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NUCLEAR REGULATORY COMMISSION

Title: Interview of (b)(7C)c

Docket Number: 4-2006-035

Location:
Fulton, Missouri

Date: Thursday, November 2, 2006

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Pages 1-24

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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OFFICE OF INVESTIGATIONS
INTERVIEW

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INTERVIEW OF :

(b)(7C)c

CASE NO. 04-2006-35

(CLOSED) :

-----x

Thursday, November 2, 2006

Callaway Nuclear Plant

Fulton, Missouri

The above-entitled interview was conducted at 8:00 A.M.

BEFORE:

Special Agent, STEVE ROMERO

FOR THE CALLAWAY NUCLEAR PLANT:

PILLSBURY, WINTHROP, SHAW, PITTMAN, LLP

2300 N. Street, NW

Washington, DC 20037

202-663-8000

By: Mr. J. Patrick Hickey

1 MR. ROMERO: For the record, this is an
2 interview of Mr. [b7C] middle initial [] last name
3 [b)(7C)c] who is employed at Callaway Nuclear Power
4 Plant. The date is November 2nd, 2006, and the time is
5 approximately 8:04 a.m.

6 Mr. [b7C], could you please state and
7 spell your full name for the record?

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

10 MR. ROMERO: Sir, what is your current
11 job title?

12 MR. [b)(7C)c] [b)(7C)c]
13 [b)(7C)c]

14 MR. ROMERO: Okay. Present at this
15 interview are Special Agent Steve Romero from the
16 Nuclear Regulatory Commission's Office of
17 Investigation, Region 4, Arlington, Texas. Also
18 present are Mr. -- is Mr. [b)(7C)c] who is being
19 interviewed and Mr. Patrick Hickey, who is an attorney
20 that is representing Mr. Hickey (sic). Also present is
21 court reporter Lisa Banks. This interview is being
22 tape recorded and will be transcribed by Ms. Banks
23 and/or Neal Gross and Associates.

24 The purpose of this interview is to
25 ascertain facts concerning an allegation regarding

1 discrimination against a (b)(7C)c

2 for raising safety concerns.

3 Mr. (b)(7C)c could you please stand and
4 raise your right hand?

5 (Witness sworn.)

6 MR. ROMERO: Does your employer require
7 you to have an attorney present when you talk to the
8 NRC?

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

10 MR. ROMERO: Is Mr. Hickey acting as
11 your personal representative today?

12 MR. (b)(7C)c: Yes. He is.

13 MR. ROMERO: Did you select him or did
14 the company select him for you?

15 MR. (b)(7C)c: I selected him.

16 MR. ROMERO: Okay. On that question --

17 MR. (b)(7C)c: I guess. Is that the
18 right answer?

19 MR. ROMERO: Okay. I'll make it more
20 clear for the record, sir. That the company offered
21 him to you and then you agreed to take --

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

23 MR. ROMERO: -- to have him. Right?

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

25 MR. ROMERO: These are questions for

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1 Mr. Hickey. Mr. Hickey, who is your employer?

2 MR. HICKEY: I'm with the firm
3 Pillsbury, Winthrop, Shaw, Pittman, in Washington D.C.
4 And I represent Mr. b7C here today as well as
5 AmerenUE and other witnesses in this investigation.

6 MR. ROMERO: Sir, do you believe that a
7 conflict may arise during the course of this interview?

8 MR. HICKEY: I do not. And if that were
9 to happen, I would address that with Mr. (b)(7C)c and we
10 would resolve it.

11 MR. ROMERO: Okay. All right.
12 Mr. (b)(7C)c do you understand that Mr. Hickey
13 represents other parties associated here at Callaway
14 that are involved in this investigation?

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

16 MR. ROMERO: Okay. With that
17 understanding, do you still want Mr. Hickey as your
18 representative today?

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

20 MR. ROMERO: Okay. Thank you.

21 DIRECT EXAMINATION BY MR. ROMERO:

22 Q. Mr. (b)(7C)c will you please tell us for
23 the record what your educational background is?

24 A. Are you talking formal education?

25 Q. Yes, sir.

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A. (b)(7C)c

(b)(7C)c

Q. Okay. And you obtained that degree when, sir? Approximately, sir.

A. December b7C I think.

Q. Okay. And what -- from what university or college?

A. University of (b)(7C)c

Q. Okay. And you also have received training here at Callaway pertaining to your job, sir?

A. Yes. I'm a (b)(7C)c

(b)(7C)c I was licensed (b)(7C)c

(b)(7C)c Or excuse me. (b)(7C)c

b7C

MR. HICKEY: Did you say (b)(7C)c

THE WITNESS: (b)(7C)c

BY MR. ROMERO:

Q. Okay. So you've received quite a bit of training pertaining to your job?

A. That's correct.

Q. Okay. All right, sir. Can you just tell me for the past ten years, sir, what your employment background is? If it goes back further, you can just tell me when you started here.

A. I started here in b7C worked in

1 (b)(7C)c
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10 Q. Okay.

11 A. That's a bit of my life story.

12 Q. All right, sir. All right. Sir, do you
13 know an individual by the name of (b)(7C)c, sir?

14 A. Yes. I do.

15 Q. And how do you know him, sir?

16 A. Through operations department, from the
17 time he hired on here at Callaway to the present.

18 Q. And that would've been when? When was
19 the first time that you had met him?

20 A. When he first hired on, approximately
21 1985, somewhere in there. That's just a guess.

22 Q. So you've known him for approximately 20
23 years or more?

24 A. That's correct.

25 Q. And you've known him through the job

1 here at Callaway?

