

Title: SAN ONOFRE NUCLEAR GENERATING STATION:  
DISCRIMINATION AGAINST CONTRACT PIPEFITTER BY  
LICENSEE MANAGEMENT FOR IDENTIFYING SAFETY  
CONCERNS

Licensee: Southern California Edison Co.  
P.O. Box 128  
San Clemente, California 92674-0128  
Case No.: 4-2001-005  
Report Date: November 5, 2001  
Control Office: OI:RIV  
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ADMINISTRATIVE ACTION AND/OR CRIMINAL PROSECUTION.~~

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## SYNOPSIS

This investigation was initiated by the Nuclear Regulatory Commission (NRC), Office of Investigations, Region IV (RIV), on January 29, 2001, to determine if a former Pipefitter Foreman, Bechtel Construction, Inc. (Bechtel), at Southern California Edison's (SCE) San Onofre Nuclear Generating Station (SONGS) was the subject of employment discrimination by SONGS management for identifying safety concerns.

Based on a review of the testimony, documentary evidence developed during the investigation and coordination with the RIV technical staff, the allegation that a former Bechtel Pipefitter Foreman at SONGS was the subject of employment discrimination by SONGS management for identifying safety concerns was not substantiated.

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LIST OF INTERVIEWEES

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		<u>Exhibit</u>
(b)(7)(C)	(b)(7)(C)	SCE 22
(b)(7)(C)	(b)(7)(C)	Bechtel 29
(b)(7)(C)	(b)(7)(C)	Bechtel 2
(b)(7)(C)	(b)(7)(C)	(b)(7)(C) SCE 19
(b)(7)(C)	(b)(7)(C)	Bechtel 20
(b)(7)(C)	(b)(7)(C)	SCE 21,30
(b)(7)(C)	(b)(7)(C)	SCE 14
(b)(7)(C)	(b)(7)(C)	Bechtel 23
(b)(7)(C)	(b)(7)(C)	Bechtel 15
(b)(7)(C)	(b)(7)(C)	Bechtel 16
(b)(7)(C)	(b)(7)(C)	(b)(7)(C) Bechtel 17
(b)(7)(C)	(b)(7)(C)	Bechtel 24
(b)(7)(C)	(b)(7)(C)	SCE 18
(b)(7)(C)	(b)(7)(C)	Bechtel 28

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DETAILS OF INVESTIGATION

Allegation

Discrimination Against a Contract Pipefitter by Licensee Management for Identifying Safety Concerns

Applicable Regulations

10 CFR 50.5: Deliberate Misconduct (2000 Edition)

10 CFR 50.7: Employee Protection (2000 Edition)

Purpose of Investigation

7c This investigation was initiated by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), on January 29, 2001, to determine (b)(7)(C) (b)(7)(C) former (b)(7)(C) Bechtel Construction, Inc. (Bechtel), at Southern California Edison's (SCE) San Onofre Nuclear Generating Station (SONGS) was the subject of employment discrimination by SONGS management for identifying safety concerns (Exhibit 1).

Background

7c On January 19, 2001, (b)(7)(C) NRC:RIV, reported (b)(7)(C) to him that he was the subject of harassment and intimidation for reporting safety concerns to his management on October 24, 2000.

7c According to (b)(7)(C) as the (b)(7)(C) during the Unit I outage (October-November 2000), was assigned to work on Moisture Separator Reheater (MSR) 2ME113 on October 23, 2000. (b)(7)(C) said he observed that new bellows that had been installed in the MSR were installed improperly, causing a substantial misalignment with the 10-inch pipe below the MSR. He was directed to install a padeye for a come-along to be used to lift the pipe and to use a portapower to jack the pipe into alignment with the bellows. (b)(7)(C) told (b)(7) (b)(7)(C) (b)(7)(C) Bechtel, who in turn informed (b)(7)(C) (b)(7)(C) SCE, who directed to "fit it up." (b)(7)(C) said as (b)(7)(C) he called a "Stop Work."

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On October 25, 2000, (b)(7)(C) he searched and found Procedure SO123-V.20.6, Section 6.7, "Piping System Misfits," which states that piping is not to be jacked or otherwise forced into alignment without the cognizant engineer documenting an evaluation of the condition. He said he showed the procedure to (b)(7)(C) who agreed with him (b)(7)(C) showed the procedure to (b)(7)(C) SCE. According to (b)(7)(C) told him that SONGS wanted to proceed with the outage because there would be bonuses if the outage was completed early. (b)(7)(C) (b)(7)(C) apparently discussed his concern with (b)(7)(C) (b)(7)(C) SCE, who was aware of his concern. (b)(7)(C) (b)(7)(C) (b)(7)(C) and (b)(7)(C) went to the job site, saw the crooked bellows and misaligned pipe, and directed him (b)(7)(C) to proceed with the work. (b)(7)(C) said he showed them the procedure again and was told not to worry about the procedure. He said (b)(7)(C) then pen and inked the maintenance order [MO] to allow rigging to align the joint, adding that (b)(7)(C) was not authorized to pen and ink maintenance orders. (b)(7)(C) said he was directed to continue with the job so he had his crew use a come-along and a portapower to realign the pipe with the crooked bellows. He said 20 tons of force was applied to the pipe by the portapower, which was connected to a 20-inch pipe, lifting the 10-inch pipe so much that a pipe hanger became loose.

(b)(7)(C) said he was sent to lunch, and during his absence the piping was taped up and (b)(7)(C) (b)(7)(C) SCE, was called to evaluate the condition. (b)(7)(C) said (b)(7)(C) was intentionally misled by (b)(7)(C) and he (b)(7)(C) initially approved the condition, but when he was informed of the actual condition of the pipe, he called two nuclear design engineers to evaluate the pipe. According (b)(7)(C) (b)(7)(C) [NFI] was subsequently directed to weld the pipe.

On October 26, 2000, (b)(7)(C) (b)(7)(C) and (b)(7)(C) (b)(7)(C) Bechtel, came to the general foreman's office and asked him to step outside. (b)(7)(C) said he was told he was going back to the "tools." He asked (b)(7)(C) if this demotion was related to the MSR incident, and (b)(7)(C) stated, "it seems that way." (b)(7)(C) said he was senior to most of the Bechtel personnel, but Bechtel took a new man, (b)(7)(C) (b)(7)(C) who had never been a foreman, and promoted him to a foreman because there was a shortage of foremen at the time. (b)(7)(C) said (b)(7)(C) remained a foreman until November 17, 2000, the end of the Unit 2 outage, while he (b)(7)(C) was no longer a foreman. He said usually if a

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foreman was demoted, the junior foreman would be demoted first, which did not happen in this instance. (b)(7)(C) also said he had more weld certifications than most of the Bechtel foremen, but he was ordered to go to the test facility on day shift for additional welding and fire watch training. He said he was placed on the day shift where there was less opportunity to be upgraded to foreman and Bechtel management [NFI] lowered his ranking on the force ranking list. (b)(7)(C) added that he had taken his concerns to the Nuclear Safety Concerns Program (NSCP), specifically to (b)(7)(C) but added (b)(7)(C) did not talk to the people he needed to interview to get the truth and drew an incorrect conclusion.

7c  
On January 26, 2001, (b)(7)(C) reported that (b)(7)(C) provided additional information relevant to the issues he provided, supra. According to (b)(7)(C) (b)(7)(C) he was being laid off before many more junior and less qualified welders in his work group. He said he felt the lay off was a hostile action because his ranking could not be as low as that of the others in his group unless someone tampered with the rankings. Also, according to (b)(7)(C) lied or falsified information in the NSCP file regarding who had been contacted during his investigation.

7c  
On January 29, 2001, the RIV Allegation Review Board discussed (b)(7)(C) concerns and requested OI:RIV interview (b)(7)(C) regarding his concerns of employment discrimination for identifying safety concerns.

Interview of Allegor (b)(7)(C) (b)(7)(C) (Exhibit 2)

7c  
Interviewed by OI:RIV on February 7, 2001, (b)(7)(C) stated he began working at SONGS in (b)(7)(C) worked 20 years, and 15 of those years were as a supervisor or foreman. (b)(7)(C) recalled that on Saturday, October 21, 2000, he obtained a work authorization, "tailboarded" with the craftsmen, posted the qualified fire watch and adhered to the fire protection requirements prior to beginning work on the MSR piping. He said he made a positive identification of the piping and had a second person repeat back the ID tag identification and adhered to the procedural requirements. He said they performed a partial weld, prepped the piping, and released the work authorization. (b)(7)(C) said that night he (b)(7)(C) told (b)(7)(C) of his concern that the fit-up was a procedural violation and that someone could be injured by the piping, by not knowing that the piping had a

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7c tremendous amount of built up stress in it. (b)(7)(C) said he knew that there was a procedure addressing the matter, but was unable to recall where it was located (Exhibit 2, pp. 3-10).

7c (b)(7)(C) said on Monday, October 23, 2000, after reporting to work he obtained another work authorization, posted, and adhered to the requirements of fire protection. (b)(7)(C) said he noted that a nonconformance was suspected, and he contacted the maintenance supervisor and showed (b)(7)(C) a copy of the procedure. (b)(7)(C) said at that point he was bordering on the edge of insubordination, because he had been persistent in pursuing this issue, so he lined up the piping and then he went to lunch. He said he told (b)(7)(C) and (b)(7)(C) that he had enough with this and was stopping the work until they physically brought the cognizant engineer out to review the situation. (b)(7)(C) stated (b)(7)(C) and (b)(7)(C) did not inform anyone that they were going to contact the cognizant engineer. (b)(7)(C) noted it was an operating procedure that if he ran into "a problem" while working, he would call the cognizant engineer to review the matter (Exhibit 2, pp. 10-17).

7c According to (b)(7)(C) if he had "rolled over" and did what they wanted, violated the procedure and stuck that piping together the way they wanted it, it would have been covered over and nobody would have known that the problem existed. (b)(7)(C) said they could have kept on working and there would have been more mistakes, which would have cost them more money and downtime (Exhibit 2, pp. 34 and 35).

7c (b)(7)(C) while he was at lunch the cognizant engineer (b)(7)(C) reviewed the work and when he (b)(7)(C) returned from lunch he told (b)(7)(C) that the piping was mismatched and the work did not follow the procedure. (b)(7)(C) said he showed (b)(7)(C) what work had been done and (b)(7)(C) left the area saying, "I think I've been misled here. I think this is quite a bit different than what I thought the situation was." According to (b)(7)(C) (b)(7)(C) stated, "I'll take care of this," and he left the area and returned later with two NEDO (Nuclear Engineering Design Organization) engineers [NFI]; however, he (b)(7)(C) said his work group had already moved to another assignment (Exhibit 2, pp. 19-21).

