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1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

3 + + + + +

4 OFFICE OF INVESTIGATIONS

5 INTERVIEW

6 -----X

7 IN THE MATTER OF: :

8 INTERVIEW OF : OI Case No.

9 (b)(7)(C) : 4-2011-024

10 (CLOSED) :

11 -----X

12 Wednesday, September 28, 2011

13 San Onofre Nuclear Generating Station

14 near

15 San Clemente, California

16 The above-entitled interview was conducted
17
18 at 3:41 p.m.

19 BEFORE:

20 [Senior Special Agent (b)(7)(C)]

21 [Special Agent (b)(7)(C)]

22
23
24 NOTE: AS NO SPELLINGS OF TERMS/NAMES WERE PROVIDED,
25 BEST GUESSES WERE USED.

EXHIBIT 8

70

1 APPEARANCES:

2 On Behalf of the Interviewee, Other Individuals
3 Involved in the Investigation and Southern California
4 Edison Company:

5 (b)(7)(C)

6 (b)(7)(C)

7 of: Law Department

8 Southern California Edison Company (SCE)

9 2244 Walnut Grove Avenue

10 Rosemead, California 91770

11 (626) 302-1212

12 FAX -4393

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

3:41 p.m.

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[SR. SPEC. AGENT (b)(7)(C)] For the record, this is an interview of (b)(7)(C) who is employed by Southern California Edison. The time now is approximately 3:41 p.m. on September 29, 2011. This interview is being conducted at San Onofre Nuclear Generating Station (SONGS).

(b)(7)(C) my name is (b)(7)(C)

(b)(7)(C) I'm a Senior Special Agent with the Office of Investigations out of Region IV. Also present is [Special Agent (b)(7)(C)] also from Region IV. And (b)(7)(C) is here, acting as your attorney today. Okay. This interview is being recorded and a transcript will be produced from this recording. So I need to ask, do you have any recording devices on you?

(b)(7)(C) No, I have nothing on me.

[SR. SPEC. AGENT (b)(7)(C)]

(b)(7)(C)

No.

[SR. SPEC. AGENT (b)(7)(C)]

Okay. And the

purpose of the interview is to discuss allegations of retaliation raised to the NRC by (b)(7)(C)

Could you raise your right hand, please sir? Do you

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1 swear the information you're about to provide is the
2 truth, the whole truth, and nothing but the truth, so
3 help you God?

4 (b)(7)(C) I swear.

5 [SR. SPEC. AGENT (b)(7)(C) Okay. (b)(7)(C)

6 (b)(7)(C) does the San Onofre or Southern
7 California Edison require you to have an attorney
8 present during this interview?

9 (b)(7)(C) No, they don't require
10 it.

11 [SR. SPEC. AGENT (b)(7)(C) Is (b)(7)(C)
12 (b)(7)(C) acting as your attorney today?

13 (b)(7)(C) She is.

14 [SR. SPEC. AGENT (b)(7)(C) Did you select
15 her, or was she provided by the company?

16 (b)(7)(C) I selected her.

17 [SR. SPEC. AGENT (b)(7)(C) Okay. Were
18 you threatened in any manner with any adverse action
19 if you did not request an attorney for this interview?

20 (b)(7)(C) None, whatsoever.

21 [SR. SPEC. AGENT (b)(7)(C) Okay. And do
22 you understand that you have the right to a private
23 interview with me, without an attorney present?

24 (b)(7)(C) Sure.

25 [SR. SPEC. AGENT (b)(7)(C) Okay. And (b)(7)(C)

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1 (b)(7)(C) could you please identify yourself for the
2 record?

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

4 (b)(7)(C) with the
5 Southern California Edison Company, law department.

6 [SR. SPEC. AGENT (b)(7)(C) Okay. And are
7 you representing (b)(7)(C) today?

8 (b)(7)(C) I am.

9 [SR. SPEC. AGENT (b)(7)(C) And do you
10 represent other people as well as Southern California
11 Edison in this investigation?

12 (b)(7)(C) Yes, I do.

13 [SR. SPEC. AGENT (b)(7)(C) Okay. Do you
14 believe there's a potential conflict on interest that
15 may arise during this interview?

16 (b)(7)(C) I have no reason to.

17 [SR. SPEC. AGENT (b)(7)(C) And what would
18 happen in one does arise?

19 (b)(7)(C) If one were to arise, I
20 would inform (b)(7)(C) that I would not be able
21 to continue representing him, but I would continue
22 representing SCE and other parties to this matter;
23 that he would have the choice to continue this
24 interview, to terminate it, or to ask for a
25 postponement and seek a representative of his own

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1 choosing.

2 [SR. SPEC. AGENT (b)(7)(C)] Okay. And (b)(7)(C)

3 (b)(7)(C) do you understand that (b)(7)(C)

4 represents other people in this investigation, as well
5 as Southern California Edison?

6 (b)(7)(C) Yes, I do.

7 [SR. SPEC. AGENT (b)(7)(C)] And, with that
8 knowledge, do you still want her here for this
9 interview?

10 (b)(7)(C) Yes, I do.

11 [SR. SPEC. AGENT (b)(7)(C)] Okay. Can you
12 go over your background, sir, your employment history
13 here at SONGS?

14 (b)(7)(C)

15 (b)(7)(C)
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(b)(7)(C)

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2

3

[SR. SPEC. AGENT (b)(7)(C)

Okay.

4

(b)(7)(C)

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(b)(7)(C)

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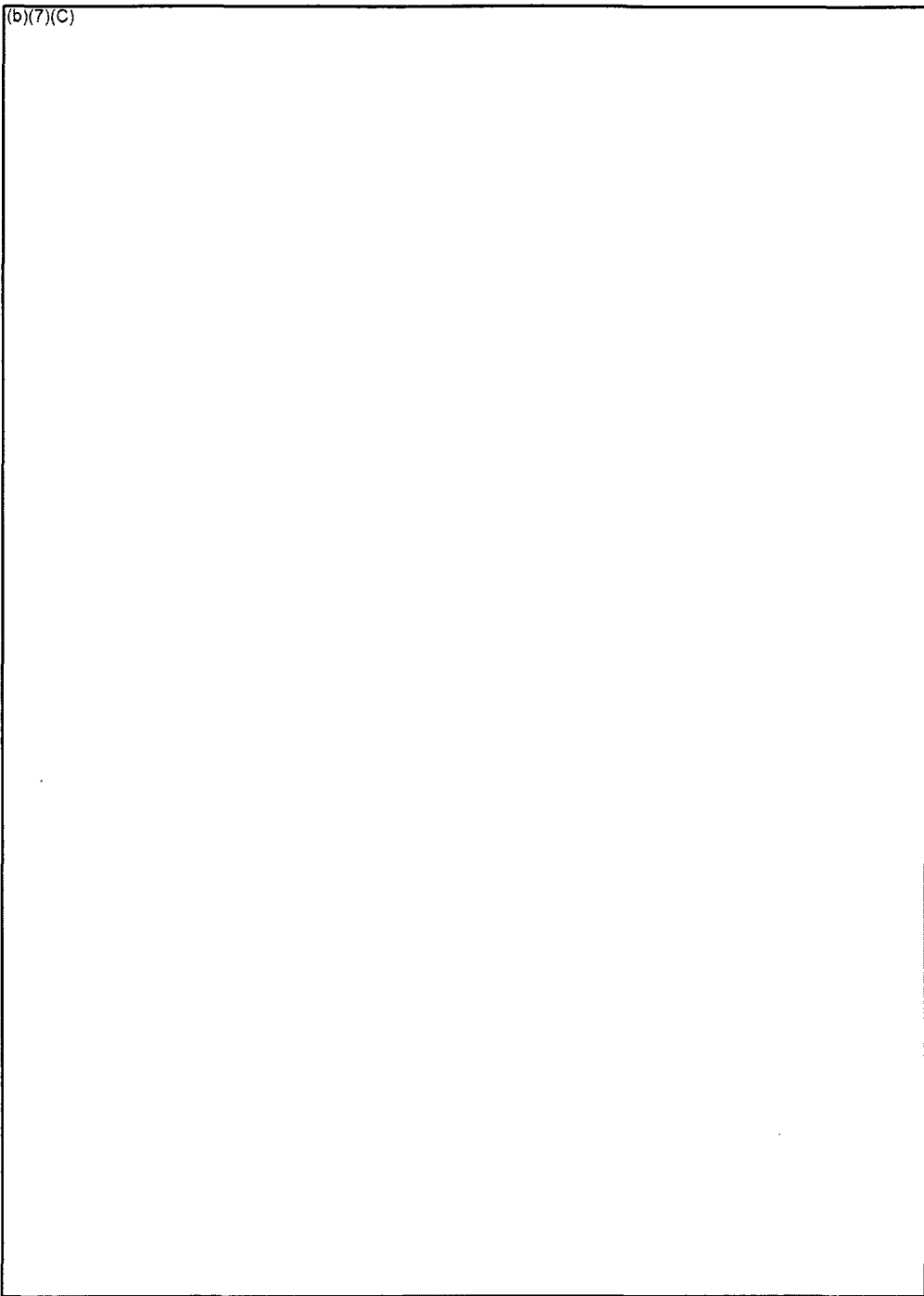
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(b)(7)(C)