2 A. That's correct.

3 Q. Okay.

4 A. I have not interfaced with him outside
5 of work.

6 Q. Okay. And have you ever been his
7 supervisor, sir?

8 A. Yes.

9 Q. Oh, you have. Can you tell me on what
10 occasions you've been his supervisor?

11 A. The period that I was the (b)(7C)c
12 (b)(7C)c I had
13 direct supervision of the shift -- well, actually, all
14 of (b)(7C)c So (b)(7C)c I
15 would've been his direct supervisor.

16 Q. You were his direct supervisor. He
17 would've reported directly to you?

18 A. Correct.

19 Q. Okay. And then after 2001, would you
20 have still been in his chain of management that he
21 reported to?

22 A. No. I was in the (b)(7C)c

23 (b)(7C)c

24 Q. Okay. And then after (b)(7C)c

25 A. I came back to operations in (b)(7C)c

1 [b7C] and then he was indirect under me.

2 Q. That means there would've been a
3 supervisor between you and him?

4 A. That's correct.

5 Q. So you would've been his second line
6 supervisor?

7 A. I was a [b(7C)c] There was a
8 second line supervisor between myself and [b(7C)c]

9 Q. Okay. He would've reported -- just for
10 the record, sir, can you tell me who those individuals
11 would've been from -- you said from June 2002 to --
12 what was the last date, sir?

13 MR. HICKEY: 2003.

14 THE WITNESS: The way we were structured
15 back then, it would've been myself as a [b(7C)c]
16 [b(7C)c] as the [b(7C)c] and then
17 [] would've reported to [b(7C)c] That changed in
18 sometime early in 2004. I don't remember exactly when.

19 [b(7C)c] came over to be the [b(7C)c]
20 [b(7C)c] and [b(7C)c] was the
21 [b(7C)c] stuff. Okay. So that changed in
22 early 2004 sometime. I can't tell you when.

23 BY MR. ROMERO:

24 Q. So in early 2004 when it changed, sir,
25 it would've been Mr. [b(7C)c] would've reported to

1 Mr. (b)(7C)c Correct?

2 A. Correct.

3 Q. And then, Mr. (b)(7C)c would've
4 reported to you. Correct?

5 A. That's correct.

6 Q. And then, sir, who do you -- who did you
7 start reporting to from early 2004 on?

8 A. Who did I start --

9 Q. Yeah. Who did you report to?

10 A. In 2004, I reported to -- at that time
11 it was a person named (b)(7C)c

12 (b)(7C)c

13 Q. Okay.

14 A. And then, there was an organization
15 change. And in November 2004, Chris Younie came here
16 from another facility and I reported to Chris Younie,
17 and he was the operations manager.

18 Q. So from early 2004 to the present you
19 still hold the same position, sir?

20 A. Essentially. My title changed and I
21 gained more responsibility in December 2005.

22 Q. Okay.

23 A. Let me explain that a little bit better.
24 Okay?

25 Q. Okay. Go ahead.

1 A. From June of [b7C] to December [b7C] I
 2 was the [b(7C)c] I just had
 3 [b(7C)c] under me. In December [] I was made the
 4 [b(7C)c] and I kept [b(7C)c]
 5 [b(7C)c] and the [b(7C)c] were added
 6 under my scope of responsibility.

7 Q. Okay.

8 A. Okay.

9 Q. That's clear, sir.

10 MR. HICKEY: I think you got one year
 11 wrong. You said from June [b7C] to December [b7C] you were
 12 [b(7C)c] I think you meant December of
 13 [b7C]

14 THE WITNESS: December [b7C] You are
 15 correct. December [b7C]

16 MR. HICKEY: And then, in December of
 17 [b7C] you also added [b(7C)c]

18 THE WITNESS: That's correct.

19 BY MR. ROMERO:

20 Q. But as far as -- from -- let's just use
 21 the year of 2004 until, I would say, March of 2006,
 22 you've been that second -- the second manager for
 23 Mr. [b(7C)c] Mr. [b(7C)c] would've reported to
 24 Mr. [b7C] and Mr. [] would've reported to you?

25 A. Say that time frame again, please.

1 Q. From 2004, starting January 1st, 2004 --

2 A. Somewhere early 2004. I don't know if
3 it was January 1st.

4 Q. Okay. All right. Well, let's just say
5 sometime -- I mean, the early part of 2004 --

6 A. Right.

7 Q. -- until the present.

8 A. Let me think about this answer just a
9 second.

10 Q. Okay. Let's back up, because it's not
11 that important for the whole -- I'm just trying to get
12 you until when Mr. (b)(7C)c would've been -- March --
13 March 2006.

14 A. The roles are not real clear. It would
15 be easier to say from December 2005 -- that line was
16 real clear in December of 2005. Before that, it was
17 not a defined -- real defined role. I -- it's hard to
18 explain to you. But I'm trying to remember if (b7c) -- I
19 don't remember exactly how we were set up.

20 Q. Okay.

21 MR. HICKEY: But the key point is you're
22 interested in the spring of 2006, and he clearly was --

23 THE WITNESS: In the spring of 2006, it
24 was myself, (b)(7C)c I can say
25 that with confidence.

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1 BY MR. ROMERO:

2 Q. All right. Let's move on, sir. Sir,
3 did you ever receive -- did Mr. (b)(7C)c ever come to
4 you and make an allegation about Mr. (b)(7C)c being
5 inattentive in the ~~control room~~ or struggling to stay
6 awake?