7c On October 26, 2000, (b)(7)(C) recalled that he went to the foreman's office to sign off on the MOs (maintenance orders), and he noticed that (b)(7)(C) (b)(7)(C) (b)(7)(C) Bechtel, was in the office with (b)(7)(C) talking to (b)(7)(C) (b)(7)(C) Day

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7c (b)(7)(C) Bechtel. (b)(7)(C) recalled that (b)(7)(C) told him, "You'll be working with (b)(7)(C) He'll be your foreman. You'll be working for him on the night shift." (b)(7)(C) explained that he then worked as a pipefitter on the night shift from October 26 through December 8, 2000 (Exhibit 2, pp. 39-41).

7c (b)(7)(C) recalled a meeting with the union steward and (b)(7)(C) who explained that at that time they [Bechtel] were reducing staff as a normal reduction of force, there was going to be a lay off, and they disbanded his (b)(7)(C) crew. (b)(7)(C) opined that a layoff was too much of a coincidence, adding that was what they made it to look like, but that was not, in fact, the way it occurred (Exhibit 2, p. 46).

7c According to (b)(7)(C) on Monday, December 11, 2000, he was directed by (b)(7)(C) to report to the day shift and was told that he was going to be taking welding tests to upgrade his skills. (b)(7)(C) added that out of all the Bechtel welders, he had the most welding certifications. (b)(7)(C) noted that on December 22, 2000, he completed his tests and thought he would return to the night shift, but on December 26, 2000, a Monday morning, (b)(7)(C) called his (b)(7)(C) house and spoke with his wife and said that he (b)(7)(C) needed to call him. (b)(7)(C) said that (b)(7)(C) told him there was a mix-up because he (b)(7)(C) was assigned on the day shift. (b)(7)(C) said (b)(7)(C) told him (b)(7)(C) it was late in the day, so rather than lose any money, he should come in that night. (b)(7)(C) said he had an 8-hour break between shifts and then came back on the day shift. (b)(7)(C) stated that he was a night shift person, but they had moved him to day shift to attend welding school. (b)(7)(C) said from that time on, he was on the day shift, but he was never given a reason why he was transferred to the day shift. Later on (b)(7)(C) said he asked his foreman, (b)(7)(C) (b)(7)(C) (b)(7)(C) Bechtel, about this shift change and the only answer he received was that was the way (b)(7)(C) wanted it. (b)(7)(C) said (b)(7)(C) told him that the client (b)(7)(C) wanted him (b)(7)(C) on the day shift (Exhibit 2, pp. 51-58).

7c (b)(7)(C) said an NSCP letter, dated November 1, 2000, reported to him that they [NSCP] did not find any evidence to support his allegations but wrote, "Thank you for bringing forward the concerns on October 28." He said he went back to (b)(7)(C) gave him more information because there were other things happening, and he (b)(7)(C) said he would reopen the investigation. According to

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7c (b)(7)(C) (b)(7)(C) said he would look into the charges of harassment and intimidation as added assertions. (b)(7)(C) said subsequently he had a meeting in which (b)(7)(C) stated that he could not find any grounds for his (b)(7)(C) allegation. (b)(7)(C) recalled that in that meeting, (b)(7)(C) started asking some strange questions like "who are you mad at, (b)(7)(C) said (b)(7)(C) told him that he had talked to everyone, and if he (b)(7)(C) went to the NRC, that was fine. (b)(7)(C) said (b)(7)(C) told him that he would be happy to have the NRC come in and the NSCP would be open for inspection (Exhibit 2, pp. 60-65).

7c (b)(7)(C) recalled that after leaving (b)(7)(C) office he saw (b)(7)(C) and asked him if he had been contacted by (b)(7)(C). According to (b)(7)(C) (b)(7)(C) said, "Nobody has talked to me, no one." (b)(7)(C) said at that point his respect for (b)(7)(C) and the NSCP diminished (Exhibit 2, p. 66).

7c (b)(7)(C) said at a meeting with (b)(7)(C) and the union steward [NFI], (b)(7)(C) told him that they considered his (b)(7)(C) safety concern and sent it to the San Francisco labor relations board. (b)(7)(C) opined there was no reason to demote him, but (b)(7)(C) acknowledged it was within SCE's prerogative to demote him if they did not want to use him as a foreman (Exhibit 2, pp. 70 and 71).

7c (b)(7)(C) he was laid off on (b)(7)(C) and he requested a copy of the ranking procedure used, but was not provided a copy of the procedure. According to (b)(7)(C) if the ranking procedure was reviewed, he would have been ranked below others who did not have his credentials or qualifications.

(b)(7)(C) explained the ranking system was very flawed because whenever they use that system, the superintendent directs them to do it in pencil which left it open for someone to change the rankings (Exhibit 2, pp. 74-76).

7c (b)(7)(C) because his safety concern was a violation of procedure, he believed that when he was demoted from foremen, he was subjected to employment discrimination by SCE. (b)(7)(C) said Bechtel's position was they [SCE] had total management prerogative to determine who their foremen were (Exhibit 2, pp. 79-83).

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7c (b)(7)(C) opined that (b)(7)(C) was directly responsible for his removal as foreman and his transfer to the day shift. According to (b)(7)(C) he (b)(7)(C) was in total control of what they [Bechtel employees] were doing, his (b)(7)(C) supervisors had total contact with him (b)(7)(C) even when he was off. if they had a problem, they would call him. He said (b)(7)(C) basically let his employees know that he did not want anything happening without knowing what was going on. (b)(7)(C) said (b)(7)(C) wanted that piping put together, and his subordinates were doing what he wanted. According to (b)(7)(C) he (b)(7)(C) was responsible and did not want him (b)(7)(C) in charge of any people because he (b)(7)(C) raised safety concerns when procedures were not followed (Exhibit 2, pp. 104-106).

7c (b)(7)(C) said (b)(7)(C) did not support him the way that he (b)(7)(C) should have, adding if he (b)(7)(C) had properly supported him for this violation of procedure, he (b)(7)(C) would have addressed it to the Bechtel project superintendent. (b)(7)(C) opined the way the plant works, there were two Bechtel people that remained on-site all the time, because that was what (b)(7)(C) wanted. According to (b)(7)(C) (b)(7)(C) was one foreman who remained on-site (Exhibit 2, p. 106).

#### Coordination with NRC Staff

On March 1, 2001, OI:RIV provided the transcript of interview with (b)(7)(C) to the RIV technical staff and the Regional Counsel for review and determination of any potential violations of NRC regulations.

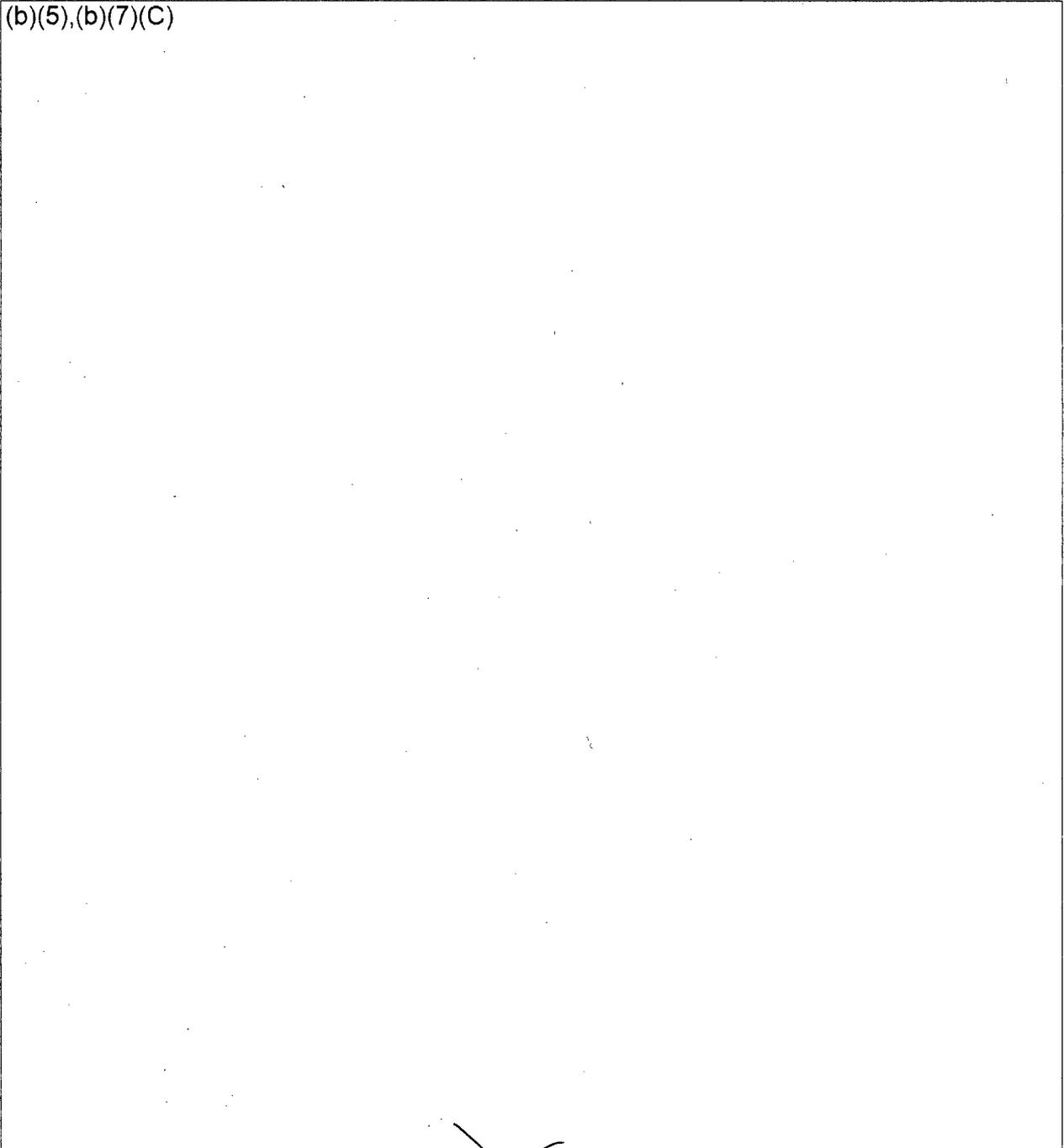
7c On March 14, 2001, (b)(7)(C) Engineering and Maintenance Branch, Division of Reactor Safety (DRS)] NRC:RIV, reviewed the transcript and assorted documents and advised he did not identify any new safety/technical concerns or violations that had not already been identified, documented, and corrected. (b)(7)(C) related the allegations dealt with non-safety-related components and activities, and he was not able to identify any violations of NRC requirements (Exhibit 3).

