

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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OFFICE OF INVESTIGATIONS

INTERVIEW

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IN THE MATTER OF: :
INTERVIEW OF : OI Case No.
(b)(7)(C) : 4-2011-024

(CLOSED) :

-----x

Thursday, September 29, 2011

San Onofre Nuclear Generating Station
San Clemente, California

The above-entitled interview was conducted
at 1:55 p.m.

BEFORE:

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

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

Information in this record was deleted in
accordance with the Freedom of Information Act.
Exemptions (b)(7)(C)
FOIA/PA 2012-0185

EXHIBIT 11

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

1:55 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 29th, 2011. The time is approximately 1:55 p.m.

This interview is being conducted as San Onofre Nuclear Generating Station.

(b)(7)(C) my name is (b)(7)(C) I'm a [Special Agent] with the Office of Investigations, Region IV. Also present is [Special Agent (b)(7)(C)] also from Region IV. And (b)(7)(C) is here today acting as your attorney.

This interview is being recorded and a transcript will be produced from this recording. Do you have any recording devices on you?

(b)(7)(C) No.

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

(b)(7)(C) No.

[SR. SPEC. AGENT (b)(7)(C)] Okay. And the purpose of this interview is to discuss allegations of retaliation raised by (b)(7)(C)

(b)(7)(C) Okay.

[SR. SPEC. AGENT (b)(7)(C)] Will you raise

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1 your right hand please.

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

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

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

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

9 (b)(7)(C) No.

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

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

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

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

15 (b)(7)(C) I selected her?

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

17 Were you threatened with any adverse
18 actions if you did not select an attorney to come in
19 here with you for this interview?

20 (b)(7)(C) No.

21 [SR. SPEC. AGENT (b)(7)(C) Do you
22 understand you have the right to have an interview
23 with me without an attorney present?

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

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

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

3 (b)(7)(C) Yes, (b)(7)(C)

4 (b)(7)(C) I'm a (b)(7)(C) with the
5 Southern California Edison Law Department.

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

7 (b)(7)(C) do you represent (b)(7)(C)
8 here today?

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

10 [SR. SPEC. AGENT (b)(7)(C) Do you
11 represent other employees of Southern California
12 Edison during this investigation?

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

14 [SR. SPEC. AGENT (b)(7)(C) And do you
15 also represent Southern California Edison?

16 (b)(7)(C) Yes.

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

18 Do you foresee a possible conflict of
19 interest?

20 (b)(7)(C) I do not know of one at
21 this time.

22 [SR. SPEC. AGENT (b)(7)(C) Okay. And
23 what would happen if one would arise?

24 (b)(7)(C) If it did, I would inform
25 (b)(7)(C) that I could no longer be his personal

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1 representative, but I would continue to represent SCE
2 and other witnesses in this matter, that he has the
3 choice of continuing the interview, terminating it or
4 requesting a postponement until he can find separate
5 representation of his own choice.

6 [SR. SPEC. AGENT (b)(7)(C)] Okay. And,
7 (b)(7)(C) you understand (b)(7)(C) is representing
8 Southern California Edison as well as other people in
9 this investigation?

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

11 [SR. SPEC. AGENT (b)(7)(C)] And with that
12 understanding, you want her here for this interview?

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

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

15 (b)(7)(C) go over your background,
16 employment history here at SONGS.

17 (b)(7)(C)
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(b)(7)(C)

[Redacted content]

SR. SPEC. AGENT

(b)(7)(C)

Okay. And

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1 what is your official title right now?

2 (b)(7)(C)

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

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

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

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

7 know (b)(7)(C)

8 (b)(7)(C) I've known (b)(7)(C) for a long,

9 long time. Back in, you know, essentially when I

10 first started working here, (b)(7)(C) was in the

11 (b)(7)(C) So, we had people

12 (inaudible) work but my chief interface with him then

13 was outside of work. (b)(7)(C)

14 (b)(7)(C)

15 (b)(7)(C) So, our families knew each other. But mostly

16 we saw each other (b)(7)(C) for several years.

17 And then (b)(7)(C) became the (b)(7)(C)

18 (b)(7)(C) I don't remember the exact time frames here

19 but it was probably late '80s that he became the

20 (b)(7)(C) The (b)(7)(C) at that

21 time was going through some significant turbulence

22 and at one point we (b)(7)(C)

23 (b)(7)(C)

24 (b)(7)(C)

25 And he was

1 put on in an excess capacity.

2 Based upon my personal relationship with
3 him and the fact that I'd always known him as a
4 professional employee we hired him into the (b)(7)(C)

5 (b)(7)(C) which I owned at the time because he had
6 some experience doing that on a (inaudible) basis. He

7 would just go over there for outages and function as
8 a (b)(7)(C) And we took him into the

9 (b)(7)(C) And he did that through
10 2007 when I -- when I went to the (b)(7)(C)

11 I took him with us because we needed a (b)(7)(C)

12 (b)(7)(C) And at that time, (b)(7)(C) had
13 started exhibiting some behaviors which weren't good

14 and so he stayed in the (b)(7)(C) and

15 when we moved to the new (b)(7)(C)
16 he came with me there as a (b)(7)(C)

17 [SR. SPEC. AGENT (b)(7)(C) In 2007 when
18 you moved over to the (b)(7)(C) you took him
19 with you

20 (b)(7)(C) To the (b)(7)(C) the
21 (b)(7)(C)

22 [SR. SPEC. AGENT (b)(7)(C) Okay. Did he
23 request to go with you or did you ask him to come with
24 you?

