

EXHIBIT 23

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) : 4-2011-059
(CLOSED) :

-----x

Thursday, January 12, 2012

Meeting Room, L-50 Building
San Onofre Nuclear Generating Station
5000 Pacific Coast Highway
near San Clemente, California

The above-entitled interview was conducted
at 1:20 p.m.

BEFORE:

(b)(7)(C)

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions (b)(7)(C)
FOIA- 2012-00238

EXHIBIT 23

4 - 2011 - 059

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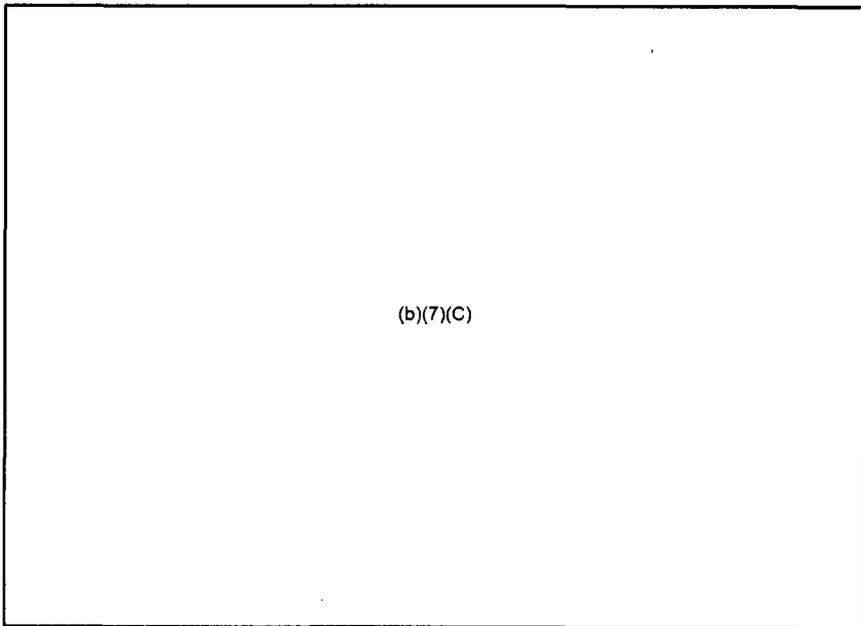
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APPEARANCES:

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

of



(b)(7)(C)

PROCEEDINGS

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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 12, 2012. It is approximately 1:20 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 are

(b)(7)(C)

(b)(7)(C)

This interview 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 No. 4-2011-059.

(b)(7)(C)

(b)(7)(C)

representing

you personally in regard to this investigation?

(b)(7)(C)

Yes, she is.

(b)(7)(C)

Do you understand

the purpose of her presence here today?

(b)(7)(C)

Yes, I do.

(b)(7)(C)

Do you understand

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

(b)(7)(C)

also represents the Company and

(b)(7)(C)

Yes, I do understand that.

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(b)(7)(C)

Does your

employer -- now I understand that you're (b)(7)(C) --

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

(b)(7)(C)

No, they do not.

(b)(7)(C)

Were you in any way threatened with any type of adverse action from SCE if you did not request corporate counsel?

(b)(7)(C)

No, I didn't. No.

(b)(7)(C)

Do you feel that you would suffer any adverse consequences from SCE if you would have elected not to have personal representation here?

(b)(7)(C)

No.

(b)(7)(C)

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

(b)(7)(C)

No, it would not.

(b)(7)(C)

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

(b)(7)(C)

Yes, I do.

(b)(7)(C)

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

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1 for the interview?

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

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

4 (b)(7)(C) for the record, would you
5 please your full name, your firm and the scope of your
6 representation please?

7 (b)(7)(C) I'm with
8 the Southern California Edison Company Law Department.
9 And I'm here representing (b)(7)(C) and the Company
10 and other witnesses in this matter.

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
14 your 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 that he had the choice of continuing
24 with this interview without representation or he could
25 ask for a postponement so he could get a

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1 representative of his own choosing.

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

3 (b)(7)(C) the NRC OI protocol includes
4 a swearing in of witnesses. Do you have any objection
5 to being sworn in?

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

7 (b)(7)(C) Can you raise
8 your right hand, please? Do you swear that the
9 information you're about to give is the truth, the
10 whole truth and nothing but the truth so help you God?

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

12 (b)(7)(C) Thank you, sir.

13 Can you give for the record your full name?

14 (b)(7)(C) (b)(7)(C)

15 (b)(7)(C) And what's your
16 current -- Or you're currently (b)(7)(C) Correct?

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

18 (b)(7)(C) What was your
19 former position when you (b)(7)(C) here at SONGS?

20 (b)(7)(C) At the point that I (b)(7)(C)

21 from San Onofre, I was the (b)(7)(C)

22 (b)(7)(C) And who were you
23 employed by at the time?

24 (b)(7)(C) I was an employee of
25 Southern California Edison.

1 [redacted] How long were you
2 the [redacted] here?

3 [redacted] About [redacted]

4 [redacted] And how long did
5 you work here at SONGS in total?

6 [redacted] I worked for Southern
7 California Edison for [redacted] years. Most of
8 that time was at the station. I can amplify on that
9 if you want.

10 [redacted] No, I don't think
11 that's necessary. But before you came here to SONGS
12 did you have any other nuclear experience?

13 [redacted] I also worked for [redacted]
14 [redacted] at the [redacted]
15 [redacted]

16 [redacted] How long were you
17 working over there?

18 [redacted] I worked for [redacted]
19 [redacted] For about [redacted]

20 [redacted]
21 [redacted] Okay. Do you
22 have any military experience?