7c/5 On May 2, 2001, (b)(7)(C) provided a summary of her review of the transcript of interview with (b)(7)(C) to determine whether he engaged in protected activity and if he may

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have been the subject of employment discrimination (Exhibit 4).  
(b)(7)(C) noted (b)(7)(C) engaged in protected activity if he raised an  
issue or a concern within NRC jurisdiction that may impact  
anything that is under NRC jurisdiction. (b)(5),(b)(7)(C)

(b)(5),(b)(7)(C)



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(b)(5),(b)(7)(C)

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Documentation Review

During the course of this investigation, documents provided by individuals, entities, and the NRC:RIV staff were reviewed, and the documents deemed pertinent to this investigation are delineated in this section.

NSCP Report, dated January 26, 2001 (Exhibit 5)

7c This report identified and summarized two separate allegations (b)(7)(C) (b)(7)(C) initial allegation was referred to as a cold-spring condition of the piping which (b)(7)(C) had identified and, through his persistence, caused to be repaired. (b)(7)(C) alleged as a result he was demoted from foreman to journeyman. The NSCP investigation confirmed the cold-spring condition of the piping and the subsequent repair, but did not substantiate that (b)(7)(C) was demoted for pursuing the repair.

7c (b)(7)(C) second allegation to NSCP was that he was not rehired as a foreman for the subsequent outage [Unit 3 Cycle 11] and was assigned on the day shift which was not his customary assignment. (b)(7)(C) the motivations for the personnel actions were that he had brought forward the concern about the cold-spring condition of the piping. The NSCP investigation did not substantiate (b)(7)(C) allegation that he was retaliated against for raising safety concerns.

MO-0010057800, dated October 26, 2000 (Exhibit 6)

This MO had a scheduled start date of October 12, 2000, and a completion date of October 29, 2000. The objective was identified as: reweld the 10-inch line previously cut to support MSR modifications. The MO included narratives that began

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October 24, 2000, and continued to completion on October 31, 2000. Work notes stated that if during the performance of the MO, a nonconformance was suspected, contact the Maintenance Supervisor and, if available, the cognizant engineer for an AR (action request) evaluation/initiation. A narrative by (b)(7)(C) was dated October 24, 2000; a narrative documenting the finished work was dated October 25, 2000; and this MO was closed out by (b)(7)(C) on October 26, 2000, and signed by (b)(7)(C) on October 31, 2000.

Bechtel Craft Ranking Procedures, dated October 7, 1998  
(Exhibit 7)

These procedures explained the ranking process provided a basis to make objective decisions regarding employee performance and noted employees with the lowest score would be the first released from the project.

(b)(7)(C) Forced Ranking Scores, May 1997 through February 2001  
(Exhibit 8)

According to the Bechtel Craft Ranking Procedures (Exhibit 7), the highest numerical ranking was 24; (b)(7)(C) had the following scores for the identified periods:

May 1997 - 16	Mar 1998 - 19	Apr 1999 - 18
Oct 2000 - 17	Jan 2001 - 15	Feb 2001 - 20

E-Mail, dated October 24, 2000, from (b)(7)(C) (Exhibit 9)

7c  
This E-Mail was a night activity notification by (b)(7)(C) who reported his concern about the MSR misalignment and that the item was on "HOLD" pending a final analysis by NEDO.

Bechtel Personnel File (Exhibit 10)

The Bechtel personnel file for (b)(7)(C) provided the following documents:

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(b)(7)(C) forced ranking score for January 2, 2001, through February 16, 2001, was 15.

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7c An exit interview by (b)(7)(C) SCE regarding a RIF (reduction in force), dated January 20, 2001. A Bechtel exit interview, which contained no remarks, was attached.

A termination notification by Bechtel for the period July 5, 2000, through January 26, 2001, which identified the personnel action as a Reduction in Force.

Change of rate slips, dated October 2, 2000, October 7, 2000, October 26, 2000 [at 6 p.m.], November 17, 2000, and January 2, 2001.

7c A disciplinary warning, dated January 9, 1999, (b)(7)(C) which documented a Category III, Rule No. 4, unintentional violation of job site policies and procedures, that explained (b)(7)(C) had missed hold points on work documents.

7c A disciplinary warning, dated January 20, 1999, (b)(7)(C) (b)(7)(C) Bechtel, which documented a violation of work rules, Category III, Rule No. 7, unsatisfactory work practices. Also noted on this card was the sentence, "Not eligible for rehire for one year (2nd infraction)."

7c An exit interview by (b)(7)(C) regarding a termination from employment for a violation of work rules, dated January 20, 1999. A Bechtel exit interview which contained no remarks was attached.

The SCE CPF (Central Processing File) (Exhibit 11)

7c This file noted (b)(7)(C) personal information and confirmed his education and welding certifications. The file information documented the Site Access termination of (b)(7)(C) Badge Assignment for a violation of Bechtel work rules dated January 20, 1999.

Bechtel Construction Company New Hire Orientation and Work Rules Booklet, dated November 1999 (Exhibit 12)

This booklet identified different categories of work and work rules at the site and the associated discipline for violations of the work rules.

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Bechtel Memorandum, dated June 21, 2001 (Exhibit 13)

7c This memorandum was issued to all Bechtel employees and described the Bechtel Anti-Harassment Policy. This memorandum discussed safety and a harassment free work environment and was signed by

(b)(7)(C)

Testimony/Evidence

Testimony provided by the following individuals is summarized in this section.

Interview of (b)(7)(C) (b)(7)(C) (Exhibit 14)

7c Interviewed by OI:RIV on June 26, 2001, (b)(7)(C) stated that the night of October 23, 2000, he was the (b)(7)(C) for SCE and had received the assignment for the repair of the MSR line from the shift turnover meeting. He recalled later in the shift he received a call (b)(7)(C) to evaluate the MSR piping which had the blocking removed. (b)(7)(C) said upon arriving at the MSR piping area, he and (b)(7)(C) found a fire blanket had caught in the piping lifting mechanism. (b)(7)(C) said he loosened the mechanism and pulled the fire blanket free. (b)(7)(C) stated that upon clearing the lifting mechanism, the pipe fit up correctly, and he (b)(7)(C) departed the area (Exhibit 14, pp. 8-12).

7c (b)(7)(C) recalled that he was called later (b)(7)(C) look at the fit up, and it still was not in place. He said (b)(7)(C) asked him to do a pen and ink change on the MO to allow the use of rigging to fit up the piping and to arrange for an engineer to conduct an evaluation of the piping (Exhibit 14, pp. 10-15).

7c (b)(7)(C) said (b)(7)(C) told him there were concerns with the MSR line and requested he (b)(7)(C) meet with the engineer (b)(7)(C) about the piping. (b)(7)(C) said he met with (b)(7) and (b)(7)(C) who said he (b)(7)(C) wanted NEDO to review the matter for cold-spring and he agreed that the review was necessary (Exhibit 14, pp. 8-12).

7c (b)(7)(C) that (b)(7)(C) told him there was a problem with the piping but did not mention (b)(7)(C) name as being involved with the issue. (b)(7)(C) said he did not recall anyone becoming concerned about the fit up nor did he recall (b)(7)(C) saying anything about being deceived (Exhibit 14, pp. 17 and 18).

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7c (b)(7)(C) opined that (b)(7)(C) felt that his management [Bechtel] made some inappropriate decisions regarding this incident.

(b)(7)(C) stated that no one had questioned his (b)(7)(C) decisions on that night (Exhibit 14, pp. 25 and 26).

7c (b)(7)(C) said he later told (b)(7)(C) they were in the process of making a fit up and the rigging was relaxed, but he was not sure who was responsible. He said he explained to (b)(7)(C) there was a concern with cold-spring, NEDO was called, and they were waiting for a NEDO evaluation, and he (b)(7)(C) agreed with his decision (Exhibit 14, pp. 25-27).

Interview of (b)(7) (b)(7)(C) (Exhibit 15)

7c Interviewed by OI-RIV on June 26, 2001, (b)(7)(C) stated his supervisor was (b)(7) and explained that as (b)(7)(C) he supervised 8 to 12 people who were welders and pipetitters. He said his job was to determine what the workload was for a particular night and assign the work. (b)(7)(C) that particular outage was simple because they only worked on the MSR system (Exhibit 15, pp. 7-9).

7c (b)(7)(C) said he had personal knowledge of the MSR piping issues, because his crew had cut the pipe apart, and the "bellows" was straight at the time. He said (b)(7)(C) crew put the pipe together, but the "bellows" was crooked. (b)(7)(C) summarized "this incident" with (b)(7)(C) occurred when they cut the pipe below the MSR pipe and told him (b)(7)(C) to put it together. (b)(7)(C) said (b)(7)(C) and his crew had started the fit up, but the "bellows" was not "plumb" and was put together incorrectly. According to (b)(7)(C) had refused to work on the piece that was crooked, adding that Bechtel did not install it; however, another contractor [NFI] had performed the internal MSR work. (b)(7)(C) said he was told by (b)(7)(C) that (b)(7)(C) (b)(7)(C) and (b)(7)(C) were present and they told him to piece the pipe together and move the piping. (b)(7)(C) said that his understanding was the result of (b)(7)(C) explanation of the incident that night and added he (b)(7)(C) would not have forcibly moved the piping (Exhibit 15, pp. 38-47).

7c (b)(7)(C) said he did not know why (b)(7)(C) was moved to his (b)(7)(C) shift, but (b)(7)(C) told him that (b)(7)(C) was going to be moved from being a supervisor to being on his crew; however, (b)(7)(C) there was not a RIF in process at the time

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7c (Exhibit 15, pp. 14-16). (b)(7)(C) said (b)(7)(C) told him that they (b)(7)(C) (b)(7)(C) and (b)(7)(C) asked him (b)(7)(C) to move the MSR pipe in question and he told all three of them they were in violation of the cold-spring procedure and that was when they told him to move the "blanketty-blank" (Exhibit 15, p. 30).

7c (b)(7)(C) said by his memory, since 1989, (b)(7)(C) had never worked the day shift in outage type situations, and to him, (b)(7)(C) transfer to day shift was unusual. (b)(7)(C) said he had always been satisfied (b)(7)(C) abilities and that was why he called him to work at SONGS after he was laid off from the Unit 3 outage (Exhibit 15, pp. 17-23).

7c (b)(7)(C) said he filled out a forced ranking form at the end of every outage and he had filled one out for (b)(7)(C) about 4 weeks earlier. (b)(7)(C) stated that for his shift when he (b)(7)(C) was demoted from a foreman to a journeyman, he did not fill out the forced ranking form for him (b)(7)(C) (Exhibit 15, p. 20).

