

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title:

Interview of

(b)(7C)c

Docket Number: 4-2006-035

Location:

Columbia, Missouri

Date:

Wednesday, October 18, 2006

Work Order No.: NRC-1286

Pages 1-84

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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OFFICE OF INVESTIGATIONS

INTERVIEW

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IN THE MATTER OF: : Case No.

(b)(7C)c

: 04-2006-035

(CLOSED) :

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Wednesday, October 18, 2006

Hawthorne Suites

Columbia, Missouri

The above-entitled interview was conducted at
4:00 P.M.

BEFORE:

Special Agent, STEVE ROMERO

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

1
 2 SPECIAL AGENT ROMERO: We're on the
 3 record. This is an interview of (b)(7)c middle initial
 4 -- retract that. For the record, this is an interview
 5 of first name (b)(7)c middle name (b)(7)c last name
 6 (b)(7)c Mr. (b)(7)c is being interviewed by
 7 Special Agent Steve Romero.

8 The date of this interview is October
 9 18th, 2006, and the time is approximately 4:00 Central
 10 Standard Time. The interview is being conducted at
 11 the Hawthorne Suites in Columbia, Missouri.

12 Mr. (b)(7)c, could you please state
 13 and spell your full name for the record?

14 MR. (b)(7)c Yes. (b)(7)c

15 (b)(7)c

16 (b)(7)c

17 SPECIAL AGENT ROMERO: Okay. Present at
 18 this interview are Special Agent Steve Romero from the
 19 Nuclear Regulatory Commission's Office of
 20 Investigation, Region 4, Arlington, Texas; Mr.
 21 (b)(7)c, who is being interviewed; and also
 22 present is Ms. Lisa Banks, who is employed by Midwest
 23 Litigation Services and is transcribing this
 24 interview.

25 The purpose of this interview is to

1 ascertain facts concerning an allegation regarding
2 discrimination against a (b)(7C)c by
3 the name of Mr. (b)(7C)c for raising safety
4 concerns.

5 MR. (b)(7C)c: (b)(7C)c if you
6 don't mind that correction.

7 SPECIAL AGENT ROMERO: Okay. (b)(7C)c
8 (b)(7C)c

9 MR. (b)(7C)c: Yes.

10 SPECIAL AGENT ROMERO: Mr. (b)(7C)c
11 can you please stand and raise your right hand?

12 (Witness sworn.)

13 SPECIAL AGENT ROMERO: Sir, for the
14 record, could you please tell us what your educational
15 background is?

16 MR. (b)(7C)c

17 (b)(7C)c
18
19
20
21

22 SPECIAL AGENT ROMERO: And you've had that
23 license since when, sir?

24 MR. (b)(7C)c

25 (b)(7C)c

1 SPECIAL AGENT ROMERO: Okay. All right,
2 sir. What are your responsibilities, sir, on your
3 current job?

4 MR. (b)(7C)c Well, (b)(7C)c

5 (b)(7C)c

6
7
8
9
10
11
12 SPECIAL AGENT ROMERO: Okay. Can we have
13 a break? Stop the interview. The interview is being
14 stopped. The time is 4:03 p.m.

15 (WHEREIN; a discussion was
16 held-off-the-record.)

17 SPECIAL AGENT ROMERO: We're going to
18 resume the interview, and the time is 4:04 p.m. The
19 interview of Mr. (b)(7C)c Okay, sir. All right,
20 sir.

21 And how long you been doing that -- in
22 that position, sir, as a (b)(7C)c

23 MR. (b)(7C)c Since 2002.

24 SPECIAL AGENT ROMERO: And prior to that,
25 sir?

1 MR.

(b)(7C)c

2 (b)(7C)c

3
4
5
6
7 SPECIAL AGENT ROMERO: When did you start
8 your employment at Callaway?

9 MR.

(b)(7C)c

10 SPECIAL AGENT ROMERO: And you've been
11 continuous since that period?

12 MR.

(b)(7C)c

: Yes.

13 SPECIAL AGENT ROMERO: Okay. Sir, how do
14 you know Mr.

(b)(7C)c

15 MR.

(b)(7C)c

16 I've known him pretty
17 much ever since he's been at the plant because we --
18 as a (b)(7C)c I used to be on the fire brigade
19 and he was a (b)(7C)c at the time, who
20 are fire brigade leaders. So I knew a lot of the
21 control room staff for -- ever since I've been at
22 Callaway.

23 SPECIAL AGENT ROMERO: Okay. Well,
24 specifically talking about Mr. (b)(7C)c you've
25 known him since your -- you began employment at
Callaway. Is that what you're saying, sir?

1 MR. (b)(7C)c Yeah. Since the '93
2 timeframe, anyway. I don't remember.

3 SPECIAL AGENT ROMERO: Approximately.

4 MR. (b)(7C)c Approximately 1993.

5 SPECIAL AGENT ROMERO: Okay. And you know
6 him, sir, as -- just as a work associate or as a
7 personal friend?

8 MR. (b)(7C)c I know him as a work
9 associate and he is a friend.

10 SPECIAL AGENT ROMERO: Okay. And when you
11 say "friend," sir, do you mean you visit with him
12 after hours outside of the workplace?

13 MR. (b)(7C)c: Only a couple times in
14 all these years I've -- we don't go and do stuff every
15 weekend, if that's what you mean. (b)(7C)c

16 (b)(7C)c

17 SPECIAL AGENT ROMERO: Okay. But you do
18 consider him a personal friend, much more than just a
19 work associate?

20 MR. (b)(7C)c: Yeah.

21 SPECIAL AGENT ROMERO: Okay.

22 MR. (b)(7C)c: If I need advice, I go
23 to him and I ask for advice on plant issues.

24 SPECIAL AGENT ROMERO: Okay. All right,
25 sir. Do you know if Mr. (b)(7C)c had ever reported

1 a safety concern concerning another employee in 2005?
2 Are you aware of that, sir?

3 MR. (b)(7C)c I am aware of it.

4 SPECIAL AGENT ROMERO: Would you
5 elaborate, sir?

6 MR. (b)(7C)c Yes. I first brought
7 the concern up to (b)(7C)c He is our

8 (b)(7C)c And I did not make my concern
9 known to (b)(7C)c I went to straight to
10 where I thought it needed to go.

11 SPECIAL AGENT ROMERO: Okay. And what was
12 the safety concern, sir?

13 MR. (b)(7C)c The safety concern --
14 I didn't bring it up as a safety concern. I was more
15 concerned with the individual and my (b)(7C)c
16 on his crew. But it -- (b)(7C)c -- one of
17 the (b)(7C)c came to me and told me that (b)(7C)c
18 was having trouble staying alert in the control room
19 and that he was afraid that he was going to get the
20 entire crew in trouble.

21 SPECIAL AGENT ROMERO: And who was that
22 person, sir?

23 MR. (b)(7C)c That was (b)(7C)c

24 (b)(7C)c

25 SPECIAL AGENT ROMERO: And when did this

1 -- when approximately did he bring this to your
2 attention?

3 MR. (b)(7C)c June of 2005.

4 SPECIAL AGENT ROMERO: Okay. And you know
5 that, sir, because you wrote it down somewhere or --

6 MR. (b)(7C)c I just know because we

7 (b)(7C)c

8 (b)(7C)c) And I brought it

9 up to (b)(7C)c, it would've been this week of
10 the 22nd, 23rd, 24th of June, because I remember it
11 was on a night shift and it was in June when I talked
12 to him.

13 SPECIAL AGENT ROMERO: Okay. Just for the
14 record, sir, let's get this straight. You had a Mr.

15 (b)(7C)c) Right?

16 MR. (b)(7C)c (b)(7C)c

17 SPECIAL AGENT ROMERO: He came to you and
18 he came to you in June of 2005?

19 MR. (b)(7C)c It may have been the
20 last week of May. I don't remember.

21 SPECIAL AGENT ROMERO: Okay. May/June of
22 2005?

23 MR. (b)(7C)c: Yes.

24 SPECIAL AGENT ROMERO: Okay. Then you
25 took that information he gave you concerning Mr.

1 (b)(7C)c Right?

2 MR. (b)(7C)c Yes.

3 SPECIAL AGENT ROMERO: That he may have
4 been falling asleep in the control room?

5 MR. (b)(7C)c: I wouldn't -- I don't
6 know that he was falling asleep. Nobody has ever come
7 out and said they saw him falling asleep. The way it
8 was put to me was he was having trouble staying alert.

9 SPECIAL AGENT ROMERO: Staying awake or
10 staying alert?

11 MR. (b)(7C)c Staying attentive. The
12 -- I don't know how to -- I can't say he was falling
13 asleep.

14 SPECIAL AGENT ROMERO: No, sir.

15 MR. (b)(7C)c: But it was put that he
16 was, you know, on the computer and his head would bob
17 once in a while. But everybody is too far away to see
18 if his eyes are closed.

19 SPECIAL AGENT ROMERO: Okay. So this is
20 what I'm getting at, sir, is the -- the specific
21 question is: What did Mr. (b)(7C)c tell you exactly,
22 as far as you could recall? That's what I'm asking.

23 MR. (b)(7C)c What he told me was
24 that (b)(7C)c was having trouble staying alert in
25 the (control room) And that's what I went to (b)(7C)c

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1 (b)(7C)c with.

2 SPECIAL AGENT ROMERO: Okay. Let's
3 continue on with what Mr. (b)(7C)c told you. Did he
4 tell you -- did he give an example or did he
5 articulate why he felt Mr. (b)(7C)c was having
6 trouble staying alert?

7 MR. (b)(7C)c: Well, the rumor at the
8 time and --

9 SPECIAL AGENT ROMERO: Sir. Sir.

10 MR. (b)(7C)c: No rumors?

11 SPECIAL AGENT ROMERO: Sir. This is not
12 -- the question was specifically what Mr. (b)(7C)c told
13 you. Now, you just stated that he told you that he
14 was having trouble -- Mr. (b)(7C)c was having
15 trouble staying alert. And then, I said my question
16 -- further question was: Can you articulate on did he
17 give you an example, did he tell you why he thought he
18 was not being alert?

19 MR. (b)(7C)c: The example given was
20 the office sits back in the corner.

21 SPECIAL AGENT ROMERO: Okay. For the
22 record, sir, what does that mean, the acronym?

23 MR. (b)(7C)c: (b)(7C)c
24 It used to be (b)(7C)c and it's hard to get
25 that out of my mind. But (b)(7C)c office sits

1 back in the corner of the control room with a door and
2 glass windows. And the ROs are out at the control
3 boards.

4 And the example he gave was looking back
5 into the (b)(7C)c [redacted] would be
6 working on the computer and he would -- he actually
7 told me he would holler at him, "Are you getting
8 groggy back there?" You know, that was -- that was
9 what he would say and get him to stand up and move
10 around because it looked like he was struggling to
11 stay alert at the computer, trying to do work at the
12 computer.

13 SPECIAL AGENT ROMERO: Okay. And did he
14 tell you how many occasions this occurred or how --
15 the timeframe this occurred, the length of the time?
16 I'm not talking about him getting groggy, but how many
17 times did this occur during the time that Mr. (b)(7C)c
18 was on the same shift with Mr. (b)(7C)c

19 MR. (b)(7C)c [redacted] He didn't give me any
20 specific numbers. The best I recall is it started --
21 he thought it started around -- just before May, like
22 April/May timeframe is when it had started.

23 SPECIAL AGENT ROMERO: So it started April
24 or May. And did this occur every night or every time
25 the shift was at night?

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1 MR. (b)(7C)c Yeah. I guess night
2 shifts are pretty hard for anybody. But he didn't
3 tell me it occurred every night, so I can't really say
4 one way or the other on that.

5 SPECIAL AGENT ROMERO: Okay. And let's go
6 further into what he told you. You had said earlier
7 that he had articulated to you that he was -- his head
8 was bobbing or something to that effect. Can you
9 elaborate on what you were saying? I don't want to
10 put words in your mouth, sir, but I want you to
11 elaborate on what Mr. (b)(7C)c told you.

