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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) : 4-2011-024  
(CLOSED) :

-----x

March 24, 2011

San Onofre Nuclear Generating Station  
San Clemente, California

The above-entitled interview was conducted  
at 1:36 p.m.

BEFORE:

[Special Agent (b)(7)(C)]

NOTE: AS NO SPELLINGS OF TERMS/NAMES WERE PROVIDED,  
BEST GUESSES WERE USED.

4-2011-024

EXHIBIT 3

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Exemptions 7(C)  
FOIA/PA 2012-0185  
(202) 234-4433

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P-R-O-C-E-E-D-I-N-G-S

1:36 p.m

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[SPECIAL AGENT (b)(7)(C)] For the record

this is an interview of (b)(7)(C) who is employed by Southern California Edison at San Onofre Nuclear Generating Station. Today's date is March 24, 2011. The time is approximately 1:36 p.m. This interview is being conducted at San Onofre Nuclear Generating Station.

(b)(7)(C) could you please state and spell your full name for the record?

(b)(7)(C) My name is (b)(7)(C)

(b)(7)(C) middle initial; last name,

(b)(7)(C)

[SPECIAL AGENT (b)(7)(C)] Okay. And, (b)(7)(C)

(b)(7)(C) I'm (b)(7)(C) I'm a [special agent] with the Office of the Investigations Region IV for the Nuclear Regulatory Commission, and this interview is being recorded and transcripts will be produced from this. I need to ask you at this time do you have any recording devices on you?

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

[SPECIAL AGENT (b)(7)(C)] Okay. And the purpose of this interview is to discuss claims of discrimination against you by SONGS management for you

1 raising safety concerns?

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

3 [SPECIAL AGENT (b)(7)(C)] Okay. Would you  
4 raise hand for me, please, sir? Do you swear the  
5 information you're about provide is the truth, the  
6 whole truth and nothing but the truth, so help you  
7 God?

8 (b)(7)(C) I do.

9 [SPECIAL AGENT (b)(7)(C)] Okay. Okay.  
10 (b)(7)(C) could you go over your background  
11 employment history here at San Onofre?

12 (b)(7)(C) Yes, I've been employed at San  
13 Onofre since (b)(7)(C) I've filled a number  
14 of different positions. I was hired as a (b)(7)(C)

15 (b)(7)(C) I did most of the --  
16 or a lot of the (b)(7)(C) that was done at the  
17 station. I -- (b)(7)(C)

18 (b)(7)(C) and I helped  
19 them get to the right people, get their questions  
20 answered. I went to the (b)(7)(C) (b)(7)(C)

21 (b)(7)(C) I did the same thing with a couple (b)(7)(C)

22 (b)(7)(C)

23 And then after that I moved over to the  
24 (b)(7)(C) for about (b)(7)(C) where I  
25 worked on the (b)(7)(C)

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[And then I took another job after that.

(b)(7)(C)

(b)(7)(C)

So I worked in

(b)(7)(C)

for about

(b)(7)(C)

And then at -- at about -- after about

(b)(7)(C)

(b)(7)(C)

I was

(b)(7)(C)

And then since -- from

(b)(7)(C)

(b)(7)(C)

And then some time

(b)(7)(C)

all the

(b)(7)(C)

(b)(7)(C)

All of

(b)(7)(C)

are

now in

(b)(7)(C)

[SPECIAL AGENT

(b)(7)(C)

Okay.

(b)(7)(C)

So right now I'm technically

in

(b)(7)(C)

although I still

(b)(7)(C)

(b)(7)(C)

[SPECIAL AGENT

(b)(7)(C)

Okay.

(b)(7)(C)

Yes, I'm going to turn my cell

phone off if it's not off already.

[SPECIAL AGENT

(b)(7)(C)

Okay.

(b)(7)(C)

Just to make sure. Oops, it

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1 was not off.

2 [SPECIAL AGENT (b)(7)(C)] So your current  
3 position is a (b)(7)(C) correct?

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

5 [SPECIAL AGENT (b)(7)(C)] And you've been  
6 in that position for (b)(7)(C) is that what you  
7 said?

8 (b)(7)(C) I've -- I've been in -- we've  
9 been in (b)(7)(C) but I've been a  
10 (b)(7)(C) since the (b)(7)(C)

11 [SPECIAL AGENT (b)(7)(C)] Okay. Okay.  
12 And, (b)(7)(C) our office received an allegation, a  
13 concern raised by you regarding your treatment here at  
14 San Onofre. And one of the issues that was raised was  
15 it appears that in July of 2010 you wrote a  
16 notification, declared notification titled  
17 (b)(7)(C) is that correct, sir?

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

19 [SPECIAL AGENT (b)(7)(C)] Okay. And that  
20 went to the I believe that (b)(7)(C)

21 (b)(7)(C)

22 (b)(7)(C) is that correct?

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

24 [SPECIAL AGENT (b)(7)(C)] Okay. Can you  
25 go over that situation for me?

70  
1 (b)(7)(C) Let me -- could I just look at  
2 that a little to refresh my memory?

3 SPECIAL AGENT (b)(7)(C) Absolutely, yes.

4 (b)(7)(C) Make sure we're talking about  
5 the same one. Yes.

6 It was a Friday afternoon about 10 minutes  
7 to 4:00. Our supervisor came around. He was kind of  
8 going cubicle to cubicle saying that when -- he was  
9 going to be off the following week and that he was  
10 going to put a -- a non-supervisory person in charge  
11 of our group for the week he was gone. And this -- as  
12 stated in the notification, this person is not a  
13 supervisor, is a (b)(7)(C) has had no  
14 supervisory training, has expressed an interest in  
15 being a supervisor. And at that point I said I'm not  
16 taking direction from a (b)(7)(C) I'm a  
17 (b)(7)(C)

18 SPECIAL AGENT (b)(7)(C) Yes.

19 (b)(7)(C) There were two other  
20 supervisors present in the group who could have also  
21 been in charge of the group for that week, so it  
22 wasn't just me that, you know -- you know, there were  
23 two other possibilities that the supervisor could have  
24 selected.

25 And now at the time we were technically in

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1 the (b)(7)(C) but in the (b)(7)(C)  
 2 (b)(7)(C) there are very strict rules for upgrading  
 3 somebody to supervisor. And we've had -- well, we're  
 4 just now, in the last couple of months, recovered from  
 5 a situation, a safety situation from a -- a battery  
 6 surveillance that was a white finding and one of the  
 7 root causes of that was inadequate supervision. So I  
 8 guess I was surprised that my supervisor was trying to  
 9 slip this one in on us. He didn't lay any groundwork  
 10 for it. He didn't announce it openly. We have group  
 11 meetings every day. He didn't say anything. It was  
 12 one of these --

13 [SPECIAL AGENT (b)(7)(C) You're talking  
 14 about selecting a supervisor?

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

16 [SPECIAL AGENT (b)(7)(C) Okay.

17 (b)(7)(C) In his --

18 [SPECIAL AGENT (b)(7)(C) In his absence?

19 (b)(7)(C) In his absence.

20 [SPECIAL AGENT (b)(7)(C) Okay.

21 (b)(7)(C) Now when he had been absent  
 22 before, he had picked one of the other supervisors,  
 23 (b)(7)(C) (phonetic), to be in charge, and (b)(7)(C) was  
 24 going to be there that week.

25 [SPECIAL AGENT (b)(7)(C) Yes.

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1 (b)(7)(C) So this -- you know, basically  
 2 this -- I'll just say it my way; is this violated in  
 3 my mind all the nuclear principles and safety  
 4 conservatisms that we're taught to observe. Again,  
 5 I'm not saying anything against the individual, but  
 6 the individual was flat out not qualified to be a  
 7 supervisor. This person has spent her whole life  
 8 (b)(7)(C) and that's pretty much what she does  
 9 now. She's very good at. She's a great (b)(7)(C)  
 10 (b)(7)(C) That's her interest level. And I thought  
 11 this was way over the line, so I told my supervisor  
 12 that and he just turned around and walked away. He  
 13 didn't say, you know, we need to talk about this, or  
 14 why don't you come down to my office?

15 So then I -- a little while later I wrote  
 16 that notification. And the next day, which was a  
 17 Saturday, I came into work, you know, to do my normal  
 18 work, and I sent the (b)(7)(C) director an email and  
 19 said, you know, we -- we need to talk about this. And  
 20 he sent me an email back maybe 30 minutes later and  
 21 said, hey, get on my calendar and we'll talk about it.

22 So the following week three of us had a  
 23 meeting with the director, because three of us were  
 24 concerned.

25 (SPECIAL AGENT (b)(7)(C) And who was the

7c

1 director you sent an email to?

2 [REDACTED] It was a guy named [REDACTED]

3 [REDACTED] (phonetic).

4 [SPECIAL AGENT [REDACTED]] Okay.

5 [REDACTED] He has since left.

6 [SPECIAL AGENT [REDACTED]] And your current

7 -- I'm sorry, your supervisor involved in this with  
8 you, what was his name?

9 [REDACTED] (phonetic).

10 [SPECIAL AGENT [REDACTED]] Okay. And who

11 was the individual that was tasked to do the -- to  
12 fill in for the supervisor while he was gone?

13 [REDACTED] Her name was -- first name was

14 [REDACTED]

15 [SPECIAL AGENT [REDACTED]] Okay. And last

16 name?

17 [REDACTED]

18 [SPECIAL AGENT [REDACTED]] Okay. Well, her

19 first name was [REDACTED]

20 [REDACTED]

21 [SPECIAL AGENT [REDACTED]]

22 Okay.

23 [REDACTED] Yes. Yes.

24 [SPECIAL AGENT [REDACTED]] Okay. Now you

25 said there were two other supervisors that were

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1 qualified to fill in for him?

(b)(7)(C)

2 That's correct.

3 [SPECIAL AGENT (b)(7)(C)] Okay. Well, had

4 they filled in for him in the past?

5 (b)(7)(C)

Yes.

6 [SPECIAL AGENT (b)(7)(C)] And had you --

7 (b)(7)(C)

At least one of them had.

8 [SPECIAL AGENT (b)(7)(C)] Had you ever

9 filled in for him in the past?

10 (b)(7)(C)

No.

11 [SPECIAL AGENT (b)(7)(C)] Do you know if

12 anyone other than (b)(7)(C) was asked to fill in?

13 (b)(7)(C)

I do not know.

14 [SPECIAL AGENT (b)(7)(C)] Okay. Did you

15 ever speak with the two supervisors to see if they  
16 were asked or if they expressed an interest in filling  
17 in for him?

18 (b)(7)(C)

I -- I didn't ask them. You

19 know, we have a fairly mature organization that we  
20 have lots of rules and regulations we observe. I  
21 won't say a military chain of command, but we have a  
22 very, I guess, I don't know, professional approach to  
23 how we do things like that. We have an "Excellence  
24 Guidebook" that talks about how ops is supposed to  
25 model the best behavior for the site and yada, yada,

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1 yada.

2 Like I say, (b)(7)(C) had filled in for  
3 the supervisor in the past, you know, so in my mind  
4 the issue was there were two qualified supervisors  
5 present and available and they were bypassed. And  
6 that's --

7 [SPECIAL AGENT (b)(7)(C) And to your  
8 knowledge is that the first time (b)(7)(C) had ever  
9 filled in for him?

10 (b)(7)(C) Yes.

11 [SPECIAL AGENT (b)(7)(C) Okay. And you  
12 said you brought it up to your supervisor's attention  
13 and he just turned around and walked off. Did you  
14 ever get a chance to talk to him later about why this  
15 happened?

16 (b)(7)(C) No, I -- I didn't feel it was  
17 -- as this discussion unfolds, you know, hopefully  
18 those reasons will remain clear, but I didn't ask him.  
19 I just -- I -- I informed him I was not going to take  
20 direction from a (b)(7)(C) because I am a

21 (b)(7)(C)

22 [SPECIAL AGENT GONSOULIN]: Yes.

23 (b)(7)(C) And he just turned around and  
24 stormed off and, you know, didn't come back a few  
25 minutes later and say, hey, let's -- let's -- let's

1 work this work, you know?

2 [SPECIAL AGENT (b)(7)(C)] Okay. And this  
3 notification was written on actually July 9, 2010.  
4 How long before the incident happened did you write  
5 this notification?

6 [(b)(7)(C)] I wrote -- I -- I wrote it the  
7 same day.

8 [SPECIAL AGENT (b)(7)(C)] The same day?

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

10 [SPECIAL AGENT (b)(7)(C)] Okay. And how  
11 long did [(b)(7)(C)] fill in for him? Was it a week,  
12 you said?

13 [(b)(7)(C)] Yes, it must have been. Yes,  
14 because one of the things we discussed with the  
15 [(b)(7)(C)] director -- the first thing he said -- he  
16 asked us was, well, are you guys -- are -- are you  
17 guys in revolt or what? You know, those are my words;  
18 not his. And I said, no, we're -- we're going to do  
19 what we're told to do, but we just think this  
20 situation is -- you know, violates common sense, good  
21 judgment and, you know, basic nuclear principles of,  
22 you know, excellent performance.

23 [SPECIAL AGENT (b)(7)(C)] Okay.

24 [(b)(7)(C)] And Edison has a very strict  
25 hierarchy of job families and positions. It's -- like

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1 I say, it's not quite at a military level, but -- so,  
2 you know, this in -- in my mind was so far over the  
3 line and it's typical of the behavior of this  
4 individual and his boss.

5 [SPECIAL AGENT (b)(7)(C)] Okay.

6 [(b)(7)(C)] Which again, we'll get into I  
7 think as time goes on.

8 [SPECIAL AGENT (b)(7)(C)] Okay. And just  
9 on this particular issue, in your opinion did [(b)(7)(C)]  
10 [(b)(7)(C)] have the qualifications to act as supervisor  
11 while he was gone, the supervisor was gone?

12 [(b)(7)(C)] Certainly not.

13 [SPECIAL AGENT (b)(7)(C)] Okay. All  
14 right. And what made you say why not or why didn't  
15 she have the qualifications? What was her lacking?  
16 What was she lacking?

17 [(b)(7)(C)] [(b)(7)(C)]

18 [(b)(7)(C)] And again, I'm not saying that  
19 she's a bad person. I'm just saying, you know, wrong  
20 person for the wrong job. Now, she said on -- on --  
21 you know, I -- I won't say a lot, but I've heard her  
22 say, you know -- you know, she doesn't want authority,  
23 she doesn't want responsibility. When she came over

24 to the [(b)(7)(C)] she came over from the [(b)(7)(C)]

25 [(b)(7)(C)] where she had worked for, you know,

1 [REDACTED] basically as a [REDACTED]

2 And I know I spoke to her a couple of  
3 times about -- saying, well, that you're in

4 [REDACTED] you need to get some [REDACTED]

5 [REDACTED] you need to take some [REDACTED]

6 so when you deal with these [REDACTED] people they

7 have some kind of respect for who you are. And she

8 basically refused to go to any training. Well, she's

9 not under any obligation to do anything I say, but I

10 was just -- I've known her for, you know, 15-20 years.

11 I just said now that you're a [REDACTED] you

12 need to learn something about [REDACTED] And she

13 basically refused to do so. I talked to her twice

14 about it. She joined the group; I don't remember

15 exactly when, maybe [REDACTED]

16 [SPECIAL AGENT [REDACTED] Okay.

17 [REDACTED] So she's doing the same job in

18 [REDACTED] that she did in the [REDACTED]

19 although she's a [REDACTED] And she got a

20 promotion to -- to take that job, so -- so she's

21 exhibited no leadership interests, not demonstrated

22 any leadership qualities whatsoever.

23 [SPECIAL AGENT [REDACTED] Okay. And with

24 regard to this particular issue, other than writing

25 notification, did you raise it to anybody else? I

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1 mean, I know you said you discussed it with your  
2 supervisor and there was no discussion of it. He just  
3 walked away.

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

5 [SPECIAL AGENT (b)(7)(C) Anybody else you  
6 raise a concern to?

7 (b)(7)(C) Well again, the next day when  
8 I came into work Saturday, you know, I sent the (b)(7)(C)  
9 director an email and said there's an issue we need to  
10 talk about. And then we met with him, I think it was  
11 like the following Tuesday or Wednesday.

12 [SPECIAL AGENT (b)(7)(C) Okay. And  
13 again, his name was?

14 (b)(7)(C)

15 [SPECIAL AGENT (b)(7)(C) And what was his  
16 response or what did he say when you brought the  
17 subject --

18 (b)(7)(C) He -- he -- first of all, he  
19 just wanted to make sure that, you know, everything  
20 was okay, that people weren't, you know, up in arms.  
21 And we said, no, we're going to do what we're told to  
22 do, but we think it's wrong. And he said, well, I'll  
23 look into it.

24 [SPECIAL AGENT (b)(7)(C) Okay. And did  
25 anything ever become on his inquiry?

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1 (b)(7)(C) He -- he turned it over to  
 2 another manager in our chain of command, (b)(7)(C)  
 3 (phonetic) and then I had several meetings with (b)(7)(C)  
 4 (b)(7)(C) about it.

5 [SPECIAL AGENT (b)(7)(C) Okay. And what  
 6 was the end result? Or to date what's the end result  
 7 of it?

8 (b)(7)(C) I was suspended for a week.

9 [SPECIAL AGENT (b)(7)(C) Okay. As a  
 10 result of raising this issue and pursuing it?

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

12 [SPECIAL AGENT (b)(7)(C) Okay. Okay.  
 13 Well, we'll get into that particular issue. I just  
 14 wanted to make sure --

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

16 [SPECIAL AGENT (b)(7)(C) -- we get  
 17 everything. All the preliminary work laid before we  
 18 get to that issue.

19 (b)(7)(C) Okay. We had -- we had two  
 20 meetings. (b)(7)(C) and I had two meetings and I  
 21 documented the second meeting. And, you know,  
 22 basically he just said, well, you know, this is like  
 23 no big deal and, you know, I don't know why you're  
 24 kind of responding the way you did, why you think  
 25 that's anything to worry about. And I said, you know,

70

1 this -- we're in -- we're in the (b)(7)(C) division.  
2 You know, we prepare quality affecting documentation.  
3 You need to have people in charge that know what  
4 they're doing and understand the ramifications of what  
5 could go wrong if you screw up a procedure.

6 You know, you might -- you might not get  
7 the (b)(7)(C) (inaudible) evaluation done or get it done  
8 right or, you know, there are some things that, you  
9 know, you got to be up to speed on. You have to know  
10 if a problem comes up. Somebody calls her from the  
11 field and says I need this procedure changed now,  
12 whether that's really something you need to do or  
13 whether, you know, you can put it in the normal, you  
14 know, queue. I mean, there -- there are some things  
15 you need to know and there are some judgments that  
16 need to be made.

17 So (b)(7)(C) really downplayed the whole thing  
18 and -- and then he said your relationship with your  
19 boss is broken, isn't it? And I said yes it is. You  
20 know, there's a history with -- between myself and my  
21 supervisor and his boss. And I said yes it is. And  
22 then he talked about, well, maybe I can find you  
23 another job out of this group. And also at the same  
24 time he -- in the first meeting he asked me -- he kind  
25 of played this role like, oh, you got to help me. We

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1 got a problem. You got to help me. But eventually by  
 2 the second meeting it was maybe I can find you a job  
 3 out of the group. And he did end up setting me up for  
 4 training and -- and offering me a job in another  
 5 group.

6 And then at some point; and I don't know  
 7 where it happened, but the decision was to retaliate  
 8 and then all that was taken off the table.

9 [SPECIAL AGENT (b)(7)(C)] Okay. So what  
 10 job were you supposed to go and have training for and  
 11 go into?

12 (b)(7)(C) It was some kind of (b)(7)(C)  
 13 (b)(7)(C) job, which was outside of the (b)(7)(C)  
 14 (b)(7)(C) that I'm in, but it was still under (b)(7)(C)  
 15 span of control and he set me up for training and the  
 16 whole thing.

17 [SPECIAL AGENT (b)(7)(C)] Other than the  
 18 management person that you've already named, who else  
 19 had direct knowledge of this that was involved in this  
 20 particular issue?

21 (b)(7)(C) (phonetic).

22 [SPECIAL AGENT (b)(7)(C)] What  
 23 was his position?

24 (b)(7)(C) He is -- he's the (b)(7)(C)  
 25 (b)(7)(C) so he (b)(7)(C)

7c

(b)(7)(C)

1

[SPECIAL AGENT (b)(7)(C) Okay. Did you have a face-to-face meeting with him?