[SR. SPEC. AGENT

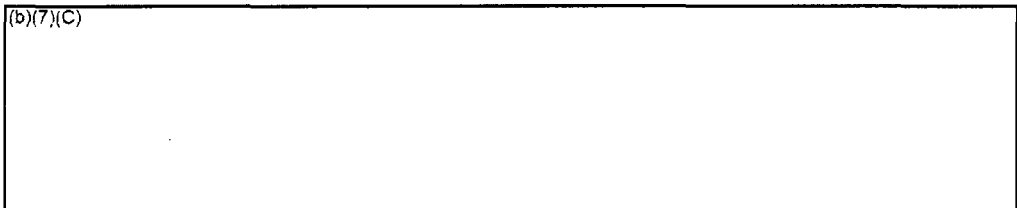
(b)(7)(C)

Okay.

(b)(7)(C)



(b)(7)(C)



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(b)(7)(C)

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10

[SR. SPEC. AGENT

(b)(7)(C)

Okay.

11

(b)(7)(C)

So that's what I'm

12

doing, presently.

13

[SR. SPEC. AGENT

(b)(7)(C)

And, again,

14

you're official title here is?

15

(b)(7)(C)

16

(b)(7)(C)

17

[SR. SPEC. AGENT

(b)(7)(C)

Okay. Okay.

18

(b)(7)(C)

did you or do you know a

(b)(7)(C)

19

or

(b)(7)(C)

20

(b)(7)(C)

Yes, I know him.

21

[SR. SPEC. AGENT

(b)(7)(C)

And how do you

22

know

(b)(7)(C)

23

(b)(7)(C)

Well, he was under my

24

employment in the

(b)(7)(C)

25

(b)(7)(C)

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1 [SR. SPEC. AGENT (b)(7)(C)] Okay. How
2 long did you supervise (b)(7)(C)

3 (b)(7)(C)

4 (b)(7)(C)

5 [SR. SPEC. AGENT (b)(7)(C)] Okay. And
6 what type of employee do you consider (b)(7)(C) to be?

7 (b)(7)(C) He -- you know, he is a
8 sharp individual. He -- he knows the (b)(7)(C)

9 (b)(7)(C) mostly. His
10 experience is just limited in that area. He -- he
11 does have some of the (b)(7)(C) that deal with
12 the (b)(7)(C) or the (b)(7)(C)

13 (b)(7)(C) But he is not a subject matter expert
14 on those. He's just the (b)(7)(C) So we rely
15 on subject matter experts for all the information for
16 most of the (b)(7)(C) even the
17 (b)(7)(C)

18 [SR. SPEC. AGENT (b)(7)(C)] Okay. Would
19 you consider him to be a dependable employee?

20 (b)(7)(C)

21 (b)(7)(C) yes.

22 [SR. SPEC. AGENT (b)(7)(C)] Okay. (b)(7)(C)
23 (b)(7)(C) did (b)(7)(C) ever raise any safety
24 concerns to you while you supervised him?

25 (b)(7)(C) He never raised one

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1 once.

2 [SR. SPEC. AGENT (b)(7)(C)] Okay. Did he
3 raise an issue to you or a concern to you about
4 placing an unqualified or non-supervisory employee in
5 charge in your absence?

6 (b)(7)(C) He -- he didn't raise it
7 as an unqualified supervisor. He just said he didn't
8 take orders from a (b)(7)(C)

9 [SR. SPEC. AGENT (b)(7)(C)] Okay. Explain
10 to me what happened whenever you put -- and we're
11 talking about (b)(7)(C) in this case --

12 (b)(7)(C) Okay. Yes.

13 [SR. SPEC. AGENT (b)(7)(C)] -- when you
14 put her in charge in your absence and (b)(7)(C) raised
15 his concern to you about it -- or he raised that issue
16 with you. Explain to me what happened during the
17 period of your interaction with him about that.

18 (b)(7)(C) Okay. First, let me
19 just say I went into (b)(7)(C) to see if he would
20 handle all the (b)(7)(C) prior to. Then I
21 went to (b)(7)(C) and asked her if she'd handle my every
22 day duties.

23 [SR. SPEC. AGENT (b)(7)(C)] Okay.

24 (b)(7)(C) And she said am I going
25 to be telling people what to do? And I said no,

1 you're not. You're just going to be handling duties.
2 If things come up, you're going to handle them and
3 you're going to go to (b)(7)(C) for support. So then I
4 went around to every (b)(7)(C) and told them
5 that (b)(7)(C) would handle all your (b)(7)(C)
6 (b)(7)(C) and that (b)(7)(C) would handle my everyday
7 duties. And if any issues came up, take them to (b)(7)(C)
8 and she will then go get support on how to handle
9 them.

10 [SR. SPEC. AGENT (b)(7)(C) Okay.
11 (b)(7)(C) I transferred duties
12 every time I left, to different people. So it was
13 just her turn in the barrel.

14 [SR. SPEC. AGENT (b)(7)(C) Okay.
15 (b)(7)(C) Okay? So, when I went
16 to (b)(7)(C) I said to (b)(7)(C) the same thing I had
17 said to everybody else. I said, "(b)(7)(C) I'm going to
18 be gone next week to the every work planner's user
19 group for a week, on company business. And, while I'm
20 gone, (b)(7)(C) will handle all (b)(7)(C) and
21 (b)(7)(C) will be in charge of my everyday duties." And
22 he looked at me and he said, "I don't take direction
23 from a (b)(7)(C)" He raised his voice and
24 everything. I said, (b)(7)(C) I said, "She's going to
25 handle my everyday duties. She's not going to give

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1 you direction. She's going -- you -- you have your
2 own (b)(7)(C) You know what work you have to
3 do. She's not going to give you direction." And he
4 says, "I don't take direction from a (b)(7)(C)
5 (b)(7)(C) I said, (b)(7)(C) you take direction if I leave
6 anybody in charge. You take direction from that
7 person." And he's going, "I'm going to tell you
8 again, I don't take direction from a (b)(7)(C)
9 (b)(7)(C) And, at that time, I said, "Well there's no
10 need to discuss any further. This is how it's going
11 to be. She's going to take care of my duties and (b)(7)(C)
12 (b)(7)(C) will take care of any (b)(7)(C) you have for
13 review."
14 SR. SPEC. AGENT (b)(7)(C) Okay.
15 (b)(7)(C) And then I went around
16 to the next person. I didn't want to get into a
17 confrontation. I don't -- I don't -- I'm not a
18 confrontational kind of person. So, you know, I -- he
19 raised his voice and he made it very clear. Everybody
20 in the building heard it. And, you know, what are you
21 going to say to an employee at that point? You're
22 going to just go on to the next one. You're going to
23 make sure they understood clearly that they're going
24 to be under the direction of whoever I leave in
25 charge. And I -- I said that, and I left.

