

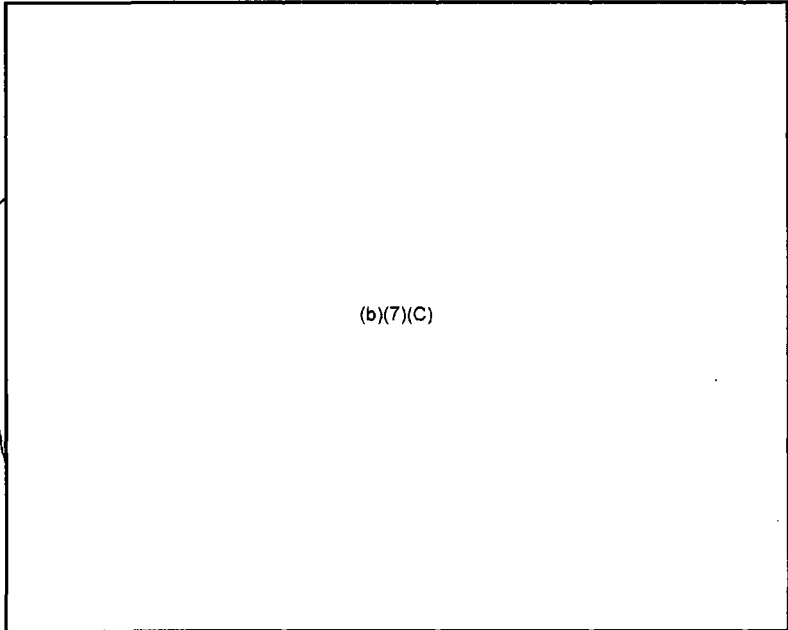
# **EXHIBIT 5**



1 APPEARANCES:

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

5  
6  
7  
8 of:



9  
10 (b)(7)(C)  
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P R O C E E D I N G S

(9:05 a.m.)

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(b)(7)(C)

We're on the

record. This is an interview of

(b)(7)(C)

Today's date is September 7, 2011. It is approximately 9:05 a.m.

The location of this interview is in a Meeting Room at the NRC Resident Inspector's Office at the San Onofre Nuclear Generating Station in San Clemente, California.

Present at this interview are

(b)(7)(C)

(b)(7)(C)

th

This investigation involves an allegation of discrimination against a (b)(7)(C) for reporting nuclear safety concerns to the NRC, and it's reported under OI Case Number 4-2011-059.

(b)(7)(C)

(b)(7)(C)

is

(b)(7)(C)

representing you personally in regard to this investigation?

(b)(7)(C)

Yes.

(b)(7)(C)

Do you understand

the purpose of her presence here today?

(b)(7)(C)

Yes.

(b)(7)(C)

Do you understand

1 that (b)(7)(C) also represents the Company, and  
2 other individuals?

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

4 (b)(7)(C) Does your employer  
5 require you to have an attorney present when you are  
6 being interviewed by the NRC Office of Investigations?

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

8 (b)(7)(C) Were you in any  
9 way threatened with an adverse action if you did not  
10 request corporate counsel?

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

12 (b)(7)(C) Do you feel that  
13 you would suffer any adverse consequences from your  
14 employer if you would have elected not to have  
15 personal representation here?

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

17 (b)(7)(C) Were you offered  
18 the choice of other attorney representation who did  
19 not have the additional role as a representative of  
20 Southern California Edison?

21 (b)(7)(C) Offered others? I don't  
22 understand. What do you mean by that?

23 (b)(7)(C) Were you offered  
24 the choice of any other attorney other than (b)(7)(C)

25 (b)(7)(C) or any other attorney that didn't have the

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1 dual role of representing Southern California Edison?

2 (b)(7)(C)

I'm sure if she wasn't

3 available I could have had somebody else represent me.

4 I just called her, and asked her.

5 (b)(7)(C)

Would your

6 testimony in this matter be in any way inhibited by

7 the attorney's presence?

8 (b)(7)(C)

I'm sorry, say that again.

9 (b)(7)(C)

Would your

10 testimony in this matter be in any way inhibited by--

11 (b)(7)(C)

Her being present?

12 (b)(7)(C)

-- by the fact

13 that the attorney is here?