12 MR. (b)(7C)c Yes. He told me that
13 while he was working on the computer his head would
14 come forward and nod.

15 SPECIAL AGENT ROMERO: And that person
16 you're talking about is who?

17 MR. (b)(7C)c Mr. (b)(7C)c
18 (b)(7C)c

19 SPECIAL AGENT ROMERO: Okay. Mr.
20 (b)(7C)c His head would bob?

21 MR. (b)(7C)c That's correct.

22 SPECIAL AGENT ROMERO: Okay. So his head
23 would bob in the office. And that was why he felt he
24 was not alert?

25 MR. (b)(7C)c That was -- yes.

1 SPECIAL AGENT ROMERO: That was the only
2 thing, just because his head would bob?

3 MR. (b)(7C)c Yes.

4 SPECIAL AGENT ROMERO: Okay. It would be
5 -- for the record, I'm showing Mr. (b)(7C)c here.
6 So if I'm bobbing my head that means I'm falling
7 asleep? I mean, what I'm trying to get is the
8 articulation here just because somebody -- I'm bobbing
9 my head now but I'm not -- I'm completely alert, sir.

10 MR. (b)(7C)c Right. And I --

11 SPECIAL AGENT ROMERO: You see what I'm
12 saying, sir?

13 MR. (b)(7C)c Yeah. I see what
14 you're saying. He recognized it as looking like he
15 was struggling, and he'd holler at him, "Are you
16 groggy?" to try to get his attention, get him to move
17 around. I mean, I think all the other investigators
18 have all that information.

19 SPECIAL AGENT ROMERO: Yes, sir. I
20 understand that, sir. Maybe so, sir. But I'm asking
21 you specifically concerning this investigation because
22 it is -- it does have something to do with Mr.

23 (b)(7C)c -

24 MR. (b)(7C)c Okay.

25 SPECIAL AGENT ROMERO: -- allegation. And

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1 the reason I'm saying is that -- can you further the
2 articulation? Did he say that his eyes were falling --
3 you know, that he was having trouble keeping his eyes
4 open? Or do you recall -- did you ever say that?

5 MR. (b)(7C)c No. I can't recall him
6 saying that to me. And I worked on their crew twice
7 last year, and I looked and I watched and I never saw
8 his eyes closed.

9 SPECIAL AGENT ROMERO: Okay. So you're
10 just going by what Mr. (b)(7C)c told you, but you never
11 -- you yourself never saw Mr. (b)(7C)c become groggy
12 or have difficulty staying alert?

13 MR. (b)(7C)c In the control room,
14 that's correct.

15 SPECIAL AGENT ROMERO: Yes, sir. That's
16 what I'm talking about, the control room, sir. I'm
17 talking about the control room right now.

18 MR. (b)(7C)c Yes. That's correct.

19 SPECIAL AGENT ROMERO: Okay. So -- okay.
20 So why did Mr. (b)(7C)c -- can you tell me this, sir:
21 Why did Mr. (b)(7C)c come to you to tell you this
22 information?

23 MR. (b)(7C)c I'm the (b)(7C)c
24 for the (b)(7C)c at the Callaway
25 Plant.

1 SPECIAL AGENT ROMERO: Okay.

2 MR. (b)(7C)c (b)(7C)c

3 (b)(7C)c

4
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9 SPECIAL AGENT ROMERO: So he came to you
10 in an official capacity, your capacity that since you
11 were a (b)(7C)c there that you would go further
12 up management and to discuss it with someone what his
13 and other people on that shift's concern was?

14 MR. (b)(7C)c Yes. He came to me in
15 an (b)(7C)c capacity.

16 SPECIAL AGENT ROMERO: So once he gave you
17 that information, sir, then you went to Mr. (b)(7C)c

18 MR. (b)(7C)c Yes.

19 SPECIAL AGENT ROMERO: And when was it
20 that you went to Mr. (b)(7C)c

21 MR. (b)(7C)c: Like I said, it was
22 around the last week in June.

23 SPECIAL AGENT ROMERO: Okay.
24 Approximately the last week in June.

25 MR. (b)(7C)c Well, I guess it would

1 be the second to last week. This timeframe right
2 there, 22nd, 23rd, 24th of June.

3 SPECIAL AGENT ROMERO: Okay.

4 MR. (b)(7C)c One of those days.

5 SPECIAL AGENT ROMERO: All right. And so,
6 you went to Mr. (b)(7C)c. And what did you tell Mr.

7 (b)(7C)c

8 MR. (b)(7C)c Well, I asked him what
9 was going on with (b)(7C)c I said, "What's going
10 on with this guy?" Because back in May their crew had
11 a lot of (b)(7C)c

12 They actually (b)(7C)c

13 (b)(7C)c

14 And the -- in the timeframe between May
15 1st and this week of June when I had talked to (b)(7C)c

16 (b)(7C)c I had heard that (b)(7C)c

17 (b)(7C)c

18 (b)(7C)c And --

19 SPECIAL AGENT ROMERO: So you heard --
20 since you bring that point up, sir, you heard -- who
21 did you hear it from?

22 MR. (b)(7C)c I think it was -- it
23 was either the (b)(7C)c or

24 (b)(7C)c may have told me that. I don't -- I
25 can't remember exactly.

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1 SPECIAL AGENT ROMERO: And how did they
2 know -- how did they hear about it?

3 MR. (b)(7C)c I don't know. It just
4 -- that's stuff you hear about, you know, when people
5 have trouble. It's a small community. Usually, a lot
6 of traffic, there's a couple of roads in and out. So
7 I can only guess that they heard it from someone
8 traveling to or from the plant.

9 SPECIAL AGENT ROMERO: Okay. And so, you
10 went to Mr. (b)(7C)c) sir, and you told him -- let's
11 talk about the conversation specifically. What did
12 you tell Mr. (b)(7C)c

13 MR. (b)(7C)c Okay. I specifically
14 told him -- I asked him what was going on. I told him
15 that I thought I had heard that (b)(7C)c

16 (b)(7C)c) because I didn't know for sure about
17 the stories that were going around; and that he was --
18 that I had an RO -- and I gave him (b)(7C)c) s
19 name. I said, "He came to me and said he was having
20 trouble staying alert in the control room and he's
21 afraid he's going to get the whole crew in trouble."

22 And that the -- another rumor was that he
23 was having (b)(7C)c) which
24 may have played into his tiredness. You know, I don't
25 know.

1 SPECIAL AGENT ROMERO: How would that have
2 played into his tiredness if he's having a, you know,
3 what someone believes what may be occurring? Why
4 would that cause him to be --

5 MR. (b)(7C)c Well, one of the things
6 that we had heard -- I had heard --

7 SPECIAL AGENT ROMERO: So this all rumor,
8 third person?

9 MR. (b)(7C)c This was all rumor.

10 SPECIAL AGENT ROMERO: Okay.

11 MR. (b)(7C)c And I --

12 SPECIAL AGENT ROMERO: I understand that.
13 But let's get back to the question was -- which we're
14 going off track here.

15 MR. (b)(7C)c Right.

16 SPECIAL AGENT ROMERO: And that is: When
17 you went -- you got this information from Mr. (b)(7C)c

18 That's what I'm trying to go forth with. You got this
19 information from Mr. (b)(7C)c You went to Mr.

20 (b)(7C)c And what I felt that you were going to say
21 is that you were going to take this information and
22 give it to Mr. (b)(7C)c but you haven't told me that
23 yet in this interview.

24 MR. (b)(7C)c Oh, yes. I did give --

25 SPECIAL AGENT ROMERO: Okay.

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1 MR. (b)(7C)c -- Mr. (b)(7C)c the
2 information.

3 SPECIAL AGENT ROMERO: Okay. Now, tell me
4 about that specifically. What did you tell Mr.

5 (b)(7C)c
6 MR. (b)(7C)c I told him that (b)(7C)c
7 (b)(7C)c had come to me and told me he was afraid the
8 whole crew was going to get in trouble because (b)(7C)c
9 (b)(7C)c was having difficulty staying alert. And
10 I told him that (b)(7C)c was constantly hollering at him,
11 you know -- not constantly, but would holler at him
12 every once in a while, "Are you groggy back there?"
13 and this type thing.

14 And I related some of this other
15 information that I started to -- into. And he said,
16 "I'm glad you came to me and told me this. I need to
17 know those things."

18 SPECIAL AGENT ROMERO: Okay. That's what
19 Mr. (b)(7C)c told you?

20 MR. (b)(7C)c: Yes.

21 SPECIAL AGENT ROMERO: Okay.

22 MR. (b)(7C)c: And he also told me
23 that he would go talk to the crew and investigate it
24 farther and get back with me.

25 SPECIAL AGENT ROMERO: Okay.

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1 MR. (b)(7C)c And that was pretty
2 much the end of that conversation. I have the utmost
3 respect for (b)(7C)c, and I trusted him to do
4 what he told me he was going to do.

5 SPECIAL AGENT ROMERO: Okay. So did he go
6 and do an investigation that you know of, Mr.

7 (b)(7C)c

8 MR. (b)(7C)c: I don't know what he
9 did. He came back to me the last part of July --

10 SPECIAL AGENT ROMERO: July 2005?

11 MR. (b)(7C)c -- 2005, and it
12 would've been either the last week of July or the
13 first week of August. It was just prior to the
14 refuel.

15 SPECIAL AGENT ROMERO: Okay. So it
16 would've been July -- the last part of July or the
17 early part of August of the year 2005?

18 MR. (b)(7C)c: Yes.

19 SPECIAL AGENT ROMERO: Okay. So he came
20 back to you. And what did he tell you?

21 MR. (b)(7C)c He told me that he had
22 spoke with the crew. And what he told me he was going
23 to take (b)(7C)c off shift at the beginning
24 of the year, and he told me that he didn't have
25 anybody to take his place right then, that day or that

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1 timeframe.

2 SPECIAL AGENT ROMERO: So the beginning of
3 year would've been what timeframe?

4 MR. (b)(7C)c January of '06.

5 SPECIAL AGENT ROMERO: So January 2006 is
6 when Mr. (b)(7C)c told you he would be taking him off
7 the shift because of what was alleged that he was
8 doing, which was unable to stay alert in the control
9 room?

10 MR. (b)(7C)c That's correct.

11 SPECIAL AGENT ROMERO: And that was the
12 end of it?

13 MR. (b)(7C)c Yes.

14 SPECIAL AGENT ROMERO: I mean, as far as
15 that conversation, sir.

16 MR. (b)(7C)c Yes. And I trusted him
17 to do what he said he was going to do. I knew we were
18 short on shift managers and that -- I just took it
19 that he was doing the best he could do by getting him
20 off at the first of the year.

21 SPECIAL AGENT ROMERO: Did he seem -- when
22 you gave he this information -- and I'm asking your
23 opinion, sir -- when you gave him this information,
24 was he really concerned about this happening on that
25 -- in the control room?

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1 MR. (b)(7C)c He seemed genuinely
2 concerned to me when I gave him the information.

3 SPECIAL AGENT ROMERO: And you got that
4 how? Because of how he was talking to you and --

5 MR. (b)(7C)c He was very interested,
6 and the way that he talked to me relayed that I felt
7 he was very concerned about the situation. Yes.

8 SPECIAL AGENT ROMERO: And then, he made
9 you feel like he was going to do something about it?

10 MR. (b)(7C)c Yes.

11 SPECIAL AGENT ROMERO: Okay. Now, did he
12 do anything about it?

13 MR. (b)(7C)c I recently -- I found
14 this out here later that he had never talked to (b)(7C)c
15 (b)(7C)c in that timeframe.

16 SPECIAL AGENT ROMERO: And how did you
17 find out he didn't talk to Mr. (b)(7C)c

18 MR. (b)(7C)c

19 (b)(7C)c

20 SPECIAL AGENT ROMERO: This year would've
21 been what timeframe, sir?

22 MR. (b)(7C)c May. Well, '06. It
23 was May; 24th, 25th, 26th of May of '06.

24 SPECIAL AGENT ROMERO: Okay. So we can
25 say approximately May of 2006?

1 MR. (b)(7C)c : Yes.

2 SPECIAL AGENT ROMERO: Okay. And that's
3 when Mr. (b)(7C)c told you that Mr. (b)(7C)c never
4 came to talk to him?

5 MR. (b)(7C)c Yes. And that
6 surprised me, that -- I really expected him to talk to
7 the whole crew. And evidently, maybe he only talked
8 to the management folks on the crew. I don't know.