2

(b)(7)(C) No.

4

[SPECIAL AGENT (b)(7)(C) Okay.

5

(b)(7)(C) Because what happened was we

6

got a meeting with (b)(7)(C) the (b)(7)(C)

7

director] and then that kind of got rolled over to two

8

meetings with (b)(7)(C) And then I was set up for

9

training -- got a little cotton mouth here. I should

10

go get a bottle of water.

11

[SPECIAL AGENT (b)(7)(C) Yes, we can take

12

a break whenever you want to.

13

(b)(7)(C) So I had two meetings with

14

(b)(7)(C) at the conclusion of which he set me up for

15

training so I could go to this other job. And then I

16

was sitting at -- at my desk on a Friday afternoon at

17

2:00 and I get a phone call from my supervisor (b)(7)(C)

18

(b)(7)(C) who said collect your personal belongings

19

and come up to the personnel building just out of the

20

blue. So I -- I thought they were going to fire me

21

for something.

22

[SPECIAL AGENT (b)(7)(C) Yes.

23

(b)(7)(C) And so I went up to the

24

personnel building and (b)(7)(C) was there (b)(7)(C)

25

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1 was there and the (b)(7)(C) director (b)(7)(C)  
 2 (b)(7)(C) (phonetic) was there. And (b)(7)(C) informed  
 3 me that I was being suspended for a week because of a  
 4 couple of things; No. 1 was a bad performance -- a --  
 5 a bad midyear performance appraisal, which was  
 6 actually the basis for my allegation. When I got my  
 7 midyear in August, that's when I submitted the  
 8 allegation. So he said you're being suspended because  
 9 of that. And -- and I didn't hear anything else that  
 10 he said. He may have said more.

11 But when I came back from my week-long  
 12 suspension, I said, well -- because one of the guys at  
 13 work told me that in a -- in a group meeting they said  
 14 that I had been suspended for a work rule violation.  
 15 And -- and I -- so when I came back and -- and I had  
 16 my return meeting with my supervisor; and (b)(7)(C)  
 17 was there also, I said what's this about a work rule  
 18 violation? What -- what are you guys talking about?  
 19 And (b)(7)(C) said, well, when you were describing --  
 20 in one of our meetings when you were describing why  
 21 you thought (b)(7)(C) was not a qualified supervisor,  
 22 you said some -- you made some disparaging remarks.  
 23 And so that was the basis for that portion of the  
 24 suspension.

25 So at no time during either of the two

7c  
1 meetings that I had with (b)(7)(C) did he ever say  
2 anything about he didn't like the way I characterized  
3 that person's skill level and the reasons why I said  
4 she was not qualified. And further, he -- you know,  
5 he offered me a job.

6 [SPECIAL AGENT (b)(7)(C)] Yes.

7 (b)(7)(C) So, you know, I don't know how  
8 you explain going from, hey, I'm going to give you a  
9 job so you can get out of here to you're suspended.

10 [SPECIAL AGENT (b)(7)(C)] Now during the

11 time that this was taking place, when you raised this  
12 notification and when you got suspended, you hadn't  
13 brought your issues to the NRC yet, had you?

14 (b)(7)(C) I don't -- no, I had initiated  
15 the allegations before I was suspended.

16 [SPECIAL AGENT (b)(7)(C)] Okay.

17 (b)(7)(C) The basis for my allegation  
18 was my midyear performance appraisal.

19 [SPECIAL AGENT (b)(7)(C)] Okay. All

20 right. And if you recall, what time span are we  
21 talking about from the time you're --

22 (Whereupon, off the record briefly.)

23 [SPECIAL AGENT (b)(7)(C)] For the record

24 we're back on the record. We had technical  
25 difficulties and had to change the batteries with the

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70  
1 recorder.

2 (b)(7)(C) let's go back to what you were  
3 talking about in 2007. You said that you had an issue  
4 with (b)(7)(C) back in 2007 through your immediate  
5 supervisor, is that correct?

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

7 [SPECIAL AGENT (b)(7)(C) Okay. Explain  
8 that situation one more time, please, sir.

9 (b)(7)(C) Well, the reason I'm raising  
10 this issue is that when I got suspended in (b)(7)(C)

11 (b)(7)(C) one of the reasons cited for my suspension  
12 was my midyear performance appraisal in 2007 that was  
13 given to me by my (b)(7)(C) supervisor. And at the  
14 end of our little session where he gave me the results  
15 and I -- frankly, I gave my then-supervisor my frank  
16 opinion of his value to the organization. Two days  
17 later without any kind of administrative action,  
18 without either discipline or following any recognized  
19 Edison personnel HR practice, they took me as a

20 (b)(7)(C) It was  
21 not -- it was not in my job family. It was well below  
22 my skill level.

23 So now you're saying, well, why would he  
24 -- why didn't he do anything then? Well, No. 1, I got  
25 away from -- I -- I thought I was getting away from

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1 (b)(7)(C) but I knew I was getting away from (b)(7)(C)  
 2 (b)(7)(C) (phonetic).

3 [SPECIAL AGENT (b)(7)(C) And (b)(7)(C)  
 4 was your immediate supervisor?

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

6 [SPECIAL AGENT (b)(7)(C) Okay.

7 (b)(7)(C) As luck would have it, at the  
 8 same time I went over to the (b)(7)(C)

9 took the job as -- he remained my manager. I thought  
 10 I was going to go to a brand new group, but (b)(7)(C)

11 changed jobs such that he remained my manager.

12 [SPECIAL AGENT (b)(7)(C) Okay.

13 (b)(7)(C) So that's -- that's how that  
 14 happened. But the reason I raise it today is that  
 15 when I was suspended in (b)(7)(C) one of the  
 16 reasons they cited was a bad midyear performance  
 17 appraisal from 2007.

18 [SPECIAL AGENT (b)(7)(C) Okay.

19 (b)(7)(C) Yes, you know, it -- it  
 20 doesn't make sense. Well, it does. When you  
 21 recognize that what they're doing is retaliating, then  
 22 it does make sense.

23 Now, the other interesting thing is that  
 24 I rebutted that 2007 performance appraisal and I  
 25 rebutted the things that were lies in that midyear

7c

1 performance appraisal.  
2 [SPECIAL AGENT (b)(7)(C)] Okay. And, you  
3 know, (b)(7)(C) we just want to back up a little bit,  
4 because apparently the recording didn't get what you  
5 -- what led to your 2007 bad evaluation.

6 (b)(7)(C) Oh, okay.

7 [SPECIAL AGENT (b)(7)(C)] Yes. Just go  
8 over that briefly for us also, sir.

9 (b)(7)(C) If I can say this briefly, (b)(7)(C)

10 (b)(7)(C) had been out. He had missed about (b)(7)(C)

11 (b)(7)(C) He had like a (b)(7)(C)

12 (b)(7)(C) or whatever, I don't know. (b)(7)(C)

13 (b)(7)(C) And that's -- he eventually picked an  
14 outage to schedule his (b)(7)(C) so he was gone most of  
15 the outage.

16 And when he came back, the outage was  
17 almost over and -- and he was -- he -- we were in  
18 meeting, group meeting. He was trying to tell us  
19 something about we needed to do this and we needed to  
20 do that. He didn't know what he was talking about  
21 because he'd been gone. And I -- again, I'm -- I --  
22 I can't, you know, say anything other than what I  
23 said, but I just -- in exasperation I said, (b)(7)(C)  
24 you're full of shit, you know? So that's--- so that  
25 in my -- my belief is why he subsequently retaliated

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1 against me on my performance appraisal rather than --

2 [SPECIAL AGENT (b)(7)(C)] From 2007?

3 (b)(7)(C) -- yes, that's correct --

4 rather than handling it, you know, one-on-one meeting,  
5 like don't ever do that again or -- or -- or some kind  
6 of disciplinary action, you know?

7 [SPECIAL AGENT (b)(7)(C)] Now 2007, you

8 said this was your first case of retaliation by a  
9 supervisor?

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

11 [SPECIAL AGENT (b)(7)(C)] And in 2009 you

12 write this notification regarding who you felt was an  
13 unqualified --

14 (b)(7)(C) In 2010, yes.

15 [SPECIAL AGENT (b)(7)(C)] I'm sorry, 2010.

16 Just to keep the timetable right, between 2007 and  
17 2010 were there any other issues that you felt led to  
18 more retaliation against you?

19 (b)(7)(C) Yes, in 2009 I got a -- I

20 wouldn't say it was a horrible performance appraisal,  
21 but unwarranted needs improvements. And again, it  
22 goes to the heart of why six of the eight members of

23 the group filed the chilled work environment  
24 allegation is because we had a couple of times in  
25 meetings with our then-supervisor who (b)(7)(C)

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1 he was telling us to do on -- on several occasions to  
 2 perform our work not in accordance with our procedural  
 3 requirements. And I think you -- anybody listening to  
 4 this recording, yourself included, would say, well,  
 5 you know, (b)(7)(C) is not the kind of guy that's  
 6 just going to sort of let that slide by, and I didn't.  
 7 And I -- I spoke up. I don't remember what I said.  
 8 I didn't use bad words or anything, but you -- you  
 9 know --

10 [SPECIAL AGENT (b)(7)(C)] And who was that  
 11 supervisor?

12 (b)(7)(C) A guy named (b)(7)(C)  
 13 (phonetic).

14 [SPECIAL AGENT (b)(7)(C)] Okay.

15 (b)(7)(C) And I challenged him at the  
 16 meeting and I said it sounds like you're telling us  
 17 not to obey our procedures, which I -- you know,  
 18 you're in OI. I don't know how nuclear you are, but  
 19 you know, we live and die by following our group  
 20 instructions. So --

21 [SPECIAL AGENT (b)(7)(C)] Okay.

22 (b)(7)(C) So again, rather than address  
 23 that issue, then when they wrote up like my midyear  
 24 2009, they made it sound like I was Attila the Hun.

25 [SPECIAL AGENT (b)(7)(C)] Okay. And let's

7c

1 jump a little bit. We can go back if you like.

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

3 [SPECIAL AGENT (b)(7)(C) Let's jump a  
4 little bit to -- in August 2010 you received a  
5 negative midyear appraisal.

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

7 [SPECIAL AGENT (b)(7)(C) You wrote the  
8 notification in July of 2010?

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

10 [SPECIAL AGENT (b)(7)(C) In August 2010  
11 you got your performance appraisal and you had needs  
12 improvement --

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

14 [SPECIAL AGENT (b)(7)(C) -- on some of  
15 the areas?

16 (b)(7)(C) Many needs improvements, yes.

17 [SPECIAL AGENT (b)(7)(C) Okay. And you  
18 feel that it was a result of you writing this  
19 notification and other things that had happened to  
20 you?

21 (b)(7)(C) Primarily that. Not just  
22 that, but I -- I believe that was the catalyst.

23 [SPECIAL AGENT (b)(7)(C) Okay.

24 (b)(7)(C) Because it happened about six  
25 weeks before and I don't know -- I -- I don't know

7c

1 this for a fact, but my belief is (b)(7)(C) my  
2 supervisor, got some blowback for -- for pulling this  
3 stunt. I mean, I don't know that, but that's my  
4 belief.

5 [SPECIAL AGENT (b)(7)(C)] Okay.  
6 (b)(7)(C) probably got a little  
7 blowback also, like what were you guys thinking, you  
8 know?

9 [SPECIAL AGENT (b)(7)(C)] Okay.  
10 (b)(7)(C) Again, that's supposition on  
11 my part.

12 [SPECIAL AGENT (b)(7)(C)] Now you said you  
13 received many needs improvements.

14 (b)(7)(C) Yes.

15 [SPECIAL AGENT (b)(7)(C)] Your midyear  
16 appraisal was 2010. Was that the most needs  
17 improvements you had even received?

18 (b)(7)(C) Yes.

19 [SPECIAL AGENT (b)(7)(C)] Okay. And what  
20 would reason would you give for receiving these needs  
21 improvements?

22 (b)(7)(C) I -- I don't know that I could  
23 give a reason. I mean, it's -- it's just so -- in my  
24 mind it was just so outrageous. I mean, clearly at  
25 this point you know and everybody that's listening to

7c

1 this knows that there's no love lost between myself  
 2 and (b)(7)(C) and myself and (b)(7)(C) But in  
 3 terms of doing my job, I do my job very well and I do  
 4 speak out when I see something that is wrong. I don't  
 5 go high and to the right. I don't jump up and down.  
 6 I don't throw a temper tantrum. I point things out.

7 [SPECIAL AGENT (b)(7)(C) Yes.

8 (b)(7)(C) So you can look back; and  
 9 you'll have copies of my last several years of  
 10 performance appraisals, but there's nothing in my  
 11 history that ever -- that would suggest or justify the  
 12 eight needs improvements I got at midyear. It's  
 13 almost -- you -- you can't explain it. There's no  
 14 performance basis for those marks.

15 And -- and let me just provide one  
 16 example; just one. Is one of the things I was graded  
 17 down on was my work output. Now, let me set the  
 18 scene: I'm in my supervisor's office. He said you're  
 19 getting a needs improvement because you only did (b)(7)(C)  
 20 (b)(7)(C) in the first six months of the year.

21 Well, I knew I had done more and I said I've done more  
 22 than that. And -- and the only thing (b)(7)(C)  
 23 could say was I ran a report. And I said, well, your  
 24 report's wrong. He said I ran a report. And then I  
 25 said I keep a record of every (b)(7)(C) that I

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1 do just for this kind of thing.

2 [SPECIAL AGENT (b)(7)(C)] Yes.

3 (b)(7)(C) Because I -- I mean, anybody  
4 -- I mean, frankly nobody believes that a report is  
5 infallible. I mean, let's get serious. At least not  
6 without some validation. I said you can come by my  
7 desk. I can provide you a list of all the (b)(7)(C)  
8 (b)(7)(C) that I did. And -- and literally he said  
9 nothing. Every time I'd say something like that, he'd  
10 say I ran a report.

11 Now what that told me is he was told to  
12 run a report and they were looking for the lowest  
13 number they could find. And when they found a low  
14 number, that was it, they were done. He never came to  
15 me ahead of time and said looks like your work  
16 output's kind of low, or it's low compared to somebody  
17 else. This was just out of the blue.

18 [SPECIAL AGENT (b)(7)(C)] Yes.

19 (b)(7)(C) And you'll get copies of --  
20 you know, Edison has a policy where you have to keep  
21 people advised of how they're doing, you know, that  
22 you don't blind side them. And the reason they didn't  
23 do that is because there was no basis for that remark  
24 or that comment. I did (b)(7)(C)  
25 (b)(7)(C) than what they said I did. Okay?

1 No. 2, I was doing other work during some  
2 of that six months in 2010. He gave me no credit for  
3 that. I was on a (b)(7)(C) I  
4 had worked the previous outage that didn't end until  
5 -- or at least my part of the outage didn't end until  
6 early (b)(7)(C) so I didn't even come back to the group  
7 until like the second week of (b)(7)(C) So I can  
8 account for at least over a month of time away from  
9 the group.

10 Then he runs this report and who knows  
11 what the parameters were, but it was wrong. And he  
12 refused to entertain any other, you know counter-  
13 information. So that tells me that the fix was in.  
14 Okay? You know, when somebody says I'm not even going  
15 to go look at your records; and he could have  
16 validated all my records. It's not like I make this  
17 stuff up.

18 [SPECIAL AGENT (b)(7)(C) Yes.

19 (b)(7)(C) He could look on the database.  
20 He can see what I did. So, you know, and that was why  
21 I generated the allegation because I knew at that  
22 point they were lying and they were lying on purpose.  
23 It wasn't like cup's half full; cup's half empty.  
24 It's like we know God damn well there is -- pardon my  
25 French -- this -- this data is wrong, but we want to

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1 screw this guy, so we're going with it. And even when  
2 confronted with information that's different, he --  
3 literally, I'm -- I'm -- he said nothing. He wouldn't  
4 say anything but I ran a report.

5 [SPECIAL AGENT (b)(7)(C)] And this was

6 (b)(7)(C)

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

8 [SPECIAL AGENT (b)(7)(C)] And that's the  
9 one that gave you your midyear?

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

11 [SPECIAL AGENT (b)(7)(C)] Okay. And

12 again; I know I asked this earlier, but did he give  
13 you any justification for giving you a needs  
14 improvement on any of the issues he gave --

15 (b)(7)(C) Yes, he -- I mean, he talked  
16 about each one, but it's just -- it's -- it just  
17 defies logic. So the only thing I can say today is  
18 I'd like you to speak with a number of other people  
19 who will tell the way it is.

20 [SPECIAL AGENT (b)(7)(C)] And since we're  
21 in the juncture, why don't you go ahead and give me  
22 the names of the folks you'd like to speak with, if  
23 you're ready to do that?

24 (b)(7)(C) I have a list, but I'd like to

25 -- this is all your stuff, by the way.

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1 [SPECIAL AGENT (b)(7)(C)] Okay.

2 (b)(7)(C) Here's a list of some people,  
3 but what I'd like to do at some point is I'd like to  
4 explain who I think would be good for you to talk to.

5 [SPECIAL AGENT (b)(7)(C)] Okay.

6 (b)(7)(C) And I haven't spoken to all  
7 these people and said, hey, would you talk -- if -- if  
8 somebody called you, would you -- you know, I haven't  
9 groomed these people or anything.

10 [SPECIAL AGENT (b)(7)(C)] Okay.

11 (b)(7)(C) But certainly I've got some  
12 coworkers that I'd like you to talk to who will vouch  
13 for my performance and who I'm pretty confident will  
14 say, you know, they're out to get me, you know, and --  
15 you know, and because I mean I -- because, you know,  
16 if I had gotten one or two needs improvements at  
17 midyear, I would have -- I wouldn't have said  
18 anything. It would be like, you know, we -- we don't  
19 like each other and I've -- I've got -- I -- I need to  
20 give you a little more information about that. But  
21 there's no love lost between us. But as a  
22 supervisor/manager, you deal with people's  
23 demonstrated performance. Just because you don't like  
24 somebody you don't retaliate.

25 [SPECIAL AGENT (b)(7)(C)] Okay.

1 [REDACTED] Now, the other -- the other  
 2 thing is this meeting that's about the unqualified  
 3 person, when I had my meetings with [REDACTED] at  
 4 some point he called the Employee Concerns Program and  
 5 had one of your former employees, a guy named [REDACTED]  
 6 [REDACTED] (phonetic), come over and do a little  
 7 investigation; and I'll give you a copy of that.

8 [SPECIAL AGENT [REDACTED]] Okay.  
 9 [REDACTED] And I think it's a very  
 10 unprofessional document. It's just full of hearsay  
 11 and there's really no -- not much by way of fact or  
 12 verification. But I spent an hour talking to [REDACTED] and  
 13 at first I said, like, what are you doing here? You  
 14 know, he's, well, I'm here to, you know, talk and  
 15 understand what's going on in this group, the  
 16 dynamics, yada, yada. And I said I don't know if I  
 17 really want to talk about this. You know, I treated  
 18 it as -- it wasn't a requirement that I speak with  
 19 him. It was voluntary.

20 [SPECIAL AGENT [REDACTED]] Yes.  
 21 [REDACTED] But then I said, oh, okay.  
 22 Yes, wait, I'll talk to the guy. You never know. So  
 23 I spent over an hour talking to the guy. And what  
 24 [REDACTED] told me at our second meeting was that --  
 25 and I don't know if [REDACTED] really said this; maybe he

1 did, but he said - (b)(7)(C) used to be in your --  
 2 [SPECIAL AGENT (b)(7)(C)] Allegations.  
 3 (b)(7)(C) -- allegations, right. He --  
 4 he -- he told me that (b)(7)(C) said I was uncooperative.  
 5 I spent an hour talking to the guy just like we're  
 6 talking today. I didn't say any -- I didn't withhold  
 7 information. I didn't -- you know, it was talk. But  
 8 when you read that, what you're going to see is that  
 9 he calls me -- he calls me out as a troublemaker, to  
 10 other guys in our group as a troublemaker.

11 [SPECIAL AGENT (b)(7)(C)] You're talking  
 12 about (b)(7)(C) does?

13 (b)(7)(C) Yes.

