

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
13 Thursday, September 29, 2011

14
15 San Onofre Nuclear Generating Station

16 San Clemente, California

17
18 The above-entitled interview was conducted

19 at 3:00 p.m.

20
21 BEFORE:

22 [Senior Special Agent

(b)(7)(C)

23 [Special Agent

(b)(7)(C)

24
25 EXHIBIT 10

4-2011-024

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APPEARANCES:

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

(b)(7)(C)

(b)(7)(C)

of: Law Department

Southern California Edison Company (SCE)

2244 Walnut Grove Avenue

Rosemead, California 91770

(626) 302-1212

FAX -4393

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

3:00 p.m.

SR. SPEC. AGENT

(b)(7)(C)

For the

record, this is an interview of

(b)(7)(C)

who is employed by Southern California Edison.

Today's date is September 29, 2011. The time is, approximately, 3:00 p.m.

This interview is being conducted San Onofre Nuclear Generating Station.

(b)(7)(C)

my name

(b)(7)(C)

I'm

a [Special Agent] with the Office of Investigations out of Region IV. Also present is [Special Agent

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

is here today as your

attorney.

This interview is being recorded and a transcript will be produced from this recording. I need to ask you right now, do you have any recording devices on you?

(b)(7)(C)

I do not.

[SR. SPEC. AGENT

(b)(7)(C)

(b)(7)(C)

I don't.

[SR. SPEC. AGENT

(b)(7)(C)

Okay. And, the

purpose of this interview is to discuss allegations of retaliation filed by

(b)(7)(C)

with the NRC.

Can you raise your right hand, please?

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Do you swear the information you are about to provide will be the truth, the whole truth, and nothing but the truth, so help you God?

(b)(7)(C) I do.

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

(b)(7)(C) does your employer require you to have an attorney present during this interview?

(b)(7)(C) Does it require me?

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

(b)(7)(C) No.

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

(b)(7)(C) acting as your attorney today?

(b)(7)(C) Yes.

[SR. SPEC. AGENT (b)(7)(C) Did you select

her or was she provided by the company?

(b)(7)(C) Provided.

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

you threatened with any type of adverse action if you did not select an attorney to this meeting?

(b)(7)(C) I was not.

[SR. SPEC. AGENT (b)(7)(C) Okay. Do you

understand you have the right to have a private interview with me without an attorney present?

(b)(7)(C) I do.

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

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1 (b)(7)(C) could you introduce 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. Are you
7 representing (b)(7)(C) today?

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

9 [SR. SPEC. AGENT (b)(7)(C) Are you also
10 representing other people in this investigation?

11 (b)(7)(C) Yes, and the company.

12 [SR. SPEC. AGENT (b)(7)(C) Okay. Do you
13 foresee a potential conflict of interest?

14 (b)(7)(C) No, I do not.

15 [SR. SPEC. AGENT (b)(7)(C) What would
16 happen if one arises?

17 (b)(7)(C) I would inform (b)(7)(C)
18 that I could not be his personal representative, that
19 I would continue to represent the company and other
20 witnesses, that he would have the right to continue
21 with the interview without representation, terminate
22 it, or ask that it be postponed until he could select
23 a representative of his own choosing.

24 [SR. SPEC. AGENT (b)(7)(C) Okay.. And,
25 (b)(7)(C) you understand that (b)(7)(C)

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1 represents the company as well as other employees
2 here?

3 (b)(7)(C) I do.

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

7 (b)(7)(C) I do.

8 [SR. SPEC. AGENT (b)(7)(C) Okay. And,
9 could you go over your background here at SONGS, (b)(7)(C)

10 (b)(7)(C)

11 (b)(7)(C)
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25 [SR. SPEC. AGENT (b)(7)(C) And, how long

1 have you been in that position?

2 (b)(7)(C)

3 SR. SPEC. AGENT (b)(7)(C) Okay. You

4 went to there from the (b)(7)(C)

5 (b)(7)(C)
6
7
8
9
10
11

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

13 (b)(7)(C) do you know (b)(7)(C)

14 (b)(7)(C) I do.