9 SPECIAL AGENT ROMERO: Okay. So you don't
10 know?

11 MR. (b)(7C)c No.

12 SPECIAL AGENT ROMERO: So when he told you
13 that he was going to do -- that he was going to take
14 that action, which was replace Mr. (b)(7C)c in the
15 beginning of 2006, January 2006 timeframe, that he was
16 going to get back with you -- didn't he also say that
17 to you, that he was going to get back with you?

18 MR. (b)(7C)c He didn't tell me he
19 was going to get back with me on the second
20 conversation. That was the first one.

21 SPECIAL AGENT ROMERO: Okay. That was the
22 first conversation. Okay. Now, you had this meeting
23 with Mr. (b)(7C)c in August -- I mean, July, late
24 July, early August 2005. How long do you wait before
25 you do -- do you do anything else, sir, with this

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1 information? Or do you --

2 MR. (b)(7C)c Well, I felt my
3 obligation as a (b)(7C)c had been taken care of.
4 I didn't see this as a fitness for duty issue, and
5 that may have been a mistake on my part.

6 SPECIAL AGENT ROMERO: Why didn't you see
7 it as a fitness for duty?

8 MR. (b)(7C)c I thought the guy was
9 having trouble at home and needed to get some -- I
10 felt that (b)(7C)c had went to him and chewed
11 him out, said, "Get your stuff together." And it did
12 get better, because I asked the crew later. I
13 followed up with the (b)(7C)c I said, "How
14 is (b)(7C)c doing?"

15 SPECIAL AGENT ROMERO: When did this take
16 place, when you checked?

17 MR. (b)(7C)c That was during the
18 refuel. September, October.

19 SPECIAL AGENT ROMERO: Of 2005?

20 MR. (b)(7C)c 2005.

21 SPECIAL AGENT ROMERO: So you went and
22 talked to -- who did you go talk to?

23 MR. (b)(7C)c I talked specifically
24 to (b)(7C)c

25 SPECIAL AGENT ROMERO: (b)(7C)c

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1 MR. (b)(7C)c -- again.

2 SPECIAL AGENT ROMERO: And who else?

3 MR. (b)(7C)c (b)(7C)c was
4 also on that crew. And I think I talked to him -- I
5 can't remember when I talked to him. But I asked, you
6 know, how things were going.

7 SPECIAL AGENT ROMERO: And what did they
8 tell you? What did Mr. (b)(7C)c -- am I pronouncing
9 his name right? Mr. (b)(7C)c

10 MR. (b)(7C)c (b)(7C)c
11 (b)(7C)c

12 SPECIAL AGENT ROMERO: What did Mr.
13 (b)(7C)c tell you?

14 MR. (b)(7C)c told
15 me that things had gotten better.

16 SPECIAL AGENT ROMERO: Okay. Better.

17 MR. (b)(7C)c And (b)(7C)c had said they
18 had gotten better.

19 SPECIAL AGENT ROMERO: And what do you
20 mean by "better," sir? Does that mean that Mr.
21 (b)(7C)c wasn't having trouble being alert?

22 MR. (b)(7C)c Well, he was on day
23 shift for the first part of the outage, so that may
24 have played into it, also. And he was -- he wasn't
25 having trouble staying alert in the control room at

1 that time, the way I understand it.

2 SPECIAL AGENT ROMERO: Okay. Did you ever
3 provide this information to anyone else concerning
4 what Mr. (b)(7C)c told you?

5 MR. (b)(7C)c About the improvement?

6 SPECIAL AGENT ROMERO: No. About Mr.
7 (b)(7C)c having trouble staying alert.

8 MR. (b)(7C)c: Yes. I talked to
9 (b)(7C)c about it.

10 SPECIAL AGENT ROMERO: When did you talk
11 to Mr. (b)(7C)c about it?

12 MR. (b)(7C)c I couldn't remember for
13 sure.

14 SPECIAL AGENT ROMERO: Approximately, sir.

15 MR. (b)(7C)c He actually approached
16 me about it, which really surprised me. We were in
17 training.

18 SPECIAL AGENT ROMERO: Okay. So Mr.
19 (b)(7C)c approached you about Mr. (b)(7C)c being
20 alert in the control room?

21 MR. (b)(7C)c Yeah. He had -- and he
22 approached me about my conversation with (b)(7C)c
23 (b)(7C)c, and it really surprised me because I had
24 left him out of it. I went around him to (b)(7C)c
25 (b)(7C)c because that's where I thought the

1 information needed to go.

2 SPECIAL AGENT ROMERO: So when did Mr.
3 (b)(7C)c approach you? Approximately, sir. You
4 don't have to give me the exact date. You can give me
5 a month and the year.

6 MR. (b)(7C)c It probably was July of
7 '06.

8 SPECIAL AGENT ROMERO: July 2006.

9 MR. (b)(7C)c It was a training week.
10 We were in training, and I don't remember when that
11 was.

12 SPECIAL AGENT ROMERO: So July 2006, not
13 2005?

14 MR. (b)(7C)c 2005.

15 SPECIAL AGENT ROMERO: Okay.

16 MR. (b)(7C)c June. It was this week
17 in June right here (indicating).

18 SPECIAL AGENT ROMERO: Okay. So it
19 would've been June -- approximately June of 2005 --

20 MR. (b)(7C)c Yes.

21 SPECIAL AGENT ROMERO: -- that Mr.

22 (b)(7C)c would've approached you?

23 MR. (b)(7C)c The last week of June.

24 That's correct.

25 SPECIAL AGENT ROMERO: Okay. So he

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1 approached you. And what did Mr. (b)(7C)c tell you?

2 MR. (b)(7C)c He said that (b)(7C)c
3 (b)(7C)c had talked to him about our conversation,
4 and he asked me details about it. And I told him
5 exactly what I just told you. I told him the same
6 thing I told (b)(7C)c

7 SPECIAL AGENT ROMERO: So you told him,
8 everything that Mr. (b)(7C)c had told you, you had told
9 Mr. (b)(7C)c

10 MR. (b)(7C)c Yes.

11 SPECIAL AGENT ROMERO: And everything that
12 you had told Mr. (b)(7C)c you told him?

13 MR. (b)(7C)c That's correct.

14 SPECIAL AGENT ROMERO: Okay. And the
15 bottom line was that Mr. (b)(7C)c was -- what was it
16 you told both Mr. (b)(7C)c and what Mr. (b)(7C)c had
17 told you?

18 MR. (b)(7C)c He was struggling to
19 stay alert in the control room and that -- I discussed
20 the rumors also that really aren't part of this, but
21 everyone thought that that may have been a factor.

22 SPECIAL AGENT ROMERO: And those other two
23 things would've been the (b)(7C)c
24 (b)(7C)c that he may have had, that was rumored that may
25 have happened --

1 MR. (b)(7C)c That's correct.

2 SPECIAL AGENT ROMERO: -- and the other

3 rumor that he was having some type an (b)(7C)c

4 (b)(7C)c

5 MR. (b)(7C)c That's correct.

6 SPECIAL AGENT ROMERO: Correct? All

7 right. Now, what did Mr. (b)(7C)c tell you he was

8 going to do with that information?

9 MR. (b)(7C)c He didn't tell me

10 anything that he was going to do with it because he

11 was -- it was like I was getting him up to speed. He

12 really caught me off guard when he asked me about it.

13 So I gave him that information, and I know that he

14 went and talked to (b)(7C)c later, but I don't

15 know if that was his intent.

16 SPECIAL AGENT ROMERO: Okay. Well, let's

17 concentrate still on this meeting where Mr. (b)(7C)c

18 comes to you. So Mr. (b)(7C)c -- I just want to get

19 this straight for the record. Mr. (b)(7C)c told you

20 that he had already heard about Mr. (b)(7C)c from

21 Mr. (b)(7C)c

22 MR. (b)(7C)c Yes.

23 SPECIAL AGENT ROMERO: And that he was

24 pretty much telling you what you had already told Mr.

25 (b)(7C)c

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1 MR. (b)(7C)c Yes.

2 SPECIAL AGENT ROMERO: He was telling you.
3 And you had just confirmed with him that that was
4 true, all of those facts?

5 MR. (b)(7C)c Yes.

6 SPECIAL AGENT ROMERO: And the facts were
7 that you had reported Mr. (b)(7C)c based on Mr.
8 (b)(7C)c information, that he was having trouble
9 staying alert in the control room?

10 MR. (b)(7C)c Yes.

11 SPECIAL AGENT ROMERO: Okay. I just
12 wanted to make that straight.

13 MR. (b)(7C)c Okay. I have a little
14 rambling problem, so --

15 SPECIAL AGENT ROMERO: Okay. No problem.
16 No problem. We'll take you through that. Okay. So
17 now we're done with that conversation. Now, you had
18 made mention here earlier, sir, that you knew that Mr.
19 (b)(7C)c -- I mean, Mr. -- strike that. That Mr.
20 (b)(7C)c had gone to Mr. (b)(7C)c and talked to him
21 again about that issue.

22 MR. (b)(7C)c Yes.

23 SPECIAL AGENT ROMERO: Okay. Can you give
24 me timeframes? I need a timeframe on this,
25 approximately.

1 MR. (b)(7C)c : The outage was -- it
2 was -- it had to have been in August -- July, August.

3 SPECIAL AGENT ROMERO: Okay. So we can
4 only say this, sir. You don't have to -- I'm not going
5 to take you to the exact date.

6 MR. (b)(7C)c : Okay.

7 SPECIAL AGENT ROMERO: When you're not 100
8 percent sure on that but you know approximately, just
9 say approximately --

10 MR. (b)(7C)c : Okay.

11 SPECIAL AGENT ROMERO: -- or sometime
12 around, either one of those will work.

13 MR. (b)(7C)c : Approximately in the
14 July, August timeframe.

15 SPECIAL AGENT ROMERO: Of what year, sir?

16 MR. (b)(7C)c : Of '05.

17 SPECIAL AGENT ROMERO: Of 2005. Okay.

18 Now, you know that Mr. (b)(7C)c went to Mr.
19 (b)(7C)c because Mr. (b)(7C)c told you that?

20 MR. (b)(7C)c : Yes.

21 SPECIAL AGENT ROMERO: Okay. When would
22 he have told you that he had gone to see Mr.

23 (b)(7C)c

24 MR. (b)(7C)c : I'm thinking that

25 would've probably been around the first of the outage,

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1 right before the outage, which would've been right the
2 beginning of August.

3 SPECIAL AGENT ROMERO: Of August 2005?

4 MR. (b)(7C)c Yes.

5 SPECIAL AGENT ROMERO: Okay. Did he tell
6 you what he talked to Mr. (b)(7C)c about?

7 MR. (b)(7C)c He didn't really give
8 me any details. I don't remember. He said the
9 discussion was about getting (b)(7C)c off shift. I don't
10 remember what he said. I had the first of the year
11 stuck in my mind because that's what (b)(7C)c
12 had told me was going to happen. And there was some
13 discussion about bringing (b)(7C)c on shift.

14 SPECIAL AGENT ROMERO: Who is (b)(7C)c

15 (b)(7C)c

16 MR. (b)(7C)c was -- is
17 -- was our only extra shift manager at the time. He
18 was a shift manager that could have taken (b)(7C)c spot
19 on his crew. But it would've -- it may have messed
20 something else up. I don't know why that decision
21 wasn't made.

22 SPECIAL AGENT ROMERO: So Mr. (b)(7C)c
23 tells you he went and talked to Mr. (b)(7C)c about
24 getting Mr. (b)(7C)c off the shift. Did he say
25 anything else?

1 MR. (b)(7C)c Not that I can recall.

2 SPECIAL AGENT ROMERO: Okay. Did he tell
3 you what Mr. (b)(7C)c had told him in that
4 conversation?

5 MR. (b)(7C)c No. I don't recall.

6 SPECIAL AGENT ROMERO: Okay. Now, when --
7 did he tell you -- did Mr. (b)(7C)c tell you when
8 this conversation between he and Mr. (b)(7C)c
9 would've taken place?

10 MR. (b)(7C)c Like I said, I don't
11 know if it was around the first of the outage or if it
12 was later in the outage. It was --

13 SPECIAL AGENT ROMERO: I know. But my
14 question, sir: Did he tell you when he went to talk
15 to Mr. (b)(7C)c

16 MR. (b)(7C)c I don't have an exact
17 date. But like I said, I have to assume it was around
18 --

19 SPECIAL AGENT ROMERO: Okay. So we're
20 just assuming. But you don't recall him telling you,
21 "On this date I went and talked to Mr. (b)(7C)c

22 MR. (b)(7C)c: Other than -- he told
23 me he talked to (b)(7C)c this week in June, and I
24 don't when the second conversation took place, whether
25 that was July or August.