14 (b)(7)(C)

No.

15 (b)(7)(C)

Okay. Do you

16 understand that you have a right to a private

17 interview with me at your convenience?

18 (b)(7)(C)

Yes.

19 (b)(7)(C)

With that

20 understanding, do you still want (b)(7)(C) present

21 as your representative today?

22 (b)(7)(C)

Yes.

23 (b)(7)(C)

Thank you.

24 (b)(7)(C)

for the record will you

25 please state your full name, your firm, and the scope

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1 of your representation, please.

2 (b)(7)(C) My name is (b)(7)(C)  
3 (b)(7)(C) with the (b)(7)(C)  
4 (b)(7)(C) and I'm here  
5 representing Southern California Edison Company and  
6 witnesses to this matter.

7 (b)(7)(C) Do you anticipate  
8 a conflict of interest with respect to your  
9 representation of (b)(7)(C) as an individual and  
10 your concurrent representation of Southern California  
11 Edison?

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

13 (b)(7)(C) In the event a  
14 conflict were to arise during the course of this  
15 interview or this testimony, what action would you  
16 take?

17 (b)(7)(C) I would inform (b)(7)(C)  
18 that I could no longer represent her, that I would  
19 continue to represent SCE and other witnesses in this  
20 matter. I would inform her that she has the right to  
21 continue the interview without representation, or  
22 request a postponement so she can get representation  
23 of her own choice.

24 (b)(7)(C) Thank you.

25 (b)(7)(C) the NRC OI protocol includes

1 the swearing in of witnesses. Do you have any  
2 objection to being sworn in this morning?

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

4 (b)(7)(C) Can you raise your  
5 right hand, please.

6 Do you swear that the information that you  
7 are about to give is the truth, the whole truth, and  
8 nothing but the truth, so help you God?

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

10 (b)(7)(C) Thank you.

11 Ma'am, can you give for the record your  
12 full name, please.

13 (b)(7)(C) (b)(7)(C)

14 (b)(7)(C)

15 (b)(7)(C) What's your  
16 current position?

17 (b)(7)(C) I'm an (b)(7)(C)

18 (b)(7)(C) And who are you  
19 employed by?

20 (b)(7)(C) Southern California Edison.

21 (b)(7)(C) Now, are you  
22 basically based out of SONGS or do you work at the  
23 corporate office in --

24 (b)(7)(C) I have an office in both  
25 locations, but a lot of work I do is down here.



1 [redacted] Okay.

2 [redacted] I'm sorry. I go over the  
3 Edison territory.

4 [redacted] What department do  
5 you work under as an [redacted]

6 [redacted]

7 [redacted] Okay. Would that  
8 fall under Human Resources anywhere?

9 [redacted] No.

10 [redacted] Okay.

11 [redacted] No, that's recent -- I'm  
12 sorry.

13 [redacted] How long have you  
14 been an [redacted]

15 [redacted] Full-time since 2006.

16 [redacted] And how long have  
17 you worked with SCE?

18 [redacted] Since [redacted]

19 [redacted] Do you have any  
20 other experience in the nuclear industry?

21 [redacted] No, it's all been here.

22 [redacted] Okay. Can you give  
23 me just a brief description of your position here as

24 [redacted]

25 [redacted] Okay. I do [redacted]

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(b)(7)(C)

(b)(7)(C)

I also have been helping at SONGS with

(b)(7)(C) such as for (b)(7)(C)

(b)(7)(C) and I've helped other -- they're not --

they don't come in through (b)(7)(C) they're other kinds

of (b)(7)(C) that they're asking help with, so

I've helped out with that. So, it's just a -- it's

pretty narrow as far as (b)(7)(C)

(b)(7)(C)

And that includes just going out and (b)(7)(C)

(b)(7)(C)

(b)(7)(C)

(b)(7)(C) Okay, thank you.

I was explaining off the record what the focus of my investigation is, and what I'm trying to accomplish with this interview today. And I told you also about the allegations that (b)(7)(C) raised to the NRC.

How much interaction, if any, did you have with (b)(7)(C) when he was working here at the site?

(b)(7)(C) You want to narrow the time period?

1 [REDACTED] This would have  
2 been during the 2010 time frame.