7c (b)(7)(C) said (b)(7)(C) told him he was unfairly demoted because he would not do exactly what they (b)(7)(C) (b)(7)(C) and (b)(7)(C) wanted him to do. According to (b)(7)(C) (b)(7)(C) was demoted because he caused problems with this matter, he just did not do what they asked him to do, and he (b)(7)(C) was placed on his (b)(7)(C) crew as a welder. (b)(7)(C) said it was not customary for someone to be demoted during an outage, but toward the end of an outage demotions were a common practice. (b)(7)(C) said based on what he knew (b)(7)(C) situation, he felt (b)(7)(C) was unfairly treated on two occasions: once when he was demoted from foreman and once when he was transferred to day shift. (b)(7)(C) speculated that due to the plant's production schedule, either (b)(7)(C) or (b)(7)(C) issued an order to finish the work even when they were told by (b)(7)(C) there was a violation (Exhibit 15, pp. 52-54).

7c (b)(7)(C) that about 6 weeks prior to this interview [May 2001], (b)(7)(C) told him he felt that he had been discriminated against for raising concerns. (b)(7)(C) said (b)(7)(C) was working for him (b)(7)(C) at the time and that was the first time he (b)(7)(C) had brought up what happened with the 10-inch MSR piping (Exhibit 15, pp. 10-13).

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Interview of (b)(7)(C) (b)(7)(C) (Exhibit 16)

7c  
Interviewed by OI:RIV on June 26, 2001, (b)(7)(C) stated that (b)(7)(C) explained to him that the assignment of (b)(7)(C) to the day shift was made because (b)(7)(C) felt that he should come to day shift because of his relationship with (b)(7)(C) and the other foremen on back shift. According to (b)(7)(C) thought it would be better to split up (b)(7)(C) in that their friendship was interfering with (b)(7)(C) work habits and assignments. (b)(7)(C) stated that to his memory, (b)(7)(C) always requested to work on the night shift (Exhibit 16, pp. 7-9).

7c  
(b)(7)(C) said he believed that (b)(7)(C) Bechtel, was (b)(7)(C) supervisor on the day shift and should have filled out the forced ranking (b)(7)(C) that period [January 2001] (Exhibit 16, p. 11).

7c  
(b)(7)(C) said that years ago (b)(7)(C) was one of the better mechanics and welders and he was a good supervisor at one time and it was "a shame" that his work performance had declined (Exhibit 16, p. 17).

7c  
(b)(7)(C) stated that (b)(7)(C) never informed him of a concern about the MSR piping or a concern about his (b)(7)(C) move to the day shift (Exhibit 16, p. 20).

7c  
(b)(7)(C) said at the end of the Unit 2 Cycle 11 outage, (b)(7)(C) was actually hindering people from getting work done by using his knowledge to identify situations when procedures were not followed. (b)(7)(C) opined that he (b)(7)(C) thought what he was doing was correct but sometimes he was misinformed. (b)(7)(C) said in his opinion, (b)(7)(C) had a vendetta against Station Welding and explained it seemed like he singled them out for everything and he would literally go out of his way to find problems. According to (b)(7)(C) they [Station Welding] were not hiding anything, but were just trying to get the job done correctly. He said SONGS was short of manpower, welders and foremen, and that hurt them for the last two outages. (b)(7)(C) said SCE could not get good supervisors and neither he, (b)(7)(C) nor (b)(7)(C) wanted to have (b)(7)(C) as a foreman for the Unit 2 Cycle 11 outage, but they did not have qualified people. (b)(7)(C) said he thought it was a disservice to the pipe fitters (b)(7)(C) not try to use a different route and work the problems out and have everyone

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involved, instead of being "sneaky" about problems. (b)(7)(C) said when it came to (b)(7)(C) was very lenient but he (b)(7)(C) did not want to have him (b)(7)(C) as a supervisor. According to (b)(7)(C) because of the problems in Cycle 10 that (b)(7)(C) was terminated for, SONGS was concerned that he (b)(7)(C) might not be attentive to drawings or other documents he was required to work with (Exhibit 16, pp. 20-23).

Interview (b)(7)(C) (b)(7)(C) (Exhibit 17)

Interviewed by OI:RIV on June 26, 2001 (b)(7)(C) stated that on the night of October 23, 2000, (b)(7)(C) finished his original assignment with the Turbine Plant Cooling Water task group and he (b)(7)(C) assigned (b)(7)(C) and his crew to work on an MSR live steam line for the remainder of the night (Exhibit 17, p. 7).

(b)(7)(C) recalled that later in the shift, (b)(7)(C) indicated to him there was a misalignment of the nozzle from the MSR to the existing pipe (b)(7)(C) recalled he looked at the alignment and contacted (b)(7)(C) who inspected the fit up and said there was some prepping to be completed before welding. (b)(7)(C) recalled that (b)(7)(C) said, "Okay. Let's prep it." (b)(7)(C) said at that point he said, "Let's get an engineer involved," and (b)(7)(C) replied, "We will but let's keep our work going, the process going, and we'll get it prepped for welding" (Exhibit 17, p. 8).

(b)(7)(C) stated that (b)(7)(C) had voiced a concern that the piping did not line up properly and requested an engineer to perform an evaluation. (b)(7)(C) recalled that he told (b)(7)(C) that (b)(7)(C) concern was due to a misalignment and an engineer was needed to look at the line. According to (b)(7)(C) (b)(7)(C) said, "Tell (b)(7)(C) we will. We understand and we'll get him his engineer" (Exhibit 17, pp. 13 and 14).

(b)(7)(C) stated that he did not recall (b)(7)(C) telling him, (b)(7)(C) or (b)(7)(C) that the fit up was a violation of procedure. (b)(7)(C) said he did not know until NSCP discussed the matter with him that (b)(7)(C) made statements that he (b)(7)(C) felt there were violations with the misalignment of the MSR piping that night (Exhibit 17, pp. 28 and 44).

(b)(7)(C) recalled that (b)(7)(C) was moved from foreman to pipe fitter working for (b)(7)(C) and said (b)(7)(C) crew was split up between the remaining two foremen. (b)(7)(C) said that (b)(7)(C) told him

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7c it was the end of the outage, they were ramping down, and he wanted (b)(7)(C) back with the tools and his crew dispersed (Exhibit 17, pp. 16 and 17).

7c (b)(7) said when he notified (b)(7)(C) that he was going back to the tools, he (b)(7)(C) did not recall exactly what he (b)(7)(C) said in reaction. (b)(7) recalled that (b)(7)(C) made some comment about does this have anything to do with the MSR issue, but he (b)(7)(C) said he did not recall his (b)(7)(C) response (Exhibit 17, p. 49).

7c (b)(7)(C) related that (b)(7)(C) was probably shocked, but this was not the first time he had been taken out of the foreman position. (b)(7)(C) recalled (b)(7)(C) was a foreman during Cycle 10 but he had some problems and was discharged on January 20, 1999. (b)(7)(C) (b)(7)(C) first incident in Cycle 10 was that he (b)(7)(C) missed a QC hold point on a piece of equipment and was written up with a disciplinary warning. (b)(7)(C) said the second time during Cycle 10, (b)(7)(C) a foreman at the time, pulled the wrong plug out of a Class 1 Valve in containment and he was fired. According to (b)(7)(C) at that time (b)(7)(C) was working for him and he (b)(7)(C) could not believe he pulled the wrong plug (Exhibit 17, pp. 21-23).

7c According to (b)(7)(C) later in the Cycle 11 outage, (b)(7)(C) told (b)(7)(C) that (b)(7)(C) was going to go on days and to send him to the test booth. (b)(7)(C) noted it was unusual for him (b)(7)(C) to move someone from night shift to day shift, adding (b)(7)(C) always worked the night shift (Exhibit 17, pp. 18 and 19).

7c (b)(7)(C) recalled a later occasion when (b)(7)(C) was in a test booth receiving welding upgrades and he reported for night shift. According to (b)(7)(C) told him that (b)(7)(C) was going to show up and he (b)(7)(C) needed to tell him (b)(7)(C) that he was assigned to the day shift. (b)(7)(C) related that he approached (b)(7)(C) that night and told him that (b)(7)(C) wanted him on day shift in (b)(7)(C) group. (b)(7)(C) said (b)(7)(C) was upset and said, "I've always been nights. I don't like day shift," and said, "This is not going to be the last of this" (Exhibit 17, pp. 20 and 21).

7c (b)(7)(C) several instances during Cycle 11 where (b)(7)(C) had committed errors, did not complete his assignment, and disagreed with the supervisors about conducting various tasks (Exhibit 17, pp. 60-63).

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7c (b)(7)(C) said (b)(7)(C) a tendency to go off on his own, and when he was directed to do something, he would do what he wanted, and that tendency raised a question about his performance (Exhibit 17, p.71).

Interview of (b)(7)(C) (b)(7)(C) (Exhibit 18)

7c Interviewed by OI:RIV on June 26, 2001, (b)(7)(C) he developed the instructions for welding activities for the welding department, taught the instructions, and performed some maintenance activities. He said occasionally he would assist the plant side when he was needed. (b)(7)(C) said during outages, which were often 30 or 35 days in length, he normally worked the back shift, usually from 5 p.m. to 5 a.m. (Exhibit 18, pp. 7 and 8).

7c (b)(7)(C) recalled on the night of October 23, 2000, he and (b)(7)(C) came in 4 hours into the shift, walked around to monitor the jobs, ensured they were on schedule, and determined if anybody needed anything. He said he took care of any obstacles that came up during the night. (b)(7)(C) recalled as he and (b)(7)(C) were checking the jobs, he noticed that a line that was previously rigged and blocked had been unrigged and the blocks removed. He said they spoke to (b)(7)(C) because additional work was now required. (b)(7)(C) explained he thought that the fit up was almost complete and it now appeared the line was just hanging in midair, unblocked. (b)(7)(C) said they asked (b)(7)(C) to get the line fit up and back in place. (b)(7)(C) said (b)(7)(C) left to look for (b)(7)(C) and he (b)(7)(C) guessed he (b)(7)(C) wanted to talk to his supervision about performing the work (Exhibit 18, pp. 8-10).

7c (b)(7)(C) said (b)(7)(C) a concern with a cold-spring in the line and he (b)(7)(C) told him he would take a look at it, but he did not recall whether (b)(7)(C) was present when he examined the line. (b)(7)(C) that (b)(7)(C) called the cognizant engineer, (b)(7)(C) to determine what he thought about the piping fit up. According to (b)(7)(C) (b)(7)(C) looked at the fit up and did not have a concern and he (b)(7)(C) issued instructions for (b)(7)(C) to put the line back in place and continue working on it. (b)(7)(C) recalled he and (b)(7)(C) went back to their office and received a phone call from the OCC [Operations Control Center] telling them to come and talk to them about a cold-spring issue. He said he called (b)(7)(C) and told him to shut the MSR piping job down until further notice (Exhibit 18, pp. 10-16).

