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Title: SAN ONOFRE NUCLEAR GENERATING STATION, UNIT 2:

DISCRIMINATION AGAINST A FABRICATOR FOR RAISING SAFETY CONCERNS

Licensee:

Southern California Edison Co.  
P.O. Box 128  
San Clemente, CA 92674-0128

Docket No.: 50-361

Allegation No.: RIV-2010-A-0044

Reported by:

(b)(7)(C)

Office of Investigations  
Field Office, Region IV

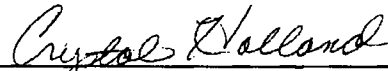
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Reviewed and Approved by:



Crystal D. Holland, Director  
Office of Investigations  
Field Office, Region IV

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**SYNOPSIS**

This investigation was initiated on December 3, 2010, by the U.S. Nuclear Regulatory Commission, Office of Investigations, Region IV, to determine if a fabricator at Southern California Edison's San Onofre Nuclear Generating Station (SONGS), San Clemente, California, was the subject of discrimination for raising safety concerns.

Based on the evidence developed during this investigation, the allegation that a fabricator at SONGS was the subject of discrimination for raising safety concerns was not substantiated.

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TESTIMONIAL EVIDENCE

	<u>Exhibit</u>
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DOCUMENTARY EVIDENCE

Exhibit

Email from (b)(7)(C) subject (b)(7)(C) dated January 5, 2010 ..... 9

Email from (b)(7)(C) subject 12/11/09 (b)(7)(C) dated December 15, 2010..... 10

SONGS SAP E-Recruiting, Job Posting 60225462, undated ..... 11

Email from (b)(7)(C) to (b)(7)(C) subject NB60224900 – SUP2,  
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Interview Consensus Form, (b)(7)(C) undated ..... 13

Interview Consensus Form, (b)(7)(C) undated ..... 14

Interview Consensus Form, (b)(7)(C) dated December 7, 2009 ..... 15

Email from (b)(7)(C) to (b)(7)(C) subject NB60691810 – SUP2,  
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DETAILS OF INVESTIGATION

Applicable Regulations

10 CFR 50.5: Deliberate misconduct (2008 Edition) (Allegation 1)

10 CFR 50.7: Employee protection (2008 Edition) (Allegation 1)

Purpose of Investigation

7c This investigation was initiated on December 3, 2010, by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), to determine if (b)(7)(C) (b)(7)(C) Fabricator, Southern California Edison's San Onofre Nuclear Generating Station (SONGS), San Clemente, California, was the subject of discrimination for raising safety concerns [Allegation No. RIV-2010-A-0044] (Exhibit 1).

Background

7c On March 3, 2010, (b)(7)(C) reported to (b)(7)(C) RIV, SONGS that he believed he was the subject of employment discrimination for raising safety concerns at SONGS. According to (b)(7)(C) since September 2008, he had raised issues regarding work on spent fuel canisters such as noncompliance with procedures and engineering drawings, clarifications regarding vague guidance and engineering drawings, and identifying equipment and tools out of tolerance, to his supervisors (b)(7)(C) (b)(7)(C) SONGS, and (b)(7)(C) SONGS. (b)(7)(C) said he raised the following specific issues: 1) in the Fall of 2008, he questioned the clarity of the guidance and drawings regarding the assembly for welding plugs into the siphon and vent block of the spent fuel canisters; 2) in the spring 2009, he questioned the location of engraving part numbers related to the siphon and vent block of the spent fuel canister (parts traceability) that were contrary to the associated procedure; and 3) in the spring 2009, he provided information regarding workers performing work outside the welding procedure guidelines, in particular the welding speed. (b)(7)(C) said that in the spring 2010, he also discussed his concerns regarding the interpretation on where the marks for welds should be on a particular spent fuel canister drawing with SONGS Nuclear Oversight [NFI].

7c (b)(7)(C) alleged that as a result of raising these concerns to management, he was not selected as an upgrade supervisor, he was denied training that was afforded to most individuals in the dry storage container fabrication shop, he received lower quality or lower profile jobs (hot and dirty jobs) in comparison to his coworkers, and on February 8, 2010, he was denied a Supervisor II position (the position was canceled). (b)(7)(C) added that (b)(7)(C) also failed to present him with his one year service plaque until he (b)(7)(C) specifically asked for it.

