

EXHIBIT 20

1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

3 + + + + +

4 OFFICE OF INVESTIGATIONS
5 INTERVIEW

6 -----x

7 IN THE MATTER OF: :

8 INTERVIEW OF : OI Case No.

9 (b)(7)(C) : 4-2011-059

10 (CLOSED) :

11 -----x

12 Wednesday, January 11, 2012

13

14 Meeting Room, L-50 Building

15 San Onofre Nuclear Generating Station

16 5000 Pacific Coast Highway

17 near San Clemente, California

18

19 The above-entitled interview was conducted

20 at 1:00 p.m. Information in this record was deleted
21 in accordance with the Freedom of Information
22 Act, exemptions (b)7C
23 FOIA 2012-00238

24 BEFORE:

25 (b)(7)(C)

EXHIBIT 20

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A/12

1 APPEARANCES:

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

5
6
7 of:
8
9
10
11
12
13
14

(b)(7)(C)

15
16
17
18
19
20
21
22
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25

1 P R O C E E D I N G S
2

(b)(7)(C)

We're on the

3 record. This is an interview of [REDACTED]
4

(b)(7)(C)

Today's date is January 11, 2012. It is approximately
5 1:00 p.m.6 The location of this interview is in the
7 meeting room in Building L-50 at the San Onofre
8 Nuclear Generating Station in San Clemente,
9 California. Present at this interview are [REDACTED] (b)(7)(C)
10

(b)(7)(C)

12 This interview involves an allegation of
13 discrimination made by a former employee at SONGS for
14 reporting nuclear safety concerns to the NRC and it's
15 reported under OI Case No. 4-2011-059.

(b)(7)(C)

is

(b)(7)(C)

17 representing you personally in regard to this
18 investigation?

(b)(7)(C)

Yes.

20 (b)(7)(C) Do you understand

21 the purpose of her presence here today?

(b)(7)(C)

Yes.

23 (b)(7)(C) Do you understand

24 that [REDACTED] (b)(7)(C) also represents the Company and
25 other individuals?**NEAL R. GROSS**COURT REPORTERS AND TRANSCRIBERS
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(b)(7)(C)

Yes.

(b)(7)(C)

Does your

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

(b)(7)(C)

No.

(b)(7)(C)

Were you in any

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

(b)(7)(C)

No.

(b)(7)(C)

Do you feel that

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

(b)(7)(C)

No.

(b)(7)(C)

Would your

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

(b)(7)(C)

No.

(b)(7)(C)

Do you understand

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

(b)(7)(C)

Yes.

(b)(7)(C)

With that

understanding, do you still wan

(b)(7)(C) present

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1 for the interview?

2 (b)(7)(C)

Yes.

3 (b)(7)(C)

Thank you.

4 (b)(7)(C)

for the record, would you

5 please your full name, your firm and the scope of your
6 representation please?

7 (b)(7)(C)

(b)(7)(C)

I'm a

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

12 (b)(7)(C)

Do you anticipate

13 a conflict of interest with respect to your
14 representation of (b)(7)(C) as an individual and
15 your concurrent representation of SCE?

16 (b)(7)(C)

No.

17 (b)(7)(C)

In the event that

18 a conflict was to arise during the course of this
19 testimony or this interview, what action would you
20 take?

21 (b)(7)(C)

I would inform (b)(7)(C)

22 (b)(7)(C) that I could no longer represent her as a
23 witness, that I would continue to represent the SCE
24 and other witnesses in this matter. I would tell her
25 that she has the right to choose to continue with the

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1 interview with no representation or she can ask for a
2 continuance to obtain new representation of her own
3 choice.

(b)(7)(C)

Thank you.

(b)(7)(C)

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

(b)(7)(C)

No.

(b)(7)(C)

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

(b)(7)(C)

I do.

(b)(7)(C)

14 Thank you.

15 Madam, can you give for the record your full name
16 please?

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

18 What is your

19 current position?

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

22 And who are you

23 employed by?

(b)(7)(C)

24 Southern California

25 Edison.

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1 (b)(7)(C) And where do you
2 work out of? Do you work here at SONGS or do you work
3 at another location?

4 (b)(7)(C) I mainly work out of the

5 (b)(7)(C) (b)(7)(C) So you work for
6 Southern California Edison (b)(7)(C)

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

8 (b)(7)(C) (b)(7)(C) And can you give
9 me a brief description of your position as (b)(7)(C)

10 (b)(7)(C) (b)(7)(C) Yes. I deal with

11 (b)(7)(C) (b)(7)(C)

12 (b)(7)(C) Is that your
13 primary focus in your job?

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

15 (b)(7)(C) All right. We
16 were talking off the record and I was telling you
17 about the focus of my investigation, how involved
18 allegations made by a former employee here at SONGS.

19 His name is (b)(7)(C) He's a (b)(7)(C)

20 (b)(7)(C) During the time that he was employed here,
21 he was here for the (b)(7)(C)

22 Did you have any interactions with him at that time?

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

2 (b)(7)(C) Were any of these

3 interactions related to any allegations that he made
4 to the NRC or to the ECP or to anyone else?

5 (b)(7)(C) No.

6 (b)(7)(C)

7 Okay. When was

8 the first time that you dealt with any issue involving

9 (b)(7)(C)

10 (b)(7)(C)

11 So I knew (b)(7)(C) in his

12 (b)(7)(C)

13 (b)(7)(C) as the (b)(7)(C) (b)(7)(C)

14 reporting to (b)(7)(C) That's when it was around

15 that time when I started to initial the work with him

16 on (b)(7)(C) issues.

17 (b)(7)(C) What was his

18 position at the time?

19 (b)(7)(C)

(b)(7)(C)

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

21 what division or department was he working under?

22 (b)(7)(C)

(b)(7)(C)

23 (b)(7)(C) That's my recollection in (b)(7)(C)

24 (b)(7)(C) division.

25 (b)(7)(C) I just want to be clear

when you're talking about his position when she first

met him or in (b)(7)(C)?