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1 [SR. SPEC. AGENT (b)(7)(C)] Did any other
2 employee, other than (b)(7)(C) raise any issues with
3 her being in charge?

4 (b)(7)(C) Not a one.

5 [SR. SPEC. AGENT (b)(7)(C)] Okay. When
6 you're gone for a period of time, and you select a
7 fill-in, is there some process you go through? Or how
8 do you normally select someone to replace you?

9 (b)(7)(C) You know, when -- when
10 I was in (b)(7)(C) I was taught that when
11 -- when you leave to go somewhere, you pass it around
12 so that everybody gets a chance to see what the
13 supervisor has to go through.

14 [SR. SPEC. AGENT (b)(7)(C)] Yes?

15 (b)(7)(C) So I used that same
16 selection process. I was giving everybody an
17 opportunity. The only people I probably would never
18 have considered was the two new ones we had just hired
19 into the group. And that's just because they were not
20 fresh enough. But a year later, now, I probably would
21 have because they picked up real fast and were very
22 sharp individuals.

23 [SR. SPEC. AGENT (b)(7)(C)] Okay. From
24 your position as supervisor, were you aware or are
25 there any qualifications or specialties needed to fill

1 in for you while you're gone?

2 (b)(7)(C) There are no
3 qualification requirements.

4 (SR. SPEC. AGENT (b)(7)(C) Okay. So
5 putting someone in charge when you leave, in your
6 place, is your prerogative?

7 (b)(7)(C) That's my prerogative.

8 (SR. SPEC. AGENT (b)(7)(C) Okay. So
9 there's no requirement, that you're aware of, no
10 Southern California Edison or no SONGS requirements
11 saying that you have to meet a certain threshold to be
12 a supervisor in your place?

13 (b)(7)(C) You have to meet the
14 ANCI requirement, which is two years of experience and
15 a high school diploma.

16 (SR. SPEC. AGENT (b)(7)(C) Okay. And I'm
17 assuming (b)(7)(C) fit those two criteria?

18 (b)(7)(C) She'd been in the group
19 for -- she's been doing (b)(7)(C) for probably (b)(7)(C)
20 (b)(7)(C) with the -- with the (b)(7)(C) at the
21 time, she'd been in there about two years. But she'd
22 been doing work in (b)(7)(C) for many years.

23 (SR. SPEC. AGENT (b)(7)(C) Okay.

24 (b)(7)(C) And she fit the ANCI
25 requirement. Her job position fit the ANCI

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1 requirement.

2 [SR. SPEC. AGENT (b)(7)(C)] Okay. Did (b)(7)(C)

3 (b)(7)(C) ever request or did you ever put him in charge
4 at any point when you were gone?

5 (b)(7)(C) He was put in charge the
6 previous time I -- I left.

7 [SR. SPEC. AGENT (b)(7)(C)] Okay.

8 (b)(7)(C) It was a couple days.
9 But he was put in charge a couple days.

10 [SR. SPEC. AGENT (b)(7)(C)] Okay. Did he
11 mention anything to you when you returned from leave,
12 about the job (b)(7)(C) had did, or any problems he
13 experienced while you were gone, afterwards?

14 (b)(7)(C) No. I asked everybody
15 in the group if there was any issues that came up
16 while I was gone. And everybody said no, everything
17 went smooth.

18 [SR. SPEC. AGENT (b)(7)(C)] Okay. And
19 when was the first time you were aware that he had
20 filed a notification -- and I'm referring to
21 Notification (b)(7)(C) -- regarding that issue?

22 (b)(7)(C) It was when I came back
23 from the pre-work planners user group, which would
24 have been -- that was the week of the 12th, I think it
25 was. And so it would have been around the 19th.

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1 [SR. SPEC. AGENT (b)(7)(C)] Okay. How
2 were you made aware of this issue?

3 (b)(7)(C) gave it to me to
4 see.

5 [SPECIAL AGENT (b)(7)(C)] Okay. I just want to
6 verify that's the one we're talking about. The number
7 is shown in red, also.

8 (b)(7)(C) Yes. That's the one.

9 [SR. SPEC. AGENT (b)(7)(C)] Okay. Did you
10 talk to (b)(7)(C) about this notification?

11 (b)(7)(C) No, I did not.

12 [SR. SPEC. AGENT (b)(7)(C)] Okay. Were
13 there any other conversations you had, immediate to
14 this, with (b)(7)(C) about his displeasure with you
15 putting (b)(7)(C) in charge?

16 (b)(7)(C) No. I had no further
17 discussions.

18 [SR. SPEC. AGENT (b)(7)(C)] Okay.

19 (b)(7)(C) I knew (b)(7)(C) had.

20 And that was, I felt, sufficient enough.

21 [SR. SPEC. AGENT (b)(7)(C)] Okay. Okay.
22 This happened back in July of 2010?

23 (b)(7)(C) That's right.

24 [SR. SPEC. AGENT (b)(7)(C)] Okay. Let me
25 look at it, just a minute. (b)(7)(C) was suspended

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1 back in September of 2010 for one week?

2 (b)(7)(C) That's correct.

3 [SR. SPEC. AGENT (b)(7)(C) Okay. What
4 was your role in that suspension? What did you do to
5 facilitate that?

6 (b)(7)(C) Well, I had to do all
7 the fact-finding, gathering all the facts of all the
8 misconduct from prior to my being there in the
9 position. I had to go read his personnel file.

10 [SR. SPEC. AGENT (b)(7)(C) Yes?

11 (b)(7)(C) I had to write the SQRB
12 (phonetic) fact-findings and, you know, develop, with
13 HR -- I -- I spent quite a bit of time with (b)(7)(C)
14 (b)(7)(C) on it. And -- because it was the first time
15 I'd ever had to do anything like that. So I wanted to
16 make sure I had all my ducks in a row and -- and knew
17 what I was supposed to do.

18 [SR. SPEC. AGENT (b)(7)(C) What
19 precipitated the suspension? Why was he being
20 suspended?

21 (b)(7)(C) Well, there was a
22 multitude of things. When -- when I first got in the
23 group, I wasn't there two weeks and there was an
24 outbreak between him and another employee during a
25 group meeting. And, after that particular outbreak,

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1 I went to him and said, "You know, (b)(7)(C) you --
2 you've got good ideas, but you just have a heck of a
3 way of trying to put them across. You don't show
4 people respect at all with your demeanor with the way
5 you come across. And, you know, if you want to get
6 your ideas across, you might want to think of a new
7 tack."

8 [SR. SPEC. AGENT (b)(7)(C)] Yes.

9 (b)(7)(C) And so that happened in
10 late March or early April time frame. I can't
11 remember the exact date of that group meeting.

12 [SR. SPEC. AGENT (b)(7)(C)] So that --

13 (b)(7)(C) But I know the two
14 individuals. It was (b)(7)(C) and (b)(7)(C)
15 (phonetic).

16 [SR. SPEC. AGENT (b)(7)(C)] So that was
17 late March or early June?

18 (b)(7)(C) No, late March early
19 April.

20 [SR. SPEC. AGENT (b)(7)(C)] Oh, April.

21 (b)(7)(C) Some time there in 2010.

22 [SR. SPEC. AGENT (b)(7)(C)] 2010? Okay.

23 All right.

24 (b)(7)(C) So that was -- you know,
25 that was one of the things. And then, at different

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1 times during meetings, he got into it one morning with
2 one of the Ops procedure writers about 5059 and that
3 he wasn't qualified for 5059. And the -- the
4 individual from the ops group was trying to explain,
5 you know, you don't have to be qualified 5059, you
6 just have to know if the procedure has to have 5059.

