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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
+ + + + +
OFFICE OF INVESTIGATIONS
INTERVIEW

-----X
IN THE MATTER OF: :
INTERVIEW OF :
ALLAN SINGH SONI :
:
-----X

Wednesday, July 19, 1995

Riverbend Station

Conference Room

5485 U.S. Highway 61

St. Francisville, Louisiana

The above-entitled interview was conducted at
8:00 a.m., when where present:

CASE NO. 1 - 95 - 016

EXHIBIT 81
Page 1 of 49 pages

1 ON BEHALF OF THE NUCLEAR REGULATORY COMMISSION:

2 JONATHAN ARMENTA, JR., Investigator

3 DENNIS BOAL, Investigator

4 U.S. Nuclear Regulatory Commission

5 Office of Investigations

6 611 Ryan Plaza Drive, Suite 400

7 Arlington, Texas 76011

8

9 ON BEHALF OF THE ENTERGY OPERATIONS, INC.:

10 DOUGLAS E. LEVANWAY, ESQ.

11 Wise Carter Child & Caraway

12 600 Heritage Building

13 Jackson, Mississippi 39205

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P R O C E E D I N G S

MR. BOAL: For the record, this is an interview of Mr. Allan Soni whose date of birth is August 10, 1952, who is employed by Entergy Operations, Incorporated, at Riverbend Station.

Today's date is July 19, 1995, and the time is approximately 8:17 a.m.

Additionally present at this interview is Mr. Jonathan Armenta, Jr., investigator, NRC Office of Investigations, Region IV; Mr. Dennis Boal, NRC Office of Investigations, Region IV; Mr. Douglas E. Levanway, attorney with Wise Carter Child & Caraway, who represents Entergy Operations, Incorporated and is present here with your permission.

Is that correct, Mr. Soni?

MR. SONI: That is right.

MR. BOAL: Mr. Soni, what is your job title with Entergy Operations, Incorporated?

MR. SONI: Supervisor, engineering.

MR. BOAL: All right. And this interview is being transcribed, tape recorded by Ms. Sandra McCray, and pertains to a voluntary interview with Mr. Soni pertaining to an alleged violation of 10 CFR 50.7.

At this time, Mr. Soni, may I ask you to please stand, so I can administer an oath to you.

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1 MR. SONI: Sure.

2 Whereupon,

3 ALLAN SINGH SONI

4 having been first duly sworn, was called as a witness
5 herein and was examined and testified as follows:

6 MR. BOAL: Please be seated.

7 EXAMINATION

8 BY MR. BOAL:

9 Q Mr. Soni, how long have you worked for
10 Riverbend Station?

11 A Since 1984.

12 Q And could you tell us what your education
13 background is.

14 A I did my electrical engineering from Indian
15 Institute of Technology, India, and since then I completed
16 my master's in power engineering from Washington State
17 University at Pullman.

18 Q Did you work at a nuclear power station prior
19 to 1984?

20 A Yes.

21 Q Which one was that?

22 A At Washington Public Power Supply System in
23 Richland, Washington.

24 Q And what were your duties there?

25 A I was lead electrical engineer with an

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1 architect firm called Burns & ~~Rhodes~~.

2 Q And could you give us the dates of that

3 employment?

4 A I started in 1977 and terminated my employment

5 in 1984 when I joined Gulf States Utilities.

6 Q For the last five years at Riverbend Station,

7 could you tell us your job titles and supervisors.

8 A In last five years, I have been a supervisor

9 of design engineering. My responsibilities varied from

10 equipment qualification, procurement engineering,

11 component database, and safety classification. I used to

12 have all these responsibilities.

13 With Entergy taking over Gulf States and they

14 streamlined the processes, and presently I am supervisor

15 of procurement engineering.

16 Q And how long have you had that position?

17 A I -- since merger, I guess, in -- a year and a

18 half.

19 Q About December of 1993?

20 A Yes.

21 Q And how many employees do you have, sir?

22 A Currently I have six EOI people, two

23 contractors, and I have two open positions.

24 Q Could you explain to us when you first heard

25 about the ranking system here at Riverbend Station.

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1 A Could you repeat that, please.

2 Q Could you tell us when you first heard about
3 the ranking system here at Riverbend Station?

4 A It has been about a year. I guess last year
5 around October, September or October time frame, we had
6 heard about the ranking process.

7 Q Did you receive formal training about the
8 ranking process?

9 A Yes.

10 Q And when they presented that to you, did they
11 explain what the purpose of the ranking process was?

12 A Yes.

13 Q Could you tell us what that purpose is.

14 A Yes. The purpose of the ranking process is to
15 identify people in the -- who are -- who have exceptional
16 performance, and at the same time, identify people who are
17 at the bottom relative to the peers.

18 And the main goal of the ranking process is
19 since we are going to a new competitive environment, to
20 improve performance at Riverbend Station.

21 Q Did the improvement in performance include
22 reduction in staff? Was that --

23 A That was not the intent. We have explained
24 that there are people will be let go because of the
25 ranking process, but it wasn't -- the purpose was not to

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1 eliminate positions.

2 Q Did you receive training in the implementation
3 of that ranking process?

4 A Yes, sir.

5 Q Did you rank employees?

6 A Yes.

7 Q I believe you had about eight employees or six
8 employees.

9 A Yes. At that time, I had probably nine.

10 Q At that time, you had nine.

11 A Uh-huh.

12 Q Of those nine employees, did any of those
13 employees receive a ranking of 9?

14 A You mean, in the rating when I did it or --

15 Q Yes, sir. When you did.

16 A The way the ranking is administered is at my
17 level, I just rank the people 1 through how many, you
18 know, 1 through 12, okay, based on performance and
19 potential. And then we roll that up to a manager's level
20 where we account for the same people with other groups.
21 And then it gets rolled up to the director and then vice
22 president's level.