7c On March 30, 2010, the Allegation Review Board (ARB), RIV, convened to discuss (b)(7)(C) allegation that he had been subjected to employment discrimination for raising safety concerns. The ARB members requested that a prima facie worksheet be developed for review at a future ARB.

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7c On July 26, 2010, the ARB reconvened to discuss the prima facie worksheet. The ARB determined that (b)(7)(C) presented a prima facie case that he was subjected to an adverse employment action as a result of his participation in protected activity. The ARB determined (b)(7)(C) should be offered an opportunity to participate in the NRC's Alternative Dispute Resolution (ADR) process in an attempt to resolve his dispute with the licensee.

7c On December 3, 2010, (b)(7)(C) Allegation Coordination/Enforcement Staff, RIV, notified OI:RIV that ADR had failed and requested that OI:RIV initiate an investigation to determine if (b)(7)(C) was subjected to employment discrimination for engaging in a protected activity (Exhibit 2).

Interview of Allegor (b)(7)(C) (Exhibit 3)

7c (b)(7)(C) was interviewed by OI:RIV on January 5, 2011, in Carlsbad, California. (b)(7)(C) stated he began his employment with SONGS in (b)(7)(C) and had held the position of fabricator (b)(7)(C) at SONGS. (b)(7)(C) stated that in the fall of 2008 [NFI], he raised a concern questioning the clarity of guidance and drawings regarding the assembly for welding plugs into the siphon and vent block of spent fuel canisters. (b)(7)(C) stated the concern centered around plugs that were welded into the cross-drilled holes. (b)(7)(C) stated he was told that making a change on that particular concern would be costly to the company, so it was not changed. (b)(7)(C) stated during his interview however, "I don't really believe it's a safety concern in that particular case." (b)(7)(C) also added, "they are still doing dye penetrant (sic) and all the testing afterward to make sure it worked. So, that one wasn't a big issue" (Exhibit 3, pp. 5 and 6). (b)(7)(C) stated he initially brought that up as a concern because of the questioning attitude of his upgrade supervisor (b)(7)(C) when he (b)(7)(C) wanted to discuss that issue. (b)(7)(C) stated (b)(7)(C) made the comment that SONGS had been building the siphon and vent blocks for years, and wanted to know why (b)(7)(C) would suggest changing things (Exhibit 3, p. 6).

7c AGENT'S NOTE: In the aforementioned paragraph (b)(7)(C) referred to (b)(7)(C) as an upgrade supervisor. An upgrade supervisor is a craft employee (same as (b)(7)(C)) that fills-in during the supervisor's absence.

7c (b)(7)(C) stated he raised a second concern in the Spring of 2009 [NFI], when he questioned the location of the engraved part numbers related to the siphon and vent block of the spent fuel canisters that were contrary to the associated procedure. (b)(7)(C) stated he raised the concern to (b)(7)(C) to which (b)(7)(C) claimed (b)(7)(C) stated he would pass the information on to (b)(7)(C). According to (b)(7)(C) (b)(7)(C) approached him and asked him what the problem was. (b)(7)(C) said (b)(7)(C) approached him with an attitude, saying "we were making these before you got here." (b)(7)(C) said (b)(7)(C) used constant verbal berating towards him (Exhibit 3, pp. 10-14). (b)(7)(C) stated that when he made suggestions to make changes on some of the drawings, he was always met with resistance from (b)(7)(C) and (b)(7)(C) stated he eventually went to higher management, and received support from his manager, (b)(7)(C) SONGS (Exhibit 3, pp. 16-18). (b)(7)(C) stated, "I'm making safety suggestions to change prints that I believe are relative to safety, if you're not following the blueprint, you're not following the procedures, if you're not doing what you're saying you're going to do with the NRC, then you're violating everything. So, I

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7c would bring that up, and I would get a lot of opposition, and we did it before you were here, all that kind of stuff." (b)(7)(C) added, "Once (b)(7)(C) got involved, we started getting – making some changes on procedures and stuff" (Exhibit 3, p. 19). (b)(7)(C) stated that once he got (b)(7)(C) involved, (b)(7)(C) began making derogatory comments towards him and using foul language (Exhibit 3, pp. 21 and 22).