7 A. I don't recall (b)(7C)c ever coming directly
8 to me. I got information secondhand from another (b)(7C)c
9 (b)(7C)c

10 Q. Can you tell me who that person's name
11 is?

12 A. Yeah. It was ((b)(7C)c) His name is
13 (b)(7C)c And it was in our refuel, during Refuel
14 14, so it would've been September/October/November time
15 frame of 2005. I don't remember exactly where in the
16 refuel that occurred. (b)(7C)c just told me (b)(7C)c was very
17 upset about something. He wouldn't tell me what. He
18 said I had to talk to (b)(7C)c. So I went and talked to
19 (b)(7C)c and (b)(7C)c voiced his concern about (b)(7C)c
20 attentiveness.

21 Q. Did Mr. (b)(7C)c ever in 2005 -- and I'm
22 just trying to tie this up to the time frame. Maybe it
23 will jog your memory in any way. Where he was
24 attending some training class and then he ended up
25 coming to you and that he gave you that allegation at

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1 that time.

2 A. I don't remember --

3 Q. Okay. That's fine.

4 A. -- anything like that.

5 Q. Did you ever tell Mr. (b)(7C)c that you
6 had been given that information, that you had received
7 information that Mr. (b)(7C)c was having trouble
8 struggling to stay alert?

9 A. I don't understand the question.

10 Q. Did you ever tell Mr. (b)(7C)c that you
11 had received information from another individual that
12 Mr. (b)(7C)c was having trouble staying alert?

13 A. I don't remember the conversation we had
14 in that refuel, if that's what you're asking.

15 Q. I don't know if it was that refuel or
16 another conversation, sir.

17 A. I don't recall telling (b7C) anything
18 like that.

19 Q. Did you have several conversations with
20 Mr. -- other than this one, during this refuel,
21 concerning Mr. (b)(7C)c staying alert in the control
22 room?

23 A. The only one I remember was that one in
24 the [control room] during the refuel.

25 Q. That was the only time that you had a

1 conversation with Mr. --

2 A. That I remember.

3 MR. HICKEY: With Mr. (b)(7C)c

4 MR. ROMERO: Mr. (b)(7C)c

5 BY MR. ROMERO:

6 Q. We're talking about Mr. (b)(7C)c

7 A. Yeah.

8 Q. -- told you --

9 A. I don't recall any other conversation.

10 Q. Did Mr. (b)(7C)c ever come to you?

11 A. Uh-huh.

12 Q. Would that have been before this

13 conversation that took place in --

14 A. I believe --

15 Q. -- the time frame of --

16 A. -- it was.

17 Q. -- September/October of 2005?

18 A. I believe it was.

19 Q. And when was that conversation, sir?

20 A. It was before the refuel. That's all I

21 remember. So July/August 2005 time frame.

22 Q. And what did Mr. (b)(7C)c tell you?

23 A. He said -- I don't remember if it was

24 him or someone else had a concern with (b)(7C)c

25 attentiveness. And I went and talked to his

1 supervisors to ask if there were any issues and they
2 said there were not any issues. And I asked the
3 supervisors to be alert for this and fill me in if
4 there's any issues.

5 Q. When did you tell these supervisors
6 this?

7 A. Just right after I talked to (b)(7C)c

8 Q. And this would've been prior to the
9 outage --

10 A. That's correct.

11 Q. -- September/October 2005?

12 A. Right.

13 Q. And which supervisors did you talk to?

14 A. (b)(7C)c

15 Q. (b)(7C)c, you said?

16 A. Yeah. (b)(7C)c

17 Q. Okay. What did you tell them?

18 A. I told them about the concern, that
19 (b)(7C)c had. And I said, "I have not seen
20 this, but I am not there all the time. I need you guys
21 to keep your eyes open and let me know if there's any
22 issues."

23 Q. Did Mr. (b)(7C)c tell you that it was
24 his concern or it was other people on the shift that
25 had the concern?

1 A. If I remember right -- now, I'm going
2 from memory here -- I believe [b7C] said it was other
3 people. Because I don't even think [b7C] was on that
4 crew. I think other people -- either he overheard a
5 conversation or somebody came to him. I think it was
6 other people's concerns, not [(b)(7C)c] if I remember
7 right.

8 Q. Did [b7C] ever tell you that he had
9 spoke to Mr. [(b)(7C)c] about that allegation?

10 A. No. Not that I recall.

11 Q. All right. Did you ever tell
12 Mr. [(b)(7C)c] that you would -- you were going to look
13 into the matter as far as that allegation?

14 A. When he talked about [(b)(7C)c]

15 Q. Yes.

16 A. The only time I remember talking to
17 [b7C] -- and I'm not saying I didn't talk to him before
18 or other times -- the only time I remember was during
19 that outage when [(b)(7C)c] came to me and said he had
20 a concern. I don't recall talking to [b7C] about this
21 any other time.

22 Q. Okay. You never told Mr. [(b)(7C)c]
23 "Well, I'm going to look into this matter and I'll get
24 him off the shift"? I'm talking about you talking to
25 Mr. [(b)(7C)c]

1 A. Not that I remember. We were -- well,
2 no. Let me repackage this a little bit. We were
3 planning on taking (b)(7C)c off shift for other reasons, not
4 because of attentiveness.

