

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

Wednesday, September 28, 2011

San Onofre Nuclear Generating Station
San Clemente, California

The above-entitled interview was conducted
at 9:04 a.m.)

BEFORE:

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

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

EXHIBIT 12

4-2011-024

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A/7

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

9:04 a.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 28, 2011. And the time is
 approximately 9:04 a.m.

This interview is being conducted at San
 Onofre Nuclear Generation Station.

(b)(7)(C) my name is (b)(7)(C)
 I'm a [Special Agent] with the Office of Investigations
 out of Region IV --

(b)(7)(C) Okay.

[SR. SPEC. AGENT (b)(7)(C)] -- for the
 NRC. Also present is [Special Agent (b)(7)(C)]

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

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

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

(b)(7)(C) Okay.

7c

1 [SR. SPEC. AGENT (b)(7)(C)] Okay. Would
2 you raise your right hand, sir?

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

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

7 [SR. SPEC. AGENT (b)(7)(C)] Okay. Could
8 you state and spell your full name for the record, (b)(7)(C)

9 (b)(7)(C)

10 (b)(7)(C) Yes. (b)(7)(C) middle name
11 is (b)(7)(C) last name (b)(7)(C)

12 [SR. SPEC. AGENT (b)(7)(C)] Okay. All
13 right. (b)(7)(C) can you go over your employment
14 background here at SONGS, how long you've been
15 employed and which positions you've held here?

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

24 (b)(7)(C)
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(b)(7)(C)

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

(b)(7)(C)

7c

1 (b)(7)(C)
2

3 [SR. SPEC. AGENT (b)(7)(C) Wow. We're
4 going to break here just a minute it's 9:06 a.m. to
5 change the batteries in the recorder.

6 (Whereupon, at 9:06 a.m. off the record
7 until 9:09 a.m.)

8 [SR. SPEC. AGENT (b)(7)(C) We're back on
9 record. It's approximately 9:09 a.m. just changed the
10 batteries.

11 Okay. (b)(7)(C) you went over your
12 employment history. And what's your current position
13 here, sir?

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

(b)(7)(C)

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

(b)(7)(C)

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

said your current position is (b)(7)(C)

(b)(7)(C)

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

(b)(7)(C) There are some people who I don't know what their -- their grades are. They're

1 more like a supervisory, I mean supervisory assistant
2 class. They do word processing, other items like that
3 a -- a person with more technical experience doesn't
4 have.

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

6 (b)(7)(C) The same level of pay for me
7 anyway.

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

9 (b)(7)(C) And I believe that everyone
10 came over that way. (b)(7)(C)

11 (b)(7)(C) -- last year, earlier this year
12 actually.

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

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

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

16 [SR. SPEC. AGENT (b)(7)(C)] How do you --

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

18 time.

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

20 do you know him, sir, as a co-worker?

21 (b)(7)(C) Yes. I first met him when he

22 was in (b)(7)(C) just in normal business, you know.

23 And I -- I was in contact with him numerous times when
24 he was the (b)(7)(C)

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

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1 (b)(7)(C) And we always got along well.

2 And then he -- he was in (b)(7)(C) primarily and then

3 he was transferred over to the (b)(7)(C)

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

5 you at any time every supervise (b)(7)(C)

6 (b)(7)(C) I -- I look over his

7 (b)(7)(C) We're both the same level --

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

9 (b)(7)(C) -- but he (b)(7)(C)

10 (b)(7)(C) I really don't (b)(7)(C) anymore. Because

11 this other takes up all of my time but I look at his

12 (b)(7)(C) That's really the only supervision I do

13 of his in peer check but that I think is completed

14 work.

15 [SR. SPEC. AGENT (b)(7)(C) And what kind

16 of an employee do you consider (b)(7)(C) to be?

17 (b)(7)(C) I -- I think he's a good

18 employee. The stuff I see of his is of good quality.

19 He always seems to make his due dates, or on or

20 before. Excuse my stomach it's -- he's -- I like

21 (b)(7)(C) quite a bit. He's outspoken but that's okay

22 with me --

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

24 (b)(7)(C) -- you know. He was a (b)(7)(C)

25 (b)(7)(C) so he's, you know, he's not afraid to speak

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1 his piece.

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

3 (b)(7)(C) And -- but -- excuse me -- I
4 think that's okay. And he's not afraid to say that he
5 thinks something's wrong if it's wrong.

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

7 (b)(7)(C) And that's what we're supposed
8 to do here so --

9 [SR. SPEC. AGENT (b)(7)(C)] Do you know
10 (b)(7)(C) to raise safety concerns through your
11 supervision?

12 (b)(7)(C) Yes. I do. Yes, I do. I was
13 aware of that. That's happened more than one time.

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

15 (b)(7)(C) There was an employee, you
16 probably have the records here, (b)(7)(C) there were
17 a couple of safe concerns at that time. And (b)(7)(C) who
18 I also knew -- he was asked to change a (b)(7)(C) at
19 management direction and he thought it was not proper.

20 [SR. SPEC. AGENT (b)(7)(C)]
21 did or (b)(7)(C) did?

22 (b)(7)(C) did.