23 Ultimately when it rolled up, yes, one
24 individual from my group was ranked 9.

25 Q When you rolled it up to your manager -- the

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1 first question is: Who is your manager?

2 A Bill Mashburn.

3 Q Were there other supervisors that you rolled
4 up to Mr. Mashburn with?

5 A Right.

6 Q How many other supervisors were there?

7 A There were two of them, two additional.

8 Q Did you have discussions with Mr. Mashburn
9 about how you placed people in the numbers or the
10 categories?

11 A We had several, maybe two meetings, discussing
12 all our employees, how we ranked them, what their
13 education is, what their performance is, what was my
14 criteria to rank these guys 1 through 7, in terms of
15 potential and performance. So we had a collective
16 discussion.

17 Q Did that result in a change of ranking for
18 your --

19 A Yes.

20 Q -- employees?

21 A Yes.

22 Q When you were doing that, was there a
23 direction or impetus to put a certain classification of
24 employees in the bottom rankings?

25 A No. There was no direction, but the way the

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1 ranking worked was in my opinion or in my way of knowing
2 of people, I ranked the individuals. And then when it
3 rolls up, you have to compare that group of individuals
4 with individuals from other groups to ensure that maybe if
5 I have all good people and if they are all better than
6 people that my other supervisor has, that is possible
7 that, you know, my guys don't have to be in block 9.

8 So you are first doing a kind of within-your-
9 group comparison, and then you are comparing it with
10 others. So when I went to my peers for -- to Mashburn for
11 comparison, I had at least felt that there were at least
12 two people who need to be in block 9. But when we rolled
13 up and discussed it, it ended up that only one guy ended
14 up in 9. That is why I mentioned that there was a change.

15 Q The person that you put in block 9, what kind
16 of criteria did you use when you originally had him in
17 block 9?

18 A Performance and potential.

19 Q Performance, was that as measured by the
20 employee evaluation forms or procedure here, or was that
21 by their history, or was that your current?

22 A It was kind of both. But when we did the
23 ranking, it was pretty much as of that day, how that
24 person stood relative to others. Now, that same
25 individual may have received fully competent or average or

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1 even excellent ratings in the past, but when you do the
2 ranking, you have to rank one excellent guy against the
3 other, and at that time, you decide as a supervisor that
4 who is first and who is second and who is third and so on.

5 Q Was that a difficult process for you to --

6 A It was.

7 Q -- undertake? When you were initially doing
8 that, did you know that a person ranked as category 9 may
9 be separated from employment at Riverbend Station?

10 A Yes.

11 Q You knew that?

12 A Right. That if he receives a 9 again, he will
13 be separated. You mean, he will be given a voluntary
14 package, or you mean --

15 Q Right. Yes, sir. Well, what I meant was the
16 initial 9 would result in --

17 A Voluntary package?

18 Q Yes, sir. Were you aware of that?

19 A I don't know if I knew at that time that they
20 would be given voluntary package or -- I don't know. I
21 knew -- the only thing I knew for sure was that if he is
22 given a 9 and then we will rank him again the following
23 year, and if he is 9 again, then he is gone. I knew that
24 for sure.

25 Q Was there any consideration made when you were

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1 assigning the rankings to your employees as to whether or
2 not they may have been whistleblowers or brought up
3 employee concerns? Was there any kind of direction made
4 to you --

5 A No.

6 Q -- to consider those kind of people?

7 A No. Not at all.

8 Q It was strictly --

9 A Strictly --

10 Q -- performance --

11 A -- performance and potential.

12 Q Were you provided guidelines to determine what
13 potential is, or how to define potential?

14 A In the -- we had training provided by human
15 resources, and we were provided a booklet. I think it is
16 the booklet that you have there.

17 Q This blue booklet, Management Planning and
18 Review Ranking Process?

19 A That is right, and that defines how -- what
20 potential means and what performance means, and it gives
21 certain criteria to go by.

22 Q With the training and the directions you were
23 provided, was there also, in your opinion, some
24 subjectivity involved in how you --

25 A I think in any evaluation process, there is

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1 some subjectivity involved, especially when you are
2 talking about potential, and even to some extent on
3 performance. There is subjectivity involved.

4 Q Do you believe that with the roll-up process,
5 that enacted -- that that enacted some form of check and
6 balance to perhaps compensate for such activity?

7 A That is right.

8 Q In your opinion, was this process a fair
9 process for the employees?

10 A Yes.

11 Q Were you subsequently ranked by the same
12 process?

13 A Yes.

14 Q Was your ranking a category 9 in the
15 subsequent process?

16 A No.

17 Q Do you know what your ranking was?

18 A No.

19 Q Was the process described as such that the
20 only persons that knew their ranking were the category 9
21 personnel?

22 A No.

23 Q Did you provide your employees with what their
24 ranking was?

25 A No.

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1 Q Were you allowed to?

2 A No.

3 Q What was your direction about informing them
4 what their ranking was?

5 A There was a little bit of confusion initially
6 that we will be told what category the individual is, like
7 not so much in terms of the block, but they will be told
8 whether they are in the first tier, second tier, or the
9 third tier. And that was the training given, that
10 employees will be told. But subsequently the directions
11 came that only the block 9s will be informed; the rest
12 will not be even informed of what tier they belong to.

13 Q So this was an evolving process.

14 A That is right.

15 Q It appeared to have changed --

16 A Right Well, we were doing -- you know, I
17 think we were doing it the first time here, and everybody
18 is learning.

19 Q Do you know the source of the process?

20 A What do you mean source? Where it originated
21 from?

22 Q Yes, sir.

23 A If I remember, during the training we were
24 told that this process has been used in other companies
25 like Kodak and General Electric, and it has worked very

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1 well in several companies that they benchmarked. There
2 was a QAT headed by human resources personnel they
3 benchmark and came up and found that this is the way to
4 improve performance in a company.