23 [redacted] No, I do not.

24 [redacted] Can you give me
25 a brief description of your position as a [redacted]

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(b)(7)(C)

(b)(7)(C)

I had approximately

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

Now you had a

(b)(7)(C)

number of (b)(7)(C) reporting to you. Correct?

(b)(7)(C)

That's correct.

(b)(7)(C)

Was (b)(7)(C) one

of those individuals?

(b)(7)(C)

Yes, (b)(7)(C) was a direct

report.

(b)(7)(C)

Okay. Before we

went on the record, I was telling you about the focus

of my investigation and how it involved the

allegations raised by

(b)(7)(C)

Were you involved in

the process in hiring

(b)(7)(C)

here at the plant?

And just for clarification I understand

that he

(b)(7)(C)

He worked here for a

number of years.

(b)(7)(C)

(b)(7)(C)

Were you part

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1 of the process to hire him when (b)(7)(C)
 2 (b)(7)(C) I wasn't on the hiring panel
 3 (b)(7)(C) being a direct report she probably would have
 4 posted me as to her progress, the selected candidate
 5 that she was intending to extend an offer. Those were
 6 some things, but directly I wasn't involved in that
 7 hiring process other than as (b)(7)(C) would report to me.

8 (b)(7)(C) Did you have any
 9 personal interaction with (b)(7)(C) during the time
 10 that he was employed here?

11 (b)(7)(C) The (b)(7)(C)
 12 time?

13 (b)(7)(C) The (b)(7)(C)
 14 (b)(7)(C) Yes, I did.
 15 (b)(7)(C) And what was the
 16 extent of it? Did you casually come across him in
 17 your work here at the plant? Or did he come to you
 18 personally with any issues? What type of interactions
 19 did you personally have with him?

20 (b)(7)(C) So he was a direct report to
 21 (b)(7)(C) So he was just a couple levels down. Frequently
 22 at the station I would have regular interaction with
 23 people at that level. I did so with (b)(7)(C) as well.

24 In addition, there was a special
 25 assignment that (b)(7)(C) was asked to take on and I was

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1 (b)(7)(C) the overall I guess I call it kind of a
2 (b)(7)(C) for that group. There was a lead manager that
3 was driving a special effort. It was to get prepared
4 for (b)(7)(C)

5 And so he was asked to be on that team and
6 be a part of that. Since I was kind of (b)(7)(C) that
7 team I would frequently meet with the team and get
8 briefed and go through the discovery process. So I
9 saw probably a lot more of (b)(7)(C) in that setting than
10 I normally would have in his regular set of
11 responsibilities.

12 (b)(7)(C) Would that happen
13 to be the (b)(7)(C)
14 (b)(7)(C) Yes.
15 (b)(7)(C) Okay. At about
16 what time was he assigned to this team?

17 (b)(7)(C) I would have to look at a
18 calendar to get really exact, but it seems that we had
19 -- So I would say it's about the (b)(7)(C) time frame of
20 (b)(7)(C).

21 (b)(7)(C) (b)(7)(C)
22 (b)(7)(C) Yes. So (b)(7)(C) we're talking
23 about. (b)(7)(C) and that went on
24 through the (b)(7)(C). So that group's efforts
25 terminated somewhere in the (b)(7)(C) time frame as I

1 recall.

2 [REDACTED] (b)(7)(C) Just for
3 background information, why is [REDACTED] (b)(7)(C) chosen to work
4 on this team?

5 [REDACTED] (b)(7)(C) We were at an [REDACTED] (b)(7)(C)
6 [REDACTED] (b)(7)(C) offsite and we were talking about the key
7 issues that were facing the station and who were some
8 of the key personnel that we had, capable personnel
9 that we had, thinking down through the organization
10 several levels. We weren't just thinking about our
11 direct reports. We were trying to broaden the scope
12 of key players we could throw at some of our big
13 assignments coming up.

14 [REDACTED] (b)(7)(C) name came up in the course of that
15 discussion. And it was agreed to ask him to serve on
16 that group.

17 [REDACTED] (b)(7)(C) Was he
18 recommended by [REDACTED] (b)(7)(C) Do you recall?

19 [REDACTED] (b)(7)(C) [REDACTED] (b)(7)(C) was not a part of those
20 discussions. This would have been [REDACTED] (b)(7)(C)

21 [REDACTED] (b)(7)(C) our course.

22 So, no, [REDACTED] (b)(7)(C) did not make this recommendation.

23 [REDACTED] (b)(7)(C) Was [REDACTED] (b)(7)(C) hat
24 well thought of that he was chosen to be on this team
25 or?

1 (b)(7)(C) He had some favorable
2 impressions among the (b)(7)(C) I
3 would say that over the course of his involvement with
4 this project that pretty soundly changed everybody's
5 opinions. But going in there were high expectations,
6 high regard. In the course of that project, I would
7 say that people's opinions changed noticeably at the
8 senior level.

9 (b)(7)(C) Okay. Can you
10 elaborate on that? Exactly what did (b)(7)(C) do or
11 what did he fail to do that led people to change their
12 opinions about him?

13 (b)(7)(C) I think we were looking --
14 For the station, this is one of the key challenges we
15 had was to address this (b)(7)(C)

16 (b)(7)(C) We wanted to put our absolute
17 best foot forward, put our best people, aggressive
18 people, that were well thought of, intelligent, hard-
19 working, to pull together the materials that were
20 necessary so that we could hopefully knock out this
21 inspection the first time around and not have it go on
22 and on.