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

24 (b)(7)(C) And he was told again to
25 proceed. He -- he didn't want to do it. Finally he

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7c
1 was made to do it and after that time he was, well I
2 could say, pretty much done for. He was harassed. He
3 finally (b)(7)(C) because he was too stressed anymore to
4 work.

5 And at that time there were other concerns
6 too. We were concerned that management was paying
7 more attention to -- to the oversight groups that were
8 here than -- than they should have. And we were
9 dictated to as to where we were going to make fixes
10 and what we were going to say in (b)(7)(C) even
11 though we often thought that they weren't appropriate.
12 And, you know, I know we're not to use the word
13 "pencil-whipped." but that's what we're doing in many
14 cases.

15 And at the time, and it still is the same,
16 when things are changed like that we're never
17 consulted, "we" being the people that have a little
18 more experience at that, as to whether it's a good
19 idea, whether it'll work, or do we have a better idea.
20 And that -- that irked (b)(7)(C) He has -- I'm not privy
21 to all of things he's -- I don't know how many of the
22 things he's objected to.

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

24 (b)(7)(C) But I know a couple of years
25 ago, a year and a half ago, the group wanted to

1 organize and become union. And (b)(7)(C) wanted to do
2 that and he passed out the cards that said do you want
3 to or not, you know, that type of thing. And I know
4 he was -- I know that didn't sit well with management.
5 And things kept accumulating like that and, like I
6 say, (b)(7)(C) would speak his piece.

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

8 (b)(7)(C) And that's supposed to be
9 okay, you know. You're supposed to be able to bring
10 up concerns. And I personally, my observation is that
11 he's been discriminated against. And now I see he was
12 always, like I say, a very good worker. This last
13 year he got a really terrible performance review.
14 It's like all needs to improve, type of thing.

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

16 (b)(7)(C) And he -- he'd only received
17 one of those, a negative one before with a person who
18 doesn't like him. That was back when he was in
19 (b)(7)(C) I think, 2007. And from my experience and
20 watching him work he has a good work ethic, turns out
21 good products, doesn't give anybody in the office a
22 hard time. I think that that was -- that that was
23 forced on the supervisor, his immediate supervisor.

24 [SR. SPEC. AGENT (b)(7)(C)] You mean to
25 give him a bad appraisal?

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1 (b)(7)(C) Yes.

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

3 (b)(7)(C) And I think that was done on
4 purpose so they could lay a path to -- to give him a
5 hard time.

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

7 (b)(7)(C) And I know he's under a lot of
8 pressure right now and he thinks he's probably done
9 for, you know, as far as an employee. But he didn't
10 deserve that performance review like that. I saw that
11 happen with a supervisor when we were still in
12 (b)(7)(C) with a couple of other people.

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

14 (b)(7)(C) And those people are now gone.
15 We've lost a number of people out to stress and I
16 don't know how many, maybe four or five contractors,
17 three or four like permanent employees.

18 [SR. SPEC. AGENT (b)(7)(C) Is it a
19 personality clash, you believe, that they don't like
20 him or they don't like each other or they don't like
21 the way he presents things or --

22 (b)(7)(C) Well I mean -- there's --
23 there is the department head, he and (b)(7)(C) clash.

24 [SR. SPEC. AGENT (b)(7)(C) And who is
25 that, sir?

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1 (b)(7)(C) Pardon me?

2 [SR. SPEC. AGENT (b)(7)(C) Who's the

3 department head?

4 (b)(7)(C) He and (b)(7)(C) clash.

5 And like I say, (b)(7)(C) outspoken and he usually does

6 it in private. He doesn't do it in public. But if

7 they meet they usually end up in, you know, -in an

8 argument. And (b)(7)(C) will -- (b)(7)(C) tell him -- tell him

9 what he thinks and what he thinks of (b)(7)(C) management.

10 I haven't -- I haven't observed one of those but

11 (b)(7)(C) told me "Well we had a hard time, you know."

12 I think (b)(7)(C) just doesn't like (b)(7)(C) you know.

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

14 (b)(7)(C) And (b)(7)(C) would like to see,

15 he would like to see the organization run differently

16 and not -- see it run efficiently and not -- not just

17 respond to demands that we do something in our

18 procedures when he knows it's wrong.

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

20 (b)(7)(C) That that's not the cure, you

21 know, and he'll -- he's displeased with that that type

22 of thing. Because like I say, he was -- he was an

23 (b)(7)(C) and he liked organization

24 and he doesn't see it sometimes. He just sees passing

25 on of, you know, things to do and say. And I know (b)(7)(C)

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1 wants to make the department successful and look good
 2 too. And (b)(7)(C) would like to see those efforts to be
 3 sincere, not just to please somebody.

4 [SR. SPEC. AGENT (b)(7)(C)]
 5 were you working, or I guess you were working with (b)(7)(C)
 6 (b)(7)(C) in 2010, for the last year?

7 (b)(7)(C) Yes. Yes. I was not here
 8 from -- from (b)(7)(C) I had some (b)(7)(C)
 9 (b)(7)(C)

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

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

13 you --
 14 (b)(7)(C) That's when I worked at the
 15 (inaudible) after that.

16 [SR. SPEC. AGENT (b)(7)(C)] Okay. Were
 17 you aware that (b)(7)(C) had raised a concern
 18 regarding [a unqualified person put in]--

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

20 [SR. SPEC. AGENT (b)(7)(C)] -- to fill in
 21 for Mr. --

22 (b)(7)(C) Yes. I was.

