

# **EXHIBIT 21**

1

UNITED STATES OF AMERICA

2

NUCLEAR REGULATORY COMMISSION

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4

OFFICE OF INVESTIGATIONS

5

INTERVIEW

6

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7

IN THE MATTER OF: :

8

INTERVIEW OF : OI Case No.

9

(b)(7)(C)

: 4-2011-059

10

(CLOSED) :

11

-----X

12

Wednesday, January 11, 2012

13

14

Meeting Room, L-50 Building

15

San Onofre Nuclear Generating Station

16

5000 Pacific Coast Highway

17

near San Clemente, California

18

19

The above-entitled interview was conducted

20

at 3:40 p.m.

21

22

BEFORE:

23

(b)(7)(C)

24

Information in this record was deleted in accordance with the Freedom of Information Act, exemptions (b)(7)(C)

25

FOIA 2012-00238

EXHIBIT 21

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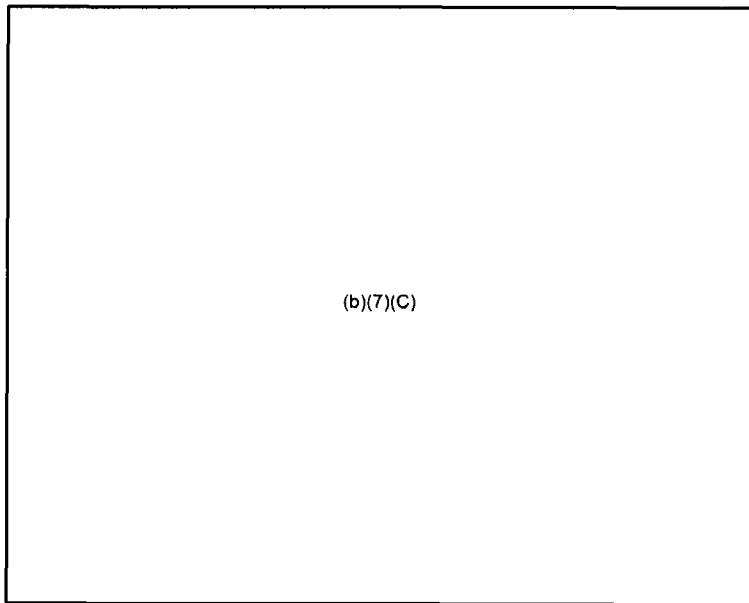
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APPEARANCES:

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

of:



(b)(7)(C)

P R O C E E D I N G S

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(b)(7)(C)

We're on the

record. This is an interview of

(b)(7)(C)

Today's date is January 11, 2012. It is approximately 3:40 p.m. The location of this interview is in the meeting room in Building L-50 at the San Onofre Nuclear Generating Station in San Clemente, California.

Present at this interview is

(b)(7)(C)

(b)(7)(C)

This interview involves an allegation of discrimination made by a former employee at SONGS for reporting nuclear safety concerns to the NRC and it's reported under OI Case No. 4-2011-056 (sic).

(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

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

(b)(7)(C)

Yes.

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(b)(7)(C)

Does your

employer require you to have an attorney present when you are being interviewed by the NRC Office of Investigations?

(b)(7)(C)

No.

(b)(7)(C)

Were you in any

way threatened with an adverse action if you did not request corporate counsel?

(b)(7)(C)

No.

(b)(7)(C)

Do you feel that

you would suffer an adverse consequences from your employer if you would have elected not to have personal representation here?

(b)(7)(C)

No.

(b)(7)(C)

Will your

testimony in this matter be in any way inhibited by the attorney's presence?

(b)(7)(C)

No.

(b)(7)(C)

Do you understand

that you have a right to a private interview with me at your convenience?

(b)(7)(C)

Yes.

(b)(7)(C)

With that

understanding, do you still want

(b)(7)(C)

present

as your representative today?

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

2 (b)(7)(C) Okay. Thank you.

3 (b)(7)(C) For the record, will you  
4 please state your full name, your firm and the scope  
5 of your representative please?

6 (b)(7)(C) and I'm an  
7 attorney with the Southern California Edison Company  
8 Law Department. And I'm here as a personal  
9 representative of (b)(7)(C) And I'm also  
10 representing the Company and other witnesses.

11 (b)(7)(C) Do you anticipate  
12 a conflict of interest with respect to your  
13 representation of (b)(7)(C) as an individual and your  
14 concurrent representation of Southern California  
15 Edison?

