

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

\* \* \* \* \*

OFFICE OF INVESTIGATIONS

INTERVIEW

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IN THE MATTER OF: :

INTERVIEW OF *nu* : Docket No. 1-2003-045

 :  
(CLOSED) :

-----X

Friday, May 28, 2004

DNNS Conference Room

NRC Region I Office

475 Allendale Road

King of Prussia, PA

The above-entitled interview was  
conducted at 11:31 a.m.

BEFORE:

Special Agent: Jeffrey Teator

EXHIBIT 50  
PAGE 1 OF 60 PAGE(S)

Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions 2C  
FOIA- 2005-194

*L-17*

APPEARANCES:

On Behalf of the Witness, ~~XXXXXXXXXX~~ 7C

Jeffrey Keenan, Esq.

Assistant General Solicitor

PSEG Services Corporation

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

11:31 a.m.

SR. SPECIAL AGENT TEATOR: Today's date is May 28<sup>th</sup>. The year is 2004. My name is Jeffrey Teator. The time is 11:31 in the morning, and this morning I am interviewing [REDACTED] This interview's taking place in the DNNS Conference Room at the U.S. Nuclear Regulatory Commission, 475 Allendale Road, King of Prussia, Pennsylvania.

[REDACTED] you're being interviewed today as a fact witness. No one's accused you of doing anything wrong or participating in any deliberate misconduct.

But what I'm investigating are potential violations of 10 CFR 50.7. The two issues I'm looking at are whether Kim Harvin's job was eliminated because she raised safety concerns, because she engaged in protected activity, and whether her last day at the site was moved up from April 16, 2003 until March 28, 2003, because she raised such concerns. Those are the two areas I'm looking to talk to you about.

Do you have any objection today to providing sworn testimony?

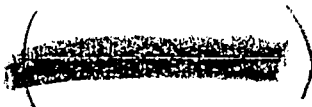
[REDACTED] No, I do not.

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1 SR. SPECIAL AGENT TEATOR: Raise your  
2 right hand for me please?

3 Whereupon,

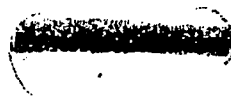
4   
5 was called as a witness and, having been first duly  
6 sworn, was examined and testified as follows:

7 EXAMINATION

8 SR. SPECIAL AGENT TEATOR: Thanks you.  
9 This is a voluntary interview. Knowing it's  
10 voluntary, do you wish to go forward?

11  Yes.

12 SR. SPECIAL AGENT TEATOR: Okay. You're  
13 represented by counsel today. Jeff, if you could  
14 identify yourself for the record please and explain  
15 your representation?

16 MR. KEENAN: Yes. My name is Jeff  
17 Keenan. I'm Assistant General Solicitor with PSEG  
18 Services. Today I'm representing  and  
19 PSEG Nuclear in a dual capacity.

20 I've reviewed the information relative  
21 to Ms. Harvin's concerns and I don't believe there's  
22 a conflict of interest. If a conflict arises, we'll  
23 take a break from the record and figure out how to  
24 best handle that.

25 We do appreciate the ability to review

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1 the transcript, if that's made available in the  
2 presence of the NRC.

3 SR. SPECIAL AGENT TEATOR: And (b)(7)(C) is  
4 that your understanding of the representation?

5 (b)(7)(C) Yes, it is.

6 SR. SPECIAL AGENT TEATOR: I have a few  
7 follow-up questions for you.

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

9 SR. SPECIAL AGENT TEATOR: Does your  
10 employer require you to have an attorney  
11 representing you when you're interviewed by the  
12 Office of Investigations?

13 (b)(7)(C) No.

14 SR. SPECIAL AGENT TEATOR: Were you in  
15 any way threatened with any type of adverse action  
16 by your employer if you did not request counsel to  
17 represent you today?

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

19 SR. SPECIAL AGENT TEATOR: Do you  
20 understand that you have a right to a private  
21 interview by me if you wanted one?

22 (b)(7)(C): Yes.

23 SR. SPECIAL AGENT TEATOR: Knowing all  
24 this, do you wish to go forward with counsel  
25 present?

14

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1 ( ) Yes.

2 SR. SPECIAL AGENT TEATOR: Thank you.

3 ( ) a little background. Your date and place of  
4 birth please?

5 ( )  
6 ( )

7 SR. SPECIAL AGENT TEATOR: Okay, and  
8 your Social Security number?

9 ( )

10 SR. SPECIAL AGENT TEATOR: All right,  
11 and your home address please?

12 ( )  
13 ( )  
14 ( )

15 SR. SPECIAL AGENT TEATOR: Okay. How  
16 long does it take you to get down to this site from  
17 your house?

18 ( ) About less than 50 minutes.

19 SR. SPECIAL AGENT TEATOR: Really?  
20 That's pretty good.

21 ( ) It's really quick, because  
22 if you think about it, I just go right down 141  
23 here, 141, and I shoot right across. It's 42 miles.

24 SR. SPECIAL AGENT TEATOR: That's not  
25 too bad.

ALL  
7C

1 [REDACTED] Yes, it's not bad.

2 SR. SPECIAL AGENT TEATOR: Which bridge  
3 do you take?

4 [REDACTED] The Memorial Bridge. It's  
5 real easy. Now going home is a little bit -- can be  
6 a bit more exciting.

7 SR. SPECIAL AGENT TEATOR: Okay. That  
8 much more, huh, going home?

9 [REDACTED] It could be almost --  
10 sometimes it can be up to three hours.

11 SR. SPECIAL AGENT TEATOR: Oh, okay.

12 [REDACTED] Depending on what's going  
13 on. Your home phone number please?

14 SR. SPECIAL AGENT TEATOR: Like tonight,  
15 it would have been about two to three hours?

16 [REDACTED] Yes probably, with  
17 everybody shooting down I-95, I guess, going over  
18 the bridge.

19 SR. SPECIAL AGENT TEATOR: Yes, right.  
20 Your home phone number please?

21 [REDACTED]: Area code [REDACTED]

22 SR. SPECIAL AGENT TEATOR: Okay. Have  
23 you ever served in the United States Military?

24 [REDACTED]  
25 SR. SPECIAL AGENT TEATOR: What branch?

1 [REDACTED]  
2 SR. SPECIAL AGENT TEATOR: What years  
3 did you serve in the [REDACTED]

4 [REDACTED]  
5 SR. SPECIAL AGENT TEATOR: [REDACTED]  
6 [REDACTED]

7 [REDACTED] I was [REDACTED]

8 SR. SPECIAL AGENT TEATOR: [REDACTED]  
9 [REDACTED]  
10 [REDACTED]

11 SR. SPECIAL AGENT TEATOR: What was your  
12 highest qualification?

13 [REDACTED]  
14 SR. SPECIAL AGENT TEATOR: [REDACTED] In  
15 what?

16 [REDACTED]  
17 SR. SPECIAL AGENT TEATOR: Oh. What's  
18 that stand for?

19 [REDACTED]  
20 [REDACTED]  
21 SR. SPECIAL AGENT TEATOR: Okay, all  
22 right. Thanks. You attended college?

23 [REDACTED] Yes.

24 SR. SPECIAL AGENT TEATOR: Which school?

25 [REDACTED]: Attended three -- two

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1 different schools. (b)(7)(C)

2 SR. SPECIAL AGENT TEATOR: Did you get a  
3 degree from there?

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

6 SR. SPECIAL AGENT TEATOR: (b)(7)(C)

7 (b)(7)(C) yes. (b)(7)(C)

8 SR. SPECIAL AGENT TEATOR: Oh, (b)(7)(C)  
9 (b)(7)(C)

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

11 SR. SPECIAL AGENT TEATOR: Did you  
12 graduate from (b)(7)(C)

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

14 SR. SPECIAL AGENT TEATOR: What's your  
15 degree in?

16 (b)(7)(C): (b)(7)(C)  
17 (b)(7)(C)  
18 (b)(7)(C).

19 SR. SPECIAL AGENT TEATOR: All

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

22 SR. SPECIAL AGENT TEATOR: That's quite  
23 a spectrum there.

24 (b)(7)(C): It's a renaissance man.