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

24 (b)(7)(C) Okay.

25 (b)(7)(C) I was. I mean I am, yes.

1 [SR. SPEC. AGENT (b)(7)(C)] All right. Do
2 you recall who that employee was?

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

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

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

6 [SR. SPEC. AGENT (b)(7)(C)] And who was
7 that employee?

8 (b)(7)(C)

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

10 (b)(7)(C) She was fairly new. She was
11 out of a -- she was a (b)(7)(C) but she's
12 primarily a -- was a -- an after the (b)(7)(C)

13 (b)(7)(C) Then we hired her in
14 and I think she worked out well. She's a (b)(7)(C)

15 (b)(7)(C) And she doesn't have a lot of experience but we've
16 been trying to bring her along and she's a fast
17 learner. I like (b)(7)(C)

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

19 (b)(7)(C) But that -- I wasn't present
20 at that time but -- I was off work, but I know (b)(7)(C)

21 didn't think that was right. Yes, and he, (b)(7)(C) told
22 me that he raised objections. He didn't think she was

23 qualified to supervise the rest of us because there
24 were three (b)(7)(C) there at that time. Like I

25 say, I was absent but there were two others; (b)(7)(C) and

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1 -- and (b)(7)(C) And he thought one of -- one of
2 those two should have been appointed as the supervisor
3 even a temporary one.

4 [SR. SPEC. AGENT (b)(7)(C) Is that right?

5 (b)(7)(C) He didn't think she was
6 qualified to supervise.

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

8 the time (b)(7)(C) was asked to fill in as supervisor
9 do you feel she was qualified to do so?

10 (b)(7)(C) No. She wasn't qualified to
11 be the supervisor of the crew.

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

13 (b)(7)(C) She knows -- she knows the --
14 she knows all about doing the (b)(7)(C) and all but
15 she's our go-to person for problems, make the

16 (b)(7)(C) She's taking -- she's
17 learning, like I try -- I try to help her along
18 technically with maintenance items too so she kind of
19 understands where she's going. And she responds well
20 to requests for -- for changes from the maintenance
21 line organization. So she's -- she's coming along.

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

23 (b)(7)(C) She at that time though -- she
24 was not, she's not now, you know, takes a long time to
25 be able to do that.

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1 [SR. SPEC. AGENT (b)(7)(C)] Okay. Are
 2 there any procedures in place that you're aware of
 3 that says someone has to be qualified to a certain
 4 extent to fill in as a supervisor when a supervisor
 5 not in audit or it could be a supervisor's choice?

6 (b)(7)(C) I would -- I'll have to guess
 7 at that. I would say there are but I don't -- I'd
 8 have to do some kind of a search for them. It's
 9 probably more like a directive, you know. There's one
 10 that talks about responsibilities and that may be the
 11 place. I don't think I've ever read that but --

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

13 (b)(7)(C) I'm certain there is one
 14 somewhere.

15 [SR. SPEC. AGENT (b)(7)(C)] Okay. And she
 16 filled in for (b)(7)(C) is that correct? When
 17 he was not there, (b)(7)(C) I'm talking about?

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

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

20 (b)(7)(C) She took the spot for (b)(7)(C)

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

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

23 am I saying it right?

24 (b)(7)(C) Yes. It's (b)(7)(C)

25 (b)(7)(C)

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

2 (b)(7)(C)

3 What process does he normally use when he
4 picks a supervisor, to fill in supervisor when he's
5 not there.

6 (b)(7)(C)

Well, he's not there anymore.

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

When he was,

8 when he was?

9 (b)(7)(C)

10 Yes. When he was. He would
usually have me fill in for him.

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

And what does

12 that mean, sir?

13 (b)(7)(C)

14 I would do what he usually
does.

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

Okay. And --

16 (b)(7)(C)

17 I wouldn't go to the cause
assessment different groups where you go -- go testify
18 or try to present your case. That would usually be
done by (b)(7)(C) But I took care of the people.

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

Well I'm

21 talking about whenever he needed a supervisor to fill
22 in for him when he wasn't there.

23 (b)(7)(C)

Okay.

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

How would he

25 go through that process? What would he do?

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1 [REDACTED] Well he -- he would always
2 mention it to me, if you think about it, but he told
3 me when he's gone he always wants me to -- always
4 wanted me to substitute for him.

5 [SR. SPEC. AGENT [REDACTED]] Okay. Do you
6 know what reason he had for picking [REDACTED] at that
7 time?

8 [REDACTED] No. No, I don't. Like I say,
9 I wasn't -- I wasn't present at that time but that
10 surprised me when I heard that.

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

12 [REDACTED] There were other people who
13 were -- who were actually had the supervisory
14 experience.

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

16 [REDACTED] And it surprised me that he
17 would pick [REDACTED]

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

19 [REDACTED] That's not to say against
20 [REDACTED] but she just didn't have the experience to do
21 that.