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1 (b)(7)(C) Originally in his
2 (b)(7)(C) at SONGS.
3 (b)(7)(C) Oh, okay.
4 (b)(7)(C) That's what we're
5 talking about. Right?
6 (b)(7)(C) Yes. So when I first met
7 him he was while he was in his position as the (b)(7)(C)
8 (b)(7)(C) in (b)(7)(C) That's when I first met him.
9 (b)(7)(C) Okay. And that
10 was before he (b)(7)(C)
11 (b)(7)(C) Yes.
12 (b)(7)(C) Okay. Was he a
13 peer of yours?
14 (b)(7)(C) Yes. You could say that.
15 We didn't share the same title, but in (b)(7)(C)
16 (b)(7)(C) (b)(7)(C)
17 (b)(7)(C)
18 (b)(7)(C) Okay. So he
19 ended up (b)(7)(C)
20 (b)(7)(C) Correct?
21 (b)(7)(C) Yes.
22 (b)(7)(C) And he (b)(7)(C)
23 (b)(7)(C) Correct?
24 (b)(7)(C) Yes.
25 (b)(7)(C) After he (b)(7)(C)

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1 (b)(7)(C) here at SONGS --

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

3 (b)(7)(C)

-- did you have

4 any more interaction with him like you had before he
5 had left?

6 (b)(7)(C) Yes. So before he (b)(7)(C)

7 (b)(7)(C) we had various interactions just kind of "Hey,
8 how are you" and so I guess friendly. And when (b)(7)(C)

9 (b)(7)(C) it started out that way. But then it turned
10 into working with him as a (b)(7)(C)

11 (b)(7)(C) Does that make sense?

12 (b)(7)(C) Sure.

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

14 (b)(7)(C) When you were
15 interacting with (b)(7)(C) did he bring your attention
16 to any problems that he was having here at the plant?

17 (b)(7)(C) He brought to my attention
18 problems he was having with one of his employees.

19 Yes.

20 (b)(7)(C) What was the
21 employee's name? Do you remember?

22 (b)(7)(C) (b)(7)(C)

23 (b)(7)(C) Okay. And you
24 don't have to go into too much detail, but what was
25 the primary issue?

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1 (b)(7)(C) I'd summarize it by saying
2 there was communication issue between -- So there's a
3 communication in her style in your style management
4 and how she communicated to her employees. And
5 because he was overseeing her, her employees were
6 complaining to him. And so he was having some -- He
7 was having issues with communicating her and setting
8 expectations. That was the summary.

9 (b)(7)(C) So did he come to
10 you and discuss the situation in a casual manner or
11 did he come to you in more of a professional capacity
12 looking for some type of for lack of a better word
13 mentorship?

14 (b)(7)(C) Yes, it was more for
15 counsel for guidance. And actually I came to him --
16 I went to him because (b)(7)(C) came to me to complain
17 about him. And so I called him to basically get his
18 side of the story as to what was happening. And so
19 that's when we first started interacting as (b)(7)(C) and as
20 (b)(7)(C)

21 (b)(7)(C) Okay. Were you
22 brokering this situation out of a friendly gesture or
23 was this something that you saw as an (b)(7)(C)
24 (b)(7)(C) that you should get
25 involved in as part of your job description? Which

1 was it?

(b)(7)(C)

2 It was definitely not from
3 a personal standpoint. It was an (b)(7)(C)
4 (b)(7)(C) trying to mediate and get the facts and
5 make some recommendations as to how they can rectify
6 their relationship and also resolve some of the issues
7 within the department.

(b)(7)(C)

8 Did you talk with

9 anyone else regarding that situation? And what I mean
10 specifically is did you talk with any of (b)(7)(C)
11 supervisors or anyone else?

(b)(7)(C)

12 Yes.

(b)(7)(C)

13 Who else did you
14 speak with?

(b)(7)(C)

15 I spoke with his manager,

(b)(7)(C)

(b)(7)(C)

16 Okay. And what
17 did you communicate to (b)(7)(C) at the time?

(b)(7)(C)

18 What I said to her
19 initially was that I was starting to get some
20 concerns. There is some conflict resolution issues
21 between (b)(7)(C) and (b)(7)(C). And I also said
22 to her that I would get back with her once I was done
23 with my fact-finding and give her my conclusions which
24 I did.

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1 (b)(7)(C) Okay. Did you
2 subsequently get any feedback from (b)(7)(C) about (b)(7)(C).
3 (b)(7)(C)

4 (b)(7)(C) A specific issue or?
5 (b)(7)(C)

6 (b)(7)(C) On this specific issue so
7 this was on or about like the (b)(7)(C)
8 which is also the same time I went out on (b)(7)(C)
9 (b)(7)(C) So actually like the day before I went (b)(7)(C)
10 (b)(7)(C) I was dealing with (b)(7)(C) and
11 (b)(7)(C) issue.

12 So I summarized my findings and I handed
13 my findings off to my colleague, (b)(7)(C)
14 She was the person who (b)(7)(C)
15 (b)(7)(C) But I also gave her a summary of my
16 findings to (b)(7)(C) So we just kind of talked
17 about what my findings were and what my
18 recommendations were.

19 (b)(7)(C) What were your
20 recommendations if you remember?

21 (b)(7)(C) My recommendations for
22 (b)(7)(C) were to talk to her about her management style
23 and maybe send her to a crucial conversations class
24 just to kind of strengthen the communication style or
25 her management style. And maybe ask (b)(7)(C) to oversee

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1 her and mentor her and guide her and help her with her
2 communications style. And also I had recommendations
3 for [REDACTED] (b)(7)(C) in not to be so strong and militant in
4 his management of [REDACTED] (b)(7)(C)

5 [REDACTED] (b)(7)(C) Did you hear any
6 other complaints about [REDACTED] (b)(7)(C) from anyone as time
7 went on?

8 [REDACTED] (b)(7)(C) So this was [REDACTED] (b)(7)(C)
9 [REDACTED] (b)(7)(C)

10 And that's when I started to hear like this issue with
11 [REDACTED] (b)(7)(C) and [REDACTED] (b)(7)(C) seemed to not have
12 resolved itself. So I was hoping that by [REDACTED] (b)(7)(C)
13 [REDACTED] (b)(7)(C) this was going to be all taken care of. But
14 it didn't seem like it had gotten better.