14 [SPECIAL AGENT (b)(7)(C)]  
 15 (b)(7)(C) Yes, in the report. And  
 16 there's no substantiation for it, you know? He  
 17 listened to a couple of whiners in the (b)(7)(C) side  
 18 of the house, the (b)(7)(C) who, you know  
 19 -- you know, let's just say we -- we don't have a high  
 20 regard for one another professionally.

21 [SPECIAL AGENT (b)(7)(C)] Okay.

22 (b)(7)(C) But rather than, you know,  
 23 confirm or give anybody a chance to rebut, he just  
 24 wrote it up that way. So, you know, and then that all  
 25 fed into, you know -- I -- I -- I -- I think there's

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1 a link in there to the suspension, you know, my  
2 belief.

3 [SPECIAL AGENT (b)(7)(C)] Okay. And with  
4 regard to your performance appraisal you made your  
5 appraisal, you made your appraisal, did you know what  
6 anybody else in the group got? Anybody else had low  
7 marks?

8 (b)(7)(C) Yes.

9 [SPECIAL AGENT (b)(7)(C)] They felt  
10 shouldn't have received?

11 (b)(7)(C) Yes. Yes, one -- one person.

12 [SPECIAL AGENT (b)(7)(C)] Okay. And who  
13 was that person?

14 (b)(7)(C) (phonetic).

15 [SPECIAL AGENT (b)(7)(C)] Okay.

16 (b)(7)(C) And I think he's on the  
17 witness list.

18 [SPECIAL AGENT (b)(7)(C)] Yes. Okay.

19 (b)(7)(C) Now, the way (b)(7)(C) decided to  
20 deal with this situation, like several other people,  
21 is he (b)(7)(C)

22 [SPECIAL AGENT (b)(7)(C)] Is he (b)(7)(C)

23 (b)(7)(C)

24 (b)(7)(C) He's (b)(7)(C) I think he -- he

25 had a (b)(7)(C) and I think that was his (b)(7)(C)

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1 (b)(7)(C)

2 [SPECIAL AGENT (b)(7)(C)] Okay.

3 (b)(7)(C) And the other thing I need to

4 point out is (b)(7)(C) is the fourth person who has (b)(7)(C)

5 (b)(7)(C)

6 (b)(7)(C)

7 (b)(7)(C) You know, one guy was a (b)(7)(C)

8 (b)(7)(C) (phonetic). He's -- he's been gone since

9 (b)(7)(C) And when he left he said I'm not

10 coming back.

11 [SPECIAL AGENT (b)(7)(C)] Okay.

12 (b)(7)(C) Second guy was a fellow named

13 (b)(7)(C) (phonetic) who would love to talk to you.

14 [SPECIAL AGENT (b)(7)(C)] Okay.

15 (b)(7)(C) He was one of the allegers for

16 the chilled work environment. He also was retaliated

17 against by (b)(7)(C)

18 [SPECIAL AGENT (b)(7)(C)] Now was he a

19 (b)(7)(C)

20 (b)(7)(C) No, he's an (b)(7)(C) who

21 (b)(7)(C)

22 [SPECIAL AGENT (b)(7)(C)] Okay.

23 (b)(7)(C) And he actually went to

24 (b)(7)(C) Yes, I think he prevailed

25 to some extent. He's not allowed to talk to me about

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1 it, but he did remind me; he said I can talk to the  
 2 NRC all day long about it. His case is very similar  
 3 to mine where he was told all year long he was -- his  
 4 performance was just fine and then -- by his  
 5 supervisor (b)(7)(C) and then the last day of  
 6 the -- the performance year, you know, (b)(7)(C) reached  
 7 down and told (b)(7)(C) to give him a needs improvement.

8 There are different levels of needs  
 9 improvement. The needs improvement that (b)(7)(C) got  
 10 meant that he forfeited about an (b)(7)(C) bonus. So  
 11 there was a direct financial impact there. And (b)(7)(C)  
 12 eventually filed an allegation. He eventually -- he  
 13 went to (b)(7)(C) and I don't know exactly what  
 14 happened, but I think he somehow prevailed. I don't  
 15 know to what degree, but he would -- he would love to  
 16 talk to you.

17 [SPECIAL AGENT (b)(7)(C) Okay. So that's  
 18 -- so (b)(7)(C) was the second guy. So we got (b)(7)(C)  
 19 who said I'm never coming back here (b)(7)(C)

20 (b)(7)(C)  
 21 (b)(7)(C)

22 after that retaliation on his performance appraisal.

23 The third guys who's name is also on the  
 24 list is (b)(7)(C) (phonetic), who was an (b)(7)(C)

25 (b)(7)(C)

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(b)(7)(C)

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20  
21  
22  
23  
24  
25

And after (b)(7)(C) he went back to become an (b)(7)(C) And again, his (b)(7)(C)

(b)(7)(C)

-- these are the (b)(7)(C) that (b)(7)(C) and (b)(7)(C) have -- as long as (b)(7)(C) and (b)(7)(C) are still here I'm not -- I'm not coming back.

Now, yes, the fourth guy is (b)(7)(C) (b)(7)(C) got -- (b)(7)(C) like me, got eight needs improvements at midyear. In some respects -- well, what happened to (b)(7)(C) had a (b)(7)(C)

(b)(7)(C)

(b)(7)(C) And he was in another group, but

for some reason they sent him over to -- to the

(b)(7)(C) And we had a training class going

on at the time he came back, like about a week or two after he showed up there was a training class and they wouldn't put him in it. So -- so they made him a

(b)(7)(C) They wouldn't give him the training. (b)(7)(C) never gave him any guidance.

He's kind of sitting there like I'm just spinning my wheels and his -- you know, so he -- you know, he kind of clicked off and at some point we -- we had a lot of talk. We -- we talked a lot about this and at some

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1 point he just -- he just left.

2 [SPECIAL AGENT (b)(7)(C)] Okay. In 2010  
3 before your midyear you said he never -- I'm talking  
4 about your supervisor, never (inaudible) said you were  
5 having problems in these areas?

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

7 [SPECIAL AGENT (b)(7)(C)] Okay.

8 (b)(7)(C) Now he'll say -- he said it --  
9 he said -- he'll say something like I think -- you  
10 know, once I said something to you about it, but you  
11 know, I don't really -- there was no sit down meeting  
12 or conversation. And -- and let me say this: You  
13 know, (b)(7)(C) doesn't know anything about  
14 procedures. He doesn't know anything about anything.  
15 And some of the people on that list have worked with  
16 him in the past. And every time -- every person I run  
17 into on site where they say, hey, who's your  
18 supervisor, I say (b)(7)(C) they literally  
19 roll their eyes. There's one reason (b)(7)(C)  
20 has the job he has, and that is because of (b)(7)(C)  
21 (b)(7)(C) is notorious for hiring people that will do  
22 nothing but kiss his butt. They have no professional  
23 skills or qualifications, but (b)(7)(C) just likes it  
24 that way.

25 I've already mentioned to you about (b)(7)(C)

7c

1 (b)(7)(C) who (b)(7)(C) protected  
 2 and continues to protect. And how he's got  
 3 (b)(7)(C) But one of those witnesses, if we're  
 4 lucky she may say; because she told me this -- this is  
 5 a she now, there was a guy who was, you know, (b)(7)(C)  
 6 (b)(7)(C) toadee up until eight or ten months ago. And at  
 7 some point I guess, you know, the way this woman  
 8 explained it to me; and I didn't ask; I didn't solicit  
 9 this, she just -- we were -- it's like at the copy  
 10 machine, you know, she's telling me. She said, well,  
 11 you know, at some point (b)(7)(C) recognized -- and I'm  
 12 going to clean up the language, but she said at some  
 13 point (b)(7)(C) recognized that (b)(7)(C) was a  
 14 much bigger kiss-up than (b)(7)(C) (phonetic), who was the  
 15 previous (b)(7)(C) toadee. And -- and she said once (b)(7)(C)  
 16 recognized that, then (b)(7)(C) was out and (b)(7)(C) was  
 17 in. (b)(7)(C) brought (b)(7)(C) over working for him when  
 18 (b)(7)(C) was in charge of work orders and stuff. And then  
 19 when (b)(7)(C) became the -- the (b)(7)(C)  
 20 manager, then, gosh, surprise, surprise, guess who got  
 21 the (b)(7)(C)  
 22 you know?

23 [SPECIAL AGENT (b)(7)(C) Okay.  
 24 (b)(7)(C) You know, my guess is if you  
 25 went to the hiring record for (b)(7)(C) job,

1 you'll find that he was -- they probably interviewed  
 2 no more than two people. They probably interviewed  
 3 one person from off site and (b)(7)(C) and that was  
 4 it. (b)(7)(C) has a record of abusing the job selection  
 5 process to put people he wants in -- in place. And  
 6 unfortunately, the job selection process has got  
 7 enough loopholes and weaknesses that you can do that.

8 [SPECIAL AGENT (b)(7)(C)] Okay.

9 (b)(7)(C) He's -- he's picked people for  
 10 jobs without even interviewing, so --

11 [SPECIAL AGENT (b)(7)(C)] And who was the  
 12 woman you were talking about?

13 (b)(7)(C) (phonetic).

14 [SPECIAL AGENT (b)(7)(C)] Okay.

15 (b)(7)(C) And I -- I think I have (b)(7)(C)  
 16 (b)(7)(C) (phonetic) on there also.

17 [SPECIAL AGENT (b)(7)(C)] Yes.

18 (b)(7)(C) I think she'll -- they'll both  
 19 talk about (b)(7)(C) and (b)(7)(C)

20 [SPECIAL AGENT (b)(7)(C)] Okay.

21 (b)(7)(C) In fact, in an unsolicited  
 22 comment about a month ago, I was talking to (b)(7)(C)

23 (b)(7)(C) -- or I was at the -- getting a drink of water  
 24 at the water fountain and literally the conversation  
 25 went something like this: How you doing? Oh, fine,

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1 you know? And then -- and that was the extent of the  
2 conversation. And then she said, like out of nowhere  
3 she said, (b)(7)(C) is a liar, just like that.

4 I mean, you talk about two guys that people across the  
5 site dislike bordering on hate, it's those two guys.  
6 Because what they've done to me they've done to  
7 others. They've thrown a lot of people under the bus.

8 [SPECIAL AGENT (b)(7)(C)] what  
9 was your year-end appraisal like for 2010?

10 (b)(7)(C) It was about the same as  
11 midyear. Instead of eight needs improvements, it was  
12 six. And again, you'll -- you'll get a copy of that.

13 [SPECIAL AGENT (b)(7)(C)] Okay.

14 (b)(7)(C) I'll give you a copy. What  
15 was interesting is when you read the performance  
16 appraisal, you'll -- there are places where I'm able  
17 to put in comments and then they put in their -- their  
18 comments. But I pretty well nailed them shut on this  
19 bogus your work output is low. So what you'll see is  
20 nothing about bad work output. Everything is shifted  
21 over to, oh, I lack integrity or, I mean, I don't  
22 know. It's -- it's just made up obnoxious stuff.

23 [SPECIAL AGENT (b)(7)(C)] And in the  
24 performance appraisal, I'm assuming there's  
25 justifications for why they gave you these marks?

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7c  
1 [REDACTED] There -- there -- there are  
2 some -- there are some words. I wouldn't go so far as  
3 to say justification.

4 [SPECIAL AGENT] [REDACTED] Well, in their  
5 mind I guess it would be justification?

6 [REDACTED] But for example, once I got  
7 this midyear, I -- you know, I just said to myself,  
8 well, clearly it doesn't go any good to say anything  
9 around here. So I said I'll just -- I'm just not  
10 going to write anymore notifications. I'm not going  
11 to raise any issues. And that's fine. I mean, you  
12 know, it's -- you know, I mean, truly these aren't  
13 exactly life or death issues, you know?

14 So I just -- and other things, like in the  
15 midyear and -- and also in the end of year, you'll see  
16 some comments that [REDACTED] took things that I've  
17 said out of context and then he sort of blows it up  
18 into like, you know, who knows what? So I -- you  
19 know, I recognized that was his tactic, so I just said  
20 I'm going to -- just not going to say anything. You  
21 know, I mean, that's -- I'm -- come to work. I'm  
22 going to do my job, you know? I'm going to speak when  
23 spoken to. I'm not going to raise any issues, like I  
24 say, or write any notifications.

25 And so, their new tactic by the end of the

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7c  
 1 year was not that my work output was bad, but that I  
 2 had gone silent. Well, I didn't go silent. I just  
 3 didn't say anything unless I needed to. But now I'm  
 4 getting beaten up for having gone silent.

5 [SPECIAL AGENT (b)(7)(C)] In what way?

6 (b)(7)(C) Beats the heck out of me.

7 There's no justification in there. There's no record  
 8 of counseling. I mean, that's the other thing we have  
 9 to remember here: Edison has a policy of keeping  
 10 employees informed of their performance status such  
 11 that if someone is not doing well or needs  
 12 improvement, that they're coached on it early enough  
 13 where they can get it fixed. You'll find no record of  
 14 any counseling in my case. Okay? There's no record  
 15 of anything. I mean, there's nothing written.

16 Now, I don't know how you can go and give  
 17 someone eight needs improvements without one shred of  
 18 written documentation, but they do that. And they do  
 19 that (a) it's retaliation; and (b) they've been doing  
 20 it for so long they recognize no one is ever going to  
 21 hold them accountable for it. Okay? I mean, that's  
 22 how they operate pure and simple.

23 [SPECIAL AGENT (b)(7)(C)] Okay. And the  
 24 other individual, was it (b)(7)(C) (phonetic)?

25 (b)(7)(C) Yes, (b)(7)(C)

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70  
1 [SPECIAL AGENT (b)(7)(C)]

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

3 [SPECIAL AGENT (b)(7)(C)] Who got eight  
4 needs improvement along with you at midyear. Do you  
5 know what his final end of year appraisal was like?

6 (b)(7)(C) I doubt if he got one because  
7 somewhere around Thanksgiving he -- he pulled the  
8 plug.

9 [SPECIAL AGENT (b)(7)(C)] Okay.

10 (b)(7)(C) He's gone.

11 [SPECIAL AGENT (b)(7)(C)] He's gone?

12 (b)(7)(C) And I've tried to call him  
13 several times since then and he hasn't called back, so  
14 I don't what's going on.

15 [SPECIAL AGENT (b)(7)(C)] Okay.

16 (b)(7)(C) But he had -- he had some kind  
17 of (b)(7)(C) I don't know exactly what it was,  
18 but he basically said, you know -- and again, that's  
19 what -- you know, that's what these guys do is they --  
20 they run people out they don't like and then they --  
21 in their place they get, you know, kind of the -- the  
22 -- the malleable -- you know, the people that are --  
23 you know, I -- I mean, I can't blame them, that are  
24 happy to have a job. They're not going to say  
25 anything. They're not going to say anything.

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1 And the other thing, in -- in the package  
2 I'm going to give you is I've included a few memos and  
3 things from the first half of 2010 where, you know,  
4 people said, hey, (b)(7)(C) you did a great job and yada,  
5 yada, yada.

6 [SPECIAL AGENT (b)(7)(C)] Okay.

7 (b)(7)(C) So I mean, it's -- so the  
8 picture that I'm trying to paint here is that (b)(7)(C)  
9 especially has fostered a chilled work environment for  
10 a long time. It's in his genes. It's how he works.  
11 I've known this guy for almost as long as -- well,  
12 almost -- probably 28-29 years.

13 [SPECIAL AGENT (b)(7)(C)] Now have you  
14 ever worked directly for him without an immediate  
15 supervisor or --

16 (b)(7)(C) No. No. But first, let me  
17 give you another example of how (b)(7)(C) operates. One  
18 outage; I don't know, it was in like 2001 or 2002, we  
19 had a -- one of the things that we do is we connect up  
20 these instrument penetrations that go through the  
21 reactor head. And they're kind of a big deal. I  
22 mean, it's part of the reactor coolant system pressure  
23 valve. And it's not an easy evolution that's -- the  
24 -- the penetration is complicated. It's got a lot of  
25 parts. You've got to put packing in these six areas

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1 and it's -- you know, you -- you have to -- you really  
 2 have to focus. You got to follow the procedure. If  
 3 you don't, you can make a mistake.

4 And sure enough one outage one of the guys  
 5 made a mistake. I didn't put some packing in where it  
 6 was supposed to go.

7 [SPECIAL AGENT (b)(7)(C)] Yes.

8 (b)(7)(C) So then, you know, usually  
 9 it's about two weeks. It's like a week or 10 days  
 10 later where they get the reactor coolant system  
 11 pressurized and they start raising pressure. And sure  
 12 enough this penetration leaked. So they had to, you  
 13 know, cool down the plants. Then we had to do some  
 14 partial reactor disassembly and go figure out what the  
 15 problem was. Well, we -- it -- it didn't take too  
 16 long for people to figure out that there was some  
 17 missing packing in this one location.

18 So, where I'm going with this is that when  
 19 the outage was over -- the outage was over maybe about  
 20 10 days after this leak incident. I mean, it was  
 21 embarrassing. It shouldn't have happened. This one  
 22 guy made a mistake. He admitted it. He said I got  
 23 too wrapped up in the -- what I was doing. I wasn't  
 24 paying attention. I didn't have the procedure. You  
 25 know, I wasn't looking at the procedure. I just sort

1 of did it. It's open and shut. I mean, it's cut and  
 2 dry. Individual error on a part of a worker.  
 3 Actually, it was a supervisor. Nice guy. Good guy.  
 4 Fessed up right away. Didn't try to hide anything,  
 5 you know?

6 Well, about a week or two after the outage  
 7 was over, I was in a meeting in (b)(7)(C) office with  
 8 another guy and we had two incidents that outage that  
 9 we had to do a -- like a post-outage investigation on.  
 10 In other words, you know, get the facts, figure out  
 11 what went wrong, what we didn't do right so we could  
 12 fix whatever we needed to fix; a procedure, training,  
 13 you know, who knows what? And I was assigned one  
 14 evolution that had -- hadn't gone as well as we  
 15 wanted, you know? And this other guy was assigned  
 16 this RCS head leak investigation. And what (b)(7)(C)  
 17 told this guy is -- now, this is the guy he's briefing  
 18 to go perform an investigation to understand what the  
 19 problems were and what the causes were.

20 [SPECIAL AGENT (b)(7)(C) Yes.

21 (b)(7)(C) He didn't say go identify the  
 22 causes. What he told this guy is this is the cause.  
 23 Now go do your investigation and make this the cause.  
 24 That's the way (b)(7)(C) operates.

25 [SPECIAL AGENT (b)(7)(C) Okay.

1 [REDACTED] And I got some witnesses for  
 2 that if you want, but I -- I think we're getting a  
 3 little beyond. But what I'm trying to establish here  
 4 is that when people who read this -- you know,  
 5 sometimes -- and unfortunately in my incoherent  
 6 explanation of what's going on they're saying like,  
 7 what -- what -- what is this? I'm saying you're  
 8 dealing with some people that do this all the time.

9 [SPECIAL AGENT [REDACTED]] Okay.

10 [REDACTED] It is -- it -- they're wired  
 11 for this and they have no adult supervision. In this  
 12 situation you would have expected [REDACTED] for  
 13 example, [REDACTED] boss, to sort of smooth this thing  
 14 over. But instead of smoothing it over, he made it  
 15 worse. You know, he ended up supporting all this  
 16 retaliation. He offered me a job and then at some  
 17 point; I don't know where the communication occurred  
 18 or -- or what drove it, but they went from, hey, you  
 19 know the best thing here is to move [REDACTED] to another  
 20 work group to well let's -- let's -- let's pull a  
 21 bunch of obnoxious stuff together and suspend him for  
 22 a week. And just like they don't follow the  
 23 procedures on performance appraisals, because they  
 24 don't have to -- and the other thing is it just  
 25 wouldn't be warranted. I mean, there was no basis to

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1 counsel me at any time this year.

2 [SPECIAL AGENT (b)(7)(C)] Yes.

3 (b)(7)(C) You know, they just make stuff  
4 up and put it on your performance appraisal, just like  
5 they did in 2007, just like they did in 2009. They  
6 didn't even follow the company rules for disciplinary  
7 action. Do you know I still don't know what it is  
8 that it was alleged that I said about (b)(7)(C) that  
9 prompted this disparaging, you know, remarks, work  
10 rule violation.

11 [SPECIAL AGENT (b)(7)(C)] They have never  
12 explained to you?

13 (b)(7)(C) No. No. At not time did  
14 anybody ever inform me that there was like a charge  
15 pending against me or a belief that I had somehow  
16 violated a -- a company rule.