22 [SR. SPEC. AGENT [REDACTED]] Okay. Do you
23 know from your experience in working with [REDACTED]

24 [REDACTED] if he had a list of people he'd choose
25 from or people approached him saying "When you're not

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1 here I want to fill in for you." How --

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

3 [SR. SPEC. AGENT (b)(7)(C) -- did that
4 process --

5 (b)(7)(C) No. He always -- he expected
6 me to --

7 [SR. SPEC. AGENT (b)(7)(C) Expected you?

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

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

10 (b)(7)(C) To substitute for him.

11 [SR. SPEC. AGENT (b)(7)(C) And if you
12 weren't there, weren't available, would he go to
13 someone else?

14 (b)(7)(C) Yes. Usually. Usually he
15 would ask either -- either (b)(7)(C) would just do that
16 because we kind work on our own, you know. I mean
17 it's not like they have usually immediate problems
18 that they have to be solved right now. A few, but --

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

20 (b)(7)(C) -- I think (b)(7)(C) would usually
21 ask somebody else or he'd ask (b)(7)(C) I mean --

22 (b)(7)(C)

23 [SR. SPEC. AGENT (b)(7)(C) Okay. Do you
24 know it he ever asked (b)(7)(C) to fill in?

25 (b)(7)(C) I don't believe so.

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1 [SR. SPEC. AGENT (b)(7)(C)] Okay. Do you
2 know if (b)(7)(C) had any interest in filling in for
3 a supervisor for him?

4 (b)(7)(C) Yes. He would if -- if -- he
5 knows he's qualified and he would take the assignment.

6 [SR. SPEC. AGENT (b)(7)(C)] Well do you
7 know if he ever went --

8 (b)(7)(C) I don't think he's ever been
9 approached to do that.

10 [SR. SPEC. AGENT (b)(7)(C)] Okay. Do you
11 know of he ever approached (b)(7)(C) about that
12 or just said. "I'm here if you need me."

13 (b)(7)(C) I don't know if he approached
14 him specifically for that. He's approached him for
15 some of the other issues that have been ongoing for
16 some time. (b)(7)(C) really didn't think that (b)(7)(C) was
17 qualified to run the group.

18 [SR. SPEC. AGENT (b)(7)(C)] Okay.
19 (b)(7)(C) He thought he was just a -- he
20 thought that (b)(7)(C) picked him so that -- how can I say
21 this? He -- (b)(7)(C) knew that he would take care of --
22 that we would do what he told him to do.

23 [SR. SPEC. AGENT (b)(7)(C)] Okay. He know
24 that (b)(7)(C) would do whatever (b)(7)(C) told
25 him to do?

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1 [REDACTED] Yes.

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

3 [REDACTED] And I think that's how that --
4 well I know that. I mean, I didn't watch him do it
5 but I know that's how that bad performance review came
6 about.

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

8 [REDACTED] And I think the bad
9 performance review in my opinion is laying ground for
10 future disciplinary actions --

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

12 [REDACTED] -- which were going to come no
13 matter what [REDACTED] --

14 [SR. SPEC. AGENT [REDACTED]] Did --

15 [REDACTED] -- work ethic was.

16 [SR. SPEC. AGENT [REDACTED]] I'm sorry.

17 Did you notice a change between [REDACTED] and [REDACTED]

18 [REDACTED] relationship after he raised a concern

19 about [REDACTED] filling in for [REDACTED]

20 [REDACTED] No. I wasn't -- I was -- [REDACTED]

21 [REDACTED] time so I didn't see that
22 develop. When I came back that was pretty much not
23 subject conversation around the site. No. I didn't
24 really observe how that --

25 [SR. SPEC. AGENT [REDACTED]] Let me

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1 rephrase the question then. Did you notice a change
2 in their relationship from before (b)(7)(C)

3 (b)(7)(C)

4 Was there a change in their relationship?

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

6 [SR. SPEC. AGENT (b)(7)(C) How so?

7 (b)(7)(C) It seemed to be conflicting
8 like this -- they'd just take care of business. (b)(7)(C)

9 would always take care of what (b)(7)(C) told him to do and
10 (b)(7)(C) also takes on work because he does a lot of the

11 (b)(7)(C) And he's very good at that

12 craft, he supervised that group for a long time, and
13 so he would work directly at the (b)(7)(C)

14 (b)(7)(C) request. We do that some. They'll
15 contact the people they know can do the job.

16 And I didn't see, I really didn't see any
17 conflict; (b)(7)(C) would always do that. It's not like he
18 was always doing it but he would bring his objections
19 to his supervisor behind closed doors. He wouldn't do
20 it out in the open --

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

22 (b)(7)(C) -- you know, in public. So I
23 don't know if there were one, two, or many, or you
24 know --

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

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1 (b)(7)(C) -- at that time.

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

3 ever tell you he thought he was being discriminated or
4 retaliated against for raising concerns?

5 (b)(7)(C) Against what?

6 [SR. SPEC. AGENT (b)(7)(C) Retaliated
7 against for raising concerns?

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

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

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

11 [SR. SPEC. AGENT (b)(7)(C) And what did--

12 (b)(7)(C) Yes. More than once.

13 [SR. SPEC. AGENT (b)(7)(C) -- did he give
14 any particular examples of what he felt he was being
15 retaliated against for?

16 (b)(7)(C) Well, yes. He thought he was
17 being retaliated against because of his efforts to
18 become unionized.