23 (b)(7)(C) seemed to do exactly what he was told
24 or asked to do and nothing more. So he didn't show
25 the kind of initiative, drive, aggressiveness that he

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1 was perceived to have. He just didn't show any of
2 those real capabilities. He was a good soldier. He
3 did exactly what he was told to do, but he didn't
4 think any passed that. He didn't develop those ideas.
5 He just really didn't add much to the equation. So he
6 was a good worker, but we were looking for a lot more
7 than that from the people we put on that team.

8 [REDACTED] (b)(7)(C) How did he rate
9 in relation to the other employees on this team?

10 [REDACTED] (b)(7)(C) He was below average I would
11 say because most of the people we put on this team
12 were really capable, driven, understood the magnitude
13 of what was being asked of them. And they really
14 stepped up and really did a stellar job. So I would
15 say he was below average compared to the group he was
16 with.

17 [REDACTED] (b)(7)(C) Were you managing
18 this effort or was it someone else?

19 [REDACTED] (b)(7)(C) There was a team lead that
20 was really driving all the day-to-day assignments and
21 working through all of this. So the team lead [REDACTED] (b)(7)(C)

22 [REDACTED] (b)(7)(C) I was kind of -- I said [REDACTED] (b)(7)(C)
23 earlier. I think a [REDACTED] (b)(7)(C)

24 [REDACTED] (b)(7)(C) Okay. Who was
25 the team lead? Do you remember?

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1 (b)(7)(C) I believe it was (b)(7)(C)
2 (phonetic).

3 (b)(7)(C) Okay.
4 (b)(7)(C) He was an (b)(7)(C)

5 (b)(7)(C)
6 (b)(7)(C) Did you ever hear
7 any complaints from (b)(7)(C) about (b)(7)(C)

8 (b)(7)(C) I went directly to (b)(7)(C) and
9 just asked him about all team members. How are we
10 doing? Who is really performing? You know, who is
11 not? Do we have the right people in the room? Just
12 trying to make sure he was properly resourced to be
13 able to carry out what he was asked to do.

14 And that discussion about (b)(7)(C) I mean he
15 gave some pretty direct feedback about he's okay. He
16 does what he's asked to do. But there's nothing
17 extra. There's no initiative or drive or imagination.
18 I mean he just doesn't seem to be really getting it
19 his full skill set. He's just showing up.

20 (b)(7)(C) Was this ever
21 communicated back to (b)(7)(C) to your knowledge?

22 (b)(7)(C) I believe it was. I think
23 in his performance reviews. We have midyear
24 performance assessments and performance reviews.

25 I had communicated this information back

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1 to (b)(7)(C) I don't know what was written. I'd have to
2 look at that, what was written in his performance
3 review. But I'm fairly certain that that was all
4 discussed with him. He was given candid feedback on
5 that.

6 (b)(7)(C) Okay. How would
7 you rate it through, I mean, overall when you had this
8 discussion with (b)(7)(C) about his work performance
9 on this (b)(7)(C)? I mean did you --
10 I'm looking for a type of evaluation like. Did you
11 say that he was failing to meet expectations? Did you
12 say that his performance was subpar?

13 (b)(7)(C) His performance was
14 adequate.

15 (b)(7)(C) Okay. All right.
16 It's my understanding from having interviewed (b)(7)(C)

17 that when he was -- In the spring and summer of 2010
18 he was chosen for a few special assignments like this
19 one. And was this the assignment that involved him
20 (b)(7)(C) or was
21 that a different assignment?

22 (b)(7)(C) That's a different
23 assignment.

24 (b)(7)(C) Okay. I had a
25 few questions regarding that.

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1 Are there any other instances when (b)(7)(C)
2 (b)(7)(C) that you know of was not adequately performing
3 his function or his assignment in another role?

4 (b)(7)(C) Well, (b)(7)(C) was briefing me on
5 a pretty regular basis about his area of
6 responsibility when he was pulled off onto the (b)(7)(C)

7 (b)(7)(C) He had a kind of a (b)(7)(C) He
8 was brought in I want to say (b)(7)(C) kind of time
9 frame. Is that when he (b)(7)(C)

10 (b)(7)(C) It was actually

11 (b)(7)(C)

12 (b)(7)(C) (b)(7)(C) okay. So he

13 (b)(7)(C) time frame. Quickly

14 thereafter we had some (b)(7)(C) reporting

15 to him. You know need for leadership.

16 When this special assignment came up, this
17 is some months later. But when the special assignment

18 came up, he just seemed to drop all contact with his

19 group. People like (b)(7)(C) that were providing

20 leadership for the (b)(7)(C) he was coming in

21 early. He would go late. He'd keep up with emails.

22 He would probably meet with his people, provide

23 direction. You know, he didn't just cut his

24 (b)(7)(C) guys loose and say, "Good luck. I'll see

25 you when I'm done with this." He kept in touch.

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1 And that was pretty well the expectation
2 for other people. We would leave you alone for eight
3 hours a day to let you work on the special assignment.
4 But at the time we were in INPO (phonetic) -- Were we
5 in INPO full time at that time or that happened in
6 August maybe.

7 Anyway, our performance was not really
8 high. We knew we were recovering nuclear power plant.
9 We knew that with a 95-001 inspection and so forth we
10 had some concerns from our regulator. We needed to
11 step it up. And so putting in an eight hour day which
12 is all (b)(7)(C) was doing that whole summer and neglecting
13 his group just was not okay.

14 (b)(7)(C) When (b)(7)(C) was
15 chosen to be on the (b)(7)(C), do you
16 recall (b)(7)(C) impression? Or was she in line
17 with him going to the (b)(7)(C) Was she in favor
18 of it is what I'm trying of say.