15 In fact, I was starting to get phone calls
16 from [REDACTED] (b)(7)(C) about [REDACTED] (b)(7)(C) performance. And that his
17 performance was starting to deteriorate and she wanted
18 to talk to me about that.

19 [REDACTED] (b)(7)(C) And you
20 eventually had a conversation with her about [REDACTED] (b)(7)(C)
21 [REDACTED] (b)(7)(C) performance.

22 [REDACTED] (b)(7)(C) We had several, almost on
23 a weekly, sometimes several times a week, about his
24 various issues about his performance.

25 [REDACTED] (b)(7)(C) Was there a

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1 recurring issue that kept coming up? What was the
2 primary issue or issues that were discussed between
3 you two?

4 (b)(7)(C) The primary issues were
5 that (b)(7)(C) felt like he was not functioning as an (b)(7)(C)
6 So in her mind she had hired him as a (b)(7)(C) to
7 oversee or be (b)(7)(C)

8 And she just felt like he was not pulling
9 his weight as in he was not responsive to his staff.
10 He was not responsive to her. He was not meeting
11 deadlines. He was not following through. He would
12 commit with certain tasks and not accomplish them and
13 then she would constantly have to follow up with him.
14 And then again he would commit each time, but then not
15 follow through with an end result.

16 (b)(7)(C) Okay. Did these
discussions between you and (b)(7)(C) regarding (b)(7)(C)
17 (b)(7)(C) go on through the (b)(7)(C)
18 (b)(7)(C) Yes.
19 (b)(7)(C) Did those
20 discussions ever lead anywhere? In other words, how
21 was it finally resolved? I mean, what action did (b)(7)(C)
22 (b)(7)(C)

24 (b)(7)(C) So my recommendations to
25 her during each occurrence, if you will, or each

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1 unaccomplished task was to sit down with him and get
2 his side of the story and see maybe there's a good
3 reason as to why he didn't do it. So she would do
4 that and we would connect again. And she would say he
5 just would say he forgot or he thought I was going to
6 do it.

7 And so those conversations seemed like
8 they continued to escalate where I remember as a joke
9 saying to her, "I feel like I work to talk about [redacted] (b)(7)(C)
10 [redacted] (b)(7)(C) He was like my client." I work at SCE to deal
11 with [redacted] (b)(7)(C) issues. And I remember us joking about
12 that.

13 And I did eventually say, "Well,
14 eventually you need to start addressing this in more
15 than just a conversation and a coaching feedback.
16 Eventually we need to start. So let's talk about his

17 [redacted] (b)(7)(C) and see how -- [redacted] (b)(7)(C) -- we
18 can give him some feedback on the [redacted] (b)(7)(C)."

19 [redacted] (b)(7)(C) Now during this
20 time did you have any conversations with [redacted] (b)(7)(C)
21 [redacted] (b)(7)(C) I did. Yes, I did a
22 couple of times. Yes.

23 [redacted] (b)(7)(C) And what was the
24 extent of those conversations?

25 [redacted] (b)(7)(C) He was concerned about his

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1 performance. He felt like -- He would say to me that
2 he felt like he could do nothing wrong or nothing
3 right. I'm sorry.

4 And he felt that (b)(7)(C) was coming down on
5 him too hard. And I remember saying to him, "You're
6 an (b)(7)(C) You're expected to perform at a much higher
7 level than you (b)(7)(C)"

8 And I actually even remember talking to
9 him about an (b)(7)(C) in (b)(7)(C) the job expectations,
10 your work hours, are completely different because
11 you're still a corporate employee. When you're down
12 here at SONGS working as a SONGS employee the
13 expectation is different especially you came back to
14 a really difficult department in (b)(7)(C) and we were
15 just going through SAP implementation and people were
16 working crazy hours to try and keep up with the
17 implementation and changes.

18 And I said, "You're just coming to this
19 department." And I said to him, "I feel like you're
20 expecting to delegate all of your work and just kind
21 of sit back and be the (b)(7)(C) and that's not the
22 department -- If that's what you were hoping to get
23 out of your job, you got into the wrong department."

24 (b)(7)(C) What was his
25 attitude when you told him that?

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1 (b)(7)(C) He said, "Well, you know,
2 I guess I did. I'm not expecting to just sit back,
3 but I am expecting that my employees under me will
4 handle some of these issues so that I don't have to
5 get involved."

6 And I said, "Well, again, you got into the
7 wrong department."

8 (b)(7)(C) Judging from your
9 testimony is it fair to say that he acknowledged his
10 shortcomings?

11 (b)(7)(C) Actually several times he
12 did with me. He said, "Yeah, I get it. I should have
13 done this. I should have done that. But I just --"
14 It just seemed to me that he wanted (b)(7)(C) to give him a
15 break even though he had shortcomings.

16 (b)(7)(C) About how many of
17 these conversations did you have with him?

18 (b)(7)(C) Just off my recollection
19 I'd say about three or four.

20 (b)(7)(C) Were these casual
21 conversations or was this something that were
22 documented and you know?

23 (b)(7)(C) These were "Okay. I know
24 you from my (b)(7)(C) as a friend. And I'm coming
25 to you as a friend and I'm also coming to you as my (b)(7)(C)

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1 (b)(7)(C) . Help me. Help me fix this. I don't know
2 what else to do. I feel like I'm" --

3 (b)(7)(C) Oh, he came to
4 you.

5 (b)(7)(C) Yes.
6 (b)(7)(C) You didn't seek
7 him out. He came to you.

8 (b)(7)(C) No. Yes, he came to me.
9 (b)(7)(C) Okay.
10 (b)(7)(C) On the (b)(7)(C) issue I
11 sought him out.

12 (b)(7)(C) Right.

13 (b)(7)(C) But on these other issues
14 he came to me.

15 (b)(7)(C) Okay. When I
16 interviewed (b)(7)(C) she said that she met with you
17 on (b)(7)(C)

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

19 (b)(7)(C) And (b)(7)(C)
20 (b)(7)(C) performance. Do you recall that?