15 SR. SPEC. AGENT (b)(7)(C) How do you

16 know (b)(7)(C)

17 (b)(7)(C) I've known (b)(7)(C) for a

18 number of years. I knew him initially when he was the

19 (b)(7)(C) Then I knew him between the time

20 he worked for (b)(7)(C)

21 initially, and he worked in the (b)(7)(C) I

22 interacted with him then. And then, when we created

23 the (b)(7)(C) he then

24 reported to me through (b)(7)(C) and (b)(7)(C)

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

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1 what type of employee do you consider (b)(7)(C) to be?

2 (b)(7)(C) My dealings with (b)(7)(C)

3 were always professional. So, when I worked with him
4 in (b)(7)(C) and interfacing with the (b)(7)(C) it
5 was always a professional relationship.

6 As a (b)(7)(C) I had -- when he
7 was in (b)(7)(C) and we were in (b)(7)(C) really had no
8 interaction with him at that time. And, even though he
9 reported to me while he was in the (b)(7)(C)

10 (b)(7)(C) and (b)(7)(C) I had
11 very little involvement with him until these meetings
12 that I had with him in July of 2010.

13 [SR. SPEC. AGENT (b)(7)(C) Okay. So,
14 there was not a lot of interaction between yourself
15 and him when you were (b)(7)(C) and he was a
16 (b)(7)(C)

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

18 [SR. SPEC. AGENT (b)(7)(C) Okay. Do you
19 know if (b)(7)(C) ever raised safety concerns to
20 either you or one of the management level individuals?

21 (b)(7)(C) I don't know of any per se.

22 When I talked to him in July, as a result of an NN he
23 had written, and then subsequent conversations I had
24 with his supervision, with (b)(7)(C) and (b)(7)(C)

25 (b)(7)(C) it was clear to me that there was a big

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1 problem in that group, and how they were interacting.

2 So, when I went to talk to him in July,
3 he, at that time, said he'll be raising an issue to
4 the NRC, and that I should be expecting to have this
5 conversation at some point.

6 [SR. SPEC. AGENT (b)(7)(C)] Okay. The
7 notification, I'm assuming you are talking about a
8 nuclear notification, regarding an issue he raised
9 [with a non-qualified individual filling in as
10 supervisor]

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

12 [SR. SPEC. AGENT (b)(7)(C)] And, referring
13 to nuclear notification, or (b)(7)(C) would you
14 just review that for just a second?

15 (b)(7)(C) Correct. I saw this, and it
16 was also brought to my attention by (b)(7)(C) And, as
17 a result of this, I had a discussion with (b)(7)(C) and

18 (b)(7)(C) I believe it was around the 11th
19 that I saw it. There was a couple day lag from the
20 time it was written.

21 And, I also was at a meeting that was
22 called the MRC, that also reviewed this. So, it
23 surfaced to me two different ways.

24 So, as a result of reading this, and a
25 result of talking to (b)(7)(C) I then went and had a

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1 discussion with (b)(7)(C)
2 [SR. SPEC. AGENT (b)(7)(C) Okay. Before
3 you talked to (b)(7)(C) back in July, 2010, were you
4 aware, or did (b)(7)(C) or (b)(7)(C) bring to your
5 attention some of the problems they felt they were
6 having with him?

7 (b)(7)(C) Yes. We had some discussions
8 around major (b)(7)(C) and it was mainly
9 around, not so much their quality of work, but,
10 basically, of the environment, the negative
11 environment of them.

12 [SR. SPEC. AGENT (b)(7)(C) Okay. And,
13 when you say them, did they mention (b)(7)(C) in
14 particular?

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

16 [SR. SPEC. AGENT (b)(7)(C) Okay. And,
17 what were you told about his particular aspect of what
18 was going on?

19 (b)(7)(C) Well, basically, that he was
20 a negative influence to the group, that they were
21 dealing with it, but it was a longstanding issue that
22 they were addressing.

23 [SR. SPEC. AGENT (b)(7)(C) Okay. Now,
24 when you became aware of this notification, of this
25 incident in a notification, you said you spoke with

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1 (b)(7)(C) What else did you do regarding this issue?