19 (b)(7)(C) Was she in favor of it?
20 (b)(7)(C) From what you
21 could tell.

22 (b)(7)(C) I don't think that would
23 have been her first pick to send him off right at the
24 point of him having a (b)(7)(C) on
25 top of she was already I think having some indications

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1 that he wasn't doing that great.

2 So as I recall our conversations -- this
3 is some time ago now -- it wouldn't have been first on
4 her list to recommend him. In fact, she wouldn't have
5 recommended him for this assignment. But since
6 leadership really needed some good people she didn't
7 feel like she could just stand in the front of the
8 boss and say, "We just can't do that."

9 So she was concerned about the group. She
10 was concerned about things falling through the cracks.
11 She was concerned about even how he may perform in
12 this environment. But also recognizes it may be a
13 really good opportunity. There's going to be
14 spotlight on this group. Maybe that's what he needed
15 to kind of really take arise and really perform well.
16 And maybe the pressure and the time constraint and
17 something special to work on rather than the regular
18 maybe that would be the opportunity he needed.

19 So she I think was clear at counseling.
20 If there was another person to pick, she would much --
21 And I think we even talked about names. But in the
22 end we really -- We had a name. It was a really short
23 duration assignment. He could stay in touch with the
24 group. You know, he just couldn't be there 10 hours
25 a day or 12 hours a day to lead the group. He would

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1 have to take a timeout for a period of the day and go
2 work this other effort. Was that responsive to your
3 question?

4 [redacted] Yes. Thank you.

5 You described his work performance on this [redacted]

6 as adequate. When was the first time that you became

7 aware of any real work performance issue with [redacted]

8 [redacted]

9 [redacted] On this team assignment or?

10 [redacted] No. Overall.

11 [redacted] Overall. I would say it was

12 before we put him on this assignment. So I'd say we

13 put him on that assignment in the [redacted] time frame. So

14 I would say [redacted] time frame I became aware that

15 there were issues relative to his performance.

16 [redacted] Okay. And you

17 learned this from whom?

18 [redacted] From [redacted]

19 [redacted] Okay. And, to

20 the best of your recollection, what was the primary

21 shortcoming in [redacted] performance during that

22 time?

23 [redacted] I would probably have to --

24 I don't remember directly.

25 [redacted] Okay.

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1 [REDACTED] I know there's a timeline
2 that [REDACTED] created.

3 [REDACTED] Okay. Well,
4 that's fine. But you do recall being told somewhere
5 during the April-May of 2010 time frame by [REDACTED]
6 that there were shortcomings in [REDACTED] work
7 performance. Is that fair?

8 [REDACTED] Yes. That is correct.

9 [REDACTED] Okay.

10 [REDACTED] I think [REDACTED] was fairly
11 surprised by the way because I think we all brought

12 [REDACTED] with pretty high
13 expectations. He [REDACTED] really pretty top
14 performing guy. He interviewed well. It looked like
15 he had the right background and so forth. We were
16 excited to have a highly capable person [REDACTED]
17 the company.

18 And I think it became evident just really
19 early on that this wasn't the same guy or at least he
20 wasn't performing at the levels that were expected.
21 So those discussions were had early. [REDACTED] was real
22 good about keeping me informed on things like that.

23 [REDACTED] So he was failing
24 to meet expectations from the start.

25 [REDACTED] That is correct.

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1 [REDACTED] (b)(7)(C) To your knowledge
 2 was [REDACTED] (b)(7)(C) meeting with him regularly to help him
 3 along or at least communicate to him that he wasn't
 4 meeting expectations?

5 [REDACTED] (b)(7)(C) Yes, [REDACTED] (b)(7)(C) - Yes. [REDACTED] (b)(7)(C) was --
 6 [REDACTED] (b)(7)(C) is not one to leave people alone and hope they
 7 figure things out. She'll work with them, coach them,
 8 mentor them, you know, provide them somebody else to
 9 show them the ropes or. And she's very encouraging
 10 that way.

11 She has really high standards and really
 12 high expectations. But she's pretty clear about what
 13 those are. She doesn't play a guessing game with
 14 people. So she keeps them informed including if there
 15 are shortfalls in their performance. And she's pretty
 16 direct about having those conversations.

17 [REDACTED] (b)(7)(C) Did [REDACTED] (b)(7)(C)
 18 work performance ever improve?

19 [REDACTED] (b)(7)(C) Not on any sustained basis.

20 [REDACTED] (b)(7)(C) Okay.

21 [REDACTED] (b)(7)(C) And I can think of other
 22 instances where I had asked for reports or he had
 23 promised information to me that he left. It seems
 24 like one time he [REDACTED] (b)(7)(C) and this is probably
 25 in [REDACTED] (b)(7)(C) time frame where he [REDACTED] (b)(7)(C)

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1 did not complete something that was required to be
2 done and several of us had to just dive in and spend
3 some late hours and early morning in a hurry-up
4 situation and cover for things and create a report and
5 information that he was supposed to have delivered
6 before he left.

7 [REDACTED] Okay. Related to
8 that I'm going to show you an email that's an email
9 from yourself to [REDACTED] It's dated [REDACTED]

10 [REDACTED] And I'll show it to Counsel and she can show it
11 to you. And we can go off the record while we review
12 it. Okay?

13 [REDACTED] Okay.
14 [REDACTED] Off the record.

15 (Whereupon, a short recess was taken.)

16 [REDACTED] Back on the
17 record. The time is approximately 1:42 p.m.

18 You were able to review this document,
19 sir.

20 [REDACTED] Yes, I was.
21 [REDACTED] And does it
22 refresh your memory?