3 [REDACTED] Okay. This is -- you're  
4 talking about when he [REDACTED]

5 [REDACTED]

6 [REDACTED] Yes.

7 [REDACTED] Because I don't even know  
8 what date [REDACTED] on. But I had no interaction

9 except for a time frame where I needed to talk to a  
10 payroll supervisor, and I knew that [REDACTED] had been

11 hired into the [REDACTED]

12 [REDACTED] so I sent him an email and asked him  
13 for who could I talk to to get this information.

14 He wrote a note back to me, letting me  
15 know what person to talk to, and then I got a phone  
16 call from him. And he talked to me about his  
17 performance evaluation not being very good, and was  
18 just talking to me about that, and that was it. I  
19 didn't even see him. I don't -- that's why I'm kind  
20 of--

21 [REDACTED] Do you remember  
22 the time frame that happened?

23 [REDACTED] I want to say in the summer,  
24 summertime of 2010.

25 [REDACTED] Okay. When I spoke

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with (b)(7)(C) he described you as a friend.

(b)(7)(C) Okay.

(b)(7)(C) He said that you worked in (b)(7)(C) but --

(b)(7)(C) At that time I did.

(b)(7)(C) Okay, in 2010?

(b)(7)(C) Right. The (b)(7)(C)

(b)(7)(C)

(b)(7)(C) Okay. So, during that time you were still in your position as (b)(7)(C)

(b)(7)(C) Well, I -- I'm sorry. Back then, I was an (b)(7)(C) They (b)(7)(C)

(b)(7)(C)

(b)(7)(C) Okay. But it sounds like you didn't have a lot of day-to-day interaction with (b)(7)(C)

(b)(7)(C) None.

(b)(7)(C) Did you have a lot of interaction with him before he left SCE here at SONGS?

(b)(7)(C) I had a lot of interaction when he was in (b)(7)(C)

(b)(7)(C) Okay.

(b)(7)(C) He -- I worked with the

1 manager that was in the support organization, and he  
2 reported to her, and I worked with both her and him.  
3 That's how I met him. And then when she left the  
4 company, he became the manager. So, I worked with him  
5 a lot during that time frame.

6 [REDACTED] Okay. Just out of  
7 curiosity, who were those managers you were dealing  
8 with, the managers you just mentioned.

9 [REDACTED] [REDACTED] was his  
10 manager, and I worked very closely with her. And when  
11 she retired, then he choiced the position, and I  
12 worked with him as the manager.

13 [REDACTED] Okay. Did you have  
14 any issues with him at the time?

15 [REDACTED] No.  
16 [REDACTED] Okay. And then he  
17 left, and I guess [REDACTED] working  
18 here during the 2010 calendar year.

19 [REDACTED] Right.  
20 [REDACTED] Okay. And you  
21 stated that you didn't have a lot of interaction with  
22 him during that time.

23 [REDACTED] No.  
24 [REDACTED] I might be getting  
25 ahead a little bit here, but you brought up the Focus

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1 on Resolution process.

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

3 (b)(7)(C) Did (b)(7)(C) ever  
4 enter that process during that time frame, 2010?

5 (b)(7)(C) I don't know.

6 (b)(7)(C) Okay. So, if he  
7 did enter that Focus on Resolution process, you  
8 weren't a part of it.

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

10 (b)(7)(C) Okay. Were you  
11 aware of it at all, if he would have gone through such  
12 a process during that time?

13 (b)(7)(C) Would I have been aware of  
14 it?

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

16 (b)(7)(C) Possibly. We do talk -- in  
17 our (b)(7)(C) we talk about cases, so it  
18 could have come up in that.

19 (b)(7)(C) Okay. You  
20 mentioned a few moments ago about looking into some  
21 type of issue, you had to deal with (b)(7)(C) to  
22 facilitate some information that you needed.

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

24 (b)(7)(C) Or to interview  
25 certain people.

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(b)(7)(C)

Yes.

(b)(7)(C)

Can you elaborate

on that at all?

(b)(7)(C)

Well, it was unrelated to

him. It was --

(b)(7)(C)

Right.

(b)(7)(C)

-- an

(b)(7)(C)

that I

was assigned. I don't even remember what the case was.