2 (b)(7)(C) Yes. So, the first thing I did
3 was go and talk to (b)(7)(C) and (b)(7)(C) the
4 supervisor, and after that then I went and talked to

5 (b)(7)(C)

6 After I talked to (b)(7)(C) then I
7 contacted the Safety Conscious Work Environment Group,
8 and said I've got an issue in this group that I need
9 evaluated, and I need it independently evaluated and
10 assessed to see if there is a safety conscious work
11 environment with the group, see if people are being
12 discriminated against, harassed, so I need you to go
13 look and evaluated that.

14 I don't remember the exact time frame,
15 actually, it was about the 11th I talked to (b)(7)(C) and
16 so it was on the 16th, about four or five days later,
17 I contacted that group and said I needed an
18 investigation conducted, and then they conducted that
19 investigation.

20 [SR. SPEC. AGENT (b)(7)(C) Are you
21 talking about the NRC Safety Conscious Work Group?

22 (b)(7)(C) No, no, no, the site's.

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

24 Your discussion with (b)(7)(C) back on
25 the 10th or 11th when you had your discussion, what

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1 was the flow of that conversation?

2 (b)(7)(C) The flow of the conversation
3 was really about trying to understand the environment
4 that he created and the relationship between him, you
5 know, (b)(7)(C) you know, him and (b)(7)(C) between (b)(7)(C) and
6 (b)(7)(C) so I could understand where he's
7 coming from, to see if I could interject.

8 Since they had a longstanding
9 relationship, that hadn't gotten better over a long
10 period of time, it seemed like I needed to get
11 involved to see if I could figure out what needed to
12 be done. So again, raising it to the next level of
13 management.

14 So, it was my intent to talk to (b)(7)(C) to
15 understand where he was coming from, and see if we
16 could work something out to come to a solution, figure
17 out, you know, there was, obviously, a problem, so
18 what can we do to solve that problem.

19 So, that was my motivation for talking to
20 (b)(7)(C) Again, I had a long relationship with (b)(7)(C)
21 going back a number of years, since he was the
22 (b)(7)(C) so just talking to him person to
23 person to try to understand that and come up with a
24 solution if possible.

25 SR. SPEC. AGENT (b)(7)(C) And, when you

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1 spoke with (b)(7)(C) what were his main issues
2 regarding (b)(7)(C) and (b)(7)(C)

3 (b)(7)(C) Well, basically, saying, my
4 question to was, okay, (b)(7)(C) so what do we need to do
5 to solve this problem?

6 His answer was, well, you can fire both of
7 them. That's the problem, those two guys are
8 incompetent, you just need to fire them.

9 And, I said, well, I'm not going to do
10 that.

11 He said, well, the other problem is, you
12 can put this person in charge, you've got people here
13 that are supervisors and have been supervisors, and
14 you put this other person in charge, that's not even
15 qualified to be a (b)(7)(C) much less a
16 supervisor, and you put them in charge. The only
17 reason they are here, the only reason they've got this
18 far, is because she wears make up and tight-fitting
19 blouses.

20 So, the other thing you need to tell me is
21 you'll never do that again, you'll never put someone
22 in charge that's not a qualified supervisor, that's
23 not a trained supervisor.

24 And, I said, I'm not going to do that
25 either, (b)(7)(C) I'll talk to (b)(7)(C) I'll talk to (b)(7)(C)

1 understand their thinking, but, no, I'm going to
2 commit to you that that's not going to happen.

3 (b)(7)(C) and (b)(7)(C) had a reason for putting her
4 in charge. I'll talk to them, so I'll understand
5 that, but, no, I'm not going to do that.

6 So, following my discussion with him, I
7 documented the conversation. I said, well, I need to
8 document this conversation, and I sent that off to my
9 boss at the time, which was (b)(7)(C) and right
10 about then had undergone a change from my previous
11 boss to (b)(7)(C)

12 And, a short time later my boss, (b)(7)(C)
13 (b)(7)(C) came back to me and said, oh, one of the
14 things I told (b)(7)(C) is, well, perhaps, we could find
15 something else for you to do. Your relationship with
16 (b)(7)(C) and (b)(7)(C) is obviously broke. I
17 think you add value to the company, you have
18 experience, I think there should be something else
19 you'd be able to do.