23 [REDACTED] Yes, it does. This helps.
24 Thank you.

25 [REDACTED] And is this the

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1 incident that you were just discussing before we went
2 off the record?

3 (b)(7)(C) Yes. It looks like the
4 actual timing of this is more like the (b)(7)(C) time
5 frame rather than (b)(7)(C) that I was recalling.
6 But, yes, this is the incident that I was recalling
7 that (b)(7)(C) failed to get me information that he had
8 promised prior to (b)(7)(C) which
9 really left us in a jam.

10 (b)(7)(C) And you had
11 stated that this is one of a few examples that come to
12 mind when it comes to him not fulfilling his job
13 responsibilities.

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

15 (b)(7)(C) Okay.

16 (b)(7)(C) Unfortunately, there was
17 just a continued pattern with (b)(7)(C) of things like this
18 where he would commit to do things, wouldn't do them.
19 The work he would put in would be not well reviewed.
20 And then he would issue it and then it would run into
21 a fire storm because it hadn't been properly reviewed.
22 The procedure I believe is a case in point on that
23 that he was working on a procedure that he just issued
24 instead of getting it properly reviewed.

25 So there's just a continued, nonstop

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1 barrage of these things going on. It's not just one
2 instant. It's not two things. There's a mosaic.
3 There's a whole picture that kind of gets put together
4 when you start looking at all the little pieces here.

5 And that's what I think (b)(7)(C) has talked to
6 you about. And I think that's what (b)(7)(C) has documented
7 in her notes that it was like most everything he
8 touched. It's not an isolated incident.

9 (b)(7)(C) From your vantage
10 point given your extensive experience being a manager,
11 what was the issue? Was it a competence issue? Was
12 it an attitude issue? What? Did you ever formulate
13 an opinion as to what was going on here?

14 (b)(7)(C) Calls for some conjecture on
15 my part.

16 (b)(7)(C) Please do I mean
17 as long as Counsel doesn't object.

18 (b)(7)(C) Well, clearly labeled as
19 his opinion.

20 (b)(7)(C) Yes.

21 (b)(7)(C) And he can explain what
22 it's based on.

23 (b)(7)(C) In my opinion, I just think

24 (b)(7)(C) never really engaged once he (b)(7)(C) the

25 site. For some reason, I think it was like a

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(b)(7)(C)

He was

really well thought of. He wanted to go pal around with people that he was friends with. He wanted to sit at his desk and command an army, but he didn't want to roll up his sleeves and do any work.

So all the work that he was being asked to do and actual procedures to write and then the (b)(7)(C) (b)(7)(C) effort I think just wasn't what he had in mind. I don't know what he did have in mind, but it wasn't what we needed.

(b)(7)(C)

Do you recall any

discussions with (b)(7)(C) about (b)(7)(C) performance appraisal in (b)(7)(C)?

(b)(7)(C)

With (b)(7)(C)

(b)(7)(C)

Yes.

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

Are you referring to the midyear performance appraisal? Midyear performance development plan?

(b)(7)(C)

I guess that

would be a midyear. Let me check.

(b)(7)(C)

I didn't know if you were asking about the specific document or just general performance EPAP.

(b)(7)(C)

I'm not asking

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1 about the specific document. I'm just interested in
 2 whether or not you had any input on that evaluation.
 3 Or was this all of (b)(7)(C) responsibility?

4 (b)(7)(C) It's (b)(7)(C) responsibility to
 5 write up a performance review, a midyear assessment,
 6 on her people. Sometimes that would occasion input
 7 from me. For example, I'm sure I gave her some input
 8 on the (b)(7)(C) If she didn't go to (b)(7)(C)
 9 directly, then I would have provided her with that.
 10 And since I was (b)(7)(C) that likely would
 11 have been the case.

12 I don't clearly recollect that, but just
 13 our normal business relationship we had a really good,
 14 trusting relationship. If she needed some insights
 15 there, I'm sure she would have trusted me to have a
 16 conversation with (b)(7)(C) and then relay back to
 17 her any concerns or issues. Or any "That a boys" that
 18 were due as a result of that.

19 (b)(7)(C) Do you recall
 20 discussing with (b)(7)(C) about a (b)(7)(C)
 21 (b)(7)(C) being issued to (b)(7)(C)

22 (b)(7)(C) Yes. There were discussions
 23 about developing a (b)(7)(C) for

24 (b)(7)(C)

25 (b)(7)(C) Do you remember

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1 the general time frame when those discussion took
2 place? I mean, would this have happened during the

3 (b)(7)(C)

4 (b)(7)(C)

5 So our general timing, I
6 mean I would have to go back and look at what the --

7 (b)(7)(C)

8 Let's go off the record
9 for a moment.

10 (b)(7)(C)

11 Okay.

12 (b)(7)(C)

13 Off the record.

14 (Whereupon, a short recess was taken.)

15 (b)(7)(C)

16 We're back on the
17 record. The time is approximately 1:50 p.m.

18 And do you recall the general time frame
19 when you discussed a (b)(7)(C) with (b)(7)(C) concerning (b)(7)(C)

20 (b)(7)(C)

21 (b)(7)(C)

22 Leadership in general has
23 comments due on midyear assessments in the August to
24 September time frame. So any discussions I would have
25 had with (b)(7)(C) would have been in or about that period
of time.

26 (b)(7)(C)

27 At the time, did
28 you figure that a (b)(7)(C) was a good idea in this case?

29 (b)(7)(C)

30 The site, as I recall, our
31 site processes called for (b)(7)(C)

32 (b)(7)(C)

33 if an employee was receiving a

34 (b)(7)(C)

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1 rating for one of the two major ratings that we had.
2 And I think that became mandatory to put a (b)(7)(C)
3 (b)(7)(C) in place if somebody had a (b)(7)(C)
4 (b)(7)(C) rating.