5 Q In your opinion, do you believe that it has
6 accomplished that --

7 A It has definitely sparked a lot of people.

8 Q In your opinion, were the employees well
9 informed about the intent and the process of ranking?

10 A I think intent, yes. But the process, as I
11 said, it was evolving. We probably didn't do that good a
12 job in letting everybody know how it is exactly going to
13 happen.

14 Q Were you provided direction as to how to
15 inform the person who was eventually placed in the
16 category 9?

17 A I think I -- we discussed with the manager,
18 and we decided that this is the way we are going to do it.
19 Basically we called him to come to my manager's office,
20 and we both informed him of his ranking.

21 Q Did you also have a human resources person
22 present?

23 A I don't remember. He was supposed to come.
24 Did he come? I don't remember.

25 Q Do you recall the reaction of the employee

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1 when you told him he was in block 9?

2 A He was pretty calm.

3 Q Was he surprised?

4 A He wasn't, but he did say that he does not
5 agree, but if that is the way it is, that is the way it
6 is.

7 Q Is that employee still with the company?

8 A Yes.

9 Q Did he receive a performance improvement plan?

10 A Yes.

11 Q When this ranking process was explained to
12 you, was it explained that a certain percentage of
13 employees would be in the category 9?

14 A Yes.

15 Q Do you recall what that percentage was?

16 A Ten percent.

17 Q I am sorry?

18 A Ten percent.

19 Q And that 10 percent would rank -- would
20 indicate personnel whose performance and potential was the
21 lowest on the site here.

22 A On the scale, right, relative to others.

23 Q Did the employees -- excuse me. Did the
24 employee ranked as category 9 have an appeal or a rebuttal
25 process for that?

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1 A No.

2 Q In your area of procurement, are you familiar
3 with employees being referred to as whistleblowers?

4 A Yes.

5 Q Are those employees treated differently from
6 other employees?

7 A No.

8 Q In your knowledge, were any of the employees
9 that you knew that had the label whistleblowers, were
10 those personnel assigned to a category 9 to your
11 knowledge?

12 A No. In fact, I think even in Gulf States and
13 especially when Entergy took over, we took a lot of effort
14 in letting everybody know that they have to identify
15 problems. I mean, if they see a problem, they have to
16 write one.

17 Q Have to write one?

18 A They have to document the problem.

19 Q The problem?

20 A Right. So that it can be evaluated and
21 resolved.

22 Q In your experience, using the ranking process
23 as a benchmark, employee concerns or problem
24 identification before the ranking and then after the
25 ranking, is there a difference in the amount?

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1 A Repeat that, please.

2 Q Using the initiation of the ranking process --

3 let us say, October 1994 was when it was initiated.

4 A Right.

5 Q Okay. Up to that point, the amount of

6 employee concerns or problem identification that you are

7 aware of, did it change afterwards?

8 A Oh --

9 Q Up or down or the same, in your opinion, or in

10 your experience? I am sorry.

11 A I think if at all, it probably went up. There

12 were problems identified. That is just from my feeling of

13 the number of condition reports that I see, and I don't

14 have the data. But I think that could be checked very

15 easily, how many condition reports were initiated in '94

16 versus '95.

17 Q In your experience, do you think this ranking

18 process as had an effect on employee morale?

19 A Oh, on the morale?

20 Q Yes, sir.

21 A Probably has.

22 Q In what manner?

23 A Just the uncertainty.

24 Q So it would be a negative effect?

25 A It has impact on the morale, and, you know, I

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1 don't know how different people react to different, but
2 the key is that, you know, people need to understand that,
3 and they need to accept the change and go with it.

4 MR. BOAL: I am about out of questions here.
5 Jonathan, did you have some?

6 MR. ARMENTA: Yes.

7 BY MR. ARMENTA:

8 Q Mr. Soni, you -- Mr. Boal asked you about if
9 you knew what your ranking was. You said no. Did that
10 bother you?

11 A Initially it did, but then later on --

12 Q How long is later on? A week? Two weeks? A
13 month?

14 A Oh, yes. Just -- you know, first I thought,
15 well, I probably would like to know what my ranking is,
16 you know, where I stood, but then later on when I was put
17 in their shoes and looked my people with that perspective,
18 that really does it matter if I tell a guy that he is
19 block 4 or 5. In fact, I came to the conclusion it is
20 better I not, because there is not a whole lot of
21 difference between 4 and 6, and the only thing it will do
22 is it can upset the person for no reason.

23 Q So how long --

24 A So just on that I felt --

25 Q -- did it take you to come to that conclusion?

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1 A Not too long, because it was kind of --

2 Q Approximately a year? Six months?

3 A No. Maybe just a few days.

4 Q A few days, about a week?

5 A Yes.

6 Q So then at that time, it didn't bother you
7 anymore.

8 A No.

9 Q Okay. Would it surprise you if you would find
10 out that you are an 8? Would it surprise you?

11 A It is not supposed to happen, because the way
12 our performance and review cycle works, when we do a
13 yearly review, the people who are in the lower category,
14 without telling them it should be pretty evident where
15 they fall.

16 My performance appraisal was pretty good, so I
17 don't think I am an 8. But, yes. It will surprise me if
18 I am 8, based on that performance appraisal.

19 Q So what you are saying, then, if an employee
20 has good performance appraisal and he is ranked an 8 or 9,
21 should be a matter to be concerned with or surprising?

22 A Right. If that appraisal done in 1995, the
23 most recent appraisal done in 1995.

24 Q And --

25 A And I am not talking about the GSU appraisals.

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1 Q No, I know.

2 A The Entergy appraisal done prior to informing
3 the person of the ranking, that should -- the word should
4 pretty much reflect what -- kind of he should an idea
5 where he falls.

6 Q In other words, if I am an 8, I would know
7 this in '94. Right? It is just a scenario. If I am an
8 8, I would know where I rank, so I keep on working, and I
9 am meeting or exceeding my goals in every evaluation,
10 quarterly evaluation. You know, you are doing real good,
11 Joe. You are right on track. But here comes
12 October, and I am ranked 9.