21 (b)(7)(C) Yes. Vaguely.

22 (b)(7)(C) Okay. Well, was
23 (b)(7)(C) given this (b)(7)(C) or was this something just
24 discussed?

25 (b)(7)(C) We initially talked about

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1 giving him a [REDACTED] (b)(7)(C). And then we also
2 talked about I believe she -- So from what I would
3 call we talked about giving him a [REDACTED] (b)(7)(C)
4 as a result of the deficiency in his performance. And
5 then we I believe changed course and said, "You know
6 instead of giving him a [REDACTED] (b)(7)(C) why don't
7 we give him a [REDACTED] (b)(7)(C) instead."

8 And, in fact, I said to her, "I'm going to
9 send you both drafts. I'm going to send you a draft
10 of a [REDACTED] (b)(7)(C)" This is what I recall.
11 "And a draft of a [REDACTED] (b)(7)(C) and you
12 might want to talk to [REDACTED] (b)(7)(C) and see which way
13 you guys want to go on this. But I can support
14 either. But I really think a [REDACTED] (b)(7)(C)
15 [REDACTED] (b)(7)(C) would probably be the best way to go."

16 [REDACTED] (b)(7)(C) Okay. Up to this
17 point, did [REDACTED] (b)(7)(C) ever say anything to you about
18 [REDACTED] (b)(7)(C) raising any concerns?

19 [REDACTED] (b)(7)(C) No.
20 [REDACTED] (b)(7)(C) And I say
21 concerns I mean concerns about safety that might be of
22 interest to the NRC.

23 [REDACTED] (b)(7)(C) No.
24 [REDACTED] (b)(7)(C) Did she --
25 [REDACTED] (b)(7)(C) Because that would have

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1 been a red flag for me. I'm sorry. I didn't mean to
2 interrupt.

(b)(7)(C)

Sure

(b)(7)(C)

I don't remember that.

(b)(7)(C)

Did she ever give

you the impression that she was personally mad at [redacted] (b)(7) (C)

(b)(7)(C) not for his work performance but for some extraneous factors such as complaining about her managerial style or anything like that?

(b)(7)(C)

No. But she -- I do

remember having the conversation with her about her disappointment in his performance. Because when he

13 was -- And this came about when he was initially hired

14 as the (b)(7)(C) when she (b)(7)(C) as the (b)(7)(C) 1

16 said to her, "Why did you [REDACTED] (b)(7)(C) and why did

17 you (b)(7)(C) as an (b)(7)(C) Why would you do that?"

18 And she said, "Well, what do you mean?"

19 And we said, "He could hardly perform as
20 an [redacted] (b)(7) (C) in [redacted] (b)(7)(C). Why would you put him in this
21 position and in this department that requires so much
22 oversight?"

23 And she said, "Well, I didn't know he had
24 performance issues."

25 And I said, "Well, I don't know if he had

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1 performance issues, but he just wasn't a strong (b)(7)
(C)

2 And she said, "Well, nobody told me."

3 And that conversation I think stuck with
4 her or that feedback stuck with her. And she really
5 wanted to prove that "No, I made the right decision.
6 I know he's the right guy and I know he can do it."

7 So when she started seeing these
8 performance issues with him, she was really
9 disappointed. But not personal.

10 (b)(7)(C)

Okay. But

11 getting back to my -- Okay. It wasn't personal.

12 (b)(7)(C)

No. It wasn't personal,

13 no. But it was just she was just disappointed in that
14 decision.

15 (b)(7)(C)

Okay. So in all

16 these conversations that you had with (b)(7)(C)

(b)(7)(C)

17 regarding (b)(7)(C) it was nothing more than (b)(7)(C)

18 work performance and how he wasn't meeting
19 expectations.

20 (b)(7)(C)

Right.

21 (b)(7)(C)

You didn't get

22 the feeling that it was something more than that.

23 (b)(7)(C)

No. And if I did, I would

24 have called her out on it. No.

25 (b)(7)(C)

Now you sent her

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1 the draft (b)(7)
(C) and a draft of the (b)(7)(C)

2 And do you remember when that took place about?

3 (b)(7)(C) No, but I can reference my
notes.

5 (b)(7)(C) Yeah, if you
don't mind.

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

8 (b)(7)(C) We could go off
the record if you want.

10 (b)(7)(C) Your call.

11 (b)(7)(C) Go off the record for a
moment.

13 (b)(7)(C) Off the record.

14 (Whereupon, a short recess was taken.)

15 (b)(7)(C) We're back on the
record. The time is approximately 1:20 p.m. And you
17 found that date?

18 (b)(7)(C) I did. I found the date
19 where I sent (b)(7)(C) an email on (b)(7)(C) and sent
20 her a draft of (b)(7)(C) (b)(7)(C) and let her know that
21 after she delivers it to him to please send it back to
22 me. And I said to her that the (b)(7)(C) a
23 draft will come shortly. I don't have any email of
24 where I sent her the actual (b)(7)(C) draft.

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

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1 After that date, what else happened? Do you remember
2 anything else transpiring afterward?

3 (b)(7)(C) Yes. So after we decided
4 we're going to -- rather than give him the (b)(7)(C)
5 (b)(7)(C) we're just going to stick to the (b)(7)(C)
6 (b)(7)(C) we were just in the process of
7 having (b)(7)(C) make the necessary changes to the
8 draft or make whatever updates she needed to and prior
9 to actually delivering the (b)(7)(C) to (b)(7)(C) (b)(7)(C)
10 called me and said that she has another concern that's
11 come up where (b)(7)(C) trustworthiness is in
12 question and she wanted to discuss it with me.

13 (b)(7)(C) Okay. And can
14 you elaborate on that?

15 (b)(7)(C) Sure. She stated -- (b)(7)(C)
16 (b)(7)(C) Stated to me that her manager, (b)(7)(C) had
17 informed her that he had just received a phone call
18 from (b)(7)(C) who had indicated to him that (b)(7)(C)
19 approached (b)(7)(C) and stated to (b)(7)(C) that he
20 was having problems with (b)(7)(C) and wanted to get
out of the department and that (b)(7)(C) had used
personal information that he actually had shared with
her and had dinged him on his (b)(7)(C) using the personal
information in the (b)(7)(C)
25 And (b)(7)(C) was concerned. So he called (b)(7)(C)

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1 (b)(7)(C) boss, (b)(7)(C) and said, "Why would she
2 do that? Why would she ding him on his (b)(7)(C) and use
3 the personal information against him?"