5 So this midyear assessment for (b)(7)(C) does
6 have a (b)(7)(C). So that would have
7 automatically triggered work on a (b)(7)(C)
8 (b)(7)(C)

9 (b)(7)(C) Was it mandatory
10 at the time though?

11 (b)(7)(C) I don't know that.

12 (b)(7)(C) Okay.

13 (b)(7)(C) We'd have to check. There
14 were procedures at the site.

15 (b)(7)(C) But it was
16 discussed anyway.

17 (b)(7)(C) It was discussed. Yes.

18 (b)(7)(C) All right. Given
19 your experience here at SONGS, do you necessarily have
20 to have a (b)(7)(C) before terminating an employee for
21 performance issues?

22 (b)(7)(C) No, you do not.

23 (b)(7)(C) All right. And
24 when I interviewed some other witnesses I spoke with
25 (b)(7)(C) and I spoke with (b)(7)(C) from (b)(7)(C)

1 (b)(7)(C) And they brought up an issue that involved

2 (b)(7)(C)

3 (b)(7)(C)

(b)(7)(C)

4 (b)(7)(C) Yes. I believe

5 that (b)(7)(C) went to (b)(7)(C) and alleged that (b)(7)(C)

6 (b)(7)(C) was putting some personal information in his

7 (b)(7)(C). Do you remember that?

8 (b)(7)(C) (b)(7)(C) called me as I

9 remember. Sitting in my office, (b)(7)(C) had called me

10 and said that (b)(7)(C) had relayed to him that there were

11 things of a personal nature that he had relayed to (b)(7)(C)

12 (b)(7)(C) and that those things had wound their way into

13 his midyear assessment. And he was very upset by

14 that. So upset he was talking to another division

15 manager.

16 So (b)(7)(C) was doing me the courtesy of

17 calling and saying, "Wow. If that's the case, you

18 probably should look into that." And as I recall I

19 had access to the system at that point. I could see

20 not just my direct reports who I was doing reviews on.

21 I could see all through my organization.

22 My memory is I pulled that up, looked

23 through the entire thing and cleared that with (b)(7)(C)

24 either while I had him on the phone or I looked it up

25 and called him back that afternoon and said, "There is

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1 nothing in that [REDACTED] related
 2 to the issues of personal nature that [REDACTED] said were
 3 in there" which led to a real credibility and trust
 4 issue then as to what was [REDACTED] doing talking to
 5 another division manager about things that were easily
 6 verifiable and clearly was misleading [REDACTED] Is
 7 that responsive to your question?

8 [REDACTED] Yes, it is. I'm
 9 -- There's a follow-up question and I'm just trying to
 10 formulate the question here. You attend a lot of
 11 manager type meetings. Right? Meetings in which
 12 [REDACTED] shows up and all people underneath you.

13 [REDACTED] Yes.

14 [REDACTED] You have regular
 15 leadership type meetings. Correct?

16 [REDACTED] That's correct.

17 [REDACTED] During any of
 18 these meetings, do you recall [REDACTED] badmouthing or
 19 criticizing [REDACTED] or his work performance?

20 [REDACTED] In an open forum?

21 [REDACTED] Yes.

22 [REDACTED] No. Those would have been
 23 private discussions. That's not in [REDACTED] nature to do
 24 that.

25 [REDACTED] Was something

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1 along these lines brought up in your conversation with
2 (b)(7)(C)
3 (b)(7)(C) Something along what lines?
4 (b)(7)(C) Well, the fact
5 that --
6 (b)(7)(C) Are we still on this issue
7 of personal information? Or are we onto something
8 else now?
9 (b)(7)(C) Well, they're
10 somewhat related. I'm not sure if they are or not.
11 (b)(7)(C) Okay.
12 (b)(7)(C) That's why I'm
13 asking you.
14 (b)(7)(C) Okay. Go ahead.
15 (b)(7)(C) Do you understand the
16 relationship between (b)(7)(C) and (b)(7)(C)
17 (b)(7)(C) Yes.
18 (b)(7)(C) Okay.
19 (b)(7)(C) Yes. When I
20 spoke with (b)(7)(C) he said that he heard from (b)(7)(C)
21 (b)(7)(C) that (b)(7)(C) was badmouthing him during these
22 meetings. And according to (b)(7)(C) (b)(7)(C) spoke up
23 and basically said, "Well, that's not the (b)(7)(C)
24 that I know." And (b)(7)(C) told this to (b)(7)(C) And well
25 you could just imagine where that went.

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1 I just wanted to find out whether or not
2 you heard of (b)(7)(C) poor-mouthing (b)(7)(C) during
3 these meetings in an open forum or not.

4 (b)(7)(C) I don't remember a
5 discussion like that. So if (b)(7)(C) was there and (b)(7)(C)
6 was there that would have had to have been one of my
7 staff meetings. In staff meetings, I mean we're not
8 berating people and talking about -- So that would be
9 really uncharacteristic.

10 (b)(7)(C) Okay.

11 (b)(7)(C) Is it possible that (b)(7)(C) said
12 something about "I'm having real trouble" or "On
13 assignment one of my people missed a deadline" and
14 expressing frustration, that's possible. I do not
15 remember that. But general berating and badmouthing
16 the people, that's just not part of a business
17 meeting.

18 (b)(7)(C) Okay. Well, I
19 spoke with (b)(7)(C) and he denies it. But I just
20 wanted your input.