13 A That is possible.

14 Q That is possible?

15 A Yes.

16 Q And is that surprising?

17 A (No response.)

18 Q Would it -- let me ask you this question.
19 Would it surprise you that that may have happened or that
20 could happen in this ranking process?

21 A I guess it could happen.

22 Q And I think you answered Mr. Boal's question
23 whether the system was fair. If it would happen to you,
24 would you think the system would be fair?

25 A I think whenever you are personally involved,

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1 I feel the person is, you know, right now affected, and he
2 can never say it will be fair. If I am block 9, no matter
3 what, even if it is right block 9, I will say it is never
4 fair.

5 Q Do you think there are any --

6 A As a supervisor doing the ranking, I believe
7 it is fair.

8 Q Do you think there are any guarantees for an
9 employee to be protected -- and I mean protected by -- not
10 in the sense of a whistleblower; I mean, is there any
11 guarantee of an employee not to be ranked 9 if some
12 supervisors just don't like that employee?

13 A Is there potential? *Don't know*

14 Q Is there a guarantee in the system?

15 A Oh, is there a guarantee --

16 Q To prohibit an employee that is not liked by
17 supervisors eventually be ranked a 9?

18 A I would say there are barriers and mechanisms
19 in place that that will not happen.

20 Q My question was: Is there a guarantee?

21 A But 100 percent assurance, you can never be
22 sure.

23 Q When you ranked your employees, you said you
24 had only one rank 9; you ranked --

25 A When I did the ranking, my perception was that

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1 there were two people who should be ranked 9 in my group.

2 Q How did you rank them? Did you rank them 9?

3 A Okay. The -- when we did the ranking, we
4 really did not put the people in the blocks. Okay. We
5 just --

6 Q What number -- my question is: What number
7 did you assign?

8 A We did not give. What we did, all we did was
9 we just put the people this category, 1 through 12.

10 Q Okay.

11 A All right. And that is the way we did it.
12 That is all at supervisors' level we did. I have 12
13 people; I will put them 1 through 12. Okay. And then when
14 we rolled up and we compared, you know, 1 with 1, 2 with
15 2, 12 with 12, and then they were put in the blocks.

16 Q Okay. When you rolled up your employees, how
17 many of your employees ended up in the lower tier?

18 A In the lower tier? Three.

19 Q Out of those three, how many were -- did you
20 assign as a 9?

21 A It ended up when it rolled up, it ended up at
22 one, one as block 9.

23 Q Oh, okay. Did you agree with that?

24 A Yes.

25 Q So as far as you as a supervisor, you would

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1 agree that that employee was a 9.

2 A Yes. But I wanted another guy who should be
3 9, but it didn't happen.

4 Q Okay. When you laid your spread sheet there
5 as you showed me on page -- what --

6 A It is ranking process, steps, guidelines and
7 rules. Step 1, Individual Supervisor's Rule. It does not
8 have a page number.

9 Q Okay. And I am going to read off of that; I
10 am going to be referring to that page. It is entitled,
11 Ranking Process, Steps, Guidelines, and Rules,
12 continuation step 1, where it has A column, B column, C
13 column, and in the A column you list your 12 employees
14 alphabetically. Is that correct, Mr. Soni?

15 A No.

16 Q They are not in alphabetical order?

17 A Yes. In the first column, yes.

18 Q Is that correct? Is that what you did? Did
19 you list your employees in alphabetical order?

20 A I don't know if listed them alphabetically,
21 but I have a list of names. I may have used just the
22 telephone directory that I have, and it will be
23 alphabetical --

24 Q When you made your list, did it matter who was
25 first and who was last?

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1 A I had -- no. I had just a list of my
2 employees.

3 Q When you put them on column B, what did you
4 have to do to number each employee?

5 A Based on the performance, I had to -- no. I
6 won't say rank them. I had to give them -- put them in
7 the numeric sequence, based on performance.

8 Q And this numerical sequence, what did it
9 signify?

10 A That number 1 means the best performer; number
11 12 means the worst performer.

12 Q If you were not ranking them, you were at
13 least rating them. Is that correct?

14 A That is right.

15 Q And you said you based it on performance.
16 What basis did you use?

17 A The basis I used was relative performance they
18 perform in that group.

19 Q I mean, what did you use?

20 A I have -- in my system, I have different
21 methods to measure performance. I keep a spread sheet and
22 graphs on each individual, that shows how many evaluations
23 a person has done, how many errors he may have made. So
24 based on that --

25 Q Is this form that you just finished talking

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1 about, is that in the ranking process? Does every
2 supervisor have that?

3 A No.

4 Q So what does the process tell you, how to
5 evaluate them?

6 A The process says that as a supervisor, knowing
7 their performance, whichever method you use --

8 Q Okay.

9 A It doesn't say --

10 Q Before you go on, right there, whichever
11 performance -- using the performance, my question is: How
12 did you derive at Mr. Morris as -- I am just using this
13 name for the record -- that Mr. Morris was number 1 and
14 Mr. Phillips was number 12?

15 A Based on my supervision for so many years, I
16 know all these guys from so many years.

17 Q I understand that the ranking process only
18 goes 12 months.

19 A Right. But all I am saying is: I know these
20 people, and -- plus I have the performance chart on each
21 one of them. Okay. And based on the productivity, I
22 ranked them.

23 Q Does every supervisor have a performance
24 chart?

25 A I don't know.

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1 Q So is this something that you individually
2 have done?

3 A That is right. No. I don't know if others
4 have done, but every supervisor has a means to gauge the
5 employee. That is one of their jobs. I mean, does
6 everybody use my method? I don't know.

7 Q No. I am trying to see if everybody is using
8 the same method --

9 A No. I doubt if everybody uses the same
10 method. It is --

11 Q So we are going to have a variance?

12 A In terms of how you decide on performance,
13 there will be variance, because different people perform
14 different jobs. And so there will be a variance on how
15 you measure the performance, because it is not really the
16 same.