7c (b)(7)(C) further stated that subsequent to raising the aforementioned concerns, the NRC [NFI] conducted interviews with individuals in the fabrication shop in which he worked. (b)(7)(C) stated the interviews were regarding the nuclear safety culture at SONGS, and whether workers were afraid to raise safety concerns. (b)(7)(C) said he told the NRC at that interview, in front of co-workers, "I have raised concerns, and I'm getting flack from the lower level supervisors" (Exhibit 3, pp. 20 and 21).

7c (b)(7)(C) stated that after he raised the above-mentioned safety concerns, and after he made the comments to the NRC about raising safety concerns, he applied for a Supervisor II position within SONGS. (b)(7)(C) stated he went through the application process for the position, and was granted an interview. According to (b)(7)(C) after the interviews were completed, he was told that none of the candidates that applied for the job were qualified. (b)(7)(C) stated he approached (b)(7)(C) SONGS, and told him "No, that's not correct. I am qualified, and something else is going on" (Exhibit 3, p. 26). (b)(7)(C) stated SONGS management subsequently pulled that job announcement. (b)(7)(C) stated that after pulling the job announcement, SONGS reposted the vacancy for Supervisor II, and he reapplied for the position. (b)(7)(C) stated he was not granted an interview when he applied for the position the second time. Regarding the Supervisor II position (b)(7)(C) added, "the reason I know I was treated unfairly is because I know I am qualified for that job, and I didn't get that job. I work with people all day long in San Onofre that have started their career as a tool room attendant... From there, they go to a B&C mechanic, from there they go to machinist, and they become supervisor. Well, my background is in (b)(7)(C) (b)(7)(C) prior to coming back out to San Onofre and applying for a job like that. So for them to tell me I'm not qualified, it's just ridiculous" (Exhibit 3, p. 56).

7c (b)(7)(C) also stated that as a result of raising safety concerns, he was denied training. (b)(7)(C) stated that although he repeatedly applied for training courses, he was continually turned down by (b)(7)(C) stated, "...the welding supervisor training, and the forklift training, and the rigging training, every single person that was in the office, or in the shop where I was working, including the new hire, not Fabricator I's, they were helpers, were getting to go through all these classes, and I didn't go through one of them" (Exhibit 3, p. 27). Additionally (b)(7)(C) said he was never selected as the upgrade supervisor in (b)(7)(C) absence, although he had requested to do so on many occasions. (b)(7)(C) further stated that he was told by (b)(7)(C) SONGS, that he (b)(7)(C) heard (b)(7)(C) say he (b)(7)(C) felt (b)(7)(C) was untrustworthy (Exhibit 3, p. 28).

7c (b)(7)(C) also stated he did not receive his one year anniversary certificate from (b)(7)(C) as he had seen other employees receive. (b)(7)(C) stated, "That is the single worst thing" (Exhibit 3, p. 78). (b)(7)(C) went on to say, "The reason that is the number one thing that bothers me is, one of the most powerful things a company can do is show their employees that they appreciate them" (Exhibit 3, p. 80). (b)(7)(C) stated he observed other employees receive their anniversary certificates during morning meetings, where (b)(7)(C) would present them with their

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certificates in front of the other workers. (b)(7)(C) (b)(7)(C)  
(b)(7)(C) (b)(7)(C) (b)(7)(C)

7c (b)(7)(C) stated that since (b)(7)(C) he approached (b)(7)(C) to ask him about it. According to (b)(7)(C) when he asked (b)(7)(C) about his one year anniversary certificate, (b)(7)(C) pulled open a desk drawer, pulled out (b)(7)(C) (b)(7)(C) and handed it to him. (b)(7)(C) stated (b)(7)(C) (b)(7)(C) According to (b)(7)(C) "The worst thing about it is that he (b)(7)(C) didn't go looking for it. He didn't get out of his chair. He didn't go, "Oh man, what happened with it. Call the office and ask." He just reached down in the drawer (b)(7)(C) He knew it was there, he knew it was there from day one" (Exhibit 3, pp. 80-85).

7c (b)(7)(C) felt strongly that he suffered the above mentioned adverse actions because of the safety concerns he raised to (b)(7)(C) and (b)(7)(C)

Agent's Analysis

Protected Activity

7c (b)(7)(C) claimed he raised concerns to (b)(7)(C) and (b)(7)(C) regarding the clarity of the guidance and drawings regarding the assembly for welding plugs into the siphon and vent blocks of the spent fuel canisters. Although during an interview of (b)(7)(C) he stated he did not feel that was really a safety concern (Exhibit 3, pp. 5 and 6). (b)(7)(C) also claimed he raised a concern to (b)(7)(C) regarding the location of the engraved part numbers related to the siphon and vent block on the spent fuel canisters that were contrary to the associated procedures (Exhibit 3).