25 It's what happens when you go to college and don't

ALL  
7C

1 finish. You get enough credits to be able to do  
2 anything you want.

3 SR. SPECIAL AGENT TEATOR: [REDACTED]

4 that's -- they have that [REDACTED]

5 [REDACTED] Sure.

6 SR. SPECIAL AGENT TEATOR: At some point  
7 were you hired to work at PSEG Nuclear?

8 [REDACTED] Yes. I was hired in [REDACTED]  
9 [REDACTED]

10 SR. SPECIAL AGENT TEATOR: As?  
11 [REDACTED]

12 They all have generic titles.

13 SR. SPECIAL AGENT TEATOR: Okay, and  
14 what were you responsible for? Which area of the  
15 plants?

16 [REDACTED] At that time, I was  
17 responsible for engineering reliability.

18 SR. SPECIAL AGENT TEATOR: How long did  
19 you maintain those responsibilities?

20 [REDACTED] Well then I assumed the  
21 broader responsibility of engineering technical  
22 services, which incorporated that as well. So that  
23 was through October of 2003.

24 SR. SPECIAL AGENT TEATOR: Your current  
25 job title?

ALL  
7c

1 (b)(7)(C) My current job title is --  
2 my position title is still the same, but the current  
3 functional title is (b)(7)(C)

4 (b)(7)(C)  
5 SR. SPECIAL AGENT TEATOR: So you got  
6 (b)(7)(C) down there?

7 (b)(7)(C) Yes, I work with (b)(7)(C) for  
8 most of the time. Yes (b)(7)(C) was -- as a matter of  
9 fact, had the office next to mine.

10 SR. SPECIAL AGENT TEATOR: All right.  
11 So from May '01 through October '03, who would you  
12 have reported to?

13 MR. KEENAN: Through 2002.

14 (b)(7)(C) Well I guess there were  
15 two. There were two. (b)(7)(C) from my higher  
16 date until he left the company at the end of March  
17 of the first of, beginning of April in 2003, and  
18 then (b)(7)(C) from 2003 to present.

19 SR. SPECIAL AGENT TEATOR: Okay. In Kim  
20 Harvin's letter to (b)(7)(C) dated March 25,  
21 2003, she speaks of, on the first page of the  
22 letter, halfway through the first paragraph there,  
23 there's a sentence that reads "I have repeatedly  
24 called attention to the lack of engagement and  
25 involvement by critical leaders for nuclear safety

ALL  
TC

1 responsibilities, and had discussed these matters  
2 with each vice president," and you're named there.

3 Do you recall her discussing those types  
4 of issues with you?

5 [REDACTED] I heard her talk about lack  
6 of engagement, but I did not hear her talk  
7 specifically to nuclear safety.

8 SR. SPECIAL AGENT TEATOR: Okay. In the  
9 beginning of that paragraph there, it begins, and  
10 I'll read it, "In my position as Manager, Cultural  
11 Transformation I have repeatedly expressed a formal  
12 and informal meetings and discussions among  
13 management at PSEG Nuclear, that leadership  
14 weaknesses, failings and inadequate attention to  
15 employee-raised issues at our site is a matter of  
16 nuclear safety.

17 "Beginning in about the spring of 2001,  
18 at a weekly staff meeting convened by [REDACTED]  
19 where I point-blank stated this concern."

20 Do you recall her stating such a concern  
21 during a spring 2001 meeting? I know you acme on  
22 board May '01?

23 [REDACTED] I don't specifically  
24 remember an occasion where she raised those issues.

25 SR. SPECIAL AGENT TEATOR: At all?

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(b) At all. I remember her only to some -- she did talk about leadership weaknesses and failings, but not to inadequate attention to employee-raised issues or to nuclear safety.

SR. SPECIAL AGENT TEATOR: Okay. How about during any meetings you were present for -- (b) That was in the 2001 -- that was not in spring 2001. It was probably later, because I met her -- probably it would have been in the June-July time frame of 2001 was when I first met her. So it would have been in the summer.

SR. SPECIAL AGENT TEATOR: All right, okay. During any meetings you were at where Kim Harvin was there, did she voice any concerns with a perception that there was a Production over safety emphasis at the site?

(b) I'm just trying to recall. I mean, I don't remember her ever engaging in a production over safety conversation. I saw her engaging more into employee engagement and their ability to work together and function together as a team.

That was what mostly she raised the issues in, but it was not in a safety versus

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1 production context.

2 SR. SPECIAL AGENT TEATOR: Okay. How  
3 about did she ever raise a concern or voice a  
4 concern in your presence that people in your plant  
5 were making non-conservative decisions with the  
6 operation of the units, the Salem Hope Creek units?  
7 [REDACTED] I never heard Kim raise it.  
8 She typically did not talk about operational  
9 decision-making. It was mostly about interpersonal  
10 relations and reactions.

11 SR. SPECIAL AGENT TEATOR: Okay. So in  
12 your presence, did she ever voice or raise a concern  
13 that she thought, or others thought, and maybe she  
14 was being their mouthpiece, that there was non-  
15 conservative decisionmaking occurring inside the  
16 plants?

17 [REDACTED]: No.

18 SR. SPECIAL AGENT TEATOR: How about  
19 this -- I know there was this [REDACTED]  
20 [REDACTED] on duty. That  
21 issue did occur. It caused some problems in the  
22 Operations Department.

23 According to what I understand, Kim  
24 Harvin became involved or was made aware of the  
25 problem that issue caused inside the Salem

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1 Operations Department.

2 Did she discuss or raise those concerns  
3 to our attention, the ones that were brought to her  
4 attention about how that issue happened, and how it  
5 was viewed by the operators?

6 [REDACTED] I never heard her talk  
7 about [REDACTED]

8 SR. SPECIAL AGENT TEATOR: How about  
9 what [REDACTED] did that night?

10 [REDACTED] I don't recall her ever  
11 saying anything to me about what [REDACTED] did.  
12 She was working with the Salem NEOs during that  
13 time, and that was her assignment.

14 She had transitioned from Hope Creek to  
15 working more with the NEOs at that time. So she was  
16 involved. But I don't recall her ever raising an  
17 issue around [REDACTED] or [REDACTED] actions.

18 SR. SPECIAL AGENT TEATOR: When she  
19 switched over to work with the Salem NEOs, did she  
20 bring to your attention any concerns that were  
21 brought to her by those individuals, concerns with  
22 the --

23 [REDACTED] She just talked -- her  
24 concerns were that it was a tough working  
25 environment; that there had been -- that the morale

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1 was relatively low in the group; that there had been  
2 -- that they were working a lot of overtime; that  
3 there was, you know, we had been growing through --  
4 we had had the tough grassing season, and that's  
5 never in favor amongst the NEOs.

6 I mean, you go down there and pick tubes  
7 is not a good time, and having to deal with, you  
8 know, all the stuff that goes with that. That was  
9 in there, and the fact that there had been a  
10 transition in leadership, both at the assistant ops  
11 manager and the ops manager in that recent time  
12 frame.

13 Yes, she raised that, those issues. But  
14 it was mostly about just leadership and work  
15 environment.

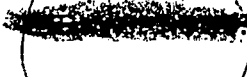
16 SR. SPECIAL AGENT TEATOR: Okay. Still  
17 talking about her work with the Salem NEOs, okay.  
18 Did she ever tell you that the Salem NEOs were  
19 frustrated at senior management because they thought  
20 senior management was ignoring or only paying lip  
21 service to their safety concerns, including nuclear  
22 safety concerns?

23 ~~XXXXXXXXXX~~ Never relative to nuclear  
24 safety concerns. She did raise some, like everyone  
25 else, that there was frustration about the closure



1 of SAFE notification.

2 SR. SPECIAL AGENT TEATOR: What does  
3 that stand for?

4  That's the code. It's  
5 coded in SAP, S-A-F-E. So there are any  
6 notifications that are coded SAFE, they're  
7 industrial safety issues that we work off.

8 There had been a -- that backlog had  
9 built up during a period of time in the latter part  
10 of 2002, and there was a lot of frustration within  
11 the union that some of those were not being worked  
12 off in a timely fashion.