17 Q Did you take a look at the personnel file
18 before rating them?

19 A I didn't as such, you know, took out a
20 personnel file on each individual. The -- there were two
21 reasons. One is that these people have been working with
22 me from the last several years, so I knew what their
23 performance has been.

24 Secondly, this ranking process was meant to
25 rate people relatively to one another and has got nothing

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1 to do with the absolute performance that they are doing.

2 Q You are in a position where you have
3 supervised employees that have been with you for more than
4 two or three years.

5 A Yes.

6 Q So you have the benefit of, as you said, prior
7 experience. If we were to ask you to support your opinion
8 as to how you rated these employees, what supportive
9 documents would you give us?

10 A Well, as I said, one supportive document that
11 I can show is the productivity that they have done prior
12 to the ranking. Even today, I can show you who has done
13 what in the last six months.

14 Q Well, you can show me a graph, but what does
15 that graph represent? I mean, how can you show me in
16 terms of employee production?

17 A That graph will tell you -- this is the
18 overall graph here. I don't have it by the individual.
19 This tells me that we did 168 beans, and these 168 beans
20 are divided by each guy, that this guy did 50, this guy
21 did 60, this guy did 20.

22 Q I understand that.

23 A Okay.

24 Q But how can you support that this person did
25 168 beans?

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1 A Because we have a system to record every bean
2 when a person does. It gets logged in, logged out, and
3 gets charged to a person.

4 Q So you have something to support these charts.

5 A That is right.

6 Q What else do you have besides this, to support
7 behavioral characteristics?

8 A In the PP&R, we do have a form that gives us
9 the behavioral characteristics on teamwork, creativity,
10 communications, and as time goes on, you do make a
11 notation if a guy didn't do that well with the customer
12 satisfaction. I do make notes on people, if somebody
13 calls and says, Hey, you know, this guy came and he did
14 this good, but he didn't do this good. I will make notes,
15 and I will tell the guy.

16 Q When you said --

17 A So, you know, means like that.

18 Q When you tell your staff -- how often do you
19 communicate with your staff, to tell them how they are
20 doing?

21 A I try it and do it continuous.

22 Q Once a week?

23 A I don't know if I have a set pattern. I would
24 think that when I see that if a person is not doing
25 something right or it is not to my satisfaction, I would

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1 call him and tell him, and otherwise, if he has done good,
2 I would tell him that, hey, you know, you did excellent on
3 this.

4 Q When was the last time that you evaluated --

5 A Did a few yesterday -- oh, you mean, any
6 individual?

7 Q That he went over the evaluation, your PPR?

8 A I don't know if I would call -- no. It is not
9 a PP&R. As I said, it is just continuous on incident
10 basis. I give continuous feedback.

11 Q So what you are saying is that your employee
12 is kept apprised by you as to how he is doing.

13 A Right.

14 Q So in your case, none of your employees were
15 surprised by the -- by how they were ranked.

16 A I don't think so.

17 Q Okay. I think you mentioned earlier that the
18 one that was ranked a 9 was not too surprised.

19 A Right. He said, Oh, yes' that is fine.

20 Q So if you turn around here, if you turn around
21 and look at the blackboard, is this what happens in the
22 roll-up process, Mr. Soni, in that when you as a
23 supervisor give up your first evaluation, it is then
24 rolled up. Let's take Mr. Morris here.

25 Mr. Morris, you rated him, and you provide

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1 your roll-up list to B, so that supervisors then take it
2 to Mr. Mashburn. Is that correct?

3 A We -- this roll-up, this item B, was done with
4 the manager.

5 Q Okay. Were you present at those --

6 A Yes. That is right. The supervisors and the
7 manager were present, and we had a human resources
8 representative in there to decide on that.

9 Q So you were present at those ranking meetings.

10 A Yes.

11 Q Do you know if other supervisors from, let's
12 say, nuclear safety, if supervisors participated at those
13 meetings? Do you know?

14 A You mean, in their department?

15 Q Yes.

16 A No. I do not know.

17 Q Would you think that other departments would
18 do the same, the way you do it?

19 A Yes.

20 Q Is that the way it was explained to you? And
21 you are saying that you did participate in step B,
22 supervisors and managers, when you were rating the
23 employees.

24 A That is right.

25 Q Now, if we go to C, to rank you, would you be

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1 present at those meetings?

2 A No.

3 Q It would be the managers and higher?

4 A Managers and higher.

5 Q So this process of the roll-up escalates this
6 way. Right?

7 A That is right. Exactly.

8 Q Now, back to B, on those meetings where you
9 and the manager were there, were there other supervisors
10 besides you?

11 A Oh, yes.

12 Q And other managers?

13 A No. It was only manager and his direct
14 reports, and we were ranking people who reported to us, to
15 the supervisors.

16 Q Okay. All right. In other words, name two
17 other supervisors, counterpart.

18 A Joe Malara and Chris Forpal.

19 Q Okay. Forpal and Malara. Were they there
20 with you, and you had your manager, and you were
21 discussing --

22 A People who reported to us. Right.

23 Q Right, okay. Now I --

24 A That is right. Exactly.

25 Q Does the grid on the right-hand side here on

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1 the board that you are looking at, look familiar?

2 A Yes.

3 Q Is that the description of the upper tier,
4 middle tier, and lower tier?

5 A Right.

6 Q And that is how the numbers end up ranked. Is
7 that right?

8 A That is right.

9 Q Now, when you provided your manager, Mr.
10 Mashburn, and you decided that your Mr. Morris or Mr.
11 Phillips here on this -- I am using this name only for the
12 record as an example, based on this example in the
13 planning review guide.

14 And if Mr. Phillips was ranked a 9, you
15 would -- when you would come out of that meeting, you
16 would know exactly who was ranked 9. Is that correct? Or
17 did you later -- or were you told later?