7 [SR. SPEC. AGENT (b)(7)(C)] Yes?

8 (b)(7)(C) And, if so, then you
9 need to answer the question, so that we get
10 engineering involved. Because we don't make the 5059
11 evaluation. Engineering does. So they got into a
12 confrontation. And, afterwards, the individual came
13 to me and said, "You know, I just can't put the points
14 across to this guy, the way he comes at me. He just
15 -- his demeanor is just, you know, it's one of those
16 kind of things that I just don't like dealing with."
17 And I said, "Well, I'll talk to him." And, you know,
18 again, I went back to him and said, (b)(7)(C) you know,
19 you need to change your approach." And it wasn't the
20 first time. And so -- so then, soon after that was
21 when I was going to the ap-pre-w-pug (phonetic) and --
22 and he had the comments about (b)(7)(C) about (b)(7)(C)
23 (b)(7)(C) I don't work for a (b)(7)(C) You know? So
24 that was just another thing that added to it. And, I
25 guess, for me, the real icing on the cake was that,

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1 when I was doing his mid-year PDP one-on-one, and he
2 said to me I don't see you as a qualified supervisor,
3 so I don't send my (b)(7)(C) to me, it was kind of,
4 in my opinion, an insubordinate situation. You know?
5 I'm his supervisor. He should have been sending them
6 to me. And I had no idea he wasn't. But I just --
7 every time I asked him if he was working on
8 (b)(7)(C) because I hadn't seen any, he'd say to me,
9 "Yes, I'm working on them." And then I'd say, "Well,
10 I haven't seen any." And he'd say, "Well, I'm getting
11 to them." And so, you know, I was giving him the --
12 the (b)(7)(C) They -- they
13 take a lot of detail and a lot of time. So I was
14 giving him that benefit of the doubt that, you know,
15 he was working on his (b)(7)(C) and not pushing for
16 him to get them to me. You know? But, when I said
17 something to him during the PDP, that his numbers were
18 kind of low, he said, "Well, I don't send the all to
19 you." "Well, what do you mean, you don't send them
20 to me. Who do you send them to?" And he said, "Well,
21 I send them all to (b)(7)(C) And I said, "How are
22 you don't that? (b)(7)(C) out on (b)(7)(C)
23 And he goes, "Well, I haven't done any lately." And
24 so I said, "Well, you know, from now on, you need to
25 send all (b)(7)(C) to me." And (b)(7)(C) had a hard time

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7c

1 with -- you know, part of our recovery efforts that we
2 had going on with written instruction was trying to
3 get rid of written error traps. And he had a hard
4 time with me telling him that the (b)(7)(C) didn't
5 have the as-directeds taken out or the as-needed or --
6 or contact supervisor. He -- he didn't clarify those
7 statements. And he had a hard time with that. He
8 didn't want to have -- want to go down that path. And
9 so he -- he wasn't sending his (b)(7)(C) to me to
10 review because I would send them back when I found
11 those things. And so, at that point, when I found out
12 during the mid-year PEP that the reason he wasn't was
13 because he didn't see me as a qualified supervisor, I
14 said, at that point, you need to send them all to me.
15 I more or less demanded it, at that point.

16 [SR. SPEC. AGENT (b)(7)(C)] Okay. And,
17 based on -- I guess you initiated the action for the
18 suspension. Is that correct?

19 (b)(7)(C) No, I did not.

20 [SR. SPEC. AGENT (b)(7)(C)] Who initiated
21 that action?

22 (b)(7)(C) That was initiated from
23 the (b)(7)(C)

24 [SR. SPEC. AGENT (b)(7)(C)] Well, I mean -
25 (b)(7)(C) told (b)(7)(C)

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1 (b)(7)(C)

2 SR. SPEC. AGENT (b)(7)(C) Let me
3 rephrase the question. Somebody had to notify (b)(7)(C)
4 (b)(7)(C) of what was going on with (b)(7)(C)
5 (b)(7)(C) Well, I documented -- I
6 documented every time (b)(7)(C) either had any kind
7 of outbreak, whatsoever.

8 SR. SPEC. AGENT (b)(7)(C) Yes.
9 (b)(7)(C) Or if I ever had one-on-
10 ones. I documented everything. And that
11 documentation was going to supervision -- to the
12 manager. And I'm sure he was sharing it with the
13 (b)(7)(C) And the decision was made, soon after, that
14 we needed to go down the disciplinary process.

15 SR. SPEC. AGENT (b)(7)(C) Okay. And the
16 manager you were sharing that with was (b)(7)(C)

17 (b)(7)(C)

18 SR. SPEC. AGENT (b)(7)(C) Okay.

19 (b)(7)(C) Yes. My direct -- that
20 was a direct report to him.

21 SR. SPEC. AGENT (b)(7)(C) And who
22 directed you -- you may have answered this already,
23 but who directed you to begin the process of gathering
24 information for his suspension or disciplinary action?

25 (b)(7)(C)

And -- and

7c
1 then, from there, I went to

(b)(7)(C)

2 [SR. SPEC. AGENT

(b)(7)(C)

Okay. So,

3 when you were gathering this information, you
4 immediately asked for help from HR?

5 (b)(7)(C)

Well, yes. Because I'd

6 already been working with HR, when I developed his
7 mid-year PDP. And then, when I developed his
8 performance improvement plan, that was already in the
9 works, prior to his suspension. And I'd been -- I'd
10 probably spent anywhere between eight and 12 hours
11 with HR, over the course of a two-month period there,
12 related to (b)(7)(C) And it was mainly related to
13 the PDP process.

14 [SR. SPEC. AGENT

(b)(7)(C)

So the PDP for

15 2010, you actually wrote this, correct?

16 (b)(7)(C)

Yes. The mid-year and

17 the year-end.

18 [SR. SPEC. AGENT

(b)(7)(C)

Okay. And he

19 had -- I think I counted eight or nine need
20 improvements?

21 (b)(7)(C)

Needs improvements. And

22 they were all in the area of behaviors. They were not
23 in performance.

24 [SR. SPEC. AGENT

(b)(7)(C)

Okay.

25 (b)(7)(C)

You know, I -- like I

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1 said, I saw his performance. He -- his knowledge base
2 was there. He (b)(7)(C) It was just in
3 his behavioral aspects.

4 [SR. SPEC. AGENT (b)(7)(C) Okay.

5 (b)(7)(C) And his behaviors just
6 weren't -- they weren't reflective of a nuclear
7 professional. He -- he didn't show respect for
8 people. And he was very demeaning at many times
9 during meetings, to people. And the -- that's where
10 those NIs came from. And he had plenty of warnings
11 that -- that, you know, through me going to his desk
12 and saying, "Hey (b)(7)(C) you know, you're -- the way
13 you handle yourself in meeting, if you'd find a new
14 approach, you might be able to get your points
15 across." I mean, it wasn't one time. It was many
16 time.

17 [SR. SPEC. AGENT (b)(7)(C) And, at what
18 point was the PIP instituted?

19 (b)(7)(C) The PIP -- the PIP was
20 instituted when he came back. We gave him his PIP and
21 his reinstatement the same day.

22 [SR. SPEC. AGENT (b)(7)(C) When he came
23 back from his suspension?

24 (b)(7)(C) From his week off. Yes.

25 [SR. SPEC. AGENT (b)(7)(C) So, prior to

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1 his 2010 PDP, his mid-year, was anything done at the
2 mid-year point?

3 (b)(7)(C) Well, the mid-year --
4 you know, our process is kind of slow. It's not
5 really mid-year. The way the process works is the
6 employee gets first shot on making comments on their
7 progress. Then it comes to the supervisor to score
8 and make comments. And then it goes to a calibration
9 meeting by the people higher than me. And then it --
10 from there, then it comes back for us to put our final
11 signature on it. And then it goes to the employee.
12 That whole process took, I think -- I think June of --
13 June 29th is when they had to have their comments in.

