGENT MONROE: Why would you ask
14 them and expect --
15 [redacted] They were being temporarily
16 -- it was a temporary assignment.
17 SPECIAL AGENT MONROE: Temporary in what
18 aspect?
19 [redacted] It was their assignment
20 until [redacted] took the position.
21 SPECIAL AGENT MONROE: Okay.
22 [redacted] So this was early in the
23 issue when I needed a person to take it.
24 SPECIAL AGENT MONROE: So you're going to
25 them saying you're going to have a temporary

1 assignment until?

2 [redacted] I didn't give them an end

3 date, but I just said it could be several months. I

4 said would you be willing to take the position?

5 SPECIAL AGENT MONROE: Because [redacted]

6 recollection was that you asked [redacted] if [redacted] wanted to be

7 on it and there was a set time he was supposed to be

8 on it. Does that --

9 [redacted] I'm sure I told [redacted] the

10 maximum was a year.

11 SPECIAL AGENT MONROE: Okay, maximum. So

12 you weren't treating [redacted] any differently. Let me

13 make sure I have this stated clearly, is that [redacted] was

14 the designated individual by management?

15 [redacted] Right.

16 SPECIAL AGENT MONROE: [redacted] refused it. And

17 then [redacted] came up with the medical reasons why [redacted]

18 couldn't be on it, but in the end term you needed

19 someone to substitute for [redacted], so you asked those

20 individuals to substitute.

21 [redacted] Correct.

22 SPECIAL AGENT MONROE: So you did not

23 treat, by asking these guys, you weren't treating them

24 different than [redacted]

25 See what I'm saying? [redacted] is told to be

on it and it sounds to me like these guys were given the option to be on it.

Do you want to be on the TARP team?

[redacted] If [redacted] said no, they may not have had an option with me. My style is to say please do this for me.

SPECIAL AGENT MONROE: That's fine.

[redacted] I tend not to be directive unless I need to be.

SPECIAL AGENT MONROE: I just want to make sure that there wasn't a different expectation between those two?

[redacted] No.

SPECIAL AGENT MONROE: Let me throw something out at you. This came from [redacted] and just to have a response or reaction to it. [redacted] thinks or believes, made a statement that PSE&G Nuclear has created a hostile work environment in which nuclear safety issues cannot be properly resolved. [redacted] saying resolved and I'm interpreting that to being raised.

What's your reaction to [redacted] feeling or position on that? Has created a hostile work environment. [redacted] didn't say you created. [redacted] just saying PSE&G Nuclear created a hostile work

environment in which nuclear safety issues cannot be properly raised.

[redacted] I personally believe it's unfounded.

SPECIAL AGENT MONROE: And what's your basis for that belief?

[redacted] I regularly write notifications. I regularly talk to my manager. I can walk into an operations control room and I have done it and expressed my concerns and there's been no issues or repercussions or -- I mean there's often challenging, why do you really believe that, is that true? But there's never been hostility towards my raising safety concerns. So my experience and the experience of my employees, I've never seen an inappropriate reaction to raising a safety concern.

SPECIAL AGENT MONROE: Can you speculate on why [redacted] would have that feeling that [redacted] has this belief or this assertion that there is a hostile work environment? If you can't, don't --

[redacted] I can't speculate although it's one tool to get to [redacted] objective of not working on the TARP team.

SPECIAL AGENT MONROE: I thought it was interesting in here. [redacted] said early on that [redacted] felt

1 [redacted] was being retaliated against. This is Tom Lake
2 asking. Do you have any idea what [redacted] was referring
3 to? And you actually said no, that actually annoys me
4 because being a whistle blower is a right, not an
5 opportunity to avoid an assignment. What do you mean
6 by that? You think [redacted] was raising these concerns just
7 to avoid the assignment, rather than having a firm
8 belief there was a safety issue?
9 [redacted] When I step back and look at
10 the full sequence of events, that was my conclusion on
11 the (Inaudible). I encouraged [redacted] to follow the
12 procedure. In fact, I called Tom and said please,
13 [redacted] isn't going to take advantage of this. Please
14 call [redacted] and follow through. I truly believe it's a
15 good process and [redacted] needed to use it.
16 SPECIAL AGENT MONROE: Okay.
17 [redacted]: To some degree, I regret
18 that statement. It's not exactly accurate or I don't
19 think that's me in the best light.
20 SPECIAL AGENT MONROE: Well, you can
21 clarify that here now, if you want. It's just -- now
22 that I have it as an attachment to the transcript, I
23 felt responsible to --
24 [redacted] Read it to me again.
25 SPECIAL AGENT MONROE: It says [redacted] said