13 That's the only thing that she raised --  
14 I mean I do not -- to me. I mean I don't ever  
15 remember raising any nuclear safety concerns.

16 SR. SPECIAL AGENT TEATOR: Did she ever  
17 -- I'm going to go through some of the stuff, and  
18 I'll get yes or no, right?

19 In her time she's working with the Salem  
20 NEOs, did she share in your presence concerns raised  
21 by them that there were extensive lists of safety  
22 concerns and broken promises by senior management at  
23 the site, something along those lines? Did she ever  
24 share that with you, or in your presence?

25  I think in the context of 

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1 industrial safety concerns, she talked about it, but  
2 she did not talk to us in terms of nuclear safety  
3 concerns.

4 SR. SPECIAL AGENT TEATOR: Okay. In any  
5 discussions that you had with [REDACTED] where  
6 [REDACTED] present, did he ever make any type of  
7 a complaint or statement to the effect that he  
8 thought that Kim Harvin had sided with the union  
9 people?

10 That's not my word. I mean, that's in  
11 some of these documents, that she sided with the  
12 union.

13 [REDACTED] -- (a) I don't  
14 remember a specific conversation. But [REDACTED]  
15 generally does not make pronouncements about people.  
16 I mean just he will typically take input from  
17 others, and then he'll make up his mind what he  
18 wants to do. But that would be out of character, to  
19 have him say that she --

20 Now I will tell you that I personally  
21 have said that I believe that she could not separate  
22 herself from the people she was -- she had stopped  
23 being a facilitator, and had become part of the  
24 group in some ways, and that was problematic in that  
25 she had very close relationships with people,

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1 personal relationships, and her effectiveness was  
2 diminishing.

3 SR. SPECIAL AGENT TEATOR: Part of what  
4 group? When you said "She became part of the  
5 group."

6 ( [REDACTED] ) Really, any group. When  
7 she was at Hope Creek, she became personally  
8 attached and lost her objectivity with the people  
9 she was working with.

10 So that she was always defending any  
11 action that they took, right, wrong or indifferent,  
12 because you know, she felt they were having a tough  
13 time.

14 SR. SPECIAL AGENT TEATOR: It's a tough  
15 site down there.

16 ( [REDACTED] ) It's a tough site, and her  
17 job was to work on cultural transformation, right?  
18 So she's working on it in the personal  
19 relationships, so she'd build in her own personal  
20 relationships with people, which is fine. Nothing  
21 wrong with that.

22 But ultimately, that can also jade you  
23 as well. That's one of the challenges with any HRD  
24 kind of consultant, you know, human relations and  
25 development consultant, is that they become so

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1 attached to the people that they're working with,  
2 that they lose their objectivity.

3 I believe that she was -- she approached  
4 that, and based on my Millstone experience, I saw  
5 that some of the similar behavior with some of the  
6 consultants I had there.

7 SR. SPECIAL AGENT TEATOR: Right. We're  
8 going to get to talking about her job performance.  
9 I'm going to ask you to comment on that, but I  
10 appreciate you sharing that with me. Jeff, is there  
11 something you want go over?

12 MR. KEENAN: No.

13 SR. SPECIAL AGENT TEATOR: So I've read  
14 your Winston Strawn transcript. I asked you some  
15 questions. But I mean to summarize, did Kim Harvin  
16 ever raise what you consider to be nuclear safety  
17 concerns in your presence?

18 [REDACTED] Never.

19 SR. SPECIAL AGENT TEATOR: All right.  
20 All right.

21 [REDACTED] Just one thing. Maybe it's  
22 something. I think sometimes Kim would get  
23 confused. She has a hard time separating issues,  
24 and in the conversation I had, that was one of the  
25 challenges Kim would have, is she couldn't -- she


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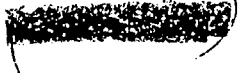
1 would meld together and put together a bunch of  
2 things, and just kind of -- she would see the pain  
3 in people or the aggravation or the morale, and  
4 she'd kind of look for reasons.

5 But it always ended up being around  
6 industrial safety. You know, she really was  
7 concerned, because that was a battle cry of the  
8 folks in the union at the time.

9 SR. SPECIAL AGENT TEATOR: Industrial  
10 safety concerns.

11  Industrial safety, yes.

12 SR. SPECIAL AGENT TEATOR: Right.

13  We recognized it. We had  
14 seen a fall-off in our safety performance. So, you  
15 know, and that's one of the reason we had to stand  
16 down. That's why we had a lot of the things in  
17 there.

18 So in that, the last three, four months  
19 of 2003, 2002, we saw a big fall-off in our  
20 performance in safety, and we actually stood down  
21 the maintenance organization, to try and gain  
22 control of that. Then we saw resultant improvement  
23 in that.

24 So I mean, she was talking about  
25 industrial safety during that time period.

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1 SR. SPECIAL AGENT TEATOR: I mean, I'm  
2 asking you for your knowledge of things. The  
3 Commission has come to a determination that she did  
4 engage in protected activity.

5 Otherwise, I wouldn't be doing this.  
6 But I'm exploring your knowledge of being in her  
7 presence when she raised such concerns.

8 ( [REDACTED] ) Yes, fine.

9 SR. SPECIAL AGENT TEATOR: Okay. I  
10 asked you a question earlier about if at any time  
11 [REDACTED] had made a comment that he thought Kim  
12 had sided with the union. TC

13 You said he wouldn't -- it's not like  
14 him to comment like that about anybody, and you  
15 don't remember him making a statement to that  
16 effect.

17 Do you remember any of the other senior  
18 managers, people at your level, making such a  
19 statement, that they thought Kim had sided with the  
20 union over -- the union meaning, I guess, the Salem  
21 NEO issues.

22 ( [REDACTED] ) I don't remember them ever  
23 saying "sided with the union." I remember them  
24 saying they had sided with the NEOs.

25 SR. SPECIAL AGENT TEATOR: They're all

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1 union people though, right?

2 (b) Right. So, I mean, you can  
3 draw that. But I mean you asked specifically if I  
4 heard things like "sided with the union." I heard  
5 them say that she sided with the NEOs.

6 SR. SPECIAL AGENT TEATOR: Okay. Who  
7 did you hear that from? Do you remember?

8 (b) No, I don't recall  
9 specifically who it was.

10 SR. SPECIAL AGENT TEATOR: Right. Did  
11 you think she sided with the NEOs?

12 (b) I would say that I think  
13 she probably -- I mean, I would say yes. I would  
14 think she would side with the NEOs. Right, yes. I  
15 mean, I side with the NEOs sometimes.

16 SR. SPECIAL AGENT TEATOR: Right.

17 (b) When they're right, they're  
18 right.

19 SR. SPECIAL AGENT TEATOR: Yes. I guess  
20 the way it's been portrayed, though, that that was  
21 looked at negatively by management, including people  
22 at your level, that she had sided with the NEOs, as  
23 opposed to --

24 (b) I mean, (b)(ph)  
25 sides with the NEOs all the time. It's just -- and

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1 he's viewed as a very positive manager and  
2 managerial influence. So I mean the answer is, it  
3 would not be a bad thing unto itself.

4 SR. SPECIAL AGENT TEATOR: It wouldn't  
5 necessarily be a negative thing though?

6  No.

7 SR. SPECIAL AGENT TEATOR: If people did  
8 say that or think she did that?

9  I mean, her job was to go  
10 in and work with them and build rapport, and repair  
11 some of -- because we recognized it was a hot spot.  
12 We were seeing a lot of issues.

13 There was a lot of negative conversation  
14 in there. There was unrest amongst the leadership  
15 within the union.

16 There was unrest between the NEOs  
17 themselves. There was unrest between the assistant  
18 ops Manager and some of those people.

19 So her job was to go in there and help  
20 build those relationships. So where those people  
21 weren't doing what they're supposed to do, it would  
22 be appropriate for her to side with them, and try  
23 and figure out a way of facilitating a solution.