17 [SPECIAL AGENT (b)(7)(C)] Yes.

18 (b)(7)(C) At no time. I was sitting at  
19 my desk on a Friday afternoon and I get this call out  
20 of the blue, you know, collect your personal  
21 belongings and come up to personnel. And I'll give  
22 you a copy of the company's disciplinary action  
23 policy, but clearly it says in there that you  
24 interview all affected parties including the person  
25 who's suspected of wrongdoing. I -- I mean -- you

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1 know, I mean this is -- you know, I hate to say this,  
2 but you know, I was in -- I was in the (b)(7)(C)

3 (b)(7)(C)

4 (b)(7)(C) Okay?

5 It's kind of a tough life. You know, you treat people  
6 pretty rough because that's the nature of the  
7 business. (b)(7)(C)

8 (b)(7)(C) better than we've been treated here by these  
9 guys. I can't tell you how many times -- how many

10 (b)(7)(C) but I

11 guarantee you every one of them had a chance to  
12 explain their side of the story.

13 [SPECIAL AGENT (b)(7)(C) Yes.

14 (b)(7)(C) I was never given a chance to  
15 explain my side of the story, No. 1. And No. 2, the  
16 company policy demands it and they didn't do that.

17 [SPECIAL AGENT (b)(7)(C) Did you ever  
18 raise that issue with anybody?

19 (b)(7)(C) No. No. Who would I raise it  
20 to?

21 [SPECIAL AGENT (b)(7)(C) Upper  
22 management. I mean, I don't know who --

23 (b)(7)(C) They don't care.

24 [SPECIAL AGENT (b)(7)(C) I don't know  
25 what your --

1 (b)(7)(C) Yes, I'm not trying to -- I'm  
 2 not trying to be cynical or facetious here, but there  
 3 is no one here you can talk to. That's why you got  
 4 all these people filing allegations and -- and so  
 5 forth.

6 [SPECIAL AGENT (b)(7)(C)] And I know we've  
 7 touched on this, just mentioned a couple of times, the  
 8 next little category I want to get into is your  
 9 suspension.

10 (b)(7)(C) Yes.

11 [SPECIAL AGENT (b)(7)(C)] That was back in  
 12 September 2010, is that correct?

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

14 [SPECIAL AGENT (b)(7)(C)] And you were  
 15 suspended for one week?

16 (b)(7)(C) Yes.

17 [SPECIAL AGENT (b)(7)(C)] Without pay?

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

19 [SPECIAL AGENT (b)(7)(C)] Okay. And you  
 20 said it was (b)(7)(C) that suspended you?

21 (b)(7)(C) I don't know who officially  
 22 suspended me. He -- (b)(7)(C) -- and again, this is

23 the way (b)(7)(C) works, he's sort of an instigator.

24 And then whenever the action takes place, he's not  
 25 around. He was not at the suspension meeting.

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7c

1 [SPECIAL AGENT (b)(7)(C)] Who actually  
2 gave you your suspension notification or letter?

3 (b)(7)(C)

4 [SPECIAL AGENT (b)(7)(C)] Okay.

5 (b)(7)(C) Now, (b)(7)(C) was there also.

6 And then a guy name (b)(7)(C) (phonetic) who was the  
7 (b)(7)(C) -- because in -- in this -- these  
8 few weeks (b)(7)(C) -- I don't know whether he  
9 got (b)(7)(C) but he left.

10 [SPECIAL AGENT (b)(7)(C)] And when they  
11 handed you your -- or gave you the confirmation that  
12 you were being suspended at the time, exactly what  
13 reason did they give you? Was it the remarks comment  
14 or --

15 (b)(7)(C) Well again, I -- I -- I was a  
16 little upset. What I recall (b)(7)(C) saying  
17 was it was based on a bad midyear this year and then  
18 a bad midyear going back to 2007. I didn't know  
19 anything about this alleged work rule violation until  
20 one day when I -- the following week when I was off I  
21 was talking to -- one of the guys at work called me  
22 and he said, you know, we had a meeting, you know, at  
23 our -- one of our daily meetings. This is with all  
24 the (b)(7)(C) said, well, you guys  
25 are going to find out anyway, so I just need to tell

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1 you that one of -- one of you was suspended for a week  
 2 for a work rule violation. Well, again, not to --  
 3 clearly this was just another example of how people  
 4 don't follow company policy, but you don't announce  
 5 disciplinary action.

6 [SPECIAL AGENT (b)(7)(C)] Yes.  
 7 (b)(7)(C) You know, now if the  
 8 individual against whom disciplinary action was taken  
 9 wants to tell everybody, then that's that person's  
 10 business. Well, you know, in a group of 20 people,  
 11 you know, everybody's looking around like, well,  
 12 everybody's here but (b)(7)(C) so I wonder -- I wonder  
 13 who got -- I wonder who got suspended for week, you  
 14 know?

15 [SPECIAL AGENT (b)(7)(C)] Yes.  
 16 (b)(7)(C) Plus my cube is empty for a  
 17 week. So anyway, one of the guys called me and said,  
 18 hey, did you know that they told us today that you got  
 19 suspended for a work rule violation? And I said, no,  
 20 I didn't know that.

21 So when I came back, when I had my -- my  
 22 -- my comeback meeting the following Monday, I --  
 23 that's when I asked about it. I said what is this  
 24 about a work rule violation? And (b)(7)(C) said,  
 25 well, it's about the disparaging remarks you made

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7c  
 1 about (b)(7)(C) And I -- I just -- I -- I mean,  
 2 I was kind of taken aback. And then (b)(7)(C)  
 3 said, well, I told you that at the meeting. Well,  
 4 maybe you did, but I didn't -- I don't -- I don't  
 5 remember it. I'm not disputing that he didn't tell  
 6 me. I'm just saying didn't -- I didn't hear it.

7 [SPECIAL AGENT (b)(7)(C) Okay.

8 (b)(7)(C) And then -- but I will tell  
 9 you what I said about (b)(7)(C) as I just --  
 10 basically the things I told you, but then also there  
 11 were appearance issues, and this is kind of  
 12 interesting. If you look at -- if you were to see  
 13 (b)(7)(C) he's -- he's a (b)(7)(C) than me,  
 14 so he's (b)(7)(C) He's maybe (b)(7)(C) He's (b)(7)(C)  
 15 (b)(7)(C)

16 Now you tell me why he wants to promote -- he wants to  
 17 have a -- a -- a much younger very attractive woman  
 18 fill in for him? I mean, you know, let's get serious  
 19 here.

20 What I will say about (b)(7)(C) she's a very  
 21 nice person, but (b)(7)(C) at  
 22 times. And that's one of the things I told (b)(7)(C) I  
 23 said (b)(7)(C) you know,  
 24 but I didn't say anything beyond PG. I didn't use any  
 25 bad words. Trust me, I -- I spent (b)(7)(C) as a

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1 [REDACTED] here. I've been involved in tons of  
 2 disciplinary action and investigations. First of all,  
 3 I wouldn't say anything that I would consider  
 4 disparaging. Everything I said was on the mark, on  
 5 the money, factual. I didn't use any bad words. Like  
 6 I say, it was PG-13 or below.

7 [SPECIAL AGENT [REDACTED]] Yes.

8 [REDACTED] So again, they -- all I know  
 9 is [REDACTED] took that in -- he's twisted whatever it  
 10 is he thought I said and used that as part of the  
 11 basis for suspension. Never asked me, hey, you said  
 12 this? No, I didn't say that. Whatever or --

13 [SPECIAL AGENT [REDACTED]] So you were  
 14 given absolutely no warning at all before your  
 15 suspension?

16 [REDACTED] That is correct.

17 [SPECIAL AGENT [REDACTED]] There was just  
 18 a phone call on a Friday say come up --

19 [REDACTED] That is correct.

20 [SPECIAL AGENT [REDACTED]] And is there any  
 21 documentation here, a suspension letter or anything  
 22 that said why you were suspended and --

23 [REDACTED] I have a copy. Probably one  
 24 of the few things I didn't make a copy of, but let me  
 25 just see what it says. Give me a minute.

1 My reinstatement from suspension. The  
 2 suspension began as a result of a repeated occurrence  
 3 of unprofessional behavior and inappropriate  
 4 derogatory comments regarding another employee who was  
 5 left in charge in your supervisor's absence. I don't  
 6 really know what that is. I mean, I'm not --

7 [SPECIAL AGENT (b)(7)(C)] May I see that?

8 (b)(7)(C) Yes, I --

9 [SPECIAL AGENT (b)(7)(C)] Okay.

10 (b)(7)(C) I don't know if they're  
 11 talking about some alleged derogatory comment I made  
 12 when I was describing to (b)(7)(C) -- and it was just  
 13 (b)(7)(C) and I in this room. I mean, not that that  
 14 changes anything I said, but I don't know if they're  
 15 talking about something that I said when I was talking  
 16 to (b)(7)(C) or something else. I don't know.

17 [SPECIAL AGENT (b)(7)(C)] Okay. Was there  
 18 a letter suspending you? I know you got a  
 19 reinstatement letter. Was there anything suspending  
 20 you?

21 (b)(7)(C) I was not given anything when  
 22 I was suspended.

23 [SPECIAL AGENT (b)(7)(C)] Really? Okay.

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

25 [SPECIAL AGENT (b)(7)(C)] And I see --

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1 [REDACTED] You got to remember, these  
2 guys do what they want.

3 [SPECIAL AGENT [REDACTED]] Were you placed  
4 on a performance improvement plan also?

5 [REDACTED] Yes.

6 [SPECIAL AGENT [REDACTED]] Okay. This is  
7 back in [REDACTED]

8 [REDACTED] Yes.

9 [SPECIAL AGENT [REDACTED]] Okay. Are you  
10 still on that or --

11 [REDACTED] Yes, I am.

12 [SPECIAL AGENT [REDACTED]] And who monitors  
13 this?

14 [REDACTED]

15 [SPECIAL AGENT [REDACTED]] Okay.

16 [REDACTED] And I would like to make just  
17 a couple of comments about that as well.

18 [SPECIAL AGENT [REDACTED]] Sure.

19 [REDACTED] Because that's another example  
20 of what's going on here, is I was supposed to have  
21 three meetings with [REDACTED] late October, late November,  
22 late December. We had our first meeting in October.  
23 It was so unremarkable I didn't make any notes. I got  
24 lots of notes. But it was sort of just kind of a  
25 nice pleasant conversation. It was sort of like my

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1 opinion; and -- and his I'm sure will differ, but it  
2 was like let's kind of pull back from the brink here,  
3 you know? Let's just -- you know, my position was,  
4 okay, you guys got all the power; I understand that.  
5 I'm not going to go poke you guys. You know, I'm just  
6 going to be a good little boy and just try to let  
7 bygones be bygones.

8 And then the November meeting didn't  
9 happen. Okay? (b)(7)(C) will say that it did. He said,  
10 well, we had this -- some kind of one-on-one  
11 discussion, but he never said that was -- this was  
12 part of this and -- and it -- whatever that meeting  
13 was, again totally unremarkable.

14 [SPECIAL AGENT (b)(7)(C) Yes.

15 (b)(7)(C) In my mind had no bearing on  
16 this.

17 And then the end of December; I don't  
18 remember the date, but I -- I -- I have some  
19 handwritten notes; not with me here, but I -- where we  
20 had a discussion and basically it boiled down to,  
21 well, we're -- I think we're going to keep you on your  
22 performance plan for another three months. No  
23 justification for it. The purpose of a performance  
24 improvement plan is to recalibrate the employee such  
25 that by the end of the period that the plan is in

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1 effect that whatever the perceived problem was is  
 2 fixed. And at no time in -- in that three-month  
 3 period did he say, hey, you know, I'm not happy with  
 4 what you're doing. I don't think you got the message.  
 5 And your behavior or your performance or whatever is  
 6 -- there's an issue. It was -- and that was the first  
 7 time I heard this, well, you -- you've gone quiet.  
 8 And I said yes because you misinterpret quite a bit of  
 9 what I say, so clearly the best thing is just to not  
 10 speak unless it's, you know, absolutely necessary  
 11 because you're going to twist whatever I say.

12 And so -- and so that's at the very end,  
 13 the end of December. And then he says, well, we're  
 14 going to probably continue your performance plan,  
 15 which they've done, and that's fine. You know, fine  
 16 meaning I can't do anything about it. They -- they're  
 17 holding all the cards here. You know, it's their --  
 18 it's their game. They're dealing the cards. I'm  
 19 just, you know, playing whatever hand I get dealt.

20 [SPECIAL AGENT (b)(7)(C)] Okay.

21 (b)(7)(C) You know, thinking about the  
 22 four other guys that finally said screw it and left,  
 23 you know, and that's what I'm thinking about. I hit

24 (b)(7)(C) in -- this fall, you know, if I make it that long.

25 And again, the -- a basis for this whole allegation of

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1 somebody saying, well, why are you doing this, it's  
2 because they feel perfectly comfortable lying about  
3 your performance and retaliating against you and  
4 there's nobody there to restrain them.

5 Let me just say something about the  
6 chilled work environment letter that the company  
7 received from Region IV. I think it was from the --  
8 yes, it was from the region. And that is, the company  
9 has done absolutely nothing, zero, about the chilled  
10 work environment in the (b)(7)(C)

11 (b)(7)(C) They haven't even pretended to do anything.

12 [SPECIAL AGENT (b)(7)(C) Okay.

13 (b)(7)(C) And once -- once I got that  
14 midyear, I mean, I -- I just said there's nothing else  
15 I can do but file an allegation. Now they can fire  
16 me. I may not do anything about it. You know, I'm

17 (b)(7)(C) I've worked longer than a lot of people. I like  
18 to work. I'm pretty good at what I do. But, you know  
19 -- you know, I got a -- I got an ejection seat here.  
20 I can push that button any time, so I understand that.  
21 But to work in an environment, a nuclear environment  
22 above all else, where people are allowed to do what  
23 they've done to me and to others is -- it's --  
24 frankly, it's disturbing.

25 Does life go on? Yes. You know, this --

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1 this isn't the only show in town; I understand  
2 that. But nobody; not the NRC, not the company, has  
3 done diddly-squat about our chilled work environment.  
4 We got the letter March 2. Guess where three of us  
5 were on March 2, 2010? Yes, 2010. We're in (b)(7)(C)  
6 (phonetic) office, (b)(7)(C)  
7 (b)(7)(C) because we hadn't heard anything  
8 about the status of our chilled work environment  
9 allegation and the 180-day mandatory response period  
10 was basically over.

11 [SPECIAL AGENT (b)(7)(C)] Yes.

12 (b)(7)(C) So we -- three of us came down  
13 to talk to (b)(7)(C) and say we haven't heard anything.  
14 What's going on? And he said funny you guys showed up  
15 today, and he gave us a copy of the letter and he  
16 showed us where we were called out in the letter. And  
17 he said we didn't -- we didn't identify anybody by  
18 name. We figured the company knows who's who and they  
19 can always come talk to us if they want to know any  
20 more than what we've put in the letter.

21 [SPECIAL AGENT (b)(7)(C)] So we didn't  
22 hear anything from the company side. We figured  
23 somebody would come talk to us. And then in the end  
24 of May, at the end of May of last year we had a group  
25 meeting of (b)(7)(C) with the then (b)(7)(C)

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1 (b)(7)(C) a guy named (b)(7)(C) (phonetic), and (b)(7)(C)  
2 (b)(7)(C) (phonetic), who's the (b)(7)(C)

3 And it was just sort of a polite meet and greet, how  
4 you doing? We did it right down here in the AVS  
5 multipurpose room.

6 And somewhere toward the end of the  
7 meeting I said, you know, we are the subject of -- we  
8 are one of the subjects called out in the chilled work  
9 environment letter, sort of like you guys aren't going  
10 to do anything or you want to know anything about it?  
11 And the only thing that either of those two guys said  
12 was -- (b)(7)(C) said; and I am -- I didn't say  
13 anything; which you can imagine what I thought, is he  
14 said, you know -- this is like early March. This is  
15 almost three months after the letter arrived. He  
16 said, you know, we're still -- we're trying to figure  
17 out who's really called out in that letter. I'm --  
18 and, you know, what do you say to some stupid comment  
19 like that?

20 We've identified ourselves. The NRC has  
21 identified ourselves. Today I'm talking to you as a  
22 member of this group. How can you tell me you don't  
23 know who is involved? You certainly do now.

24 [SPECIAL AGENT (b)(7)(C) How many of the  
25 six people that testified for this chill environment

1 inquiry are still in your group?

2 (b)(7)(C) Several. (b)(7)(C)

3 (phonetic). I think I've got him on there.

4 [SPECIAL AGENT (b)(7)(C) Right.

5 (b)(7)(C)

6 [SPECIAL AGENT (b)(7)(C) Okay.

7 (b)(7)(C) Let's see. That would be

8 myself. Let's see, (b)(7)(C) testified. (b)(7)(C)

9 (b)(7)(C) but he's dying to talk to

10 you. And (b)(7)(C) testified.

11 [SPECIAL AGENT (b)(7)(C) I've got him  
12 already.

13 (b)(7)(C) Got him? And I don't know, I  
14 don't recall who else. Oh, (b)(7)(C) who  
15 I believe is on there.

16 [SPECIAL AGENT (b)(7)(C) Yes.

17 (b)(7)(C) Okay. So actually most of us  
18 are a phone call away.

19 [SPECIAL AGENT (b)(7)(C) Okay.

20 (b)(7)(C) Now the other thing, as I  
21 said, neither the company nor the NRC has done  
22 anything is -- let me clarify the NRC part of that, is  
23 when (b)(7)(C) gave us the letter on March 2, I don't know  
24 if it was then or subsequently, we went to talk to him  
25 and he said, you know, the NRC is going to do a follow

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1 up and take a look at the corrective actions that the  
2 company commits to as a result of receiving this  
3 letter.

4 [SPECIAL AGENT (b)(7)(C)] Yes.

5 (b)(7)(C) And he said it's going to be  
6 during the second quarter of 2010. And I said we  
7 would like to talk to whoever the inspector is who  
8 comes to perform that. And anyway, to make a long  
9 story short, we were never called. And then somewhere  
10 along the line after that I -- I don't remember if I  
11 talked to (b)(7)(C) or I was talking to (b)(7)(C)  
12 (phonetic) and I said where -- where's the team that's  
13 supposed to follow up on this? And he said -- and  
14 then it was, oh, they've come and gone. Okay.

15 And then I -- I -- I had spoken to -- and  
16 I'm pretty sure I was -- I had spoken with (b)(7)(C)  
17 (b)(7)(C) about -- yes, (b)(7)(C) was the guy I spoke with  
18 and said, hey, we -- I'd like to talk to the  
19 inspector. So that didn't happen. And then I was  
20 talking to (b)(7)(C) in about September of last  
21 year, thereabouts, and I said, you know we missed the  
22 teams when they were here before and we heard they  
23 were coming back again. And I said we'd -- I'd like  
24 to talk to the team when they come back again. And  
25 that didn't happen either.

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1 [SPECIAL AGENT (b)(7)(C)] Did they come  
2 back again?

3 (b)(7)(C) I think they did.

4 [SPECIAL AGENT (b)(7)(C)] Okay.

5 (b)(7)(C) I think somebody came back.

6 I think there was some follow up to the original  
7 follow-up inspection. But all I can tell you is, you  
8 know, again one of the reasons some of these  
9 allegations keep coming up is that this whole chilled  
10 work environment thing, as far as we're concerned in  
11 our group, has been a bust. And what we don't like  
12 about it is that we kind of laid ourselves out on the  
13 line testifying.

14 [SPECIAL AGENT (b)(7)(C)] Yes.

15 (b)(7)(C) And there's too much  
16 information -- I mean, clearly to get our name in the  
17 March 2 letter the company knows that we testified.  
18 they know who testified. They may not know every  
19 single person, but they know some of us. They know  
20 for sure that I did and a couple other of the guys  
21 did. They -- they have no doubt about that. So they  
22 know that.

23 [SPECIAL AGENT (b)(7)(C)] Okay.

24 (b)(7)(C) And then I previously  
25 mentioned this unprofessional report that (b)(7)(C)

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1 did; and you'll have -- you can take a look at that,  
2 but that -- you know, it's more of the same. You  
3 know, (b)(7)(C) and (b)(7)(C) and (b)(7)(C) are  
4 troublemakers. Well, it doesn't say why we're  
5 troublemakers, but the reason why that -- some of the  
6 people over there think we're troublemakers is because  
7 we raise issues when they come up.