4 And I remember (b)(7)(C) saying to me, "At
5 that point while (b)(7)(C) was on the phone (b)(7)(C)
6 (b)(7)(C) said to him, 'Well, let me just -- that's not
7 what I recall seeing, but let me just pull up his (b)(7)(C)
8 right now and I'll read it to you.' "

9 And it's my understanding that he pulled
10 up the (b)(7)(C) and there was no such information on the
11 (b)(7)(C). There's no personal information that was written
12 on the (b)(7)(C).

13 And that's when (b)(7)(C) contacted (b)(7)(C)
14 (b)(7)(C) and let her know about this incident. And she
15 called me and she said, "I've had it. Now he's lying.
16 Now I can't trust him."

17 (b)(7)(C) Okay. And what
18 happened right after that?

19 (b)(7)(C) So after that she and I
20 talked. And I said, "Okay. Let's talk about this,
21 what's happened." So we talked a little more and then
22 there were other incidents that I recalled where he
23 had committed to or had stated that he had made some -
24 - he had followed direction or directive that (b)(7)(C)
25 (b)(7)(C) had given him when he actually hadn't. So we

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1 talked about that a little bit. And here's another
2 incident where he's not being forthcoming. That was
3 a separate incident with one of his direct reports.

4 And it was like "Okay. I get you. If
5 you're saying to me that you cannot trust him because
6 it's more than one time that you have -- that he's not
7 been forthcoming with you then I can support" -- She
8 wanted to terminate his employment. And I said, "I
9 can support it."

10 [REDACTED] (b)(7)(C) Going back to the
11 (b)(7)(C) I just have a question regarding that. Given
12 your experience in your position, when you read what
13 was in that draft for the (b)(7)(C) now obviously the
14 things that were in the (b)(7)(C) were justified to be
15 documented and to show (b)(7)(C) shortcomings and his
16 failure to meet expectations.

17 But whatever was listed in the (b)(7)(C), were
18 those grounds for termination by themselves? Do you
19 understand the question?

20 [REDACTED] (b)(7)(C) I do.
21 [REDACTED] (b)(7)(C) Do you want to review the
22 (b)(7)(C)?
23 [REDACTED] (b)(7)(C) No, I glanced at it. I
24 think those in themselves if it's an ongoing issue,
25 yes, they can be grounds for termination. But since

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1 this was she had addressed these issues with him and
2 had gotten his side of the story and there always
3 seemed to be an excuse we just gave him a (b)(7) (C). So to
4 answer your question if it's an ongoing issue that's
5 been addressed and it's not being resolved, yes.

(b)(7)(C) Okay. Were you involved in any of the decision making to terminate
(b)(7)(C) It sounds like you at least concurred with
(b)(7)(C) when termination was discussed.
(b)(7)(C) Yes.
(b)(7)(C) But I mean formal deliberations about terminating [REDACTED] were you involved in that process?

14 (b)(7)(C) So the process that I was
15 involved in related to the termination was telling her
16 that I can support her termination, obtaining (b)(7)(C)

17
18 (b)(7)(C)
19
20

21 (b)(7)(C) Do you remember
22 when that conversation took place?

23 (b)(7)(C) Yes, I can reference my
notes. Sorry. It will just take me a minute.

25 (b)(7)(C) We could go back

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1 off the record if you want.

2 (b)(7)(C)

3 (b)(7)(C)

Sure. Off the

4 record.

5 (Whereupon, a short recess was taken.)

6 (b)(7)(C)

We're back on the

7 record. The time is approximately 1:30 p.m. And do
8 you remember the date this conversation with (b)(7)(C)
9 took place?

10 (b)(7)(C)

You mean the (b)(7)(C) ?

11 (b)(7)(C)

Well, you said

12 that you had a discussion with (b)(7)(C) about (b)(7)(C)

13 (b)(7)(C)

And you were talking about the (b)(7)(C) and the

14 (b)(7)(C)

And then it recommended --

15 (b)(7)(C)

Sorry. And then later on you
16 discussed whether or not he should be terminated.
17 That conversation.

18 (b)(7)(C)

Yes. That happened on or

19 about (b)(7)(C)

20 (b)(7)(C)

All right. Thank

21 you. Now up to that point were you personally ever
22 aware that (b)(7)(C) raised any concerns to the
Employee Concerns Program here on site?

24 (b)(7)(C)

No, I was not.

25 (b)(7)(C)

Up to that point

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1 and we're talking about [REDACTED] (b)(7)(C) were you
2 ever aware that [REDACTED] (b)(7)(C) raised any concerns to the
3 NRC?

4 [REDACTED] (b)(7)(C) No, I was not.
5 [REDACTED] (b)(7)(C) Up to this point,
6 did you have any conversations with [REDACTED] (b)(7)(C) about
7 [REDACTED] (b)(7)(C) complaining about employees being told to go
8 through the chain of command whenever they raise any
9 sort of concern?

10 [REDACTED] (b)(7)(C) Can you ask one more time?
11 [REDACTED] (b)(7)(C) Sure. On or
12 about [REDACTED] (b)(7)(C) were you aware that [REDACTED] (b)(7)(C) or
13 through your conversations with [REDACTED] (b)(7)(C) were you
14 aware that [REDACTED] (b)(7)(C) complained about employees being
15 told to go through the chain of command whenever they
16 raise a concern or issue?

17 [REDACTED] (b)(7)(C) I don't recall.
18 [REDACTED] (b)(7)(C) Did you ever hear
19 --
20 [REDACTED] (b)(7)(C) Just a second. I think
21 she's thinking.

22 [REDACTED] (b)(7)(C) Hm-hm (yes).
23 [REDACTED] (b)(7)(C) Okay.
24 [REDACTED] (b)(7)(C) It sounds familiar.
25 [REDACTED] (b)(7)(C) I could try to

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1 refresh your memory a little bit.

