

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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In the Matter of: :  
INTERVIEW OF :  
 :  
-----X

U.S. Nuclear Regulatory Commission  
Region III  
801 Warrenville Road  
Lisle, Illinois 60532-4351  
Monday, June 15, 1998

The above-entitled matter came on for  
interview, pursuant to notice, at 12:45 p.m.

BEFORE:

MARY KAY FAHEY, Investigator

APPEARANCES:

On Behalf of the Interviewee:

MR. PHILLIP E. TROY,  
Commonwealth Edison Company  
Law Department Room 1535  
125 South Clark Street  
P.O. Box 767  
Chicago, Illinois 60603

Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions 7c  
FOIA- 2001-0240

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EXHIBIT 12

PAGE 1 OF 15 PAGE(S)

C O N T E N T S

WITNESS EXAMINATION

BY MS. FAHEY 4

7(e)

E X H I B I T S

NUMBER IDENTIFIED

[NONE.]

PROCEEDINGS

[12:45 p.m.]

MS. FAHEY: For the record this is an interview of  
, spelled

MR.

MS. FAHEY: Who is employed as a senior, was  
employed as a Senior Reactor Operator by Commonwealth Edison  
Company at the Zion Power Station. He's currently employed  
as a at the

Nuclear Power Plant. Today's date is June 15th,  
1998. The time is approximately 12:45 p.m., the location of  
this interview is the U.S. Nuclear Regulatory Commission's  
Region III Office in Lisle, Illinois.

My name is Mary Kay Fahey, Special Agent with the  
NRC Office of Investigations in Region III. This interview  
is being tape recorded by Rita Langley. Also present at  
this interview is Attorney Phillip Troy, representing

The subject of this interview is an allegation of  
, he's been discriminated against by being passed  
over for promotion and that he received an inferior  
performance review after he brought forward safety concerns  
on two separate occasions.

, please raise your right hand.

Whereupon,

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1  
2 the Interviewee, was called for examination and, having  
3 been first duly sworn, was examined and testified as  
4 follows:

5 DIRECT EXAMINATION

6 BY MS. FAHEY:

7 Q | , is Mr. Troy here at your request  
8 today?

9 A Yes, he is.

10 Q Did you select him or did the company select him  
11 for you?

12 A The company has provided him as a representative  
13 for me.

14 Q Do you understand that Mr. Troy represents other  
15 parties involved in this investigation?

16 A Yes, I do.

17 Q Do you understand he represents Commonwealth  
18 Edison?

19 A Yes, I do.

20 Q And with that understanding do you still want him  
21 present as your representative here today?

22 A Yes, I do.

23 Q Would you provide some background information for  
24 the record. What's your current title at Nuclear  
25 Power Station?

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1 A When Zion was closed I took a temporary assignment  
2 at [redacted] to help out with [redacted], while  
3 I was there, I was offered a position as [redacted]  
4 [redacted] and I currently hold that position.

5 Q How long have you been employed in that position?

6 A From about the middle of March, acting  
7 temporarily. I was given the position with a promotion  
8 about two weeks ago.

9 Q And what was your title when you left Zion?

10 A I was a Senior Unit Supervisor, licensed.

11 Q And how long were you there at Zion?

12 A I came to Zion in January of [redacted]

13 Q And did you have that title the entire time you  
14 were at Zion?

15 A No, when I started at Zion I was a [redacted] I  
16 then went to license training and got my license and went  
17 into Operations. I received my license in [redacted] I was in  
18 the [redacted] and [redacted] until they closed the plant.

19 Q Okay. And that was just prior to you going to  
20 [redacted]?

21 A Yes, that's correct. The last year I was on [redacted]

22 [redacted] I was still in [redacted] but not in [redacted]

23 Q When you were employed at Zion were you selected  
24 as candidate for Shift Manager position?

25 A Yes, I was.

1 Q Okay. And who selected you?

2 A It was a decision made by Tim O'Connor and

3

4 Q Do you remember when you were notified that you  
5 had been selected?

6 A They talked to me about it and they announced it  
7 one of the morning briefing meetings. And I would like to  
8 say this was in like the second or third week in December.

9 Q Okay. Were you told why you were selected?

10 A I believe I was told, in my opinion I was selected  
11 because I had proven to not only the previous managers but  
12 to the current managers that we had that I was the  
13 type of guy when given a pass would get it done and overcome  
14 the barriers that the processes we had in place would place  
15 in front of me and work the problems and solve them and get  
16 the project completed.