1 SPECIAL AGENT ROMERO: Okay. So he
2 would've talked to Mr. (b)(7C)c before he came to
3 talk to you, of course, because he wouldn't have had
4 that conversation. Correct?

5 MR. (b)(7C)c Right.

6 SPECIAL AGENT ROMERO: So that's why
7 you're assuming that it would've been prior to him
8 coming to talk to you. Correct?

9 MR. (b)(7C)c That's correct.

10 SPECIAL AGENT ROMERO: Okay. So we're
11 just trying to nail a little timeframe in there.

12 MR. (b)(7C)c Okay.

13 SPECIAL AGENT ROMERO: And did he tell you
14 that Mr. (b)(7C)c said that he was going to -- well,
15 did he tell you what Mr. (b)(7C)c said what he was
16 going to do with Mr. (b)(7C)c

17 MR. (b)(7C)c No. He didn't tell me.

18 SPECIAL AGENT ROMERO: Nothing?

19 MR. (b)(7C)c Like I said, I had the
20 information that he was going to come off shift at the
21 first of the year, and I assumed, you know --

22 SPECIAL AGENT ROMERO: Right. And I
23 understand what you said, sir, but I'm saying, did Mr.
24 (b)(7C)c tell you anything that what Mr. (b)(7C)c
25 had told him what he was going to do with Mr.

1 (b)(7C)c or if he was going to do anything with Mr.

2 (b)(7C)c

3 MR. (b)(7C)c He didn't say that he
4 was going to do anything with Mr. (b)(7C)c And
5 there again, I took the statement that he was going to
6 come off shift at the beginning of the year was --

7 SPECIAL AGENT ROMERO: Right.

8 MR. (b)(7C)c -- first opportunity.

9 SPECIAL AGENT ROMERO: And that was based
10 on your conversation with Mr. (b)(7C)c

11 MR. (b)(7C)c Yes.

12 SPECIAL AGENT ROMERO: That's the one I'm
13 talking about right now, sir.

14 MR. (b)(7C)c And I don't know what
15 was --

16 SPECIAL AGENT ROMERO: Right.

17 MR. (b)(7C)c -- said with (b)(7C)c and

18 (b)(7C)c

19 SPECIAL AGENT ROMERO: Okay, sir. Now,
20 let's go forward. Let's go forward from that, sir.
21 What takes place after that, after that second --
22 after you're talking -- Mr. (b)(7C)c coming in and
23 talking to you that he had conversation with Mr.

24 (b)(7C)c

25 MR. (b)(7C)c Well, we got started in

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1 the refueling outage, and I was working on a different
2 crew. And we were all split up as far as days and
3 nights. And wasn't really anything that I knew of
4 during the outage.

5 SPECIAL AGENT ROMERO: Okay.

6 MR. (b)(7C)c Like I said, (b)(7C)c
7 (b)(7C)c was working day shift; I worked nights for
8 the outage. There was a couple of statements made
9 that he was having trouble in meetings on days.

10 SPECIAL AGENT ROMERO: This would've been
11 after this timeframe of August 2005?

12 MR. (b)(7C)c That would've been in
13 -- during the outage, September, October.

14 SPECIAL AGENT ROMERO: Of 2005?

15 MR. (b)(7C)c Of 2005.

16 SPECIAL AGENT ROMERO: That he was having
17 trouble staying awake in meetings?

18 MR. (b)(7C)c Yes.

19 SPECIAL AGENT ROMERO: And these meetings
20 were held outside the control room?

21 MR. (b)(7C)c Yes.

22 SPECIAL AGENT ROMERO: Okay.

23 MR. (b)(7C)c Job briefs, prep
24 training. It was stuff outside the control room.

25 SPECIAL AGENT ROMERO: Okay. Who told you

1 this information?

2 MR. (b)(7C)c It was (b)(7C)c

3 (b)(7C)c

4 SPECIAL AGENT ROMERO: (b)(7C)c

5 told you?

6 MR. (b)(7C)c Yeah. He had heard

7 (b)(7C)c make a statement about (b)(7C)c

8 (b)(7C)c falling asleep at a job brief.

9 SPECIAL AGENT ROMERO: Who is (b)(7C)c

10 (b)(7C)c

11 MR. (b)(7C)c

12 (b)(7C)c on (b)(7C)c rew.

13 But during the refuel he was not a (b)(7C)c

14 (b)(7C)c he was a (b)(7C)c

15 SPECIAL AGENT ROMERO: Okay. So Mr.

16 (b)(7C)c is telling you about a rumor he heard, or

17 is he telling you that he had had a conversation with

18 Mr. (b)(7C)c - what was his name again?

19 MR. (b)(7C)c (b)(7C)c

20 SPECIAL AGENT ROMERO: (b)(7C)c Mr.

21 (b)(7C)c

22 MR. (b)(7C)c

23 SPECIAL AGENT ROMERO: (b)(7C)c

24 MR. (b)(7C)c I think is how

25 you spell it.

1 SPECIAL AGENT ROMERO: (b)(7C)c Okay.
2 (b)(7C)c Mr. (b)(7C)c So does he -- did he tell you
3 that he had a conversation with Mr. (b)(7C)c or did
4 Mr. (b)(7C)c came and told of the rumor that Mr.
5 (b)(7C)c was falling asleep outside the control room
6 in -- at briefings or meetings?

7 MR. (b)(7C)c I'm pretty sure he told
8 me that it was a statement that (b)(7C)c had made
9 to (b)(7C)c when (b)(7C)c asked him
10 how the brief went. And (b)(7C)c pretty much made a
11 statement about only person was paying attention,
12 (b)(7C)c fell asleep, and it was -- I don't know the
13 details, but it was something along those lines.

14 SPECIAL AGENT ROMERO: So this is all
15 based on third-hand information. Mr. (b)(7C)c said
16 that he had heard that he had gotten a statement from
17 Mr. (b)(7C)c and he gave you this information, "Hey,
18 I heard Mr. (b)(7C)c telling me -- Mr. (b)(7C)c made a
19 statement that Mr. (b)(7C)c was not alert." Right?

20 MR. (b)(7C)c Yes.

21 SPECIAL AGENT ROMERO: Was he asleep or
22 was he alert -- or not alert?

23 MR. (b)(7C)c Well, he fell asleep in
24 that one.

25 SPECIAL AGENT ROMERO: He fell asleep.

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1 Okay. He fell asleep in this conference room or --
2 where is this room located at, sir, for the sake of
3 this interview?

4 MR. (b)(7C)c I'm not sure where the
5 job brief was. Normally, the job briefs are across the
6 hall from the control room in the field office. And
7 it's a -- it's a room about this size with a big table
8 for doing job briefs.

9 SPECIAL AGENT ROMERO: But in there
10 there's no controls or anything to the plant itself,
11 inside this room?

12 MR. (b)(7C)c That's correct.

13 SPECIAL AGENT ROMERO: Right. That's what
14 I'm saying.

15 MR. (b)(7C)c There's no controls.

16 SPECIAL AGENT ROMERO: No controls in
17 there. There's nothing in there that's vital for the
18 plant to stay safe. That's what I'm asking.

19 MR. (b)(7C)c No.

20 SPECIAL AGENT ROMERO: Okay. All right,
21 sir. And he would've fallen asleep in this meeting
22 based on what Mr. (b)(7C)c told Mr. (b)(7C)c And
23 this would've occurred when? When did this occur, this

24 --

25 MR. (b)(7C)c It was during the

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1 refueling outage.

2 SPECIAL AGENT ROMERO: Which would've been
3 September of 2005, approximately?

4 MR. (b)(7C)c Approximately
5 September, maybe the first of October, somewhere in
6 there.

7 SPECIAL AGENT ROMERO: Okay. So he
8 provided you with this information that, "Hey, I heard
9 this guy -- this (b)(7C)c told me that 'Hey, he was
10 falling asleep and he fell asleep in this meeting.'"
11 Okay. So what's -- what transpired from that?

12 MR. (b)(7C)c I switched -- whenever
13 I changed schedules, I looked up (b)(7C)c
14 which would've been the end of October.

15 SPECIAL AGENT ROMERO: End of October
16 2005?

17 MR. (b)(7C)c Yes.

18 SPECIAL AGENT ROMERO: Okay. Go ahead.

19 MR. (b)(7C)c And talked to him a
20 little bit, asked him about if (b)(7C)c was still
21 coming off shift at the beginning of the year. And he
22 indicated to me that that was still going to happen.

23 SPECIAL AGENT ROMERO: He indicated. And
24 how did he indicate, sir? Did he make a statement,
25 "He's coming off at the shift," or how did -- you

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1 know, because indicated is a word that doesn't mean
2 that he's going to follow through with this --

3 MR. (b)(7C)c Best I can remember
4 what he said was, "I'm still planning to take (b)(7C)c
5 off shift at the beginning of the year."

6 SPECIAL AGENT ROMERO: Okay. That's what
7 I wanted to hear.

8 MR. (b)(7C)c Which would be January
9 of '06.

10 SPECIAL AGENT ROMERO: I mean, I wanted to
11 hear what he said. That's what I wanted to hear.

12 MR. (b)(7C)c Okay.

13 SPECIAL AGENT ROMERO: Okay. Okay. So
14 you have this meeting, and that's all he tells you?

15 MR. (b)(7C)c Yeah. I asked -- I
16 asked about a statement that (b)(7C)c had made in
17 this meeting.

18 SPECIAL AGENT ROMERO: Okay. Who is --
19 (b)(7C)c is who, sir?

20 MR. (b)(7C)c is the

21 (b)(7C)c

22 SPECIAL AGENT ROMERO: Okay.

23 MR. (b)(7C)c And he had made a
24 statement about -- and I heard this from (b)(7C)c and

25 (b)(7C)c also confirmed that (b)(7C)c had made this

1 statement about (b)(7C)c being the model
2 shift manager early; this was before this incident
3 that I had brought up in June. It was earlier in the
4 year. I can't remember the timeframe because I don't
5 know when it was said to them.

6 SPECIAL AGENT ROMERO: But this would've
7 been like the earlier part of 2005?

8 MR. (b)(7C)c Yes.

9 SPECIAL AGENT ROMERO: Prior to the June
10 -- prior to Mr. (b)(7C)c coming and talking to you?

11 MR. (b)(7C)c Yes. And it was in
12 conversation it came up that (b)(7C)c had made the
13 statement that (b)(7C)c should be the model
14 shift manager, "You guys need to follow in his -- his
15 model." And it bugged me. It really bothered me after
16 all this in-between had occurred.

17 So I -- the reason I went and looked (b)(7C)c
18 up and asked him those questions is because I
19 him, I said -- I said, "Why does (b)(7C)c think that (b)(7C)c
20 is our best (b)(7C)c I said, "I don't think
21 anybody else thinks that." And (b)(7C)c said, "No. He's
22 not our best (b)(7C)c And he said, "Don't
23 look," and he got on the computer and he pulled up the
24 crews, something he has on the computer. And he said,
25 "Definitely (b)(7C)c isn't our best (b)(7C)c

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1 And he was looking at the -- some data
2 that told him who was. And I said, "Well, in my mind"
3 -- I told him that (b)(7C)c I thought, and
4 (b)(7C)c were our two best shift managers. And he
5 didn't come out and agree with that, but he said that
6 there's nobody on site that he would rather have in
7 the control room if something was going on than (b)(7C)c
8 (b)(7C)c because --

9 SPECIAL AGENT ROMERO: That's what Mr.
10 (b)(7C)c said?

11 MR. (b)(7C)c: That's what he said.

12 SPECIAL AGENT ROMERO: Okay.

13 MR. (b)(7C)c: And that's -- that was
14 in late October of '05, and he made that statement
15 when I brought up this other question about what (b)(7C)c
16 had said.

17 SPECIAL AGENT ROMERO: Okay. All right.

18 So we're in October 2005?

19 MR. (b)(7C)c: Yeah.

20 SPECIAL AGENT ROMERO: And what happens
21 next?

22 MR. (b)(7C)c: The next thing was,
23 right after the outage, November -- I guess it
24 would've probably been the week of Thanksgiving or the
25 following week, whenever we came off the outage

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1 schedule. We got our crews back. We were working, I
2 thought nights. Maybe it -- it was probably the first
3 week of December when we all got back on crew
4 together. We were working night shift. And one of
5 the (b)(7C)c came to me.