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7c (b)(7) said (b)(7) went to the OCC and told them he was not qualified to make a cold-sprung decision, so he called in NEDO. (b)(7)(c) said NEDO decided to hold off until they could make a determination on whether it was cold-sprung or not and that was all that happened until the next day. (b)(7)(c) said he came in the next day and the line was fit up with a minor cut on one end and the night shift continued welding it up (Exhibit 18, pp. 12-15).

7c (b)(7)(C) that he was knowledgeable about the SONGS welding procedures and taught about cold-sprung in the welding program at SONGS. (b)(7)(C) said in this instance the rigging was removed because the procedure required them to block everything in place so the line could not move. (b)(7)(c) said it was not until later that night, after the line was blocked and rigged up, that the cold-sprung issue arose. He said there was nothing apparent to indicate that there was a cold-sprung condition (Exhibit 18, pp. 27 and 28).

7c (b)(7)(C) stated he saw the pen and ink change made by (b)(7)(C) to allow the use of rigging to push the line back into place and to have the cognizant engineer verify whether they had a proper fit up. (b)(7)(c) said the matter was not a major concern, but a normal routine activity, and it was not until a couple of months later when he was contacted by the NSCP that he heard any more about that particular incident. (b)(7) opined that (b)(7)(C) did good work, but he was an average supervisor (Exhibit 18, pp. 18-20).

Interview of (b)(7)(b)(7)(C) (Exhibit 19)

7c Interviewed by OI:RIV on June 27, 2001, (b)(7)(c) recalled the night of October 23, 2000, (b)(7)(C) showed him the MSR pipe fit up and it looked "real nice." (b)(7)(C) said the pipe was blocked in place at the turbine deck and he went underneath the MSR to view the rest of the piping. (b)(7)(C) recalled as he was leaving the area, (b)(7)(C) pulled him aside and told him the pipe was cold-sprung. (b)(7)(C) explained that he had already told (b)(7)(c) that the fit up looked fine, and subsequently he told (b)(7)(c) that he needed to do further evaluation on the alleged cold-sprung, and he went back to the OCC and told (b)(7)(C) [NFI] there was a potential cold-sprung on the line and requested NEDO's evaluation. According to (b)(7)(C) he showed the NEDO engineers the line and turned the project over to NEDO because pipe stress was not his area of expertise. (b)(7)(C) said he subsequently wrote an E-mail to all

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involved parties, including the cognizant engineer on the MSR and his supervisors, to update them on his evaluation (Exhibit 19, p. 8).

7c (b)(7) said because the pipe was blocked in place and ready for fit up, there was no way for him to determine whether there was cold-spring or not, but (b)(7)(C) informed him that the line had cold-spring. (b)(7)(C) said he told (b)(7)(C) that he needed to evaluate the situation and then requested the NEDO engineers analyze the matter, but he did not recall (b)(7)(C) response (Exhibit 19, p. 9).

7c (b)(7)(C) recalled that he put a verbal "hold" on the project, but not a specific stop work notice, and told (b)(7)(C) to hold until evaluated by NEDO. (b)(7)(C) said (b)(7)(C) did not contest his decision (Exhibit 19, pp. 14-18).

7c (b)(7)(C) stated his function was to evaluate the fit up and (b)(7)(C) should have informed him that "they took some effort to get this line aligned." (b)(7)(C) recalled when he arrived, the line was blocked in place, people were standing by ready to proceed, and the issue of the alleged cold-spring was not discussed (Exhibit 19, pp. 33-36).

7c (b)(7)(C) stated that according to procedure, if there was any cold-spring or a potential for cold-spring, engineering should be called for an evaluation and all activity should cease until the engineer arrived to provide an evaluation. (b)(7)(C) said from a professional point of view, (b)(7)(C) should have told him there was a misalignment and added he (b)(7)(C) was not fully aware of the situation when he initially gave the "okay" to proceed. (b)(7)(C) related that from what he saw without knowing that there was a potential cold-spring, the fit up was good enough to weld.

(b)(7)(C) stated that (b)(7)(C) told him that the line was out of alignment, which meant when they put the line back in alignment, it caused the line to be cold-sprung (Exhibit 19, pp. 22-36).

Interview of (b)(7)(C) (Exhibit 20)

7c Interviewed by OI:RIV on June 27, 2001, (b)(7)(C) stated that (b)(7)(C) was the Welding Supervisor, SCE, and Bechtel provided union building trades craftsmen for his organization. (b)(7)(C) said (b)(7)(C) became the craft's supervisor because BECHTEL "seconds" the Bechtel building trades union workers into the SCE work force (Exhibit 20, pp. 5 and 6).

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7c (b)(7)(C) stated he first had "dealings" with (b)(7)(C) during the Unit 2 Cycle 10 outage [January 1999] (b)(7)(C) recalled that (b)(7)(C) was a seconded (b)(7)(C) in the SCE maintenance group who worked in the fabrication shop to prepare for the outage. He said (b)(7)(C) had once missed some steps on a work order, which was a violation of inspection steps. According to (b)(7)(C) after SONGS proceeded into the outage (b)(7)(C) worked on the wrong piece of equipment. (b)(7)(C) explained that due to Bechtel work rules, he (b)(7)(C) was fired during the Unit 2 Cycle 10 outage and it was determined that he (b)(7)(C) was not eligible to be rehired for one year. (b)(7)(C) admitted he made the decision to fire (b)(7)(C) based on his (b)(7)(C) violation of work rules but did not speak directly with him (b)(7)(C) at the time (Exhibit 20, pp. 6-8).

7c According to (b)(7)(C) BECHTEL had noted (b)(7)(C) termination as not eligible to rehire for one year. He said in working with the building trades and pipe fitter's union, a business agent discussed the severity of the one-year termination. (b)(7)(C) recalled that Bechtel reduced that punishment period to 30 days; however, he was unable to recall where such information was detailed. (b)(7)(C) stated that (b)(7)(C) was rehired for the Unit 2 outage as a journeyman pipe fitter and was treated the same as everyone else (Exhibit 20, pp. 12-15).

7c (b)(7)(C) recalled that as the Unit 2 Cycle 11 outage was winding down he discussed with (b)(7)(C) that the crew finishing their work would be dispersed into the other crews on back shift as work finished. (b)(7)(C) said he could not recall any discussions at that time that (b)(7)(C) had brought forward safety concerns (Exhibit 20, pp. 14-16).

7c (b)(7)(C) related that (b)(7)(C) discussed the ongoing outage work and stated that the work was not going well, but never discussed specific individuals. According to (b)(7)(C) talked about having trouble finishing up the work and remaining on schedule. (b)(7)(C) did not recall any specific individual's name that was mentioned by (b)(7)(C) and did not recall any discussion about the MSR work (Exhibit 20, p. 18).

7c (b)(7)(C) recalled conversations in broad terms with (b)(7)(C) about the crews and completing the work. (b)(7)(C) related that (b)(7)(C) told him he (b)(7)(C) needed to place better qualified

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7c foremen at SONGS, and he (b)(7)(c) replied that SCE needed to bring people in earlier to learn the procedures and the MOs. (b)(7)(C) said it was decided to discuss the future after the outage (Exhibit 20, p. 19).

7c (b)(7)(c) recalled on October 23, 2000, he asked (b)(7)(C) how work was going and (b)(7)(C) told him they should wrap up soon. (b)(7)(C) recalled that (b)(7)(C) said (b)(7)(C) told him when the crews wrap up the work, he would like the foreman demoted back to journeyman and his crew dispersed into the other crews. (b)(7)(c) recalled that (b)(7)(C) eventually came to see him. (b)(7)(C) a month or two after his (b)(7)(C) conversation (b)(7)(C) According to (b)(7)(C) presented the events and what he felt were issues that occurred during the week before he (b)(7)(C) was demoted from foreman to journeyman. (b)(7)(C) recalled that (b)(7)(C) stated that the week before he was demoted, he brought safety issues forward (Exhibit 20, pp. 20-22).

7c (b)(7) recalled that during their discussions, (b)(7)(C) mentioned that he had spoken to NSCP, and he (b)(7)(C) said he told (b)(7)(C) he (b)(7)(C) would look into some of his (b)(7)(C) concerns. (b)(7)(C) stated he pulled the work order because one of his (b)(7)(C) concerns was that work was performed but was not documented on the work order. According to (b)(7)(C) he (b)(7)(C) talked about one weld and he thought the other weld had been reworked so that the stress was taken out of the pipe. (b)(7)(C) related that (b)(7)(C) was concerned that the work was done on a weld and he did not think it was documented. (b)(7)(c) recalled he looked through the work order and it appeared to him that some of (b)(7)(C) concerns were not founded, and he saw where the work was documented in the "work done section." According to (b)(7)(c) (b)(7)(C) that it "sounded like a bunch of smoke and mirrors" to him and he (b)(7)(c) responded that he looked into (b)(7)(C) concern with documenting the work order and he did not see an issue at that time. (b)(7)(c) said (b)(7)(C) replied he still had a concern and needed to talk with the NRC and the union and he (b)(7)(C) said he had no objection. (b)(7)(C) related that (b)(7)(C) said that for bringing the concern forward, he had been demoted from foreman to journeyman. (b)(7)(c) said he tried to explain to (b)(7)(C) that the work was wrapping up, his crew was not needed anymore, and that was why he was not a foreman anymore to which (b)(7)(C) commented that was "smoke and mirrors" (Exhibit 20, pp. 22-25).

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7c (b)(7)(C) recalled that during the Unit 2 outage, they were having some difficulties working with (b)(7)(C). According to (b)(7)(C) (b)(7)(C) and (b)(7)(C) were friends, had worked together, and had both been foremen on back shift (Exhibit 20, pp. 43-45).

7c (b)(7)(C) recalled that (b)(7)(C) worked as a journeyman after being removed from foreman and went into additional welder training on day shift. (b)(7)(C) said he did not recall any break in employment for (b)(7)(C) at that time (Exhibit 20, p. 29).

7c (b)(7)(C) said he did not discourage (b)(7)(C) from going to the NRC and told him that was an option, and (b)(7)(C) did not need to come to see him first, he could go straight to the NRC. According to (b)(7)(C) said he worked for Bechtel and wanted to give Bechtel management the opportunity to answer his questions (Exhibit 20, pp. 26 and 27).

7c (b)(7)(C) stated he felt (b)(7)(C) had made a choice of whom he wanted to speak with and had decided to talk with NSCP. (b)(7)(C) related that as a manager he (b)(7)(C) was not going to take an aggressive position, and he allowed (b)(7)(C) to take the path that he desired (Exhibit 20, p. 47).