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

20 (b)(7)(C) When (b)(7)(C) was being worked
21 over, he objected to that.

22 [SR. SPEC. AGENT (b)(7)(C) When the what,
23 I'm sorry, when the what?

24 (b)(7)(C) When (b)(7)(C) was being --

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

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1 [REDACTED] -- going through what he was
2 going through, [REDACTED] thought that was wrong and there
3 were safety issues he thought were being ignored. And
4 he brought that to their attention. He -- he -- I
5 don't know a lot of the things, you know, the details
6 of them but it's been kind of an ongoing battle since
7 that time.

8 [SR. SPEC. AGENT [REDACTED]] All right.

9 [REDACTED] And I could never figure that
10 out because my observations have always been that
11 [REDACTED] been a good worker, you know. I know right
12 now he's really stressed out because of the pressures
13 that are put on him.

14 There's another employee now that appears
15 to be the next target, [REDACTED] (phonetic) is his
16 name. [REDACTED] is a -- I like [REDACTED] too I -- he -- years ago
17 when I first came into the group he had a little
18 trouble getting along with people.

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

20 [REDACTED] I tried working with him and
21 working with him. He's opened up quite a bit. He's--
22 he gets along with everybody fine now.

23 He -- he got a bad performance review this
24 last time. I don't know how many improve but or a --
25 needs to improve he got but I think it was a number

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1 of them which could jeopardize his job. He still
2 seems to be getting pressure like that, talking about
3 wage and so forth.

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

5 (b)(7)(C) I myself, I don't know the
6 reasons why but when I came back to work after this
7 (b)(7)(C) he gave me my numbers for -- for our bonus
8 at the end of the year and then he gave me (b)(7)(C)
9 (b)(7)(C)

10 [SR. SPEC. AGENT (b)(7)(C)] Now who is
11 "he," sir?

12 (b)(7)(C) Huh?

13 [SR. SPEC. AGENT (b)(7)(C)] Who is "he"?

14 (b)(7)(C)

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

16 (b)(7)(C) But oo I I don't believe that
17 was his -- he's always been friendly with me and I
18 considered him a friend. I think that was dictated to
19 him for some reason. I don't know if that's the
20 beginning of -- of an assault on me or not. I don't
21 think so, but I've always been --

22 [SR. SPEC. AGENT (b)(7)(C)] Why do you
23 feel management picks certain people not to like, for
24 lack of a better word?

25 (b)(7)(C) Well, it seems to be -- to me

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1 my opinion is it's those of us who -- who don't
 2 mention problems we think we see and improvements. If
 3 we don't agree and we say so, then it seems like we
 4 get -- we get a bad time over it. And that's not the
 5 way it's supposed to be around here, you know. The
 6 law says we -- we're -- we have responsibility to
 7 bring up issues and (b)(7)(C) doesn't like to hear that.

8 He seldom, it's okay with me, but he
 9 seldom speaks with me anymore unless (b)(7)(C) is
 10 gone and I'm taking his place and he wants to know
 11 about certain -- the status of certain things. We've
 12 known each other a long time and it seems like a
 13 change in atmosphere to me.

14 I got a really good performance review.

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

16 (b)(7)(C) And yet I still got (b)(7)(C)

17 (b)(7)(C) Now if some of that was because I was

18 (b)(7)(C) I don't know, you

19 know. But some of the others got, you know, (b)(7)(C)

20 (b)(7)(C) And (b)(7)(C) wouldn't really tell me why.

21 So --

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

23 (b)(7)(C) I just kind of have this

24 feeling, you know, that as I've seen these other guys

25 fall that there might be something behind that. I

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1 know that's not what you're here to talk about, (b)(7)(C)
2 (b)(7)(C) But it kind of describes a -- a negative
3 atmosphere.

4 There have been a number of people quit.
5 (b)(7)(C) (phonetic) couldn't take it any more. He
6 transferred back into the shop. A good friend of
7 mine, (b)(7)(C) (phonetic) did (b)(7)(C)
8 (b)(7)(C) he was getting sick over the thing and the
9 doctor told him he needed to find other employment.
10 That's just a few months ago. Another who's been a
11 long time association as an employee and a contractor
12 over 35 years experience had to quit because of the
13 pressure.

14 We're told now, just yesterday (b)(7)(C) was
15 talking about at the morning meeting, he was talking
16 about the milestones. He said -- and it sounded to me
17 like threats. He said "This ties in with your bonus,
18 you're not going to get a bonus if you don't make this
19 milestone." He was talking to the whole crew.

20 [SR. SPEC. AGENT (b)(7)(C) Okay. .
21 (b)(7)(C) My impression is that (b)(7)(C) will
22 do most things to satisfy his management.

23 [SR. SPEC. AGENT (b)(7)(C) Okay. You
24 think it's more of a attack on a personal nature, or
25 if it's a --

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1 (b)(7)(C) It is on (b)(7)(C)
2 [SR. SPEC. AGENT (b)(7)(C) -- so you
3 believe it is?