25 (b)(7)(C) We asked him to come.

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1 [SR. SPEC. AGENT (b)(7)(C)] Was that a
2 mutual agreement, did he want to go at that time?

3 (b)(7)(C) No, I don't think he did but we
4 needed a person over there and he was the best fit for
5 it.

6 [SR. SPEC. AGENT (b)(7)(C)] Okay. And
7 does he work for you now?

8 (b)(7)(C) He works for a supervisor that
9 works for me.

10 [SR. SPEC. AGENT (b)(7)(C)] Okay. And how
11 long has he been I guess under your umbrella? How
12 long has he been working for you continuously from now
13 until back in --

14 (b)(7)(C) I'd have to go see when he was
15 removed from the (b)(7)(C) position but I guess
16 it was back in the mid-early -- had to be in
17 (b)(7)(C) so had to be back to (b)(7)(C) I don't
18 remember the exact date.

19 [SR. SPEC. AGENT (b)(7)(C)] So, (b)(7)(C)
20 (b)(7)(C) he been under you in some manner?

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

22 [SR. SPEC. AGENT (b)(7)(C)] Okay. What
23 type of employee do you consider (b)(7)(C) to be?

24 (b)(7)(C) He does good work. He's very
25 intelligent. He works hard. He does his job. His

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1 performance as a (b)(7)(C) has never been or as
2 a (b)(7)(C) has never been questioned.

3 [SR. SPEC. AGENT (b)(7)(C) Back up a
4 little bit about what you said just now in 2007 he
5 started exhibiting signs or I guess characteristics
6 that were uncharacteristic of him. What do you mean
7 by that?

8 (b)(7)(C) Disrupting meetings, using foul
9 language, inappropriately challenging people.

10 [SR. SPEC. AGENT (b)(7)(C) Was this all
11 in your presence? Some of this was in your presence?

12 (b)(7)(C) Some of it and some was reported
13 to me by others.

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

15 (b)(7)(C) So, it was reported to me by my
16 manager at the time that in one of the all-hands
17 meetings that he was abusive to the start --at the
18 time. So, some of that was reported to me but a lot
19 of times it was I directly observed it. A good
20 example of that is we were doing safety training and
21 I had our whole organization in there, you know. We
22 had been trained and we were passing on the training
23 then, (inaudible) behaviors. And he disrupted that
24 class and was using foul language and had to ask him
25 at that time to step out and cool down and that's not

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1 the way we should approach those things.

2 [SR. SPEC. AGENT (b)(7)(C)] Okay. You
3 said earlier that you've known him for a number of
4 years and I guess you guys (b)(7)(C) together
5 and had (b)(7)(C)

6 and then in 2007 he started exhibiting these traits.

7 Do you know of anything that happened in his personal
8 or professional life that could have had him other
9 than he really didn't want to go to that group in 2007
10 that could have forced him to start acting this way?

11 (b)(7)(C) He had issues. Ever since he
12 left (b)(7)(C) he had issues with how they do business
13 and he was elevating those concerns up the chain of
14 command and I don't think he got an adequate response.
15 And he not only translated that to me but he
16 translated that to all of the management at San
17 Onofre. And -- and so he was vehemently against
18 pretty much all forms of management. So, that's the
19 only thing that I can relate to that's why his
20 behaviors changed.

21 [SR. SPEC. AGENT (b)(7)(C)] Did you see an
22 increase in the time he got (b)(7)(C)
23 (b)(7)(C) until, not an increase in the way he
24 handled himself?

25 (b)(7)(C) He didn't initially. I mean,

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1 initially when he came to the (b)(7)(C)
2 he was thankful that we, you know, got him -- kept him
3 employed.

4 [SR. SPEC. AGENT (b)(7)(C)] And that was
5 in --

6 (b)(7)(C) No, it was in the mid-'90s.

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

8 (b)(7)(C) So, there was a long period in
9 there where he was fine. He enjoyed the job in the
10 (b)(7)(C) and -- and was doing fine.

11 As far as the (b)(7)(C) goes,
12 one of the things he got cross-wise of me was he
13 didn't like the way the (b)(7)(C)
14 carried out their business. The specific incident
15 that him and I disagreed and that he still holds
16 against me is a (b)(7)(C) had
17 instructed some of the craft workers that were working
18 for him in regards to some safety issue. And he told
19 the (b)(7)(C) people it was none of their business for them
20 to be telling his craft how to do business, even
21 though it was a safety work issue. And I explained to
22 him at the time that our standard at the station is
23 that everybody is responsible for everybody else's
24 safety and we're responsible to coach and if we see
25 somebody doing something unsafe, that's what we do.