18 A I do not know if we knew exactly that that is
19 the way it is going to be. Basically what we did, we --
20 you know, like if I had nine people and Malara had twelve
21 people and Chris had eight people, we put all those 29
22 people on the list, and, you know, ranked them based on
23 that.

24 And the people who were in the bottom third,
25 we knew in that meeting that, okay, there are so many in

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1 this bottom third.

2 Q Out of 75, let's say --

3 A Yes.

4 Q -- eight were in the bottom third.

5 A Bottom third.

6 Q Okay.

7 A Now, exactly -- at that time, we really didn't
8 know who will eventually be in block 9, because this thing
9 was supposed to roll up again to a higher level, where --

10 Q Which level is that, according to the board?

11 A That would be C.

12 Q C, so your manager --

13 A Took all these people --

14 Q -- took all these people and took the names
15 with -- of, let's say -- being more practical, how many in
16 your group?

17 A At that time --

18 Q Under your manager, how many?

19 A Total 30.

20 Q Thirty. Okay. He got together, Mr.
21 Management got together with another manager, 20 or 30,
22 and give me another manager's name.

23 A Tom Davie.

24 Q Okay. Davie and Mashburn got together and

25 maybe perhaps other managers. Are there other managers?

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1 A That is right.

2 Q And these other group of managers discussed
3 what your group supervisors hinted: Turn it over to Mr.
4 Mashburn, and Mr. Davie and his supervisors turned it over
5 to him.

6 A Right.

7 Q And these managers got together to decide the
8 final ranking of this.

9 A That is right.

10 Q When were you told that Mr. -- again, as an
11 example for the record, Mr. Phillips was a 9?

12 A I don't remember when exactly I was told. I
13 think it was sometime in January that we knew for sure,
14 that this person is block 9.

15 Q Okay. How did Mr. Mashburn know how you rated
16 each employee?

17 A We explained at that time --

18 Q Who is "we"?

19 A All the supervisors --

20 Q I am talking about your employees.

21 A Right.

22 Q How did he know about your employees?

23 A The way we did that is we took all these
24 people, and we listed them on the board, 1 through 30.
25 And then we put all the educational background,

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1 experience, you know, kind of described each guy, what
2 they did, and then ranked them --

3 Q You had that for 30 people you had out on the
4 board?

5 A Out on the board. Right.

6 Q Okay.

7 A And then ranked them based on performance and
8 potential.

9 Q Did you submit anything in writing?

10 A No.

11 Q Did you take any paperwork?

12 A No. Well, I had my paperwork, my ranking
13 sheets that I had

14 Q Do you still have your ranking sheets?

15 A I don't know. I may have in my file --

16 Q In your personnel files, your personal files
17 that you keep on your employees?

18 A Right. I may have discarded them too, because
19 really, as I said, when it rolls up, it is not what I took
20 into the office. It really didn't matter much.

21 Q As a supervisor, do you discard things like
22 that?

23 A The -- normally not, but in this case I may
24 have.

25 Q Were you instructed to?

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1 A I do not know if there was a specific
2 instruction, b. I think that in the meeting there was a
3 discussion that any worksheets on the ranking should be
4 discarded.

5 Q When did this come about? What kind of --

6 A I don't recall.

7 Q Do you recall?

8 A No.

9 Q Do you think that other supervisors across on
10 the site have received the same instructions?

11 A I don't know. It was not, as I said, a
12 directive or anything like that; hey, discard all these
13 sheets. It was not like that; it was just a practice that
14 Entergy's supervisors may have followed.

15 Q Uh-huh. And you say if you look through your
16 own -- not what human resources has but through your own
17 personal files that you keep of your employees, you might
18 have that information.

19 A I may have.

20 Q Okay. So did you hand Mr. Mashburn any
21 document, anything? Did you hand him anything? Here is
22 my list.

23 A No.

24 Q So everything that you had, that was your
25 document, and you provided information and/or either you

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1 wrote on the board or somebody did. Right?

2 A That is right.

3 Q What is your understanding that Mr. Mashburn
4 did with that information?

5 A He took that information, based on what we had
6 as to which ones were one-third, middle one-third, and top
7 one-third, and took that information to the level C and
8 discussed that. I do not know what happened in that
9 meeting.

10 Q Were there any minutes taken during those --

11 A No.

12 Q Any record of anything like that?

13 A Not that I am aware of.

14 Q So Mr. Mashburn took whatever was on the
15 board, and then he took that information.

16 A The human resources representative who was
17 there, he finally gave -- he made the notes and gave
18 Mashburn the final product.

19 Q Who was that?

20 A Mike Peltier.

21 Q Okay. When that ranking came out, the final
22 product, number 9, who told you that Mr. Phillips was
23 ranked 9?

24 A Mr. Mashburn.

25 Q And what did Mr. Mashburn tell you?

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1 A Well he said that such and such guys are
2 ranked 9.

3 Q And?

4 A That is it.

5 Q Who was going to tell them?

6 A Oh, who was going to tell the employee?

7 Q Yes. What happened -- just take me step by
8 step. What happened after that?

9 A Okay. That was right around the January time
10 frame, and then by end of January, we were supposed to
11 call the employee and in presence of a manager and inform
12 him of the ranking, and also offer him the separation
13 package. And we did that. And Mashburn called Benny
14 Serrano, and Benny came into his office, and we told him
15 that based on the relative process and based on
16 performance and potential, you are ranked 9.

17 BY MR. BOAL:

18 Q Mr. Soni, when this item of the ranking
19 process or this phase of the ranking process was discussed
20 with you, was the need for confidentiality of the employee
21 being ranked 9 discussed with you also?

22 A Yes.

23 Q What we have heard and what we have seen as
24 has been provided to us is that since the process for
25 informing the employee was that on a certain day,

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1 employee -- a certain employee would be called into the
2 manager's office and explained that they were a 9, that
3 actually confidentiality was breached, because it wasn't
4 real hard to see who went into the manager's --

5 A Right. That is possible.

6 Q Was there any discussion of that with you and
7 human resources or your manager, that maybe an extra step
8 would have been in order?