20 So, would you be interested in doing
21 something else, working with a different group, like
22 the (b)(7)(C) I have work there that
23 needs to be done. Would you be interested in that?

24 I said I don't know if I could do that,
25 but if I could would that be something that would

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1 interest you?

2 He said, no, probably not, but I'll think
3 about it, was basically his response.

4 Okay. So, following that discussion with
5 (b)(7)(C) and my documenting that discussion in an email
6 to my boss, other people in Human Resources, later he
7 came back to me and said, (b)(7)(C) I've read your email
8 and I don't believe you responded correctly.

9 When (b)(7)(C) raises issues, he said there
10 was this woman that was being promoted because of make
11 up, and tight blouses, you should have responded to
12 that. You didn't.

13 [SR. SPEC. AGENT (b)(7)(C) Who told you
14 that?

15 (b)(7)(C) My boss, (b)(7)(C)

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

17 (b)(7)(C) And, I read the email that I
18 wrote again, I said, yes, you are right, that wasn't
19 my mind set when I was having the meeting with him.
20 I was in the problem solving mode, and I completely
21 missed the fact that some of the things he was saying
22 were inappropriate.

23 So, I said, yes, you are right. I hadn't
24 really thought oz it that way.

25 He said, furthermore, moving him to

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1 another group, since he's not performing well in this
 2 group, isn't appropriate either. So, he didn't agree
 3 with that possible solution, not that (b)(7)(C) wanted to
 4 do it anyway. But, he was just saying, no, you've got
 5 a problem, you shouldn't just move your problem.
 6 You've got a person who is making inappropriate
 7 comments, you need to respond to that.

8 And, I said, yes, you are right. I didn't
 9 do that.

10 So, subsequent to that discussion with
 11 (b)(7)(C) I had discussions with (b)(7)(C)
 12 (b)(7)(C) shared with them my conversations with
 13 (b)(7)(C) And, at that point we decided what we needed
 14 to do was proceed with suspension investigations, and
 15 we have a process called Swerve (phonetic), to go down
 16 that route to decide if it was appropriate based on
 17 everything, whether a suspension at this time was
 18 appropriate. And, it was, ultimately, decided yes.

19 [SR. SPEC. AGENT (b)(7)(C) Okay. Let me
 20 just back up a minute. You said you were talking to
 21 (b)(7)(C) or (b)(7)(C) and he said that there was an
 22 unqualified individual, in this case (b)(7)(C)
 23 placed in a supervisory role while (b)(7)(C) was
 24 not there.

25 To your knowledge, is there any

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1 qualification she should have had to go into that
2 position while (b)(7)(C) was not there?

3 (b)(7)(C) Yes, good question. (b)(7)(C)

4 asked me the same thing. And, I said, no, because
5 (b)(7)(C) had explained. He said, you know, I came from
6 (b)(7)(C) we have procedural requirements,
7 attainment requirements, for somebody to be a
8 supervisor they need to complete that qualification.

9 The answer to your question is the same
10 answer to his question, it's the same question, is,
11 well, in the role of (b)(7)(C) often in the
12 world of admin, we don't have such a requirement. So,
13 no requirement exists that someone gets qualified as
14 a supervisor for us to put them in a supervisory or
15 leadership role.

16 You do work in the field, clearly, that's
17 a different thing, where you need to have EQUATS
18 (phonetic) qualifications to do work, and EQUIS
19 (phonetic), EQUIS for us is where you are qualified.
20 I'm sorry. But, that doesn't exist.

21 He thought there should. He didn't like
22 the answer, but I explained to him there is no such
23 requirement.

24 (SR. SPEC. AGENT (b)(7)(C) Okay. So,
25 placing (b)(7)(C) in that position would have been

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1 her supervisor's prerogative or whatever he wanted to
2 do.