14 [SR. SPEC. AGENT (b)(7)(C)] You're talking
15 about the employees?

16 (b)(7)(C) The employees.

17 [SR. SPEC. AGENT (b)(7)(C)] Okay.

18 (b)(7)(C) And then, soon after
19 that, the supervisors had until I think it was July
20 20th, to get all their comments completed. And then
21 they go through the calibration, which was into --
22 sometime into August. I don't remember the exact
23 dates now. And then it comes back, at that point.
24 And I think the final thing was issued on August 29,
25 if I remember correctly, somewhere in there.

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1 [SR. SPEC. AGENT (b)(7)(C)] Okay.

2 (b)(7)(C) So it's not really --
3 really mid-year like you would think.

4 [SR. SPEC. AGENT (b)(7)(C)] So, prior to,
5 I guess, June, when (b)(7)(C) was writing his comments
6 -- his comment portion of the PDP, were there any
7 talks with him, prior to that, about his performance?
8 Not his performance, but his behavior?

9 (b)(7)(C) Sure. Like I said, I
10 had gone to him --

11 [SR. SPEC. AGENT (b)(7)(C)] Well, yes.
12 But I mean official conversations, documented?

13 (b)(7)(C) No.

14 [SR. SPEC. AGENT (b)(7)(C)] No? Okay.

15 (b)(7)(C) No. Not at that time.

16 [SR. SPEC. AGENT (b)(7)(C)] Okay. Is
17 there a system in place, other than the PIP, to
18 discuss that with individuals?

19 (b)(7)(C) There is today. There
20 wasn't really then. Today we do what -- what they
21 call bi-monthly one-on-ones. That got instituted late
22 in the end of the year, last year. And supervisors
23 are expected to do that every other month now. My
24 supervisor I have now does it monthly. So --

25 [SR. SPEC. AGENT (b)(7)(C)] So if anything

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1 is not up to par, back in 2010, when this took place,
2 he gets the mid-year. And, actually, it's signed by
3 you, like you said, August 30 on this. So he only has
4 from the end of August to the end of the year to make
5 his improvement?

6 (b)(7)(C) He -- he was given a
7 three-month period to show improvement. And that, you
8 know, that pretty much was the way (b)(7)(C) said we
9 should manage this; give him three months to change
10 his improvement.

11 [SR. SPEC. AGENT (b)(7)(C) Okay. And he
12 was suspended back in September?

13 (b)(7)(C) He was -- September.
14 And he was given the PIP when he reinstated. And what
15 was that? September 29th, I think it was, or 27th?

16 [SR. SPEC. AGENT (b)(7)(C) Yes. Well, he
17 was suspended from the 20th to the 24th. I'm not sure
18 when he came back to work.

19 (b)(7)(C) So he came back on the
20 Monday following. So that would have been the 28th or
21 29th, I think.

22 [SR. SPEC. AGENT (b)(7)(C) Okay.

23 (b)(7)(C) And that's when he was
24 given his performance improvement plan.

25 [SR. SPEC. AGENT (b)(7)(C) Okay. Now,

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1 when he was suspended, obviously, you were there for
2 the suspension meeting?

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

4 [SR. SPEC. AGENT (b)(7)(C) What was told
5 to him? Why was he suspended?

6 (b)(7)(C) He was suspended because
7 he was found to be in violation of policy 301, and not
8 acting with integrity and forthfulness and, in cases
9 of insubordination with supervision, and for
10 derogatory comments that he made to another employee
11 about another employee.

12 [SR. SPEC. AGENT (b)(7)(C) Okay. And
13 Policy 301, do we have a copy of that? Do you know if
14 we have a copy of Policy 301?

15 (b)(7)(C) The professional conduct
16 policy? I believe we do. I believe I gave it to you.

17 [SR. SPEC. AGENT (b)(7)(C) Yes. That's
18 the one.

19 (b)(7)(C) The Edison Company
20 policy -- Policy 301.

21 [SR. SPEC. AGENT (b)(7)(C) Okay.
22 Professional Conduct Policy?

23 (b)(7)(C) Yes.

24 [SR. SPEC. AGENT (b)(7)(C) Okay. Okay.

25 And I know, in talking to other individuals. there

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1 were generalities given toward when you met with him.
2 But do you have anything documented of specific
3 incidents that you used to suspend him with?

4 (b)(7)(C) Well, yes. There was a
5 fact-finding sheet.

6 [SR. SPEC. AGENT (b)(7)(C) Okay. You're
7 talking about this right here?

8 (b)(7)(C) Where it was spelled
9 out. Yes. Yes.

10 [SR. SPEC. AGENT (b)(7)(C) All right.
11 And you conducted all the work up for this fact-
12 finding sheet here?

13 (b)(7)(C) Yes. I did the work.
14 That's right.

15 [SR. SPEC. AGENT (b)(7)(C) And it says
16 here, interviews were conducted with employees. Is
17 that correct.

18 (b)(7)(C) Yes. Well, when I got
19 to that section -- this was a brand new procedure for
20 us. It had only been out less than a month. I called
21 the owner of the procedure and said I'm kind of not
22 sure what I'm supposed to be answering here. And he
23 said, "Well you had the direct contact. So,
24 essentially, you're saying that, through direct
25 contact, you had interviews with the employees." So

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1 that's why I answered yes to that.

2 [SR. SPEC. AGENT (b)(7)(C)] Okay. But (b)(7)(C)

3 (b)(7)(C) was not directly interviewed regarding this
4 matter?

5 (b)(7)(C) We had the one-on-one
6 with -- when I gave him the directions that (b)(7)(C)
7 would be in charge.

8 [SR. SPEC. AGENT (b)(7)(C)] No. What I'm
9 saying is he was not interviewed. You didn't tell him
10 that, you know, we're conducted an inquiry into your
11 behavior and I'm interviewing you because of that?

12 (b)(7)(C) Yes. So the -- the --
13 the owner of the procedure, (b)(7)(C) (phonetic),
14 who I discussed that with, he -- he told me that
15 that's not what that's talking to. That's talking to
16 did the person know of the behaviors.

17 [SR. SPEC. AGENT (b)(7)(C)] Okay. Well,
18 you said you spent a lot of time with HR during this
19 process?

20 (b)(7)(C) Right. And this was --
21 like I said, this was a brand new procedure at that
22 time.

23 [SPECIAL AGENT (b)(7)(C)] And we spoke with HR
24 and the individual we spoke with said that, you know,
25 when this interview is conducted with the --

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1 especially with the affected individual, they are to
2 know that this is -- what they mean by this is an
3 interview; that it is to be done and that he knows why
4 it's being done; not just in a general conversation
5 about your performance.

6 (b)(7)(C) Well, that may be the
7 way it is intended today. But it wasn't at that first
8 writing of that procedure. The procedure's been
9 changed since then.

10 [SPECIAL AGENT (b)(7)(C)] But what I'm saying
11 is, when we spoke with HR, she was up front with us
12 that she had worked with you in this, a great deal and
13 that, at the time she worked with you, this was the
14 policy; that it was supposed to be in effect, a
15 conversation with the affected individual. And it was
16 noted to the individual that that's why they were
17 being talked to.

18 [R. SPEC. AGENT (b)(7)(C)] Because, we
19 spoke with (b)(7)(C) and he claims he was never
20 interviewed regarding --

21 (b)(7)(C) He was not interviewed
22 regarding the suspension, because I was told he didn't
23 need to be; that it was all about the facts.

24 [SPECIAL AGENT (b)(7)(C)] Okay. Well, there's
25 an obvious disconnect between what HR told us and what

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1 you're telling us about the same investigation.

2 (b)(7)(C) Yes. I'm going by what
3 the procedure owner told me.

4 [SR. SPEC. AGENT (b)(7)(C) And who is the
5 procedure owner?