17 Q Do you know if any other candidates were selected  
18 at the same time you were?

19 A No, as far as I know no one else was selected when  
20 I was selected. There were two other people that I know of  
21 were you in positions of managers that were announced to be  
22 Shift Manager candidates.

23 Q And who were they?

24 A and

25 Q And were you aware that had been chosen

1 at one time?

2 A I was not aware of that.

3 Q And what steps were you required to take in  
4 preparation for this Shift Manager position?

5 A There's a, some people call it a call card, it's  
6 really a book and it's a series of modules that you have to  
7 complete, cover a wide variety of topics from safety to GSEP  
8 responsibilities, full spectrum of tasks that you have to  
9 prove competency on before you can be considered qualified  
10 as a Shift Manager.

11 Q And did [ ] give you this book? 7C

12 A No he told me to go and see an individual in the  
13 Training Department who was the keeper of the books.

14 Q And did you start completing the book?

15 A Yes. As soon as I got the book I, I developed a  
16 plan on how I was going to accomplish the various modules.  
17 Some of the things in the book are to attend classes held by  
18 the Company for performance review. They have a process  
19 called CFR and you have to learn how to do that and that's,  
20 you know, it's a Company course that's offered like twice a  
21 year. So I looked at how I could get scheduled at those  
22 things, some of that stuff and laid out a general plan on  
23 how I was going to attack each section.

24 Q And were you ultimately selected for a Shift  
25 Manager position?

1 A I never, I never completed the book.

2 Q Okay. And the reason being?

3 A There was just not enough time. The plant was  
4 closed and I didn't see the point of continuing.

5 Q Okay. And the plant closed when?

6 A I want to say January 16th.

7 Q Okay. Did anybody tell you specifically there was  
8 no reason to continue or was it just evident?

9 A One of the things I was doing in January was  
10 reactivating my license, so I could start fulfilling shift  
11 spot again. And that was at the request of both Tim and

12 So when they announced the plant was closing I, you  
13 know, approached those guys and said, I don't really see the  
14 point of me continuing with reactivation of my license since  
15 we know eventually that all the licenses were going to be  
16 dropped here. And they agreed with me, you know, there was  
17 no point in pursuing that so.

18 Q In the early part of '97 the Shift Unit  
19 Supervisors went through an assessment concerning their  
20 suitability for shift approbability, did you participate in  
21 this assessment?

22 A I certainly did.

23 Q And what were you rated?

24 A I was rated a B player.

25 Q Okay. And were there other employees on the A



1 list?

2 A Yes, there were, you know, quite a few people on  
3 the A list not very many on the B list.

4 Q All right. And as a result of your assessment  
5 were you reassigned?

6 A I was given a position on I still  
7 maintain my title and my license.

8 Q Was that a position?

9 A Yes, I was a Supervisor.

10 Q And how long before you were selected for the  
11 Shift Manager Training Program had you been reassigned?

12 A I believe the assessment occurred in April and it  
13 was as I remember, it was around December that they told me  
14 they wanted me to be in the Shift Manager Program.

15 Now, the assessment, I personally viewed as an  
16 emotional experience. I was surprised to find myself not  
17 having the core competencies that the Management Team wanted  
18 to see in their Unit Supervisors. So I took it upon myself  
19 to, this was my wake up call, so I spent the summer and the  
20 fall not only improving myself but tackling projects that  
21 were, going to prove the Management Team whichever one we  
22 had that I was one of the guys who got it and was going to  
23 be successful. I believe that's why I was selected to be a  
24 Shift Manager.

25 Q Okay. Do you know of any reason why was

1 not selected for a Shift Manager position?

2 A I worked with [redacted], quite a bit, I can't think of  
3 any reason why he would not have been selected.

4 Q Are you aware of any personnel problems or  
5 personal problems that [redacted] had with [redacted]?

6 A [redacted] role in the changing of operations  
7 was to be someone who was going to hold people accountable.  
8 So a lot of people on shift and a lot of people in  
9 Operations had problems with [redacted] because he was holding them  
10 accountable which was something new to the Management style  
11 at Zion.

12 So, I cannot say that [redacted] had a problem with him.  
13 I think everyone was having a problem with it because it was  
14 a change in philosophy of how we were running operations.