5 Q. What were the other reasons?

6 A. (b)(7C)c had a hard time making a crew gel as
7 a crew. I'm going to package it just as leadership.
8 Okay. And (b)(7C)c a better project guy than a leader
9 type of guy. So (b)(7C)c and I looked -- when (b)(7C)c came over
10 to operations, we looked hard at each individual on
11 shift and what's their attributes, where do they
12 belong, and we decided that (b)(7C)c would be better off
13 coming off shift and doing project-type work. So we
14 were taking him off because of that, when we got a
15 replacement. It wasn't an urgent thing that he come
16 off, just --

17 Q. But it had nothing to do with that
18 allegation?

19 A. No.

20 Q. That's -- I'm asking you to answer that.

21 A. No. No.

22 Q. Okay. All right. Did you have -- why
23 didn't Mr. (b)(7C)c deal with it instead of you?

24 A. And that goes back to the roles and
25 responsibilities. I was the (b)(7C)c

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1 (b)(7C)c (b)(7C)c was brought over as a -- really a
2 performance improvement guy to help work with the crews
3 and improve. So that's what I tried to say before. I
4 don't think (b)(7C)c was in their direct chain until
5 December 2004 -- 5 -- 2005. So during this period, (b)(7C)c
6 was kind of involved, but on paper he wasn't their
7 direct supervisor. He was working with them from a
8 performance improvement standpoint, but I don't recall
9 him being in that direct chain. Okay.

10 Q. Did --

11 A. Although he filled that role most of the
12 time.

13 Q. Did you ever -- did you do that because
14 you had a personal relationship with Mr. (b)(7C)c

15 A. Do what?

16 Q. Dealing with him as far -- when you were
17 talking with Mr. (b)(7C)c that you dealt with
18 Mr. (b)(7C)c because you had a prior working
19 relationship --

20 A. Are you talking about dealing with (b)(7C)c
21 or (b)(7C)c now?

22 Q. Mr. (b)(7C)c

23 A. Did I do that because I have a personal
24 relationship? No.

25 Q. Or because you had had a working

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1 relationship?

2 A. We were on crew back in 1990 -- in the
3 '90s, but there was no personal relationship as far as
4 favoritism or anything, whatever you're trying to say.

5 Q. No. I didn't even mention that word,
6 sir.

7 A. Okay. No. Are you saying that I dealt
8 with it because of personal relationship? No.

9 Q. Well, how about a working relationship,
10 because you had dealt with him in the past?

11 A. Well, possibly because of a working
12 relationship.

13 Q. Well, it's either yes or no, sir. Yes.

14 MR. HICKEY: Well, no. Wait a minute.
15 It's not a yes or no. You've asked him a question that
16 I think is really fairly vague. If you want to ask him
17 the question again, he will try to answer it. But he
18 can't answer them all yes or no, even if you'd like
19 that.

20 BY MR. ROMERO:

21 Q. The question is: In dealing with
22 Mr. (b)(7C)c right, we've already set up that you were
23 the (b)(7C)c Correct?

24 A. Uh-huh.

25 Q. And the assistant was Mr. (b)(7C)c

1 Correct?

2 A. Uh-huh.

3 Q. And when you were looking into the
4 issues of reassigning Mr. (b)(7C)c, why didn't
5 Mr. (b)(7C)c deal with it?

6 MR. HICKEY: He's answered that. He
7 said he was the --

8 MR. ROMERO: You can answer it again,
9 sir, and then we'll move on from there.

10 THE WITNESS: Why didn't Mr. (b)(7C)c deal
11 with it?

12 MR. HICKEY: Yeah. I mean, if you've
13 forgotten, he said he was the (b)(7C)c
14 Mr. (b)(7C)c was performance improvement --

15 THE WITNESS: Yeah. I don't --

16 MR. HICKEY: -- and he wasn't on the
17 direct chain until December of '05.

18 MR. ROMERO: Oh, I'd like for
19 Mr. (b)(7C)c to answer that.

20 THE WITNESS: Why didn't (b)(7C)c deal
21 with it?

22 MR. HICKEY: Tell him what you told him
23 before, and then we'll see if he wants to ask something
24 else.

25 THE WITNESS: I was the (b)(7C)c

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1 and I dealt with it with (b)(7C)c was the (b)(7C)c
2 (b)(7C)c } A lot of times he filled that
3 role, as the go-to guy. And I don't recall why I dealt
4 with it instead of (b)(7C)c It could've been timing. It
5 could've been availability. I just don't know.

6 MR. ROMERO: Okay.

7 BY MR. ROMERO:

8 Q. Did you get interviewed when Employee
9 Concerns Program investigation was conducted
10 concerning -- were you interviewed by ECP concerning
11 Mr. (b)(7C)c

12 A. Yes.

13 Q. You were?

14 A. Yes.

15 Q. Okay. All right. And do you recall
16 what the findings on that investigation were?

17 A. I don't know that I've ever seen any
18 final findings from that investigation.

19 Q. Okay. If you haven't seen it, that's
20 fine.

21 A. The concern was raised. It was then
22 apparent the concern was more prevalent than what
23 either (b)(7C)c or I had known. We took Mr. (b)(7C)c off
24 shift as a result of that, pending the investigation,
25 which is still going on.