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

17 (b)(7)(C) In the event that  
18 a conflict was to arise during the course of this  
19 interview what action would you take?

20 (b)(7)(C) I would inform (b)(7)(C)  
21 that I could no longer represent him, that I would  
22 continue to represent the Company and others. I would  
23 also inform him of his right to continue the interview  
24 without representation or to seek representation of  
25 his own choosing.

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(b)(7)(C)

Thank you.

(b)(7)(C)

the NRC OI protocol includes a swearing-in of the witnesses. Do you have any objection to being sworn in this afternoon?

(b)(7)(C)

Can you raise your right hand please? Do you swear that the information that you're about to give is the truth, the whole truth and nothing but the truth so help you God?

(b)(7)(C)

I do.

(b)(7)(C)

Thank you, sir.

Can you give for the record your full name please?

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

What is your

current position, sir?

(b)(7)(C)

I'm --

(b)(7)(C)

Good question.

(b)(7)(C)

I'm nearly

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

And who are you

currently employed by?

(b)(7)(C)

Southern California Edison

Company.

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1 [redacted] How long have you  
2 been the [redacted] here?

3 [redacted] About [redacted]

4 [redacted] Do you have any  
5 other experience in the nuclear industry?

6 [redacted] I was in the [redacted] for  
7 four years as an officer and then I worked at SONGS  
8 from [redacted] And before I did

9 [redacted]  
10 [redacted]

11 [redacted] Thank you, sir.  
12 We were talking a little bit off the record and I was  
13 telling you about the focus of my investigation and  
14 how it involves some allegations made by a former  
15 employee, [redacted] here at SONGS.

16 Generally speaking right off the bat here  
17 do you remember any interactions with [redacted]  
18 [redacted] Specifically with [redacted]  
19 no, I do not specifically remember that.

20 [redacted] All right. When  
21 I interviewed [redacted] he stated that on or about  
22 August 27, 2010 he met with you and [redacted] in the  
23 ECP office regarding some concerns. Do you recall  
24 that at all?

25 [redacted] I recall that [redacted] raised

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1 concerns to the Employee Concerns Company at about  
2 that time. But I don't specifically recall having any  
3 meeting with him.

4 [REDACTED] (b)(7)(C) Do you remember  
5 working with [REDACTED] (b)(7)(C)

6 [REDACTED] (b)(7)(C) Yes, I do.

7 [REDACTED] (b)(7)(C) Okay. And you  
8 don't remember him sitting on any interview with [REDACTED] (b)(7)(C)  
9 [REDACTED] (b)(7)(C) regarding any concerns?

10 [REDACTED] (b)(7)(C) [REDACTED] (b)(7)(C) was assigned to  
11 investigate that case.

12 [REDACTED] (b)(7)(C) Do you remember  
13 what the case was about?

14 [REDACTED] (b)(7)(C) I'm sorry. I don't.

15 [REDACTED] (b)(7)(C) Okay. Do you  
16 recall how the case ended? How the investigation  
17 conducted by [REDACTED] (b)(7)(C) ended?

18 [REDACTED] (b)(7)(C) No, I'm sorry. I don't.

19 [REDACTED] (b)(7)(C) Okay. Do you  
20 recall any other meetings that you might have had with  
21 [REDACTED] (b)(7)(C) during the time he was employed here?

22 [REDACTED] (b)(7)(C) As you know, he was employed  
23 for [REDACTED] (b)(7)(C) And I remember meeting with

24 him on various things both [REDACTED] (b)(7)(C) his --

25 Like I said, he was [REDACTED] (b)(7)(C) I

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1 don't remember how long, but I don't remember any  
2 specific meetings.

3 (b)(7)(C) Okay.

4 (b)(7)(C) Can we go off the record  
5 a moment?

6 (b)(7)(C) Sure. We'll go  
7 off the record.

8 (Whereupon, a short recess was taken.)

9 (b)(7)(C) We're back on the  
10 record. The time is approximately 3:48 p.m.

11 (b)(7)(C) you were able to review some  
12 (b)(7)(C) during the break. Correct?

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

14 (b)(7)(C) Did those refresh  
15 your memory at all?

16 (b)(7)(C) Yes, they do.

17 (b)(7)(C) Does it refresh  
18 your memory in terms of the concern that (b)(7)(C)

19 brought to the (b)(7)(C)

20 (b)(7)(C)

21 (b)(7)(C) Yes, it does.