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

4 [SR. SPEC. AGENT (b)(7)(C) Okay. So,
5 there's no SONGS or SCE-specific training to put her
6 in that position.

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

8 [SR. SPEC. AGENT (b)(7)(C) Okay. I
9 wanted to touch on something you mentioned also about
10 the job offer, not job offer, potential job offer you
11 had made to (b)(7)(C)

12 You said that after speaking with your
13 supervisor you said that that wasn't a right role to
14 take. You should have, you know, dealt with the issue
15 you had to deal with.

16 Did you ever go back to (b)(7)(C) and say,
17 you know, the job offer -- the job I was going to try
18 to see if it was available, I'm not going to do that
19 anymore?

20 (b)(7)(C) Not that I recall. I don't
21 remember having that conversation. I may have, but I
22 don't recall.

23 It seems like it would make sense that we
24 would have eventually, but I don't recall having that
25 conversation.

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1 [SR. SPEC. AGENT (b)(7)(C)] Do you know if
2 (b)(7)(C) ever brought -- not that you initiated, but
3 (b)(7)(C) brought back up?
4 (b)(7)(C) He never brought it up to me.
5 He never came back to me and said, (b)(7)(C) what about
6 that job. So, it just became something that wasn't
7 talked about again by him or by me. So, we never had
8 a subsequent discussion, him saying, okay, I've
9 changed my mind, I do want it, or me saying, well,
10 it's not available.

11 So, no, we didn't have such a discussion.

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

13 (b)(7)(C) Not that I recall.

14 [SR. SPEC. AGENT (b)(7)(C)] There was an
15 investigation or an inquiry done to his suspension,
16 but I want to get to the suspension first, about your
17 role in the suspension.

18 (b)(7)(C) Okay.

19 [SR. SPEC. AGENT (b)(7)(C)] He was
20 suspended back in September of 2010 for five days.
21 What role, if any, did you have in the actual
22 suspension?

23 (b)(7)(C) Well again, part of the basis
24 for the suspension was the discussion I had with him.
25 And, my role of it was that the discussion I had with

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1 him, basically, stating that these are the facts of
2 the discussion, and also the investigation that I
3 initiated with the Edison Safety Conscious Work
4 Environment Group, Employees Concerns Program.

5 So, the investigation that I conducted,
6 really I directed to conducted. So, it wasn't that I
7 went out and talked to everybody, but I contacted an
8 independent group, if you will, to go do the
9 investigation.

10 So, my involvement would be to have the
11 investigation conducted, and also to provide the
12 discussion that I had with (b)(7)(C)

13 (SR. SPEC. AGENT (b)(7)(C) Okay. And,
14 the discussion you had with him was provided -- the
15 information provided to you by (b)(7)(C) and (b)(7)(C)
16 (b)(7)(C) and plus information that you had regarding him
17 and this notification he wrote?

18 (b)(7)(C) No, mine was really the
19 discussion I had with him. In other words, the
20 information I provided was just the one on one that I
21 had with (b)(7)(C) saying, okay, I had a discussion with
22 (b)(7)(C) This was the essence of the discussion, him,
23 basically, saying that you, (b)(7)(C) and (b)(7)(C) were
24 incompetent, and that (b)(7)(C) got to where she was
25 because of wearing tight-fitting clothes and make up.

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1 And then also, to agree that it was
2 appropriate, in my opinion, based on all the facts,
3 that it was appropriate.

4 [SR. SPEC. AGENT (b)(7)(C)] Okay. And,
5 what do you have there?

6 (b)(7)(C) This is the email that I
7 wrote. The date, I noticed that somehow it got
8 forwarded, so here is the date that it got forwarded,
9 but this is the email that happened, I don't know the
10 exact date, but it happened between the 11th, when I
11 talked to (b)(7)(C) after this, and before the 16th. So,
12 I believe it happened around the 11th or 12th.

13 (b)(7)(C) Was it also after you
14 received this report from (b)(7)(C) (phonetic)?

15 (b)(7)(C) No, I believe it was before
16 that, in other words, it was because of that
17 discussion I initiated that.