Management Knowledge

7c (b)(7)(C) SONGS, stated he was employed at SONGS and (b)(7)(C) stated (b)(7)(C) worked for him for approximately (b)(7)(C) (b)(7)(C) said (b)(7)(C) was, "Outstanding. I mean he was very straightforward, very articulate, he spoke his mind. He was definitely our top welder without a doubt" (Exhibit 4, p. 6). According to (b)(7)(C) during the time (b)(7)(C) worked in his group he could not recall any specific safety concerns (b)(7)(C) may have raised. (b)(7)(C) recalled having conversations with (b)(7)(C) about some of the drawings (b)(7)(C) used for his projects, but added he could not recall anything specific. (b)(7)(C) added that some of the changes (b)(7)(C) suggested were good and were instituted, but nothing rose to the level of a safety concern in his view. (b)(7)(C) also stated none of the supervisors in his group ever brought any concerns to him raised by (b)(7)(C) (Exhibit 4, pp. 7-12).

7c (b)(7)(C) stated he became (b)(7)(C) in approximately (b)(7)(C) and had (b)(7)(C) (b)(7)(C) where (b)(7)(C) worked. (b)(7)(C) stated (b)(7)(C) never worked directly for him, but stated he had weekly contact with him when he visited the fabrication shop. (b)(7)(C) stated (b)(7)(C) never raised any safety concerns to him, and said he was never notified by (b)(7)(C) or any other supervisory employee that (b)(7)(C) had ever raised concerns (Exhibit 5, pp. 8-10).

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7c (b)(7)(C) stated he (b)(7)(C) from SONGS in (b)(7)(C) and that (b)(7)(C) had worked in his group for approximately (b)(7)(C) considered (b)(7)(C) a good employee, and stated he was the individual that (b)(7)(C) (b)(7)(C) (b)(7)(C) at SONGS. (b)(7)(C) stated (b)(7)(C) worked directly for (b)(7)(C) during that time frame. (b)(7)(C) stated (b)(7)(C) "had no problems coming forward with things that he felt were safety or needed to be changed as far as personnel safety of opportunities to improve things and make them safer." (b)(7)(C) stated he was not aware (b)(7)(C) had raised the issues of the clarity of guidance and drawings regarding the assembly for welding plugs into the siphon and vent block of spent fuel canisters and the location of the engraved part numbers related to the siphon and vent block of the spent fuel canisters that were contrary to the associated procedure. (b)(7)(C) stated (b)(7)(C) never raised those issues to him, nor did (b)(7)(C) ever bring those issues to his attention (Exhibit 6, pp. 8-13).

7c (b)(7)(C) stated he only supervised (b)(7)(C) when he (b)(7)(C). However, he was never (b)(7)(C) supervisor. (b)(7)(C) stated (b)(7)(C) never brought any issues or safety concerns to him while he was (b)(7)(C). (b)(7)(C) stated (b)(7)(C) did bring up issues such as how to make parts faster, and suggested different tooling designs, but he reiterated (b)(7)(C) never raised any safety concerns to him (Exhibit 7, pp. 7-9).

7c (b)(7)(C) stated he was (b)(7)(C) (b)(7)(C) (b)(7)(C) stated he was one of the individuals (b)(7)(C) at SONGS. (b)(7)(C) stated (b)(7)(C) was a very competent employee, a good welder and machinist. (b)(7)(C) stated (b)(7)(C) never raised safety concerns to him, but he (b)(7)(C) made suggestions for streamlining some of their processes. Regarding the issue (b)(7)(C) raised concerning the clarity of guidance and drawings regarding the assembly for welding plugs into the siphon and vent block of spent fuel canisters, (b)(7)(C) recalled (b)(7)(C) asked him about two plates that were put on the sides of the siphon vent block, and suggested a change in the design. (b)(7)(C) stated that was a good suggestion, and had since requested that change through engineering. (b)(7)(C) stated that request was "still on the books" (Exhibit 8, pp. 9 and 10). (b)(7)(C) reiterated he thought that was a good suggestion and did not consider that to be any kind of safety concern. (b)(7)(C) stated, however, he was not aware (b)(7)(C) had raised a concern regarding the location of the engraved part numbers related to the siphon and vent block of the spent fuel canisters that were contrary to the associated procedure (Exhibit 8, p. 11).