I'd have to go back and look. But many times I have

to get information out of payroll, and I wasn't sure

who the (b)(7)(C)

was, so I contacted him to

get that information.

(b)(7)(C)

Okay. The only

reason I bring that up is because, I guess, he had

some discussions with his supervisor about his

performance appraisal, and I -- according to

(b)(7)(C)

he was criticized as to how he conducted certain

inquiries, or answered some questions about some

people regarding their payroll. And I was just curious

as to whether or not he was involved in that inquiry

you were conducting?

(b)(7)(C)

No.

(b)(7)(C)

Okay. Do you

recall any conversations with

(b)(7)(C)

regarding

(b)(7)(C)

(b)(7)(C) toward let's say the late

(b)(7)(C)

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1 [REDACTED] No. I talked to her, but it  
2 -- I really can't tell you a time frame, and I want to  
3 say it was after he was gone.

4 [REDACTED] Okay.

5 [REDACTED] I know I talked to her, but  
6 it wasn't about him. It was -- I really can't -- I  
7 can't remember exactly what it was, but it -- there  
8 was something that came up about him afterwards. She  
9 said something to me about him.

10 [REDACTED] Okay. What  
11 happened during that conversation?

12 [REDACTED] Just -- you know, it's a  
13 long time ago. I really am not sure what all we talked  
14 about. I had gone to her for something else, and he  
15 was gone, and she mentioned that --

16 [REDACTED] Was this soon  
17 after he was gone?

18 [REDACTED] You know, again I can't tell  
19 you. I cannot recall what time frame.

20 [REDACTED] Would this have  
21 been during the 2010 calendar year?

22 [REDACTED] It could have been.

23 [REDACTED] Okay. Do you  
24 recall receiving any voicemails from [REDACTED] at the

25 [REDACTED]

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

2 (b)(7)(C) Did you ever  
3 promise (b)(7)(C) that you would look into an issue  
4 that he had with (b)(7)(C) regarding his performance  
5 appraisal?

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

7 (b)(7)(C) If you would have  
8 received a voicemail message from (b)(7)(C) about this  
9 issue, do you think you'd remember it?

10 (b)(7)(C) Yes. Yes, I would. And  
11 especially if he wanted me to look into an issue.

12 (b)(7)(C) Okay. So, you have  
13 no recollection of any sort of voicemail?

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

15 (b)(7)(C) You don't have any  
16 recollection of any type of conversation with (b)(7)(C)  
17 about his appraisal, and anything like that?

18 (b)(7)(C) Just a conversation he --  
19 about his appraisal. I remember that.

20 (b)(7)(C) Okay. When did  
21 that take place, do you remember?

22 (b)(7)(C) It was -- I would think that  
23 it was around the same time that I was asking him --  
24 because I had made contact with him about getting the  
25 (b)(7)(C) name.

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1 [REDACTED] Right.

2 [REDACTED] So, I would say it was

3 around that time frame, so that would have been

4 midyear.

5 [REDACTED] Okay. When you

6 say midyear, you mean like the summer?

7 [REDACTED] Summer.

8 [REDACTED] Okay. And what did

9 [REDACTED] tell you at that time about his appraisal?

10 [REDACTED] That it wasn't going well,

11 and was unhappy about it, but not too much

12 conversation, I don't -- I don't remember a long

13 conversation with him at all.

14 [REDACTED] He didn't provide

15 a lot of detail?

16 [REDACTED] No.

17 [REDACTED] Okay. How did that

18 conversation end?

19 [REDACTED] I believe that I told him

20 that he could file a Focus on Resolution.

21 [REDACTED] Okay. And what was

22 his response, do you remember?

23 [REDACTED] No, I don't. I don't know

24 that he said he would or wouldn't. I don't remember.

25 [REDACTED] At that time, did

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1 you promise to talk to your supervisor about a related  
2 issue?

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

4 (b)(7)(C) At that time, did  
5 you promise to talk to (b)(7)(C) about the issue?

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

7 (b)(7)(C) And (b)(7)(C)  
8 didn't go into any more detail as to how his appraisal  
9 was going, huh?

10 (b)(7)(C) Just that it wasn't doing  
11 well. He wasn't -- he didn't get a good one. He felt  
12 that it wasn't a good appraisal. He was not happy  
13 with it.