8 We also tried for a couple of years to  
9 join a union, which is a perfectly legal activity.

10 [SPECIAL AGENT (b)(7)(C) Yes.

11 (b)(7)(C) But in their mind, their  
12 meaning the people that called us troublemakers,  
13 that's like horrible, you know? So, you know, we have  
14 -- and once -- and when you talk to (b)(7)(C) for  
15 example, one of the things he'll tell you about (b)(7)(C)  
16 (b)(7)(C) is in a meeting he was in is that (b)(7)(C)  
17 basically said, hey, anybody who disagrees with me,  
18 that's disrespectful and that's disobedience. That's  
19 basically what he said. So that's the kind of  
20 personality you're dealing with her. And (b)(7)(C)  
21 (b)(7)(C) the same thing.

22 [SPECIAL AGENT (b)(7)(C) Were there other  
23 people for your group suspended for reasons that they  
24 weren't really aware of?

25 (b)(7)(C) No. No, the -- the -- the --

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1 the MO on these guys is they pick on one person at a  
 2 time. In two-thousand -- in 2008 it was basically (b)(7)(C)  
 3 (b)(7)(C) And then in 2009 they started on me, and  
 4 that's where we are today.

5 [SPECIAL AGENT (b)(7)(C) Okay. And  
 6 obviously you feel this suspension, at least in part,  
 7 was because of the allegation that you raised or the  
 8 concerns that you raised?

9 (b)(7)(C) Yes, I believe the catalyst  
 10 was this unqualified supervisor issue, because that  
 11 brought this notification.

12 [SPECIAL AGENT (b)(7)(C) Yes.

13 (b)(7)(C) I mean, a lot of people on  
 14 site read it. This goes out everywhere and a lot of  
 15 people -- you can go online every day and you can get  
 16 a report and -- and view all the notifications that  
 17 were written in the previous 24 hours. This got a lot  
 18 of attention. So, it -- let's just say everything I  
 19 said in here was wrong, just for the sake of argument;  
 20 which it isn't of course, but let's just say it was  
 21 wrong. The fact that I wrote it and was seen by so  
 22 many people, that -- that's retaliation city in -- in  
 23 (b)(7)(C) and (b)(7)(C) world.

24 And then now (b)(7)(C) ties into this is  
 25 that in our meeting, in our two meetings I -- I -- I

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1 basically challenged (b)(7)(C) I said how could you  
 2 have hired (b)(7)(C) in this position? He is a guy who  
 3 is universally despised across the site. His  
 4 reputation is totally everywhere across the site. To  
 5 retaliation, anybody says anything that he doesn't  
 6 like, he gets even with them. So --

7 [SPECIAL AGENT (b)(7)(C) What was his  
 8 response?

9 (b)(7)(C) His response was, well, I  
 10 thought he was the best guy for the job. Clearly, he  
 11 had no knowledge of (b)(7)(C) had done no due  
 12 diligence, which in this case would have been he could  
 13 have asked anybody on site, who would have told him.c

14 [SPECIAL AGENT (b)(7)(C) Yes.

15 (b)(7)(C) So how (b)(7)(C) fits into  
 16 the retaliation mode is I have told (b)(7)(C) that he  
 17 made a very bad decision, and (b)(7)(C) is again the  
 18 kind of guy that (b)(7)(C) I don't  
 19 think I put their names on a list, but I talked to a  
 20 couple people in operations, because I didn't know  
 21 (b)(7)(C) real well. He's always been in my mind kind of  
 22 a (b)(7)(C). He kind of -- he kind of --  
 23 I won't say any more than that. But -- and the two  
 24 operators I talked to both said the same thing: They  
 25 basically he said (b)(7)(C) and that he will do

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1 whatever it takes such that he looks good and if any  
 2 situation he'll make sure the blame goes elsewhere.  
 3 So his motivation in this whole thing is, well, (b)(7)(C)  
 4 has told me that I made a horrible mistake. Well, I  
 5 better -- I better put the onus back on (b)(7)(C) and make  
 6 (b)(7)(C) look like the bad guy.

7 [SPECIAL AGENT (b)(7)(C) And what time  
 8 frame, if you recall, did you make that comment about,  
 9 you know, your supervisor (b)(7)(C) Two -- you said two  
 10 more.

11 (b)(7)(C) Yes, that was more about (b)(7)(C)  
 12 (b)(7)(C) but I -- I --

13 [SPECIAL AGENT (b)(7)(C) I'm sorry; (b)(7)(C)  
 14 (b)(7)(C)

15 (b)(7)(C) But I made it to (b)(7)(C) in  
 16 about the middle of August or 2010. I've got a memo.  
 17 I wrote up a memo of -- of one of our meetings. So  
 18 what you have, the -- the nexus here is you got this  
 19 very embarrassing, although very dead on notification  
 20 challenging why they would put a -- a non-qualified in  
 21 charge of a group, in operations of all groups, for  
 22 crying out loud. That's in early July. And then I --  
 23 I got -- you know, confronting (b)(7)(C) in mid-  
 24 August. I got the (b)(7)(C) report about the same  
 25 time. And then the end of August I get the bad

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1 performance appraisal. And then (b)(7)(C) tells me  
 2 -- well, I've got documentation where he offered me a  
 3 job, which I accepted to get out of the group. And  
 4 then two weeks later now I'm suspended based in part  
 5 on alleged comments that I made about this unqualified  
 6 person, never revealed to me, never any inkling that  
 7 anything was ever suspected of something that I said  
 8 or that I was being considered for any disciplinary  
 9 action. And then the reasoning behind the  
 10 disciplinary action; it's just a hodgepodge of junk.

11 (SPECIAL AGENT (b)(7)(C) Yes.

12 (b)(7)(C) It's like, well, yes, you got  
 13 this bad performance appraisal from an (b)(7)(C) four  
 14 years ago, so we're going to roll that on there. And  
 15 then we suspended you and if there's any  
 16 investigation, we're not going to share it with you.  
 17 I don't even know what they did, but no one ever  
 18 talked to me, which in my mind is just -- that to me  
 19 is evidence of retaliation. This whole thing is  
 20 cooked up and bogus.

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

22 (b)(7)(C) Now again, I -- I think it's  
 23 quite clear that at times I have a fairly strong  
 24 personality, but I've never said or done anything that  
 25 warrants anything even in the same solar system as

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1 this performance appraisal I got. The disciplinary  
2 action, that is pure retaliation. You cant' find  
3 anything in my past, in my background that anybody can  
4 point to that would justify that. And again, why am  
5 I fighting this or why am I going? Well, once people  
6 can say anything they want about you, then you're  
7 dead. Because they've suspended me now. Again, that  
8 wasn't the reason I submitted the allegation. I  
9 submitted the allegation based on the performance  
10 appraisal.

11 [SPECIAL AGENT (b)(7)(C)] Yes.

12 (b)(7)(C) Once they can say anything  
13 they want about you; which -- and that wasn't the  
14 first time, but once they can do that, they can do  
15 anything. They can fire you at will.

16 Now again, I'm a management employee and  
17 a -- and a not right to work state. I mean, they can  
18 fire me any time they want, but I mean, with any  
19 reasonable justification. And that's just -- so  
20 again, the picture that I -- I want to leave everybody  
21 with is that this is the behavior that they -- they've  
22 exhibited for years. What they did to me last summer  
23 was no different than what they've done in the past.  
24 From my perspective the difference is I think I can  
25 tie all this stuff together now and demonstrate that

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1 these people retaliate, and that's what I'm trying to  
2 do.

3 [SPECIAL AGENT (b)(7)(C)] Yes.

4 (b)(7)(C)

5 When I -- when I leave San Onofre, my goal  
6 is to leave when I want to leave and not be run out of  
7 here on a rail by people -- frankly, I will say this  
8 without any reservation is when I was the (b)(7)(C)

9 (b)(7)(C) I didn't (b)(7)(C) very many people. I think I

10 (b)(7)(C) I think four people, five at the most, and --

11 and, you know, I had a (b)(7)(C) with a

12 lot of throughput and I was the (b)(7)(C)

13 (b)(7)(C) The people that I (b)(7)(C) and they deserved to

14 be (b)(7)(C) were better than the guys I'm talking about  
15 here, and I'm not exaggerating. These guys are

16 (b)(7)(C)

17 And what I can tell you is putting down  
18 what they put on my performance appraisal -- and  
19 again, the only thing I really want to talk about,  
20 because I think it's -- it's a great example, is they  
21 made up this figure that I only did whatever it was,  
22 (b)(7)(C) in the first six months of the  
23 year.

24 [SPECIAL AGENT (b)(7)(C)] Yes.

25 (b)(7)(C)

That in my mind is -- it's a

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1 material false statement. They knew it was false when  
 2 they put it in there. When I challenged them, the  
 3 only thing (b)(7)(C) would say is I ran a report and  
 4 he refused to go look at data that would correct the  
 5 record.

6 [SPECIAL AGENT (b)(7)(C) Do you have  
 7 documentation in here showing how much you worked  
 8 during that time frame?

9 (b)(7)(C) I -- I have some handwritten  
 10 notes. I -- I -- I've got a copy in here somewhere  
 11 for you. So the issue is -- here's a copy of my  
 12 performance -- probably put it on the stack --

13 [SPECIAL AGENT (b)(7)(C) Okay.  
 14 (b)(7)(C) -- of stuff and then I'll need  
 15 to explain what you've got in here. These are copies  
 16 of the monthly logs that I keep. Log is kind of  
 17 stretching it a little bit, but when I complete a --  
 18 an activity, I -- I log it in and I date it. And --  
 19 and you'll see that the numbers vary from month to  
 20 month. It depends on -- you know, some (b)(7)(C)  
 21 take a long time to work on.

22 [SPECIAL AGENT (b)(7)(C) Yes.  
 23 (b)(7)(C) Sometimes you're -- you're  
 24 kind of working from scratch on something. I mean,  
 25 the (b)(7)(C) exists, but it's a major, major

1 revision. Other times you're just changing a few  
 2 words. This was -- this is a recap. And without  
 3 going into detail now; and we can certainly about it  
 4 later, but these are the (b)(7)(C) that I did  
 5 during the first six months of the year. Now  
 6 recognize the month of January was pretty much wiped  
 7 out. I came back from the outage like around the 10th  
 8 of January. I spent the first week or two going back  
 9 through my huge backlog of work, because guess what,  
 10 I was gone for six months and nobody did my work while  
 11 I was gone.

12 [SPECIAL AGENT (b)(7)(C)] Yes.

13 (b)(7)(C) Plus they were assigning me  
 14 new work while I was gone. So I sorted that out. I  
 15 closed out a bunch of (b)(7)(C) And then  
 16 when you do a (b)(7)(C) it -- let's say you work on  
 17 it for two or three days. Then you put it out for  
 18 review. Then you incorporate comments. And then you  
 19 -- you know, it -- it -- there's usually a gestation  
 20 period of anywhere from (b)(7)(C)

21 (b)(7)(C) So clearly, I'm not going to be  
 22 generating any new (b)(7)(C) changes until February,  
 23 and I think that's pretty much what the record shows.

24 [SPECIAL AGENT (b)(7)(C)] Yes.

25 (b)(7)(C) But anyway, I did (b)(7)(C)

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1 (b)(7)(C) by the end of June, and I think my midyear  
 2 says (b)(7)(C) Now, that's -- that's -- you're off by --  
 3 that figures off by 50 percent, you know? I did (b)(7)(C)  
 4 (b)(7)(C) than they gave me credit for. And  
 5 they could have verified these numbers. You can go  
 6 online on the database and you can see that every one  
 7 of these worked on I did.

8 And again, I also mention that I was --  
 9 even in the first half of 2010 I was working outside  
 10 the group for a month.

11 [SPECIAL AGENT (b)(7)(C) Yes.

12 (b)(7)(C) At least a month, because I  
 13 was on a (b)(7)(C) for three weeks. And I  
 14 enclosed a -- in the package I'm going to give you a  
 15 comment from the -- the team mentor, the expert in  
 16 (b)(7)(C) who said I did a good job, you know? So I  
 17 mean, that -- I just included that to demonstrate that  
 18 I was gone for some period of time, three weeks. And  
 19 then I didn't come back from the outage until like the  
 20 (b)(7)(C) So that first week was gone.

21 And then the other thing that he didn't  
 22 give me credit for is we had a new (b)(7)(C) in  
 23 our group and I volunteered to mentor him. That guy  
 24 didn't -- you know, he didn't know how we did  
 25 business. So I spent -- it was like, you know, half

1 an hour here, an hour there over several months. So  
 2 that -- you know, I think I estimated maybe 20 percent  
 3 of my time for a couple of months I was helping him.  
 4 I didn't get any credit for that, you know?

5 So that's why I say the best example of  
 6 retaliation in that midyear report was the fact they  
 7 only gave me credit for doing (b)(7)(C)

8 (b)(7)(C)

9 [SPECIAL AGENT (b)(7)(C) Yes.  
 10 (b)(7)(C) When I did (b)(7)(C)

11 Again, the other thing to keep in mind is I worked  
 12 almost -- probably three Saturdays out of four during  
 13 2010 I worked. Now, what do you say about a  
 14 supervisor who -- you know, if I -- if I was a  
 15 supervisor of someone who was working every Saturday,  
 16 almost every Saturday and his output was low, at -- at  
 17 some point I'd say what in the hell is guy doing?  
 18 There was never -- like I say, there was never any  
 19 conversation. There was never any, hey, (b)(7)(C) you're  
 20 putting out two or three, four (b)(7)(C) a  
 21 month, but somebody else is doing twice that, or, you  
 22 know -- they didn't say that, because they can't say  
 23 that because I was doing as much or more work than  
 24 anybody else in the group except for guess who? (b)(7)(C)

25 (b)(7)(C)

1 But the difference between my work is that  
 2 I sit down and I actually do these (b)(7)(C) I have  
 3 (b)(7)(C) I take very little -- the  
 4 people that give me change information, I get very  
 5 little information and I turn that into a finished  
 6 product.

7 [SPECIAL AGENT (b)(7)(C) Yes.

8 (b)(7)(C) All she can do is someone  
 9 gives her a piece of paper with words crossed out and  
 10 new words written in. That's all she does. That's  
 11 all she knows how to do. And she was doing  
 12 predominantly what we call editorial corrections.  
 13 simple easy. Ten minutes, you're in and out. It's  
 14 done. So she has high numbers.

15 [SPECIAL AGENT (b)(7)(C) Yes.

16 (b)(7)(C) But she's -- it's apples and  
 17 oranges. And in fact, (b)(7)(C) nickname -- her  
 18 first name is (b)(7)(C) you know, like (b)(7)(C) without the

19 (b)(7)(C) One of the other guys who's now gone, he used to  
 20 call her -- her nickname was (b)(7)(C) because she has  
 21 no (b)(7)(C) So all she can do is --  
 22 you know, she -- she can take a (b)(7)(C) that  
 23 somebody's kind of marked up and she can -- she can  
 24 process it. But that's all she can do. She doesn't  
 25 know if the information she's being given is right, if

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1 it affects other (b)(7)(C) besides the one she's got  
2 or anything. So, I'll throw that on there.

3 [SPECIAL AGENT (b)(7)(C)] And these are  
4 mind also, or can I have that?

5 (b)(7)(C) I'll have to make -- let me  
6 make you a copy of this, because I'm not 100 percent  
7 certain I have a copy myself.

8 [SPECIAL AGENT (b)(7)(C)] Okay.  
9 (b)(7)(C) So if you don't mind, let me  
10 -- you guys have a machine out here we can --

11 [SPECIAL AGENT (b)(7)(C)] Yes.  
12 (b)(7)(C) -- just make you a copy.

13 [SPECIAL AGENT (b)(7)(C)] Right.  
14 (b)(7)(C) Can we -- why don't we take a  
15 break?

16 [SPECIAL AGENT (b)(7)(C)] Okay.  
17 (b)(7)(C) I'd like to use the restroom.  
18 And I -- let me know how much more you want to go, but  
19 I -- I do want to take about -- just when we resume,  
20 I want to take about 15 or 20 minutes and kind of try  
21 to tie up this rambling.

22 [SPECIAL AGENT (b)(7)(C)] Okay. I just  
23 have one more thing before we take a break. According  
24 to the information I received through the (inaudible)  
25 package, was there a job you thought you applied for?

7c

1 (b)(7)(C) Oh, if -- one of the things I  
2 -- I wanted to point out; if we're talking about the  
3 same thing, was I'm getting -- this first half of 2010  
4 my supervisor's telling me I'm, you know, one level  
5 above pond scum. But during that period another  
6 supervisor; actually it was a manager, from another  
7 group came in and offered me a job.

8 Well, how does that happen? I mean, if  
9 I'm that bad; eight needs improvements, I mean, that's  
10 like you might as well not even show up for work if  
11 you're going to get that kind of evaluation. But yet  
12 someone else comes and offers me a job, which I -- I  
13 mean, I -- I didn't claim I was the smartest guy that  
14 ever walked down the street. I am a (b)(7)(C)  
15 I'm -- you know, I'm not -- but no shit, the guy  
16 offered a job.

17 [SPECIAL AGENT (b)(7)(C)] Okay. Well,  
18 let's go ahead and take a break and then we'll discuss  
19 that a little when we come back.

20 The time is approximately 3:29 p.m.

21 (Whereupon, at 3:35 p.m. off the record  
22 until 10:10 a.m.)

23 [SPECIAL AGENT (b)(7)(C)] Back on the  
24 record with (b)(7)(C) It's approximately 3:35 p.m.  
25 Okay. (b)(7)(C) before we went off the

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1 record I asked you about a certain job that you  
2 applied for and the claim is that it went to a less-  
3 qualified person. Was that an accurate statement or  
4 is that inaccurate?

5 (b)(7)(C) Oh, yes. You know, I -- I --  
6 I just don't remember what that was about --

7 [SPECIAL AGENT (b)(7)(C)] Okay.

8 (b)(7)(C) -- frankly. I'm --

9 [SPECIAL AGENT (b)(7)(C)] Okay.

10 (b)(7)(C) When you had mentioned earlier  
11 about a job, I thought you were talking about this  
12 manager that in -- in the spring of 2010 offered me a  
13 job, I mean, at SONGS.

14 [SPECIAL AGENT (b)(7)(C)] Okay.

15 (b)(7)(C) So --

16 [SPECIAL AGENT (b)(7)(C)] So you would not  
17 be with or don't recall what --

18 (b)(7)(C) No, I -- I think what you're  
19 talking about is -- is sort of kind of another way of  
20 talking about this issue with the unqualified person.

21 [SPECIAL AGENT (b)(7)(C)] Okay. So it  
22 wasn't a separate issue? It was the same issue?

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

24 [SPECIAL AGENT (b)(7)(C)] Okay.

25 (b)(7)(C) Let's -- let's call that the

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1 same issue.

2 [SPECIAL AGENT (b)(7)(C)] Okay. Now this  
3 job that you were offered by a manager, did you --  
4 what reason would -- you didn't take it obviously, so  
5 was there --

6 (b)(7)(C) There is a reason. I'll --  
7 and I'm happy to explain it.

8 [SPECIAL AGENT (b)(7)(C)] Okay.

9 (b)(7)(C) I -- I had mentioned that  
10 because of the chilled work environment that we've  
11 experienced for a number of years working for (b)(7)(C)  
12 we've made several attempts to unionize and -- quick  
13 and dirty. We had a vote in early 2009, and that was  
14 when -- this was when it was just the (b)(7)(C)  
15 (b)(7)(C) because we were still part of (b)(7)(C)  
16 and the vote didn't pass. It was 4 to 4. So tie  
17 vote, it -- it -- you don't get to join. You can vote  
18 again after a year, you know, if you think the  
19 conditions have changed. And we of course knew that  
20 they had changed and so we were trying to shoot for  
21 like a June 2010 union vote.

22 So in -- I don't remember exactly when,  
23 but in like March or April this manager out of the  
24 blue walked into my cube one day and said, hey, I need  
25 some help. I'd like you to come work for me. And I

7c

1 guess I've worked here so long that I've -- I've  
 2 gotten so jaded and suspicious of anything managers do  
 3 anymore, I -- I -- I wasn't sure if he was serious,  
 4 No. 1. And -- or how sincere he really was. I -- I  
 5 was thinking that this was somehow some ploy to get me  
 6 out of the group because it's one less person to vote  
 7 for the union. So that's why I didn't accept it.