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1 And his -- and he didn't agree with that.

2 We also started an effort to work the
3 (b)(7)(C) into the (b)(7)(C)
4 (b)(7)(C) which I'm sure you can imagine have to
5 work closely together during (b)(7)(C) to
6 work better together and he didn't appreciate that
7 effort. When we reported out his solution, reported
8 out his solution was your only solution is to fire (b)(7)(C)
9 (b)(7)(C) (phonetic) and (b)(7)(C) (phonetic) who
10 was the head of the division at the time. And that's
11 not going to happen. Those guys are excellent
12 employees and you just need to learn to work together.
13 And so that's when his statements to me were pretty
14 much well, all you can do is fire them.

15 [SR. SPEC. AGENT (b)(7)(C) At this time
16 was he supervising that crew at that time in the
17 (b)(7)(C)

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

19 [SR. SPEC. AGENT (b)(7)(C) Okay. So, did
20 he feel he was -- his boundaries were being stepped
21 on?

22 (b)(7)(C) I -- I don't think it was that.
23 I just think -- well, some of that but I think the
24 clear issue was he just didn't think anybody should be
25 giving his people any guidance. And, again, that's

1 contrary to our expectations at the station,
2 especially regarding industrial safety.

3 [SR. SPEC. AGENT (b)(7)(C)] Okay. And
4 from that time has there been some breakdown in
5 communication between you and he?

6 (b)(7)(C) I don't think there's a
7 breakdown of communication. I think I communicate
8 with him very well. I'm very professional to him. I
9 treat him the same as any other employee that we have
10 working for us. I listen to his concerns and if it's,
11 you know, and address it to the best of my ability.
12 So, I just don't agree with. And I have told him that
13 on occasion.

14 [SR. SPEC. AGENT (b)(7)(C)] Did (b)(7)(C)
15 ever raise safety concerns to you?

16 (b)(7)(C) No. He related -- back when he
17 had issues with (b)(7)(C) he related issues that he
18 was having with (b)(7)(C) to me, to the level where I
19 could -- I'd step over the safeguards information and
20 that's when I arranged meetings with him and senior
21 management so that he could express his concerns at
22 the right level.

23 [SR. SPEC. AGENT (b)(7)(C)] Okay. But no
24 other concerns that you can think of?

25 (b)(7)(C) Not that I know of.

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1 [SR. SPEC. AGENT (b)(7)(C)] Okay. Did (b)(7)(C)
2 (b)(7)(C) ever raise the issue or concern with you
3 regarding [the placing of a non-qualified non-
4 supervisory employee in charge in the supervisor's
5 absence, namely, (b)(7)(C)
6 (b)(7)(C) He did not raise it directly to
7 me. He raised it through his supervisor, (b)(7)(C)
8 (b)(7)(C) at the time and then he also wrote a
9 notification regarding the issue.

10 [SR. SPEC. AGENT (b)(7)(C)] Right. I'm
11 looking at the notification for the record
12 (b)(7)(C) if you can review that and tell me if
13 this is the same notification that he wrote.

14 (b)(7)(C) Yes.

15 [SR. SPEC. AGENT (b)(7)(C)] Okay. What
16 was your level of involvement regarding this
17 particular incident? Once you were aware that he had
18 raised this notification or drafted this notification,
19 what was your level of involvement?

20 (b)(7)(C) Well, my only involvement in
21 that was to relay to my boss at the time, (b)(7)(C)
22 that it had been written and that it was probably more
23 appropriate for him to do the investigation.

24 [SR. SPEC. AGENT (b)(7)(C)] Okay. Did you
25 regarding the investigation I just want to ask you one

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1 more thing -- a couple of other things.

2 (b)(7)(C) works for you, correct?

3 (b)(7)(C) He did.

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

5 And during this time frame?

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

7 [SR. SPEC. AGENT (b)(7)(C) When he would
8 go on leave or not be available, how were his fill-ins
9 selected? Was that done by a coordination between you
10 and him or him or how was that done?

11 (b)(7)(C) Well, at times it was done, he
12 did it on his own. In this particular occasion, I
13 encouraged him to ask (b)(7)(C) to be the single-point of
14 contact while he was gone because she hadn't done it
15 yet.

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

17 (b)(7)(C) And she needed some development
18 in that area.

19 [SR. SPEC. AGENT (b)(7)(C) Okay. Was
20 there any other particular reason why you wanted (b)(7)(C)

21 (b)(7)(C) to do this?

22 (b)(7)(C) No.

23 [SR. SPEC. AGENT (b)(7)(C) Did people
24 that were interested in doing fill-in supervisory work
25 did they put their name on a list or did they say I'd

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1 like to do this? Call it to his level or your level,
2 how would that work?

3 (b)(7)(C) It was very informal. Jobs
4 typically rotated around the group to try to give
5 everybody the opportunity to feel the pain of what
6 it's like to be a supervisory.