2 (b)(7)(C)

Okay.

3 (b)(7)(C)

There was a

4 concern that (b)(7)(C) had and it involved (b)(7)(C)

5 (b)(7)(C)

(b)(7)(C)

yes.

6 (b)(7)(C)

According to (b)(7)(C)

(b)(7)(C)

7 (b)(7)(C) he heard from rank and file employees that (b)(7)(C)

8 (b)(7)(C) during a meeting -- I think it's what you call

9 maybe a standup meeting or something like that.

10 (b)(7)(C)

Hm-hm.

11 (b)(7)(C)

She said, "If

12 anyone has any concerns please bring them up to

13 management. We prefer that you bring them to

14 management. And bring them through the chain of

15 command before you raise them to anyone else."

16 (b)(7)(C)

I do recall that.

17 (b)(7)(C)

Do you remember

18 anything of that nature?

19 (b)(7)(C)

I do recall that, but I

20 also -- I recall that being mentioned, but I don't

21 recall being involved in resolving that.

22 (b)(7)(C)

Do you remember

23 when you first heard about this?

24 (b)(7)(C)

Oh my gosh, I don't. I

25 just remember -- Because that was not really an issue

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1 I would have gotten involved with anyway. It would be
2 an ECP issue. So I don't remember when I heard it.
3 But I do remember that came up because [REDACTED] (b)(7)(C) sent out
4 a notice concerning why would she say something like
5 that.

6 [REDACTED] (b)(7)(C) Where did you
7 hear that from?

8 [REDACTED] (b)(7)(C) Oh my goodness. I don't
9 recall. Sorry.

10 [REDACTED] (b)(7)(C) Okay. Did you
11 hear that from [REDACTED] (b)(7)(C)

12 [REDACTED] (b)(7)(C) I don't think it was [REDACTED] (b)(7)(C)
13 [REDACTED] (b)(7)(C)

14 [REDACTED] (b)(7)(C) Okay. I know
15 we're going back a little ways and people's memories
16 aren't as precise as they wish them to be.

17 [REDACTED] (b)(7)(C) I'm sorry.

18 [REDACTED] (b)(7)(C) But is it
19 possible that you could have heard about this after
20 [REDACTED] (b)(7)(C) was terminated?

21 [REDACTED] (b)(7)(C) I know that after [REDACTED] (b)(7)(C)
22 was terminated I became -- After he was terminated I
23 became aware of the ECP concern.

24 [REDACTED] (b)(7)(C) The ECP concern
25 being what?

1 (b)(7)(C) That (b)(7)(C) concern.

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

3 (b)(7)(C) But I don't remember it
4 being discussed as part of the or as having to do
5 anything with (b)(7)(C) if that makes sense.

6 (b)(7)(C) Okay. Yes, it
7 does.

8 (b)(7)(C) Okay.

9 (b)(7)(C) It was never
10 mentioned.

11 (b)(7)(C) It had nothing to do with
12 (b)(7)(C) It was a (b)(7)(C) issue. And I remember
13 talking about it to (b)(7)(C) from ECP as this is
14 something she had said and what we're going to do to
15 go back and correct it. I do recall that. So I'm
16 trying to make a connection to (b)(7)(C). And I had
17 nothing to do with him.

18 (b)(7)(C) Okay. So the
19 decisions made that -- Let me back up and just be a
20 little more clear in my question. You learned from
21 talking with (b)(7)(C) that she was going to initiate
22 termination proceedings against (b)(7)(C). Correct?

23 (b)(7)(C) Yes.

24 (b)(7)(C) All right. From
25 that point on, were you involved in any formal process

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1 leading to his termination?

2 (b)(7)(C)

3 In the (b)(7)(C)

yes.

4 (b)(7)(C)

5 Okay. Can you

6 explain to me what is a (b)(7)(C) is and I believe that's

7 an (b)(7)(C)

8 (b)(7)(C)

9 Yes, it's an (b)(7)(C)

10 (b)(7)(C)

11

12 (b)(7)(C)

13 Okay. And what's

14 your role in that process?

15 (b)(7)(C)

16 My role is to answer

17 questions about the discipline that was being

18 recommended and to answer questions as to whether or

19 not it's consistent with company practices and

20 consistent with the rest of the organization.

21 (b)(7)(C)

22 Okay. And can

23 you explain to me what in a nutshell transpired as a

24 result of that proceeding?

25 (b)(7)(C)

Sure. There were -- I

believe that was our (b)(7)(C)

So it was

kind of a learning process and it was a pretty long

one.

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1 And so there were discussions about how we
2 got to where we are as it relates to the termination.

3 There was discussions about the [REDACTED] (b)(7)(C)

4 [REDACTED] (b)(7)(C) and why we skipped the [REDACTED] (b)(7)(C)

5 [REDACTED] (b)(7)(C) and went straight to termination. I
6 do remember there being a long conversation about
7 that. And then just the termination recommendation.

8 [REDACTED] (b)(7)(C) How often does a
9 termination take place without a [REDACTED] (b)(7)(C) being issued
10 beforehand? Can you give me like a percentage basis
11 how often that happens?

12 [REDACTED] (b)(7)(C) Just off the top of my
13 head I'd say --

14 [REDACTED] (b)(7)(C) What may be problematic is
15 that the [REDACTED] (b)(7)(C) process is fairly new. So you might want
16 to talk about when they even instituted having [REDACTED] (b)(7)(C)
17 So when you talk about the numbers it's important
18 about what period of time you're talking about.

19 [REDACTED] (b)(7)(C) Okay. I wasn't
20 aware that the [REDACTED] (b)(7)(C) process was fairly young here.

21 When did they start the --

22 [REDACTED] (b)(7)(C) 2008.

23 [REDACTED] (b)(7)(C) Okay. Well,
24 would it be uncommon to terminate someone who wasn't
25 given the benefit of a [REDACTED] (b)(7)(C)?

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1 (b)(7)(C) No.

2 (b)(7)(C) But it was a big
3 issue during the (b)(7)(C) though. Right?