22 (b)(7)(C) And what was the  
23 nature of his concern at the time?

24 (b)(7)(C) He was concerned that a  
25 different supervisor within the (b)(7)(C)

1 [REDACTED] Unit had been telling employees that  
2 they were directed to raise concerns within the chain  
3 of command.

4 [REDACTED] Okay. Now during  
5 that time and I know we're going back a little ways  
6 and I'm asking you for some specific information but  
7 did [REDACTED] say anything about employees being told  
8 not to go to the [REDACTED] or to the NRC with any concerns?

9 [REDACTED] I read just the summary. I'd  
10 have to look in more detail in the report to see  
11 exactly how he expressed it.

12 [REDACTED] Would you read where  
13 within the document then?

14 [REDACTED] I will in a moment, yes, as  
15 soon as I find it.

16 [REDACTED] Okay. So you have the  
17 document. (Inaudible)

18 [REDACTED] Right. Okay.

19 [REDACTED] Now the [REDACTED]  
20 document, that was in the information that I  
21 requested. Right?

22 [REDACTED] Right.

23 [REDACTED] Okay. When  
24 you're going through this report, [REDACTED] does it  
25 refresh your memory from the meeting that you and [REDACTED]

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1 (b)(7)(C) had with (b)(7)(C) back in August of 2010?  
2 (b)(7)(C) The opening letter that we  
3 sent to (b)(7)(C) does because it specifically  
4 identifies that (b)(7)(C) and I had a meeting on  
5 (b)(7)(C) with (b)(7)(C) to discuss this issue.  
6 (b)(7)(C) Okay. Could  
7 there have been any other dates in which he met with  
8 you guys regarding the same concern?  
9 (b)(7)(C) I don't recall any other  
10 meetings.  
11 (b)(7)(C) Do you normally document  
12 those meetings in the case log?  
13 (b)(7)(C) Yes, they would normally be  
14 documented and I don't see any of the meetings here.  
15 I see that closure, the final note that (b)(7)(C)  
16 called to submit on (b)(7)(C) for closure.  
17 (b)(7)(C) Okay. Does it  
18 state on that log exactly when the initial meeting  
19 took place between you, (b)(7)(C) and (b)(7)(C)  
20 (b)(7)(C) Not in that report. But the  
21 opening letter does. My letter dated (b)(7)(C)  
22 says we had held a meeting on -- (b)(7)(C) says we  
23 had held a meeting on (b)(7)(C)  
24 (b)(7)(C) Okay. And to  
25 your recollection there weren't any other meetings

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1 that you had with him?

2 (b)(7)(C) No, I can't recall any other  
3 meetings.

4 (b)(7)(C) Okay. (b)(7)(C)

5 subsequently conducted an inquiry about this concern.

6 Right?

7 (b)(7)(C) That is correct.

8 (b)(7)(C) And how did that  
9 inquiry end?

10 (b)(7)(C) The inquiry ended determining  
11 that (b)(7)(C) who is the (b)(7)(C) in question had  
12 made a statement which was perceived to be requesting  
13 anyone who reported concerns to report those concerns  
14 through the chain of command.

15 (b)(7)(C) Okay. To the  
16 best of your recollection when (b)(7)(C) sat down with  
17 you and (b)(7)(C) did he say anything about going to  
18 the NRC with those concerns?

19 (b)(7)(C) I'm sorry. I don't remember  
20 the meeting at all. The letter refreshed my memory  
21 that it had occurred. But I don't remember it.

22 (b)(7)(C) Okay. Once this  
23 investigation was finished by (b)(7)(C) did you have  
24 any discussions with anyone concerning (b)(7)(C)

25 (b)(7)(C) About this specific

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1 investigation?

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

3 (b)(7)(C) I don't recall any discussions  
4 with anyone.

5 (b)(7)(C) Do you recall any  
6 discussions with (b)(7)(C) about (b)(7)(C) after this  
7 investigation?

8 (b)(7)(C) Yes, because we had asked her  
9 for corrective actions that she would be responsible  
10 for carrying out.

11 (b)(7)(C) Okay.

12 (b)(7)(C) And there was a later (b)(7)(C)  
13 (b)(7)(C) meeting and the (b)(7)(C) meeting  
14 was in (b)(7)(C) because (b)(7)(C) proposed to take  
15 disciplinary action against (b)(7)(C) And at (b)(7)(C)

16 (b)(7)(C)

17 (b)(7)(C)  
18 (b)(7)(C) Okay. Just out  
19 of curiosity, how big is that disciplinary board? How  
20 many people sit in on it?