7 [SR. SPEC. AGENT (b)(7)(C) Right. Were
8 there any particular within your group, any particular
9 qualifications necessary to fill in for (b)(7)(C)
10 (b)(7)(C) when he wasn't available?

11 (b)(7)(C) The only -- if -- well, (b)(7)(C)
12 also reviewed (b)(7)(C) what we call cognizant
13 supervisor and that takes a qualification on what we
14 call signature authorization list. So, if you're --
15 if you were going to do all of (b)(7)(C) duties including
16 that, then you had to have that qual.

17 [SR. SPEC. AGENT (b)(7)(C) Okay.
18 (b)(7)(C) At this particular time, we
19 recognized (b)(7)(C) didn't have that qualification
20 and nor was she really capable of doing (b)(7)(C)

21 (b)(7)(C) So, we clearly delineated that
22 she was a single-point of contact as a coordination
23 standpoint and that (b)(7)(C) who was a qualified
24 supervisor on the (inaudible) did the (b)(7)(C)

25 (b)(7)(C)

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1 [SR. SPEC. AGENT (b)(7)(C)] Okay.
2 Whenever (b)(7)(C) went on leave or was not
3 available, keep saying went on leave. Was not
4 available to be supervisor, did he often put out an
5 email to the rest of the people saying, you know, Joe
6 Smith is in charge, but any sign-off issues would go
7 to (b)(7)(C) Did he normally delineate
8 responsibilities like that?

9 (b)(7)(C) I don't know. I don't know that
10 we did it consistently or if we did it inconsistently.

11 [SR. SPEC. AGENT (b)(7)(C)] Or he would
12 put someone like (b)(7)(C) in charge with the common
13 knowledge that he was able to handle everything?

14 (b)(7)(C) Right. We either did it, you
15 know, sometimes it could have been done in a morning
16 meeting because we have a morning meeting every day
17 where (b)(7)(C) would say, I'm leaving, (b)(7)(C) in charge or
18 (b)(7)(C) is in charge.

19 [SR. SPEC. AGENT (b)(7)(C)] Okay. Do you
20 know if (b)(7)(C) requested to be in charge at any
21 point in time?

22 (b)(7)(C) I know initially she said -- she
23 said she didn't want to do it but then she thought
24 about it some more and said, you know, (b)(7)(C) wants me
25 to do this and it's an opportunity to learn. So, then

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1 she agreed do it.

2 [SR. SPEC. AGENT (b)(7)(C)] Back in July
3 of 2010 when this occurred was this the first time to
4 your knowledge she had been left in charge of this
5 group?

6 (b)(7)(C) Yes.

7 [SR. SPEC. AGENT (b)(7)(C)] Okay. Did
8 anybody other than (b)(7)(C) raise issues with her
9 being in this position that you're aware of?

10 (b)(7)(C) Not aware of it.

11 [SR. SPEC. AGENT (b)(7)(C)] Do you know to
12 what level he raised the issue? I know he wrote a
13 notification but do you know what his reaction was to
14 (b)(7)(C) when he found out (b)(7)(C) was going
15 to be in charge?

16 (b)(7)(C) Not first-hand. I only know
17 that (b)(7)(C) said that he -- (b)(7)(C) told me that he
18 initially said he was not going to take direction from
19 a (b)(7)(C) And that (b)(7)(C) explained to him that
20 he had to because that's what his direction was.

21 [SR. SPEC. AGENT (b)(7)(C)] Okay. And do
22 you know was (b)(7)(C) response was to that?

23 (b)(7)(C) (Inaudible).

24 [SR. SPEC. AGENT (b)(7)(C)] Okay. (b)(7)(C)
25 (b)(7)(C) was suspended back in September 2010. What

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1 involvement did you have in his suspension? I know
 2 that (b)(7)(C) and yourself were pretty much the
 3 catalysts to that suspension? What was your --
 4 (b)(7)(C) We were directed to suspend him
 5 by (b)(7)(C) at the time. We were made aware of
 6 behaviors that (b)(7)(C) was demonstrating at the time and
 7 some of his statements he made to (b)(7)(C) as part
 8 of (b)(7)(C) looking into this.

9 [SR. SPEC. AGENT (b)(7)(C) Directed by
 10 (b)(7)(C) I mean was he aware of the situation or
 11 was he just told, you know, information by you and (b)(7)(C)
 12 (b)(7)(C)

13 (b)(7)(C) And (b)(7)(C)
 14 [SR. SPEC. AGENT (b)(7)(C) And (b)(7)(C)
 15 about what was going on with --

16 (b)(7)(C) Correct. And he was given all
 17 the facts and circumstances and he was the one that
 18 directed us to do one-week suspension.

19 [SR. SPEC. AGENT (b)(7)(C) Okay. How was
 20 the suspension handled? I mean, what was done at the
 21 time of the suspension?

22 (b)(7)(C) and
 23 myself went up to L50 which is outside of the control
 24 area. There was a security guard available. We then
 25 made a phone call to (b)(7)(C) at this desk and asked

1 him to bring his personal belongings and come to L50.
 2 He came up to the L50. (b)(7)(C) explained the reasoning
 3 behind the suspension to him and that he was being
 4 given five days off without pay and that he was to
 5 return whatever date it was over to this central
 6 processing facility and that (b)(7)(C) and
 7 (b)(7)(C) would meet him there when he returned.