8 [SPECIAL AGENT (b)(7)(C)] Okay.

9 (b)(7)(C) And yes, it was a very stupid  
 10 decision on my part.

11 [SPECIAL AGENT (b)(7)(C)] Okay.

12 (b)(7)(C) And I regret having made that  
 13 decision.

14 [SPECIAL AGENT (b)(7)(C)] And just out of

15 curiosity what job offer was it? What department was  
 16 it in?

17 (b)(7)(C) It was back in (b)(7)(C)

18 It was like being like a (b)(7)(C)

19 (b)(7)(C) with the -- the group of people that

20 (b)(7)(C)

21 [SPECIAL AGENT (b)(7)(C)] Okay.

22 (b)(7)(C) And before we joined

23 (b)(7)(C) used to

24 be part of that group.

25 [SPECIAL AGENT (b)(7)(C)] Okay.

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1 [REDACTED] And they were just right  
2 upstairs.

3 [SPECIAL AGENT [REDACTED]] All right, [REDACTED]

4 [REDACTED] And you said that you wanted to get a chance  
5 to tie some of that in and explain to me about some of  
6 the stuff that you want me to take, or some of these  
7 documents you want to provide.

8 [REDACTED] Okay. I -- I guess, unless  
9 you have anymore, you know, specific questions, what  
10 I'd like to do is I want to relate one more situation  
11 that -- that I think bears on this whole retaliation  
12 claim, and then I'd like to kind of summarize my  
13 perspective of this issue.

14 [SPECIAL AGENT [REDACTED]] Sure.

15 [REDACTED] And then I'd like to -- I'll  
16 go through the material that I -- you know, briefly.  
17 I'm not going to go page by page, but I'll tell you  
18 what I'm giving you.

19 [SPECIAL AGENT [REDACTED]] Okay.

20 [REDACTED] Which I hope supports what I'm  
21 saying.

22 [SPECIAL AGENT [REDACTED]] Okay.

23 [REDACTED] Earlier I said the -- the ways  
24 these guys operate is they -- they pick on one person  
25 at a time. And they started picking on me in 2009.

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1 Before that they picked on a guy named (b)(7)(C)

2 They gave him an unwarranted performance appraisal.

3 He was told all year long during 2008 that his

4 performance was just fine; you know, meets

5 expectations. And then on the last day of the

6 performance plan year -- I -- I don't remember what

7 that was. That would have been like January -- I

8 don't know the exact date, but like the 15th of

9 January, 2009. Then he was informed that he was going

10 to get a needs improvement on his performance

11 appraisal.

12 And our process was slightly different;

13 not greatly different, but different enough where if

14 you got a needs improvement, you didn't -- you weren't

15 going to qualify for your -- your bonus. We get a

16 bonus every year. It's -- it used to be just what

17 I'll call a site-wide bonus. It wasn't based on

18 individual performance. It was based on how the site

19 did financially. And then they came up with some pot

20 of money and they divided that pot of money by the

21 number of employees, and that's what you got.

22 [SPECIAL AGENT (b)(7)(C)] Okay.

23 (b)(7)(C) Different levels get a -- a

24 different percentage, but that's basically how it

25 worked.

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1 So anyway, (b)(7)(C) again, no  
 2 counseling, no nothing. And basically he got that  
 3 needs improvement based on a -- a recommendation he  
 4 made to (b)(7)(C) on a procedure where -- where (b)(7)(C) was  
 5 a subject matter expert. (b)(7)(C) wanted it done a certain  
 6 way and (b)(7)(C) said, look, you ought to do it this way.  
 7 Let me do it this way. Anyway, to make a long story  
 8 short, (b)(7)(C) hung in there for another -- he tried to  
 9 fight it and he talked to the division manager, the  
 10 division director. You know, he ran it up and down  
 11 the flag pole.

12 I got involved in this from day one  
 13 because the day he found out he got a needs  
 14 improvement he called me at home, because (b)(7)(C) and I  
 15 used to work -- we -- we were together for about a  
 16 year over in (b)(7)(C) I was the (b)(7)(C) He -- I  
 17 was the (b)(7)(C) (b)(7)(C) came over in a -- kind  
 18 of a (b)(7)(C)

19 (b)(7)(C) We go back further than that. We both  
 20 have some (b)(7)(C)  
 21 (b)(7)(C) So we've  
 22 known each other a long time. We're not like great  
 23 friends. We don't socialize, but we -- certainly at  
 24 work and some other things, you know, we've -- we've  
 25 known each other.

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1           And he called me whenever that day was,  
2           January 15 of 2009, because he -- he just wanted to  
3           talk to somebody that knows the Edison HR policies and  
4           practices and just management in general. And -- and  
5           I told him this was, you know, totally wrong, totally  
6           against company policy what had happened to him.  
7           There's no documentation, no justification, no written  
8           evidence, no verbal, nothing.

9           And anyway, he went -- couple of months he  
10          tried to fight it and eventually, you know, the  
11          company refused to do anything. And so, at some point  
12          he said I've had it, you know, I'm not taking this  
13          anymore. I mean, he -- he was one of the people that  
14          testified for the chilled work environment in August  
15          of '09. (b)(7)(C) He finally -- like I  
16          say, he -- (b)(7)(C)

17 (b)(7)(C)

(b)(7)(C)

18 (b)(7)(C)

19           You know, he didn't -- he didn't --  
20           you can't say that he was forced out or, you know, was  
21           beaten up or anything. He just -- he just said I've  
22           had it with this place and I'm out of here. I'm not  
23           going to be treated like that. I'm not going to be  
24           retaliated against in that fashion.

25           In California, I guess there are some  
provisions that if you are in a chilled work

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1 environment, if you're told to do things illegally,  
2 which in our world is you're told to do things against  
3 procedure, there's a provision in the -- the  
4 California I guess Unemployment Code, or whatever,  
5 that you can claim unemployment. And so (b)(7)(C) did. So

6 (b)(7)(C)

7 (b)(7)(C)

8 [SPECIAL AGENT (b)(7)(C)] Yes.

9 (b)(7)(C)

And I'm -- I'm going to try to  
10 get through this. I -- I'm -- I know I take a long  
11 time to spit this stuff out.

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

He started

13 (b)(7)(C)

And then he got a letter,  
14 because the company -- the company pays I think the  
15 first six months of an employee's unemployment and  
16 then it rolls over to some state fund. And he got a  
17 letter from the employment whatever saying your  
18 unemployment status is being challenged by Southern  
19 California Edison because (b)(7)(C) You know, you  
20 didn't -- you weren't forced out; you, you know, yada,  
21 yada.

22 So -- so he had a hearing. He had to go  
23 to an -- the foreign administrative law judge that  
24 hears these kinds of cases. And I went with him. I  
25 was a witness. And (b)(7)(C) was the witness for the

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1 company. And I'm thinking, oh, great, you know, this  
2 is going to make my life even better, more better than  
3 it is already.

4 And I guess the -- the point I want to  
5 make is, No. 1, the judge found in (b)(7)(C) favor,  
6 basically the chilled work environment, the being told  
7 not to follow your procedures. But before the judge  
8 came to that conclusion, (b)(7)(C) was allowed a -- a little  
9 while to testify, you know, like 10 minutes. And he  
10 explained why he left and the working conditions under  
11 which, you know, he labored.

12 And then (b)(7)(C) talked and I'm just going  
13 to say he lied like a rug. He fabricated information.  
14 He -- these are my notes. I'm not going to give you  
15 a copy unless you guys think it's -- but -- but  
16 basically he said that, you know, the group was bigger  
17 than it was, that everybody was happy, that you know,  
18 (b)(7)(C) was a happy worker and that he just (b)(7)(C) of his  
19 own accord and just merrily went on his way and, you  
20 know?

21 And then the administrative law judge  
22 asked me, because I -- I was kind of, you know,  
23 champing at the bit a little bit, because it's hard --  
24 it's hard to present all the material you'd like to  
25 present and present it in a coherent fashion. I mean,

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1 you've suffered here for the last couple hours, you  
2 know -- you know? And basically the only -- the -- at  
3 that point, you know, you could tell the judge was  
4 done, you know? She's -- I don't know how many cases  
5 she has to hear every day, but you know, she's got  
6 like, you know, like 30 minutes a case or something.

7 [SPECIAL AGENT (b)(7)(C)] Right.

8 (b)(7)(C) You could tell she wanted to  
9 wind this thing up. And -- and the only thing -- and  
10 she gave me a -- like a minute to talk and -- and I  
11 said to myself, well, the only thing I can say; and  
12 this was what I said, is I said I disagree with  
13 absolutely everything the company has said here today  
14 and that everything the company has said has been a  
15 fabrication. And (b)(7)(C) was the only witness for the  
16 company. That's who you're dealing with. And we were  
17 all under oath.

18 We went to a hearing with the National  
19 Labor Relations Board in Los Angeles in April of --  
20 April of 2009. And we had a dispute, difference of  
21 opinion on -- no, it was April two-thousand -- losing  
22 my mind. Well, the pertinent facts are that we went  
23 to the National Labor -- a hearing in Los Angeles with  
24 a National Labor Relations Board hearing officer. And  
25 it had to do with -- we wanted to vote for the union

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1 thing. And there was a disagreement between the  
 2 company and us as to who ought to be able to vote.  
 3 And guess who the two people who testified were?  
 4 Well, (b)(7)(C) testified for the company and I  
 5 testified for the -- the union thing. And I -- I'm --  
 6 I -- I don't know if I included a copy, but I do have  
 7 a record. I made a -- I made a memorandum after the  
 8 meeting of everything that (b)(7)(C) said under oath at  
 9 that hearing as well that was false. So, that's who  
 10 you're dealing with here.

11 [SPECIAL AGENT (b)(7)(C)] Okay.

12 (b)(7)(C) You know, that's -- it's --  
 13 anyway, mind boggling.

14 Okay. Let me -- let's see if we can bring  
 15 this to closure for anybody that's able to suffer  
 16 through everything I've said so far, like why doesn't  
 17 that guy shut up?

18 My charge of allegation against the  
 19 company is -- it's retaliation, period. Nothing more;  
 20 nothing less.

21 [SPECIAL AGENT (b)(7)(C)] Yes.

22 (b)(7)(C) I've received a failing  
 23 performance appraisal that is not based on fact. It's  
 24 flat out a lie. Again, the best example I can give is  
 25 my work output. This isn't -- you know, this is not

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1 a matter of interpretation or having a different  
2 perspective. Like I said earlier, this isn't like  
3 cup's half full, cup's half empty. They are lying  
4 about my performance. They're lying. They know it's  
5 a lie. Again, it's not a half-full-half-empty-kind of  
6 thing. It's a flat out lie. It's -- it's -- it's --  
7 the retaliation is for my performance appraisal and  
8 then subsequently the suspension. It's in retaliation  
9 for my raising performance issues. You know, you guys  
10 may call them something different; a protected  
11 activity, safety issues, but it's something that's  
12 wrong and it needs to be fixed, you know?

13 And I raise these issues -- I don't raise  
14 them like a wild man or jump up and down or, you know,  
15 use colorful language like I did a couple times here  
16 today. It's like, hey, Code of Federal Regulations  
17 says this. We're -- you know, it says X and we're  
18 doing Y. Well, the company policy for operations is  
19 that we set the standard. We're the role model for  
20 the site and yet you're trying to temporarily promote  
21 a totally unqualified person to be a supervisor in the

22 (b)(7)(C) the frigging (b)(7)(C)  
23 You know, those are the kind of things that I raise.

24 Yes, I've learned my lesson. I'm not  
25 going to -- I'm not going to raise those issues

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7c  
1 anymore. I told (b)(7)(C) the last time I talked  
2 to him, I said, I'm never writing another notification  
3 here again that I'd absolutely don't have to write.

4 Because as a (b)(7)(C)

5 (b)(7)(C)

6 (b)(7)(C)

7 That's just purely administrative. You  
8 know, I'm not on some, you know, Don Quixote jousting  
9 at windmills thing. At this point I'm just concerned  
10 about the retaliatory nature of my chain of command.  
11 Okay? That's all that this is.

12 Again, the key points about my allegation  
13 are these: I received an unwarranted midyear  
14 performance appraisal in August 2010. The unwarranted  
15 appraisal was then coupled with a fabricated  
16 allegation to suspend me for a week without pay in  
17 September 2010. They never advised me I was being  
18 considered for disciplinary action. I was never  
19 interviewed. You know, they went back four years to  
20 find a midyear performance appraisal to justify part  
21 of the suspension that was written by an (b)(7)(C)  
22 that's been protected by (b)(7)(C) and is still  
23 protected today by (b)(7)(C) And I can give you a very  
24 good witness on that if -- if that comes up. I will  
25 hold off on that for now.

Again, the reasons for these retaliatory

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1 acts were issues that I raised concerning poor program  
2 and management performance. These actions on my part  
3 to raise these issues were appropriate and reasonably  
4 expected of nuclear workers, and I'm handing you the  
5 copy of this. Because management was unable or  
6 unwilling to address these issues, they retaliated and  
7 discriminated against me by the unwarranted  
8 performance appraisal and disciplinary action. This  
9 was by and large an effort by management to shift  
10 focus and blame away from them and onto me. The  
11 actions taken against me by the company are consistent  
12 with its past behavior of trying to silence workers  
13 who raise issues. In particular, the performance  
14 appraisal process is used an -- as an unofficial tool  
15 to silence workers because it is difficult if not  
16 impossible to rebut and SCE maintains little or no  
17 oversight of the process to ensure appraisals are  
18 valid.

19 I want to -- I -- I want to take about 10  
20 minutes and just hit a couple of key points here. It  
21 was the company, not me that raised this midyear 2007  
22 issue and they raised it when they suspended me in  
23 September of 2010. Some of the points in that  
24 document; and I'll give you a copy, is he models --  
25 and -- and my -- my then-supervisor is talking about

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1 me. He models negative behavior by disrupting  
2 meetings. What this really means is that when  
3 information or guidance is given in meetings that is  
4 counter to SCE policy, I speak up. And I do. The  
5 meeting in question involved several supervisors who  
6 were discussing promotion actions that were counter to  
7 SCE policy. That's how they maintain the good old boy  
8 network here, by the way. One supervisor basically  
9 stated that he would handpick his successor and make  
10 sure that the successor was primed to take over once  
11 he -- the supervisor had retired. I vigorously  
12 objected. I didn't use any bad words. I just said,  
13 you know, this is not right. It is not in accordance  
14 with Edison personnel policy.

15 The SONGS (b)(7)(C) because we  
16 were in the (b)(7)(C) at the time, has a  
17 long track record of using the good old boys network  
18 to promote people. So what my then-supervisor (b)(7)(C)  
19 and (b)(7)(C) are doing in the performance appraisal; this  
20 is the midyear 2007, is getting even for my speaking  
21 up. And one of the women whose names you checked was  
22 the negative recipient of this policy, meaning that,  
23 you know, she was going to not get a job because they  
24 wanted to handpick somebody else.

25 [SPECIAL AGENT (b)(7)(C) And who was

7c

1 that? Which one was that?

2 (b)(7)(C)

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

4 (b)(7)(C)

5 Other comments in the -- the  
6 midyear 2007 performance appraisal talk about not  
7 getting along with peers and bosses. The only people  
8 I have problems with are those who do not do their  
9 jobs. For example, (b)(7)(C) was absent much of  
10 the time during 2007. He came to work late often and  
11 fundamentally was of no value as a supervisor. The  
12 joke in the group was that during his numerous  
13 absences people would ask where he was. The answer  
14 was, hey, I don't have the (b)(7)(C) watch. And again,  
15 there's -- that behavior continues today.

16 I -- I -- I'm going to -- I want to say  
17 one other thing about that midyear, although I -- I --  
18 I -- there is rebuttal enclosed with that that -- that  
19 talks about most of that stuff.

20 That midyear 2007 performance appraisal  
21 states that I used -- that I refused to plan work  
22 orders. That's not correct. Basically what happened  
23 is that when my supervisor asked me to be a planner,  
24 a work order planner, I said that I needed training.  
25 This is quality affecting work. I had not been  
trained as a -- a planner. So all I said is you owe

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1 me some training and he never -- he just turned around  
 2 and walked away. And then he made somebody else do it  
 3 who was -- is unequally untrained as I was. And the  
 4 reason that guy did it is because he was new the group  
 5 and felt that he couldn't insist that he receive  
 6 training. Now, that guy is not part of this whole  
 7 chilled work environment thing, but he retired in  
 8 disgust about eight or ten months ago. Again, same  
 9 stuff.

10 [SPECIAL AGENT (b)(7)(C)] Okay.

11 (b)(7)(C) So my summary is that the  
 12 midyear 2000 performance appraisal is a material false  
 13 statement and it was generated to get even, period.

14 Let me just say a few -- make a few  
 15 comments about (b)(7)(C) He began his -- he  
 16 -- he didn't join our group until late (b)(7)(C)

17 (b)(7)(C) (b)(7)(C) began his tenure in  
 18 his group on very shaky ground. He has a bad  
 19 reputation across the site. Last week I ran into a  
 20 manager whom I've known for over (b)(7)(C) who used to  
 21 work with (b)(7)(C) and this manager -- I used to be

22 (b)(7)(C) When I told  
 23 this manager that my supervisor was (b)(7)(C) the  
 24 manager made a very disapproving face. You know, like  
 25 (b)(7)(C) rolled (b)(7)(C) eyes and like screwed up (b)(7)(C) face and,

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7c

1 you know -- you know. And I asked (b)(7)(C) you -- you  
 2 know, how was it that action was not taken with  
 3 (b)(7)(C) to correct his behavior as a supervisor  
 4 when they worked together. This was like maybe in the  
 5 two to three-year ago range.

6 [SPECIAL AGENT (b)(7)(C) Okay.  
 7 (b)(7)(C) And I was then told that  
 8 actions were in their incipient phase to address  
 9 (b)(7)(C) performance, but (b)(7)(C) was able to  
 10 transfer out of the group before anything could be  
 11 done.

12 During the first couple of months of  
 13 (b)(7)(C) time in our group; this -- which would  
 14 be, you know, (b)(7)(C) he was  
 15 off -- often off doing other things. Because he was  
 16 our supervisor he was supposed to review or work and  
 17 approve our (b)(7)(C) But he  
 18 didn't review our (b)(7)(C) as he is required to do.  
 19 Many of the group members complained because their  
 20 work was not getting out, you know, getting done.

21 Those of us who were qualified to approve  
 22 (b)(7)(C) in this stead did so for awhile; and I was  
 23 one of those people, but eventually we realized this  
 24 not only held up our own work -- you know, again,  
 25 another thing is, you know, I'm doing that guy's work

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1 and he's giving me, you know, a lousy performance  
2 appraisal. So it was -- but -- but eventually we  
3 realized this not only held up our own work, but this  
4 situation was becoming rather codependent, so we  
5 stopped. (b)(7)(C) still has trouble keeping up  
6 with (b)(7)(C) I mean, to this day.  
7 (b)(7)(C) has never counseled me about  
8 anything of significance leading up to the midyear  
9 performance appraisal. Certainly there was no  
10 communication about my work output. During the first  
11 half of 2010 I worked far more weekends than anyone  
12 else in the group. You know, again, how does the  
13 company reconcile all the supplemental time that I  
14 worked? And I was getting paid for this. It wasn't  
15 like I was doing this out of the kindness of my heart.  
16 I mean, I was, you know, getting paid for those  
17 Saturdays that I worked.

18 [SPECIAL AGENT (b)(7)(C) Yes.  
19 (b)(7)(C) So company's paying me money.  
20 Now any kind of half-assed competent supervisor at  
21 some point, if -- if he had a concern about my work  
22 output, would say why am I spending the company's  
23 hard-earned money if (b)(7)(C) is basically coming in  
24 here and not getting work done? And the answer is I  
25 was getting work done.

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1 And one issue of great importance here  
 2 that I think bears noting is that (b)(7)(C) has  
 3 refused to (b)(7)(C) so he does  
 4 not know what it takes to get a (b)(7)(C)  
 5 He's never done a (b)(7)(C) I've challenged him two  
 6 or three times. I said you -- you don't understand  
 7 what we do, what it takes to get a (b)(7)(C)  
 8 So, and he says, oh, well, I did a (b)(7)(C)  
 9 (b)(7)(C) Well, you know, that's like, I don't know,  
 10 you're in the military today and, you know, you find  
 11 out your boss has never fired a gun. He says, oh, no,  
 12 no, no. No, you know, back in the Revolutionary War  
 13 I shot a flintlock, you know? Well, hey, pal, you  
 14 know, it doesn't work that way anymore.