Interview of (b)(7)(C) (Exhibit 21)

7c Interviewed by OI:RIV on June 27, 2001, (b)(7)(C) stated that he had total responsibility for the (b)(7)(C) implementation at SONGS. (b)(7)(C) said his responsibility for Bechtel employees was to ensure the work assigned was completed. He said he generated schedules, staffed the work with whomever was available, and determined who worked for him and who performed supervision. He explained the welders worked 12-week schedules and SONGS initially used the station welders and when there was excess work, he supplemented the workforce with Bechtel personnel (Exhibit 21, pp. 3-6).

7c (b)(7)(C) recalled that in previous SONGS outages (b)(7)(C) was a foreman within maintenance, adding he could not remember when (b)(7)(C) was not a foreman. According to (b)(7)(C) until recently, he (b)(7)(C) performed well, but in the previous outage he started attracting his (b)(7)(C) attention. He recalled two episodes that involved (b)(7)(C) one problem was because his (b)(7)(C) crew bypassed a hold point on the back shift. He said that was brought forward and (b)(7)(C) received some

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discipline. (b)(7)(C) said he did not usually get involved in everyday work issues, but a bypassed hold point attracted his attention. He said the next issue occurred on the night shift, on an ASME [American Society of Mechanical Engineers] valve inside containment, and the wrong plug was pulled. An NCR [nonconformance report] was written and (b)(7)(C) supervision was contacted. (b)(7)(C) said later that evening when he (b)(7)(C) was interviewed, (b)(7)(C) related that he felt the drawings were ambiguous and it was hard to tell which plug was correct.

7c (b)(7)(C) said while (b)(7)(C) and his supervisors were sitting in his (b)(7)(C) office, he reviewed the package and it was very evident which plug was correct. (b)(7)(C) said (b)(7)(C) actually broke down, he had tears in his eyes, walked away, his superintendent (b)(7)(C) followed, and (b)(7)(C) came back and said that (b)(7)(C) quit. According to (b)(7)(C) told him that (b)(7)(C) said he could not handle the pressure, he took full responsibility for what had happened by telling his crew to pull the wrong plug, he quit and left (Exhibit 21, pp. 8-13).

7c (b)(7)(C) said they [SONGS] had a difficult time staffing for the outages and a hard time acquiring supervision. He recalled for Cycle 11 that (b)(7)(C) name came up for supervisor, and he told (b)(7)(C) he did not have any other name they would use him (b)(7)(C) (Exhibit 21, pp. 8-13).

7c (b)(7)(C) said he had known (b)(7)(C) for years and recalled an incident during Unit 2 Cycle 11 where there was a 10-inch line to cut out. He said at morning turnover they learned there was only one cut made on the line and the line was still in place.

(b)(7)(C) said he heard that (b)(7)(C) had used a cutting machine to cut the line because he felt it was safer, rather than using a cutting torch in that area. (b)(7)(C) recalled the discussion that followed was, why did he (b)(7)(C) not use the cutting torch as discussed in the turnover (EXHIBIT 21, p. 14).

(b)(7)(C) said the ME113 line in question had a long story behind it and (b)(7)(C) was the foreman who was directed to get the line back up in place and, if necessary, to call engineering.

7c (b)(7)(C) said there was no pressure and about 2 days later on the turnover he learned the night shift had called engineering to look at the fit up because either the craft, the foreman or (b)(7)(C) was concerned about the fit up. (b)(7)(C) recalled they had an engineering review and engineering had originally said it was "okay," but called back later and said to stop work (Exhibit 21, pp. 22-24).

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(b)(7)(C) recalled that toward the end of that outage, he stayed over one night to conduct the turnover because he was determined to have the work completed. (b)(7)(C) recalled that (b)(7)(C) (b)(7)(C) and four other foremen walked down the whole project. According to (b)(7)(C) he identified what had been completed by the day shift and what he expected to be completed on the night shift. After he had completed the walk down, (b)(7)(C) said he called (b)(7)(C) and (b)(7)(C) and said he had no confidence from the feedback he was getting that the job was going to go the way he asked. (b)(7)(C) said he told (b)(7)(C) and (b)(7)(C) that if they were lucky enough to get the job completed, he wanted to disperse (b)(7)(C) crew on back shift and send (b)(7)(C) back into a crew. (b)(7)(C) recalled that (b)(7)(C) complained about (b)(7)(C) performance and that caused him (b)(7)(C) concern. (b)(7)(C) recalled that he contacted (b)(7)(C) and said he thought there was a lack of leadership on the night shift, referring to (b)(7)(C) and (b)(7)(C) (Exhibit 21, p. 26).

(b)(7)(C) said the Unit 2 Cycle 11 outage was almost completed and (b)(7)(C) was left on back shift in a crew for the rest of that outage. He recalled that between outages, (b)(7)(C) and he had talked about how (b)(7)(C) acted strangely in the last outage. (b)(7)(C) recalled he had heard about conflicts with (b)(7)(C) and another foreman, and he (b)(7)(C) said he heard the foreman quit prior to being laid off because of conflicts he had with (b)(7)(C) (b)(7)(C) he had no way of confirming that, but he knew there was controversy on the night shift (Exhibit 21, p. 28).

(b)(7)(C) said he decided to put (b)(7)(C) on day shift and maybe that whole situation would relax. (b)(7)(C) said so that it would not look like they were picking on (b)(7)(C) he was going to cut night shift in half and put him (b)(7)(C) on days.

(b)(7)(C) said six people were to be assigned to days from the night shift, (b)(7)(C) would be one of the six moved and that way it would not be evident to anybody that he was moved because of his performance. (b)(7)(C) recalled that (b)(7)(C) moved six people on day shift, but neglected to put (b)(7)(C) on the day shift. (b)(7)(C) said at that point he was in a bind because if he put (b)(7)(C) on days, it would appear that he was taking him (b)(7)(C) and putting him on days. (b)(7)(C) said he was not going to do that. (b)(7)(C) explained that he decided that (b)(7)(C) needed to upgrade at the test booth and obtain additional

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welding qualifications and he would become more useful for day shift. (b)(7)(C) said they moved him (b)(7)(C) on day shift, put him in a test booth, and then kept him on days. (b)(7)(C) said that most welders would have been very happy to improve their skills and be assigned on the day shift instead of the night shift. (b)(7)(C) said he heard "rumblings" through Bechtel personnel that (b)(7)(C) was not happy, and "he thought they were getting him out of the way to plot against him or something to that effect." (b)(7)(C) stated he could not just move (b)(7)(C) because attention was on him, but he was not going to leave him on back shift because that was going to cause him (b)(7)(C) problems. (b)(7)(C) recalled that he decided to do this in a way that was basically invisible and the right move was for him (b)(7)(C) to go on day shift. (b)(7)(C) stated that if he was unaware of (b)(7)(C) concern, he would have said move him to day shift and would not have cared because it was the right thing to do (Exhibit 21, pp. 28-31).

(b)(7)(C) recalled at one point during Cycle 11, (b)(7)(C) (b)(7)(C) (b)(7)(C) SCE, stayed late and gave him (b)(7)(C) a turnover step by step. He said (b)(7)(C) came in the next morning and the task was not completed. (b)(7)(C) explained that he depended on his supervisors, and if they could not complete work as directed, then he was not going to succeed and that was all there was to it. (b)(7)(C) stated the decision to move (b)(7)(C) down from foreman was based upon his (b)(7)(C) interactions with (b)(7)(C) and he (b)(7)(C) requested that Bechtel put (b)(7)(C) on day shift because of the interactions he (b)(7)(C) was having with (b)(7)(C) who he (b)(7)(C) felt was stressed out and not doing his job properly. According to (b)(7)(C) (b)(7)(C) was obviously lacking leadership regarding (b)(7)(C) there appeared to be conflict, and if there was a problem, he would not (b)(7)(C) (b)(7)(C) who were doing a good job. He said they were stressed out because of the situation, and he would move (b)(7)(C) who was causing the problem (Exhibit 21, pp. 32 and 33).

(b)(7)(C) said he knew (b)(7)(C) and (b)(7)(C) were good friends and his personal opinion was that (b)(7)(C) was stressed out trying to (b)(7)(C) who was causing problems. (b)(7)(C) said he saw (b)(7)(C) and (b)(7)(C) each morning on their own time in intense conversations, and he felt (b)(7)(C) was coaching him (b)(7)(C) (b)(7)(C) recalled hearsay that (b)(7)(C) and (b)(7)(C) had been arguing and (b)(7)(C) was having a hard time

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7c managing the situation. (b)(7)(C) said based on his knowledge, visual observation, and interaction with (b)(7)(C) he made the decision to move (b)(7)(C) which was a very effective decision because the problems ended. (b)(7)(C) recounted that (b)(7)(C) thought it was a good idea and he appeared relieved. (b)(7)(C) said (b)(7)(C) was causing friction on back shift that needed to be taken care of and he (b)(7)(C) was not going to fail because of one person who would not cooperate (Exhibit 21, pp. 33 and 35).

7c Asked when he became aware (b)(7)(C) had a problem or a concern about the MSR piping, (b)(7)(C) replied the morning he came in and heard engineering had gotten involved and that same morning the problem was corrected. (b)(7)(C) stated he never received a clear story, but apparently (b)(7)(C) had requested engineering to look at the MSR piping once it was fit up. He recalled that SONGS Engineering looked at the line, initially said it was "okay," but then called back and said it was not "okay," and they were on hold. (b)(7)(C) said that was the first time that he heard that there was a problem and that (b)(7)(C) was the foreman involved (Exhibit 21, pp. 36 and 38).

7c AGENT'S NOTE: MO#0010057800 (Exhibit 6), identified that on October 23, 2000, (b)(7)(C) allowed the use of rigging for the MSR line. Further identified in the MO was that on October 24, 2000, (b)(7)(C) noted his concern in writing [at the end of his night shift that started on October 23, 2000] about a possible nonconformance. Additionally noted was that on October 25, 2000, the work was completed.

7c he (b)(7)(C) said he knew (b)(7)(C) was a foreman and that he (b)(7)(C) had raised a problem. According to (b)(7)(C) (b)(7)(C) was supposed to stop work and raise the issue and that part did not concern him, but why it took 3 days to complete the task did concern him. (b)(7)(C) said if they needed to cut the line, why not just cut the line. (b)(7)(C) added that more time was spent worrying about the problem than taking care of it and that was why this whole thing was ridiculous (Exhibit 21, pp. 36-39).

7c (b)(7)(C) said he knew that (b)(7)(C) was the one that asked to get engineering to look at the line because he was concerned. According to (b)(7)(C) (b)(7)(C) should have been concerned about cold-spring because he was the one that cold-sprung it, no one else would know, and that personally disturbed him (b)(7)(C) (Exhibit 21, pp. 38 and 39).