24 SR. SPECIAL AGENT TEATOR: Okay. Do you  
25 know how she got that assignment, to go work with

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1 the Salem NEOs over those issues? Do you know if  
2 that came from [REDACTED]

3 [REDACTED] It would have to come from,  
4 ultimately from [REDACTED] It may have come at a  
5 request from Kim, to have -- because he was, at that  
6 time, he was the [REDACTED]

7 So, I mean, [REDACTED] doesn't typically go  
8 out. So [REDACTED] would have directed her, because she  
9 worked directly for [REDACTED]

10 SR. SPECIAL AGENT TEATOR: Okay. I'm  
11 going to ask you some questions now regarding your  
12 testimony to Winston Strawn, when you were being  
13 interviewed by them. If you could read page 4 and  
14 page 29. If you need to read a couple pages  
15 surrounding it, that's fine.

16 MR. KEENAN: Do you want to take a  
17 break?

18 SR. SPECIAL AGENT TEATOR: It's five of  
19 12:00. I'll go off the record while you're reading  
20 that.

21 (Off the record.)

22 SR. SPECIAL AGENT TEATOR: Okay. It's  
23 almost 12:00. We're back on the record after a very  
24 short break. [REDACTED] have you had a chance to  
25 look at those portions of your Winston Strawn

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1 transcript?


2 [REDACTED] Yes, I reviewed the pages  
3 around page four and around page 29, regarding the  
4 WANO issues.

5 SR. SPECIAL AGENT TEATOR: Maybe you  
6 could tell me a little bit about this WANO debrief,  
7 and -- because it talks in your -- well, you  
8 testified to Winston Strawn.

9 Mike McGarrity (ph) was one of the  
10 attorneys there, about issues that WANO brought.  
11 Maybe you can go in and tell me now what those  
12 issues were that WANO brought up during this  
13 debrief?

14 [REDACTED] Sure. WANO, the World  
15 Association of Nuclear Operators, debriefed us after  
16 a two-week visit to the station. That debrief  
17 resulted in a report, and a report out, a written  
18 report, as well as an oral debrief, and then a final  
19 debrief with the Chairman of the Board and other  
20 members of the senior leadership team.

21 Their issues largely were around long-  
22 standing equipment issues that were plaguing the  
23 plant, maintaining and holding standards and  
24 expectations in the work place, in the field. That  
25 was a concern of theirs.



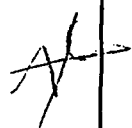
1                   The elements of human performance were  
2 not visible to the extent that they see at other  
3 stations.

4                   That debrief occurred, and so in the  
5 context of this, when the question was posed, was  
6 there anything where we discuss leadership  
7 weaknesses, they talk about the leadership  
8 weaknesses in ensuring compliance in the field, to  
9 standards and expectations.

10                  They talked about leadership weaknesses  
11 in terms of putting Human performance at the  
12 forefront of a conversation. They also touched on  
13 the industrial safety issues that were raised, and  
14 are in a relative sense poor performance against our  
15 nuclear peers.

16                  SR. SPECIAL AGENT TEATOR: On page 29,  
17 there's a question asked, "Have you heard anybody  
18 suggest that the site" -- line 11 there -- the  
19 question is, "Have you ever heard anybody suggest  
20 the site is not consistently coming from safety in  
21 decisionmaking."

22                  You answer on line 14 "Well, in that, I  
23 mean, I think that to some extent there is a little  
24 bit of that in the Weil report. They were not  
25 consistently enforcing standards and expectations."



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1                   That seems to talk about safety there,  
2 plant safety.

3                   [REDACTED] Right, plant safety, and  
4 that's where I was -- I was posing that's why people  
5 make certain decisions that are not consistent with  
6 our standards and expectations, and go counter to --  
7 and have a bias to getting the work done, regardless  
8 to the potential consequences to themselves.

9                   SR. SPECIAL AGENT TEATOR: When WANO is  
10 bringing this information forward, based on their  
11 review of the plant, how is it received by you and  
12 people at your level?

13                   [REDACTED] Well, I mean it's not  
14 inconsistent with what they told us the previous  
15 time, in that we'd seen it before. I mean, in some  
16 ways you're embarrassed, in some ways you're upset,  
17 because that's still there.

18                   You know, you're working on closing the  
19 gap but you're not closing the gap fast enough. So  
20 I would say that there's some level of frustration.  
21 There's some level of a sense of failure that you  
22 haven't closed the gap as effectively as you should  
23 have, and some level of deciding yourself that  
24 you're going to have to turn up the gain, and have  
25 to do more to ensure that those standards and

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1 expectations, and obviously do something different,  
2 or else, you know, you're going to continue to have  
3 a problem.

4 SR. SPECIAL AGENT TEATOR: Right. Did  
5 anyone from senior management disagree with WANO's  
6 conclusions?

7 [REDACTED] On enforcing standards and  
8 expectations? It would be hard to disagree, because  
9 there was a laundry list of examples. So it's one  
10 of those -- you can sit in there and get, you know.

11 But standing up and telling somebody  
12 that's got ten examples that they saw, that you're  
13 consistently enforcing it is a pretty specious  
14 argument.

15 SR. SPECIAL AGENT TEATOR: Now based on  
16 the WANO report, the findings, did the company move  
17 forward and take actions to try to address the  
18 issues identified in the report?

19 [REDACTED] Sure. Well, a number of  
20 different things. We developed the Human  
21 Performance Team and brought [REDACTED] to help  
22 put together Human Performance Work.

23 We went on really working on getting  
24 standards and expectations, and increased the  
25 emphasis on pre-job briefs, use of human performance

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1 techniques in the field, and we refocused ourselves  
2 on the safety issues and, you know, began working on  
3 reinforcement of safety behaviors in the field.

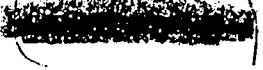
4 We had the job safety observation  
5 program. We did some other things like that, and  
6 brought different programs to bear in a more  
7 programmatic response, with mixed levels of success.

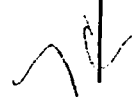
8 SR. SPECIAL AGENT TEATOR: Right. Now  
9 you mentioned safety there, are you talking --

10  I'm talking industrial  
11 safety.

12 SR. SPECIAL AGENT TEATOR: Okay, all  
13 right. Question. Now let's drop back to Kim  
14 Harvin. Is she raising some of the same issues  
15 identified by WANO? I mean stuff she was raising,  
16 and we've talked about your -- what she raised and  
17 you testified to that.

18 Was she raising some of the same things  
19 that WANO raised in their debrief, and if so, which  
20 ones would be similar or closer to the same?

21  Yes. I think you could  
22 argue that her -- the lack of consistency, in terms  
23 of enforcing the standards and expectations. She  
24 talked about that, and the inconsistency between  
25 groups. She saw that as one of the things that



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1 impacted morale.

2 I think that the issues around  
3 industrial safety and around human performance, I  
4 think she talked about that, you know, the people  
5 taking the time to do the job. I think she raised  
6 those issues. Yes. I think in those cases, but not  
7 in --

8 The WANO issues weren't couched in as  
9 much nuclear safety issues as they were in work  
10 practices and industrial safety and human  
11 performance. I believe that she was probably even  
12 more into work practices and industrial safety.

13 SR. SPECIAL AGENT TEATOR: Okay. We can  
14 put this report aside for a couple of minutes. Not  
15 the report; the transcript.

16 All right. Let's go back and talk a  
17 little bit about the decision to eliminate Kim's  
18 position. When did you first become aware that her  
19 position was going to be eliminated?

20 [REDACTED] I believe it was in the  
21 latter part of January, early February time period.  
22 I mean, it would have been January-February time  
23 period.

24 SR. SPECIAL AGENT TEATOR: Of '03?

25 [REDACTED] Of '03, that's correct. *nc*

1 SR. SPECIAL AGENT TEATOR: Okay, and do  
2 you remember how you learned that?

3 [REDACTED] I think it was just a  
4 hallway conversation. But I don't know.

5 SR. SPECIAL AGENT TEATOR: Do you  
6 remember? All right.

7 [REDACTED] Then Kim several days  
8 later, I mean several days after I heard that, I was  
9 talking to Kim, and she said "You know I'm leaving."  
10 And then I said "Oh, I had not heard it." Then she  
11 told me she was leaving, that her job had been  
12 eliminated.