21 (b)(7)(C) We have a procedure and I know  
22 the quorum which is the minimum would be a chairman,  
23 (b)(7)(C) and they might be the same person or  
24 might not. There would be someone from Edison  
25 employee from that person's chain of command like (b)(7)(C)

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1 (b)(7)(C) in this particular case. And then a  
2 representative from the Law Department. There are  
3 often more than that depending upon the nature of the  
4 case and who the decision maker will be.

5 (b)(7)(C) All right. The  
6 only reason I bring that up is because (b)(7)(C)  
7 expressed a concern to me that he went to you -- well,  
8 (b)(7)(C) too -- with a concern in the (b)(7)(C) office.  
9 And then not long after that his situation (b)(7)(C)

10  
11  
12  
13  
14 (b)(7)(C)  
15  
16  
17

18 But I would point out it's not correct to  
19 characterize it as a discipline board. We do not  
20 decide discipline. It's the responsibility of the  
21 work group to come to us and say, "This is the  
22 situation. This is our documentation. And we would  
23 propose to discipline someone."

24 The (b)(7)(C) Review Board's principal purpose  
25 is to consider the impact on the safety conscious work

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1 environment. We listen to their argument about the  
2 discipline. Certainly I know in my head if I'm  
3 present that the person that they're proposing to  
4 discipline has raised a safety concern by one means or  
5 the other. And I bear that in mind when they come  
6 forward and say, "Here's our case to go forward with  
7 the discipline."

8 The (b)(7)(C) Review Board isn't where the  
9 discipline starts. The expectation is that the work  
10 group would have reached their conclusion, but then  
11 want to ask "Is there any interface with ECP or the  
12 NRC that we're aware of?"

13 Then what might others in the group feel?  
14 In other words, even though we finished the discipline  
15 and they would have a legitimate basis to discipline  
16 someone others in the work group not being  
17 knowledgeable of that might perceive that it was  
18 retaliatory when it in fact wasn't.

19 And that's what the (b)(7)(C) Review Board  
20 does. It asks questions about what will other people  
21 in the work group or other work groups think. Because  
22 typically you can't share with the work group why the  
23 person has been disciplined. But yet they see they're  
24 not there. So you need to be ready to offset any  
25 potential chilling effects by thinking about those

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1 things in advance and saying, "How could we mitigate  
2 the consequences? We have a legitimate business  
3 reason to take this discipline."

4 And the (b)(7)(C) Review Board looks at that  
5 and agrees. But then "What's this going to mean? How  
6 should we communicate with whom before or after  
7 depending upon the situation the discipline whatever  
8 that might be?"

9 (b)(7)(C) Okay. Just so  
10 I'm clear, what's this panel referred to as?

11 (b)(7)(C) The Safety Conscious Work  
12 Environment Review Board.

13 (b)(7)(C) Okay. It's not  
14 referred to as a disciplinary board or panel or  
15 anything like that.

16 (b)(7)(C) No. It's invoked when you  
17 propose to discipline an employee about its  
18 termination or suspension. That's the initiating  
19 reason to have a (b)(7)(C) Review Board. And there are  
20 other reasons, too, such as if you're reorganizing the  
21 work where you're changing the policy. But typically  
22 it's because the work group proposes to discipline  
23 someone. But before they do so they come to the (b)(7)(C)  
24 Review Board and they consider it.

25 (b)(7)(C) Who is this work

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1 group that you're referring to?

2 (b)(7)(C) The chain of command in this  
3 case.

4 (b)(7)(C) Okay.

5 (b)(7)(C) And VA (phonetic).

6 (b)(7)(C) Okay.

7 (b)(7)(C) And maintenance in another  
8 case. It's whoever the person works for.

9 (b)(7)(C) Okay. So the  
10 manner in which I have been characterizing this panel  
11 as a disciplinary panel is a mischaracterization.  
12 Would that be fair?

13 (b)(7)(C) Yes. The group does discuss  
14 the discipline before it occurs. But it doesn't have  
15 -- The discipline choices are made by the chain of  
16 command.

17 (b)(7)(C) Right. But you  
18 discuss the matter as it relates to a SCWE.

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

20 (b)(7)(C) Okay.

21 (b)(7)(C) As it relates to the individual  
22 they propose to discipline and as it relates to others  
23 in his work group or it might be his friends or past  
24 work groups and it varies with each situation.