4 (b)(7)(C) It is on (b)(7)(C)
5 [SR. SPEC. AGENT (b)(7)(C) Okay.
6 (b)(7)(C) Yes. No they -- (b)(7)(C) doesn't
7 like him and I think that started maybe with -- with
8 the time he spent in (b)(7)(C) His boss is -- is not
9 a nice guy --

10 [SR. SPEC. AGENT (b)(7)(C) Who is that?
11 (b)(7)(C) -- not a nice guy. And he
12 wouldn't -- he didn't like (b)(7)(C)

13 [SR. SPEC. AGENT (b)(7)(C) Who was that,
14 sir?

15 (b)(7)(C) Oh shoot, it's one of a new
16 block here. I'll call you with it. It's just slipped
17 away. I can see it flying away, you know.

18 [SR. SPEC. AGENT (b)(7)(C) Okay.
19 (b)(7)(C) I forget names sometimes and
20 I'm old enough to do it. (b)(7)(C) maybe it'll come
21 before you leave.

22 [SR. SPEC. AGENT (b)(7)(C) Okay.
23 (b)(7)(C) Anyway, and I think some of
24 that was passed on to (b)(7)(C) because (b)(7)(C) was in (b)(7)(C)
25 too. And whenever there were shortcuts, or at least

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1 [REDACTED] thought they were shortcuts being taken he would
 2 say so and I don't think they liked him for it. So
 3 that kind of carried on with [REDACTED] and -- and it seems
 4 to me there's always been a personal issue there with
 5 [REDACTED] And also my observation is once he doesn't like
 6 you he -- he doesn't like you from then on and --

7 [SR. SPEC. AGENT [REDACTED]] Okay.
 8 [REDACTED] -- and he would take
 9 opportunities to knock you down.

10 [SR. SPEC. AGENT [REDACTED]] Okay. With
 11 regards to [REDACTED] raising the concern about [REDACTED]
 12 [REDACTED] filling in do you think there was any
 13 additional personal attacks on him for raising that
 14 concern or did he ever express that to you?

15 [REDACTED] Yes. He did describe it to
 16 me. I didn't think he did anything wrong. He just
 17 didn't think she was --

18 [SR. SPEC. AGENT [REDACTED]] Okay.
 19 [REDACTED] -- qualified. And he liked
 20 [REDACTED] okay and he has his standards for other things
 21 with -- you know about the way a person dresses, I
 22 think but he didn't bring that into the issue at all.
 23 I think that [REDACTED] didn't like that at all and told
 24 [REDACTED] to -- what to do, you know.

25 [SR. SPEC. AGENT [REDACTED]] What do you

1 mean by "told (b)(7)(C) what to do?"

2 (b)(7)(C) I think he -- he told him that
3 on his performance review to get a better one. Bad
4 enough where you had to make some improvements, but
5 along the same line he was never given any direction
6 on improvement. He was never coached and given goals
7 to meet, which is the way you're supposed to do that
8 as a supervisor, you try -- if a person is troubled,
9 you try to help them come along. I don't think he was
10 troubled but -- but he was rated as such and he was
11 not -- not given those opportunities, you know, in a
12 formal manner. And I think that's because it was just
13 -- it was just -- he was, like I said, prejudiced
14 against him.

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

16 (b)(7)(C) In fact -- I -- it didn't take
17 place in front of me but (b)(7)(C) you probably have in
18 there, (b)(7)(C) was laid off for a week --

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

20 (b)(7)(C) -- and he wasn't given any --
21 like I say, any indication that he was a problem like
22 that or received any counseling or anything. And he
23 was just called in and told to clear out his desk and
24 meet -- I don't know who he met up there, (b)(7)(C)
25 probably, and (b)(7)(C) in the personnel building 51 and

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1 they laid him off. Course that pissed (b)(7)(C) off. I
2 don't think he'd done anything to deserve that. I
3 don't know what took place behind doors other than
4 him, (b)(7)(C) speaking out. I know he'll do that.

5 [SR. SPEC. AGENT (b)(7)(C) Did you ever
6 observe any action taken against (b)(7)(C) by his
7 supervisor that you feel might have been retaliatory
8 in nature?

9 (b)(7)(C) Just the results. I never saw
10 the things taking place.

11 [SR. SPEC. AGENT (b)(7)(C) Are you
12 talking about just his appraisal and things of that
13 nature?

14 (b)(7)(C) Yes. Yes, (b)(7)(C) told me they
15 gave me this, you know, he would tell me about stuff
16 because I complained about (b)(7)(C) because she was made
17 supervisor and she's not qualified. And that rankled
18 him. But he didn't -- I never saw that in public.
19 That was something you volunteered in private.

20 [SR. SPEC. AGENT (b)(7)(C) So everything
21 you know about the situation was things he told you?

22 (b)(7)(C) With who?

23 [SR. SPEC. AGENT (b)(7)(C) Everything
24 that you know about the situation was what he told you
25 not what you witnessed, is that correct?

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1 [REDACTED] No. Not completely. When he
 2 was laid off for the week, [REDACTED] used to talk to
 3 me about stuff and he would tell be that he had
 4 conversation with [REDACTED] and [REDACTED] was impolite and so
 5 forth. [REDACTED] would tell me things of that nature
 6 afterwards.