13 SR. SPECIAL AGENT TEATOR: Her last day  
14 on the payroll was April 14 '03. She was given  
15 knowledge of her 45-day letter on February 26<sup>th</sup>. So  
16 she had 45 days from that --

17 [REDACTED]: I don't remember the  
18 specifics.

19 SR. SPECIAL AGENT TEATOR: She was  
20 formally notified on February 26 that her job was  
21 going to be eliminated, and she signed this  
22 agreement here. So knowing that now, when do you  
23 think you had that conversation with Kim?

24 [REDACTED]: It would have been after  
25 she was informed.

nc

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1 SR. SPECIAL AGENT TEATOR: Okay.

2 [REDACTED] So it would have been in  
3 the latter part of February, early March.

4 SR. SPECIAL AGENT TEATOR: Do you recall  
5 participating in any discussions prior to that,  
6 where it was discussed that her job may be  
7 eliminated, or the need for her function may be  
8 eliminated?

9 [REDACTED] Only in the context -- I  
10 think one of the questions, not in the elimination  
11 of the job, but in the effectiveness, the  
12 effectiveness of that role, of an in-house  
13 consultant, was raised with me.

14 SR. SPECIAL AGENT TEATOR: Okay, let's  
15 talk about that. Let's go to talking about her job  
16 performance and her effectiveness.

17 [REDACTED] Now let me go back to the  
18 other one, but I think you asked the question. We  
19 began a process in the fall of '02 to look at all  
20 the staff and support positions, and to say "is that  
21 really worth what we're investing in it."

22 We looked at our consultants, and we  
23 looked at our in-house talent, and said "Are we  
24 really letting what it is that we need from those  
25 people?"

1 SR. SPECIAL AGENT TEATOR: Right.

2 [REDACTED] We looked at our IT  
3 functions, our HR functions, our supply chain  
4 functions. All of those things came into review,  
5 and we were going through all our business support  
6 and business services functions, and allied  
7 functions. So that was underway.

8 Was Kim captured in that umbrella?  
9 Probably. I mean she should have been if she  
10 wasn't.

11 SR. SPECIAL AGENT TEATOR: Right.

12 [REDACTED] So we had a discussion,  
13 then, about -- I don't want to say it was in the  
14 January time frame, about, you know, her  
15 effectiveness, that January-February time frame.  
16 Again, I don't think -- can't remember the specific  
17 dates, about her effectiveness.

18 I was asked about her effectiveness in  
19 that role, and I said that I didn't believe that she  
20 was necessarily as effective as she should, that she  
21 was impacted by her very close relationships with a  
22 lot of the people, and that she didn't have the  
23 requisite level of separation from the people that  
24 she was facilitating, to maintain the appropriate  
25 level of objectivity to facilitate discussions.

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1                   You know, it's hard to be a facilitator  
2 if you're on the side of one group.

3                   SR. SPECIAL AGENT TEATOR: Did you  
4 provide that input during a Saturday morning meeting  
5 at [REDACTED] house in early '03, talking about  
6 everybody's job performance for the prior year? If  
7 not --

8                   [REDACTED] I don't remember. I don't  
9 remember providing it at that meeting, but I  
10 remember -- it may have been at that meeting, or it  
11 may have been at a subsequent meeting. But I recall  
12 a staff meeting subsequent to that, giving that  
13 feedback, a staff meeting in [REDACTED] office.


14                  SR. SPECIAL AGENT TEATOR: Okay. Would  
15 the other VPs have been there also?

16                  [REDACTED]: Right.

17                  SR. SPECIAL AGENT TEATOR: Is that where  
18 a staff meeting would be at the site?

19                  [REDACTED] Right. It would have been  
20 in [REDACTED] conference room, the executive conference  
21 room adjacent to [REDACTED] office.

22                  SR. SPECIAL AGENT TEATOR: Did you  
23 provide specifics as to your basis for what you told  
24 people during that meeting, she lost her objectivity  
25 I think is one thing you said?



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1 [REDACTED] Yes, I did. I talked to  
2 them about, you know, [REDACTED] and the fact that  
3 she would defend --

4 SR. SPECIAL AGENT TEATOR: Who's that?

5 [REDACTED] is an [REDACTED]  
6 on, for example, on Hope Creek. And she would  
7 defend [REDACTED] [REDACTED] struggled at certain points  
8 with starting the unit, something going through it,  
9 and basically making sure that the schedule matched  
10 the work, and that we were moving through, and that  
11 the pre-planning, a lot of the pre-planning wasn't  
12 done that was necessary, and some of the prereqs.

13 It was just kind of -- he was falling  
14 short. He did well in the production portion of  
15 the outage, but during the start-up phase, a lot of  
16 that wasn't laid out as well as it should, and he  
17 had a leadership role.

18 I remember her just irrationally "Well,  
19 you know, he's a great guy." It's not a great guy  
20 issue. It's does the schedule reflect what you need  
21 to do to start the plant up, and he's accountable  
22 for the schedule, and it doesn't.

23 It's not a great guy issue; you have a  
24 performance standard, which means that the things  
25 you need to do to start the plant up ought to be

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1 accounted for in the schedule, and they're not.

2 So that's really where -- so I would  
3 have used [REDACTED] as an example. I probably would  
4 have used [REDACTED] as an example, [REDACTED]

5 I probably would have used, where she  
6 would defend the Hope Creek managers, who she had  
7 felt she had developed a very good working  
8 relationship, kind of almost irrationally.

9 SR. SPECIAL AGENT TEATOR: [REDACTED]  
10 (ph), was he one of them?

11 [REDACTED]: No, [REDACTED] was -- I never  
12 heard her say a word about [REDACTED] one way or  
13 another.

14 SR. SPECIAL AGENT TEATOR: [REDACTED] (ph)?  
15 [REDACTED] yes.

16 SR. SPECIAL AGENT TEATOR: He was at  
17 Hope Creek, right?

18 [REDACTED] He was at Hope Creek. He  
19 was the [REDACTED] at Hope Creek. [REDACTED] was  
20 there; [REDACTED] was an [REDACTED] [REDACTED]  
21 was a [REDACTED] who was, had been put into the  
22 [REDACTED] position.

23 She had developed a rapport with them,  
24 and she would oftentimes defend them without benefit  
25 of facts.

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1 SR. SPECIAL AGENT TEATOR: This staff  
2 meeting that you're talking about, where you gave  
3 this input. Did others provide input regarding Kim  
4 Harvin at that meeting?

5 ( [REDACTED] ) I'm sure they did, because  
6 [REDACTED] would have gone around the table and asked for  
7 it.

8 SR. SPECIAL AGENT TEATOR: Okay. Do you  
9 recall [REDACTED] asking for input from his staff about  
10 other people besides Kim, or is it just Kim?

11 ( [REDACTED] ) Well, in different venues,  
12 [REDACTED] would ask for opinions about everybody.

13 SR. SPECIAL AGENT TEATOR: Right. Let's  
14 talk about this staff meeting, though.

15 ( [REDACTED] ) In this staff meeting, I  
16 don't recall him asking about anybody else.

17 SR. SPECIAL AGENT TEATOR: Do you know  
18 why the questions were asked regarding --

19 ( [REDACTED] ) That was one of the -- I  
20 mean, I'm putting two and two together.

21 If we had earmarked that position as one  
22 of the business services positions, and he was  
23 trying to make a decision on how effective that job  
24 was, he would have asked for feedback. But I'm just  
25 -- I'm just supposing what I believe [REDACTED] would

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1 have done.

2 SR. SPECIAL AGENT TEATOR: All right.

3 Did you provide any written input to Mr. [REDACTED]  
4 regarding your view of Kim's job performance or her  
5 value?

6 [REDACTED] Written? Not that I  
7 recall.

8 SR. SPECIAL AGENT TEATOR: All right.

9 At any point did [REDACTED] ask you or others,  
10 while you were in his presence, whether he should  
11 keep Kim in her function, in her job?