18 [SR. SPEC. AGENT (b)(7)(C)] So, (b)(7)(C)
19 (b)(7)(C) was -- did the Safety Conscious Work Environment
20 investigation, based on what you had requested.

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

22 [SR. SPEC. AGENT (b)(7)(C)] Okay. I think
23 I have that.

24 (b)(7)(C) I gave it to you this
25 morning.

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1 [SR. SPEC. AGENT (b)(7)(C)] Yes, I have
2 this information also. Okay.

3 Actually, I got sidetracked. The
4 suspension, to your knowledge, when (b)(7)(C) was
5 suspended, what reason was he given at the time he was
6 suspended to say, we'll send you home for five days,
7 and here's why?

8 (b)(7)(C) I wasn't at the meeting, but
9 my understanding is it was professional conduct.

10 [SR. SPEC. AGENT (b)(7)(C)] Okay. Was
11 that (b)(7)(C) that had the talk with him?

12 (b)(7)(C) Correct.

13 [SR. SPEC. AGENT (b)(7)(C)] Okay. Did you
14 meet with him before the discussion of the suspension?

15 (b)(7)(C)

16 [SR. SPEC. AGENT (b)(7)(C)] I'm sorry,

17 (b)(7)(C)

18 (b)(7)(C) I had met with (b)(7)(C) to review
19 the facts and concurred with the direction.

20 [SR. SPEC. AGENT (b)(7)(C)] Okay. Was
21 there -- I know there wasn't a letter given to (b)(7)(C)

22 (b)(7)(C) was there documentation between (b)(7)(C)
23 and yourself about what was done, what was to be said?

24 (b)(7)(C) No document -- I believe that,
25 I don't know for sure, but normally when you turn the

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1 work in you get a letter. I don't know if that was a
 2 fact. So, I wasn't at either meeting, the suspension
 3 or the return to service. (b)(7)(C) was at the
 4 meeting, I believe, the return to work meeting.
 5 That's my recollection. But again, I wasn't at either
 6 meeting.

7 (b)(7)(C) and I'm not sure who
 8 else, was at the suspension meeting.

9 [SR. SPEC. AGENT (b)(7)(C) Okay. At any
 10 time during your discussion with (b)(7)(C) or
 11 (b)(7)(C) was his -- was (b)(7)(C) performance
 12 mentioned, as far as a basis for his suspension?

13 (b)(7)(C) The -- I don't believe the
 14 work that he, actually, did as a (b)(7)(C)

15 (b)(7)(C) were the issue. I believe the issue was always
 16 his professional conduct interacting with the team.

17 [SR. SPEC. AGENT (b)(7)(C) Okay. Just
 18 touching on the investigation, you said that you
 19 conducted an investigation at the direction of HR, is
 20 that correct?

21 (b)(7)(C) No. I directed the Safety
 22 Conscious Work Environment, I had that investigation.

23 [SR. SPEC. AGENT (b)(7)(C) I'm talking
 24 about the investigation into (b)(7)(C) suspension.

25 (b)(7)(C) The investigation of a

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1 suspension?

2 [SR. SPEC. AGENT (b)(7)(C)] Was there any
3 investigation done prior to suspension, to interview
4 him, or to interview people in his group, about the
5 issues that were on the table?

6 (b)(7)(C) Well again, I had the
7 discussion with his supervisors and his managers and
8 him, and then I had independently investigation done
9 by this group. I didn't personally go and do an
10 investigation, no.

11 [SR. SPEC. AGENT (b)(7)(C)] Did you ever
12 interview (b)(7)(C) aside from this prior to his
13 suspension?

14 (b)(7)(C) No.

15 [SR. SPEC. AGENT (b)(7)(C)] Just about
16 this?

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

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

19 (b)(7)(C) I had another discussion with
20 him briefly. The two discussions run together a
21 little bit. So, it was really a similar tone. So, not
22 in the way you are asking, no.