8 [SR. SPEC. AGENT (b)(7)(C) Okay. So, you
 9 were present during --

10 (b)(7)(C) Right.

11 [SR. SPEC. AGENT (b)(7)(C) Okay. When he
 12 left, (b)(7)(C) told him why he was being
 13 suspended?

14 (b)(7)(C) Correct.

15 [SR. SPEC. AGENT (b)(7)(C) Do you recall
 16 what reasons he gave for his suspension?

17 (b)(7)(C) It was violation of company
 18 policy. I can't remember the number but there's a
 19 company policy on professional conduct and that he had
 20 demonstrated behaviors contrary to that policy with
 21 his dealings with other employees, management and
 22 specific derogatory comments made to (b)(7)(C) as part
 23 of this -- the (b)(7)(C) issue.

24 [SR. SPEC. AGENT (b)(7)(C) Okay. The
 25 comments that he made regarding (b)(7)(C) you said

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1 that was a big part of why he was suspended?

2 (b)(7)(C) It wasn't a big part. It was
3 just part of it. It was, you know, he was, you know,
4 from 2007 until 2011 he kind of rode this roller-
5 coaster of unprofessional behavior. And this kind of
6 put the cap on it and it was time to take action and
7 send a message that it's got to stop. It's got to be
8 sustainable.

9 (SR. SPEC. AGENT (b)(7)(C) You were there
10 when he was suspended. Were there any specific
11 examples, the (b)(7)(C) example, of why he was being
12 suspended?

13 (b)(7)(C) No, I don't. No, he was just --
14 it was -- he was given a generality of the violation,
15 the company policy for unprofessional conduct and the
16 way he -- the way he demonstrated behaviors and
17 comments to other employees in an unprofessional
18 manner.

19 (SR. SPEC. AGENT (b)(7)(C) And who worked
20 up the violations for him?

21 (b)(7)(C)
22 (SR. SPEC. AGENT (b)(7)(C) Okay. So,
23 when he worked up the violations, he had specific
24 examples but he just gave (b)(7)(C) generalities?

25 (b)(7)(C) Yes, at this meeting, yes.

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1 [SR. SPEC. AGENT (b)(7)(C)] Okay. Was his
2 performance -- had any bearing on his suspension?

3 (b)(7)(C) Performance as far as doing his
4 job?

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

6 (b)(7)(C) No.

7 [SR. SPEC. AGENT (b)(7)(C)] Okay. So, the
8 fact that he had a bad mid-year or a bad mid-year 2007
9 performance appraisal, bad mid-year in 2010, did that
10 ever factor into his suspension?

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

12 [SR. SPEC. AGENT (b)(7)(C)] Would you
13 explain that to me.

14 (b)(7)(C) It was a roller-coaster. He
15 would -- he would get a bad performance appraisal.
16 His typical mode was he would go into the silent mode
17 and he would just be quiet until he got a satisfactory
18 performance appraisal and then he would start
19 demonstrating these behaviors over again. And that
20 was a factor in that we needed to not only send the
21 message that the behaviors were unacceptable but it
22 had to be sustained going forward because we couldn't
23 -- couldn't be on this roller-coaster.

24 [SR. SPEC. AGENT (b)(7)(C)] Okay. The
25 2007 mid-year, for instance, was I think referred to

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1 at one point during disbar, factored into his
2 suspension. Is that correct?

3 (b)(7)(C) Correct.

4 [SR. SPEC. AGENT (b)(7)(C) Did you have
5 any hand in preparing his mid-year 2007 performance
6 appraisal?

7 (b)(7)(C) Only in that I reviewed what his
8 supervisor had done and agreed with it.

9 [SR. SPEC. AGENT (b)(7)(C) Now, you said
10 that was clear about his performance appraisal. The
11 part of the appraisal where he needed, I guess, was
12 needs improvement, were any of those areas
13 performance-wise or just the way he dealt with
14 management?

15 (b)(7)(C) It was not just with management.
16 It was with -- it was how he dealt with other
17 employees in other divisions and management at that
18 point. But none, to answer your question, none of it
19 was related to performance.

20 [SR. SPEC. AGENT (b)(7)(C) Okay. So,
21 I've got the -- your 2006 and I guess performance plan
22 of 2007. 2007 would have been the one that you --

23 (b)(7)(C) Correct.

24 [SR. SPEC. AGENT (b)(7)(C) -- reviewed?

25 Okay.

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1 (b)(7)(C) It's the one that was done by
 2 (b)(7)(C) I believe.

3 [SR. SPEC. AGENT (b)(7)(C) Right. Did
 4 you have any input into his appraisal or just reviewed
 5 it?

6 (b)(7)(C) Just reviewed it.