15 He does not understand the difference  
 16 between a simple (b)(7)(C)  
 17 (b)(7)(C)  
 18 (b)(7)(C) To  
 19 him -- and I mentioned this earlier with respect to  
 20 (b)(7)(C) who does primarily editorial correction  
 21 kind of stuff, an editorial correction to him, is the  
 22 same as something where you take five days to get a  
 23 (b)(7)(C) straightened out.

24 And again, I -- I just have to come back  
 25 and emphasize that this -- you know, this baloney in

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1 the midyear about how I only did (b)(7)(C)

2 is -- it's -- you know, it's ridiculous. They knew it

3 was a lie. They didn't try to validate anything.

4 They never talked to me about my work output. They

5 never established a standard for the group. They

6 never published any information that would say, well,

7 you know, so-and-so does so many a month and somebody

8 else does something else. You know, this whole thing

9 is just pure fabrication, which means it's

10 retaliation.

11 [SPECIAL AGENT (b)(7)(C)] Let me just ask

12 you a question while I'm thinking about it on these

13 reports that you put out in February -- I mean, in

14 2010. These were the whole year or just February?

15 (b)(7)(C) No, this -- this is between

16 February and June.

17 [SPECIAL AGENT (b)(7)(C)] February and

18 June? Okay.

19 (b)(7)(C) So -- so this list -- yes, end

20 of June. I did -- these are the (b)(7)(C) that I

21 did.

22 [SPECIAL AGENT (b)(7)(C)] Now your

23 supervisor said he pulled a report, kept telling you

24 I pulled a report, I pulled a report.

25 (b)(7)(C) He said -- his exact words

1        verbatim, "I ran a report."

2                    [SPECIAL AGENT (b)(7)(C)]        Ran a report?

3        Is there a report that would show how much you did  
4        other than you keeping -- going to the machine and  
5        pulling up individually?

6                    (b)(7)(C)        I don't know. I mean, I'm --  
7        I don't -- I -- not that -- there are ways to query  
8        the database, but I don't know how to do that.

9                    [SPECIAL AGENT (b)(7)(C)]        Okay.

10        (Inaudible) give me a sheet that says on February to  
11        June this is what --

12                    (b)(7)(C)        You could ask them.

13                    [SPECIAL AGENT (b)(7)(C)]

14                    (b)(7)(C)        Maybe -- maybe -- perhaps you  
15        should ask them.

16                    [SPECIAL AGENT (b)(7)(C)]        Well, yes. No,  
17        I'm just want to know if you --

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

19                    [SPECIAL AGENT (b)(7)(C)]        Okay.

20                    (b)(7)(C)        And -- and that information is  
21        not -- as -- as -- again, as I say, it's not provided  
22        to us. I mean, we -- we don't really need it, but one  
23        would think that if someone legitimately wasn't  
24        producing that they would provide some information and  
25        say what's going on, or what -- you have a problem?

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1 Are you just lazy, or what's -- what's the deal here?

2 None of -- none of that communication occurred.

3 [SPECIAL AGENT (b)(7)(C)] Okay.

4 (b)(7)(C) And again, there are no  
5 established standard for a (b)(7)(C) as far as  
6 how many is reasonable that someone would do in -- in  
7 some period of time. There's no report that's posted  
8 where you can say, well, geez, (b)(7)(C) did -- gosh, he's  
9 doing about 10 a month and -- and I'm doing eight.  
10 And then, you know, (b)(7)(C) doing like six or -- you  
11 know, there's no way to, you know -- so again, that --  
12 that just means to me that this whole -- this whole  
13 thing was a -- a witch hunt from day one. That's all  
14 I'm saying.

15 [SPECIAL AGENT (b)(7)(C)] Okay.

16 (b)(7)(C) Okay. So there's no record of  
17 counseling me for my alleged poor behavior as required  
18 by company policy. And again, no counseling was done  
19 because none was warranted. Again, same thing on the  
20 suspension. Company policy requires that the  
21 individual who is suspected of wrongdoing be  
22 interviewed. That didn't happen.

23 [SPECIAL AGENT (b)(7)(C)] Is there a  
24 company policy in this stack that you're talking  
25 about, or is that something that I'll need to request?

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1 (b)(7)(C) No, I know you -- I think I --  
2 I -- I -- I'm pretty confident I have it in here.

3 [SPECIAL AGENT (b)(7)(C)] You sent in a  
4 couple of things, or we got a couple of things  
5 regarding temporary supervisor responsibilities.

6 (b)(7)(C) Yes. Now, that's -- I -- I  
7 included that because that is the standard that  
8 applies to (b)(7)(C) employees.

9 [SPECIAL AGENT (b)(7)(C)] Okay. Now what  
10 I have to say is that at the time I wrote this  
11 notification we were no longer in the (b)(7)(C)

12 (b)(7)(C) So the company will say, well, so what?  
13 But we have what we call an "Excellence Guidebook;"  
14 and I don't know if I included that information, but  
15 there is a statement in the company "Excellence  
16 Guidebook" that says (b)(7)(C) sets the tone and sets  
17 the standard for the rest of the site. And -- and  
18 this was one of the issues that I raised, and it's in  
19 my memorandum that I wrote in -- in my meetings with

20 (b)(7)(C) that said how is it that (b)(7)(C) is okay  
21 with upgrading a person with zero qualifications? And  
22 basically his answer was, well, we're pretty tight on  
23 shift, but the other part of (b)(7)(C) eh, not so much.  
24 And that's when I told him, I said, well, I hope you  
25 get a chance to defend that position in front of the

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1 Nuclear Oversight Board or the NRC or INPO some time.

2 And again, I -- and I'd like people to  
3 read the rebuttal that I made in my 2007 midyear  
4 performance appraisal. And also in the 2010, read the  
5 -- what I put in there versus what the company wrote.

6 While SCE would like to say that the  
7 common theme in my performance appraisals is me; that  
8 -- that I'm the -- I'm a bad guy and, you know, I'm  
9 poorly adjusted to life and, you know, just a totally  
10 piece of what, you know, the real common denominator  
11 are the people behind these performance appraisals,  
12 and that's mainly (b)(7)(C)

13 And what I'm about to say may sound kind  
14 of corny, but I -- I think it bears here. I say it's  
15 funny, you know, I managed to (b)(7)(C)

16 (b)(7)(C) which I did,

17 and (b)(7)(C)

18 (b)(7)(C)

19 (b)(7)(C)

20 (b)(7)(C)

21 (b)(7)(C) So, you know, they

22 don't -- I'm not saying I was anything too much out of  
23 the ordinary, but they don't give those jobs to, you  
24 know, just anybody.

25 You know, I attended several what I'll

7c

1 call (b)(7)(C)  
2 (b)(7)(C)

3 I qualified as a (b)(7)(C) at  
4 another plant, at the AlW Plant in Idaho Falls, Idaho  
5 and I successfully performed a number of different

6 (b)(7)(C) Oh,  
7 get this: Including -- I was the head of the (b)(7)(C)  
8 (b)(7)(C) at one time. Okay?

9 So all I'm saying is I know what teamwork  
10 is. I know what respect is. I know what leadership  
11 is. I know what obedience and -- and management and  
12 -- and all these things are about. The real problem  
13 here is the (b)(7)(C) and (b)(7)(C) and (b)(7)(C)  
14 (b)(7)(C) of the world that retaliate. They don't like  
15 you because you know what you're doing. You -- they  
16 don't like you because you point out things that  
17 doesn't necessarily make them look bad, but it makes  
18 them then have to do something. And then every once  
19 in awhile they do something really stupid like this  
20 upgrade thing. So in their world the only way they  
21 can deal with that is to retaliate against the  
22 individual who raises the issue. Because the only way  
23 -- their whole -- their whole mission in life is to  
24 survive and they only way they can survive is to make  
25 other people look bad and make sure that if there's

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1 any blame that it goes to someone else. So when  
 2 someone raises an issue, they have to make that person  
 3 look bad and that's how they go down the retaliation  
 4 path.

5 Again, concerning my comments about (b)(7)(C)  
 6 (b)(7)(C) you know, my comments concerning her were  
 7 accurate and business-related. I used no  
 8 inappropriate language. There is a policy on  
 9 workplace appearance, not met on occasion by her. And  
 10 for any number of really far more important reasons,  
 11 it was inappropriate to try to put her in charge of  
 12 our group. And again, these mainly have to do with  
 13 qualification, skill and knowledge. These reasons,  
 14 and including her appearance, are all business-related  
 15 reasons. And again, where's the investigation?

16 There's -- there's more here and I -- I  
 17 would hope that somebody would read what I've written  
 18 here.

19 I talk about (b)(7)(C) a little bit and  
 20 how he got -- he was retaliated against. And again,  
 21 what -- what's really striking about this chilled work  
 22 environment and retaliatory environment that we have  
 23 here is that the people that wanted to join the union  
 24 in our group, it's almost all supervisors. It's  
 25 myself, it's (b)(7)(C) who's a (b)(7)(C)

70

1 it's (b)(7)(C) I'm  
 2 not sure if (b)(7)(C) -- he was kind of on the fence. But  
 3 like three of the four people that voted for the union  
 4 were supervisors.

5 So I mean, what does that tell you? I  
 6 mean, here at the time -- the first time we voted, I  
 7 was (b)(7)(C) And I'm a (b)(7)(C) spent my  
 8 whole life in (b)(7)(C) I mean, from the day I  
 9 (b)(7)(C) I've been a (b)(7)(C) of some  
 10 sort or a (b)(7)(C) of some sort or another. I mean, I  
 11 don't have anything against unions, but I'm not  
 12 exactly the model poster child for someone who wants  
 13 to join a union.

14 (SPECIAL AGENT (b)(7)(C) Yes.

15 (b)(7)(C) But we want to join the union  
 16 because we need some protection. And that's again why  
 17 the company still hasn't got its handle around the  
 18 safety conscious work environment or the chilled work  
 19 environment, because they refuse to acknowledge that  
 20 people like this live in their organization and they  
 21 force us to go to you guys and maybe other people to  
 22 try to get some help. And again, I'm -- I'm -- I'm  
 23 not trying to presuppose that you'll see things the  
 24 way I do, but that's why we do what we do.

25 Okay. I'm going to shut up. What I'd

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1 like to do next is answer any remaining questions you  
 2 may have and -- and explain this package of material  
 3 that I want to give you.

4 [SPECIAL AGENT (b)(7)(C)] Okay. And is  
 5 that mine also?

6 (b)(7)(C) No, this is mine.

7 [SPECIAL AGENT (b)(7)(C)] Is there a copy  
 8 of that there?

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

10 [SPECIAL AGENT (b)(7)(C)] Okay.

11 (b)(7)(C) Yes.

12 [SPECIAL AGENT (b)(7)(C)] Okay.

13 (b)(7)(C) And let me -- if you don't  
 14 mind, if we could go off record one more time so I  
 15 can --

16 [SPECIAL AGENT (b)(7)(C)] Sure. We'll go  
 17 off record again. Time is approximately 4:13 p.m.

18 (Whereupon, at 4:13 p.m. off the record  
 19 until 4:16 p.m.)

20 [SPECIAL AGENT (b)(7)(C)] We're back on  
 21 record. Its' approximately 4:16 p.m.

22 (b)(7)(C) I've pretty much covered what  
 23 I would need to cover as far as the allegation that  
 24 you filed and the retaliatory actions that were taken  
 25 against you. And the main ones being of course your

1 midyear performance appraisal in 2010, which kind of  
2 drove you to do these allegations and also you were  
3 suspended without pay in 2010.

4 (b)(7)(C) Correct.

5 [SPECIAL AGENT (b)(7)(C) And I think  
6 you've gone over why you felt you were suspended and  
7 why you felt you got a bad appraisal. So I think  
8 we've got that captured.

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

10 [SPECIAL AGENT (b)(7)(C) Now you have  
11 some material. And also, I wanted to make sure that

12 we had the names that -- (b)(7)(C)  
13 (b)(7)(C) --

14 (b)(7)(C) You  
15 want me to write who they are, like coworker or --

16 [SPECIAL AGENT (b)(7)(C) Yes. Well,  
17 you're going to put them on this list whenever we're  
18 done here.

19 (b)(7)(C) Okay.

20 [SPECIAL AGENT (b)(7)(C)

21 (b)(7)(C)

22 (b)(7)(C)

23 [SPECIAL AGENT (b)(7)(C) Okay.

24 (b)(7)(C)

25 (b)(7)(C) Okay. Is there anybody else on this list

1 you feel with regards to these allegations that could  
2 provide light or shed more light on this?

3 (b)(7)(C) With respect to the allegation  
4 itself, my coworkers would be the -- would -- should  
5 be able to attest much of what I'm saying.

6 [SPECIAL AGENT (b)(7)(C)] Okay.

7 (b)(7)(C) In whole or in part. Some of  
8 the other people there that I've listed --

9 [SPECIAL AGENT (b)(7)(C)] He's (b)(7)(C)

10 (b)(7)(C) Right. And I can provide his  
11 phone number.

12 [SPECIAL AGENT (b)(7)(C)] And he's a  
13 coworker also, correct?

14 (b)(7)(C) Coworker and he's present at  
15 work.

16 [SPECIAL AGENT (b)(7)(C)] Coworker?

17 (b)(7)(C) coworker.

18 [SPECIAL AGENT (b)(7)(C)] And he's (b)(7)(C)

19 also?

20 (b)(7)(C) He's -- he's (b)(7)(C)

21 of (b)(7)(C) And I've tried to call him a couple  
22 of times, but he hasn't responded. So -- but I would  
23 appreciate if you would make an effort to --

24 [SPECIAL AGENT (b)(7)(C)] What I'll do

25 is --

1 (b)(7)(C) -- communicate with him.

2 [SPECIAL AGENT (b)(7)(C) -- people that  
3 work here, I'll go through their work number and  
4 contact. And that's -- I spoke to you before, you  
5 know, we got a way of doing that. The people that  
6 (b)(7)(C) are -- and in (b)(7)(C) case, I may send you  
7 an email. If you can respond with their phone numbers  
8 and I'll --

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

10 [SPECIAL AGENT (b)(7)(C) -- you know,  
11 I'll certainly try to call them. I'll get in touch  
12 with them somehow.

13 (b)(7)(C) Yes.

14 [SPECIAL AGENT (b)(7)(C)  
15 (b)(7)(C) and the other two individuals, they're not  
16 coworkers with you, are they?

17 (b)(7)(C) is a coworker.

18 [SPECIAL AGENT (b)(7)(C) Oh, he is?

19 Okay.

20 (b)(7)(C)

21 (b)(7)(C) also.

22 [SPECIAL AGENT (b)(7)(C) Now will he be  
23 out also?

24 (b)(7)(C) Yes, he would be out. He  
25 won't be back for a few weeks yet or --

1 [SPECIAL AGENT (b)(7)(C)] Okay.

2 (b)(7)(C) -- longer perhaps.

3 [SPECIAL AGENT (b)(7)(C)]

4 (b)(7)(C)

5 (b)(7)(C) He is at work.

6 [SPECIAL AGENT (b)(7)(C)] And which is --

7 (b)(7)(C) He is a (b)(7)(C) He

8 (b)(7)(C)

9 [SPECIAL AGENT (b)(7)(C)] Okay.

10 (b)(7)(C) But he is at SONGS.

11 [SPECIAL AGENT (b)(7)(C)] And both (b)(7)(C)

12 (b)(7)(C) and (b)(7)(C) are both still there?

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

14 [SPECIAL AGENT (b)(7)(C)] Okay. Were

15 either one coworkers with you?

16 (b)(7)(C) No, but we've known each other

17 for a long time and we interact from time to time.

18 [SPECIAL AGENT (b)(7)(C)] Okay.

19 (b)(7)(C) Professionally, yes.

20 [SPECIAL AGENT (b)(7)(C)] All right.

21 (b)(7)(C) Okay. Now let me add a name

22 or two just -- because again, I -- I -- I think it's

23 -- this kind of case is -- it's not quite -- there's

24 -- there's no smoking gun necessarily. There's not a

25 dead body with, you know, three bullet holes. A lot

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7c  
1 of this is -- it's a case that's built on the sum to  
2 talk of a lot of parts.

3 So I'd like you to talk to (b)(7)(C)  
4 (phonetic). He's at work. He's not in our group, but  
5 he's a coworker, and he can attest to (b)(7)(C)  
6 behavior. And I'd like you to call (b)(7)(C)  
7 (phonetic). He's a coworker.

8 Now I haven't talked to these people  
9 first. I mean, I haven't prepped them or anything.  
10 I'll go with whatever they say.

11 [SPECIAL AGENT (b)(7)(C)] Okay. And let  
12 me -- I mean, there were -- well, I'm going to write  
13 the name of the manager who I was speaking to a couple  
14 of months back who when I said I -- you know,  
15 (b)(7)(C) was my supervisor (b)(7)(C) kind of screwed up  
16 (b)(7)(C) face and rolled (b)(7)(C) eyes kind of. I -- I -- I --  
17 I think it's important that you hear from me or from  
18 other people what I've said about these guys.

19 [SPECIAL AGENT (b)(7)(C)] Okay.  
20 (b)(7)(C) And -- and I think that bears  
21 on this case. It -- it goes to the credibility of  
22 what I've said and -- and it goes to answering these  
23 questions, well, are these people capable of  
24 retaliating? Is this -- is this their MO kind of  
25 thing?

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1 I'll call her a coworker. She's -- I  
2 don't work with her, but she's here at work. That's  
3 what I mean.

4 [SPECIAL AGENT (b)(7)(C)] Okay.

5 (b)(7)(C) And there are a host of  
6 others.

7 Well, what I'm giving you here are copies  
8 of portions of this monthly log that I keep on -- on  
9 my -- my work output.

10 [SPECIAL AGENT (b)(7)(C)] Yes.

11 (b)(7)(C) And this is the -- the January  
12 through June 2010 summary of my work output in terms  
13 of (b)(7)(C)

14 [SPECIAL AGENT (b)(7)(C)] Okay.

15 (b)(7)(C) This other thing down here are  
16 -- these are nuclear notifications, NNs, nuclear  
17 notifications. That's actually the bean count that  
18 gets used for a lot of our work output things. In  
19 other words, when I issue a (b)(7)(C) there might be  
20 one, two, three or five notifications that are  
21 outstanding against that (b)(7)(C)

22 [SPECIAL AGENT (b)(7)(C)] Okay.

23 (b)(7)(C) So I'll just -- and again, one  
24 of the clever things that they did is by focusing in  
25 the midyear on numbers of (b)(7)(C) that I wrote,

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1 they -- they avoided how many notifications I worked  
 2 on and closed out. Because again, I -- I'd mention  
 3 that I didn't come back to the group until around the  
 4 10th of January of 2010 and the first couple of weeks  
 5 all I did was go through my huge backlog of work and  
 6 clean out old notifications. In fact, here, January  
 7 2010, for example, when I use an asterisk here, what  
 8 that means is I didn't actually (b)(7)(C)  
 9 but I did some research so I could close the  
 10 notification without (b)(7)(C) So I  
 11 spent some time going through my backlog to try to  
 12 help clean up some of this stuff. And then at the  
 13 same time I'm -- I'm starting to (b)(7)(C) but  
 14 you know, there's a gestation period of let's say two  
 15 weeks on the (b)(7)(C) So that's why you don't start  
 16 seeing any (b)(7)(C) from me until -- until  
 17 February. So then it starts kind of picking up. And,  
 18 you know, then by March I'm kind of -- I'm getting  
 19 back in stride. April I'm in stride. May is low  
 20 because I was on the root cause team for three weeks,  
 21 you know?

22 Well, that's yours. And then here's a  
 23 copy of my 2010 performance appraisal. So this would  
 24 include the midyear and the final.

25 [SPECIAL AGENT (b)(7)(C) Okay.

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7c

1 (b)(7)(C) And this is yours. This is  
 2 (b)(7)(C) Stack it all there.

3 This is a copy of the employee discipline  
 4 policy. And I -- I could -- see page 24. Goes on a  
 5 fact finding summary form, you know, the  
 6 investigation. Have all witnesses and relevant  
 7 parties including the affected individual been  
 8 interviewed and statements taken?