15 Q Okay. Do you know what the normal process for  
16 selection for the Shift Managers are or is?

17 A I've been in [redacted] since [redacted], and I cannot say  
18 that there was a test given, it was more of a feeling by the  
19 Managers that this person was going to be successful in that  
20 role, had shown the maturity or had shown the discipline or  
21 the drive to do that job. It's not an easy job to do and it  
22 wasn't someone that they selected just, the old boy network  
23 and stuff like that, it was it was more like a guy who we  
24 believe can do the job and it isn't a job they select people  
25 for often.

1           Although at least while I was at Zion it was  
2 always, you didn't come out of license training and become a  
3 Shift Manager. You had to prove yourself in the Control  
4 Room for several years as a testing ground to prove you  
5 could do that. At the same time, Operations was changing  
6 the way they were doing business and the Shift Manager, in  
7 fact, they changed his title from Shift Engineer to Shift  
8 Manager. It was becoming more of a leadership role in the  
9 station, driving some of the change. You could change OPS,  
10 you could change the station. So it was becoming even more  
11 than it had been in the past.

12           Q     And is that position something that you would  
13 apply for?

14           A     No one applied for it that I heard of.

15           Q     All right. Do you make it known to your  
16 supervisor that you were interested?

17           A     At least in my case, they always asked me are you  
18 interested in becoming a Shift Manager. And you know, based  
19 on how you responded to that was part of the selection  
20 process.

21           Q     Have you ever known of anyone who was selected who  
22 didn't really want it?

23           A     This would be purely my opinion. Some people  
24 would get the job, it's not an easy job and you would always  
25 hear them complain, I never wanted this job. But that, I

1 don't believe anyone who was in that position didn't want  
2 it.

3 Q Okay. I don't believe I have any other questions.  
4 Let's go off the record for a minute.

5 [Discussion off the record.]

6 MS. FAHEY: It's approximately 1:00, back on the  
7 record, approximately 1:00 o'clock. have I  
8 threatened you in any manner or offered you any awards in  
9 return for your statement?

10 THE INTERVIEWEE: No, you have not.

11 MS. FAHEY: Have you given your statement freely  
12 and voluntarily?

13 THE INTERVIEWEE: Yes, I have.

14 MS. FAHEY: Is there anything further that you  
15 would care to add for the record?

16 THE INTERVIEWEE: Yes. When you asked me about  
17 the selection process, I really know of no formal selection  
18 process. It was a Senior Management decision as to who they  
19 were going to pick for these positions. So I'm not sure, I  
20 don't know of no formal selection process.

21 MS. FAHEY: Okay, anything else?

22 MR. TROY: Just two more things.

23 THE INTERVIEWEE: Two more things. When I told  
24 you I was a B player, I was restored to A player status. I  
25 went through subsequent Phoenix training and that's why I

1 was reactivating my license.

2 MS. FAHEY: Phoenix?

3 THE INTERVIEWEE: Which was the high intensity  
4 training that they gave to the operators after they assessed  
5 people and they went through Phoenix training. And the  
6 people who were not assessed as A didn't go to Phoenix  
7 training, they had a subsequent class where I went, so I was  
8 Phoenix qualified and I was restored to A status and I was  
9 reactivating my license to become fully reinstituted in OPS.

10 MS. FAHEY: Okay.

11 THE INTERVIEWEE: And the third thing is, I mean  
12 you asked if there was anything that I could recall about  
13 [that could have effected his selection or being chosen  
14 as a Shift Manager candidate. being a  
15 and then promoting to certainly had to mature in  
16 his dealings with

17 The Union viewed and at least one other  
18 individual as not being, I don't want to say an allie of the  
19 Union, but almost an adversary of the Union. And they were,  
20 I know they were putting some pressure on Managers with  
21 respect to . They didn't view him as one of the guys  
22 that they could work with.

23 MS. FAHEY: They didn't view, meaning Management  
24 didn't view him?

25 THE INTERVIEWEE: The Union didn't view , was

1 one of the people that they could work with. So when they  
2 would talk to [redacted] and Tim O'Connor, they would say,  
3 you know, this is one of the guys that we don't work well  
4 with.

5 Now, whether that had anything to do with their  
6 decision, that's, I don't know but I certainly know that  
7 that was a factor. It was one of the things you sensed at  
8 Zion at that time.

9 MS. FAHEY: All right. Anything else? Okay.  
10 We're off the record at approximately 1:05 p.m.

11 [Whereupon, at 1:05 p.m., the interview was  
12 concluded.]  
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REPORTER'S 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

  

  

7C

(CLOSED)

CASE NUMBER:

PLACE OF PROCEEDING: Lisle, IL

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Ron LeGrand

Ron LeGrand

Official Reporter

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