7 [SR. SPEC. AGENT (b)(7)(C) Actually the
 8 one I'm looking at is planning year 2007. It was
 9 signed by (b)(7)(C) (phonetic). (b)(7)(C) Do you
 10 recall if you reviewed this one, sir, planning year
 11 2007?

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

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

14 (b)(7)(C) This was the year end. Make
 15 sure I'm looking at the right one. Got confusing
 16 because at year end we had mid-year about the same --

17 [SR. SPEC. AGENT (b)(7)(C) I've got the
 18 one signed by (b)(7)(C) but everything in 2006 was
 19 Met. There was no Needs Improvement that I can --

20 (b)(7)(C) The 2006, the only thing
 21 negative was the one -- the overall evaluation.

22 [SR. SPEC. AGENT (b)(7)(C) Yes, the mid-
 23 year for 2007.

24 (b)(7)(C) Right.

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

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1 ones that he scored Unmet in were ones that were not -
2 - they were not performance-based, they were more
3 personnel-based?

4 (b)(7)(C) Correct. For example, on page -
5 - the third page where it says Role Modelling. It
6 says besides having a good relationship with most of
7 bosses and it appears he models negative behavior by
8 disrupting meetings and training sessions. He has
9 clearly made his point. He can't stop despite
10 coaching that was provided to him.

11 [SR. SPEC. AGENT (b)(7)(C) Okay. And
12 then again you said you on the scene when this
13 actually occurred?

14 (b)(7)(C) Correct.

15 [SR. SPEC. AGENT (b)(7)(C) Okay. At his
16 mid-year, I guess, it's 2007 mid-year, he was shown
17 this document and at that point what steps were taken
18 for him to try and improve his performance in the mid-
19 year?

20 (b)(7)(C) Back then we did not have a --
21 I think we had initiated the performance improvement
22 process, so it was just coaching one-on-one with his
23 supervisor. Subsequent to that we've gone into a
24 formal program where if you get an Unmet -- overall
25 Unmet in one or two categories, either one of the

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1 categories, there is a written Performance Improvement
2 Plan and the employee meets periodically with the
3 supervisor for status that per the improvement plan.
4 And when it times out, then we make a judgment whether
5 he's -- whether the employee has adequately improved.

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

7 (b)(7)(C) So, back at this time there
8 wasn't a formal process in place at the time.

9 [SR. SPEC. AGENT (b)(7)(C)] Again, on the
10 one-on-one coaching, was there any documentation or
11 anyway to judge his performance or improvement at that
12 time other than what his supervisor said about him?

13 (b)(7)(C) I don't know whether (b)(7)(C) had --
14 this was (b)(7)(C) his supervisor, whether he has
15 a lot of documentation or not.

16 [SR. SPEC. AGENT (b)(7)(C)] Okay. In 2010
17 I guess is the most recent one prior to this issue, do
18 you have any -- did you assist in the preparation of
19 2010?

20 (b)(7)(C) No. Again, I just reviewed it
21 after it was completed.

22 [SR. SPEC. AGENT (b)(7)(C)] Okay. Was
23 that done completely by (b)(7)(C)

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

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

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1 now in 2010 he was provided a Performance Improvement
2 Plan. Is that correct?

3 (b)(7)(C) I believe this was his mid-year
4 that he got the PIP. I have to look.

5 [SR. SPEC. AGENT (b)(7)(C) That's all
6 right.

7 (b)(7)(C) He had his mid-year.
8 [SR. SPEC. AGENT (b)(7)(C) The one I'm
9 looking at is the performance --

10 (b)(7)(C) This is the mid-year.

11 [SR. SPEC. AGENT (b)(7)(C) Right?

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

13 [SR. SPEC. AGENT (b)(7)(C) And he's got
14 several Needs Improvement on this also?

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

16 [SR. SPEC. AGENT (b)(7)(C) Okay. Again,
17 based on this appraisal, most of the Needs Improvement
18 were not on his performance?

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

20 [SR. SPEC. AGENT (b)(7)(C) In 2007 to
21 2010 --

22 (b)(7)(C) I just want to note that
23 overall in the mid-year rating Mr. (inaudible) is
24 saying he got an NI in values competency (inaudible).

25 (b)(7)(C) So, that's essentially behaviors

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1 and that the goal results are his (inaudible)
2 performances.

3 [SR. SPEC. AGENT (b)(7)(C)] What does C
4 represent?

5 [(b)(7)(C)] Commendable.

6 [SR. SPEC. AGENT (b)(7)(C)] In 2007 to
7 2010 you said it was like a roller-coaster effect.
8 Did you see a steady decline or was it up and down or
9 was it something that, you know, something in
10 particular that would set him off that you're aware
11 of?

12 [(b)(7)(C)] The behavior was, we'd give him
13 the NI and he's go into kind of a silent mode where
14 he's just go do his job, stay at his desk. He would
15 not talk at meetings and then he once he got the
16 commendable after a short period of time you'd start
17 to see the same behaviors come back. We'd give him an
18 NI and eventually we got him on a Performance
19 Improvement Plan and he's get better. And he'd start
20 participating and, again, kind of going to the silent
21 mode.