9 [SPECIAL AGENT (b)(7)(C)] Good. Okay.

10 (b)(7)(C) Didn't happen.

11 [SPECIAL AGENT (b)(7)(C)] Got you.

12 (b)(7)(C) Again, one of the things I'm  
 13 trying to get everyone to understand is the -- the --  
 14 the negative chills, unprofessional environment that  
 15 we work in. And this week, last week, this week,  
 16 we're all supposed to take a survey that kind of has  
 17 to do with safety conscious work environment, kind of  
 18 quality of life, you know, kind of issues. And what  
 19 I thought was appropriate to include would be copies  
 20 of a survey that one of my coworkers did in my group.  
 21 Okay. So this was done in -- survey 3/11, you know,  
 22 March of --

23 [SPECIAL AGENT (b)(7)(C)] Right, 2011.

24 (b)(7)(C) -- 2011. And I'm not going to  
 25 read it for you, but you know, you'll start to sense

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7c  
1 someone else sees things just like I do.

2 [SPECIAL AGENT (b)(7)(C)] Okay.

3 (b)(7)(C) And then this is a copy of  
4 excerpts of my summary.

5 This is a copy of the package I was  
6 reading from, you know, toward the end of our  
7 discussion here today.

8 [SPECIAL AGENT (b)(7)(C)] Okay.

9 (b)(7)(C) I filed a -- besides filing an  
10 allegation with the NRC, when I did that the NRC sent  
11 me a letter and said you might want to consider filing  
12 that allegation also with the Department of Labor,  
13 depending on how this turns out.

14 [SPECIAL AGENT (b)(7)(C)] Yes.

15 (b)(7)(C) So, I -- I -- I submitted an  
16 allegation to the Department of Labor and then, you  
17 know, the investigator said, well, tell me what this  
18 is all about. So this is the package where I tried to  
19 tell him what it was all about. So it's -- it's about  
20 an eight-page sort of my written explanation of what  
21 the problem is, why I believe there's -- you know, an  
22 allegation is warranted and the basis for it.

23 [SPECIAL AGENT (b)(7)(C)] Okay.

24 (b)(7)(C) And -- and that's what I was  
25 reading from here a little while ago, portions of

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7c  
1 which -- and then I included a few examples of some  
2 nice things people said about me during the period  
3 under discussion here.

4 [SPECIAL AGENT (b)(7)(C)] Okay.

5 (b)(7)(C) Like this one is dated  
6 November 1 of this year, but it pertains to April of  
7 this year.

8 [SPECIAL AGENT (b)(7)(C)] Okay.

9 (b)(7)(C) When I was on the (b)(7)(C)  
10 team, for example. So most of this stuff is pretty  
11 current. You know, it -- it takes place at about the  
12 same time, you know, that this midyear fiasco was  
13 going on.

14 [SPECIAL AGENT (b)(7)(C)] Okay.

15 (b)(7)(C) Or -- or it covers portions of  
16 that period. And there's a bunch of those. And --  
17 and some were a little earlier, like -- well, anyway.  
18 You know, I figured I'd get a couple of these from  
19 early 2008, you know, just because they -- the company  
20 decided to go back to 2007 to retaliate. So I  
21 figured, well, okay. And again, all this information  
22 is here to counterbalance this -- this midyear  
23 performance appraisal, I mean, in addition to whatever  
24 you get from people that you talk to.

25 There's an article from a local paper here

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1 about the chilled work environment, and I forget when  
 2 it was -- from September of this year. We had a  
 3 public meeting about the safety conscious work  
 4 environment and just again -- just again to keep  
 5 beating this drum that this problem still exists.  
 6 It's not being addressed.

7 [SPECIAL AGENT (b)(7)(C)] Okay.

8 (b)(7)(C) Then here's something from one  
 9 of our corporate officers about the importance of  
 10 countering and not allowing retaliation.

11 I've included a statement from one of my  
 12 coworkers about the upgrade situation.

13 Occasionally the company likes to say,  
 14 well, (b)(7)(C) uses profanity. I don't use profanity as  
 15 a rule. Occasionally I use a vulgarity. In my mind  
 16 there's a little bit of a difference, although maybe  
 17 not much. But I included a statement again just to  
 18 show you how retaliatory they are as they'll get on me  
 19 for using the word "shit," which you know, is -- is --  
 20 I'm not saying it's -- it's appropriate that I ever  
 21 use a word like that; I understand that, but here's a  
 22 case in a group meeting, you know, mixed -- mixed  
 23 company, several supervisors there where a guy in our  
 24 group uses the word "shit" and "son-of-a-bitch" and  
 25 everybody just laughs, like what's the big deal? So

70  
1 and I'm -- you know, it's just a -- so I have a couple  
2 of statements on that.

3 And -- and this one's of interest because  
4 the guy that wrote this, I said, hey, you know, you  
5 were in there with, you know, 20 other people when  
6 this other guy used "shit" and "son-of-a-bitch" and  
7 how about writing a statement for me? And he didn't  
8 want to do it. You know, why don't you think he  
9 wanted to do it? Obviously it's a rhetorical  
10 question. Because he's afraid of retaliation. I  
11 choose to remain anonymous on this subject and he  
12 wouldn't sign it. That's what we're dealing with  
13 here.

14 This the memo where I requested the  
15 meeting with (b)(7)(C) to discuss the upgrade  
16 situation, a copy of that.

17 Here's a copy of the memo that I wrote  
18 after my second meeting with (b)(7)(C)  
19 is apparently the guy that -- not only did he offer me  
20 a job, but then at some point he decided that some --  
21 you know, to push for disciplinary action. You know,  
22 there's nothing -- nothing was said and -- and this  
23 kind of backs up what we talked about and -- you know,  
24 and this also -- again, it -- it goes to show that,  
25 you know, I confronted (b)(7)(C) confront meaning I said,

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7c  
1 you know, what were you thinking when you hired (b)(7)(C)  
2 and -- and (b)(7)(C) I mean, you know, what -- you  
3 know? So then at that point I think he realized that  
4 his mission in life was to undermine me so that he  
5 wouldn't look bad.

6 Here's a copy of an email that indicates  
7 that I was scheduled for training so I could get this  
8 new job, and this is early September of 2010. So I  
9 was scheduled for training and that's also the -- the  
10 job offer.

11 Email from (b)(7)(C) Looks to me like  
12 it's time to decide if you want training and to work  
13 as a cause evaluator, and I replied sure. Thanks.  
14 And then -- and then -- then I got -- they set me up  
15 for training.

16 All right. And I've got some examples.  
17 This is like kind of group threat kind of stuff that  
18 you get from (b)(7)(C) There's another one.

19 This is a copy of a memo that I wrote in  
20 December of 2008. One of the investigators from the  
21 employee concerns program asked me if I thought  
22 retaliation existed at San Onofre. I mean, of all  
23 people. I -- so I've included some information about  
24 why retaliation exists. And I've redacted some of the  
25 names, but I can tell you who they are if anybody's

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1 interested.

2 Here's a copy of the performance  
3 management procedure that talks about providing  
4 continual ongoing feedback to employees with respect  
5 to their performance, that it's not acceptable to just  
6 out of the blue give them eight needs improvements --

7 [SPECIAL AGENT (b)(7)(C)] Okay.

8 (b)(7)(C) -- without any documentation  
9 or anything.

10 Here's a copy of the policy that -- on  
11 conduct that address dress code. Again, I -- I know  
12 it sounds kind of minor, but that was a very important  
13 issue with the upgrade situation leading to my -- the  
14 retaliation and suspension about, you know, clean,  
15 neat, professional appearance, you know, and not --  
16 not looking like you're -- you know, you're cruising  
17 the bars on Friday night, you know?

18 [SPECIAL AGENT (b)(7)(C)] Okay.

19 (b)(7)(C) That's kind of the stuff I  
20 said. Now, people may not like that, but that's the  
21 fact. I mean, that's the truth. You know, I didn't  
22 -- you know, sorry if the truth hurts, but --

23 Okay. These are copies of responses from  
24 the NRC substantiating some of the allegations that I  
25 submitted to the NRC.

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1 [SPECIAL AGENT (b)(7)(C)] Okay.  
2 (b)(7)(C) So I mean, the company, knows,  
3 you know, you got the chilled work environment, you  
4 got some of this stuff. I mean, they know I'm  
5 submitting allegations. I mean, walking over here I  
6 passed my -- my -- (b)(7)(C) and another -- you know,  
7 another manager saw me walk in here with my briefcase.  
8 I mean, you know, they -- they know what's going on  
9 and I'm not -- I'm not trying to hide it. I mean, I'm  
10 not trying to advertise it, but you know, they know  
11 what's going on. I mean, I -- I've had a -- a number  
12 of conversations with, you know, (b)(7)(C) and  
13 several with (b)(7)(C) And -- and I would just  
14 highlight it, you know, where they say your concerns  
15 are substantiated.

16 [SPECIAL AGENT (b)(7)(C)] Yes. Okay.  
17 (b)(7)(C) So they know we're out there  
18 raising issues about safety stuff.

19 Here's a copy of the March 2 chilled work  
20 environment letter.

21 Here's a copy of 10 CFR 50, Appendix B,  
22 which is always one of my favorite things that --  
23 because a number of the -- several of the issues that  
24 have been raised in my performance appraisals,  
25 especially the 2007 where I said you owe me training,

7c  
1 well, I didn't just make that up. I didn't -- you  
2 know, it's not just (b)(7)(C) It's -- 10 CFR 50,  
3 Appendix B talks about, you know, you have to provide  
4 training for personnel performing activities affecting  
5 quality.

6 You know, so it's -- so again, you know,  
7 I spent (b)(7)(C) here, you  
8 know, working with the NRC, (b)(7)(C)  
9 those kinds of things. I (b)(7)(C)  
10 during that time. Then I spent (b)(7)(C)

11 (b)(7)(C) So I'm not saying I'm right all  
12 the time, but when I say I think the Code of Federal  
13 Regulations -- there's a -- there is a code that  
14 applies here or this is what it expects you to do,  
15 then I feel like I'm perfectly -- it's okay that I say  
16 that. I'm not saying I'm right, but I'm saying it  
17 looks like there's something that's not right here.

18 And then I've included copies of some of  
19 the notifications that I wrote in 2010. And some of  
20 these I may not be the author, but I -- I participated  
21 in writing them. So if you see like (b)(7)(C)  
22 name, well I helped (b)(7)(C) I -- I may not have even  
23 included that.

24 But I -- I -- -- I talk here about  
25 equipment safety concern notifications, how they're

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7c  
 1 not being reviewed properly. And this isn't -- these  
 2 aren't all the notifications I've written. This is  
 3 kind of, you know, some good examples, you know?

4 [SPECIAL AGENT (b)(7)(C)] Okay.

5 (b)(7)(C) This one I didn't write. The  
 6 guy who wrote it is one of the witnesses I've checked  
 7 there, (b)(7)(C) where you know, they like to  
 8 threaten people. And I've included a couple of  
 9 notifications in there earlier where -- you know, the  
 10 group thing and stuff. Well, this is another group  
 11 threat where (b)(7)(C) was -- it's when we were a  
 12 part of the (b)(7)(C) the (b)(7)(C)  
 13 (b)(7)(C) where they were having a meeting and the  
 14 (b)(7)(C) were -- I don't know what they were being  
 15 told, but they didn't like it and they said, you know,  
 16 this isn't right or whatever. You're being  
 17 unreasonable. (b)(7)(C) basically said, well, you  
 18 know -- basically he said, well, we can get -- we can  
 19 get contract planners to replace you guys. So this  
 20 guy wrote a notification to -- to surface that.

21 [SPECIAL AGENT (b)(7)(C)] Okay.

22 (b)(7)(C) So the fact that (b)(7)(C)  
 23 pulled -- tried to pull this stunt with an unqualified  
 24 person is -- is part of his MO. I mean, you see it  
 25 here. You see it there, you know? Plus, you know,

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1 again my belief that he probably got some negative  
2 blowback. I'm not saying he got disciplinary action,  
3 but he and (b)(7)(C) got some unwanted attention as a result  
4 of that, clearly.

5 [SPECIAL AGENT (b)(7)(C)] Okay.

6 (b)(7)(C) So then when you tie that in  
7 with (b)(7)(C) for example, who innocently, as a  
8 subject matter expert on this particular (b)(7)(C)  
9 that he was trying to get changed, recommended to (b)(7)(C)

10 (b)(7)(C) hey, we -- we want to do it this way, not your  
11 way, you know, (b)(7)(C) ended up with a needs improvement  
12 and forfeited his bonus. So, you know, I mean, these  
13 are the kinds of people we're dealing with.

14 And last and mercifully not the least,  
15 when I filed my claim with the Department of Labor,  
16 the Department of Labor notified Edison that I had  
17 submitted an allegation or a claim.

18 [SPECIAL AGENT (b)(7)(C)] Yes.

19 (b)(7)(C) And so Edison prepared this  
20 nice little package telling the Department of Labor  
21 what a worthless dirt bag I was. So here's all kinds  
22 of stuff that says I'm a -- got two heads, got hair on  
23 the palms of both hands, you know, the whole thing,  
24 you know?

25 I -- I put a little flag on -- this is my

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70

1 rebuttal to the 2007 performance appraisal. I waited  
2 until the end of the year, but this goes to the  
3 midyear 2007. So this is what I say. You know,  
4 what's important to remember is that four years later,  
5 or three-and-a-half years later the fact that I had  
6 rebutted this had no effect on anything. They just  
7 went and said, well, your midyear 2007 said bad  
8 things.

9 [SPECIAL AGENT (b)(7)(C)] Yes.

10 (b)(7)(C) Didn't acknowledge what I had  
11 said or acknowledge that there was a -- a huge  
12 difference of opinion with respected to what was  
13 written here.

14 This is a copy of (b)(7)(C) report,  
15 which frankly I think is very unprofessional. It was  
16 written as a direct result of the -- the upgrade  
17 situation. But there's a lot of -- there's  
18 information in here that's -- it's basically hearsay.  
19 It's not substantiated. It's -- I'm called -- I'm the  
20 one poor or non-performer in the organization that's  
21 dragging down the overall performance and success of  
22 the organization. Me, all by myself. There's no --  
23 there's no basis for it.

24 The decline or currently poor condition of  
25 morale in the organization can be attributed to three

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1 individuals and their efforts to unionize. There's no  
2 basis for that statement.

3 The one thing he got right, because I told  
4 him this, is one interviewee; and that's me of course,  
5 believes that his supervisor and the (b)(7)(C)  
6 (b)(7)(C) so that's (b)(7)(C) and (b)(7)(C) are  
7 incompetent and should be terminated. And -- and  
8 that's absolutely correct. I mean, again, I'm not  
9 saying I'm right, but that's exactly what I feel.

10 [SPECIAL AGENT (b)(7)(C) Okay.

11 (b)(7)(C) You know, I've been out in the  
12 work force for (b)(7)(C) I've been a (b)(7)(C)

13 (b)(7)(C) And that's my  
14 position. So doesn't mean I don't work for them or  
15 I don't follow their direction, but that's what I  
16 feel.

17 Now (b)(7)(C) says there's no information  
18 offered during the interviews which indicate that  
19 anyone had suffered retaliation as a result of  
20 engaging in a protected activity. Well, he didn't ask  
21 anybody. He says no one was offered. All I can say  
22 is I hope (b)(7)(C) did better work for the NRC than he's  
23 doing for us.

24 What else? I think that's pretty much it.  
25 If I wake up in the middle of the night and say, oh,

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1 I should have provided a copy of something, then I'll  
2 -- I'll contact you.

3 [SPECIAL AGENT (b)(7)(C)] You've got all  
4 my contact information. I don't think I

5 (b)(7)(C) If you don't mind, let me just  
6 write it down again and --

7 [SPECIAL AGENT (b)(7)(C)] Here you go.

8 (b)(7)(C) Perfect. Thank you.

9 [SPECIAL AGENT (b)(7)(C)] Okay. I  
10 appreciate you bringing me especially the policies and  
11 the guidance. It saved me the trouble of having to go  
12 and try to find that. Appreciate that.

13 (b)(7)(C) Well, let me -- I'm not going  
14 to say much more. I talked to (b)(7)(C) about that  
15 upgrade thing.

16 [SPECIAL AGENT (b)(7)(C)] Yes.

17 (b)(7)(C) And I felt the Commission's  
18 view of that particular incident was kind of -- I  
19 don't know, I thought they kind of -- I expected a  
20 stronger response, but I mean, it's not up to me to  
21 dictate how people respond. He related to me that in  
22 talking to -- I guess he talked to human relations  
23 people or somebody like that and they said, you know,  
24 for up to 30 days anybody can upgrade anybody they  
25 want to supervisor. And I just thought that was a

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1 very -- you're talking about -- saw SCE and I'm  
2 thinking, well, that's nice, but then why do we have  
3 all these programs and procedures and why does every  
4 job we do here require one more specific  
5 qualifications that are documented and in the database  
6 that you're supposed to verify before you do the job?

7 [SPECIAL AGENT (b)(7)(C)] Yes.

8 (b)(7)(C) And why -- why does  
9 (b)(7)(C) have a formal procedure to do that? And  
10 why did we spend two years getting out of this white  
11 finding having to do with a failed battery  
12 surveillance that basically was as a result of  
13 unsatisfactory supervisory and management oversight?  
14 I mean, that's what really got me about the upgrade  
15 thing is we're supposed to be a plant in recovery.  
16 We're recovering from, you know, this battery failed  
17 surveillance issue where as it turned out, you know,  
18 I guess the determination was made that this one  
19 safety-related battery was out of service for four  
20 years because of some loose connectors that weren't  
21 torqued.

22 You know, we go to meetings all the time  
23 about how we have to get better, yada, yada, yada.  
24 And what do we get at the working level? You get a  
25 bumbling supervisor walking around at ten minutes to

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1 4:00 on a Friday afternoon saying he's going to  
2 upgrade basically a -- a (b)(7)(C) to be the  
3 supervisor of a group that prepares (b)(7)(C)

4 (b)(7)(C) I mean, that's  
5 the way I look at it. I mean, I don't know how others  
6 will look at it, but that was my motivation in  
7 writing, you know, that notification and kind of  
8 trying -- well, blow the whistle on it.

9 [SPECIAL AGENT (b)(7)(C)] Yes.

10 (b)(7)(C) Again, whether I was right or  
11 wrong I was doing what I thought was appropriate and  
12 I was doing what I felt was right for the site and was  
13 in accordance with what I'll call excellent operating  
14 standards.

15 You know, everything that happened after  
16 that in my mind is retaliation for having done that  
17 because it made (b)(7)(C) and (b)(7)(C) look very, very  
18 bad. And then once (b)(7)(C) got involved, he just made  
19 it worse.

20 So, other than that, I would like to thank  
21 you for your patience, because you have exhibited  
22 great patience today, and we'll see what happens.

23 [SPECIAL AGENT (b)(7)(C)] Okay. I'm going  
24 to close out the record here. I'm sure you've asked  
25 these few questions before, but during this process,

7c

1 (b)(7)(C) have I or any other NRC employee threatened  
 2 you or promised you anything in return for your  
 3 testimony here today?

4 (b)(7)(C) No, you have not.

5 [SPECIAL AGENT (b)(7)(C) Okay. Have you  
 6 given this statement freely and voluntarily?

7 (b)(7)(C) Yes, I have.

8 [SPECIAL AGENT (b)(7)(C) Okay. We're  
 9 about to close out the record. Anything we haven't  
 10 covered you feel needs more exploration or anything  
 11 else you'd like to add to the record?

12 (b)(7)(C) No, I -- all I can say is I've  
 13 -- I've tried to explain the basis for my allegation  
 14 and why I feel the way I do. And you've given me an  
 15 opportunity to do that and I appreciate it.

16 [SPECIAL AGENT (b)(7)(C) Okay. Well, (b)(7)(C)

17 (b)(7)(C) this interview is concluded at approximately  
 18 4:50 p.m. on March 24, 2011.

19 (Whereupon, the interview was concluded at  
 20 4:50 p.m.)

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

70  
[Redacted] (b)(7)(C)

Docket Number: 4-2011-024

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.

[Redacted] (b)(7)(C)

[Redacted] (b)(7)(C)

Official Transcriber  
Neal R. Gross & Co., Inc.

4-2011-024

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EXHIBIT 3

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