21 (b)(7)(C) He denies?

22 (b)(7)(C) He denies telling
23 (b)(7)(C) that (b)(7)(C) was badmouthing him.

24 (b)(7)(C) It doesn't sound like
25 something (b)(7)(C) would do.

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1 [REDACTED] (b)(7)(C) When was the
2 first time that termination was ever discussed between
3 you and [REDACTED] (b)(7)(C) concerning [REDACTED] (b)(7)(C)

4 [REDACTED] (b)(7)(C) I suppose it was an
5 underlying eventuality for any employee's performance
6 that doesn't turn around. But I would imagine that it
7 wasn't before we started having conversations about
8 midyear performance and just seeing the things in
9 spite of continued coaching through the year and
10 opportunities to change that performance by midyear I
11 would imagine we were starting to have that
12 discussion. So that would be in this [REDACTED] (b)(7)(C)
13 time frame that we just talked about when she is
14 putting her comments in his midyear review.

15 [REDACTED] (b)(7)(C) Who initiated the
16 efforts to terminate [REDACTED] (b)(7)(C) Was it [REDACTED] (b)(7)(C) Was it
17 you? Or was it someone else?

18 [REDACTED] (b)(7)(C) [REDACTED] (b)(7)(C) came to me with a
19 recommendation that she laid out her findings, laid
20 out her thinking and so forth and discussion that she
21 had been having with HR. But it was her
22 recommendation that we terminate [REDACTED] (b)(7)(C)

23 [REDACTED] (b)(7)(C) Okay. Did you
24 agree with that assessment?

25 [REDACTED] (b)(7)(C) Ultimately once I had enough

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1 facts and information, background. As I recall
2 actually having talked with (b)(7)(C) and (b)(7)(C) We don't
3 take these things lightly. It's a difficult decision
4 to terminate somebody from the company. So there
5 would have been a lot of discussion about that.

6 Ultimately, yes, I did concur. But it
7 would have been with considerable study.

8 (b)(7)(C) Okay. Typically
9 when something like this happens -- I'm talking about
10 termination -- do you have to consult with (b)(7)(C)
11 or whoever the (b)(7)(C) is or the (b)(7)(C)
12 (b)(7)(C) Or do you need someone's concurrence before
13 these steps are taken?

14 (b)(7)(C) I don't know if that's
15 required. Certainly, protocol would say that I would
16 have briefed (b)(7)(C) on this and provided him the
17 information he needed to get his concurrence. I don't
18 know that that's required. But that's certainly part
19 of the protocol for it.

20 A (b)(7)(C) is a pretty high level,
21 important position at the station. And I remember
22 talking with (b)(7)(C) about clerical staff or so forth
23 that we were terminating from the company. It wasn't
24 really to gain his concurrence or authorization but to
25 make sure that management was aware of the steps we

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1 were taking.

2 [REDACTED] (b)(7)(C) Do you
3 specifically recall meeting with [REDACTED] (b)(7)(C)

4 [REDACTED] (b)(7)(C) Yes, I briefed [REDACTED] (b)(7)(C) on this.

5 [REDACTED] (b)(7)(C) Okay. And was he
6 on board?

7 [REDACTED] (b)(7)(C) Yes, he was. The reason I
8 needed to brief [REDACTED] (b)(7)(C) is because just a couple months
9 ago in [REDACTED] (b)(7)(C) when we had our executive offsite
10 [REDACTED] (b)(7)(C) was thought of very highly and was recommended
11 for a special assignment.

12 Over the course of the [REDACTED] (b)(7)(C), that really
13 wasn't panning out. There was a lot of discussion
14 between me and [REDACTED] (b)(7)(C) and other members of the
15 leadership to say "This isn't really panning out.
16 This guy isn't really made of what we thought he was
17 made of."

18 [REDACTED] (b)(7)(C) Do you remember
19 what the official reason was for terminating [REDACTED] (b)(7)(C)
20 I mean was it failure to meet expectation? Was it
21 poor performance? Do you remember what the official
22 reason was?

23 [REDACTED] (b)(7)(C) It's on the SCORE
24 (phonetic). I can't remember what that stands for.
25 It's on the SCORE document where we reviewed all that.

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1 I would say it's performance is what I recall. But
2 it's on the SCORE document if that's handy.

3 (b)(7)(C)

Okay.

4 (b)(7)(C)

Do you want to review it?

5 (b)(7)(C)

If you want exact --

6 (b)(7)(C)

We can go off the

7 record just for a minute while that's done.

8 (Whereupon, a short recess was taken.)

9 (b)(7)(C)

Back on the

10 record. The time is approximately 2:00 p.m. And you
11 were able to review some documents in front of you,
12 sir. What was the official reason (b)(7)(C) was
13 terminated?

14 (b)(7)(C)

Unsatisfactory performance.

15 (b)(7)(C)

Okay. Thank you.

16 Up until this time were you aware of any concerns that
17 (b)(7)(C) raised to (b)(7)(C) about employees being
18 told that if they have a concern to raise here on site
19 they should go through their chain of command before
20 using other means? Were you ever aware of any concern
21 like that?

22 (b)(7)(C)

That (b)(7)(C) raised?

23 (b)(7)(C)

Yes.

24 (b)(7)(C)

I was not.

25 (b)(7)(C)

Okay. Were you

1 ever aware of that concern at any time not necessarily
2 by (b)(7)(C) but by anyone else?

3 (b)(7)(C) That a concern had been
4 raised about going through chain of command if you had
5 an issue? Is that the question?