6 (b)(7)(C) was the
7 procedure owner at the time.

8 [SR. SPEC. AGENT (b)(7)(C) Okay.

9 [SPECIAL AGENT (b)(7)(C) And what division is
10 he in?

11 (b)(7)(C) He is in the (b)(7)(C)

12 (b)(7)(C)
13 [SPECIAL AGENT (b)(7)(C) Okay (b)(7)(C) -- what is
14 his last name?

15 (b)(7)(C)
16 (b)(7)(C)
17 (b)(7)(C) Right.

18 [SR. SPEC. AGENT (b)(7)(C)

19 (b)(7)(C) Okay. Okay. And the other individuals that
20 you interviewed, was this also in the same type of
21 context?

22 (b)(7)(C) Same -- yes. It was the
23 same context.

24 [SR. SPEC. AGENT (b)(7)(C) Okay.

25 (b)(7)(C) He -- he mentioned --

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1 (b)(7)(C) mentioned to me that, since (b)(7)(C) had a one-
2 on-one with (b)(7)(C) over the issue, that that was the
3 fact finding for that particular incident.

4 [SR. SPEC. AGENT (b)(7)(C) Okay.
5 (b)(7)(C) So I was answering this
6 form for everybody.

7 [SR. SPEC. AGENT (b)(7)(C) So, in
8 essence, whenever you answered this form, you said, in
9 my previous conversations with (b)(7)(C) and everyone
10 else associated with this form, that was good enough
11 for the fact-finding mission?

12 (b)(7)(C) That was correct.

13 [SR. SPEC. AGENT (b)(7)(C) Okay. And HR
14 is saying that's not what the issue is supposed to be.
15 But you're saying that's not what you were told back
16 then?

17 (b)(7)(C) Well, I think you are not
18 -- you are miss-quoting what (b)(7)(C) said. She
19 said someone needs to talk to the employee. And (b)(7)(C)
20 (b)(7)(C) testified that he talked to the employee.

21 [SPECIAL AGENT (b)(7)(C) Well, also, I want to
22 know -- he signed for the fact that this guy was
23 talked to.

24 (b)(7)(C) Right.
25 (b)(7)(C) And not necessarily that

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1 he, personally, talked to him.

2 [SPECIAL AGENT (b)(7)(C)] Well, regardless (b)(7)(C)
3 (b)(7)(C) was not aware he was being interviewed for a
4 suspension, is what I'm trying to say, regardless of
5 who talked to him.

6 (b)(7)(C) That part, I guess it's
7 subject to interpretation. The, you know, procedure
8 said had the employee been talked to. And the fact
9 that (b)(7)(C) had talked to him, I was told that,
10 yes, you had a fact-finding with him.

11 [SR. SPEC. AGENT (b)(7)(C)] Okay.
12 (b)(7)(C) As of then, he wasn't
13 being -- he wasn't being put on suspension for just
14 that issue. There was more issues than that, that put
15 him on suspension. It was the multitude of
16 everything.

17 [SR. SPEC. AGENT (b)(7)(C)] I understand
18 that. Yes.

19 (b)(7)(C) Yes. Okay.

20 [SR. SPEC. AGENT (b)(7)(C)] But again, I'm
21 just trying to nail down what this actual interview
22 prior to his suspension was for -- what it consisted
23 of, which is in this report.

24 (b)(7)(C) Yes.

25 [SPECIAL AGENT (b)(7)(C)] Okay. And this was

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1 over more than one conversation with (b)(7)(C) It
2 wasn't a one-time sit-down with him?

3 (b)(7)(C) Right.

4 [SPECIAL AGENT (b)(7)(C) Okay. And that's
5 what I'm trying to --

6 (b)(7)(C) No. It was not a one-
7 time sit-down.

8 [SPECIAL AGENT (b)(7)(C) Okay. All right.

9 [SPECIAL AGENT (b)(7)(C) And, were there any
10 other performance issues mentioned during his -- I
11 know, this is what the fact-finding summary was --
12 but, when you spoke with (b)(7)(C) during the
13 interview -- or during the meeting of his suspension,
14 was there any type of performance issues mentioned?

15 (b)(7)(C) No.

16 [SPECIAL AGENT (b)(7)(C) Okay. So it was just
17 a violation of Policy 301?

18 (b)(7)(C) It was a violation of
19 301, pretty much spelled out what the policy said.

20 [SPECIAL AGENT (b)(7)(C) Okay.

21 (b)(7)(C) And -- and then the
22 derogatory comments made regarding another employee.

23 [SPECIAL AGENT (b)(7)(C) Okay.

24 (b)(7)(C) No discussion as to what
25 those were.

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1 [SPECIAL AGENT (b)(7)(C)] Did (b)(7)(C) have
2 any questions for you when he was suspended?

3 (b)(7)(C) None. The only -- the
4 only comment he made throughout the whole process was
5 he turned to the (b)(7)(C) at the time,
6 (b)(7)(C) and pointed at him and said, "You and I
7 need to talk when I come back." And, at that time --
8 he raised his voice like he would to most. And (b)(7)(C)
9 said, "Well, I'll be there when (b)(7)(C) comes back."

10 [SPECIAL AGENT (b)(7)(C)] Okay.
11 (b)(7)(C) Or when (b)(7)(C) meets you
12 when you come back.

13 [SR. SPEC. AGENT (b)(7)(C)] So when you
14 did his 2010 appraisal, (b)(7)(C) did (b)(7)(C)
15 have any input to that appraisal?

16 (b)(7)(C) None, whatsoever.

17 [SR. SPEC. AGENT (b)(7)(C)] Okay. Did he
18 just review it?

19 (b)(7)(C) He -- he reviewed it in
20 the calibration meeting with the other managers and
21 the Director.

22 [SR. SPEC. AGENT (b)(7)(C)] Okay.
23 (b)(7)(C) And I don't know what
24 transpired there, because they don't tell you.

25 [SR. SPEC. AGENT (b)(7)(C)] Okay. Is (b)(7)(C)

1 (b)(7)(C) the only person to be suspended from that group
2 since you were a supervisor?

3 (b)(7)(C) There was another
4 individual that was about to be, but he went out on

5 (b)(7)(C)

6 [SR. SPEC. AGENT (b)(7)(C) Okay. Who was
7 that individual?

8 (b)(7)(C) His name was (b)(7)(C)

9 [SR. SPEC. AGENT (b)(7)(C) Okay. And was
10 that performance related? Or was that also --

11 (b)(7)(C) That was performance
12 related.

13 [SR. SPEC. AGENT (b)(7)(C) Okay.

14 (b)(7)(C) He admitted to me on
15 leaving, after three months of working in the group,
16 that he did nothing because he didn't want to be in
17 the group.

18 [SR. SPEC. AGENT (b)(7)(C) Okay.

19 [SPECIAL AGENT (b)(7)(C) And (b)(7)(C) also
20 worked for you? Is that correct?

21 (b)(7)(C) He was on loan to us
22 from the (b)(7)(C) as part of what we
23 call the (b)(7)(C)

24 [SPECIAL AGENT (b)(7)(C) Okay.

25 (b)(7)(C) And the (b)(7)(C)

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1 team was to take (b)(7)(C) and go through them and
2 look for written error traps, and come up with
3 recommendations for removing them.

4 [SPECIAL AGENT (b)(7)(C) Okay.

5 (b)(7)(C) And, in that three-month
6 period, he had done nothing. He had been verbally
7 counseled; he had been written counseled; and he was
8 about to be dealt with from HR. And he had a -- he
9 had also had an issue with an employee -- an EEO
10 event. So he was on -- we gave him time off for the
11 EEO event and for not performing his job. And he left
12 on (b)(7)(C) And that's -- and he's still out on

13 (b)(7)(C)
14 [SR. SPEC. AGENT (b)(7)(C) Okay. After
15 (b)(7)(C) suspension, were you there when he came
16 back to work the first day?