12 [REDACTED] I'm sure that's the context  
13 that he asked the question in, you know, when he  
14 went around the table that time at the staff  
15 meeting. I would feel pretty comfortable about  
16 that.

17 SR. SPECIAL AGENT TEATOR: Okay. Take a  
18 very short break. It's 12:15.

19 (Off the record.)

20 SR. SPECIAL AGENT TEATOR: We're back  
21 on. It's about 12:20. I'm going to go back and  
22 talk about -- from what I understand, there was a  
23 meeting at [REDACTED] house, a Saturday morning  
24 meeting?

25 [REDACTED] Yes, there was.

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1 SR. SPECIAL AGENT TEATOR: In early  
2 2003?

3 ( [REDACTED] ) Yes, there was.

4 SR. SPECIAL AGENT TEATOR: Where the  
5 performance of a good number of people was discussed  
6 at that meeting, the VPs are giving their input to  
7 ( [REDACTED] ) From my understanding, you were present at  
8 that meeting?

9 ( [REDACTED] ) I was.

10 SR. SPECIAL AGENT TEATOR: You remember  
11 the meeting now?

12 ( [REDACTED] ) Sure.

13 SR. SPECIAL AGENT TEATOR: Do you recall  
14 Kim Harvin's performance being discussed during the  
15 meeting?

16 ( [REDACTED] ) I don't remember specifics  
17 on Kim at that meeting, but we talked about  
18 virtually everybody at that meeting, so it could  
19 have been Kim. But I mean, as you said earlier, all  
20 the directors were reviewed.

21 All of the managers, and so it was a  
22 rather large cross-section. It was probably, I'm  
23 guessing, about 35 to 50 people were discussed. So  
24 could she have been one of them or should she have  
25 been one of them? Probably, but I don't remember

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1 specifics on Kim Harvin.

2 SR. SPECIAL AGENT TEATOR: During the  
3 discussion which you described earlier, at a staff  
4 meeting where you gave input to [REDACTED] on your view  
5 of Kim's job performance, were you asked to give a  
6 summary rating on where you felt her performance  
7 was?

8 Needs Improvement, Meets Expectations,  
9 Exceeds? Were you asked to give such a summary  
10 conclusion as to your view, overall view of her  
11 performance?

12 [REDACTED] I'm just trying to think.  
13 I don't remember giving a summary, I mean being  
14 asked to do a summary. Really just I don't  
15 remember.

16 SR. SPECIAL AGENT TEATOR: Do you know  
17 if at the end of that discussion on Kim, there was a  
18 consensus reached by the group, as to how the group  
19 viewed her performance?

20 [REDACTED] In there, I think it was  
21 universally felt that she was -- her performance was  
22 less than effective, at changing, affecting the  
23 culture amongst the Salem NEOs.

24 SR. SPECIAL AGENT TEATOR: Okay, and the  
25 reasons for that were, as you already described

1 earlier in your interview today?

2 [REDACTED] Well, I think one of the  
3 challenges she had was she came over -- she had a  
4 good relationship in Hope Creek. She had a better  
5 relationship with some people in there, and she had  
6 been in there.

7 To some extent, she became, I think she  
8 was impacted with two things. There were the people  
9 in Salem who liked her, and there were the people in  
10 Salem who thought she was a Hope Creek interloper.

11 SR. SPECIAL AGENT TEATOR: Okay.

12 [REDACTED] I think that impacted her.  
13 So she had trouble just with her own role, coming  
14 over there as a -- being known as a Hope Creek  
15 person, coming over Salem.

16 SR. SPECIAL AGENT TEATOR: That's my  
17 phone. We have to take a short break.

18 (Off the record.)

19 SR. SPECIAL AGENT TEATOR: We're back on  
20 the record after an interruption. It's 12:25. I  
21 guess we were talking about that meeting still, the  
22 staff meeting.

23 [REDACTED] Right.

24 SR. SPECIAL AGENT TEATOR: You indicated  
25 that some people at Salem viewed Kim as a Hope Creek

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1 interloper. But go ahead and finish.

2 [REDACTED] Yes. Just, you know, there  
3 are some people that are viewed as Hope Creek people  
4 at the station, and there are some people that are  
5 viewed as Salem people. We used to have a fence  
6 between them.

7 Amongst the operators, there's less  
8 mixing even amongst the NEOs, at the operator level,  
9 and in some of the shops, because like in RP, they  
10 don't typically commingle too much. They tend to  
11 work in their respective units.

12 So she came over, having worked with the  
13 Hope Creek operations people and outage people  
14 extensively. So she was viewed by many of them as a  
15 Hope Creek person. She came in; she didn't have a  
16 lot of relationships established at Salem, because  
17 she'd been so focused on Hope Creek.

18 It was a challenge. I mean, she was not  
19 as readily received at Hope Creek as she had been at  
20 Salem -- excuse me, at Salem as she had been at Hope  
21 Creek.

22 SR. SPECIAL AGENT TEATOR: Was that  
23 issue discussed when this staff discussion occurs  
24 about her performance? Did that come up, that --

25 [REDACTED] I don't think it was

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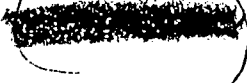
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1 factored in there. It just was a question of how  
2 effective had she been. She'd been over there for,  
3 at that point, for probably about six months or so.

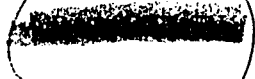
4 So she should have worked through that,  
5 but had not been -- had been unsuccessful, and she  
6 even voiced her concerns and her frustrations with  
7 not being able to kind of break into the -- to  
8 establish a rapport with the operators at Salem, in  
9 personal conversations with me.

10 SR. SPECIAL AGENT TEATOR: Do you know -  
11 - well, did she document any of those? I mean, I  
12 see a lot of e-mails from her in the documents I've  
13 gotten.

14 Did she ever put anything like that in  
15 writing that you're aware of, through an e-mail, a  
16 note, a message, anything like that? If so --

17  I get hundreds of them a  
18 day, and I won't remember. I mean, and I certainly  
19 -- you know, Kim is one of those people who, you  
20 know, comes in, sits down, and you know, kind of  
21 bares her soul. So I wouldn't normally --

22 SR. SPECIAL AGENT TEATOR: If you have  
23 any document like that, could you give it to Jeff?

24  I am a very, very diligent  
25 purger. I have nothing that's older than six months

7C

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1 old in my office.

2 SR. SPECIAL AGENT TEATOR: Okay, okay.

3 [REDACTED] I purge everything.

4 SR. SPECIAL AGENT TEATOR: Let's switch  
5 to just a separate area for just a minute. Same  
6 issue though, talking about Kim's performance and  
7 her work down there.

8 Did you ever get any concerns or  
9 complaints voiced to you from union people regarding  
10 Kim?

11 The union, the business agents, the  
12 stewards? Did they, something to the effect that  
13 they didn't trust her, Couldn't trust her, anything?

14 (Tape change)

15 [REDACTED] There's something -- I  
16 don't remember specifically. I remember a  
17 conversation with [REDACTED] about her. He's the  
18 [REDACTED] and it just is a -- it has a negative  
19 connotation to it.

20 SR. SPECIAL AGENT TEATOR: Okay.

21 [REDACTED] But I don't remember, if  
22 you're asking me specifically what it was, it just  
23 -- it's catilloading (ph) under a negative  
24 interaction.

25 SR. SPECIAL AGENT TEATOR: All right.

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1 Do you think that conversation with [REDACTED]  
2 occurred in '03, '02?

3 [REDACTED] Probably would have  
4 occurred in '02.

5 SR. SPECIAL AGENT TEATOR: Okay. Jeff,  
6 are you going to continue, or you've got to answer  
7 that?

8 MR. KEENAN: No, I'm good.

9 SR. SPECIAL AGENT TEATOR: Okay. All  
10 right, okay.

11 [REDACTED] I talk to [REDACTED] all the  
12 time. I mean, you know, I probably have a  
13 conversation with [REDACTED] at least every ten days.

14 SR. SPECIAL AGENT TEATOR: Even today?

15 [REDACTED] Yes, about all kinds of  
16 things, you know. I'm involved with him in safety  
17 areas, you know, industrial safety, because I head  
18 up the line of business for the support  
19 organizations, the safety, and he's the chairman or  
20 the co-chair of the Site Safety Council.