25 (b)(7)(C) Okay. Thank you.

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1 [redacted] Yes. The decision to  
 2 discipline has been made, but before it's carried out  
 3 you have to see what the [redacted] impact is. And at the  
 4 same time is the opportunity for the ECP and other  
 5 groups like you all and other groups to indicate that  
 6 maybe we should make a review because the individual  
 7 has stated a protected activity somewhere.

8 [redacted] And there has to be [redacted]  
 9 [redacted] because otherwise the chain of command  
 10 [redacted]  
 11 [redacted]

12 [redacted] When this was  
 13 discussed during this SCWE meeting, did you recall at  
 14 the time that [redacted] [redacted] with his  
 15 concern?

16 [redacted] Yes.  
 17 [redacted] Did you bring it  
 18 up at the time?

19 [redacted] I don't recall one way or the  
 20 other. I would generally not do so. My approach  
 21 would be to be more skeptical and listen to the  
 22 argument that the chain of command is making about why  
 23 they want to take the discipline and look for any  
 24 interaction between why they are taking the discipline  
 25 and something to do with the nature of the concern the

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1 individual might have.

2 [REDACTED] Right. So when  
3 management brings forth its issue about [REDACTED] and  
4 disciplinary action that they want to impose you're  
5 thinking "All right. Does the fact that [REDACTED] --  
6 that [REDACTED] [REDACTED] have anything to do with  
7 this decision?"

8 [REDACTED] Precisely.

9 [REDACTED] All right. But  
10 did you bring it up during that meeting?

11 [REDACTED] I don't recall one way or the  
12 other.

13 [REDACTED] Okay. That was  
14 basically your purpose for being there. Correct?

15 [REDACTED] Yes. The purpose for being  
16 there is (a) knowing kind of both sides in my head at  
17 the same time but (b) my experience in managing safety  
18 conscious work environments usually helps decide the  
19 kinds of communications, who to talk to and  
20 bulletpoints about what to say. Working with groups  
21 that have had challenged safety conscious work  
22 environments, I recognize the kinds of things that may  
23 reinforce it, when to talk to people, what to say.

24 [REDACTED] To the best of  
25 your recollection, was that an issue in this case, you

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1 know, the fact -- Did the fact that (b)(7)(C) (b)(7)(C)  
2 (b)(7)(C) impact the management's decision to impose  
3 their disciplinary action?

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

5 (b)(7)(C) Okay. So you  
6 were satisfied.

7 (b)(7)(C) I was satisfied and that's  
8 what the (b)(7)(C) Review Board is supposed to be.

9 (b)(7)(C) Okay.

10 (b)(7)(C) Now it's my understanding that  
11 in March of 2010 the NRC issued or sent SONGS its  
12 letter on the chilled work environment. Correct?

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

14 (b)(7)(C) Were you  
15 personally aware of this letter coming to SONGS before  
16 it was actually received here onsite?

17 (b)(7)(C) We had had discussions about  
18 the safety conscious work environment with the NRC  
19 before March 2nd. But, no, I don't recall being aware  
20 that the actual letter was coming.

21 (b)(7)(C) Okay. When did  
22 you first learn that (b)(7)(C) was terminated?

23 (b)(7)(C) We have the Safety Conscious  
24 Work and Review Board in (b)(7)(C). I don't remember  
25 the exact date but around the (b)(7)(C) And there were --

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1 At the end of that meeting, the chain of command had  
 2 some actions to get ready to do these kinds of  
 3 communications. So it would have been a few days  
 4 after that. I don't know exactly how much after that  
 5 he was terminated.

6 [REDACTED] Okay.

7 Counsel, do you have any questions?

8 [REDACTED] No.

9 [REDACTED] Okay. [REDACTED]

10 have I or any other NRC representative threatened you  
 11 in any manner or offered you any rewards in return for  
 12 this statement?

13 [REDACTED] No.

14 [REDACTED] Have you given  
 15 this statement freely and voluntarily?

16 [REDACTED] Yes.

17 [REDACTED] Is there any  
 18 additional information concerning this case that you  
 19 care to add for the record?

20 [REDACTED] No.

21 [REDACTED] At this time, the  
 22 interview will be concluded. The time is  
 23 approximately 4:05 p.m. Off the record.

24 (Whereupon, at 4:05 p.m., the above-  
 25 entitled matter was 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.