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- 1 Q. It's still open?
- 2 A. From your office standpoint.
- 3 Q. No. I'm talking about ECP. The ECP --
- 4 A. No. I don't -- I can't tell you if it's
- 5 closed or open. I don't know what the status of that
- 6 is.
- 7 Q. Do you know who reported that allegation
- 8 to ECP?
- 9 A. Do I know now --
- 10 Q. Yeah.
- 11 A. -- or did I know then?
- 12 Q. Did you know then?
- 13 A. No.
- 14 Q. Prior to March 2006?
- 15 A. No.
- 16 Q. Do you know now?
- 17 A. Yes.
- 18 Q. Who was it?
- 19 A. b7c
- 20 Q. Because he told you or someone told you?
- 21 A. He told me on March 9th.
- 22 Q. On March 9th he told you?
- 23 A. Uh-huh.
- 24 Q. What --
- 25 A. I was in a discussion with him about his

1 performance appraisal, and (b)(7C) said, "I guess you've
2 figured out by now that I'm the one that" -- I don't
3 remember his words, "filed the allegation" or the
4 concern or whatever. I just said, "No, (b)(7C) I had no
5 idea it was you, and I wish you hadn't have told me
6 that." That was March 9th.

7 Q. Okay. Let's go to the -- talk about
8 Mr. (b)(7C)c evaluation for the year 2005, which
9 would've been given to him in the early part of 2006.
10 Correct?

11 A. Correct.

12 Q. Who would've been the person that
13 would've been rating him on his evaluation?

14 A. (b)(7C)c

15 Q.

16 A. Uh-huh.

17 Q. Because that was his direct supervisor.

18 Correct?

19 A. Uh-huh.

20 Q. Is that a yes?

21 A. Yes.

22 Q. But it is, sir, is it --

23 A. I --

24 Q. For the record, sir --

25 A. I got you.

1 Q. -- for the record, they record what's --
2 what the conversation is, and you have to --

3 A. Yes. I understand.

4 Q. All right. Do you recall what

5 Mr. (b)(7C)c evaluation rating was?

6 A. The final one?

7 Q. Yes, sir. The overall.

8 A. (b)(7C)c

9 Q. (b)(7C)c Okay. And for the
10 record, sir -- and I want you to correct me if I'm
11 stating this wrong -- there are several categories on
12 there. Correct? On what is rated and there's, like,
13 five categories from outstanding to needs improvement.
14 I don't know what the exact -- you can probably tell me
15 what they are on the record. Right, sir? I think the
16 middle is meets expectations.

17 A. Meets expectations. Correct.

18 Q. Right?

19 A. Correct.

20 Q. And below it is needs improvement.

21 A. Correct.

22 Q. Right? And so, what happens for a
23 person to get the needs improvement is it would have
24 more of the -- there are several categories on there.
25 They would've had more needs improvement to get the

1 overall score of needs improvement, even if they
2 would've had some meet expectations or whatever the
3 next ranking above that was. Correct?

4 A. That's true. You can have marked needs
5 improvement, meets expectations, or exceeds
6 expectations and still be needs improvement.

7 Q. Yes, sir. I just wanted to get that
8 straight for the record.

9 A. Okay.

10 Q. And do you recall, sir -- and I'm not --
11 just asking you this from your memory now -- do you
12 recall what some of the categories were that

13 Mr. (b)(7C)c on?

14 A. No. No.

15 Q. Okay.

16 A. I could take a guess, but I best not do
17 that.

18 Q. Okay. That's fine.

19 A. If I had a form in front of me, I could
20 probably tell you. But I don't remember the exact
21 titles.

22 Q. Okay. Did you have discussions with
23 Mr. b7c when he submitted -- I don't know how this
24 works. Does he submit it to you to review?

25 A. Yes.

1 Q. Did you have discussions?

2 A. Yes.

3 Q. And do you recall what the discussions
4 were about Mr. (b)(7C)c rating?

5 A. The way that [] did the performance
6 appraisal for the [shift manager]s, he put together a
7 summary sheet of their overall strengths, weaknesses,
8 improvement opportunities that were observed in the
9 last year. And he took that and rolled that into the
10 performance marks and the narrative. Okay.

11 Q. Okay.

12 A. I did see the summary before we had our
13 calibration meeting and reviewed not just (b7C) all
14 of them, just looking through them because he wanted
15 input, and I gave him some input on some of my
16 thoughts. And he wrote the performance appraisals from
17 that.

18 Q. Did Mr. (b)(7C)c have a problem with the
19 rating that he received? Do you recall?

20 A. The final one?

21 Q. Yes, sir.

22 A. Yes. He did.

23 Q. And you know that because he told you
24 personally, or because Mr. (b)(7C)c told you?

25 A. No. Because we had a very lengthy

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1 conversation on -- early March. If I saw a calendar, I
2 could tell you what the date was. It was early in
3 March, within the first ten days of March, I would say.
4 After the appraisal -- I might have it here. After the
5 appraisal was presented to (b)(7C)c and I had a very
6 lengthy conversation about the performance appraisal.
7 It was on March 9th, the same day that he told me
8 the --

9 Q. March 9th --

10 A. -- that he was alleging --

11 Q. -- 2006?

12 A. March 9th, 2006.

13 Q. And this was prior to him getting the
14 evaluation from Mr. -- from --

15 A. No. No. No. No. (b7C) had already
16 discussed the performance appraisal with (b7C)

17 Q. Okay.

18 A. And this was an after the performance
19 appraisal discussion that (b7C) and I had this
20 discussion.

21 Q. And he was upset?

22 A. Yes.

23 Q. What did he say?

24 A. You're talking a several hour
25 conversation here.

1 Q. Oh, is it? Can you summarize, you know,
2 just the high points? I mean, he was -- he didn't
3 think he deserved the rating because he was a good
4 worker or he felt that --

5 A. Sir, I really can't remember the words
6 he used. He didn't feel -- I'll sum it up for you.
7 And this is what sticks in my mind about that
8 conversation.