14 (b)(7)(C) Okay. Let me ask  
15 you a general question. I don't know if somebody in  
16 your position deals with this a whole lot, but it  
17 involves a (b)(7)(C).

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

19 (b)(7)(C) To your knowledge,  
20 when people are given a (b)(7)(C)  
21 here at the plant, are they given a certain amount of  
22 time to resolve their shortcomings before any other  
23 action is taken?

24 (b)(7)(C) Sometimes.

25 (b)(7)(C) I think there's a question

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1 about her expertise in this area, and you haven't  
 2 asked whether she has any knowledge in this area, or  
 3 when her knowledge is from.

4 (b)(7)(C) Well, she used to  
 5 be part of (b)(7)(C) and that's the only reason  
 6 I bring it up.

7 (b)(7)(C) Yes. There's an underlying  
 8 assumption that when she was in (b)(7)(C) here, which was  
 9 (b)(7)(C) ago to the present, that there hasn't been  
 10 a change in the process.

11 (b)(7)(C) Okay. Well, if  
 12 she doesn't know the answer to the question, she  
 13 doesn't have to answer it.

14 (b)(7)(C) Well, I'm just asking that  
 15 there be a time frame on what her knowledge is.

16 (b)(7)(C) This would have  
 17 been during the 2010 calendar year. We're talking  
 18 about that type of time frame. I understand that there  
 19 might have been changes since then.

20 (b)(7)(C) Yes. What I'm saying is  
 21 she was an (b)(7)(C) here at San Onofre for

22 (b)(7)(C) She has not been here as an (b)(7)(C)

23 (b)(7)(C) for a (b)(7)(C)

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

25 (b)(7)(C) But she can explain what

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her knowledge is.

(b)(7)(C)

Yes. What my knowledge is,

is that there can be a time frame on a

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

Does there have to

be?

(b)(7)(C)

I think that HR recommended

it, but I don't know that it has to be, because I've

seen it both ways. When I do my

(b)(7)(C)

I've

seen both ways, both with a time frame and without a

time frame.

(b)(7)(C)

Okay. Thank you.

I -- were you involved at all in the decision making

process to terminate

(b)(7)(C)

(b)(7)(C)

No.

(b)(7)(C)

I believe you

already testified that you didn't have any

conversations with

(b)(7)(C)

regarding

(b)(7)(C)

before

he was terminated.

(b)(7)(C)

No.

(b)(7)(C)

Did you conduct

any

(b)(7)(C)

that involved

(b)(7)(C)

(b)(7)(C)

No.

(b)(7)(C)

Do you attend any

type of manager meetings regarding employees? In other

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1 words, it's my understanding that here at the plant,  
2 for the life of me I can't remember what they call it,  
3 but there are certain meetings that managers attend  
4 and they discuss employees, and what type of work  
5 they're doing. For instance, if I was working in  
6 Human Resources, and I was a manager, and I didn't  
7 have any type of authority or supervision, I wasn't  
8 supervising another employee who worked for say  
9 security, but I had something good to say about this  
10 person that worked in the other division, or something  
11 bad to say about that person, and during that meeting  
12 I would raise it up. I don't know what they call it  
13 here, those type of meetings, but did you ever attend  
14 any of those?

15 (b)(7)(C)

No.

16 (b)(7)(C)

16 Okay. During the  
17 2010 time frame, were you privy to any conversations  
18 that managers were having about (b)(7)(C)

19 (b)(7)(C)

No.

20 (b)(7)(C)

20 Did you ever  
21 conduct any (b)(7)(C) about a chilled working  
22 environment here at SONGS?

23 (b)(7)(C)

No.

24 (b)(7)(C)

24 We're going to go  
25 off the record for just a minute.

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(Off the record.)

1  
2 [REDACTED] We're back on the  
3 record. The time is approximately 9:26 a.m.

4 Were you ever assigned any [REDACTED]

5 [REDACTED] involving [REDACTED]

6 [REDACTED] No.

7 [REDACTED] Okay. I appreciate  
8 you taking time out of your busy schedule to meet with  
9 me this morning and answering my questions.