22 At his most recent PIP he was given the
23 clear direction that that is no longer acceptable.
24 Going into the silent mode you just can't do that.
25 You not only need to be, you know, demonstrate the

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1 behavior but you got to start participating on being
2 proactive and positive and have it be sustainable,
3 that this was no longer an acceptable roller-coaster
4 behavior.

5 [SR. SPEC. AGENT (b)(7)(C)] He's currently
6 on a PIP?

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

8 [SR. SPEC. AGENT (b)(7)(C)] Did he work
9 himself off?

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

11 [SR. SPEC. AGENT (b)(7)(C)] Okay. When
12 did that happen, do you know?

13 (b)(7)(C) It's not too long. I can't
14 remember the exact date. It was -- it was after the
15 mid-year this year. He was given a commendable,
16 commendable and the PIP was closed at his mid-year of
17 this year.

18 [SR. SPEC. AGENT (b)(7)(C)] What's his
19 work performance been like so far in 2011?

20 (b)(7)(C) In terms of?

21 [SR. SPEC. AGENT (b)(7)(C)] What he had
22 deficiencies in the past.

23 (b)(7)(C) It was good up until this here
24 just a couple of days ago. He had a confrontation
25 with his new boss and demonstrated some unprofessional

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1 behavior.

2 [SR. SPEC. AGENT (b)(7)(C)] Unprofessional
3 in what way?

4 (b)(7)(C) Well, he said the (inaudible)
5 was all F'd up and incompetent. He didn't use the F,
6 the real word and he was agitated. He was -- his new
7 supervisor solicited -- tried to solicit solutions to
8 problems from him and he wouldn't provide any so
9 that's the first time that behavior -- also, had two
10 employees come to me in the last week, one asking me -
11 - telling me that (b)(7)(C) and one other individual
12 in the organization, two of most bitter individuals
13 he's ever seen in his entire career. And then I got
14 another employee report to me that after one of the
15 meetings he said that the meetings we had were a waste
16 of time and wasn't very supportive. Didn't come and
17 ask all that to me or the other supervisors that were
18 in the meeting.

19 [SR. SPEC. AGENT (b)(7)(C)] When you say
20 you had complaints or there were comments made about
21 (b)(7)(C) were they made by management or supervisors
22 or peers?

23 (b)(7)(C) Peers.

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

25 (b)(7)(C) Well, the one -- the two peers

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1 were the ones that came and talked to me, but also the
2 confrontation was with his new supervisor.

3 [SR. SPEC. AGENT (b)(7)(C)] Okay. I just
4 want to back up a little bit to the suspension of what
5 your memory was. Was there any work group violation
6 that was mentioned during his --

7 (b)(7)(C) There was violation of company
8 policy, unprofessional conduct.

9 [SR. SPEC. AGENT (b)(7)(C)] Okay. And
10 that was given by (b)(7)(C) and some just --
11 Just in general his negative behaviors were mentioned.

12 [SR. SPEC. AGENT (b)(7)(C)] All right.
13 And, again, what you're saying there was no
14 performance issues or work performance issues. There
15 were just issues of his contact with management and
16 supervision?

17 (b)(7)(C) And peers.

18 [SR. SPEC. AGENT (b)(7)(C)] And peers? ■

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

20 [SR. SPEC. AGENT (b)(7)(C)] Was there
21 anybody else in (b)(7)(C) group that was suspended
22 for the same reasons that you can remember?

23 (b)(7)(C) No.

24 [SR. SPEC. AGENT (b)(7)(C)] Okay. And how
25 long would you say the process was until he finally

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1 got suspended?

2 (b)(7)(C) Well, the behaviors had been
3 acknowledged since 2007. The process of actually from
4 the time I was directed to suspend him until he was
5 suspended was probably a month.

6 (SR. SPEC. AGENT (b)(7)(C) Okay. And did
7 you work with HR during this time frame also? HR?

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

9 (SR. SPEC. AGENT (b)(7)(C) Okay. Did
10 they provide direction to you about the proper
11 process?

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

13 (SR. SPEC. AGENT (b)(7)(C) Okay. Was
14 there an investigation prior to the suspension and his
15 behavior into the ultimate suspension or an inquiry?

16 (b)(7)(C) There was no inquiry into the
17 overall behaviors over time because they were
18 documented and we had those on his performance
19 evaluations. (b)(7)(C) conducted an investigation of

20 the (b)(7)(C) incident and also (b)(7)(C) did an
21 independent review of the entire (b)(7)(C)

22 (b)(7)(C) by a qualified person, (b)(7)(C)
23 (phonetic) who did interviews -- extensive interviews
24 of all the employees to get the overall, how does the
25 group function and whether we did not have a safety

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1 conscious work environment.

2 [SR. SPEC. AGENT (b)(7)(C)] As part of the
3 investigation that (b)(7)(C) conducted, he conducted
4 interviews regarding the issue of (b)(7)(C)

5 (b)(7)(C) Yes, I believe so.

6 [SR. SPEC. AGENT (b)(7)(C)] Do you know
7 who he spoke with?