6 SPECIAL AGENT ROMERO: [redacted] is what, for the
7 record?

8 MR. (b)(7C)c [redacted] (b)(7C)c [redacted]

9 And (b)(7C)c [redacted] is his name) And he came to me
10 and said, "Hey, what's going on with (b)(7C)c [redacted] And
11 said that he had seen him and thought that he was
12 inattentive in the shift manager's office.

13 SPECIAL AGENT ROMERO: Inattentive. Can
14 you -- for the record, sir, can you tell me what does
15 he mean by "inattentive"?

16 MR. (b)(7C)c [redacted]: His back was turned but
17 he was at the computer, and his head was down. I
18 don't know whether it was looking at paperwork. I
19 don't know the situation, but (b)(7C)c [redacted] said he -- you
20 know, "Something needs to be done. If he's having
21 trouble, he needs to be taken off shift." And --

22 SPECIAL AGENT ROMERO: Did he say falling
23 asleep?

24 MR. (b)(7C)c [redacted]: He did not say that to
25 me, that he had fell asleep.

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1 SPECIAL AGENT ROMERO: Okay. Or he looked
2 like he was falling asleep; he didn't say that?

3 MR. (b)(7C)c: No.

4 SPECIAL AGENT ROMERO: Okay.

5 MR. (b)(7C)c: And I told him then, I
6 said that (b)(7C)c had told me that he was
7 coming off shift at the beginning of the year and that
8 something was being done about it. And I still
9 believed at that time that that was still going to
10 happen. And, you know, I had just had that
11 conversation with (b)(7C)c in October.

12 SPECIAL AGENT ROMERO: And this is
13 November 2005 when this Mr. (b)(7C)c came to you
14 --

15 MR. (b)(7C)c: Late November of 2005.

16 SPECIAL AGENT ROMERO: Late November.
17 Okay. All right.

18 MR. (b)(7C)c: I didn't blow him off
19 and -- you know, because he came to me as a (b)(7C)c
20 And I said, "Well, I think it's being taken care of."
21 I said, "We'll see what happens." And that's kind of
22 where I left it.

23 SPECIAL AGENT ROMERO: Okay. All right.
24 What happens after that, sir?

25 MR. (b)(7C)c: In 2006, the first week

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1 of January, it would've been January the 5th, I worked
2 overtime on (b)(7C)c's crew.

3 SPECIAL AGENT ROMERO: Okay.

4 MR. (b)(7C)c: And that was the second
5 time I'd worked with them in a year's timeframe. And,
6 you know, I asked the crew that night how things were
7 going. And the crew just -- they said, "As long as he
8 stays in his office we're fine." They preferred not
9 to even talk to him if they could help it. I thought
10 that was very unhealthy.

11 I watched him real close. I did not see
12 any problems all night with him not being alert. He
13 did leave the control room several times to go on
14 tours of the plant in that night shift that I was
15 there.

16 SPECIAL AGENT ROMERO: What do you mean by
17 "tours"?

18 MR. (b)(7C)c: Well, he either went to
19 the service building or he went and toured the plant.
20 Shift managers are required to do building tours --

21 SPECIAL AGENT ROMERO: Oh, okay.

22 MR. (b)(7C)c -- during their
23 watches. Usually, it's on night watches. So I'm
24 assuming that --

25 SPECIAL AGENT ROMERO: But you don't know

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1 this for sure; you just know he left?

2 MR. (b)(7C)c I know he left the
3 control room --

4 SPECIAL AGENT ROMERO: That's all you
5 know?

6 MR. (b)(7C)c -- is all I know for
7 sure.

8 SPECIAL AGENT ROMERO: Okay. We need to
9 talk about the facts, just what you know.

10 MR. (b)(7C)c Okay.

11 SPECIAL AGENT ROMERO: Okay.

12 MR. (b)(7C)c Sorry. And I worked --
13 I came into work that night at 10:30 and I worked the
14 last of the night shift, and then I worked the day
15 shift, also. And I remember that date specifically
16 because I'd worked that double shift. I went and
17 talked to (b)(7C)c that day.

18 SPECIAL AGENT ROMERO: Okay.

19 MR. (b)(7C)c And it was the first of
20 the year. And I said -- I asked him, I said, "I know
21 you know what's going on and I know (b)(7C)c has talked to
22 you." Because (b)(7C)c was on vacation at the time; I
23 couldn't find him. I said, "Why isn't -- is (b)(7C)c
24 (b)(7C)c coming off shift? What's going on with
25 that?" And he told me that the earliest they could

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1 get him off shift now was June of '06.

2 And at that point I felt like I had been
3 lied to, and I was very upset. And it was -- I didn't
4 -- actually, I thought about it for a week. And I
5 gave (b)(7C)c time to get back with me because he said he
6 was going to go interview the crew and see if there
7 were any problems. So he went, and I think the only
8 person -- and this is hearsay or whatever --

9 SPECIAL AGENT ROMERO: You don't know this
10 for sure?

11 MR. (b)(7C)c I don't know for sure.
12 I know he did not talk to the (b)(7C)c

13 SPECIAL AGENT ROMERO: And how do you know
14 that, sir?

15 MR. (b)(7C)c Because they told me he
16 didn't. I asked them.

17 SPECIAL AGENT ROMERO: And who are the
18 (b)(7C)c that he should've talked to and he
19 didn't talk to?

20 MR. (b)(7C)c (b)(7C)c and
21 (b)(7C)c --

22 SPECIAL AGENT ROMERO: Okay.

23 MR. (b)(7C)c -- were the (b)(7C)c
24 (b)(7C)c And I specifically asked them if he had

25 talked to them because of what had happened -- or I

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1 thought had happened in this past six months. And I
2 -- so (b)(7C)c got back to me on the 12th or the 13th of
3 January, and he told me that he had talked to (b)(7C)c

4 (b)(7C)c

5 SPECIAL AGENT ROMERO: Who is this, sir?

6 MR. (b)(7C)c He is a (b)(7C)c on (b)(7C)c

7 (b)(7C)c s crew.

8 SPECIAL AGENT ROMERO: What's a (b)(7C)c sir?

9 MR. (b)(7C)c (b)(7C)c

10 (b)(7C)c

11 SPECIAL AGENT ROMERO: Okay.

12 MR. (b)(7C)c Sorry. And (b)(7C)c

13 (b)(7C)c had just become the (b)(7C)c on

14 that crew the middle of December. He had only been on

15 the crew three or four weeks. And I don't know if

16 that's the only person he talked to, but he gave me

17 his name that (b)(7C)c had talked to him. And the feedback

18 (b)(7C)c had got from (b)(7C)c was that he did not see

19 anything like that going on, and that he didn't have

20 any concerns with (b)(7C)c ability to stay alert on

21 shift.

22 SPECIAL AGENT ROMERO: Okay.

23 MR. (b)(7C)c And, so there again,

24 that -- when he got back to me, that's when he said

25 again that it would be the first of June before they

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1 would be able to get him off shift, anyway. And I was
 2 very upset still because that's not what (b)(7C)c
 3 (b)(7C)c had told me was going to happen. And so,
 4 I went back to the control room and I was upset, so I
 5 told (b)(7C)c and I think one of the other
 6 (b)(7C)c may have heard it also.

7 SPECIAL AGENT ROMERO: Who would've been
 8 the other (b)(7C)c that would heard?

9 MR. (b)(7C)c (b)(7C)c
 10 SPECIAL AGENT ROMERO: (b)(7C)c
 11 MR. (b)(7C)c -- or (b)(7C)c one
 12 of those two.

13 SPECIAL AGENT ROMERO: Okay. And so then,
 14 you went back and told -- let's talk about Mr.

15 (b)(7C)c What did you tell Mr. (b)(7C)c
 16 MR. (b)(7C)c Obviously, I was upset.

17 And I talked to him, I said that they were -- they
 18 just told me that they were not going to take (b)(7C)c
 19 (b)(7C)c off shift like they had said they would.

20 "They" being (b)(7C)c (b)(7C)c
 21 And I told him, I said, "I don't know what to do.
 22 There's" -- you know, I didn't -- I really didn't know
 23 what to do. I was trying to figure that out. And it
 24 was about two weeks later I got called into Employee
 25 Concerns.

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1 SPECIAL AGENT ROMERO: Okay. So this
2 conversation with Mr. (b)(7C)c) and these other two
3 (b)(7C)c right?

4 MR. (b)(7C)c (b)(7C)c

5 SPECIAL AGENT ROMERO: (b)(7C)c

6 (b)(7C)c and who were the other (b)(7C)c
7 that --

8 MR. (b)(7C)c I don't remember if
9 they heard any of it or not because --

10 SPECIAL AGENT ROMERO: Okay.

11 MR. (b)(7C)c -- I don't --

12 SPECIAL AGENT ROMERO: When did this
13 conversation take place, approximately?

14 MR. (b)(7C)c The second week of
15 January.

16 SPECIAL AGENT ROMERO: Second week of
17 January, approximately.

18 MR. (b)(7C)c Of '06.

19 SPECIAL AGENT ROMERO: Of 2006. So then,
20 you talked to Mr. (b)(7C)c What did Mr. (b)(7C)c
21 say to you? Did he say he was going to do something
22 about it or what? What did he say? Anything?

23 MR. (b)(7C)c He didn't indicate to
24 me that he was going to do anything about it. Like I
25 said, all I remember was the 26th of January I got

1 called into Employee Concerns to give them a
2 statement.

3 SPECIAL AGENT ROMERO: Okay. So you get
4 called in. And what did they ask you, Employee
5 Concerns? And who at Employee Concerns asked you?

6 MR. (b)(7C)c Dave Hollabaugh --

7 SPECIAL AGENT ROMERO: Dave Hollabaugh.

8 MR. (b)(7C)c -- is the
9 superintendent of Employee Concerns, and he is the one
10 who interviewed me.

11 SPECIAL AGENT ROMERO: This would've been
12 January -- late January of 2006?

13 MR. (b)(7C)c Correct.

14 SPECIAL AGENT ROMERO: You said 25th or
15 26th?

16 MR. (b)(7C)c I think it was a
17 Thursday. It would've been the 26th. That's just
18 because I think it was a Thursday.

19 SPECIAL AGENT ROMERO: Okay. So we'll say
20 approximately around the 26th of January --

21 MR. (b)(7C)c Correct.

22 SPECIAL AGENT ROMERO: -- 2006. So you
23 talked to Mr. Hollabaugh because you were summonsed to
24 ECP?

25 MR. (b)(7C)c EC, Employee --

1 SPECIAL AGENT ROMERO: The Employee
2 Concerns Program. You were summonsed there to talk to
3 -- they called you to talk to them?

4 MR. (b)(7C)c Yes.

5 SPECIAL AGENT ROMERO: Okay. Now, what
6 did they talk to you about?

7 MR. (b)(7C)c They asked me basically
8 everything that we've just discussed about (b)(7C)c
9 (b)(7C)c having a problem staying alert. And it
10 took about 30 minutes to go through the sequence of
11 events, which are just exactly how I laid them out to
12 you and I laid them out to him. I probably didn't --
13 I may have left a couple conversations out, but the
14 big timeframe picture was there.

15 SPECIAL AGENT ROMERO: Did you tell them
16 that you had spoke with Mr. (b)(7C)c initially back
17 in June of 2005?

18 MR. (b)(7C)c Yes. Yes.

19 SPECIAL AGENT ROMERO: And you told them
20 you had spoken with Mr. (b)(7C)c in -- what was it? --
21 January?

22 MR. (b)(7C)c January of '06.

23 SPECIAL AGENT ROMERO: 2006. You told
24 them that you had gone to those managers?

25 MR. (b)(7C)c That's correct.

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1 SPECIAL AGENT ROMERO: Okay. And did they
2 give you any feedback at that time?

3 MR. (b)(7C)c Well, no. He asked me
4 a question at the end off-the-record, so to speak.

5 SPECIAL AGENT ROMERO: What is
6 off-the-record?

7 MR. (b)(7C)c He didn't take any
8 notes about my reply, but he asked me specifically, he
9 said, "Well, how bad do you think this would be for
10 Callaway if a (b)(7C)c wasn't alert in the
11 control room or had fallen asleep?" And I said it
12 would be very serious and that it was -- everybody
13 remembers the information about the Peach Bottom -- I
14 think it's Peach Bottom incident, where they had
15 people falling asleep there and took pictures and that
16 type of thing. And I said, "It would be very bad for
17 us." And that's really all I said.