4 (b)(7)(C) Yes, it was because
5 normally we would give somebody who's having
6 performance issues a (b)(7)(C)
7 because that was a site directive if you will that was
8 given by (b)(7)(C) at the time.

9 (b)(7)(C) Okay. And what
10 was the primary reason -- Basically summing up your
11 testimony here, what was the principal reason why (b)(7)(C)
12 (b)(7)(C) was not given a (b)(7)(C) in this case?

13 (b)(7)(C) We had every intention to
14 give him a (b)(7)(C). Prior to the (b)(7)(C) was ready to be
15 delivered to him, prior to actually delivering it to
16 him, we came to this additional information of him not
17 being truthful which came into question, brought into
18 question, his trustworthiness. So we skipped the (b)(7)(C)
19 process which is at the discretion of management to
20 do.

21 (b)(7)(C) Okay. Did
22 anything happen after the (b)(7)(C)?

23 (b)(7)(C) Do you mean related to any
24 --

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

1 (b)(7)(C) or any proceedings leading to his
2 termination.

3 (b)(7)(C) No. We just moved forward
4 with -- As far as I recall we moved forward with (b)(7)(C)
5 (b)(7)(C) requesting his final check.

6 (b)(7)(C) Okay. And he was
7 subsequently terminated. Correct?

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

9 (b)(7)(C) Have you had any
10 contact with (b)(7)(C) since he left his position here?

11 (b)(7)(C) No, I have not.

12 (b)(7)(C) Through all your
13 conversations with (b)(7)(C) and other people here on
14 site, did you ever become aware of (b)(7)(C) being
15 discriminated against in any fashion while he was
16 here?

17 (b)(7)(C) No.

18 (b)(7)(C) (b)(7)(C), do you
19 have any follow-up?

20 (b)(7)(C) Yes. You said during this
21 and in your earlier conversation with (b)(7)(C) there
22 was discussion about trustworthiness issues. Have you
23 described all of the trustworthiness issues that came
24 up?

25 (b)(7)(C) I briefly described the

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1 other issue in addition to him not being truthful
2 about what was written in his (b)(7)(C) to (b)(7)(C)

3 There was another issue where he was not
4 being truthful about the level of support, guidance
5 and direction he had given to one of his employees.

6 He told us, us as in (b)(7)(C) He told (b)(7)(C)
7 that he had provided adequate support and guidance and
8 direction to one of his employees during a suspension.
9 And we came to find out that he did not in fact do
10 that. And he left a brand new supervisor to carry out
11 a really difficult suspension all by herself without
12 any guidance.

13 (b)(7)(C) Was there also an issue
14 about a demotion?

15 (b)(7)(C) Yes. And there's a --
16 Yes, he committed to processing a demotion and there
17 is constant follow-up. "Yes, I got it done." "I'll
18 do it. I'll do it." And then finally I remember
19 there was a statement that he made "Yes, I already
20 processed the demotion."

21 And (b)(7)(C) came to find out that he
22 hadn't. And this person ended up being overpaid. And
23 his pay was not taken away from him as a result of
24 (b)(7)(C) not processing the demotion. So we ended up
25 this man never took a pay cut. We couldn't go back

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1 and take a pay cut so many months after since the
2 demotion wasn't processed.

(b)(7)(C)

3 I'm just trying to see if
4 there is anything else that --

(b)(7)(C)

5 Can I throw in a
6 question in the meantime?

(b)(7)(C)

7 Sure.

(b)(7)(C)

8 Was there a
9 termination letter associated with (b)(7)(C) I know
10 that HR likes to send out letters telling people that
11 they were terminated even though they might have been
12 walked off the site. Was that done in this case?

(b)(7)(C)

13 No. We normally don't do
14 that. It's not our process.

(b)(7)(C)

15 Oh really. Okay.

16 All right. Different companies do it differently I
17 suppose. But there was no formal termination letter
18 telling him you were terminated because of A, B and C.

(b)(7)(C)

19 No.

(b)(7)(C)

20 That only occurs when
21 someone doesn't show up for the termination meeting or
22 we don't want them to be here for a termination
23 meeting or they've abandoned the position.

(b)(7)(C)

24 Honestly, I think

25 I was thinking of a different utility. Not SCE.

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(b)(7)(C)

Yes. Was

(b)(7)(C)

involved in the discussions concerning termination?

(b)(7)(C)

Yes.

(b)(7)(C)

Okay. And what was his
role?

(b)(7)(C)

His role was in supporting
the termination and also supporting the process of
skipping giving him a (b)(7)(C) and moving straight to
termination.

(b)(7)(C)

Did he have concerns about

(b)(7)(C)

in his performance or trustworthiness that
were separate from (b)(7)(C) based on your
discussions with him?

(b)(7)(C)

Yes, he had concerns about

(b)(7)(C)

again not from a performance perspective.
He had asked (b)(7)(C) several times for a report and (b)(7)(C)
committed to giving it to him and did not deliver
several times.

(b)(7)(C)

And was that part of the

reason for the termination for (b)(7)(C)

(b)(7)(C)

That was part of the
overall reason. Yes.

(b)(7)(C)

When you were describing
the trustworthiness issue one of not supporting one of
his supervisors how was -- I didn't understand how**NEAL R. GROSS**

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that was a trustworthiness issue. Could you explain that? How it showed to be untrustworthy?

3 [REDACTED] (b)(7)(C) Yes. So in the meeting
4 with myself, [REDACTED] (b)(7)(C) and this new supervisor, we had
5 previously discussed that [REDACTED] (b)(7)(C) was going to lead
6 the suspension. He was going to be the one that
7 delivers the suspension to the employee being
8 suspended and that the new supervisor would observe
9 him and learn from it because this was her first time.
10 And that was already agreed upon and committed to.

11 So while we were in the meeting I was just
12 -- We were just role-playing and during the meeting he
13 looked at his supervisor. Her name is [REDACTED] (b)(7)(C)
14 And he said, "So, [REDACTED] (b)(7)(C) are you ready to do this?"
15 And [REDACTED] (b)(7)(C) stated, "I thought we already
16 talked about this and you're going to do this."