8 (b)(7)(C) No. I know he talked -- I know
9 he spoke with (b)(7)(C) I don't know whether he ever
10 talked to (b)(7)(C) but I think he more relied on
11 the investigation by (b)(7)(C) of the entire
12 organization.

13 [SR. SPEC. AGENT (b)(7)(C)] Okay. But (b)(7)(C)
14 (b)(7)(C) did an investigation over the whole --

15 (b)(7)(C) Correct. He did not -- he would
16 not specifically --

17 [SR. SPEC. AGENT (b)(7)(C)] A specific
18 inquiry into (b)(7)(C) incident. (b)(7)(C) did
19 that, correct, as is required by Southern California
20 Edison or SONGS, (b)(7)(C) had to be talked to about
21 the issue. Is that correct?

22 (b)(7)(C) I don't know that that's a
23 specific policy but I know they talked to him.

24 [SR. SPEC. AGENT (b)(7)(C)] Did you review
25 the fact-finding summary that was conducted with (b)(7)(C)

7c

1 (b)(7)(C) Have you ever seen the --

2 (b)(7)(C) No.

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

4 wanted -- said all witnesses and parties including the

5 affected individual being interviewed and statements

6 taken and "yes" is marked and (b)(7)(C) name is

7 written right here or listed of people interviewed.

8 Correct?

9 (b)(7)(C) Yes.

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

11 interviewed you during the process of this?

12 (b)(7)(C) It says that, yes.

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

14 were talked to, you were interviewed by (b)(7)(C)

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

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

17 you know if (b)(7)(C) was interviewed or

18 conducted -- I'm talking about (b)(7)(C) You said

19 (b)(7)(C) was interviewed and it was conducted by (b)(7)(C)

20 (b)(7)(C) you said (b)(7)(C) had interviewed.

21 (b)(7)(C) He did the interview with --

22 well, I know he talked -- I don't know whether he did

23 that document but I know he talked to (b)(7)(C)

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

25 you know if (b)(7)(C) talked to (b)(7)(C) about

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1 this?

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

3 [SR. SPEC. AGENT (b)(7)(C) Okay. Part of
4 the official investigation?

5 (b)(7)(C) I wasn't there. I don't know
6 exactly what was said to him so I don't know.

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

8 Do you know of any letters of reprimand
9 that were given to (b)(7)(C)

10 (b)(7)(C) No.

11 [SR. SPEC. AGENT (b)(7)(C) Under your
12 direction?

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

14 [SR. SPEC. AGENT (b)(7)(C) Okay. And
15 when (b)(7)(C) returned from the suspension did you
16 speak with him, I mean as his entrance back into the
17 facility?

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

19 [SR. SPEC. AGENT (b)(7)(C) Who conducted
20 that interview?

21 (b)(7)(C) I know did. I
22 think he had (b)(7)(C) with him.

23 [SR. SPEC. AGENT (b)(7)(C) Okay. Do you
24 know what was discussed?

25 (b)(7)(C) I seen this reinstatement letter

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1 that he was provided so I wasn't there for the
2 conversation. My assumption is that he was-- that
3 they went over the reinstatement letter with him.

4 [SR. SPEC. AGENT (b)(7)(C)] Okay. And do
5 you know when he came back to work at that time was he
6 told again why he was suspended initially?

7 (b)(7)(C) That's in the reinstatement
8 letter.

9 [SR. SPEC. AGENT (b)(7)(C)] Okay. The
10 actions taken against (b)(7)(C) his suspension and
11 the 2010 mid-year performance, were any of those
12 events done because he raised safety concerns
13 regarding (b)(7)(C) being in charge?

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

15 [SR. SPEC. AGENT (b)(7)(C)] Okay. Have
16 you treated (b)(7)(C) in a different manner since he's
17 been back to work here?

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

19 [SR. SPEC. AGENT (b)(7)(C)] And, again,
20 you said his performance had improved recently --
21 (inaudible)?

22 (b)(7)(C) Correct.

23 [SR. SPEC. AGENT (b)(7)(C)] Okay. Do you
24 have questions you want to ask, (b)(7)(C)

25 [SPECIAL AGENT (b)(7)(C)] No.

7c
1 [SR. SPEC. AGENT (b)(7)(C)] Okay. Do you
2 have any follow-up questions?

3 (b)(7)(C) No, I don't.

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

5 (b)(7)(C) just a few more questions and
6 I'll be done.

7 Have I or any other NRC employee
8 threatened you or punished you in return for your
9 testimony here today?

10 (b)(7)(C) No.

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

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

14 [SR. SPEC. AGENT (b)(7)(C)] Okay. We're
15 about to go off the record. Is there anything I
16 haven't asked you you think is important about this
17 interview?

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

19 [SR. SPEC. AGENT (b)(7)(C)] Okay. This
20 interview is concluded at approximately 2:36 p.m. on
21 September 29th, 2011.

22 (Whereupon, the above matter was concluded
23 at 2:36 p.m.)

24

25

CERTIFICATE

7c

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]
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EXHIBIT 11
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