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

7 (b)(7)(C) I remember discussions with
8 (b)(7)(C). I think this was regarding (b)(7)(C) that she
9 had I think more forcefully than she intended kind of
10 said, "Hey, if you've got a problem, be sure and go
11 through me. Don't just go tell (b)(7)(C) about it." And
12 that's actually not okay.

13 There are multiple ways to report concerns
14 including going directly to the NRC, going to any
15 member of the management team or taking it to your
16 supervisor. So I think (b)(7)(C) may have overstated.

17 I recall a conversation in 2010. I'd be
18 hard pressed to pinpoint that. But there was a
19 conversation sometime in 2010 where (b)(7)(C) think had
20 had a discussion with her people and it had just gone
21 too far in saying "That's got to come through me."
22 That's not our standard.

23 (b)(7)(C) Now given your
24 position here at the plant at the time were you -- I'm
25 not sure whether you would have prying to this. But

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1 were you ever aware of any type of friction between
2 (b)(7)(C) and (b)(7)(C) on a personal level?

3 (b)(7)(C) (b)(7)(C) told me about some of
4 that friction. But directly observed I never saw any
5 of that.

6 (b)(7)(C) But you heard
7 about it.

8 (b)(7)(C) I heard about it.

9 (b)(7)(C) Okay. I mean,
10 did it become problematic where it affected --

11 (b)(7)(C) Not in anything I observed
12 directly.

13 (b)(7)(C) Okay.

14 (b)(7)(C) (b)(7)(C) would have reported
15 various interchanges they were having and difficulties
16 and she was very good about keeping me abreast of
17 those things. But directly I did not observe any of
18 that friction.

19 (b)(7)(C) When there were
20 discussions about terminating (b)(7)(C) did you ever
21 get the impression that (b)(7)(C) had some personal
22 animosity towards him?

23 (b)(7)(C) No. Absolutely not.

24 (b)(7)(C) Do you have any
25 knowledge of (b)(7)(C) retaliating against (b)(7)(C)

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1 because he might have raised some concerns to her
2 about (b)(7)(C)

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

4 (b)(7)(C) Counselor, do you
5 have any follow-up?

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

7 (b)(7)(C) All right. I
8 appreciate you taking time out of your (b)(7)(C) to

9 meet with me on this today. I appreciate your
10 patience and everything. And is there anything that
11 I didn't ask you about here this afternoon that you
12 feel is important and that you want to add for the
13 record? Anything concerning (b)(7)(C) or (b)(7)(C) or
14 anything that's relevant to this investigation?

15 (b)(7)(C) I guess I would say a couple
16 of things.

17 (b)(7)(C) Sure.

18 (b)(7)(C) I think the line of
19 questioning by the way was very appropriate and
20 detailed and for the purpose for the things that
21 you're investigating. I think that fair and
22 appropriate questions were asked. I was worried about
23 that it was headed on some tangent or some slant and
24 it's not going to be -- the record is not going to be
25 full and complete. But I think the right things were

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1 discussed.

2 About (b)(7)(C) I guess I would say she is one
3 of most kind and caring and considerate and nurturing
4 leaders I've ever worked. She is probably the fastest
5 learning manager that's ever worked for me.

6 She would ask about things that she needed
7 to do to improve. When I talked to her about things
8 that I thought she could do better or handle better
9 the next time when she ran into a similar situation
10 she worked on it immediately. She just didn't let
11 grass grow under her feet. It wasn't like she tucked
12 it away and put it in a ten year improvement plan.
13 She did it like now.

14 She's very approachable, very likeable.
15 And she knocks herself out for her people. That's why
16 for the most part the people that work for her just
17 love working for her. She sets a great environment
18 for just getting the work done.

19 A lot of it is (b)(7)(C)
20 (b)(7)(C) type
21 thing. Some of that can get kind of tedious. And it
22 takes a special leader to be able to motivate people
23 to kind of stay at it. She's really good at creating
24 a healthy work environment where people feel like they
25 can succeed.

1 So it's really surprising. If (b)(7)(C) was
2 going to have problems with any leader at the station,
3 it's just so surprising that he would have trouble
4 with (b)(7)(C) because she's just such a nurturing, helping,
5 doing everything she can to help you succeed kind of
6 a leader.

7 (b)(7)(C) Did you ever get
8 any complaints about her from her direct reports?

9 (b)(7)(C) None from her direct
10 reports. Lots of praise. Lots of positive comments.
11 Never any criticism. I had positive comments from my
12 peers at the station. I had positive comments from
13 their direct reports, other managers at the station.
14 There was just lots of positive feedback.

15 (b)(7)(C) levels. I would have (b)(7)(C) and (b)(7)(C) in
16 my office commenting about what a great and capable
17 leader (b)(7)(C) was. So there was a lot of positive
18 feedback coming from her.

19 And we worked really closely. We were
20 (b)(7)(C) We saw each other
21 a lot. I had a lot of people reporting to me. It was
22 tough to keep up with all my areas when your
23 responsibilities are that broad. But she was very
24 good about keeping me posted.

25 It's just so surprising that (b)(7)(C) would

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have a problem with (b)(7)(C)

(b)(7)(C)

Okay.

(b)(7)(C)

I have nothing further.

(b)(7)(C)

Nothing. Okay.

(b)(7)(C)

have I or any other NRC representative threatened you in any manner or offered you any reward in return for this statement?

(b)(7)(C)

No.

(b)(7)(C)

Have you given this statement freely and voluntarily?

(b)(7)(C)

Yes, I have.

(b)(7)(C)

At this time, the interview will be concluded. The time is approximately 2:10 p.m. Off the record.

(Whereupon, at 2:10 p.m., the above-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.

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