17 . And he was like -- You know his response
18 was "Oh, we did. Well, no, I thought you wanted to do
19 it."

20 And she said, "No. I've never done one
21 before. I thought" --

22 So she looked at me and I had to jump in
23 because this was her manager. I had to jump in and
24 say, (b)(7)(C) we already agreed that you're going to do
25 this. You can't let her run this suspension and it's

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1 a difficult one, a difficult employee. You've got to
2 take the lead."

3 And he finally agreed to do it. And
4 during the suspension the employee ended up
5 (b)(7)(C) and it turned out to be a big issue.
6 The fire department was called in and he took a back
7 seat I felt like to the whole situation in that
8 (b)(7)(C) and I ended up handling it.

9 So this brand new supervisor and I ended
10 up handling this employee who's (b)(7)(C). And
11 he, (b)(7)(C) ended up leaving after taking my
12 direction to -- "Don't stand there. Go call a cab
13 company. She wants to go home. Let's let her go
14 home, but she can't drive. So can you -- Don't stand
15 there. Go call a cab."

16 And he called the cab and he left the
17 site. So that was a little bit of it.

18 As far as trustworthiness, he was also
19 supposed to have prepped (b)(7)(C) upon the return of
20 this employee from suspension. He was supposed to
21 have prepped (b)(7)(C) and mentored and guided her in
22 how do you have a reinstatement meeting from a
23 suspension, what do you say, what do you do. And he
24 had committed that he had done that.

25 And (b)(7)(C) ended up doing the

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1 reinstatement meeting and she had not been prepped.

2 But he told [REDACTED] (b)(7)(C) "Yes, I've prepped [REDACTED] (b)(7)(C) nd
3 I've told her what to say."

4 And he had not done that because [REDACTED] (b)(7)(C)
5 said, "He left [REDACTED] (b)(7)(C) and did not say a word to
6 me about this reinstatement." So again she ended up
7 having to do -- A brand new supervisor has never done
8 this before ended up having to do it on her own.

9 So it was an accumulation of -- There is
10 no trustworthiness issue during the suspension. But
11 it was like "Hey, why are you trying to throw it on
12 her?"

13 But then it was after for the
14 reinstatement when he said, "Yeah, I already gave her
15 the direction" when he hadn't. It was again an
16 accumulation of issues.

17 [REDACTED] (b)(7)(C) So I don't think you
18 articulated why you were okay -- Let me back up. You
19 said that there was quite a bit of discussion during
20 the [REDACTED] (b)(7)(C) meeting --

21 [REDACTED] (b)(7)(C) Hm-hm.

22 [REDACTED] (b)(7)(C) -- about why they were
23 skipping a [REDACTED] (b)(7)(C) and went
24 straight to termination. So what did you tell them
25 was the reason that you supported the management doing

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1 that?

2 (b)(7)(C) I stated to them that
3 although it's a site directive from (b)(7)(C)
4 that if you have a needs improvement as an overall
5 rating that you get a (b)(7)(C) however, it is also at the
6 manager's discretion to skip that step if the behavior
7 or performance is egregious enough to warrant it.

8 (b)(7)(C) And did you believe that
9 in this case it was warranted?

10 (b)(7)(C) Absolutely.
11 (b)(7)(C) Who told you that it was
12 management discretion when there was a directive from
13 (b)(7)(C)

14 (b)(7)(C) Our policy states that --
15 Our progressive discipline policy states that it's
16 that manager's discretion to skip that's at any point
17 if the behavior or the performance is egregious
18 enough. But it was not -- That piece was not written
19 in the directive that (b)(7)(C) sent. And in
20 fact afterwards for the following year we went back
21 and added that step in there or that sentence in there
22 that it's at manager's discretion.

23 Yes, although we want to give (b)(7)(C) to
24 people every time they get an (b)(7)(C) it's at manager's
25 discretion to skip that step. So that step is

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1 understood. It just was not written.

2 (b)(7)(C) I don't have anything
3 further.

4 (b)(7)(C) At the risk of
5 sounding like a broken record, I want to ask you
6 another question before we conclude here today. And
7 I appreciate you taking time out to meet with us and
8 answering my questions.

9 During this whole process with (b)(7)(C)
10 and the talk about placing him on a (b)(7)(C) and then you
11 discussed termination about him and everything, did
12 you ever get the impression -- we'll call it woman's
13 intuition -- that maybe there was some type of
14 external factors involve, more than just his work
15 performance, that got him terminated?

16 (b)(7)(C) No.

17 (b)(7)(C) Okay. Well, you
18 hesitated.

19 (b)(7)(C) I hesitate because in one
20 of my conversations with him he did mention to me some
21 stressors that he had outside of work, some personal
22 issues that he was going through. But that's
23 something that he had mentioned to me and I thought
24 that was in confidence based on our relationship. But
25 that did not play a role into why he got terminated.

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1 (b)(7)(C) Okay. Separating
2 (b)(7)(C) and his situation aside, did you ever get the
3 impression from talking with people here on site,
4 especially management, that maybe they wanted him out
5 of -- off site because of something other than his
6 work performance?

7 (b)(7)(C) No.
8 (b)(7)(C) Okay. (b)(7)
9 (b)(7)(C) have I or any other NRC representative
10 threatened you in any manner or offered you any
11 rewards in return for this statement?

12 (b)(7)(C) No.
13 (b)(7)(C) Have you given
14 this statement freely and voluntarily?

15 (b)(7)(C) Yes.
16 (b)(7)(C) Is there
17 additional information that you care to add for the
18 record?

19 (b)(7)(C) No.
20 (b)(7)(C) At this time, the
21 interview will be concluded. The time is
22 approximately 1:55 p.m. Off the record.

23 (Whereupon, at 1:55 p.m., the above-
24 entitled matter was concluded.)

25

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CERTIFICATE

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

Name of Proceeding: Interview of

(b)(7)(C)

Docket Number: 4-2011-059

Location: San Clemente, California

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings as recorded on tape(s) provided by the NRC.

(b)(7)(C)

Official Transcriber
Neal R. Gross & Co., Inc.