9 (b)(7C)c although he's not a good
10 leader, does some things well. And in a meeting, (b)(7C)c
11 (b)(7C)c gave (b)(7C)c credit for some things he was
12 doing with his shift, some things that we expect him to
13 do and he was doing well. I do remember (b)(7C)c saying,
14 "Well, you're holding me up to (b)(7C)c as the
15 standard," and he said he doesn't feel he's a standard
16 model to be a (b)(7C)c - (b)(7C)c

17 I remember that part of it. So he was
18 comparing himself to (b)(7C)c and didn't have any respect at
19 all for (b)(7C)c and he thought, how can he be (b)(7C)c
20 (b)(7C)c It was a lengthy conversation. I don't
21 remember everything that took place.

22 Q. But did he say to you that he felt that
23 he was getting that rating because he had submitted
24 that allegation to ECP about Mr. (b)(7C)c being
25 inattentive?

1 A. Towards the end of it, I got that
2 feeling. I don't know if he ever came out and said
3 that. Okay. But that came out towards the end of this
4 discussion. It got to be pretty heated. It was a
5 pretty heated -- I've never had a heated discussion
6 with (b)(7C) before this. It got to be a pretty heated
7 discussion. And I guess, yeah, I guess he was making
8 the link between the allegation and the performance
9 appraisal at that time.

10 Q. But you didn't know about it until March
11 9th, 2006?

12 A. Until he told me.

13 Q. Nobody had ever told you?

14 A. No.

15 Q. Okay.

16 A. As a matter of fact, I thought it was
17 probably an (b)(7C) because hadn't (b)(7C) come to me and my
18 thought was an (b)(7C) as talking to (b)(7C) otherwise, why
19 would (b)(7C) be talking to me, because he's the (b)(7C)
20 So my logic said it was an (b)(7C) that made the allegation.
21 I never had a clue that it was a (b)(7C)c let alone
22 (b)(7C)c

23 Q. But (b)(7C) had brought that to your
24 attention back in September/October time frame of 2005?

25 A. Yeah. But I have to characterize that,

1 bringing to my attention, he didn't bring it directly
2 to me. It came to me through a third party. Now, I
3 talked to (b)(7C) To me, it wasn't a crisis in (b)(7C)c
4 mind at that time. I just didn't -- maybe I read it
5 wrong, but I did not take it as a crisis. I took it as
6 a question in (b)(7C) mind. I didn't take it as a
7 crisis.

8 So, you know, there's different ways I
9 can tell you I have a concern, and if I don't act
10 concerned, I'm not going to take it as a real strong
11 concern. And during that time, it just so happens that
12 I was on shift with (b)(7C)c a lot during the outage.
13 And I had ample opportunity to watch him and did not
14 see that behavior any time I was around him.

15 Q. Did Mr. -- based on what you know, sir,
16 and your conversations with Mr. (b)(7C) did Mr. (b)(7C)
17 know that Mr. (b)(7C)c had brought --

18 A. No.

19 Q. -- an allegation to ECP concerning all
20 this?

21 A. No. He didn't. As matter of fact, I
22 finally told (b)(7C) about two weeks after I learned about
23 it.

24 Q. So that would've been after the March
25 9th, 2006 date?

1 A. Yeah. It was a week or two later that I
2 mentioned it to (b)(7C)

3 Q. Did Mr. (b)(7C)d state that he didn't know
4 that Mr. --

5 A. Right. He had no idea. Neither of us
6 did.

7 Q. Okay. So, sir, no adverse actions were
8 taken against Mr. (b)(7C)c because he brought that
9 allegation to ECP because you didn't know about?

10 A. Yeah. We had no clue.

11 Q. Yourself and Mr. (b)(7C) based on what
12 Mr. (b)(7C) has told you?

13 A. Correct.

14 Q. Or any other managers.

15 A. The only person that would've had
16 knowledge of that was Dave Hollabaugh, and Dave
17 Hollabaugh holds his cards very close to his chest and
18 does not divulge that information.

19 Q. For the record, sir, Mr. Dave Hollabaugh
20 is who, sir?

21 A. He's the Employee Concerns
22 superintendent.

23 Q. Sir, let's talk about the bonus. Isn't
24 there like a KPI bonus --

25 A. Yeah.

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1 Q. -- that's given here at Callaway?

2 A. If we earn it.

3 Q. Yes, sir. And do you know if

4 Mr. (b)(7C)c was ever promised a certain amount or a
5 certain percentage that he was to receive KPI bonus for
6 his work in 2005?

7 A. Promised? I don't like using that word.
8 We were all told, you know, as a company if we meet
9 certain earnings per share goals, certain nuclear
10 function goals, certain department goals, and certain
11 individual goals that we will be paid a bonus based on
12 that performance. So we were all told that.

13 Q. Right. Let me get more specific. Do
14 you know if anybody sent him -- anybody specifically
15 sent them an e-mail or some document saying, "You will
16 receive a certain amount or a certain percentage based
17 on your" --

18 A. No.

19 Q. -- "based on your 2005 performance?"

20 A. Once the year has ended and the company
21 has declared earnings per share and we've determined if
22 we met our nuclear function goals, we determined if we
23 met our department goals, and then we look at
24 individual performance as far as their goals. You
25 can -- yeah, you -- we send information out saying,

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1 "Here's where we are as a company, as a function, as a
2 department. And then you need to figure out for
3 yourself where you are as an individual," even though
4 we have that information. And you can determine pretty
5 close what your bonus should be.