9 A We know, yes, we could have done better. Yes.

10 Q After the fact, but I guess we are trying to
11 look before.

12 A Yes. At that time, I mean, they were all just
13 done a certain time schedule, and we just called the
14 people that day and informed them who was 9.

15 Q But there was no discussion about protection
16 of the employees' ranking that could have been --

17 A I mean, it doesn't disturb that it is supposed
18 to be confidential, or it is confidential, and so far as
19 there was no list published; there was no announcements
20 made; we didn't tell anybody. I mean, by the mere fact
21 that the guy was called to the office, if somebody infers
22 that he is block 9, that is possible.

23 But I was called in my manager's office that
24 day, too, so, I mean, if somebody infers I am block 9,
25 that is his prerogative.

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1 Q It is his inference.
2 A That is an inference.
3 Q Right.
4 A Right.
5 BY MR. ARMENTA:
6 Q Mr. Soni, is it true that initially you
7 were -- you could tell your -- you were direct -- in other
8 words, you could tell your employees; is that true? That
9 some supervisors actually tell --
10 A Oh, yes.
11 Q Did you know of some supervisors that told
12 their employees --
13 A Right. Because initially the direction was
14 that you will be told what tier you are going to be in.
15 Q And then --
16 A And some supervisors knew exactly which tier
17 each guy was, so they did inform the people.
18 Q What caused it to change?
19 A I don't know what caused it to change.
20 Maybe -- the reason it changed as I said: Probably there
21 was not much ~~less~~^{benefit} benefit in telling other people, you
22 know, what group they were in, other than defining the top
23 tier and the bottom.
24 Q Would you think that if people knew that there
25 were 7s and 8s, that would probably cause a decline in

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1 morale, do you think?

2 A It probably could.

3 Q Okay. There was another question I was going
4 to ask.

5 Have you experienced, have you seen, have you
6 had people come to you or given you information; are you
7 aware of a chilling effect as a result of this ranking
8 process?

9 A What do you mean, "chilling effect"?

10 Q Chilling effect that they may be timid,
11 perhaps indirectly intimidated by the fact that they might
12 lose their jobs when you compete with your peers. There
13 is always a fear that we don't know where we stand, you
14 know. They might come and tell me I am ranked a 9.

15 Q I do not know -- I do not understand your
16 question exactly, but the purpose of the ranking process
17 was to kind of give a wake-up call to people that if you
18 are not going to perform better than and if you don't
19 stand up against your peers, you have a potential to lose
20 jobs.

21 Q If you are ranked a 9, what is your
22 understanding that if you are ranked a 9 again, what is
23 going to happen?

24 A You will be fired, let go.

25 Q Because you did not perform or improve your

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1 performance.

2 A That is right.

3 Q But is it true that if I am a 9 and I improve,
4 meet or exceed my goals, but then everybody above me goes
5 up a notch, and then it is not based on performance, is
6 it? I guess it is --

7 A It is based on performance relative to others.

8 Q But even if you exceed or meet your goals, you
9 could still be fired.

10 A That is right.

11 Q And you think it is fair?

12 A That is the way to survive. Otherwise
13 everybody has to stay home.

14 Q That is fine. I am just asking you, to see
15 what you think. That is fine.

16 A We are losing money here, so if we don't
17 improve, everybody stays home.

18 Q Do you think this is a way for EOI to
19 economize or downsize, economical reasons in your opinion?

20 A I think the bottom line is money, so, you
21 know --

22 MR. ARMENTA: I would like to make a request,
23 with the permission of Mr. Doug Levanway, attorney, GSU,
24 that you, Mr. Soni, Mr. Levanway, that you provide to us
25 whatever work sheets you have in your personnel file, so

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1 that we may evaluate them. I am sure -- we have done this
2 before; if you would go back to your desk -- I know there
3 is no guarantee. I am that you probably used a PC instead
4 of a typewriter. I have seen the PC in your office.

5 I think if you go back in your records and if
6 you search for that information, we would like to see
7 whatever worksheets you have on your employees.

8 Mr. Levanway?

9 MR. LEVANWAY: Well, I am no sure in his case
10 to what purpose. I mean, he didn't rank anybody who is
11 the subject of the investigations. Just to open up all
12 his people --

13 MR. ARMENTA: Well, just for the sake of the
14 ranking process being uniform. If it is applied only to
15 nuclear safety, well, then I think we need to know, if it
16 is being applied in a different manner to nuclear safety,
17 which is what these investigations are going on, how else
18 will we know, if nuclear safety is being rated on a
19 different level, unless we take a look at other
20 departments?

21 MR. LEVANWAY: Well, see if you have got
22 anything; we will take a look at it.

23 MR. ARMENTA: And I am not saying that I don't
24 believe you, but the thing is that we need to confirm
25 that, to ensure --

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1 THE WITNESS: Right. As I said, these sheets
2 were done at the time of ranking, and they were very
3 informal sheets, and basically you will see handwritten
4 names, and we ranked them, and that changed as it went
5 along.

6 MR. ARMENTA: All right. That is fine.

7 MR. LEVANWAY: Well, let's just say I will
8 take the request under consideration, and we will see what
9 he has, if anything, and I will give you our response to
10 that.

11 MR. ARMENTA: All right. That is fine.

12 I don't have any more questions. Dennis?

13 BY MR. BOAL:

14 Q Mr. Soni, you were explaining during the roll-
15 up process, that when you went into that, there were
16 perhaps two of your employees who would have gone into the
17 block 9, but then you said that it didn't happen and only
18 one went in there. Could you explain to us how you were
19 swayed not to place the other person in block 9? What
20 occurred or what kind of dialogue?

21 A As part of the discussion, when you do the
22 ranking and when you do the roll-up, one of the things
23 that plays into part is what is the individual performed
24 not just within the group, as to his relationships and
25 impression outside the group.