21 He's also the chairman of the -- the co-  
22 chair from the bargaining unit perspective and the  
23 support council. So I'm talking to [REDACTED] all the  
24 time about issues. *jc*

25 SR. SPECIAL AGENT TEATOR: Okay. The

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1 decision to actually eliminate Kim's position there  
2 at the site, that decision was made. Were you part  
3 of the decisionmaking process for that to occur, or  
4 was it just [REDACTED] decision? 7C

5 [REDACTED] No. That was [REDACTED] -- at  
6 least to me, it was him. I mean I didn't -- he  
7 didn't ask me, other than just my opinion.

8 SR. SPECIAL AGENT TEATOR: Okay. When  
9 did you come to learn that a decision had been made,  
10 and Kim was going to be leaving 45 days after That?

11 [REDACTED] It was subsequent to the  
12 decision to tell her, because I heard a rumor, and  
13 then a couple of days later Kim validated the rumor  
14 in a personal conversation when --

15 SR. SPECIAL AGENT TEATOR: When she saw  
16 you in the hallway?

17 [REDACTED]: Yes, saw me -- we actually,  
18 I think she came into my office, and said something  
19 to me about it.

20 SR. SPECIAL AGENT TEATOR: All right.  
21 During that discussion that she had with you, did  
22 she tell you she felt that that action had been  
23 taken because she had engaged in protected activity?  
24 [REDACTED] No, because if she had, I  
25 would have done something with it. 7C

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1 SR. SPECIAL AGENT TEATOR: Right. Did  
2 she tell you that she thought that action had been  
3 taken because she raised any concerns to senior  
4 management at the plant?

5 ( [REDACTED] ) No. I think her  
6 conversation was that it was a business decision,  
7 and that's all it was. It was a business decision  
8 at that time. That's how it had been related to  
9 her.

10 SR. SPECIAL AGENT TEATOR: Right, right.  
11 ( [REDACTED] ) But she didn't give me her  
12 perspective that it was anything other than that.

13 SR. SPECIAL AGENT TEATOR: Right, okay.  
14 Now Kim's told on February 26, 2003 --

15 ( [REDACTED] ) The reason I can be sure of  
16 that, by the way, is because after Millstone, if  
17 somebody comes up to me and says "I'm doing  
18 something that's protected," I'm doing something  
19 with it.

20 SR. SPECIAL AGENT TEATOR: Okay.  
21 ( [REDACTED] ) Okay, and my track record,  
22 I can show you a track record. Every time somebody  
23 brings something like that forward, I mean I'll be  
24 the first person to come to your doorstep. 76

25 SR. SPECIAL AGENT TEATOR: Okay, I was

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1 going to say if you had gotten a whiff of that at  
2 all --

3 [REDACTED] I would have immediately  
4 gone to see Jeff, and I would have gone to see [REDACTED]  
5 [REDACTED] (ph), and say "Hey, we've got a problem. We  
6 need to figure out how we're going to do the  
7 investigation."

8 SR. SPECIAL AGENT TEATOR: Okay. At  
9 some point, a decision was made to -- her last pay  
10 date, her last day on the payroll was going to be  
11 April 16, 2003.

12 [REDACTED]: That's what I understood.

13 SR. SPECIAL AGENT TEATOR: Right, and --  
14 all right. When Kim comes and tells you her job's  
15 been eliminated, does she say during that  
16 conversation that she's going to work up to her last  
17 day, meaning April 16<sup>th</sup>? Did that come up at all?

18 [REDACTED]: No, it didn't come up.

19 SR. SPECIAL AGENT TEATOR: Okay. At  
20 some point a decision was made, where she was not  
21 going to be working at the site, up to April 16<sup>th</sup>.  
22 Her date was going to be moved up to late March. At  
23 some point, did you become aware that that decision  
24 was made?

25 [REDACTED] No. I was surprised when

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1 she came in on the 28<sup>th</sup> and said it was her last  
2 day.

3 SR. SPECIAL AGENT TEATOR: Okay. Is  
4 that the meeting that's described in your Winston  
5 Strawn --

6 (b) Right, when she came in and  
7 read that soliloquy.

8 SR. SPECIAL AGENT TEATOR: Some people  
9 gave her a hug at the end --

10 (b): Right. I mean, I gave her  
11 a hug at the end. I mean, (b) shook her hand. I  
12 think a couple of other people gave her a hug, who  
13 knew her pretty well.

14 SR. SPECIAL AGENT TEATOR: Did you have  
15 any other discussions with her that day about her  
16 leaving, other than this?

17 (b) I did not see her after she  
18 left that room.

19 SR. SPECIAL AGENT TEATOR: Okay.

20 (b) So the last time I saw Kim  
21 was the moment she left that room.

22 SR. SPECIAL AGENT TEATOR: Okay, when  
23 she gives her speech to the people in the room. Did  
24 she make any claim at that point that she thought  
25 what had happened to her, meaning either her

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1 position was eliminated or her date moved up, she  
2 think that that happened to her because she had  
3 raised concerns at the plant, raised issues that  
4 management didn't want to hear about? Did she make  
5 any claim like that at all?

6 ~~XXXXXXXXXX~~ No. As a matter of fact,  
7 she alluded to that "Hey, it's kind of like the life  
8 cycle, business life cycle. She came with ~~XXXXXX~~  
9 She leaves with ~~XXXXXX~~"

10 I mean that's what she said in the --  
11 mainly she just talked about the things that had  
12 worked, the things that didn't work and, you know,  
13 where she saw the win and where she could have seen  
14 a win.

15 SR. SPECIAL AGENT TEATOR: Okay. Are  
16 you aware of any information which leads you to  
17 believe that Kim's position was eliminated because  
18 she raised concerns?

19 I'm being general about concerns,  
20 because -- but are you aware of any information  
21 which leads you to believe that because she raised  
22 concerns, that caused her position to be eliminated?

23 ~~XXXXXXXXXX~~ I know of nothing.

24 SR. SPECIAL AGENT TEATOR: Okay. Same  
25 question for the decision to move up her last day at

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1 work. Are you aware of any information which leads  
2 you to believe that her last day was moved up  
3 because she raised concerns at the plant?

4 ( [REDACTED] ) No, no.

5 SR. SPECIAL AGENT TEATOR: All right.

6 It's 12:36. We're going to take a short break. I  
7 believe I'm almost finished up, but we'll look over  
8 it and then we'll jump back on the record.

9 (Off the record.)

10 SR. SPECIAL AGENT TEATOR: Okay, we're  
11 back on. It's about twenty of 1:00, and I want go  
12 over a couple of questions for you. Yes or no, if  
13 you want, and please expand on the answering if you  
14 can.

15 ( [REDACTED] ) Sure.

16 SR. SPECIAL AGENT TEATOR: Did you ever  
17 hear any -- first of all, did you observe this  
18 yourself, that -- did you ever see Kim acting as a  
19 line manager, overstepping her bounds, and confusing  
20 people as to her role?

21 ( [REDACTED] ) Yes.

22 SR. SPECIAL AGENT TEATOR: Had others  
23 ever told you that they had seen Kim act in such a  
24 fashion?

25 ( [REDACTED] ) Yes.

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1 SR. SPECIAL AGENT TEATOR: And when you  
2 observed her acting in that fashion, did you ever  
3 counsel her or talk to her about that?

4 ~~XXXXXXXXXX~~ The answer is yes. I think  
5 she used to come in every once in a while and would  
6 chat with me about her role and role clarity, and  
7 about how do you align better with the organization.

8 Then we often had discussions about, you  
9 know, what I used to refer to as "don't go native."  
10 You can't allow yourself to become part of the  
11 people you're trying to facilitate and interact  
12 with, and we would have that discussion.

13 Most of her issues were about where she  
14 would side with people, without benefit of fact,  
15 just because of her personal relationships with  
16 them.

17 SR. SPECIAL AGENT TEATOR: How about her  
18 acting as a line manager, and that really wasn't her  
19 function? People have described that to me. Can  
20 you comment on that?