18 SPECIAL AGENT ROMERO: Okay. So what
19 happened after that, sir, after that January -- late
20 January meeting with the ECP?

21 MR. (b)(7C)c That would've been
22 sometime in February, the first or second week of
23 February. (b)(7C)c was taken off shift.

24 SPECIAL AGENT ROMERO: Okay. So sometime
25 in February 2006 Mr. (b)(7C)c came off the shift.

1 Do you know why he came off the shift?

2 MR. (b)(7C)c Yeah. It was because
3 he was having trouble staying alert in the control
4 room, is what I had heard.

5 SPECIAL AGENT ROMERO: Where did you hear
6 that from?

7 MR. (b)(7C)c I can't remember. It
8 may have been (b)(7C)c because the --

9 SPECIAL AGENT ROMERO: But you don't know
10 for sure, sir?

11 MR. (b)(7C)c I don't know for sure.

12 SPECIAL AGENT ROMERO: Can you recall who
13 told you that information?

14 MR. (b)(7C)c -- I heard about
15 an SS meeting, a shift manager meeting, where they put
16 this information out to, like, four or five of the
17 shift managers, and they told them why he had come
18 off. And I just heard it back from there. It wasn't
19 -- when they put it out to us, it was just, (b)(7C)c
20 (b)(7C)c has been taken off shift." It was an
21 e-mail sent out.

22 SPECIAL AGENT ROMERO: So that was all?
23 Nobody -- you don't have any firsthand knowledge why
24 he was taken off shift? That's what I'm saying. I
25 mean, you can assume. Assuming is one thing. But you

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1 don't have no firsthand knowledge based on an e-mail
2 or an individual telling you specifically that
3 information?

4 MR. (b)(7C)c No. I do not.

5 SPECIAL AGENT ROMERO: And what you're
6 doing is you're just assuming that he came off based
7 upon that investigation that was done by ECP?

8 MR. (b)(7C)c Correct.

9 SPECIAL AGENT ROMERO: Right?

10 MR. (b)(7C)c: Yes, sir.

11 SPECIAL AGENT ROMERO: Okay. I just want
12 to make sure that for the record. There's a little
13 difference between assuming and knowing for sure.

14 MR. (b)(7C)c Yeah. I'm -- I guess
15 I'm assuming too much sometimes.

16 SPECIAL AGENT ROMERO: Okay. Now, was
17 there anything after that, sir, before I get into some
18 other questioning, sir?

19 MR. (b)(7C)c No. Not that I -- that
20 was pretty much it. Everybody was pretty relieved.

21 SPECIAL AGENT ROMERO: Okay. When you say
22 "everybody" who is -- who are you talking about
23 specifically, sir, that's relieved about him being
24 taken off shift?

25 MR. (b)(7C)c The entire ops

1 department.

2 SPECIAL AGENT ROMERO: So you could -- I
3 could name every person that's listed on the
4 operations department and they'd all be relieved?

5 MR. (b)(7C)c [redacted] Probably.

6 SPECIAL AGENT ROMERO: But you're
7 assuming. Right?

8 MR. (b)(7C)c [redacted] Right. I don't have
9 specifics. (b)(7C)c [redacted]

10 (b)(7C)c [redacted] were relieved that that action had been
11 taken. And I'm talking about the union members; the

12 (b)(7C)c [redacted]

13 SPECIAL AGENT ROMERO: Okay. All right,
14 sir. Did Mr. (b)(7C)c [redacted] ever tell you that he had
15 voiced concern to Mr. (b)(7C)c [redacted] "Hey, you got to take
16 this guy off because he's in -- you know, he's not
17 being attentive. Mr. (b)(7C)c [redacted] is not being attentive
18 in the control room"?

19 MR. (b)(7C)c [redacted] Yeah. He told me that
20 he had told (b)(7C)c [redacted] that several times.

21 SPECIAL AGENT ROMERO: When did he tell
22 you that he told Mr. (b)(7C)c [redacted] that?

23 MR. (b)(7C)c [redacted] I think it was December
24 of --

25 SPECIAL AGENT ROMERO: Of 2005?

1 MR. (b)(7C)c -- 2005. He told me
2 that he had had a couple of different conversations
3 during the refuel with (b)(7C)c about taking him --
4 that he needed to take him off shift.

5 SPECIAL AGENT ROMERO: Okay. And that
6 would've been approximately when, for the record, sir?
7 The outage, sir.

8 MR. (b)(7C)c The outage was
9 September -- middle of September until the middle of
10 November.

11 SPECIAL AGENT ROMERO: Okay. So Mr.
12 (b)(7C)c came to you in December 2005 and told you
13 during the time period of the outage, which would've
14 been September, October 2005, that he had a couple of
15 conversations with Mr. (b)(7C)c about Mr. (b)(7C)c
16 not being attentive in the control room?

17 MR. (b)(7C)c Yes.

18 SPECIAL AGENT ROMERO: Okay. Did he tell
19 you in these conversations that he had with you about
20 his conversation with Mr. (b)(7C)c did he say that
21 he felt that Mr. (b)(7C)c was going to take care of
22 it and was going to deal with it?

23 MR. (b)(7C)c: You know, he never said
24 that. He didn't -- now that I think about it, I don't
25 recall him saying that he thought (b)(7C)c was going to

1 take care of it.

2 SPECIAL AGENT ROMERO: Okay. Was Mr.
3 (b)(7C)c -- and I'm asking you because you had a
4 conversation with him in December 2005. Did Mr.
5 (b)(7C)c during this conversation that he was
6 talking to you, did he seem like he was upset or
7 disappointed with what the actions that were being
8 taken by Mr. (b)(7C)c

9 MR. (b)(7C)c: The one conversation
10 that I'm referring to he did seem upset.

11 SPECIAL AGENT ROMERO: And why do you say
12 he was upset?

13 MR. (b)(7C)c doesn't really
14 get upset, but he talks a little louder and just a
15 little faster when he is. And that's -- that's the
16 only reason I got that feeling that he was a little
17 upset.

18 SPECIAL AGENT ROMERO: And that's why you
19 got that impression?

20 MR. (b)(7C)c: Impression. Yes.

21 SPECIAL AGENT ROMERO: Okay. Did you have
22 any further conversation with him after that December
23 2005 conversation where he had come to you and told
24 you that he was upset at Mr. (b)(7C)c or Mr. (b)(7C)c
25 or anyone else?

1 MR. (b)(7C)c He never pulled me
2 aside and said, "I'm upset with (b)(7C)c" He
3 didn't pull me aside just to tell me that.

4 SPECIAL AGENT ROMERO: Okay. Did he ever
5 tell you he was going to the ECP program to report
6 this problem with Mr. (b)(7C)c

7 MR. (b)(7C)c He told me after I had
8 been interviewed that he had went to them because of
9 the circumstances.

10 SPECIAL AGENT ROMERO: So when would he
11 have told you this?

12 MR. (b)(7C)c: Well, let's see. I
13 think it was -- that would've probably been late
14 February.

15 SPECIAL AGENT ROMERO: Okay.
16 Approximately in late February 2005 Mr. (b)(7C)c
17 comes to you and tells you, "Hey, I went to the ECP
18 and gave this allegation. My allegation was that Mr.
19 (b)(7C)c -- he had had information that Mr.
20 (b)(7C)c was inattentive in the control room.

21 MR. (b)(7C)c Yes.

22 SPECIAL AGENT ROMERO: That's what he told
23 you? I'm not putting words -- I want to know what he
24 told you.

25 MR. (b)(7C)c: Well, I forget when we

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1 talked about it. And I -- what I told him was -- (b)(7C)c
2 (b)(7C)c had come and talk to me the day that they
3 took (b)(7C)c off shift. And I'm pretty
4 sure he thought that I had been the one that went to
5 Employee Concerns, because he was saying, "I know that
6 I told you this and I told you that. And I just
7 wanted to" -- he said, "I just want you to know that"
8 -- I can't even remember what he said now.

9 But he talked to me the day that (b)(7C)c
10 (b)(7C)c was taken off shift. And I got the
11 impression that he thought I was the one that had went
12 to Employee Concerns. And --

13 SPECIAL AGENT ROMERO: Well, the -- but
14 the -- see, now, I'm a little -- this record is
15 reflecting something different, because earlier you
16 said that Mr. (b)(7C)c had come to you and told you
17 that he had gone to the ECP and reported this
18 allegation.

19 MR. (b)(7C)c: That was late February.
20 I didn't --

21 SPECIAL AGENT ROMERO: Okay. Late
22 February he told you that he had reported it?

23 MR. (b)(7C)c: Correct.

24 SPECIAL AGENT ROMERO: But you're saying
25 that prior to that late February 2006 conversation you

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1 had with Mr. (b)(7C)c that Mr. (b)(7C)c had had a
2 previous conversation with you earlier than that
3 timeframe and told you that he felt that you were the
4 one that had gone to the ECP.

5 MR. (b)(7C)c No. (b)(7C)c
6 SPECIAL AGENT ROMERO: Oh, (b)(7C)c

7 (b)(7C)c

8 MR. (b)(7C)c I'm sorry. I must have
9 said the wrong name.

10 SPECIAL AGENT ROMERO: Okay. All right.
11 Then Mr. (b)(7C)c So when Mr. -- you're saying that
12 when Mr. (b)(7C)c had been taken off shift and on
13 that same day he'd come down and talked to you, Mr.
14 (b)(7C)c had come down and talked to you. Correct?

15 MR. (b)(7C)c Yes.

16 SPECIAL AGENT ROMERO: And that you felt
17 that he thought you were the one that had gone to ECP?

18 MR. (b)(7C)c: Yes.

19 SPECIAL AGENT ROMERO: And how -- why did
20 you get that feeling, sir?

21 MR. (b)(7C)c Just because he had --
22 he mentioned something about explaining -- he was
23 trying to explain why -- he didn't really tell me why
24 anything didn't happen. It was more like, "I don't --
25 oh, I don't hold anything against anybody for bringing

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1 this up." He said something like that. And --

2 SPECIAL AGENT ROMERO: And you didn't say
3 to him, "Why are you telling me that?"

4 MR. (b)(7C)c I told him, I said, "I
5 don't know why it came up, either. I didn't go to
6 them." I said, "It wasn't any union people that went
7 to them," is what I told him that day.

8 SPECIAL AGENT ROMERO: And why did you
9 make sure and tell him that day that?

10 MR. (b)(7C)c I was concerned about
11 myself, I guess. I --

12 SPECIAL AGENT ROMERO: I mean. That's
13 what I'm asking you on the record, sir.

14 MR. (b)(7C)c I didn't -- I didn't
15 want him thinking that I went to them, although that's
16 where I was probably going to go if I hadn't been
17 called in and interviewed by them. I was running that
18 over in my head. That was the only place I knew -- I
19 thought that was my next stop, and then they called me
20 for an interview.

21 SPECIAL AGENT ROMERO: Okay. So you were
22 -- now, for the record, this is a different line of
23 questioning, sir. So you were contemplating going to
24 the Employees Concerns Program about Mr. (b)(7C)c
25 being inattentive in the control room if nothing had

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1 happened like it did in January 2005 when you were
2 called in. Correct?

3 MR. (b)(7C)c: That's correct.

4 SPECIAL AGENT ROMERO: January 2006. I'm
5 sorry.

6 MR. (b)(7C)c: Yes. '06.

7 SPECIAL AGENT ROMERO: So you were already
8 thinking about that?

9 MR. (b)(7C)c: Yeah. There was a
10 two-week block there I didn't know what to do. I
11 really didn't know, and I was thinking that -- I was
12 thinking that was the only place I had to go.

13 SPECIAL AGENT ROMERO: Okay. All right.
14 So let's move on to Mr. (b)(7C)c now. So Mr.
15 (b)(7C)c comes down and tells you in February, late
16 February 2006 that, hey, that he had gone to the ECP
17 and reported this allegation to the ECP. Correct?

18 MR. (b)(7C)c: Yes.

19 SPECIAL AGENT ROMERO: Did he say anything
20 further after -- about that? Did he say, "Hey, I'm
21 concerned about management" or anything like that?