6 MR. HICKEY: But I think your question
7 was specifically did a manager or a company supervisor
8 ever send Mr. (b)(7C)c or anybody else a memo that
9 says, "Mr. (b)(7C)c based on your performance and the
10 KPI goals, you will receive "X" dollars."

11 THE WITNESS: To (b)(7C) individually?

12 MR. ROMERO: Yes.

13 THE WITNESS: Not that I would know of.
14 No. I don't --

15 BY MR. ROMERO:

16 Q. Based on what you know?

17 A. No.

18 Q. Okay. These -- the way that -- what I'm
19 understanding, sir, is that based on all this criteria
20 you just mentioned that if you were to meet all these
21 criteria, then there may be an expectation that this
22 may be the amount you may get.

23 A. That's correct.

24 Q. Right? It's all --

25 A. It's all at risk.

1 Q. Right. All at risk. But I'm saying,
2 there is nobody here that is promised a certain amount
3 until the managers sit down and evaluate all this
4 criteria. Correct?

5 A. Correct.

6 Q. That's what I'm trying to get at.

7 A. It's just like you working for the
8 government. They may have a wage increase freeze.
9 You're not guaranteed you're going to get a salary
10 adjustment.

11 Q. Right.

12 A. It's the same principle.

13 Q. And when you hire on here at Callaway,
14 none of the managers are told, "You will receive a
15 bonus every year"?

16 A. No.

17 Q. Okay. That's --

18 A. There is a potential there.

19 Q. Right. And that's the question. That
20 question I do want a yes or no. So there's no
21 expectation. There is no 100 percent guarantee you're
22 going to receive one?

23 A. Absolutely not.

24 Q. All right. Now, let's talk about the --
25 when Mr. (b)(7C)c received this (b)(7C)c did

1 he have an expectation to receive a bonus or did he
2 not?

3 A. On the date that (b)(7C)c sat down with (b)(7C)c
4 the understanding was bonus was not going to be
5 affected.

6 Q. And that date would've been what date,
7 sir, if you can recall?

8 A. If I remember correctly, it was January
9 19th when (b)(7C)c discussed the performance appraisal with
10 (b)(7C)c

11 Q. Okay. Let's say approximately.

12 A. Approximately January 19th.

13 Q. 2006.

14 A. That's correct.

15 Q. Okay.

16 MR. HICKEY: Actually, I think the form
17 was signed --

18 MR. ROMERO: 16th.

19 MR. HICKEY: -- on February 16th. It
20 was signed by --

21 THE WITNESS: Oh, you're right.

22 MR. HICKEY: -- Mr. (b)(7C)c on February
23 16th.

24 MR. (b)(7C)c: I wrote down some dates
25 here. Let me look.

1 MR. ROMERO: Go ahead.

2 MR. (b)(7C)c Let me look and make sure
3 I got the dates right. Pat, you're probably right
4 here. January 19th.

5 MR. HICKEY: January 19th is when
6 Mr. (b)(7C)c signed it.

7 THE WITNESS: Oh, you're right.
8 February -- February 16th, (b)(7C)c discussed the
9 performance appraisal with (b)(7C)c February 16th.
10 Thanks, Pat.

11 BY MR. ROMERO:

12 Q. Okay. So that's the date that he -- Mr.
13 (b)(7C)c sat down with Mr. (b)(7C)c

14 A. That's correct.

15 Q. All right. And told him that he was of
16 the belief -- of the belief -- he didn't tell him that
17 he knew for sure, but he was of the belief that the
18 bonus wouldn't be affected?

19 A. It was our belief at that time the bonus
20 would not be affected. Yes.

21 Q. Based on the information that either you
22 or Mr. (b)(7C)c had at the time?

23 A. That's correct.

24 Q. Okay. Then what happened after that to
25 where it did affect the amount of payout?

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1 A. On approximately February 27th, a
2 decision was made by senior leadership that people
3 evaluated as (b)(7C)c would not receive the
4 entire bonus potential. And two things happened.
5 People marked (b)(7C)c did not get a salary
6 adjustment, so in other words their salary remained the
7 same for 2006; and the corporate portion of the
8 performance bonus was withheld from those individuals.
9 That was February 27th.

10 Q. Okay. And that was a decision that was
11 made with managers above you. Correct, sir?

12 A. Yes. That's correct.

13 Q. Okay.

14 A. It was the vice president level.

15 Q. All right. Did Mr. b7c ever tell you
16 that he had -- and I believe you had made mention
17 earlier to where he went to a meeting with the senior
18 management and he had received feedback concerning
19 managers as far as their evaluations. Did Mr. (b)(7C)c
20 ever tell you about that? That he had attended --
21 maybe I'm not phrasing this question correctly.

22 A. Yeah. I want to make sure I understand
23 what you're asking.

24 Q. Let me rephrase this question again,
25 sir. Did Mr. b7c ever tell you that he had attended

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1 a meeting with senior level management and also his
2 peers to discuss how they were going to, you know, give
3 the ratings for 2005?

4 A. Oh, yes. You're talking about
5 calibration meetings, performance appraisal calibration
6 meetings.

7 Q. Yes, sir.

8 A. We're changing to a pay performance
9 model, and everybody --

10 MR. HICKEY: Pay for performance?

11 THE WITNESS: Pay for performance.

12 MR. HICKEY: Pay for performance.

13 THE WITNESS: And that -- everybody on
14 site went through the management. All management
15 people on site were evaluated by the next level above
16 them for overall performance and where they fell in the
17 performance appraisal line. And the one where the
18 shift supervisor was done, the second line supervisors
19 was done by department heads -- managers and VPs,
20 whoever was there that day. Ye. So there was a
21 meeting held to look at all second line supervisors,
22 which includes the ~~shift manager~~ group.