17 (b)(7)(C) I was.

18 [SR. SPEC. AGENT (b)(7)(C) Okay. You
19 presented him with a reinstatement letter --

20 (b)(7)(C) Presented him with
21 reinstatement letter and a performance improvement
22 plan.

23 [SR. SPEC. AGENT (b)(7)(C) Okay.

24 [SPECIAL AGENT (b)(7)(C) That would have been
25 on 9/27/2010?

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

2 [SPECIAL AGENT (b)(7)(C) Okay. What were (b)(7)(C)

3 (b)(7)(C) comments when he returned to work?

4 (b)(7)(C) When he returned to
5 work, I read both the reinstatement letter to him, and
6 the performance improvement plan; asked him if he had
7 any comments regarding that; and he said, "No. Where
8 do I sign?" And I told him -- but he did turn to (b)(7)(C)

9 (b)(7)(C) and says, "I disagree with this derogatory
10 comment thing, even though it was factual." That was
11 the comment he made to (b)(7)(C)

12 [SR. SPEC. AGENT (b)(7)(C) Factual, in
13 the respect that he was --

14 (b)(7)(C) He meant what he said.

15 [SR. SPEC. AGENT (b)(7)(C) -- he meant
16 what he said? Okay.

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

18 [SR. SPEC. AGENT (b)(7)(C) All right.

19 And you said you presented him with his performance
20 improvement plan, at that point?

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

22 [SR. SPEC. AGENT (b)(7)(C) Okay. Do you
23 still administer that plan for him? Was he --

24 (b)(7)(C) No. I closed that plan
25 out in June.

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1 [SR. SPEC. AGENT (b)(7)(C)] Of this year?
2 (b)(7)(C) Of this year. Because
3 it was -- his behavior had changed.

4 [SR. SPEC. AGENT (b)(7)(C)] Okay. When he
5 came back, after his suspension, what type of
6 behavioral change did you notice in him, if any,
7 initially?

8 (b)(7)(C) He went silent. He --
9 he was not a proactive member of the team. He just
10 did his job. He didn't -- he didn't interact in
11 meetings. At times, he seemed even totally -- at --
12 at meetings, you know, when people are turned away
13 from the speakers, it was like he was there but not
14 there. And he displayed that for many meetings. And
15 so, his way of -- of getting better was going silent.
16 I mean, he even admitted to that to me in the end of
17 the year.

18 [SR. SPEC. AGENT (b)(7)(C)] Okay.
19 (b)(7)(C) And I said, "But you are
20 supposed to be a productive team member. And no
21 productive team members are just doing their
22 (b)(7)(C) but help them get the team better."

23 [SR. SPEC. AGENT (b)(7)(C)] Okay. So,
24 from that aspect, did his performance decrease? Or
25 did --

1 (b)(7)(C) His performance
2 increased tremendously.

3 [SR. SPEC. AGENT (b)(7)(C) Okay. And
4 what about his interactions with the people? Other
5 than going silent, were there any differences in his
6 interactions?

7 (b)(7)(C) There were -- he wasn't
8 interacting with anybody.

9 [SR. SPEC. AGENT (b)(7)(C) Okay.

10 (b)(7)(C) If anything, he made
11 people feel chilled. He -- he did not -- he did not
12 interact as an open member of the team. If he did, he
13 did it without my knowledge.

14 [SPECIAL AGENT (b)(7)(C) His performance was
15 actually better, but his --

16 (b)(7)(C) His performance was
17 never an issue.

18 [SPECIAL AGENT (b)(7)(C) Okay. But you said
19 it got better, is what I was saying.

20 (b)(7)(C) He -- he wasn't doing a
21 lot of performance, but it really increased
22 tremendously, especially when he came back, you know.
23 He was even starting to fix some of the (b)(7)(C) and
24 get rid of some of the error traps, even though he
25 thought it was petty and not something he needed to

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1 do.

2 [SR. SPEC. AGENT (b)(7)(C)] So how did he
3 do on his performance improvement plan? How often did
4 you meet with him on his PIP?

5 (b)(7)(C) We met -- well, in -- in
6 November of 2010, they instituted the new one-on-one.

7 [SR. SPEC. AGENT (b)(7)(C)] Yes?

8 (b)(7)(C) So we had those
9 one-on-ones to do. And they're different. Those
10 one-on-ones are -- are where -- they're actually
11 employee -- the employees themselves are -- are
12 supposed to fill out a form with what their issues
13 might be and they're supposed to be the ones that come
14 forward with things they think they need to be doing.
15 It's not the supervisor telling the employee. It's
16 the employee telling the supervisor how they're
17 performing.

18 [SR. SPEC. AGENT (b)(7)(C)] Okay.

19 (b)(7)(C) And so, we had one of
20 those in November. And, at the time, his (b)(7)(C)
21 performance was good. He'd gone silent. And I -- you
22 know, I recognized the silence, but you know, it was
23 just a short period of time. Over the -- over the
24 next two months, now I'm noticing he's not saying
25 anything. And that's his way of changing his

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1 behavior. But that's not a good way of changing
2 behavior.

3 [SR. SPEC. AGENT (b)(7)(C)] Okay.

4 [SPECIAL AGENT (b)(7)(C)] So, overall, how was
5 he doing on his improvement plan? I mean, I know that
6 you met with him and you had to give him some type of
7 feedback.

8 [(b)(7)(C)] So, in December, I had
9 met with him.

10 [SPECIAL AGENT (b)(7)(C)] Yes?

11 [(b)(7)(C)] And -- and we went
12 through his -- his plan. And the way we did it is we
13 went down through the performance improvement plan and
14 I let him tell me how he believed he was correcting
15 the behavior. And I would ask questions. And, in
16 most cases, the question I kept asking was, "Well, how
17 does going silent show that you've improved our
18 behavior?" And he goes, "Well, that's my way of doing
19 it." And I said, "Well, then you're not coming up
20 with ideas in meetings; you're not taking in meetings;
21 you're not being interactive with the team. So how
22 does that show me that you're improving?" And he
23 said, "I'm just going silent."

24 [SPECIAL AGENT (b)(7)(C)] Okay. And how long
25 was he on the performance improvement plan?

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1 (b)(7)(C) He was on that
2 performance improvement plan until the 2010 end of the
3 year PDP was written. And he was still on NIs at that
4 point. He still had -- I felt, because he still
5 hadn't showed sustainable progress with his behavior,
6 that he was still had needs improvements. And so we
7 extended his performance improvement plan. And it --
8 that extension -- again, we had to go through or end-
9 of year PDP process, which it took until March, I
10 think it was, late March, before everything was
11 completed. And then the PIP would come after that.
12 Well, in his case, he was getting a PIP extension.
13 Now, I had told him in December, when I had the one-
14 on-one with him, that he probably would get a PIP
15 extension. And he said, "Hey, whatever it takes."

16 SR. SPEC. AGENT (b)(7)(C) And you said
17 he got off in the end of June? Is that correct?

18 (b)(7)(C) In June, I -- well,
19 let's see. Actually, it would have been July.
20 Because the -- the process, again, took some time.
21 And I went and did -- I did the mid-years for this
22 year.

23 SR. SPEC. AGENT (b)(7)(C) Okay.

24 (b)(7)(C) And he got commendables
25 in both ratings in the mid-year, this year. And he

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1 had a -- you know, he had maybe one or two NIs, but
2 nothing to be put into an NI overall. So he was given
3 commendables, overall. His performance, he had a
4 couple of exemplaries, even. But not enough to put
5 him in an exemplary status. In performance, he's
6 still in the commendable performance.

7 [SR. SPEC. AGENT (b)(7)(C)] Okay.