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1 And this particular individual that I was
2 talking about had an opportunity to work with another
3 supervisor, because his assignment was being changed from
4 me to him. So, you know, I supervised him for most of the
5 year, and last month or two, he worked for Mr. Joe Malara.
6 And Joe felt pretty strong that, Well, you know, I have
7 given him this; in last two months, he has done this,
8 this, and this, and, you know, he is doing -- relatively
9 he is doing good.

10 And then he was still in the bottom third
11 based on what my recommendation was, but then ultimately,
12 since we had the 10 percent criteria, he didn't cut it; he
13 didn't end up in block 9. There were other guys who were
14 worse than him who ended up in block 9.

15 Q But the basis for the discussion that swayed
16 it was performance. Is that correct?

17 A Right. It was performance. That is true.

18 Q As viewed by another supervisor.

19 A That is right. Exactly.

20 Q Mr. Soni, the responses that you have provided
21 to us during this interview have been appreciated and
22 quite detailed and we do appreciate it. What we would
23 like to is to ask you for your opinion, perhaps help us
24 with our quandary.

25 We have been told that the ranking process

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1 appears to have singled out a group of individuals at
2 Riverbend Station who are known to be whistleblowers or
3 more aggressive in pursuing concerns, and we would like to
4 ask you if you can counter that.

5 A That is not true at all.

6 Q You do not believe that.

7 A I do not believe that at all.

8 Q Could you explain your answer?

9 A Basically because the whole process never had
10 any element of targeting any person. It was to look at
11 the individuals based on performance and potential by each
12 supervisor, and then it rolled up based on the process,
13 and there was no criteria about identification of problems
14 or whistleblower activity type thing.

15 MR. BOAL: Thank you. Mr. Soni, has Jonathan
16 or I or any other NRC employee threatened you in any
17 manner or offered you a reward in return for this
18 statement?

19 THE WITNESS: No.

20 MR. BOAL: Have you provided this statement
21 freely and voluntarily?

22 THE WITNESS: Yes.

23 MR. BOAL: We have gone through the questions
24 we would like to ask you, but we would like to afford you
25 an opportunity at this time to add any statements or

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1 information you feel may assist us in our investigations.

2 THE WITNESS: I think the questions that you
3 asked are quite detailed and provided, you know, anything
4 that I have to say.

5 MR. BOAL: Mr. Levanway?

6 MR. LEVANWAY: No.

7 MR. BOAL: It is approximately 9:25 a.m., and
8 this interview is concluded.

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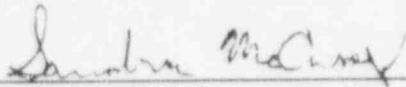
This is to certify that the attached
proceedings before the United States Nuclear Regulatory
Commission in the matter of:

Name of Proceeding: ALLAN SINGH SONI

Docket Number(s): --

Place of Proceeding: St. Francisville, LA

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.



Sandra McCray

Official Reporter

Neal R. Gross and Co., Inc.

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EXHIBIT 86

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EXHIBIT 86

REPORT OF INTERVIEW
WITH
NORMAN EUGENE TISON, JR.

On October 26, 1995, TISON, Nuclear Environmental Technician First Class, Entergy Operations, Inc. (EOI), River Bend Station (RBS), was interviewed by Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), Investigators Jonathan Armenta, Jr. and Dennis Boal about allegations of discrimination for reporting safety concerns at RBS. TISON provided the following information in substance:

TISON said he has been employed at RBS for 5 years as a nuclear environmental technician first class. TISON said EOI has contracted out radiological laboratory work to a laboratory [NFI] in Little Rock, Arkansas. TISON said he continued to analyze a cross section of the Arkansas laboratory's work and found discrepancies with the laboratory's results. TISON said he talked with his supervisor numerous times about his concern but the laboratory continued their work, and his analysis continued to find problems with the results.

TISON said he brought up his concerns in January 1995 and February 1995, and in May 1995, he talked with Craig MAXSON, RBS Employee Concern Program Representative. TISON said, in addition, he talked with Blair NICHOLAS, NRC:RIV, and Gilbert GUERRA, NRC:RIV, about his concerns with the Arkansas laboratory. TISON said EOI is downsizing and he [TISON] is raising an unpopular issue about the laboratory. TISON said he has not been threatened, but he is apprehensive about the situation. TISON said MAXSON assured him that no reprisals will be taken against him.

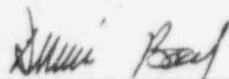
TISON said he assisted in an inspection of the Arkansas laboratory sometime in June 1995, and an RBS vendor audit was subsequently conducted by RBS. TISON said the RBS audit report was not well received, and TISON said he has philosophical problems with the RBS audit report. TISON said Reg Guide 4.15 was not being followed, and he did not know the source of resistance about the laboratory matter at RBS. TISON said he is disappointed as nothing is being done about the laboratory, and he considers the matter to be a political issue within the company.

TISON said Roger BACKEN, RBS Supervisor, Nuclear Safety Department, was correct in saying he [TISON] was uncomfortable with the situation. TISON said RBS had a good program within the on-site laboratory before EOI assumed operations, and he is not sure the change to the Arkansas laboratory "was worth it." TISON said he is not happy with the environmental staffing at RBS and the decline in the experience level. TISON said the RBS laboratory personnel can perform the procedures, but they do not have the underlying knowledge about what they are doing. TISON said he is not a great technician, and other RBS employees should have detected the problems he found with the Arkansas laboratory.

Release

TISON said he was not hesitant to use the RBS Employee Concern Program. TISON said he knew it was in place but preferred to address matters internally before using the program. TISON said he was hesitant to use the program because he preferred to do his work and leave it alone.

This report was prepared on November 8, 1995, from investigator's notes.



Dennis Boal, Investigator
Office of Investigations Field Office, RIV

EXHIBIT 77

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 7C
EOIA- 96-155

P11

EXHIBIT 77