Adverse Act

7c (b)(7)(C) claimed that as a result of raising concerns, he was denied training afforded to other employees in his fabrication shop, and not allowed the opportunity to serve as upgrade supervisor. (b)(7)(C) also claimed he was denied a Supervisor II promotion. Additionally, (b)(7)(C) claimed (b)(7)(C) (b)(7)(C) (b)(7)(C) (b)(7)(C) (b)(7)(C) According to (b)(7)(C) everyone in his fabrication shop received their certificate in a timely manner, during office wide presentations (Exhibit 3).

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Nexus: Was (b)(7)(C) Discriminated Against as a Result of Engaging in a Protected Activity?

7c (b)(7)(C) stated he was currently the (b)(7)(C). Regarding the selection of upgrade supervisors, (b)(7)(C) advised the process used in the past was pretty loose. (b)(7)(C) said he knew his employees and each of their work ethic, so he made his selection based on who he thought would represent him well in his absence. (b)(7)(C) stated, however, that since (b)(7)(C) became the (b)(7)(C) they have changed their approach to selecting upgrade supervisors. (b)(7)(C) stated once they narrow down candidates for the upgrade supervisor position, they must be interviewed by the superintendent and the general foreman (Exhibit 8, pp. 16 and 17). Regarding (b)(7)(C) stated he had asked to serve as upgrade supervisor, but he (b)(7)(C) never allowed (b)(7)(C) to act as upgrade supervisor. (b)(7)(C) said he observed some "behaviors" in (b)(7)(C) that "weren't conducive" to the way SONGS conducts business. According to (b)(7)(C) did not follow directions, he took shortcuts, and was not honest in the way he conducted his job. (b)(7)(C) provided two examples of his assessment of (b)(7)(C). First, during a rigging operation (b)(7)(C) said (b)(7)(C) refused to follow directions being given by the rigging supervisor (b)(7)(C). (b)(7)(C) stated (b)(7)(C) who was given clear direction, conducted the operation in an unsafe manner, and did not follow directions (Exhibit 8, pp. 18-22). (b)(7)(C) prepared an email regarding the details of the incident (Exhibit 9).

7c Secondly, (b)(7)(C) stated that on December 11, 2009, (b)(7)(C) was given a job assignment to clean guide sleeves in preparation for an installation. (b)(7)(C) said there was an established cleaning process for (b)(7)(C) to follow. (b)(7)(C) stated he went over the process with (b)(7)(C) who ensured (b)(7)(C) that he was familiar with the process. (b)(7)(C) stated he observed (b)(7)(C) purposefully not perform the cleaning procedure correctly. (b)(7)(C) prepared an email, which was sent to (b)(7)(C) outlining the incident (Exhibit 10). (b)(7)(C) stated those two incidents eroded his (b)(7)(C) credibility with him and he considered him to be untrustworthy. (b)(7)(C) said those experiences with (b)(7)(C) led to him not asking (b)(7)(C) to be upgrade supervisor (Exhibit 8, pp. 23-26).

7c (b)(7)(C) stated he was on the (b)(7)(C) at SONGS, for which (b)(7)(C) applied. (b)(7)(C) stated he only served as a (b)(7)(C) and other management officials (b)(7)(C). (b)(7)(C) stated he was there as the technical representative because he was familiar with the inner workings of the fabrication shop, the location where the new supervisor would be working. (b)(7)(C) stated he provided a score sheet, as did the other members of the panel, subsequent to (b)(7)(C) interview. (b)(7)(C) stated he did not recall exactly how (b)(7)(C) did, but added, (b)(7)(C) Exhibit 8, pp. 26 and 27).