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

8 [REDACTED] Because he and I have known
 9 each other for a long time too. And I would -- when
 10 he'd tell me that -- excuse me -- I would say that it
 11 didn't surprise me that he spoke out, but I still
 12 thought he was a good employee. He was hired here in
 13 his present job to [REDACTED]
 14 ones and they're always on time and --

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

16 [REDACTED] -- he never complains about
 17 the workload. So to me he's doing his job, you know,
 18 and he's not doing anything like in -- with whatever
 19 conversations they had or arguments, however it may
 20 be, that were never in public.

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

22 [REDACTED] So I don't think he -- he
 23 wasn't insubordinate because he would always do his
 24 job, and that's what he was hired to do, so --

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

1 (b)(7)(C) Sometimes you don't work with
2 people you get along with very well, you know?

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

4 (b)(7)(C) But it's just the way it is,
5 you know. but --

6 [SR. SPEC. AGENT (b)(7)(C) You mentioned
7 that his suspension and you said laid off for a week.

8 (b)(7)(C) Okay, Suspension, yes, that
9 was the right word.

10 [SR. SPEC. AGENT (b)(7)(C) Did you know
11 anything about that?

12 (b)(7)(C) had told me he
13 suspended him for -- this was that day.

14 [SR. SPEC. AGENT (b)(7)(C) Okay. Did he
15 give you any reason why he suspended (b)(7)(C)

16 (b)(7)(C) He said because of the way
17 (b)(7)(C) had talked to him. And I don't know what that
18 consisted of because I didn't hear it. And I guess it
19 was behind closed doors in (b)(7)(C) office.

20 [SR. SPEC. AGENT (b)(7)(C) Did (b)(7)(C)
21 tell you why he felt he was suspended? Was it because
22 of (b)(7)(C) or was it --

23 (b)(7)(C) That was one of them. But I
24 think the way I understand it when (b)(7)(C) tells me,
25 it's just a succession of things over time. And I

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1 don't know if (b)(7)(C) got angry at -- at (b)(7)(C) because
 2 they already didn't get along great because of, you
 3 know, (b)(7)(C) being outspoken or it was something that
 4 took place in there -- in that office that day. But
 5 (b)(7)(C) told me that they had -- they had had
 6 words and all that and he thought he was disrespectful
 7 and so he suspended him.

8 [SR. SPEC. AGENT (b)(7)(C) Okay.
 9 (b)(7)(C) Now (b)(7)(C) did tell me when
 10 (b)(7)(C) came back after a week, he told me "I guess you
 11 know I've been -- I was suspended and I came back."
 12 I said "Yes I know, I heard that." And he said "I'm
 13 just going to keep my mouth shut. I'm not going to
 14 complain or -- or anything. I'm just going to take
 15 care of the business I usually take care of." And he
 16 has for the most part, but I don't know what other
 17 pressures are put to him. I guess the last
 18 performance review really got to him.

19 [SR. SPEC. AGENT (b)(7)(C) Okay.
 20 (b)(7)(C) Because I know that was -- I
 21 know what -- what verbal things associated with that--
 22 were associated, but I know he didn't deserve that
 23 kind of a performance appraisal because it talks about
 24 your responsibilities, talks about the goals you setup
 25 and that were setup for you.

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

2 (b)(7)(C) And you respond, you've
3 probably seen those, you respond how you think you've
4 done and so forth. And (b)(7)(C) didn't receive anything.
5 He didn't receive anything in writing about his
6 suspension only his -- his -- he just told me this the
7 other day because he knew this was coming up, you
8 know. The only thing he received was a return to duty
9 kind of a letter.

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

11 (b)(7)(C) But he was never presented
12 with any -- any written evidence of why he was
13 suspended, which I thought was strange. But he didn't
14 receive anything else in writing either, you know,
15 when he'd get a hard time before he didn't -- he
16 didn't get any guidance at all on how he could
17 improve. And I think that's because that was not
18 accurate.

19 [SR. SPEC. AGENT (b)(7)(C)] Okay. (b)(7)(C)
20 you have any questions?

21 [SPEC. AGENT (b)(7)(C)] No. I don't.

22 [SR. SPEC. AGENT (b)(7)(C)] Okay. All
23 right. (b)(7)(C) I have a couple of questions and
24 we'll be done.

25 (b)(7)(C) Sure.

1 [SR. SPEC. AGENT (b)(7)(C)] Have I or any
2 other NRC employee threatened you or promised you
3 anything --

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

5 [SR. SPEC. AGENT (b)(7)(C)] -- in return
6 for your testimony today?

7 (b)(7)(C) No. Nothing, no not at all.

8 [SR. SPEC. AGENT (b)(7)(C)] Have you given
9 your statement freely and voluntarily?

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

11 [SR. SPEC. AGENT (b)(7)(C)] Okay. Before
12 we go off record, is there anything I haven't asked
13 you think's important about this issue?

14 (b)(7)(C) Yes. There is one thing.
15 When -- when we brought forth at (b)(7)(C) time,
16 when we brought forth discussions and attempts to help
17 the situation, been a couple of years ago, and we came
18 up and we were interviewed here. That time I think
19 (b)(7)(C) problems started too because he was active in
20 that. But two days after we left here, we were
21 interviewed.