1 early on [redacted] felt [redacted] was being retaliated against. Do
2 you have any idea what [redacted] referring to.
3 Your response is no. That actually annoys
4 me because being a whistle blower is a right, not an
5 opportunity to avoid an assignment.
6 Is there anything you want to clarify or
7 add or -- maybe -- does that not represent what your
8 feeling was?
9 How about if I asked the question and you
10 answer it as you would now. Let's just say [redacted] said
11 earlier on [redacted] felt [redacted] was being retaliated against.
12 Do you have any idea what [redacted] referring to? How
13 would you respond to me on that one?
14 [redacted] Read it one more time,
15 please.
16 SPECIAL AGENT MONROE: [redacted] said earlier
17 on [redacted] felt [redacted] was being retaliated against. That's
18 [redacted] position to me and the NRC and obviously I guess
19 Tom Lake. Do you have any idea what [redacted] referring
20 to?
21 [redacted] was referring to my
22 request that [redacted] fulfill his obligations of the job.
23 SPECIAL AGENT MONROE: Okay.
24 [redacted] I believe throughout this
25 period, I've tried to address the safety concerns

1 directly in the best way I could and after addressing
2 it as best I could, asked [redacted] to take the assignment.
3 In discussing, and it appears that [redacted] believed any
4 time I discussed the consequences of not performing
5 your job duties was retaliation.
6 SPECIAL AGENT MONROE: Okay.
7 [redacted] So that's my understanding
8 of what [redacted] was thinking there.
9 SPECIAL AGENT MONROE: One more thing.
10 Management's lack of sensitivity to nuclear safety,
11 PSE&G management has a lack of sensitivity to nuclear
12 safety. They have an excessive focus on short-term
13 production goals. Any reaction or response to that?
14 [redacted] I see no evidence of that.
15 SPECIAL AGENT MONROE: Let's go off the
16 record at 3:35. I'm going to go through my notes.
17 And then we'll come back on.
18 (Off the record.)
19 SPECIAL AGENT MONROE: We were off the
20 record for about 5 minutes. I don't have any more
21 questions to ask.
22 Jeff did indicate there was one phrase
23 that might not come out the right -- what the intent
24 or what was meant to have been said, so we'll just
25 correct that when the transcript comes out.

1 MR. KEENAN: Yes.

2 SPECIAL AGENT MONROE: Okay. And there's

3 three questions I have to ask you. Have I or any

4 representative of the NRC present here today

5 threatened you in any manner?

6 [redacted]: No.

7 SPECIAL AGENT MONROE: Have you been

8 offered any reward in return for the information you

9 provided during this interview?

10 [redacted] No.

11 SPECIAL AGENT MONROE: And have you

12 provided the information freely and voluntarily?

13 [redacted]: Yes.

14 SPECIAL AGENT MONROE: Is there anything

15 you'd like to add or elaborate for the record at this

16 point in time?

17 [redacted] No.

18 SPECIAL AGENT MONROE: We'll go off the

19 record at 3:50 p.m. Thanks.

20 (Whereupon, at 3:50 p.m., the interview

21 was concluded.)

22 I have reviewed this transcript

23 for accuracy an annotated as needed.

24 [redacted]

25

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]

Docket Number: 1-2003-010

Location: Artificial Island, NJ

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 as recorded on tape(s) provided by the NRC.

Francesca Zook

Francesca Zook
Official Transcriber
Neal R. Gross & Co., Inc.