7c (b)(7)(C) stated he made the decision as to which of his employees would attend different types of training classes. (b)(7)(C) recalled (b)(7)(C) requested several training classes and stated he could not recall every one he requested, adding, "He (b)(7)(C) probably requested every possible thing that he could have." (b)(7)(C) recalled that (b)(7)(C) did request to go to welding supervisor's school. (b)(7)(C) stated he told (b)(7)(C) he could not go to that class because other employees were already identified for that class. (b)(7)(C) stated (b)(7)(C) did not like that answer, but (b)(7)(C) said three other employees senior to (b)(7)(C) were selected to go for that training. (b)(7)(C) said that at the time, (b)(7)(C) was the junior person in the

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7c fabrication shop. (b)(7)(C) stated he preferred to see employees have at least 5 years on before he sent them to the welding supervisor's training. Additionally, (b)(7)(C) said it normally took approximately 2 years to get an employee fully qualified in the fabrication shop. (b)(7)(C) stated his decisions to send employees to training were based on business needs. (b)(7)(C) said (b)(7)(C) lack of seniority prevented him from getting some of the training he wanted (Exhibit 8, pp. 28-32).

7c Regarding (b)(7)(C) (b)(7)(C) (b)(7)(C) initially stated that when he received (b)(7)(C) (b)(7)(C) he thought (b)(7)(C) was (b)(7)(C) and (b)(7)(C) stated he really did not recall what he did with the (b)(7)(C) (b)(7)(C) was advised of what (b)(7)(C) said regarding the way his (b)(7)(C) to him by (b)(7)(C) where, according to (b)(7)(C) he asked (b)(7)(C) for his (b)(7)(C) and (b)(7)(C) pulled it from a desk drawer and gave it to him. (b)(7)(C) said he could not recall the incident, stating, "if I did that, that was inappropriate." (b)(7)(C) said he enjoyed (b)(7)(C) and reiterated that he could not recall what happened regarding (b)(7)(C) (b)(7)(C) Exhibit 8, pp. 40-44).

7c (b)(7)(C) advised the upgrade supervisor recommendations from each department came from the first line supervisors. (b)(7)(C) said that since he became (b)(7)(C) when upgrade supervisor candidates were selected by the first line supervisors, the candidates went through an interview process with him. (b)(7)(C) stated the interview was good for 6 weeks for journeymen, and 6 months for management. (b)(7)(C) stated that all employees wishing to act as upgrade supervisors had to keep their interviews current. (b)(7)(C) did not recall conducting an interview with (b)(7)(C) at anytime for an upgrade supervisor position. (b)(7)(C) could not recall if (b)(7)(C) first line supervisor ever mentioned anything about him wanting to be an upgrade supervisor.

7c (b)(7)(C) stated he was the (b)(7)(C) in the fabrication shop which was released to internal candidates, the supervisory position for which (b)(7)(C) applied (Exhibit 11). (b)(7)(C) stated (b)(7)(C) and (b)(7)(C) SONGS employee, applied for the position. According to (b)(7)(C) none of the candidates qualified for the position. (b)(7)(C) explained that Southern California Edison's (SCE) Human Resources (HR) Department reviews the applications that are submitted for all jobs at SONGS. (b)(7)(C) said HR then ranks the applicants according to the experience each one has in correlation to the job requirements. (b)(7)(C) said, according to the rankings conducted by HR, (b)(7)(C) and (b)(7)(C) failed to meet the minimum qualifications to be granted interviews (Exhibit 12). (b)(7)(C) stated that despite the recommendation from HR, he decided to interview all of them anyway. (b)(7)(C) stated (b)(7)(C) did fairly well, but (b)(7)(C) and (b)(7)(C) did not do too well. (b)(7)(C) stated score sheets were kept during the interviews to record how the interviewees did (Exhibits 13-15). (b)(7)(C) stated that in the end, no one was hired to fill the Supervisor II position on the initial job announcement (Exhibit 5, pp. 16-23).

7c AGENT'S NOTE: The score sheets mentioned above were calculated by adding the two total scores together, dividing by two, and matching that answer against the Consensus Rating scale. (b)(7)(C) and (b)(7)(C) scored low, while (b)(7)(C) scored medium (Exhibits 13-15).

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7c (b)(7)(C) stated a second job announcement was release to internal and external candidates for the Supervisor II position in the fabrication shop, and (b)(7)(C) applied for the position again. (b)(7)(C) stated he received another certification listing from HR, with a recommendation that he interview the top four candidates. According to (b)(7)(C) was number six on the list, therefore, he was not granted an interview for the second job announcement (Exhibit 16). (b)(7)(C) advised the Supervisor II position was ultimately filled by an external candidate (Exhibit 5, pp. 23-26).