23 BY MR. ROMERO:

24 Q. Okay. And did Mr. b7C receive
25 feedback about Mr. (b)(7C)c

1 A. Uh-huh. Yeah. Not just him. It was
2 all (b)(7C)c

3 Q. Right. And I understand there was
4 other -- but I'm saying, he did receive feedback --

5 A. That's correct.

6 Q. -- concerning Mr. (b)(7C)c

7 MR. HICKEY: Were you at this meeting?

8 THE WITNESS: No.

9 MR. HICKEY: All right. So you're
10 talking about what you understand happened at the
11 meeting?

12 THE WITNESS: I was at the one for the
13 department heads the week before, so I understand the
14 process.

15 MR. ROMERO: Okay.

16 THE WITNESS: I wasn't there. I was on
17 vacation that week.

18 BY MR. ROMERO:

19 Q. But Mr. (b)(7C)c did tell you -- and
20 that's what I keep referring to, what Mr. (b)(7C)c told
21 you.

22 A. Yes. Yes.

23 Q. And that he had received the feedback?

24 A. (Witness nodded.)

25 Q. Do you recall what that feedback was,

1 sir?

2 A. Yes. We talked -- when I got back from
3 vacation, (b)(7C) -- I asked (b)(7C) how it went and how they
4 were looked at. And three (b)(7C)c came out as
5 (b)(7C)c out of that calibration meeting.

6 Q. And one of them was Mr. (b)(7C)c

7 A. That's correct.

8 Q. Okay. And it was based upon not just
9 Mr. (b)(7C)c observation, but observations of other
10 managers?

11 A. That's correct.

12 MR. ROMERO: Mr. Hickey, can I see that
13 information that you provided me yesterday?

14 BY MR. ROMERO:

15 Q. Had you -- have you ever seen these,
16 sir, these meeting notes, I guess they're called?

17 A. Yes. Yes. I've got those.

18 Q. With Mr. -- if you could turn to the
19 page where Mr. (b)(7C)c is listed there. Okay. Are
20 these some of the things that you recall that
21 Mr. (b)(7C)c told you that he indicated had been given
22 feedback about Mr. (b)(7C)c

23 A. Yeah. I reviewed this when I got back
24 from vacation and talked about each of these three
25 individuals.

1 Q. Okay. Can you say for the record, sir,
2 what -- first of all, you're reading off the minutes
3 from a meeting that occurred between senior leadership.
4 It's called a calibration meeting, you said, sir?

5 A. That's correct.

6 Q. And what is the title of this?

7 A. This is "Second Line Supervisor
8 Performance Appraisal Calibration Meeting on January
9 10th, 2006."

10 Q. Okay. And what does it say about
11 Mr. (b)(7C)c

12 A. It has him rated overall as a (b)(7C)c
13 (b)(7C)c And the (b)(7C)c category was
14 broken down into plus, minus and neutral. And (b)(7C)c was
15 on the high side of the (b)(7C)c
16 (b)(7C)c
17 (b)(7C)c

18 And some comments that were taken out of
19 this discussion were (b)(7C)c

20 (b)(7C)c
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1 (b)(7C)c

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Q. And this is all -- this was -- again, this was feedback from other managers that were giving it to Mr. [REDACTED] Correct?

A. That's correct. And VPs. Managers to vice presidents.

Q. Okay. Thank you, sir. All right, sir.

A. Let me add one more thing.

Q. Go ahead.

A. It was managers, vice presidents and other department heads, also. Okay.

Q. And again, for the record, there were other people that were rated (b)(7C)c not just Mr. (b)(7C)c

A. That's correct. There were -- on that list there were (b)(7C)c

Q. That are his peers? That are Mr. (b)(7C)c s peers?

A. Yes. Yes.

Q. So Mr. (b)(7C)c wasn't the only one that was being per se picked on. There was nobody being picked on; they were rated on their merit, and this is where he fell, and this --

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1 A. Yes.

2 Q. -- was the opinion of management?

3 A. They were evaluated based on
4 performance.

5 Q. All right, sir. Just a few more
6 questions. Sir, again, you know -- do you know if any
7 adverse actions were taken against Mr. (b)(7C)c for
8 bringing forth the allegation about Mr. (b)(7C)c?

9 A. No. There were no adverse actions taken
10 because we had no idea it was him. This is just the
11 way the process worked out in moving to a pay for
12 performance model at Callaway.

13 Q. Okay. And you know of no other person
14 taking adverse actions against Mr. (b)(7C)c

15 A. No.

16 Q. All right, sir. A few closing
17 questions. Mr. (b)(7C)c have I or any other NRC
18 representative threatened you in any way or offered you
19 any rewards in return for the statement you've given
20 today?

21 A. No.

22 Q. Have you given this statement freely and
23 voluntarily?

24 A. Yes.

25 Q. Is there anything further you care to

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1 add to the record?

2 A. No.

3 Q. Okay.

4 MR. ROMERO: This interview is concluded
5 at 8:49 a.m. on November 2nd, 2006.

6 THE WITNESS: Okay.

7 MR. ROMERO: Thank you, sir.

8 (WHEREIN; the interview was concluded at
9 8:49 a.m.)

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