10 Is there anything that you want to add for  
11 the record? In other words, is there something I  
12 didn't ask you that you feel might be important that  
13 you want to add for the record?

14 [REDACTED] No, I can't think of  
15 anything.

16 [REDACTED] Okay. Counselor,  
17 do you have any follow-up or clarification, any  
18 statements to make?

19 [REDACTED] Yes, just one. In terms of  
20 the Focus on Resolution process, do you have any  
21 responsibility for intake of Focus on Resolutions?

22 [REDACTED] No.

23 [REDACTED] Okay. Would you need your  
24 supervisor's approval to -- if an employee wanted you  
25 to engage in intake on a Focus on Resolution?

1 [REDACTED] Well, typically they just go  
2 to the process, fill out the form and that's the  
3 intake. And then it gets assigned to us by our  
4 supervisor.

5 [REDACTED] Okay.

6 [REDACTED] So, I don't even deal with  
7 the employee until they've done their intake.

8 [REDACTED] Okay. That's all I have.

9 [REDACTED] Thank you.

10 Toward the end of September of 2010, were  
11 you aware that [REDACTED] was going to be terminated at  
12 all?

13 [REDACTED] No.

14 [REDACTED] Okay. Did anyone  
15 here at the site tell you not to deal with [REDACTED] in  
16 any way, shape, or form around the [REDACTED]

17 [REDACTED] No.

18 [REDACTED] The only reason I  
19 bring that up is because he told me that he left  
20 repeated voicemails for you to try to get some type of  
21 help, and he got no response. And that's the only  
22 reason I bring that up.

23 [REDACTED] I don't -- he did not leave  
24 a number of voicemails for me.

25 [REDACTED] Okay. Thank you.

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(b)(7)(C)

Can I also follow-up a question with that?

(b)(7)(C)

Sure.

(b)(7)(C)

Is there anything in your

(b)(7)(C)

role as an that would cause you, if he

had -- let me back up on that. If he left you a voicemail asking for assistance, what would your role be?

(b)(7)(C)

I would have called him back and let him know where he could go get help.

(b)(7)(C)

Would that cause you to

(b)(7)(C)

open an

(b)(7)(C)

No, I don't open up my own

(b)(7)(C)

There are avenues that employees can

go to to -- when they have concerns. And then it's

determined there whether it becomes an

(b)(7)(C)

or not, and then it's assigned.

(b)(7)(C)

And one of the avenues

being Focus on Resolution?

(b)(7)(C)

Right.

(b)(7)(C)

I'm just -- I'm

not disputing your credibility here. I'm just trying

to make sense of the testimony. And just let me ask

you one or two more questions regarding that.

I mean, is it possible that since you guys

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1 were, at the very least, acquaintances that he might  
 2 have called you and said, "You know, I'm not happy  
 3 with whatever, appraisal, whatever," and is it  
 4 possible that you could have said, "Well, you know,  
 5 I'll talk to my supervisor," just to end the  
 6 conversation and get him off the phone?

7 (b)(7)(C) It doesn't make sense for me  
 8 to go talk to my supervisor. I wouldn't tell him -- if  
 9 that happened, like I said on the performance -- he  
 10 was upset about his performance evaluation, the Focus  
 11 on Resolution process is the process -- the best  
 12 process for employees to go through for that kind of  
 13 thing.

14 I would not go to my supervisor about  
 15 anything about him. That doesn't even make sense to  
 16 me. I mean, that wouldn't be something that I would  
 17 do as an (b)(7)(C) It doesn't make sense.

18 (b)(7)(C) Okay. Counselor,  
 19 any follow-up?

20 (b)(7)(C) No, thank you.

21 (b)(7)(C) Okay. (b)(7)(C)

22 (b)(7)(C) have I or any other NRC representative  
 23 threatened you in any manner, or offered you any  
 24 rewards in return for this statement?

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

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(b)(7)(C)

Have you given

this statement freely and voluntarily?

(b)(7)(C)

Yes.

(b)(7)(C)

Is there any

additional information that you'd care to add for the record?

(b)(7)(C)

Not at this time, no.

(b)(7)(C)

At this time, the

interview will be concluded. The time is approximately 9:31 a.m.

(INTERVIEW CONCLUDED.)

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: 4-2011-059

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.

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