7c (b)(7)(C) stated he was not aware of any safety concerns raised by (b)(7)(C) but stated he (b)(7)(C) did recommend changes to some of the procedures in attempts to make things easier. According to (b)(7)(C) he (b)(7)(C) felt management tried to implement some of (b)(7)(C) recommendations. (b)(7)(C) was aware of an incident where (b)(7)(C) refused to send (b)(7)(C) to training, specifically the welding supervisor training course (b)(7)(C) stated he heard (b)(7)(C) state he did not feel (b)(7)(C) was trustworthy because of jobs (b)(7)(C) had conducted in the past. (b)(7)(C) stated he had no direct knowledge of what (b)(7)(C) was referring to, but stated that was the reason (b)(7)(C) gave for not providing the training to (b)(7)(C) (Exhibit 17, pp. 8-29).

7c (b)(7)(C) SONGS, was interviewed regarding the allegations raised by (b)(7)(C). According to (b)(7)(C) he did not know (b)(7)(C) and was unaware of any concerns raised by (b)(7)(C). Therefore, (b)(7)(C) could offer no direct testimony regarding (b)(7)(C) allegations (Exhibit 18).

7c In summary, although (b)(7)(C) claimed he suffered adverse actions as a result of raising safety concerns, there was no direct evidence to support his claims. (b)(7)(C) not being offered training and not being offered the upgrade supervisor position as he claimed was based, in part, on his lack of seniority in the fabrication shop, along with a lack of trust felt by (b)(7)(C) due to past performance issues exhibited by (b)(7)(C). Additionally, (b)(7)(C) was not selected for the Supervisor II position based on not meeting the standards set forth by SCE's HR Department, not as a result of actions by his management chain as he alleged. (b)(7)(C) was granted an interview for the Supervisor II position by (b)(7)(C) even after HR suggested he (b)(7)(C) not be interviewed for the job. (b)(7)(C) had no recollection of the circumstances surrounding (b)(7)(C) (b)(7)(C) (b)(7)(C) initially thought (b)(7)(C) (b)(7)(C) arrived after (b)(7)(C) was already (b)(7)(C). After hearing (b)(7)(C) account of the issue, (b)(7)(C) still claimed to have no recollection of receiving or providing (b)(7)(C) (b)(7)(C) to him.

Conclusions

7c Based on the evidence developed during this investigation, the allegation (b)(7)(C) was the subject of discrimination for raising safety concerns was not substantiated.

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**LIST OF EXHIBITS**

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record, dated December 3, 2010 (2 pages).
2	RIV ARB Summary and related documents, dated July 10, 2010 (4 pages).
3	Transcript of Interview with (b)(7)(C) dated January 5, 2011 (91 pages).
4	Transcript of Interview with (b)(7)(C) dated August 23, 2011 (30 pages).
5	Transcript of Interview with (b)(7)(C) dated August 24, 2011 (53 pages).
6	Transcript of Interview with (b)(7)(C) dated September 7, 2011 (39 pages).
7	Transcript of Interview with (b)(7)(C) dated August 24, 2011 (29 pages).
8	Transcript of Interview with (b)(7)(C) dated August 24, 2011 (46 pages).
9	Email from (b)(7)(C) subject (b)(7)(C) dated January 5, 2010 (1 page).
10	Email from (b)(7)(C) subject 12/11/09 (b)(7)(C) dated December 15, 2010 (2 pages).
11	SONGS SAP E-Recruiting, Job Posting 60225462, undated (2 pages).
12	Email from (b)(7)(C) to (b)(7)(C) subject NB60224900 – SUP2, dated December 1, 2009 (2 pages).
13	Interview Consensus Form, (b)(7)(C) undated (2 pages).
14	Interview Consensus Form (b)(7)(C) undated (2 pages).
15	Interview Consensus Form (b)(7)(C) dated December 7, 2010 (2 pages).
16	Email from (b)(7)(C) to (b)(7)(C) subject NB60691810 – SUP2, dated March 12, 2010 (2 pages).
17	Transcript of Interview with (b)(7)(C) dated August 24, 2011 (48 pages).
18	Transcript of Interview with (b)(7)(C) dated August 24, 2011 (12 pages).

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