21 ~~XXXXXXXXXX~~ I've never seen her act as  
22 a line manager. I've seen her overstep her bounds,  
23 and I've seen her -- what was the other one in there  
24 about --

25 SR. SPECIAL AGENT TEATOR: Confuse

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1 people as to her role?

2 (b)(7)(C): Confuse people as to her  
3 role. But I've never seen her act as a line  
4 manager. I've seen her go in there and act as kind  
5 of -- trying to act as a puppeteer for a line  
6 manager.

7 SR. SPECIAL AGENT TEATOR: Who? Anybody  
8 in particular?

9 (b)(7)(C) The folks over at Hope  
10 Creek, you know, the (b)(7)(C) and different people, and  
11 try and speak for them.

12 SR. SPECIAL AGENT TEATOR: Okay.

13 (b)(7)(C) So if that's "act as a line  
14 manager," then that might be what people are  
15 alluding to. I saw that.

16 SR. SPECIAL AGENT TEATOR: Let's talk  
17 about (b)(7)(C) for a minute. Had he ever asked  
18 you if you, individually or in a group with your  
19 contemporaries, the other VPs, if you felt that the  
20 facilitator was worth the money your were spending  
21 on it and making forward progress at the plant?

22 (b)(7)(C) That was -- he would ask  
23 that question regularly, about whether it be Gap or  
24 Kim or anybody else, yes. We always look at the --  
25 are we getting the value that we expect out of any

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1 support organization. That would be a common  
2 question.

3 SR. SPECIAL AGENT TEATOR: Do you ever  
4 remember him asking a specific question as to Kim?  
5 Or was it more of a general question from (b)(7)(C)  
6 (b)(7)(C): It may have been part of  
7 that last discussion, whether we really thought she  
8 was -- remember that effectiveness question that we  
9 talked about before in that meeting?

10 It was probably -- it may have been  
11 embedded in that. But I don't recall it  
12 specifically being asked.

13 SR. SPECIAL AGENT TEATOR: Did you ever  
14 recall (b)(7)(C) saying that certain jobs at the  
15 plant would be reviewed every year, to see if  
16 they're still needed?

17 (b)(7)(C): Yes. We reviewed a lot of  
18 jobs, with respect to that.

19 SR. SPECIAL AGENT TEATOR: Do you recall  
20 Kim's position in particular being discussed in that  
21 fashion, other than the one time that we're --

22 (b)(7)(C): Oh, he'd ask --  
23 occasionally, he'd ask about Kim. He'd ask about  
24 everybody. He'd ask about, you know, how (b)(7)(C)  
25 (b)(7)(C) (ph) is doing and how, you know, how Kim

14

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1 [REDACTED] (ph) doing, how anybody who would work for  
2 him was doing and performing.

3 So all the people that reported to him,  
4 either directly or kind of on a staff function, he  
5 would ask about their performance. That was kind of  
6 -- almost a routine conversation.

7 SR. SPECIAL AGENT TEATOR: Right.

8 [REDACTED] And if you think about it,  
9 that's kind of the role of management, to ask about  
10 how people are performing, and whether what they're  
11 doing is really serving the need.

12 SR. SPECIAL AGENT TEATOR: Had you ever  
13 heard [REDACTED] say that Kim's -- we're going to  
14 break for just a minute.

15 (Off the record.)

16 SR. SPECIAL AGENT TEATOR: Had you ever  
17 heard [REDACTED] state that he viewed Kim's job on  
18 a year-by-year basis, what would be a yearly review  
19 of her job, or he would decide on a year-by-year  
20 basis on whether her job was needed for the next  
21 year?

22 [REDACTED] I never heard [REDACTED] say  
23 that.

24 SR. SPECIAL AGENT TEATOR: Was it clear  
25 in your mind that her job was temporary down there,

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1 and that it was not a permanent position, a  
2 permanent job?

3 (b) I assumed that her job was  
4 like everybody else's, that it was a permanent job,  
5 when she rolled from the Service Company to Nuclear,  
6 that it was a permanent position, in the sense of  
7 any other at-will employee's position.

8 That as long as there was a need and the  
9 company needed it and she wanted it, there was room  
10 at the end, and she was performing at the requisite  
11 level.

12 SR. SPECIAL AGENT TEATOR: How about the  
13 fact that she was working for (b) was -  
14 leaving?

15 (b) I worked for (b)  
16 (b) was leaving.

17 SR. SPECIAL AGENT TEATOR: Okay. I take  
18 your point. All right.

19 (b) But I'm not a contracted  
20 employee.

21 SR. SPECIAL AGENT TEATOR: So to close  
22 out here, why do you think Kim's position was  
23 eliminated?

24 (b) Well, I mean, if you look -  
25 - I think we had gone as far as we could go with Kim

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1 and Gap, and we got to the point where if you took a  
2 look at it, we weren't getting, I mean we kind of  
3 plateaued as an organization with both of those  
4 groups, with both Kim and Gap.

5 And, you know, it was probably the time  
6 to change horses. If you kind of look at [REDACTED]  
7 approach, [REDACTED] had a different approach than [REDACTED]  
8 and you know, I think bringing in a new style and a  
9 new approach has been healthy for the site.

10 So I think [REDACTED] recognized that there  
11 was a change needed at a lot of different levels,  
12 both with his leadership and then as well as the  
13 consultants that he had supporting him.

14 SR. SPECIAL AGENT TEATOR: Was the GAP  
15 contract also terminated?

16 MR. KEENAN: GAP, they'd be contractors.

17 [REDACTED] Right. They were  
18 contractors, and their contract was terminated.  
19 Frankly, we didn't bring in, you know, a HRD  
20 consultant until just early this year.

21 So we went ten, basically ten months or  
22 so until -- it was the January time frame. So  
23 roughly what is that? That's eight, nine months  
24 without having anybody in here, and the one that we  
25 brought in was for a limited scope to do some

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1 specific job functions, and then their contract is  
2 terminated, ends on June 15<sup>th</sup>.

3 SR. SPECIAL AGENT TEATOR: Of this year?

4 (b) Yes.

5 SR. SPECIAL AGENT TEATOR: Okay.

6 (b) So they were just brought  
7 in -- that's the (b).

8 SR. SPECIAL AGENT TEATOR: Okay. I saw  
9 their name on tall box down there.

10 (b) Yes, the big tall people.

11 SR. SPECIAL AGENT TEATOR: On the jar.  
12 I'll look for them. They were at Millstone. You'd  
13 probably remember. He's like 6'8" and she's like  
14 6'2", and I mean they are really tall people. They  
15 were at Millstone, and they worked for me in (b)

16 (b)  
17 They're in here for a defined scope of  
18 work. They do it and they're gone. (b) not a big  
19 one for an in-house kind of consultancy. He likes  
20 to use those kinds of people, bring them in, do  
21 short-term and then turn around and bring somebody  
22 else in, or else bring those people back in after a  
23 break, because he sees more value in that, getting  
24 the boost, and using them as like a catalyst.

25 SR. SPECIAL AGENT TEATOR: Is there

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1 anything more you want to add today [REDACTED]

2 [REDACTED]: No.

3 SR. SPECIAL AGENT TEATOR: Jeff, is  
4 there something you want to go over with your  
5 client?

6 MR. KEENAN: Yes. We can take a quick  
7 break and see if there's anything further. I think  
8 we're done now.

9 SR. SPECIAL AGENT TEATOR: All right.  
10 We'll take one more break and then we'll be -- we'll  
11 finish up.

12 (Off the record.)

13 SR. SPECIAL AGENT TEATOR: It's about  
14 five of 1:00. [REDACTED] I don't have any other  
15 questions. Is there something you want to add?

16 [REDACTED]: No, there's nothing else I  
17 would like to add.

18 SR. SPECIAL AGENT TEATOR: Okay, Jeff?

19 MR. KEENAN: Nothing further.

20 SR. SPECIAL AGENT TEATOR: Okay. This  
21 interview is concluded. Thank you very much.

22 [REDACTED] Thank you.

23 (Whereupon, at 12:55 p.m., the interview  
24 was concluded.)

25

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