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

23 (b)(7)(C) The guy that was my supervisor
24 at the time, he's retired since also because he
25 couldn't take it anymore, he was forced to write one

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1 of those kind of performance reviews too. Because he
 2 -- he's friendly and he told me that he said "They're
 3 telling me I have to do this, this, this, and this and
 4 I don't want to do it, but I got to do it." He says
 5 "Because they're pressuring me to that or else."

6 He approached me privately in -- in -- it
 7 was two days after we'd had our interview and he said
 8 "I understand you guys were talking about me,
 9 complaining about me at your interview."

10 [SR. SPEC. AGENT (b)(7)(C)] And who's this
 11 guy?

12 (b)(7)(C) His name - (b)(7)(C)
 13 (phonetic). He was the (b)(7)(C)

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

15 (b)(7)(C) Before like (b)(7)(C) And I don't
 16 know how that got out but it made me think about how
 17 they got the information.

18 [SR. SPEC. AGENT (b)(7)(C)] You talking --

19 (b)(7)(C) Because he knew some details.

20 [SR. SPEC. AGENT (b)(7)(C)] You talked to
 21 NRC?

22 (b)(7)(C) The first time -- yes. First
 23 time we came here and interviewed he asked me about
 24 specific details that he'd heard.

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

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1 [REDACTED] And I don't know where he got
2 them or how he got them. That -- I just wanted to
3 pass it along to you guys because that's not supposed
4 to be that way, you know.

5 [SR. SPEC. AGENT [REDACTED]] Right.

6 [REDACTED] And that kind of -- see that--
7 that -- that smacks to me of -- of -- of a calm, a
8 chilling atmosphere, you know, when you -- when you do
9 what you're supposed do and what you -- you've agree
10 to do and they tell you about when you hire in if you
11 got any problems of this nature and they're not
12 getting resolved, then you -- you can do these things.
13 You know, you can go see your supervisor, you can do
14 a safety concern anonymously, you can go see a NRC
15 inspector so forth.

16 [SR. SPEC. AGENT [REDACTED]] Yes.

17 [REDACTED] When that kind of information
18 will get out and they can use that. It just -- the
19 whole atmosphere seems to me now it's not -- I don't
20 get nervous about stuff about work. I've been doing
21 it too long, but I do feel like there's a -- like
22 there's a negative atmosphere. Like I -- if it really
23 needed to be done, I'd bring up a safety concern.

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

25 [REDACTED] And I'd do it with the

1 supervisors first, I'd try to go that route. But I
2 would really think twice anymore about that before I
3 did it. Because I -- I think there'd be some
4 retribution.

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

6 (b)(7)(C) And I don't like that because
7 I don't know what else is going on, you know. I'm
8 getting old enough and worked long enough where, in
9 the union I could quit but if I needed to. But still
10 I want to work for awhile and -- and so I would think
11 about that twice before I raise a concern unless it
12 was -- unless it was of an urgent nature, you know,
13 and that's not right.

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

15 I appreciate you telling me that. Anything else, sir?

16 (b)(7)(C) No. Not that I can think of.

17 It's just kind of been going on and on here. I
18 wouldn't be a bit surprised to see (b)(7)(C)

19 (b)(7)(C) You know, it's kind of hard to take that stuff
20 for a long period of time,

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

22 (b)(7)(C) I know that's why (b)(7)(C)

23 (b)(7)(C) He told me that. And I know why the others
24 quit those contractors and others. It is because the
25 pressure's put on them to produce even though it might

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1 not be what they would prefer to do.

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

3 (b)(7)(C) One of our -- one of our
4 employees, (b)(7)(C) I don't know if you're going
5 to interview him but he -- (b)(7)(C)

6 (b)(7)(C) because of these things. And in fact even now

7 he (b)(7)(C)

8 (b)(7)(C)

9 (b)(7)(C) And

10 he'd got -- he's a real meticulous kind of person and
11 he's got all of these assignments here that must be
12 done almost like immediately. And there must be --
13 and he's got packages, there must be 15 of them, 10 or
14 15, and he has to get them done by a certain time, you
15 know. It's just difficult. And anyone -- to work
16 there anyone I talk with because I ask the guys how
17 they're doing as I kind of oversee them. All of them
18 are that way. None of them are -- none of them are
19 happy with their work.

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

21 (b)(7)(C) I know it's that way with a
22 troubled plant. I know some other people that have
23 been in some troubled plants and there's a lot of
24 pressure for that but this is different. They're --
25 they're not -- I think a lot of them don't feel safe,

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7c
1 you know.

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

3 (b)(7)(C) I don't have any -- any facts
4 or figures to hand in front of you to give you that.
5 That's just the impression I get because I spend a lot
6 of time with the (b)(7)(C) you know, talking to them,
7 seeing how they're doing and so forth. And they're
8 for the most part they're -- they're not happy.

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

10 (b)(7)(C) They -- they don't -- I don't
11 --I think a number would not bring up issues. But
12 that's just my opinion so it's not worth --

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

14 (b)(7)(C) Just kind of background for
15 you.

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

17 Anything else, (b)(7)(C)

18 (b)(7)(C) No. That's all, thank you.

19 [SR. SPEC. AGENT (b)(7)(C)] Okay. This
20 interview is concluded at approximately 9:53 a.m. on
21 September 28, 2011.

22 (Whereupon the interview was concluded at
23 9:53 a.m.)

24

25

7c

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 12

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