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7c (b)(7)(C) said he did not recall any instances after that night where he asked for anyone to be downgraded from foreman, adding it was not a big deal, because a contract employee had no rights. He explained that if a contract employee "messed up one day," he (b)(7)(C) could remove the individual from the foreman position. (b)(7)(C) said he believed (b)(7)(C) was furnished a lot of chances because he had knowledge and skills, but the situation had reached a point where (b)(7)(C) was not following instructions, and he had no right to be a foreman (Exhibit 21, p. 40 and 41).

7c (b)(7)(C) stated that the best thing he (b)(7)(C) did that night was to ask for an engineer. (b)(7)(C) said he expected that of a foreman, adding what "bugs him" was once the engineer (b)(7)(C) was present, he (b)(7)(C) did not disclose that the line had cold-spring and (b)(7)(C) looked at the line and said it looked fine and walked away. (b)(7)(C) said he heard (b)(7)(C) say it was after he (b)(7)(C) said the line was "okay" and walked away that (b)(7)(C) cornered him and said he (b)(7)(C) did not see the whole story and the line actually had a cold-spring (Exhibit 21, pp. 58 and 59).

7c AGENT'S NOTE: Reference Exhibit 19, Interview of (b)(7)(C) (b)(7)(C) stated that (b)(7)(C) did not inform him about the cold-spring. (b)(7)(C) stated that (b)(7)(C) told him the pipe was out of alignment and therefore cold-sprung. Reference Exhibit 2, Interview of Alleger (b)(7)(C) stated that upon returning from lunch, he saw (b)(7)(C) at the site conducting an evaluation and advised (b)(7)(C) about the cold-spring.

7c Interview of (b)(7)(C) (b)(7)(C) (Exhibit 22)

7c Interviewed by OI:RIV on June 28, 2001, (b)(7)(C) said during the last Unit 2 outage, (b)(7)(C) and another supervisor [NFI] helped him perform markups to demonstrate how SONGS would install unique valves in the plant. He said prior to the outage, they completed outage preps, walk-downs, and a "little mark-up work" by performing piping pre-fabrications for different system assemblies (Exhibit 22, pp. 6 and 7).

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7c (b)(7)(C) opined that (b)(7)(C) was a good employee and he (b)(7)(C) did not have any problems with him. (b)(7)(C) recalled some schedule problems he had where the turnovers from day shift to swing shift, that involved (b)(7)(C) did not get completed as instructed. (b)(7)(C) explained a few times he had to stay over to ensure instructions were communicated and understood by the swing shift. (b)(7)(C) recalled an incident where some of his instructions were completed out of sequence and the schedule became delayed (Exhibit 22, p. 8).

7c (b)(7)(C) recalled an incident which involved (b)(7)(C) that occurred about completing a pipe fit up and the instructions to continue the pipe fit up were not performed as expected. (b)(7)(C) recalled that (b)(7)(C) explained the delay was because he (b)(7)(C) felt the fit up and rigging could not be performed in the manner the day shift supervisor had recommended. (b)(7)(C) said he did not know if he (b)(7)(C) did not quite understand the instructions, but they "lost a shift" and became behind schedule. (b)(7)(C) said his shift performed the work, stuck to the same plan, and did not have any problems, adding it was easily communicated and worked out (Exhibit 22, pp. 9 and 10).

7c (b)(7)(C) said he furnished updates to (b)(7)(C) in the mornings, mid-afternoons and afternoons, at turnover meetings, and constantly provided him status reports. (b)(7)(C) said the situation about the instructions that (b)(7)(C) did not follow was discussed in one of the status reports. (b)(7)(C) said (b)(7)(C) talked with him about the incidents with (b)(7)(C) but he (b)(7)(C) did not recall that (b)(7)(C) made any specific comments about (b)(7)(C) (Exhibit 22, p. 11).

7c (b)(7)(C) said he observed (b)(7)(C) work habits during the one week (b)(7)(C) worked directly for him, and he did not have any problems with his (b)(7)(C) work habits. (b)(7)(C) stated that (b)(7)(C) out quality work, knew the plant's expectations and procedures, and that was why he was a supervisor. According to (b)(7)(C) the two issues about following instructions from day shift to swing shift were the only negative experiences he had with (b)(7)(C) summarized that (b)(7)(C) had a good attitude, worked the mark-up and set up for an initial project for him and added that (b)(7)(C) had good ideas (Exhibit 22, pp. 15 and 16).

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Interview of (b)(7) (b)(7) (Exhibit 23) (b)(7)(C) (b)(7) (Exhibit 24)

Interviewed by OI:RIV on June 28, 2001, (b)(7) and (b)(7) were identified as peers of (b)(7)(C). Their comments were general in nature and did not provide any specific information regarding the issue under investigation.

Supplemental Document Review

7c

The United States Department of Labor (DOL) Settlement Agreement with (b)(7)(C) dated July 12, 2001, was provided by DOL and documented the terms and conditions of the settlement agreement that was arranged by the DOL between (b)(7)(C) and Bechtel and/or SCE (Exhibit 25).

Unit 3 Cycle 11 Outage Craft Force Ranking Form, dated January 15, 2001 (Exhibit 26)

7c

This form completed and signed by (b)(7)(C) assigned (b)(7)(C) a number 15, the third highest score for layoff purposes which included (b)(7)(C) classification as welder.

General President's Project Maintenance Agreement, dated October 12, 2001 (Exhibit 27)

This excerpt from the union agreement noted that pay for shift work was different in that 8-hours pay was earned by 7 ½ hours work. Therefore, shift work involved a pay differential.

Testimony/Evidence

Interview of (b)(7)(C) (Exhibit 28)

7c

Interviewed by OI:RIV on October 10, 2001, (b)(7)(C) said he was a (b)(7)(C) and worked with (b)(7)(C) and (b)(7)(C) in the Unit 2 Cycle 11 outage. He recalled that (b)(7)(C) was a "good guy" and (b)(7)(C) was a good man, honest and knowledgeable. (b)(7) explained this was the first shift he was assigned as a foreman and he did not like working for (b)(7)(C). He said several times he and (b)(7)(C) disagreed about accomplishing work, relating that (b)(7)(C) was loud and opinionated in resolving the matters; however, he (b)(7)(C) said there was never a question about safety but more about moving quickly to finish. (b)(7)(C) said he did not

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7c inform anyone about his difficulties with (b)(7)(e) but eventually quit working at SONGS because (b)(7) was always yelling loudly and pushing to do things quickly. (C) said he did not recall the interaction that occurred between (b)(7)(C) and (b)(7)(C) (Exhibit 28, pp. 4, 9-15).

7c (b)(7)(C) said one night at lunch he saw (b)(7)(C) who said something was "going on" but he did not elaborate. (b)(7)(C) said he later heard that it was about a 10-inch pipe that was moved 2 or 3 inches. (b)(7)(C) said he also heard that (b)(7)(C) said he was told to move the piping by SCE and he (b)(7)(C) said he heard the matter resulted in a cold-spring and that (b)(7)(C) was removed from his foreman job. (b)(7)(C) said it was toward the end of the outage that (b)(7)(C) was moved to (b)(7)(C) crew and he (b)(7)(C) only picked up two of (b)(7)(C) crew. According to (b)(7)(C) picked up more of (b)(7)(C) crew because he (b)(7)(C) also picked up more of the assignments; however, (b)(7)(C) said the work was reducing anyway (Exhibit 28, pp. 21-28).

7c (b)(7)(C) opined that after that move, (b)(7)(C) seemed to be depressed, and he recalled that (b)(7)(C) said he was going to take the matter to the NRC. (b)(7)(C) also recalled that (b)(7)(C) said that (b)(7)(C) had "screwed up" and that was why he was moved; however, (b)(7)(C) said he could not recall any of the specific language used (Exhibit 28, pp. 27-36).

7c (b)(7)(C) recalled that (b)(7)(C) explained that the forced ranking process for layoffs was to be honest and (b)(7)(C) said he ranked most of his people pretty high. He did not recall any specific instructions about using a pencil that could be erased or specific direction on how to rank anyone (Exhibit 28, pp. 38-39).

7c (b)(7)(C) said that as the SCE outage was ending, (b)(7)(C) became more and more "antsy" and he (b)(7)(C) wanted out, so he just quit. (b)(7)(C) summarized that was the worst outage he had ever worked, they seemed rushed and short-handed but (b)(7)(C) admitted it was also the first time he had been a foreman (Exhibit 28, pp. 44-46, 51-56).

Interview of (b)(7)(C) (b)(7) (Exhibit 29)

7c Interviewed by OI:RIV on October 10, 2001, (b)(7)(C) said he was the (b)(7)(C) who filled out the forced ranking score for his shift which included (b)(7)(C) said that (b)(7)(C) was assigned to his crew by (b)(7)(C) who told him that (b)(7)(C) and (b)(7)(C)

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7c (b)(7) had made the decision to put (b)(7)(C) on his shift, but he (b)(7)(c) was not given a specific reason. (b)(7)(c) said (b)(7)(C) was one of the four welders on his shift and he ranked (b)(7)(C) second from the top with a 15 score. (b)(7)(c) said there were also five pipe fitters on his shift, but they were ranked independent from the welders. (b)(7)(c) said he was provided no specific direction about ranking (b)(7)(C) and ranked him according to the work experience he had with him for that particular shift, adding he considered (b)(7)(C) to be an excellent mechanic and a decent welder who tended to talk a lot. (b)(7)(c) recalled that (b)(7)(C) performed well for him, but he recalled one instance where (b)(7)(C) had neglected to follow instructions, adding that (b)(7)(C) and another welder did not perform as he expected. (b)(7)(c) recalled that (b)(7)(C) told him he did not like his forced ranking number, but understood that (b)(7)(c) was the supervisor. (b)(7)(c) added the BECHTEL organization determined who and when some one was let go when there was a reduction in force (Exhibit 29, pp. 5-15).

7c (b)(7)(c) recalled from shift turnover conversations and other discussions, he heard that (b)(7)(C) had "foreman problems" and a problem with the MSR piping prior to his assignment on his shift. However, (b)(7)(c) stated he did not have first-hand knowledge of (b)(7)(C) issues. (b)(7)(c) stated that he had not heard (b)(7)(C) name associated with the terminology of "whistle blower" (Exhibit 29, pp. 15-18).

7c AGENT'S NOTE: (b)(7)(C) attorney provided (Exhibit 26) which was (b)(7)(C) copy of the rankings for his shift. This information was compared with (Exhibit 8) a form provided by BECHTEL, and no anomalies were apparent. (b)(7)(C) confirmed that the three other welders classified the same as (b)(7)(C) and on shift with (b)(7)(C) were let go on January 19, 2001, a week prior to the date, January 26, 2001, that (b)(7)(C) was let go.