23 [SR. SPEC. AGENT (b)(7)(C)] Okay. Were you
24 interviewed as part of the fact-finding of this
25 particular incident, I guess, by (b)(7)(C)

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1 [REDACTED] Yes, I would have provided
2 [REDACTED] my email and comments pertaining to that.

3 [SR. SPEC. AGENT [REDACTED]] Okay.

4 [REDACTED] Because that was part of the
5 basis.

6 [SR. SPEC. AGENT [REDACTED]] Right. I
7 guess this is, I call it an investigation, it's a
8 fact-finding inquiry, I guess, that's required from HR
9 to talk to the affected individual, in this case, [REDACTED]
10 [REDACTED] prior to any type of suspension or action being
11 taken against him.

12 [REDACTED] Right. The way the policy and
13 program works is that, a work group, [REDACTED]
14 [REDACTED] in this case, decides that a suspension is
15 warranted, and we get HR as an alignment through the
16 process of the Swerve, to ensure that it's
17 appropriate, and it's consistent with how disciplinary
18 action is being taken.

19 So, we -- our work group conducts this,
20 and then we engage the HR Department to say, do you
21 agree that this is appropriate action to take.

22 [SR. SPEC. AGENT [REDACTED]] Okay. And, in
23 this case this was put together, again, by [REDACTED]
24 [REDACTED] is that correct?

25 [REDACTED] That's correct.

1 [SR. SPEC. AGENT (b)(7)(C)] So, he would
2 have been the one that did any interviews that were
3 necessary to be done.

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

5 [SR. SPEC. AGENT (b)(7)(C)] Okay. All
6 right.

7 And, did you -- apparently, you looked at
8 this and signed off on it, or signed off on the review
9 you did before it was turned into HR?

10 (b)(7)(C) And, I concurred, that's
11 correct.

12 [SR. SPEC. AGENT (b)(7)(C)] Concurred with
13 everything in here?

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

15 [SR. SPEC. AGENT (b)(7)(C)] Okay. When is
16 the last time you spoke, actually, spoke with (b)(7)(C)

17 (b)(7)(C)

18 (b)(7)(C) Well, it's been quite a while.

19 I left the group around February/March of this year,
20 I've been a Manager, I was put in charge and I went to
21 training. I don't recall talking to him at all this
22 year, so I would guess, estimate December.

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

24 (b)(7)(C) But, that's an estimate. I
25 don't really recall.

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1 [SR. SPEC. AGENT (b)(7)(C)] Based on what
2 you know about what occurred regarding (b)(7)(C) do
3 you think any of these actions were taken against him
4 because he raised safety concerns?

5 (b)(7)(C) Absolutely not.

6 [SR. SPEC. AGENT (b)(7)(C)] Okay. Do you
7 know if (b)(7)(C) has been treated any differently
8 since he's been suspended or since he's come back to
9 work here?

10 (b)(7)(C) I don't believe he has. I
11 have asked how they were doing. I'm a little bit out
12 of the loop, but, no, I don't believe he's been
13 treated any differently through his co-workers or his
14 supervision or management.

15 [SR. SPEC. AGENT (b)(7)(C)] Okay. That's
16 all the questions I have.

17 Do you have any follow-up?

18 (b)(7)(C) No.

19 [SR. SPEC. AGENT (b)(7)(C)] Okay. I only
20 have a few more questions, (b)(7)(C) then we'll be
21 done.

22 Have I or any other NRC employee
23 threatened you or promised you anything in return for
24 your testimony here today?

25 (b)(7)(C) You have not.

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

3 (b)(7)(C) I have.

4 [SR. SPEC. AGENT (b)(7)(C)] We are about
5 to close the record. Anything I haven't asked you
6 about this issue that you may have a memory of that
7 you want to share before we close out?

8 (b)(7)(C) No.

9 [SR. SPEC. AGENT (b)(7)(C)] Okay. This
10 interview is concluded at, approximately, 3:27 p.m.,
11 on September 29, 2011.

12 (Whereupon, the above-entitled matter was
13 concluded at 3:27 p.m.)

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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 States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings as recorded on tape(s) provided by the NRC.

(b)(7)(C)

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

4-2011-024

EXHIBIT 10

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