22 MR. (b)(7C)c: I'm trying to think
23 when it -- well, I know that (b)(7C)c told
24 (b)(7C)c sometime in February or March,
25 whenever they were doing their bonuses, '05 that -- he

1 told (b)(7C)c that he was the one that went to
2 ECP.

3 SPECIAL AGENT ROMERO: Oh, he told (b)(7C)c

4 (b)(7C)c

5 MR. (b)(7C)c: Yes.

6 SPECIAL AGENT ROMERO: That's what Mr.

7 (b)(7C)c told you?

8 MR. (b)(7C)c: Yeah.

9 SPECIAL AGENT ROMERO: Okay.

10 MR. (b)(7C)c: And this came up
11 because (b)(7C)c was very upset because he had not
12 gotten his bonus or a pay raise that everyone else had
13 gotten in '05 -- for 2005. I don't know how their
14 bonuses and raises work. It's different than the
15 union's. But it's -- the first part of the next year
16 is when they get their bonuses for the previous year
17 and raises for the next year.

18 SPECIAL AGENT ROMERO: Okay. So you just
19 got information based on what Mr. (b)(7C)c told you?

20 MR. (b)(7C)c: That's correct.

21 SPECIAL AGENT ROMERO: Do you know if Mr.
22 (b)(7C)c was ever promised a certain amount of a
23 bonus?

24 MR. (b)(7C)c: I don't know that he
25 was ever promised a certain amount.

1 SPECIAL AGENT ROMERO: Okay. You wouldn't
2 have that information or you wouldn't know that
3 information?

4 MR. (b)(7C)c No. Not in --

5 SPECIAL AGENT ROMERO: Okay. That's what
6 I need. Do you know if Mr. (b)(7C)c was
7 discriminated against because he brought that
8 allegation to the ECP, that he suffered any type of
9 discrimination? Any adverse action against him?

10 MR. (b)(7C)c I don't have any
11 concrete, in writing that it happened. But it's
12 pretty obvious to me that something went on.

13 SPECIAL AGENT ROMERO: Why do you say it's
14 pretty obvious, sir?

15 MR. (b)(7C)c The main reason is
16 because (b)(7C)c crew, has the best
17 performance record of any crew for the last two years.

18 SPECIAL AGENT ROMERO: And how do you know
19 that, sir? How do you know that, sir?

20 MR. (b)(7C)c I've got that
21 information to give you here.

22 SPECIAL AGENT ROMERO: Okay.

23 MR. (b)(7C)c: After -- or when you're
24 ready to receive it.

25 SPECIAL AGENT ROMERO: Okay.

1 MR. (b)(7C)c It's -- I don't have
2 all of it. I have what I had access to. But it's
3 graphs of crew performance, training performance, and
4 it's -- if you go through the CARS, Callaway Action
5 Reports or Corrective Action Report System at
6 Callaway, there's a trail there.

7 And like I said, there used to be a
8 document or there's -- (b)(7C)c had access to
9 a program, and he had it tracked by crew. And he
10 looked at it that one night in October and said, "No.
11 (b)(7C)c crew --" or, "He is not the worst
12 (b)(7C)c or, "(b)(7C)c wasn't the best () He
13 had that information in front of him.

14 And the way I understand it -- and this is
15 something I heard from (b)(7C)c -- was he had
16 to -- he had got very upset when he found out he
17 didn't get a bonus for 2005, and he --

18 SPECIAL AGENT ROMERO: So he didn't get
19 one at all?

20 MR. (b)(7C)c I don't know. I don't
21 know.

22 SPECIAL AGENT ROMERO: Okay.

23 MR. (b)(7C)c He did not get --

24 SPECIAL AGENT ROMERO: I mean, you just
25 said the statement, sir, that he didn't get a bonus in

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1 2005.

2 MR. (b)(7C)c And I'm basing that on
3 the fact -- I don't know if it was didn't get all of
4 it or didn't get any of it or got part of it. I'm not
5 sure.

6 SPECIAL AGENT ROMERO: Okay.

7 □ MR. (b)(7C)c : (b)(7C)c only said that
8 it was -- (b)(7C)c was the figure that he threw out,
9 that by not getting a raise and not getting whatever
10 bonus he didn't get, whether it was part or all.

11 SPECIAL AGENT ROMERO: So this was all
12 based on what Mr. (b)(7C)c told you?

13 MR. (b)(7C)c Yes.

14 SPECIAL AGENT ROMERO: Not based on
15 information you may have obtained from some other
16 source?

17 MR. (b)(7C)c : That's correct.

18 SPECIAL AGENT ROMERO: And, I mean,
19 another source would've been his supervisor or upper
20 management.

21 MR. (b)(7C)c : The -- yeah. I did not
22 get that information from upper management.

23 SPECIAL AGENT ROMERO: Okay. Or some
24 official Callaway memorandum or e-mail or something to
25 that effect?

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1 MR. (b)(7C)c No. They don't put
2 that information out.

3 SPECIAL AGENT ROMERO: Okay. That's what
4 I'm saying. I'm just saying, you just got from Mr.
5 (b)(7C)c told you.

6 MR. (b)(7C)c That's correct.

7 SPECIAL AGENT ROMERO: Okay. And he felt
8 that he -- he threw out the figure that he was out

9 (b)(7C)c
10 MR. (b)(7C)c That's correct.

11 SPECIAL AGENT ROMERO: Or based on
12 whatever it is. Okay. Do you know -- go ahead. I'm
13 sorry.

14 MR. (b)(7C)c : And he said that during
15 one of these meetings with (b)(7C)c that (b)(7C)c
16 didn't even know that (b)(7C)c had the best performance
17 for the last two years. Because (b)(7C)c mentioned that
18 to him, and then he went and looked and said, "Yeah,
19 you're right. You guys do have the best performance
20 for the last two years of any of the crews." So it
21 bothers me that that information wasn't known before
22 they assigned bonus or gratuities for the 2005.

23 SPECIAL AGENT ROMERO: Well, you're saying
24 that based on what (b)(7C)c is telling you or
25 by what Mr. (b)(7C)c is telling you?

1 MR. (b)(7C)c : That's what (b)(7C)c
2 (b)(7C)c told me.

3 SPECIAL AGENT ROMERO: Okay. But --

4 MR. (b)(7C)c That he didn't know
5 before that day.

6 SPECIAL AGENT ROMERO: That Mr. (b)(7C)c
7 didn't know that that information that he had given
8 you prior to that conversation by Mr. (b)(7C)c Is
9 that what you're saying, sir?

10 MR. (b)(7C)c No. (b)(7C)c
11 gave me the information that (b)(7C)c did not
12 know that (b)(7C)c performance was that good before
13 that day that they were having this discussion, and he
14 had already not got his bonus for '05.

15 SPECIAL AGENT ROMERO: And this is what
16 Mr. (b)(7C)c told you?

17 MR. (b)(7C)c : That's correct.

18 SPECIAL AGENT ROMERO: And no other
19 source?

20 MR. (b)(7C)c No other source.

21 SPECIAL AGENT ROMERO: Okay. Now, do you
22 know if Mr. -- so you're saying that you feel that he
23 did get adverse actions based on not getting what Mr.
24 (b)(7C)c claimed that he didn't get the bonus he
25 should've received?

1 MR. (b)(7C)c Yeah. I don't think
2 there's any reason for that, other than he was a big
3 pain in the butt trying to get them to do something
4 about (b)(7C)c And maybe that was inappropriate to
5 say, but.

6 SPECIAL AGENT ROMERO: No. But, sir, but
7 you really didn't know that he was -- that he had
8 reported up to ECP, so how would you know that --

9 MR. (b)(7C)c Well, the fact that he
10 kept talking -- he talked to (b)(7C)c a couple times
11 saying, "Hey, you need to do something about this."
12 That's the only reason I see for it. I don't --

13 SPECIAL AGENT ROMERO: So you characterize
14 him going to (b)(7C)c being a pain in the butt?

15 MR. (b)(7C)c Yeah. I think so.

16 SPECIAL AGENT ROMERO: Okay. All right.

17 MR. (b)(7C)c And I don't believe
18 (b)(7C)c was trying to be a pain in the butt. He was
19 trying to get the right thing done.

20 SPECIAL AGENT ROMERO: Right. But, I
21 mean, you characterized by him going to his upper
22 manager that that's -- to going and telling him about
23 that is being a pain in the butt. I don't understand
24 that.

25 MR. (b)(7C)c It's just -- I guess

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1 it's -- my management, my ops management, (b)(7C)c
2 and (b)(7C)c they don't like to deal with
3 things like that.

4 SPECIAL AGENT ROMERO: Did they tell you
5 that?

6 MR. (b)(7C)c No. It's just a
7 perception that I have. So it's not --

8 SPECIAL AGENT ROMERO: It's your opinion,
9 your perception?

10 MR. (b)(7C)c My opinion. Yes.

11 SPECIAL AGENT ROMERO: Okay. So Mr.
12 (b)(7C)c or Mr. (b)(7C)c never told you, "Hey, (b)(7C)c
13 (b)(7C)c is a pain in the butt because he keeps
14 coming in here with this allegation"?

15 MR. (b)(7C)c That's correct. They
16 never said that.

17 SPECIAL AGENT ROMERO: Okay. And you
18 never got information from another individual that may
19 have heard Mr. (b)(7C)c or Mr. (b)(7C)c say that?

20 MR. (b)(7C)c Let me look real quick.
21 This was later. I had to start writing things down
22 because I didn't trust them.

23 SPECIAL AGENT ROMERO: Let's go ahead and
24 get off-the-record. We're going off-the-record at 5:13
25 p.m. on the interview of Mr. (b)(7C)c

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1 (WHEREIN; a discussion was held
2 off-the-record.)

3 SPECIAL AGENT ROMERO: Okay. Back on the
4 record. And the time is 5:19 p.m. The interview of
5 Mr. (b)(7C)c Mr. (b)(7C)c, we were talking
6 about Mr. (b)(7C)c He had told you that he didn't
7 -- we're going back over this, sir. That he felt that
8 he was slighted in some way of (b)(7C)c in bonus money
9 that he should have received for his performance in
10 2005. Correct, sir?

11 MR. (b)(7C)c That's correct.

12 SPECIAL AGENT ROMERO: And you felt that
13 it's an adverse action based upon his job performance
14 that he had done and his crew had done. Correct?

15 MR. (b)(7C)c I didn't feel that that
16 was warranted for our crew performance, I guess would
17 be the better way to say that.

18 SPECIAL AGENT ROMERO: Okay. Okay.

19 MR. (b)(7C)c: It was a result of his
20 performance appraisal. He was rated as (b)(7C)c
21 (b)(7C)c on his performance appraisal at the end
22 of the year, or the final. And if you're rated -- and
23 this was a corporate decision that if you're rated
24 (b)(7C)c that you would not get bonus or
25 raise for '06.

1 SPECIAL AGENT ROMERO: Okay. Sir, does
2 this appraisal, does it have more than -- does it have
3 more than one category of where a person is evaluated?
4 So was it just one category that he was (b)(7C)c
5 (b)(7C)c or was it the entire evaluation? Do you
6 understand where I'm coming from, sir?

7 MR. (b)(7C)c I understand where
8 you're coming from, and I don't know because I haven't
9 seen their form. I don't know if it looks like the
10 ones that they show me for my appraisal, if it's
11 different. There's usually like four areas on mine --

12 SPECIAL AGENT ROMERO: Okay.

13 MR. (b)(7C)c -- where they rate you.

14 SPECIAL AGENT ROMERO: So you -- Mr.

15 (b)(7C)c never showed you his appraisal?

16 MR. (b)(7C)c: That's correct. I
17 never saw it.

18 SPECIAL AGENT ROMERO: Okay. Mr.

19 (b)(7C)c just told you about his appraisal?

20 MR. (b)(7C)c Yes.

21 SPECIAL AGENT ROMERO: And when did Mr.

22 (b)(7C)c tell you about his appraisal?

23 MR. (b)(7C)c: It was either February,
24 March timeframe of '06.

25 SPECIAL AGENT ROMERO: Okay. And he told

1 you, he said, "Hey" -- I don't know if he addresses
2 you by (b)(7C)c or -- I don't know how he addresses you.
3 But did he say, "Hey, (b)(7C)c this is what I got. I
4 got (b)(7C)c on my evaluation"?