Reinterview of (b)(7)(C) (Exhibit 30)

7c Reinterviewed by OI:RIV on October 10, 2001, (b)(7)(C) explained that his decision to move (b)(7)(C) foreman to pipe fitter on October 26, 2000, was based solely on (b)(7)(C) work performance. (b)(7)(C) said in the Unit 2 Cycle 11 outage, before (b)(7)(C) worked on the MSR piping, he had brought attention to himself (b)(7)(C) because he had not used a cutting torch to cut a line which he had been instructed to cut by the shift

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7c turnover and the day shift had to finish the task. He stated that (b)(7)(C) had delayed another project where an unauthorized weld rod was used, the weld had to be totally removed, but (b)(7)(C) only had a portion of the weld removed, and the day shift had to finish the task. (b)(7)(C) added that he recalled the earlier circumstances in Cycle 10 where (b)(7)(C) was fired and had wondered whether he (b)(7)(C) was paying attention to the necessary work details as required by the tasks.

(b)(7)(C) said he had heard about the problems with the MSR piping, but did not consider the matter to be a concern, but had noted (b)(7)(C) involvement (Exhibit 30, pp. 7-21).

7c (b)(7)(C) said that at the time of the MSR piping problem, he had decided to stay over and assist with the shift turnover to ensure the work was understood and completed by the night shift. During the turnover walk down, he recalled that (b)(7)(C) would shake his head in a negative manner when he discussed the varied work assignments. (b)(7)(C) said he determined at that time to move (b)(7)(C) because he no longer had confidence in his dedication and performance to carry out assignments (Exhibit 30, pp. 14-17).

7c (b)(7)(C) said he knew that (b)(7)(C) had brought forward his ideas about conducting work and safety concerns in the past and stated he (b)(7)(C) had no concern about that aspect of (b)(7)(C) employment. (b)(7)(C) said he had been trained in working with individuals who brought forward safety concerns and to him there was not any connection with (b)(7)(C) safety concerns and his decision to move (b)(7)(C) from foreman to pipe fitter. (b)(7)(C) said he had also been trained about working with whistle blowers, and at the time he made his decisions, he did not consider that (b)(7)(C) was a whistle blower (Exhibit 30, pp. 3-6, 48-50).

7c (b)(7)(C) recalled that going into the Unit 2 Cycle 11 outage was a concern because SCE was also using contractors other than BECHTEL to perform the work and that would most likely cause some problems. (b)(7)(C) the Unit 2 Cycle 11 outage was not remarkable and if he received any type of bonus for the completion of the outage, he did not recall it (Exhibit 30, pp. 20, 45).

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According to (b)(7)(C) after (b)(7)(C) had been moved to pipe fitter, he worked on (b)(7)(C) shift, and he (b)(7)(C) began to hear of communication problems on the night shift.

(b)(7)(C) said he heard of several disagreements and arguments involving (b)(7)(C) and (b)(7)(C) and had noticed a decline in his (b)(7)(C) ability to communicate with (b)(7)(C)

(b)(7)(C) said he knew that (b)(7)(C) and (b)(7)(C) were friends and had worked together in the past. He said he noticed that (b)(7)(C) appeared to be coaching and trying to assist (b)(7)(C) and he decided that (b)(7)(C) was detracting from the completion of work on the shift and causing dissension. (b)(7)(C) said he decided to move (b)(7)(C) to day shift and alleviate the problem on the night shift. He identified the problem to be communications

problems with (b)(7)(C) and (b)(7)(C) and that (b)(7)(C) was the source of the problem. (b)(7)(C) said at that point, he knew (b)(7)(C) had brought forward a safety concern about the MSR piping so he resolved to ensure there was no connection between moving (b)(7)(C) and his safety concern. (b)(7)(C) said he made the decision to move (b)(7)(C) to day shift solely on performance issues with (b)(7)(C)

(b)(7)(C) said he sent (b)(7)(C) for additional weld training and certifications during the day shift and then requested he remain on the day shift, and his decision was based solely on (b)(7)(C) performance. (b)(7)(C) said in retrospect his decision was correct because he no longer had communication problems with the night shift (Exhibit 30, pp. 21-25, 31-37).

(b)(7)(C) said he recalled no further problems or discussions about (b)(7)(C) and he had no knowledge or input into (b)(7)(C) layoff in the later reduction in force. (b)(7)(C) said he did not recall any additional discussions about (b)(7)(C) working for SONGS, and he would welcome (b)(7)(C) back to work as a pipe fitter in the future. (b)(7)(C) stated that in summation the personnel moves with (b)(7)(C) that he directed were based solely on (b)(7)(C) performance and were not related to his safety concerns (Exhibit 30, pp. 40-44, 45-50).

#### Agent's Analysis

An analysis of the evidence was performed to determine if (b)(7)(C) was the subject of employment discrimination by SONGS management for identifying safety concerns.

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Protected Activity

7c According to (b)(7)(C) he reported his concern regarding the cold-spring condition of the MSR piping to his management [Bechtel], to SCE, NSCP, and the NRC Senior Resident Inspector. (b)(7)(C) identification of this issue to his management, the SCE, NSCP, and the NRC constituted protected activity on his part.

Management's Knowledge

7c (b)(7)(C) concerns regarding the MSR piping issues were well known to Bechtel and SCE management and were the subject of numerous discussions.

Adverse Action

7c (b)(7)(C) identified the following actions which he believed constituted either adverse actions or harassment on the part of SCE management for his (b)(7)(C) reporting of safety concerns:

(b)(7)(C) claimed he was removed from his position as a night shift foreman as a result of raising concerns to Bechtel and SCE management which resulted in a reduction of pay. This investigation confirmed that (b)(7)(C) was removed from his position as a night shift foreman and reassigned to work as a night shift journeyman pipe fitter which resulted in a reduction of pay.

(b)(7)(C) claimed he was moved from the night shift to the day shift as an adverse action which resulted in a reduction of pay. This investigation confirmed that (b)(7)(C) was moved from the night shift to the day shift which resulted in a reduction of pay.

(b)(7)(C) claimed his employment with SCE was terminated on (b)(7)(C), which constituted an adverse action because it was sooner than he felt was appropriate. This investigation confirmed that (b)(7)(C) was terminated from employment on (b)(7)(C)

(b)(7)(C) alleged he was not rehired as a night shift foreman for the subsequent outage which constituted an adverse action for engaging in protected activity. This investigation confirmed that (b)(7)(C) was not rehired as a night shift foreman for the subsequent outage, but rather was hired as a journeyman welder.

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Adverse Action Caused by Protected Activity

This investigation determined that (b)(7)(C) removal from his night shift foreman position and reassignment to work as a journeyman pipefitter on the night shift was directed by

7c (b)(7)(C) The testimonial evidence provided by (b)(7)(C) [Exhibit 21 and 30] revealed that on October 26, 2000, 2 days after (b)(7)(C) had identified a concern [October 24, 2000] which delayed the MSR project's completion, (b)(7)(C) decided to move (b)(7)(C) from his foreman position to a journeyman pipe fitter position. (b)(7)(C) explained that because (b)(7)(C) did not follow instructions, he continued to have performance deficiencies, therefore, he was moved from foreman to pipefitter as a result of his business decision that (b)(7)(C) performance did not meet his expectations and he had no absolute right to be a foreman.

7c The testimonial evidence provided by (b)(7)(C) [Exhibit 21 and 30] revealed that at this time [December 11, 2000] he knew that (b)(7)(C) had raised a safety concern regarding the MSR line but he was not going to leave him on back shift because that would cause him problems. (b)(7)(C) further stated there were problems on the night shift, he would not move the foreman or supervisor but would instead move (b)(7)(C) who he (b)(7)(C) felt was causing the problems. (b)(7)(C) admitted he made the decision to move (b)(7)(C) from the night shift to the day shift, and his decision was based solely on (b)(7)(C) performance and had no connection with the concern he had raised about the MSR line.

7c (b)(7)(C) was laid off on (b)(7)(C) due to a reduction in force. Evidence obtained revealed that (b)(7)(C) was assigned the second highest ranking for his classification [welder] and was the last welder of the four welders on the shift to leave the site. This investigation determined this action did not appear to be motivated by a retaliatory animus.

7c (b)(7)(C) was not rehired as a foreman for the subsequent outage, but was rehired on February 8, 2001, to work at SONGS on the Turbine Plant Cooling Water task and continued work until June 1, 2001, when he volunteered for a reduction in force release. This action did not appear to be motivated by a retaliatory animus.

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Conclusions

7c  
Based on a review of the testimony, documentary evidence developed during the investigation and coordination with the RIV technical staff and the Regional Counsel, the allegation that (b)(7)(C) was the subject of employment discrimination by SONGS management for identifying safety concerns was not substantiated.

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LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record, dated January 29, 2001.
2	Transcript of Interview with (b)(7)(C) dated February 7, 2001.
3	NRC Memorandum (b)(7)(C) to (b)(7)(C) dated March 14, 2001.
4	NRC Memorandum, (b)(7)(C) to (b)(7)(C) dated May 2, 2001.
5	SCE Letter with attachment, dated January 26, 2001.
6	Maintenance Order # 0010057800, dated October 26, 2000.
7	Bechtel Craft Ranking Procedures, dated October 7, 1998.
8	(b)(7)(C) Ranking Scores, May 1997 through February 2001.
9	E-Mail from (b)(7)(C) dated October 24, 2000.
10	The Bechtel Personnel File.
11	The SCE CPF file.
12	Bechtel Construction Company New Hire Orientation and Work Rules Booklet, dated November 1999.
13	Bechtel Memorandum, dated June 21, 2001.
14	Transcript of Interview with (b)(7)(C) dated June 26, 2001.
15	Transcript of Interview with (b)(7)(C) dated June 26, 2001.

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- 16 Transcript of Interview with [REDACTED] dated June 26, 2001.
- 17 Transcript of Interview with [REDACTED] dated June 26, 2001.
- 18 Transcript of Interview with [REDACTED] dated June 26, 2001.
- 19 Transcript of Interview with [REDACTED] dated June 27, 2001.
- 20 Transcript of Interview with [REDACTED] (b)(7)(C) dated June 27, 2001.
- 21 Transcript of Interview with [REDACTED] dated June 27, 2001.
- 22 Transcript of Interview with [REDACTED] dated June 28, 2001.
- 23 Transcript of Interview with [REDACTED] dated June 28, 2001.
- 24 Transcript of Interview with [REDACTED] dated June 27, 2001.
- 25 (b)(7)(C) DOL Settlement Agreement, dated July 12, 2001.
- 26 Unit 3 Cycle 11 Outage, Craft Force Ranking, dated January 15, 2001.
- 27 General Presidents Project Maintenance Agreement, dated October 12, 2001.
- 28 Transcript of Interview with [REDACTED] dated October 10, 2001.
- 29 Transcript of Interview with [REDACTED] (b)(7)(C) dated October 10, 2001.
- 30 Transcript of Re-interview with [REDACTED] dated October 10, 2001.

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