8 (b)(7)(C) And so then, soon after
9 that, then we met with HR to find out what the next
10 part of the process was with the PIP. And they said,
11 "Well, you need to write a PIP closure." And she sent
12 me an example. And so I wrote his PIP closure and
13 held a meeting with him and his new supervisor, and
14 read through it; and shoot his hand and said, "You
15 know, I appreciate you changing your -- you
16 behaviors."

17 [SR. SPEC. AGENT (b)(7)(C)] Okay. And
18 those 2011 PDPs, they are already done?

19 (b)(7)(C) They're -- the mid-years
20 are done.

21 [SR. SPEC. AGENT (b)(7)(C)] Mid-years?

22 All right.

23 (b)(7)(C) Yes.

24 [SR. SPEC. AGENT (b)(7)(C)] And you

25 documented your meetings with him -- these PIP

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1 meetings?

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

3 SR. SPEC. AGENT (b)(7)(C) Okay. If can
4 get the documents?

5 (b)(7)(C) Well, the -- the -- the
6 end of year -- of the PIP closure meeting, I
7 documented. Yes.

8 SR. SPEC. AGENT (b)(7)(C) Okay. If I
9 can get the PIP documents and the 2011 mid-year?

10 (b)(7)(C) I think (b)(7)(C) has all
11 that. I can't get into the mid-year any more, since
12 I'm no longer his supervisor.

13 SR. SPEC. AGENT (b)(7)(C) Okay. Okay.
14 All right. (b)(7)(C) were any of the actions
15 taken against (b)(7)(C) because he raised what he
16 considered to be a safety concern?

17 (b)(7)(C) I didn't even know he
18 raised any safety concerns.

19 SR. SPEC. AGENT (b)(7)(C) Okay. All
20 right. And I already asked that question. Okay. Any
21 questions, (b)(7)(C)

22 SPECIAL AGENT (b)(7)(C) You said that his
23 silence made people feel chilled. Can you give me an
24 example of what it is you mean by that?

25 (b)(7)(C) Well, if we were all in

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1 a conference -- we're all in the conference room every
2 morning for the morning brief. And it was an
3 opportunity for (b)(7)(C) to come up with
4 issues or concerns they had within the group, or ideas
5 for improvements. And he just -- this whole time, he
6 just pretty much was like this. He never interacted
7 with the group. He just was like -- and -- and have
8 you ever seen anybody where they're giving you a blank
9 stare? That's what he was giving was a blank stare.
10 And it was daily. And people commented on about it.
11 Everybody in the group had noticed it. I never had to
12 say it to anybody. I -- and I didn't. I just made my
13 own observations. And, you know, at the end of the
14 year, when I talked to him, I said, (b)(7)(C) you know,
15 going silent is not a good way to show you've improved
16 your behaviors." And I gave -- I gave him an analogy.
17 And here's the analogy I gave him. And this -- this
18 was probably in I'm thinking February or March time
19 frame, but I could go back and find -- figure out when
20 it was. But I got a speeding ticket, 85 miles an hour
21 on the highway. Okay? And I was really nice with the
22 officer. In fact, he said to me, he said -- he says,
23 "Man.", he says, "I wish everybody treated us this
24 way." And I said, "Well, you and I have the same
25 job." And he goes, "What's that?" And I said, "To

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1 protect the health and welfare of the public."
2 Because he knew I worked at the plant, because, you
3 know, the first thing they ask you is where you're
4 coming from and you say work; where do you work. And
5 I said, "We both have the same job. It's to protect
6 the health and welfare of the public." And he goes,
7 "Wow." He says, "Man, I wish everybody else had that
8 attitude" He says, "Well." He says, "I hate to tell
9 you this, (b)(7)(C) but I still have to give you this
10 ticket." And I said, "Fine. You know, you've got to
11 do your job." So the analogy I gave to (b)(7)(C) was, you
12 know, I had -- I got that speeding ticket. And the
13 next morning, I could wake up; get in my car; drive to
14 work; and I could speed. Or I could change my
15 behavior. It's a choice I get to make. And I made
16 it. I slowed down and I found that the gas savings
17 alone is paying for the ticket. And so I said, "There
18 was a gain for me." And I said, "In your case, you
19 could wake up one morning and decide, you know what,
20 I'm going to become a viable, hard working member of
21 the team and I'm not going to put people -- I'm not
22 going to treat people with disrespect. It's no
23 different than the decision I made. But you get to
24 make that decision. I won't make it for you." And
25 that was -- soon after that, he changed his behavior.

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1 You know, maybe he thought about what I said and he
2 changed. Because, boom, right after that is when he
3 started changing his behavior.

4 [SPECIAL AGENT (b)(7)(C)] But, in terms of, you
5 know, since chill is a word that obviously, in this
6 industry, in the nuclear industry, that has a certain
7 connotation, you're not referring to chill in terms of
8 the safety or reporting safety concerns?

9 (b)(7)(C) No. When I say chill, I
10 mean, I think people were afraid to talk.

11 [SPECIAL AGENT (b)(7)(C)] Why would they be
12 afraid to talk?

13 (b)(7)(C) Because of the way he
14 came at people. When -- when he was in the room --
15 and then we're talking last year -- the fact that he
16 challenged -- the way he challenged people was kind of
17 demeaning and disrespectful. People stopped bringing
18 things up in that manner.

19 [SPECIAL AGENT (b)(7)(C)] But I'm referring --
20 I'm sorry.

21 (b)(7)(C) So that's what I meant
22 by chilled.

23 [SPECIAL AGENT (b)(7)(C)] I'm just referring to
24 the silent period. I understand if there's
25 confrontations, interpersonal confrontations, that

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1 that would cause people to -- I'm just referring to
2 what you had said about his silence making other
3 people feel chilled, specifically.

4 (b)(7)(C) Yes. That's kind of
5 what I meant. You know, just -- people just were
6 afraid that -- it's like they felt they were walking
7 on egg shells with him.

8 [SPECIAL AGENT (b)(7)(C) Okay.
9 (b)(7)(C) most -- more so
10 than anybody. You know, she -- she told me, "Man, he
11 throws darts at me with his -- his looks." And -- and
12 I said, "Well, I can't do much about that part of it."
13 I mean, I don't see them, so I can't do much about it.
14 I said, "You just have to continue to do business as
15 usual."

16 [SPECIAL AGENT (b)(7)(C) Okay.
17 [SR. SPEC. AGENT (b)(7)(C) Any questions?
18 (b)(7)(C) No.
19 [SR. SPEC. AGENT (b)(7)(C) Okay. Okay.
20 Anything else, (b)(7)(C)

21 [SPECIAL AGENT (b)(7)(C) No.
22 [SR. SPEC. AGENT (b)(7)(C) Okay. (b)(7)(C)
23 (b)(7)(C) I only have three other questions and
24 I'll be done.

25 (b)(7)(C) All right.

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1 [SR. SPEC. AGENT (b)(7)(C)] Have I or any
2 other NRC employee threatened you or promised you
3 anything in return for your testimony here today?

4 (b)(7)(C) No.

5 [SR. SPEC. AGENT (b)(7)(C)] Have you given
6 this statement freely and voluntarily?

7 (b)(7)(C) Absolutely.

8 [SR. SPEC. AGENT (b)(7)(C)] Okay. We're
9 about to close the record out now. Is there anything
10 I haven't asked you about this, that you think is
11 important and you want to bring up now?

12 (b)(7)(C) No. I think we've pretty
13 much covered everything that was related to this
14 issue.

15 [SR. SPEC. AGENT (b)(7)(C)] Okay. This
16 interview is concluded at approximately 4:30 p.m. on
17 September 29, 2011.

18 (Whereupon, the interview was concluded at
19 4:30 p.m.)
20
21
22
23
24
25

CERTIFICATE

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

Name of Proceeding: Interview of

(b)(7)(C)

Docket Number: 4-2011-024

Location: San Clemente, California

were held as herein appears, and that this is the
original transcript thereof for the file of the United
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(b)(7)(C)

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EXHIBIT 8

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