5 MR. (b)(7C)c He calls me (b)(7C)c when
6 he talks to me.

7 SPECIAL AGENT ROMERO: Okay.

8 MR. (b)(7C)c But it was not -- he
9 didn't catch my attention just to tell me that. He
10 was telling (b)(7C)c (ph) --

11 SPECIAL AGENT ROMERO: Who is (b)(7C)c

12 (b)(7C)c

13 MR. (b)(7C)c (b)(7C)c

14 (b)(7C)c is my other (b)(7C)c

15 (b)(7C)c He was telling us as a group what had
16 happened because the week that he got the appraisal
17 and the information that he wasn't going to get his
18 bonus or his money, whatever, that he wasn't on shift
19 with us for three days.

20 They didn't allow him to stand watch
21 because he was upset. And when he came back the next
22 week or Friday, whenever it was, then he shared with
23 us what had happened to explain why he was gone, and
24 that's part of what he told us.

25 SPECIAL AGENT ROMERO: All right. So let

1 me just put this in perspective, sir. So with the
2 managers at Callaway, they -- their bonuses is somehow
3 derived from their evaluation, their job performance
4 evaluation?

5 MR. (b)(7C)c That's correct.

6 SPECIAL AGENT ROMERO: So if they do a
7 certain -- if they get to a certain level, then that
8 will give them a certain level of bonus?

9 MR. (b)(7C)c I assume so.

10 SPECIAL AGENT ROMERO: Okay. You're
11 assuming. You don't know, sir?

12 MR. (b)(7C)c I don't know exactly.
13 But performance appraisal is related to bonus.

14 SPECIAL AGENT ROMERO: And you know this
15 how, sir? How do you know this?

16 MR. (b)(7C)c : Because when I was --
17 I recently did an INPO ENA at Callaway. In one of the
18 meetings, our plant manager, which is Thibault --
19 Ludwig Thibault is his name -- he made mention of he
20 wanted to broadcast that as a strength to the info
21 evaluation team.

22 SPECIAL AGENT ROMERO: What's INPO, for
23 the record, sir?

24 MR. (b)(7C)c Institute of Nuclear
25 Power Operations, I believe. But he wanted to propose

1 that as a strength, their job performance evaluation
2 process. And I spoke up at that meeting and said that
3 I wouldn't do that if I were you because everyone at
4 the plant won't support that as a strength for
5 Callaway, because a lot of folks didn't get raises and
6 bonuses as a direct result of the change in that
7 program. So that's how I know it's related to pay,
8 but I don't know how they come up with that.

9 SPECIAL AGENT ROMERO: Okay. So you -- in
10 your opinion, sir -- this is -- now, I'm asking your
11 opinion, sir.

12 MR. (b)(7C)c Okay.

13 SPECIAL AGENT ROMERO: In your opinion,
14 Mr. (b)(7C)c did suffer adverse actions based on him
15 not receiving a bonus and the lower job performance?

16 MR. (b)(7C)c: That's my opinion, yes.

17 SPECIAL AGENT ROMERO: For bringing up the
18 allegation -- or bringing forth the information to the
19 ECP and to their -- and to his managers about Mr.
20 (b)(7C)c being inattentive in the control room?

21 MR. (b)(7C)c: I believe it is the
22 latter part of what you just said.

23 SPECIAL AGENT ROMERO: Okay. Tell me --
24 correct me for the record, sir.

25 MR. (b)(7C)c For the record, I

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1 believe it is for bringing up the concerns with (b)(7C)c
2 (b)(7C)c prior to going to ECP. Because I don't
3 remember the exact timeframe, but (b)(7C)c did
4 not find out for sure that (b)(7C)c went to
5 ECP until that week that he was given the information
6 about his bonus. Does that make sense?

7 SPECIAL AGENT ROMERO: Yes, sir. It does.

8 MR. (b)(7C)c Okay.

9 SPECIAL AGENT ROMERO: Okay. Was there
10 any other adverse actions that you know of that
11 occurred to Mr. (b)(7C)c

12 MR. (b)(7C)c The performance
13 appraisal process, he was rated as (b)(7C)c
14 And he was telling us later -- and they get a
15 quarterly performance appraisal now -- and that he
16 said -- I believe he said that he was still being
17 scrutinized for little things in his performance
18 appraisal.

19 An example that he gave was he missed a
20 phone call Sunday morning. He was three minutes late
21 for a bridge line call to the managers. And when he
22 got his performance appraisal for that quarter, it
23 showed up on his performance appraisal and went in his
24 "B" file or his file, permanent file as missing that
25 call and it was -- he was not up to expectations or

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1 some kind of wording, is what he shared with us that
2 that had happened.

3 SPECIAL AGENT ROMERO: That Mr. (b)(7C)c

4 felt that he was being scrutinized?

5 MR. (b)(7C)c Yes.

6 SPECIAL AGENT ROMERO: Based on what had
7 happened to him, that he had missed -- he was late on
8 a call three minutes and that he had been written up
9 for that and it had been placed in his personnel file?

10 MR. (b)(7C)c That's correct. And I
11 know for a fact my current shift manager has missed
12 that call, been late for that call twice in -- since
13 August. And I would -- I don't know, but I would bet
14 that he has not had a "B" file -- or a letter put in
15 his file for that.

16 SPECIAL AGENT ROMERO: And who is your
17 manager?

18 MR. (b)(7C)c (ph).

19 SPECIAL AGENT ROMERO: And you're sure
20 that Mr. (b)(7C)c missed that -- was late to that call
21 also, the exact same call that Mr. (b)(7C)c was
22 written up for?

23 MR. (b)(7C)c Yeah. And we started
24 setting timers for him, to help him -- he's got to be
25 on the phone at 7:30 on Sunday morning to make this

1 bridge line call.

2 SPECIAL AGENT ROMERO: Okay.

3 MR. (b)(7C)c And I don't know if --
4 I'm sure other shift managers have been late, and I
5 don't know if they've been scrutinized for that or
6 not. But in this instance, I do -- I do think that --
7 I know that (b)(7C)c was because he had a letter put in
8 his file, and I would bet that (b)(7C)c was not -- does
9 not have a letter in his file for missing that.

10 SPECIAL AGENT ROMERO: And you know he has
11 a letter in his file because Mr. (b)(7C)c told you?

12 MR. (b)(7C)c That's correct.

13 SPECIAL AGENT ROMERO: And when did Mr.
14 (b)(7C)c tell you this?

15 MR. (b)(7C)c April, May timeframe.

16 SPECIAL AGENT ROMERO: April, May 2006?

17 MR. (b)(7C)c: Yes.

18 SPECIAL AGENT ROMERO: Okay. And this
19 call would've been when, that he was three minutes
20 late?

21 MR. (b)(7C)c April, May 2006.

22 SPECIAL AGENT ROMERO: 2006.

23 MR. (b)(7C)c Somewhere in there.

24 SPECIAL AGENT ROMERO: Okay. Is there
25 anything else, sir, you can think of?

1 MR. (b)(7C)c : No. I don't -- I can't
2 think of anything else. I've got this stuff to give
3 you, but I don't know if it will help.

4 SPECIAL AGENT ROMERO: All right. Sir,
5 have you ever reported a safety concern to management?
6 Not just this one, but any of them. Have you reported
7 one in the past before?

8 MR. (b)(7C)c I've brought up
9 concerns before, whether it be safety or just a
10 general concern. And I've always had those taken care
11 of.

12 SPECIAL AGENT ROMERO: Okay. So what I'm
13 asking you is: Is management open to employees
14 bringing safety concerns to them?

15 MR. (b)(7C)c Yes.

16 SPECIAL AGENT ROMERO: Okay. Not
17 personnel. I'm talking about -- for the NRC, the NRC,
18 what we do is regulate the industry, but we want to
19 make sure that the plant is run safely. That's where
20 we're at, is the -- we're not as far as we don't
21 handle personnel. That's the Department of Labor. We
22 handle more the making sure that the plant is run
23 safely. Now, if someone is being told not to report
24 a certain thing we want to know. So what I'm asking
25 you: Is there a chilled effect out there at Callaway?

1 MR. (b)(7C)c There may be.

2 SPECIAL AGENT ROMERO: Why do you say
3 that, sir?

4 MR. (b)(7C)c Because there was a
5 operations safety culture survey done in March of '06
6 by Employee Concerns, Dave Hollabaugh. And (b)(7C)c
7 (b)(7C)c decided that they needed to do the survey.
8 And Employee Concerns sent out the survey, and it was
9 a two- or three-page report. And we all filled out --
10 or about 80 percent of the people filled out these
11 surveys and sent them back to Employee Concerns.

12 And in August, the last week of August in
13 '06, we had a week of training, and they; Dave
14 Hollabaugh, (b)(7C)c presented
15 a PowerPoint on the safety culture survey. And my
16 opinion is there was a whole lot of negative comments
17 in there about operations management, which leads me
18 to believe there could be a chilled effect on bringing
19 up --

20 SPECIAL AGENT ROMERO: There could be, but
21 you don't know if one is -- if there --

22 MR. (b)(7C)c I don't know that for
23 a fact. That's true.

24 SPECIAL AGENT ROMERO: But I mean, do you
25 feel that you can go and bring up a safety concern to

1 management?

2 MR. (b)(7C)c I do.

3 SPECIAL AGENT ROMERO: And you would be --
4 there wouldn't be no repercussions?

5 MR. (b)(7C)c: That's correct.

6 SPECIAL AGENT ROMERO: Okay. So that's
7 not a chilled effect.

8 MR. (b)(7C)c I don't have a chilled
9 effect.

10 SPECIAL AGENT ROMERO: Okay. You're not
11 chilled. Does anybody in your work area that you talk
12 to come up and told you, "Hey, I feel like I can't go
13 and report safety concerns and, you know, I'm afraid
14 to do it"?

15 MR. (b)(7C)c I know (b)(7C)c
16 is very concerned about bringing anything up because
17 he's afraid of being picked on or scrutinized more
18 closely.

19 SPECIAL AGENT ROMERO: He's afraid? He's
20 told you this?

21 MR. (b)(7C)c He hasn't told me that
22 he's afraid.

23 SPECIAL AGENT ROMERO: Okay.

24 MR. (b)(7C)c But he has made mention
25 of not wanting to bring things up.

1 SPECIAL AGENT ROMERO: Well, we want -- at
2 the NRC we want everybody to bring up any safety
3 concerns because that plant is number one --

4 MR. (b)(7C)c I understand.

5 SPECIAL AGENT ROMERO: -- as far as
6 safety. We don't want anything to go wrong with that
7 plant. Zero. Anything that could be stopped humanly
8 possible.

9 MR. (b)(7C)c Right.

10 SPECIAL AGENT ROMERO: And that is our
11 number one goal is the safety of that plant and, of
12 course, its workers. The workers are the ones that
13 make it run.

14 MR. (b)(7C)c Right.

15 SPECIAL AGENT ROMERO: All right, sir. Is
16 there anything else you'd like to elaborate on, sir,
17 that we may have missed? I'll go over these
18 documents, sir, after the -- we're done with the --
19 we've terminated this interview, unless you think it's
20 very important and we need to put it on the record, we
21 will. Is there anything else, sir, you'd like to
22 elaborate on that we've talked about today?

23 MR. (b)(7C)c No. I can't think of
24 anything.

25 SPECIAL AGENT ROMERO: Okay. All right,

1 sir. Have I or any other NRC representative here --
2 which would be me -- threatened you in any way or
3 promised to give you any type of reward for the -- for
4 your interview given today?

5 MR. (b)(7C)c : No, sir.

6 SPECIAL AGENT ROMERO: Have you given this
7 interview voluntarily?

8 MR. (b)(7C)c : Yes, sir.

9 SPECIAL AGENT ROMERO: Okay. And is there
10 anything else you care to add to the record, sir?

11 MR. (b)(7C)c No. I can't think of
12 anything.

13 SPECIAL AGENT ROMERO: All right, sir.
14 Just for the record, I want to let you know, thank you
15 for talking to us. We appreciate that, and we welcome
16 the chance to hear you in helping us with this
17 investigation. All right. Thank you, sir.

18 MR. (b)(7C)c Thank you.

19 SPECIAL AGENT ROMERO: This interview is
20 concluded, and the time is 5:32 p.m.

21 (The interview was concluded at 5:32 p.m.)
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25

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